



## **SENTINEL EVENT REVIEWS OF PAROLEE HOMICIDES**

The Pennsylvania Department of Corrections (DOC) holds as its core mission to prepare every reentrant in its custody to return to our communities as healthier, better educated, and more productive citizens. As part of this mission, DOC collaborates with the Pennsylvania Board of Probation and Parole (Parole Board) to effectuate a parole process for reentrants, allowing them to conditionally re-enter society under differing levels of supervision. Only through this parole system can reentrants demonstrate their ability to live and thrive among the people of Pennsylvania.

Pennsylvania constructed its current parole system based upon extensive real-world experience, input from leading re-entry and supervision experts and solid data collection practices pertaining to reentrants under supervision. However, a parole system must undergo a near constant evolution based upon experience and outcomes. And even with extensive experience and the best possible investment in parole supervision, it is impossible for any agency to accurately predict criminal behavior among its parolees (even those under active supervision). Even so, any responsible criminal justice agency must constantly and critically examine outcomes as it continues to work to enhance public safety.

Five (5) different parolees from DOC have charges pending for homicides occurring between May and July 2019. As stated by Secretary John Wetzel in July, these events demanded an immediate and thorough, systemic review and systemic response, so Secretary Wetzel directed DOC personnel to conduct a detailed review of these five parolees. The goal of this review was to understand any shortcomings in each case individually, and to identify any themes or policies that, if modified, would make events like this less likely. The review included a thorough review of relevant aggregate data and the circumstances and processes related to the incarceration and supervision of each case.

Ultimately, the responsibility for these crimes lies directly with the individuals who committed them. But it is essential that all criminal justice entities involved in cases like these must review their decision-making and processes, both individually and as part of Pennsylvania's criminal justice system.

DOC will continue to hold itself accountable for the effectiveness or ineffectiveness of its programs and processes – particularly when the processes involve the release of individuals convicted of violent crimes back into our communities. This report constitutes a key component of this on-going accountability. The report discusses the following:

- I. Summary of Key Findings and Immediate Actions
- II. The Current Parole Process
  - A. Reentrants Currently Under Supervision
  - B. Pennsylvania’s Parole Process
  - C. Parole System Enhancements
- III. Parolee Case Reviews
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  - F. James Sterbinsky
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- V. Glossary

After issuance of this report, DOC will continue to critically review incidents involving parolees consistent with existing department policy.

### *Acknowledgements*

The DOC would like to thank District Attorney of Dauphin County Francis T. Chardo, District Attorney of Lancaster County Craig Stedman, Pennsylvania Victim Advocate Jennifer Storm and the Chairman Theodore “Ted” W. Johnson and the Parole Board for aiding us in both understanding each of these situations and helping to formulate solutions.

## **I. Summary of Key Findings and Immediate Actions**

### **Summary of Key Findings**

The review identified no evidence of misconduct or policy or rule violations that would have reasonably affected the outcomes in these cases.

Within the past ten years, the parole grant rate for violent crimes has decreased and rearrest rates of parolees has been relatively stable. There is no indication of any alarming trends with regard to parole releases or arrests.

The DOC identified gaps in policies and practice that should be addressed, to include:

- Inconsistent discretionary decisions around detention when aberrant behavior exists
- Insufficient information sharing with law enforcement entities and those tasked with providing recommendations
- Ineffective access to information to improve decision making for DOC/Parole staff

DOC proposes three legislative recommendations to enhance community supervision:

- Formalizing/codifying a critical incident review process
- Modifying Act 122 to ensure individuals who are not complying with supervision are held accountable
- Clarifying the criteria for a convicted parole violator

### **Immediate Actions**

Pending this review, Secretary Wetzel directed Executive Deputy Secretary George Little, to ensure that all cases on the active parole roster (33,827) are reviewed to make certain that they are being supervised at the proper level. Within the first 30 days, all cases in which the parolee had received a non-financial sanction within the last year were reviewed. The remaining cases will be complete within 60 days. The preliminary review revealed a high degree of compliance by parole agents. Field staff expressed concerns about the adequacy of the risk/needs instrument currently used by the DOC (Level of Service Inventory-Revised [LSI-R]). In response, the agents have been provided with and trained on an alternative risk instrument, the Violence Forecast Model (VFM), which is better geared to predicting risk of future violent behavior. This instrument is used by the Parole Board as part of its deliberative process. Agents have begun applying the VFM to their existing caseloads. After applying both instruments and review of parolee performance, agents have assigned more than 800 cases to a higher level of supervision.

## II. The Current Parole Process

Knowledge of the current parole process is necessary to provide context as to what “the system” is and how the current numbers compare to historic numbers.

### A. Reentrants Currently Under Supervision

Currently, there are 41,459 reentrants under state parole supervision. Last year, the Parole Board made 18,613 paroling decisions, of which 2,269 were majority vote (5-vote) cases. Majority vote cases include specified violent, high risk crimes. Last year, the DOC released 20,665 reentrants (17,618 to parole supervision and the balance of 3,047 were released with no supervision because they served their entire sentence).

Of those under parole supervision, the below chart represents their collective arrest rate by year, disaggregated by murder/attempted murder, violent, non-violent and overall crime rate:

**PAROLEES ARRESTED BY YEAR**

YEAR	MURDER & ATTEMPTED MURDER			VIOLENT			NON-VIOLENT			TOTAL		
	#	Parole Pop**	Rate per 1,000	#	Parole Pop**	Rate per 1,000	#	Parole Pop**	Rate per 1,000	#	Parole Pop**	Rate per 1,000
2007	93	29,568	3.1	1,208	29,568	40.9	3,420	29,568	115.7	4,628	29,568	156.5
2008	97	32,097	3.0	1,453	32,097	45.3	3,784	32,097	117.9	5,237	32,097	163.2
2009	90	31,179	2.9	1,302	31,179	41.8	3,488	31,179	111.9	4,790	31,179	153.6
2010	72	32,378	2.2	1,230	32,378	38.0	3,541	32,378	109.4	4,771	32,378	147.4
2011	76	34,745	2.2	1,465	34,745	42.2	3,888	34,745	111.9	5,353	34,475	155.3
2012	88	35,982	2.4	1,512	35,982	42.0	4,142	35,982	115.1	5,654	35,982	157.1
2013	94	37,971	2.5	1,542	37,971	40.6	4,605	37,971	121.3	6,147	37,971	161.9
2014	95	39,726	2.4	1,695	39,726	42.7	4,895	39,726	123.2	6,590	39,726	165.9
2015	94	41,226	2.3	1,868	41,226	45.3	5,068	41,226	122.9	6,936	41,226	168.2
2016	92	41,500	2.2	1,854	41,500	44.7	4,913	41,500	118.4	6,767	41,500	163.1
2017	103	42,057	2.4	1,868	42,057	44.4	4,811	42,057	114.4	6,679	42,057	158.8
2018	93	41,777	2.2	1,850	41,777	44.3	4,676	41,777	111.9	6,526	41,777	156.2
2019*	102	41,459	2.5	1,768	41,459	42.6	4,583	41,459	110.5	6,351	41,459	153.2

\* 2019 numbers are estimates based on year-to-date numbers through July 12, 2019

\*\* Parole Pop is the total PBPP supervised population as of June 30 of the respective year

For 2007 to 2019, the average rate for murder and attempted murder was 2.5/1000 parolees, with a high of 3.1/1000 and a low of 2.2/1000; in other words, less than one-quarter of 1 percent of our entire caseload commit these most serious offenses. As it relates to overall crime by individuals under active state parole, over the same timeframe, the average rate was 158.5/1000. The current trend of 153.2/1000 for 2019 is significantly lower than the average.

