

United Methodist Advocacy in Pennsylvania

August 31, 2019

Because the Pennsylvania General Assembly is in recess, there is no legislation on which to report. However, the agencies of the executive branch continue to operate. This is the main source for political news from Harrisburg in August.

I was in Harrisburg twice this month. Once to consult on Pennsylvania Council of Churches matters, and once to meet with state Rep. Frank Ryan (R-Lebanon), along with other faith-based advocates, to talk about refining legislation regarding inter-agency cooperation on matters of intergenerational poverty.

Also, this month I sent a letter to Scott Brady, U.S. Attorney, Western District of Pennsylvania, asking that his office not seek the death penalty for Robert Bowers, the shooter at Tree of Life Synagogue, last October. I took this action, partly, because of the anti-capital punishment position of the United Methodist Church. But also, as a gesture of solidarity with the two congregations of Tree of Life Synagogue that were requesting that Bowers's life be spared. However, on August 26, the U.S. Justice Department confirmed that it would seek the death penalty.

Below are some state-level public policy items from August 2019 that relate to United Methodist Social Principles, or justice and ethics concerns:

- **Gov. Wolf Supports Gun Control Measures**
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Gov. Wolf Supports Gun Control Measures

On August 7, in the state Capitol rotunda, Gov. Tom Wolf called for gun control measures during a remembrance of gun violence victims. Joining the governor were U.S. Sen. Bob Casey, several state-level lawmakers and advocates.

In the aftermath of the recent mass shooting in El Paso and Dayton, the speakers expressed the need for immediate action. Mr. Wolf pinpointed three actions: universal gun sales background checks in Pennsylvania, Extreme Risk Protection Order ("red flag") legislation, and U.S. Congress reforms (HR 8) to federal background checks.

Though there are other measures that he would support, the governor said these three would be a good start.

He added, "I will continue to work with the General Assembly to advance legislation to reduce community gun violence, including combating lost and stolen guns and straw purchases."

Governor's Executive Order to Reduce Gun Violence

On August 16, at the executive office in the state Capitol, Gov. Tom Wolf signed an executive order to make changes he says will better target the public health crisis of gun violence in Pennsylvania. The signing was postponed because of the standoff on August 14 involving Philadelphia police and a suspect with a lengthy gun-related criminal history, where six officers were wounded and the perpetrator taken into custody.

“Too many have lost loved ones to gun violence. Too many live in fear of being shot on the sidewalk, in their neighborhood, in the grocery store, at school or at a concert,” Gov. Wolf said.

The order establishes a Senior Advisor for Gun Violence to coordinate the gun reform agenda; an Office of Gun Violence Prevention and a Special Council on Gun Violence, both within the Pennsylvania Commission on Crime and Delinquency; a Division of Violence Prevention and a Suicide Death Review Team, both within the Department of Health.

These and other measures are intended to coordinate work among agencies, to study and collect data on the issue, to make recommendations and draft guidelines in the effort to deter gun violence.

Lawmaker Proposes Firearms Control Bills

On August 21, state Representative Todd Stephens (R-Montgomery) announced that he plans to introduce three firearm control-related bills. He is circulating co-sponsorship memos for his proposed legislation.

“What we’ve witnessed last week in Philadelphia is the terror and tragedy that comes when violent criminals are treated too leniently. If we want to get serious about violent crimes we need tougher sentences for violent offenders,” Rep. Stephens said—Stephens was referring to the standoff on August 14 involving Philadelphia police and a suspect with a lengthy gun-related criminal history, where six officers were wounded and the perpetrator taken into custody.

Stephens’s package of bills would:

- Reinstating mandatory minimum sentences for violent offenders. This would include constitutional protections that had been absent from a previous state minimum sentence requirement that was invalidated by both the U.S. and Pennsylvania Supreme Courts.
- Require the State Police to transmit to the national background check database individuals prohibited from possessing firearms due to mental health issues.
- Establish an Extreme Risk Protection Order (ERPO) procedure providing for judges to hold hearings to determine whether firearms should be removed from the possession of an individual in crisis.