## **B. Pennsylvania's Parole Process**

The Parole Board is the sole authority empowered to grant or deny parole under Pennsylvania law. Except for Boot Camp graduates, who are discussed below, the Parole Board must review and act upon a case in order for any initial parole action to occur. The Parole Board also possesses sole authority to revoke parole for new criminal parole violations (Convicted Parole Violators [CPV]) or technical parole violations (Technical Parole Violators [TPV]). Under Act 122, TPVs may be eligible for automatic re-parole without board action.

Preparation for the parole process begins while an individual is incarcerated. In advance of an individual's Parole Board interview, DOC staff compile relevant records and data pertaining to the individual. Updated psychological reports are required for any individual with violent offenses and/or who has been placed on the Mental Health/Intellectually Disabled roster. Numerous assessments are completed on the individual to include the LSI-R, an off the shelf risk/needs assessment) and the VFM, a tool developed by Dr. Richard A. Berk from the University of Pennsylvania after the [Goldkamp report](#) was published following the parole moratorium. The VFM, also mentioned previously in this report under "Immediate Actions," is used to predict the likelihood that an inmate will re-offend for a violent crime, a non-violent crime, or not re-offend post-release from prison.

The prison also initiates a "vote sheet" that begins with input from correctional officers, the unit team, and proceeds up the chain of command to the superintendent. The superintendent then reviews all the input and ultimately makes the recommendation to the Parole Board based on program compliance and staff observations of the individual's behavior while in custody. The Parole Board reviews this information as well as information from the sentencing court, district attorney, victim(s) of the initial crime, institution adjustment records, risk and personality assessments, other reports and reentry plans and any other applicable records.

A Parole Board member or hearing examiner personally interviews each individual eligible for parole. Murderers and sex offenders require the majority of the Parole Board to vote for parole (five of nine must agree). A Parole Board member always interviews such applicants. Other violent inmates require at least two decision makers both for interview and to vote (usually a Parole Board member and a hearing examiner). Non-violent inmates also require two positive votes and are usually interviewed by a hearing examiner. There is a conditional presumption for parole under Recidivism Risk Reduction Incentive (RRRI)<sup>1</sup> cases and hearing examiners review these cases to assure compliance with the statutory presumption and to set conditions of parole. By statute, RRRI cases do not see the Parole Board members and are released after a single hearing examiner vote.

After considering the record and conducting the interview, the Parole Board votes to parole if they feel it is safe to do so, otherwise they vote to refuse parole and set a future review date on the case.

<b>% of Violent Parole Releases</b>	
<b>Year</b>	<b>% Released at Min</b>
2007	51.9%
2008	49.4%
2009	52.2%
2010	45.5%
2011	52.1%
2012	51.8%
2013	53.9%
2014	53.5%
2015	47.6%
2016	47.4%
2017	45.1%
2018	42.4%
2019	42.6%

<b>% of Non-Violent Parole Releases</b>	
<b>Year</b>	<b>% Released at Min</b>
2007	67.9%
2008	66.1%
2009	61.4%
2010	58.0%
2011	62.8%
2012	64.2%
2013	66.6%
2014	65.8%
2015	65.7%
2016	64.2%
2017	62.5%
2018	58.8%
2019	61.0%

Note: 2019 Jan 1 through Jun 30

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In contrast to some of the popular narrative, the percentage of individuals incarcerated for a violent offense and paroled at their minimum has significantly decreased throughout

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<sup>1</sup> RRRI refers to the Risk Recidivism Reduction Incentive legislation (Act 81 of 2008, codified at 61 Pa. C.S. §§4501 *et seq.*), under which eligible non-violent inmates are given conditional presumptive parole prior to completing their minimum sentence.

the years. The recidivism rate for those released at minimum is lower than for those not released at their minimum. The one-year overall recidivism rate for violent cases paroled at their minimum is 32.5%, while the one-year overall recidivism rate for violent cases paroled later is 34.4%. The 3-year overall recidivism rate for violent cases paroled at their minimum is 55.1%, while the 3-year overall recidivism rate for violent cases paroled later is 60.1%. These two data points are a strong indication that the Parole Board's decision-making processes have improved.

### **c. Parole System Enhancements**

As referred to in the introduction, several tools aid decision makers in deciding whether an individual is a good candidate to parole. The information compiled from DOC records is quite thorough, however, in the past several years, DOC made two significant enhancements to the process. In 2013, the Parole Board began utilizing the VFM tool, described above, which predicts violent recidivism. Additionally, as a by-product of a change in the law, victims/survivors now have the opportunity to speak to decision makers in person to provide any input or concerns prior to a paroling decision. These enhancements give decision makers a thorough perspective on each case.

There have also been significant enhancements to the field supervision aspect of the corrections system since the governor consolidated field supervision under the DOC.

#### **Fugitive Apprehension Search Team**

DOC has significantly enhanced and improved the Fugitive Apprehension Search Team (FAST). FAST apprehends parole absconders. DOC created three full-time regional FAST teams. Using the Intelligence Management System, DOC has also increased the intelligence capacity for the team members, equipping teams with better tools to locate and more quickly remove delinquent parolees from the street. In addition, DOC changed the previous policy under which the decision to incarcerate apprehended absconders was made by Parole field staff. Under the new policy, when FAST apprehends individuals, they are immediately taken to a state correctional institution.

#### **Parole Intelligence and K-9 Units**

DOC established the state's first Parole Intelligence Unit. This unit gathers intelligence from field agents and submits it to the analytics unit who, in turn, compiles it with intelligence from the institutions to produce comprehensive reports. This information is also shared with other law enforcement partners when appropriate.

DOC created the first Parole K-9 units, with one K-9 agent per region. Units are deployed to both Community Corrections Centers as well as to augment home visit contacts.

The combination of these two new units has resulted in several successful arrests for new crimes committed by parolees.

### **Swift, Certain and Fair Supervision**

The DOC initiated a federal grant-funded pilot of a "Swift, Certain and Fair" supervision approach. The pilot project, taking place in Pittsburgh, is intended to bring more consistency, predictability, and swiftness in responding to technical parole violations. The program requires brief incarceration for specified parole violations. Thus, the process ensures a consistent, quick and effective response to sanctioning for technical parole violations, instead of inconsistent and ineffective warnings by field staff. Expansion of this program is a provision proposed under Justice Reinvestment 2 (JR12).

### **Caseload Reduction**

Under the Wolf Administration, the caseload per agent has been reduced from 80 parolees/agent in the Administration's first year to 71 parolees/agent in 2018.

<b>YEAR</b>	<b>AVG PAROLE AGENT CASELOAD</b>
2007	77
2008	68
2009	66
2010	72
2011	75
2012	77
2013	77
2014	78
2015	80
2016	75
2017	76
2018	71

## **2007 - NCTI Cognitive Behavioral Groups**

Since 2007, Parole has used the National Curriculum Training Institute (NCTI) curriculums designed for medium to high-risk parolees. The programs are based on cognitive behavioral therapy approaches which have been proven successful in preventing future crime by changing a person's thinking and therefore their behavior. Group sessions are held with reentrants to promote pro-social change by allowing participants to learn and practice specific life-skills, increasing participant self-confidence by identifying and cultivating lifetime patterns for self-improvement. The PBPP trained Assessment, Sanctioning, Community Resource Agents (ASCRA's) facilitate these groups assisting reentrants to gain insight into the differences between values, attitudes and behaviors in order to create the inner desire to make pro-social behavior changes.

## **2013 - Carey Guides**

The Carey Group developed the Carey Guides to be used for reentrant behavior change and recidivism reduction by helping parolees to understand the personal and environmental factors underlying their prior criminal behavior. They are taught skills needed to make positive changes. The guides are designed to provide corrections professionals with information and tools needed to support reentrant behavior change.

There are 33 guides that are broken into two binders; 14 address reentrants' specific criminogenic needs (Blue Guides) and 19 address common case management issues (Red Guides). Each guide contains two to five tools (worksheets) with 98 in total designed for the correction professional to use as they work with the reentrant to address their skill deficits and make positive changes in their lives. The following are the guides:

Blue Guides - Anger, Antisocial Associates, Antisocial Thinking, Emotional regulation, Empathy, Engaging Prosocial Others, Interpersonal Skills, Involving Families, Moral Reasoning, Overcoming Family Challenges, Problem Solving, Prosocial Leisure Activities, Substance Abuse, and Your Guide to Success.

Red Guides - Behavioral Techniques, Case Planning (includes a criminogenic crosswalk to identify needs to target), Co-occurring Disorders, Dosage and Intensity, Drug Dealers, Female Parolees, Impaired Driving, Intimate Partner Violence, Managing Sex Offenders, Maximizing Strengths, Mental Health, Meth Users, Motivating Reentrants to Change, Reentry, Responding to Violations,

Responsivity, Rewards and Sanctions, Violence and Lethality, What Makes an Effective Corrections Professional.

## **2015 – EPICS**

All agents have received training in Effective Practices in Community Supervision (EPICS). EPICS is a way for agents to conduct supervision contacts that research has shown to reduce reentrant reoffending. The skills taught to agents include how to engage reentrants in goal setting, teach reentrants new skills to help them navigate risky situations and use behavioral management techniques to keep reentrants on a prosocial path. Agents receive an initial three-day training and participate in ongoing training to maintain the skills needed to engage reentrants in EPICS most effectively.

## **2018 - SMART Recovery**

The ASCRAs began facilitating SMART Recovery groups to assist AOD agents (agents with specialized substance use disorder caseloads) who were hired to specifically combat the opioid crisis in PA. SMART Recovery is organized to address establishing motivation, coping with urges, problem solving and lifestyle balance. SMART is science-based for peer support face-to-face meetings and utilizes Cognitive Behavioral Therapy (CBT) format.

## **2019 - Reentrant Orientation**

The ASCRAs are beginning an Orientation Workshop in the district offices of Parole. The purpose for the orientation is to meet the immediate needs of those newly released parolees, review parole expectations, provide service information and begin the case management process of identification of criminogenic needs using the Carey Guide Self-Assessment tool. Based on the risks and needs and with the use of the Carey Guide Self-Assessment tool, staff will ask the parolee to establish two achievable goals addressing the areas under the risk category and complete a goal worksheet. The goal worksheet will be given to the supervising agent to begin their EPICS contacts and reentrant behavior change process.

### **III. Parolee Case Reviews**

#### **A. The Review Process**

Since the administrative merger between DOC and Parole field services, the DOC identified bolstering and enhancing sentinel event reviews to ensure that DOC policies and procedures were followed. The review looks back at the individual's entire history with the DOC and under parole supervision to determine whether there was any indication that such aberrant behavior was likely.

To that end, the DOC reviewed the supervision history in each case to ensure that staff followed the Risk Need Responsivity supervision strategy that the DOC employs. The risk-need-responsivity model is a model used in criminology to develop recommendations for how inmates should be assessed based on the risk that they present, what they need, and what kinds of environments they should be placed in order to reduce recidivism.

This approach is analogous to that of the National Transportation Safety Board (NTSB) following a plane crash and is directed by the DOC Office of Chief Counsel. This same process is also used for extraordinary events that occur on the custody side of the DOC.

The bottom line is that each one of these situations is a tragedy. The DOC seeks to provide answers to the surviving family members and friends as well as to the public.

#### **Limitations of the Review**

It is important to note things that were not reviewed but also play a role in how long an individual is both incarcerated and supervised post-incarceration. These factors include initial charging decisions, plea agreements, and comparing the sentence length to sentence guidelines. While all contribute, they are under the purview of other criminal justice agencies and are outside the scope of this review.

#### **B. Comparison Points**

The DOC initiated a comprehensive review of five cases involving parolees charged with homicide in July 2019. The cases involve the following parolees: Christian Bey, Keith Burley, David Haas, Calvin Purdie and James Sterbinsky. The scope of the review included examination of the incarceration and the parole supervision of all five cases to determine compliance with policy, significant trends and recommendations for improvement. All five parolees accused of these horrendous murders had demonstrated positive behavior while incarcerated. Only two had originally been incarcerated for violent offenses against

individuals -- Burley (Murder, Third Degree) and Purdie (Aggravated Assault). One of the five was on parole by operation of statute at the time of the offense (Purdie had been paroled after completion of the Boot Camp<sup>2</sup> and re-paroled after serving as a TPV under Act 122,) as opposed to parole having been granted by Parole Board action. Until the recent murders, four of the five parolees had been compliant with their parole conditions. Most had maintained employment while on parole, particularly two who had been under supervision for approximately 2 years. With the exception of Sterbinsky, the other four had passed all drug tests administered during parole supervision.

Several points of comparison are listed below, followed by a brief summary of non-confidential information concerning each parolee's criminal history, DOC incarceration, and parole supervision:

- 2 of the 5 were incarcerated for what are generally considered non-violent offenses (drug possession, DUI, burglary); of the remaining 3, the charges included firearms possession and theft (Sterbinsky), aggravated assault and drug possession (Purdie), and third degree murder (Burley)
- 4 of the 5 were age 30 or under upon arrival to the DOC (ages were 22, 23, 28 and 30); Sterbinsky was age 50
- 4 of the 5 were in DOC custody less than 4 years
- All 5 demonstrated positive adjustment while in custody (Burley's adjustment prior to 2012 was poor; he improved significantly after 2012)
- 4 of the 5 were employed while in the DOC
- All 5 had a history of substance abuse prior to commitment to the DOC (most as teenagers)
- 3 of 5 received drug/alcohol treatment or programming while in DOC custody
- All 5 had children at the time of commitment
- All 5 had left high school at 11<sup>th</sup> grade; 2 obtained GEDs

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<sup>2</sup> The Motivational Boot Camp is a statutory six-month program in which eligible inmates, as determined by the sentencing court pursuant to statute, participate in a rigorous curriculum of physical activity, licensed substance abuse programming and educational and vocational training. Successful participants are automatically paroled without Board action. 61 Pa.C.S. §§ 9301 *et seq.* The [latest evaluation](#) of the Motivational Boot Camp showed that participants had lower overall recidivism rates (by 6.3 percentage points) than a matched comparison group.

### **C. Christian Bey, KD-9866 / 747GP**

*On 7/14/19, at approximately 1:30 am, an off-duty Pittsburgh Police Officer, Calvin Hall, was taken to a hospital in critical condition for multiple gunshot wounds after a shooting in the Homewood section of Pittsburgh. Officer Hall died on 7/17/19 as a result of his injuries. On 7/18/19, parole supervision staff learned that a state parolee, Christian Bey, may have been involved in the shooting of Officer Hall. Parole agents took Bey into custody on 7/18/19 and he is currently being held in the Allegheny County Jail pending charges.*

#### Background/timeline:

Christian Bey first arrived in DOC custody on 9/9/11 at the age of 22. Bey had been arrested in Allegheny County in December 2010 as part of a multi-state drug ring. He pled guilty to Possession with Intent to Manufacture/Sell/Deliver (Crack Cocaine), Criminal Conspiracy, and Corrupt Organizations and was sentenced to three concurrent incarceration terms of 3 to 6 years. The sentencing court also recommended Bey for the Motivational Boot Camp Program. This was Bey's first DOC commitment, but not his first adult offense or incarceration.<sup>3</sup>

Upon arrival in 2011, Bey spent approximately 4 months at the DOC's Diagnostic/Classification Center (DCC) at SCI Camp Hill where he underwent a series of interviews, tests and assessments to identify risk and needs (educational, medical, psychological, cognitive, etc.) The testing and assessment tools include research-validated tests that are utilized nationwide, such as the PAI (Personality Assessment Inventory), a self-report questionnaire designed to evaluate personality and psychopathology; the RST (Risk Screen Tool), which is used to determine an inmate's general risk of recidivism; and the OVRT (Offender Violence Risk Typology), a risk assessment tool. DCC staff also gathered information on Bey's personal background, including his family, educational and work history (he was born and raised in Pittsburgh, dropped out of school in 11<sup>th</sup> grade and had a two-year old child).

Upon completion of the classification and assessment process, SCI Camp Hill staff approved Bey for transfer to SCI Houtzdale as a Custody Level 3 inmate, with no program

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<sup>3</sup> Bey had 4 adult arrests prior to 2010: drug possession in 2007 (age 19) - 4 months County probation; unauthorized use of an automobile in 2008 (still age 19) - 2-4 years County prison and 2 years of probation; possession of a controlled substance in 2008 - 15 to 30 days County incarceration; firearm not to be carried without a license and resisting arrest, reduced from aggravated assault (also 2008) - 11 months 29 days to 1 year 11 months 28 days in County prison (in that case, he also was charged with multiple drug possession and other charges that were withdrawn as part of his plea agreement).

codes. His correctional plan recommended that he receive Violence Prevention High Intensity programming.

As noted, the trial judge had recommended Boot Camp in connection with Bey's sentence. SCI Houtzdale determined that Bey was eligible for the DOC's program and transferred him to Quehanna Boot Camp on 9/18/12. He successfully completed the 6-month program on 4/15/13. The Motivational Boot Camp Act provides for the automatic parole of individuals who successfully complete the Boot Camp program. Accordingly, Bey was immediately released on parole completing the service of his sentence 16 ½ months prior to his minimum sentence date of 9/2/14. Upon parole, Bey resided at the Alle-Kiski Pavilion, a community correctional facility. He absconded just 5 months later and the Parole Board declared him delinquent on 9/8/13.

Parole agents attempted to locate Bey but his whereabouts remained unknown until 2/1/14, when he was arrested after fleeing Pittsburgh Police during an attempted traffic stop in the East Liberty area. Bey, who was highly intoxicated, led police on a high speed chase, crashed his car and had to be admitted to UPMC with serious injuries. Pittsburgh Police charged him with multiple offenses, including Fleeing or Attempting to Elude Police (F3), Recklessly Endangering Another Person, and DUI.

Upon release from the hospital on 2/7/14, the Parole Board recommitted Bey to SCI Pittsburgh as a TPV pending disposition of his latest criminal charges. On 1/23/15, Bey was found guilty and sentenced to 9 to 18 months in County prison, followed by 3 years of probation. Bey transferred to the Allegheny County Jail in March 2015 to serve the new sentence and returned to DOC custody approximately 16 months later, in July 2016. As a result of his new convictions, the Parole Board revoked Bey's parole on the 2011 sentence and ordered him to serve 12 months of backtime as a CPV.

The DOC transferred Bey to SCI Mercer on 8/18/16 and he remained there until 7/15/17, at which time the Board granted him parole. At the time of his parole, his recomputed maximum sentence date was 12/28/19 (his original maximum date, prior to the imposition of backtime, was 9/2/17).

#### Behavior and Adjustment while in DOC Custody:

Bey's institutional behavior, adjustment and conduct during his three periods of incarceration within the DOC (2011-2013, 2014-2015, and 2016-2017) were generally good. Bey received only 1 formal misconduct charge (for presence in an unauthorized area) in August 2014 while he was confined at SCI Pittsburgh. His sanction was moderate - 30 days cell restriction.

Bey had no separations from other inmates or from staff. He received average housing reports. He completed the recommended violence prevention program in 2012-2013, while at Boot Camp.

While at SCI-Mercer from July 2016 until his parole in July 2017, Bey attended GED classes and was employed as a block worker. Bey also attended Alcoholics Anonymous/Narcotics Anonymous meetings on his block and participated in Therapeutic Community (TC), an inpatient substance abuse treatment program recommended by SCI Mercer staff. Bey completed that program in March 2017.

### Parole Review and Recommendation Process

As stated, the Parole Board was required by statute to parole Bey in April 2013, upon successful completion of Boot Camp. Following his recommitment as a CPV in 2016, however, the Parole Board reviewed Bey for parole twice, in January 2017 and June 2017.

In advance of the Board's review for parole, the DOC conducts an internal review which results in a recommendation either supporting or not supporting parole. This process involves circulating a vote sheet among line staff who are familiar with the inmate, as well as among the facility's management staff, all of whom have access to the inmate's complete DOC record. The DOC shares the staffing results and vote sheet (with confidential staff comments) with the Parole Board.

In addition, the DOC assists with additional testing and assessment tools for Parole Board use in the parole review process. These include the VFM, a tool used to predict the likelihood that an inmate will re-offend for a violent crime, a non-violent crime, or not re-offend post-release from prison. The DOC generates the assessment in preparation for Parole Board review when an inmate is docketed for a Parole Board interview. Also, parole staff administer the LSI-R tool both in advance of parole review and during supervision in cases where parole is granted. This tool assesses risk and needs with regard to offender recidivism. The DOC makes all of this information available to the Parole Board, including the inmate's DCC assessment scores and a psychological evaluation for parole (if warranted), for its use in reviewing an inmate for parole.

Bey was staffed for parole at SCI Mercer on 10/4/16, in advance of the Board's first review. SCI Mercer supported parole, but its support was conditioned on Bey's completion of Therapeutic Community programming. In December, in advance of the Board's review, Bey underwent further assessments using the VFM and LSI-R tools (all of which was provided to the Parole Board). The Board initially denied Bey parole on 1/6/17

and scheduled another review to occur on or after June 2017, with stipulations that Bey complete a treatment program for substance abuse, maintain a favorable recommendation from the DOC and a clear conduct record.

Bey had a second parole staffing at SCI Mercer in February 2017 and the DOC supported parole. That vote sheet indicated that Bey was currently enrolled in Therapeutic Community with an anticipated completion date of 3/3/17. The Parole Board granted Bey parole on 6/19/17, citing, among other things, Bey's completion of prescribed programming (he had completed Therapeutic Community in March 2017), his positive institutional behavior and recommendation by the DOC, his motivation for success, his acceptance of responsibility for his offenses and his development of a parole release plan.

The Parole Board re-paroled Bey to an approved home plan (to reside with his mother in Pittsburgh), and subjected him to all standard parole release conditions. The Board further required Bey to undergo out-patient drug/alcohol and mental health evaluation and recommended treatment, attend a community support group with a sponsor, and achieve negative results in random drug screenings.

#### Parole Supervision Compliance

Bey's initial parole from Boot Camp in 2013 was a failure. Bey struggled to maintain employment, tested positive for alcohol, and eventually absconded from Alle-Kiski Pavilion on 9/8/13.

In contrast, when re-paroled in July 2017, Bey remained compliant with all parole conditions for the next two years. Initially, he was subject to maximum supervision, and supervising agents had at least 10 contacts with Bey at his home and 11 contacts at the office in the first 8-9 months of supervision. Bey passed all required drug tests, and he participated in and completed all therapeutic and treatment programs that were conditions of his parole. Bey also obtained a drug and alcohol evaluation at Renewal Inc. – a special condition imposed by the Board – but that evaluation resulted in a recommendation that no further treatment was required. Bey applied for and obtained Social Security Disability. He was permitted to work up to 20 hours per week and he maintained employment at various Pittsburgh businesses while on parole.

Based upon repeated assessments of his progress and risk levels using the LSI-R tool, Bey's parole supervision level was reduced to Medium in 2018, and then to Minimum in 2019. Bey's last date of contact with his parole agent before the 7/14/19 shooting was on 7/2/19; he reported that his new job was going well.

#### **D. Keith Burley, EC 0000**

*Burley was paroled from SCI Fayette on 3/28/19. Burley is accused of fatally stabbing a 7-year-old boy in Union Township, Pennsylvania. Burley was apprehended in Youngstown, Ohio on 7/9/19 and was charged with Criminal Homicide.*

#### Background/timeline

Burley, then age 23, was committed to the custody of the DOC on 11/24/99, with a controlling offense of 3<sup>rd</sup> Degree Murder (Lawrence County), to which he was sentenced to an incarceration term of 20 to 40 years. His minimum sentence date was 3/19/19 and his maximum was 3/19/39. This was his second state commitment – he had previously been incarcerated from approximately 1996 to 1998 following conviction on burglary, receiving stolen property and terroristic threat charges.

Burley spent almost 4 months in classification at SCI Camp Hill. He reported information about his background – *e.g.*, he was born and raised in New Castle, attended Vo Tech through the 11<sup>th</sup> grade, and had a son – living in Florida with his mother. The initial classification process also assessed his needs and risks. While most of the research-validated assessment tools currently in use were not available in 1999-2000, Burley did undergo the RST assessment in 2009, and as new assessment tools and programs came into play, Burley received additional programming recommendations – including Alcohol and Other Drug Education (AOD), Violence Prevention High Intensity (VPHI) and Therapeutic Community (TC).

Burley was housed at SCI Smithfield, SCI Huntingdon and SCI Frackville from 2000 to 2006. He was then transferred to SCI Fayette where he remained until his parole in 2019.

Subsequent to the 1999 murder conviction, Burley was charged with Aggravated Assault arising out of a 3/12/02 incident in the Lawrence County Jail in which he assaulted another prisoner over a game of chess. Burley ultimately pled guilty to the charge. On 6/5/02, Burley assaulted his cell mate by stabbing him in the right side of his neck with a pencil. Burley was charged with Assault by Prisoner and pled guilty. These sentences ran concurrent to his initial murder sentence and thus they expired long before his 2019 minimum date.

### Behavior and Adjustment while in DOC Custody

Burley's institutional adjustment/conduct during the first 13 years of his incarceration term was poor. Although he obtained his GED early on (in 2002-2003), he amassed 17 misconducts during his incarceration and had a history of assaultive behavior. Specifically, Burley received 7 misconducts for fighting or assault, including assault of a staff member. He had multiple separations and was assigned a Z code (single cell) early on due to his assaultive behavior.

However, at the time of his parole in March 2019, Burley had been misconduct free since 2012. He had been employed through Correctional Industries since 2014 and completed the Flaggers course in 2018. He completed all his required programming – AOD in 2005, Violence Prevention in 2010, and Therapeutic Community in 2017. He also had positive employment and housing ratings. Nonetheless, given his assaultive history and potential risk to cell mates, Burley maintained Z code status until his parole in 2019.

### Parole Review and Recommendation Process

Burley received a parole staffing at SCI Fayette in September/October 2018, in advance of his review by the Parole Board. He received unanimous support for parole from SCI Fayette staff. The vote sheet indicated that Burley was polite and cooperative during the interview. While noting Burley's sentence structure, misconduct history, and history of assaultive behavior, the vote sheet also identified Burley's program compliance, and positive housing and employment reports.

An updated psychological evaluation for parole was completed in advance of the SCI Fayette staffing. Following the staffing, Burley underwent further tests and assessments using the OVRT and LSI-R tools (all of which was provided to the Parole Board). He also was tested utilizing the VFM tool during October 2018 through December 2018, in advance of the Board's review.

By Notice of Board Decision dated 3/1/19, the Board granted Burley parole. As identified in the Notice, the reasons for the Board's decision included: participation and completion of prescribed programming; positive institutional behavior; the positive recommendation of the DOC; demonstrated motivation for success; acceptance of responsibility; stated remorse for offense; development of a parole release plan; and the positive recommendation of the trial judge. The Notice provides that Burley was subject to all standard parole release conditions. Burley was also prescribed out-patient drug and alcohol treatment as a special condition of his parole

## Parole Supervision Compliance

Burley was released on parole on 3/28/19 to his approved home plan (to live with his mother). From that point on, until 7/8/19, Burley was fully compliant with all aspect of his supervision and conditions of parole. He was under maximum supervision, and in those 3+ months, the agent diligently conducted approximately 8 direct contacts (7 home/field and 1 office), as well as numerous collateral and phone contacts. All drug/alcohol tests were negative. Burley obtained a drug and alcohol treatment assessment early on (this was a parole condition), and the assessment determined that no further treatment was necessary. Burley also obtained full-time employment.

Early on in the supervision, in early May, Burley reported that his son had died. The agent worked with him, and provided additional time for Burley to deal with his loss. Burley resumed his assignments and obligations after several weeks. By late June, Burley had obtained his drivers permit and had purchased a car. The agent was able to visit him at work as well. He was engaged with his agent and actively participating in and completing cognitive based training assignments.

The agent's last contact with Burley was by phone on 7/8/19, the day of the homicide, and was positive.

### **E. David Haas, MJ4612**

*Haas was arrested on 7/9/19 in Baltimore County, Maryland and accused of murdering the two-year old son of his girlfriend on 6/29/19. Maryland charged Haas with Child Abuse (First Degree – death of child less than 13 years) and Murder - First Degree. According to recent reports from Maryland Parole, Haas is currently detained in the Baltimore County Detention Center.*

### Background/timeline

David Haas was committed to DOC custody on 1/28/16, at the age of 30. He had been sentenced in York County to a period of 1 year, 2 months, 27 days to 10 years incarceration for DUI-Controlled Substance (his fourth DUI), VOP (revocation of probation sentence on a 2012 DUI), Driving While Operating Privilege is Suspended or Revoked, and Habitual Offender.

Haas spent approximately 6 weeks in classification at SCI Camp Hill where staff gathered information about his criminal and personal background (6 arrests since 2012 - drug

related offenses, dropped out of high school after the 11<sup>th</sup> grade but later earned his GED, employment experience in electrical work, history of alcohol and drug abuse). Haas was separated from his wife and had a 10-year-old child. Haas also underwent an assessment of his needs and risks using the previously described tools (the PAI, RST and OVRT). Upon completion of the classification process, SCI Camp Hill staff approved Haas for transfer to SCI Laurel Highlands as a Custody Level 3 inmate, with no program codes. His correctional plan recommended that he receive Therapeutic Community and Violence Prevention Moderate Intensity programming.

#### Behavior and Adjustment while in DOC Custody

Haas was confined at SCI Laurel Highlands for the next 18 months, until his parole on 9/9/17. His institutional behavior and adjustment were good. He completed his recommended Therapeutic Community and Violence Prevention programming in August and October 2016, respectively, he was employed in the maintenance department performing electrical work, and had above average housing reports.

#### Parole Review and Recommendation Process

In connection with its initial classification in early 2016, SCI Camp Hill staff voted to recommend Haas for pre-parole. However, the Parole Board denied parole by Notice of Board Decision dated 9/2/16 and scheduled Haas to be reviewed again in August 2017 (he still had not completed all programming).

Haas satisfied those conditions (with the exception of the reentry plan) and was staffed for parole by SCI-Laurel Highlands staff on 3/17/17. The vote sheet reflected unanimous staff support for parole as Haas had completed his programming, remained misconduct free, was rated as above average by his unit team, and was employed in the maintenance department with no adjustment issues.

The Board subsequently granted Haas parole on 8/22/17, noting his participation and completion of prescribed programming, positive institutional behavior, favorable DOC recommendation and demonstrated motivation for success. He was released on 9/9/17 and paroled to reside in Delta, PA (York County). Haas underwent LSI-R assessments while in the DOC (in 2016) and after he was paroled. Haas also had a VFM assessment in connection with his initial parole review, but was not able to have an updated VFM prior to the Board's review in August of 2017 due to delays in administering other pertinent assessments.

## Parole Supervision Compliance

Haas was supervised at the Medium level of supervision and was fully compliant with all parole conditions while under Pennsylvania supervision. In late 2017, Haas received an offer of employment in Maryland and asked to have his supervision transferred to that state. His application was submitted under ICAOS (the Interstate Commission/Compact for Adult Offender Supervision) and eventually approved by Maryland. Haas transferred to Maryland parole supervision on 5/3/18.

Maryland periodically provided updates on Haas's progress. As of November 2018, he was reporting as directed, and had gainful full-time employment. However, on 5/8/19, Maryland advised that while Haas was reporting as directed and maintaining his employment, he had received a jailable traffic citation in late April 2019 for driving without required license. His citation hearing was scheduled for 7/17/19.

According to the supervising agent in Maryland, at the time of the murder arrest on 7/9/19, Haas was still employed and reporting as directed under "low-moderate" supervision (her last face to face contact with Haas was on 6/4/19, and she spoke to him by telephone on 7/2/19).

### **F. Calvin Purdie, LV 5915**

*On 5/23/19, a house fire broke out around 6am in Derry Township, Pennsylvania. Purdie was in the house, along Shania Chaplin (Purdie's former/current girlfriend), her mother, and her 4-year old daughter (Purdie's child). Police found Shania Chaplin's mother, Charlotte Chaplin, in her bedroom, deceased. An autopsy determined that Charlotte Chaplin was the victim of strangulation. Purdie is accused of murdering Charlotte Chaplin, and then setting the fire in order to cover up the murder. Purdie turned himself into authorities on or about July 16, 2019 and has been charged with criminal homicide and arson.*

### Relevant Factual Background and timeline

Calvin Purdie, age 28, first arrived in DOC custody on 1/13/15 to serve three concurrent sentences of 2 ½ to 5 years for Aggravated Assault, Criminal Conspiracy and Possession with Intent to Deliver. Purdie pled guilty to the charges and was sentenced in Dauphin County on 12/19/14. Purdie's minimum date at that point was 6/30/2017 and his maximum date was 12/30/19. The trial judge designated Purdie as Boot Camp eligible.

Purdie spent approximately 3 months in classification at SCI Camp Hill where staff gathered information about his criminal and personal background, and assessed his needs and risks. This was Purdie's first DOC commitment and first adult offense. Purdie reported he had been born and raised in Harrisburg, and completed the 11<sup>th</sup> grade. He had been employed in the past, had four children, and was expecting another. Purdie also underwent a series of interviews, tests and assessments to address risk and needs (including the PAI, RST and OVRT).

As a result of the classification process, SCI-Camp Hill approved Purdie for transfer to Houtzdale as a Custody Level 3, with no program codes and a recommendation to complete Violence Prevention Moderate Intensity programming. On 6/30/15, he was transferred to Quehanna Boot Camp (he was time eligible for Boot Camp as of 6/30/15). Purdie graduated from Boot Camp on 12/29/15 and was paroled in accordance with statute. Over the next 8 months, Purdie resided in a CCF and rooming house. He was approved to move to an apartment with his girlfriend and daughter in August 2016.

On 9/17/16, Purdie got into an argument with his girlfriend Shania Chaplin and punched her in the face several times with a closed fist, cutting Chaplin's upper and lower lips and causing noticeable bleeding. Chaplin was holding her infant daughter (Purdie was the father) when Purdie punched her. Harrisburg police charged Purdie with simple assault (a Misdemeanor 3 offense). Purdie refused to turn himself in and fled. The Parole Board declared him delinquent as of 9/23/16 and his whereabouts remained unknown for the next 18 months. During that time, FAST agents worked diligently to find Purdie.

On 4/2/18, Purdie was arrested in Derry Township and charged with possession of marijuana and drug paraphernalia. Purdie pled guilty to the outstanding simple assault charge from 9/17/16 (he received a fine) and returned to DOC custody on 4/12/18 as a pending parole violator. He remained at SCI Camp Hill until 5/29/18, when he was transferred to SCI Rockview.

#### Behavior and Adjustment while in DOC Custody

Purdie had no misconducts while confined at Camp Hill, Houtzdale and Quehanna Boot Camp in 2015. He had no separations and he had average housing reports.

While at Boot Camp (6/30/15 to 12/29/15), Purdie had no behavioral issues, he received average reports in group, education and on the housing unit, and was promoted through the phases, meeting the requirements and standards. He completed his recommended programming (Violence Prevention Moderate Intensity) on 11/20/15.

Purdie was returned to DOC custody in April 2018 and he remained incarcerated as an Act 122 TPV until his re-parole on 10/2/18. Purdie was initially confined at SCI Camp Hill and then transferred to SCI Rockview on 5/29/18 as a Custody Level 3. He had no misconducts during this time and his housing reports were average.

Purdie underwent additional assessments upon reentry in 2018, including the OVRT and evaluation for substance abuse. Staff recommended outpatient drug and alcohol treatment at this time, based upon Purdie's reports of substance abuse while on parole and his latest arrest involving drug possession. However, it appears that Purdie was on the waiting list for that treatment but paroled in October before he could complete the programming.

### Parole Review and Recommendation Process

As stated, Purdie was subject to automatic parole in 2015 (following Boot Camp completion) and again in 2018 (under Act 122).<sup>4</sup> The Board is required to immediately release an inmate on parole upon successful completion of Boot Camp. 61 Pa. C.S.A. §3907. Also, a TPV with his first commitment (which is where Purdie stood in June of 2018) can only be held for a maximum of 6 months and then must be automatically paroled. As a result, there was no traditional institutional parole review and vote process. Nor was Purdie tested using the VFM assessment tool as that assessment is generated in preparation for a docketed Board interview. However, he still underwent several LSI-R assessments by Parole.

The Parole Board's Order to Release on Parole/Reparole, generated on June 11, 2018, reflected Purdie's upcoming automatic re-parole (under Act 122) on October 2, 2018. At that point, Purdie's recomputed maximum date was 7/8/21, reflecting no backtime credit.

The Board subjected Purdie to all standard parole or re-parole release conditions, including residence at Keystone CCF. As Special Conditions Purdie was obligated to undergo drug screenings, and a drug and alcohol treatment assessment.

### Parole Supervision Compliance

Following his initial parole from Boot Camp on 12/29/15, Purdie resided in a CCF and rooming house (all approved home plans). Over the next 8 months, he displayed

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<sup>4</sup> Under Act 122, Purdie was being recommitted for the first time as a TPV and thus, he was automatically paroled without Board action after 6 months of confinement. 61 Pa. C.S. §6138(d)(3).

satisfactory adjustment, and maintained steady employment. He was approved to move to an apartment with his girlfriend and daughter in August 2016.

Upon leaving Boot Camp, the Board had recommended that Purdie complete an outpatient assessment, presumably for drug and alcohol treatment. It appears that a referral for Purdie to schedule and attend that assessment never happened.

When Purdie was re-paroled on 10/2/18, he initially resided at Keystone CCF, but then was released to an approved home plan in December 2018. Purdie was under minimum supervision (per his LSI-R assessments) and remained generally compliant with supervision obligations and requirements.

### **G. James Sterbinsky, LH-2400**

*On July 19, 2019 police responded to an incident at Sterbinsky's residence in Lancaster. They arrested Sterbinsky and charged him with two counts of criminal homicide and one count of attempted homicide in connection with the stabbing death of his sister and niece, and the stabbing of his nephew.*

#### Background/timeline

James Sterbinsky was committed to DOC custody on 12/12/13, at age 50. Sterbinsky had pleaded guilty in Lancaster County to possession of a firearm, burglary and theft charges and was sentenced to 3 years 4 months to 10 years incarceration. Sterbinsky's maximum sentence date was 11/27/23 and his minimum date was 11/27/17. However, the trial judge designated Sterbinsky's sentence as Recidivism Risk Reduction Incentive ("RRRI")<sup>5</sup> eligible, making his RRRI minimum sentence date 3/27/17.

Sterbinsky spent approximately 4 months in classification at SCI Camp Hill where staff gathered information about his criminal and personal background, and assessed his needs and risks.<sup>6</sup> Sterbinsky was born and raised by his parents (both since deceased) in Connecticut. He admitted using alcohol and multiple drugs in his teens and being suspended from school in the 11<sup>th</sup> grade for cutting class. Sterbinsky obtained his GED in 1983 /1984. He reported having served in the Military from 1981 to 1987 and to receiving

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<sup>5</sup> See FN 1.

<sup>6</sup> Sterbinsky was subjected to the testing and assessment tools previously described, i.e., research-validated tests that are utilized nationwide, such as the PAI (Personality Assessment Inventory), a self-report questionnaire designed to evaluate personality and psychopathology; the RST (Risk Screen Tool), which is used to determine an inmate's general risk of recidivism, and the OVRT (Offender Violence Risk Typology), a risk assessment tool.

an Honorable Discharge. He had worked in the plumbing/heating field since 1978, and he had been married twice and had 3 children.

Sterbinsky reported having multiple prior convictions in Connecticut between 1989 and 2006 for burglary, larceny and risk of injury which resulted in Connecticut commitments ranging from 60 days to 20 years. He also had a 2006 conviction in Lancaster for drug possession, which resulted in fines.

Upon completion of the classification process, SCI Camp Hill staff approved Sterbinsky for transfer to SCI Waymart as a Custody Level 2 inmate, with a V program code (designating approval for housing outside the facility). His correctional plan recommended that he receive Violence Prevention Moderate Intensity programming.

#### Behavior and Adjustment while in DOC Custody

Sterbinsky was housed at SCI Waymart from 4/23/14 until his parole on 3/27/17. His institutional adjustment and behavior were rated "good." He remained misconduct-free for the entirety of his incarceration. He received an above-average housing report and an average work report during his employment with the plumbing crew. He completed the recommended violence prevention programming in February 2016.

#### Parole Review and Recommendation Process

The DOC (SCI Waymart) had conducted a staffing in September 2016 and supported parole based upon Sterbinsky's positive adjustment and program compliance. The Parole Board issued an order to release Sterbinsky on or after 3/27/17.

Sterbinsky underwent LSI-R testing before and after parole, but did not have a VFM assessment due to a computer system failure.

#### Parole Supervision Compliance

Sterbinsky was initially paroled to ADAPPT Treatment Services (a half-way house). By June 2017, Sterbinsky had obtained employment with a heating/plumbing business and moved to a private residence in New Providence (an approved home plan). He continued to be supervised under Medium supervision throughout 2017. At the end of his first year, based upon repeated assessments of his progress and risk levels using the LSI-R, the supervision level was reduced to Minimum in 2018. In 2018 he was living with his ex-wife and two step children. In the spring of 2019, he moved in with his sister.

Sterbinsky's compliance with the conditions of his supervision was mixed. Early on, Sterbinsky was generally compliant with required contacts and he maintained employment. However, he began to exhibit problematic behavior in late 2018, and failed to comply with several parole conditions, including non-payment of fees and drug use.

For example, Sterbinsky's parole conditions required that he submit to a sex-offender evaluation and comply with any recommended treatment (based upon information related to Sterbinsky's Connecticut convictions). Sterbinsky received warnings in April and June 2017 for failing to submit to the required evaluations. Sterbinsky eventually requested to be removed from programming based upon the nature of his underlying sentence (theft/burglary). After review of information and discussion with Sterbinsky, the field agent directed that Sterbinsky could discontinue with the special condition pertaining to sex-offender treatment pending further notice.

In September 2018, following a report of drug use (which Sterbinsky admitted), parole agents intervened and transported Sterbinsky to the hospital where he was admitted to a substance abuse rehabilitation center. It appears that he completed that inpatient treatment program and he was issued a warning sanction, which included following any aftercare treatment recommendations. The rehabilitation center never furnished the agent with an aftercare plan, but Sterbinsky reported that outpatient treatment had been recommended. While there was some discussion between the agent and Sterbinsky about this, there was no agent follow-up to ensure that Sterbinsky proceeded with the aftercare instruction.

In December of 2018, a parole agent also addressed concerns expressed by Sterbinsky's ex-wife. He and local police responded by going to the home to thoroughly investigate. Although the ex-wife's allegations could not be confirmed (and charges were not filed), the agent took measures to separate Sterbinsky from that residence.

In January 2019 Sterbinsky's sister contacted the parole agent about weird text messages sent by Sterbinsky. In March 2019, the agent received information that Sterbinsky's ex-wife had filed a PFA against him. The agent discussed this with Sterbinsky who informed him that a hearing was scheduled for May. Subsequently, Sterbinsky's ex-wife agreed to withdraw the PFA if there were no indirect criminal contempt convictions. As a result, the hearing was continued for one year and the temporary PFA remained in effect, with the exception that Sterbinsky was permitted to have custody of his two children as agreed to by the parties. Communications concerning the children would occur through his sister. Later, in May, Sterbinsky told the agent that East Lampeter Police had interviewed

him about an incident involving a minor. The police requested that he submit to a polygraph test.

On 6/6/19, the agent followed up with East Lampeter Police who indicated that the case was with the Lancaster County District Attorney's Office and that they would notify the agent when/if they planned to arrest Sterbinsky. During his last contact with Sterbinsky on 6/16/19, the agent found Sterbinsky to be lucid and not exhibiting any signs of unusual behavior. He was still working and waiting to hear from East Lampeter Police regarding the pending criminal investigation.

On 7/17/19, East Lampeter Police informed the agent that the criminal charges had been approved and arranged to coordinate the arrest of Sterbinsky to occur the following week.

## IV. Recommendations

### POLICY CHANGES

1. *Enhance and Improve the Domestic Violence protocol to ensure consistent decision-making.* In two of the cases, potential domestic violence was present in the facts of the case. Currently, a discretionary decision is made at the local level. DOC plans to change this to the following: Any time domestic violence is suspected, a domestic violence lethality assessment will be conducted and if the circumstances do not result in the individual on parole being detained, they will be assigned a GPS with geographic restrictions until the Regional Director thoroughly reviews the case. The Office of Victim Advocate has agreed to work with DOC to train staff and fully develop this policy.

2. *Increase and enhanced information sharing with those who make recommendations.* The Parole Board seeks input from multiple sources to include DOC, the district attorney, the sentencing court and victims/survivors. Currently, the information provided to these individuals is minimal, thereby limiting their ability to make recommendations that are more informed. DOC will provide all entities with a summary of in-institution behavior as well as program participation (other than information limited by HIPAA). Additionally, the VFM and LSI-R are conducted after the DOC makes its recommendation. As a result, DOC will modify the sequence to ensure that the superintendent has all information possible for their review.

3. *New charge/detain or not detain protocol.* Ensure DA consultation/better guidelines on arrest. Currently, there is not a statewide policy as to when an individual on parole who has a new charge filed against them is incarcerated. While there is a general understanding, DOC plans to formalize this with presumptive guidelines that speak to when an individual should be detained versus remain in the community. Periodically, a decision is made locally with law enforcement and parole agents to delay the detention of an individual on parole pending an investigation or pending the DA issuing charges. DOC will immediately initiate a process that will involve formal notice being provided to the DA that an individual under investigation is under parole supervision. The intent is that the DA will work with field supervision leadership to balance the criminal investigation needs with public safety.

4. *Active parolee database.* Ascertaining whether an individual is on active parole supervision is difficult. Effective immediately, DOC will launch a database where law enforcement and others may easily ascertain if an individual is on parole supervision.

5. *Expedited assignment of cases to FAST unit.* Currently, policy allows 30 days to lapse before an individual is assigned to a FAST unit as an absconder. Effective immediately, that timeframe will be reduced to 15 days.

6. *TPV reassessment prior to release.* Currently, all individuals under supervision are reassessed once a year. Effective immediately, every incarcerated technical parole violator will be reassessed prior to release for the purpose of assigning the appropriate supervision level.

7. *Utilize violence-forecasting model (VFM) for supervision level.* Currently, the VFM tool is not used to assign initial supervision level. Effective immediately, the higher supervision level recommended by the VFM and LSI-R will be used for initial supervision level. Subsequent supervision levels will rely on the behavior of the individual under supervision.

8. *New risk/needs assessment (expedited)* - An RFP will go out no later than September of 2019 that will seek to have a “4th generation” risk/needs tool built. Currently the majority of supervision level decisions rely on the LSI-R score, which suffers from low predictive ability. This weakness, resulting in less reliability of the LSI-R scores, will be addressed with a new tool that pulls information for the risk assessment from existing data. DOC anticipates on initiating the use of the new tool in one year.

9. *Promulgation of parole recommendation guidelines for superintendents.* The Department will formalize parole recommendation guidelines to superficially dictate what information shall be considered and any relevant weighting of those factors.

10. *Semi-annual critical incident review by region.* Effective immediately, twice a year, all critical incidents (murder/attempted murders) will be reviewed by region. This review will be co-chaired by Chief Counsel and the DOC Secretary.

11. *Initiation/formalization of field training agent program.* DOC will add 10 positions (one per district) specifically designated to be full-time field training agents, whose focus will be to augment the supervision and development of parole agents.

12. *Enhanced protocol for individuals who committed a violent offense.* Specifically, policy expands the definition of someone who will be supervised on the enhanced protocol to one who has a record of violence to include criminal and institutional.

## RECOMMENDED LEGISLATIVE RESPONSES

13. *Annual Critical Incident Stake Holder review.* Legislation will establish a committee tasked to review and submit an annual report on all murders committed by individuals on parole. The committee will be made up of: three DAs (one per region), Office of Victim of Advocate, Prison Society, judiciary chairs or designee, Parole, chaired by DOC Secretary, Gubernatorial appointees, Sentencing Commission Executive Director, AOPC, PSP Colonel and regional representatives of County Probation Chiefs.

14. *Add a 6th violation category.* “Continued failure to adhere to recommended programming and or conditions.”

15. *CPV/TPV Court of Record.* An issue currently exists in law that dictates that for an individual on parole to be reviewed as a Convicted Parole Violator vs. a Technical Parole Violator, that conviction must take place in a “Court of Record,” excluding pleas adjudicated at the Magisterial District Court level. In some counties, this has become a work-around for individuals on parole. DOC strongly recommends legislation be written to close this loophole.

## V. GLOSSARY

**VFM – Violence Forecast Model.** This model was developed by Dr. Richard Berk at the University of Pennsylvania using complex data analysis after the Goldkamp Report was released. The VFM is used to predict the likelihood that an inmate will re-offend for a violent crime, a non-violent crime, or not re-offend post-release from prison. Since the VFM was built using data from Pennsylvania prison and parole populations, it is more predictive and reliable than other risk assessment tools developed in other populations or locations.

Find more information about how the VFM was built here:

<https://www.law.upenn.edu/live/files/2258-berk-bakeoffpdf>

**LSI-R – Level of Service Inventory – Revised.** This is a quantitative survey of offender attributes and their situations relevant to level of supervision and treatment decisions. Recent validity checks using the LSI-R on the Pennsylvania prison population showed lower reliability and predictability than the RST.

However, it is the most used risk and needs assessment used among corrections populations. Find more information here:

<https://www.mhs.com/MHS-Publicsafety?prodname=lsi-r>

**OVRT - Offender Violence Risk Typology.** This is a risk assessment administered upon an inmate's entry into the PA prison system that recommends placement into violence prevention programs in Pennsylvania prisons. This screening was developed as a result of the Goldkamp Report, like the VFM.

It is available here:

<https://assets.documentcloud.org/documents/1512980/ovrt-form-6-8-10.pdf>

**RST – Risk Screen Tool.** This is an actuarial risk assessment tool created in-house by DOC staff in order to screen newly admitted inmates for their risk of criminally re-offending and to provide triage decision-making to efficiently utilize limited in-prison treatment resources. Recent internal validity checks using the RST on Pennsylvania prison

populations showed higher reliability and predictability than the LSI-R, but not as predictive as complex models like the VFM.

It is available here:

<https://assets.documentcloud.org/documents/1513794/rst-score-sheet-03-09-modified.pdf>

**CPV – Convicted Parole Violator.** This is a parole violator who has been convicted of a new crime punishable by imprisonment while on parole for a prior conviction.

**TPV – Technical Parole Violator.** This is a parole violator who has violated conditions of parole that are determined by Parole Board members and/or hearing examiners at the time of a positive paroling action.

Legal definitions of CPVs and TPVs are available here:

<https://www.legis.state.pa.us/cfdocs/legis/LI/consCheck.cfm?txtType=HTM&ttl=61&div=0&chpt=61&sctn=38&subctn=0>

**Act 122 – Pennsylvania’s Justice Reinvestment Initiative passed in 2012.** The law expanded the eligibility of intermediate punishment for an offense involving drugs and alcohol. For example, The Motivational Boot Camp age limit increased from 35 years old to 40 years old. It also allowed TPVs to go to community corrections centers to receive treatment and return home as soon as they completed treatment automatically without a parole board hearing. There were also time limits attached to these Act 122 TPVs – 6 months for the first violation, 9 months for the second violation, and 12 months for the third violation. The Act 122 TPVs are not required to stay for the full amount of time if they finished their programming earlier.

Read more about Justice Reinvestment here:

<https://www.cor.pa.gov/About%20Us/Initiatives/Pages/Justice-Reinvestment.aspx>

Find FAQs for Act 122 TPVs here:

<https://www.cor.pa.gov/Facilities/CountyPrisons/Pages/Act-122-of-2012-TPV-FAQs.aspx>

**Vote Sheet.** Vote sheets are documents that provide valuable insight to the parole decision-maker about the potential parolee's behavior and treatment compliance in prison. They include input from correctional officers, the unit team, and proceeds up the chain of command to the superintendent. Superintendents ultimately make the final decision to recommend (or not recommend) inmates for parole.

**Swift Certain Fair.** Swift Certain Fair is a supervision method that ensures that reentrants who violate terms of parole or probation are responded to quickly, consistently, and appropriately, where the punishment fits the crime.

Read more about it here:

<http://www.swiftcertainfair.com/ingredients-for-success/>

**ASCRA - Assessment, Sanctioning, Community Resource Agents.** ASCRAs are parole agents, without caseloads, who ensure that treatment programs are applied consistently and effectively across the state.

Read the ASCRA policy here:

<https://www.pbpp.pa.gov/Information/procedures/Documents/Chapter%204/04%2002%2001%20ASCRA.pdf>