Gaming Board Approves Mini-Casino License

On August 14, the Pennsylvania Gaming Control Board approved a mini-casino license for Stadium Casino LLC, at a shopping mall in Westmoreland County. The board’s vote was unanimous.

Up to 10 mini-casinos are authorized under the 2017 gambling expansion law. This is the fifth of the ten. Stadium plans to open the Hempfield Township mini-casino in the fall of 2020. The company bid \$40.1 million for the right to build the mini-casino.

During the Gaming Board’s September meeting, it will hold an auction to pick a bidder for a sixth mini-casino license. The restart of auctions for the remaining mini-casino licenses is ordered by the new state Fiscal Code. The first round of auctions ended in April 2018 when no bidders appeared. However, lawmakers want the gaming board to give auctions another try.

Gaming Board Executive Director Kevin O’Toole outlined other steps to expand legalized gambling under terms of the 2017 law, including the launch of video gaming terminals at five truck stops by mid-September.

Two Centers for Developmental Disability to be Closed

On August 14, the Pennsylvania Department of Human Services (DHS) announced that two state-run facilities for the care of those with intellectual and developmental disabilities are scheduled to close before the end of 2022, Polk State Center in Venango County and White Haven State Center in Luzerne County.

DHS Secretary Teresa Miller remembered the history and commended the work of these facilities, but said, “...we also must commit to a future that truly includes individuals with disabilities and offers them an everyday life as fully integrated members of our communities.”

DHS supports about 40,000 people with intellectual disabilities throughout the state in community-based settings. In its four intermediate care facilities, the state cares for 750 to 760 individuals—in addition to Polk and White Haven, the state operates Ebensburg State Center in Cambria County and Selinsgrove Center in Snyder County.

“Having an intellectual disability does not mean a person is incapable of making decisions, contributing to their community, or exploring lifelong learning opportunities. Community-based settings honor the inherent value of every person and empower individuals to choose the direction of their own lives,” said Miller. DHS said it will work directly with each resident and family from Polk and White Haven to explore all options, meet with potential community service providers and develop individualized transition plans. The agency added that following their discharge, each patient’s transition into the community will be closely monitored by DHS social workers, licensing and regional staff to ensure they are safe, happy and settled into their new home.

Executive Director Sheri Landis of Arc of Pennsylvania—an intellectual disabilities advocacy group—observed, “The closing of these two centers is another step in making the Commonwealth of Pennsylvania an ‘institution free’ state and reduces the reliance on institutional care. These closures are a sign of commitment in assuring that all persons with disabilities grow up in families, go to school alongside their peers, and as adults, have opportunities for employment and community life.”

However, some oppose this closure. State Sen. Lisa Baker (R-Luzerne) was concerned about the impact of the closing and urged interested parties to participate in the scheduled public hearings. She told her region’s newspaper *The Times Leader*, “This will create great angst and concern for this vulnerable population and those employees who serve them. Due to their location, there will be questions about the economic consequences as well as about the assurances of equivalent care being available within the community, as most residents are classified profoundly disabled and in need of skilled care.”

DHS indicated all regular care and operations will continue at the state centers during the relocation and closure process. Furthermore, the 1,173 state employees who work at the two centers will be provided opportunity for future state employment.

DHS said it will hold public hearings to accept comment about the closures. The hearings are scheduled for 1 p.m. on Sept. 9 (regarding the Polk State Center, to be held at Atlantic Avenue Church, 160 Atlantic Ave., Franklin, PA) and 1 p.m. on Sept. 12 (regarding White Haven State Center, to be held at Hazleton One Community Center, 225 E. 4th St, Hazleton, PA). The department will also offer a toll-free hotline (1-888-565-9435, staffed from 8:30 a.m. until 4 p.m., Monday through Friday) and email at RA-PWRASateCenters@pa.gov.

No Charges in Sexual Assault Claim Against Lawmaker

On August 26, Dauphin County District Attorney Fran Chardo announced that no charges will be filled against former state Representative Brian Ellis (R-Butler), on sexual assault claims. The DA was acting on a recommendation from a grand jury.

The case stems from a claim made by a female state employee, four years ago. The grand jury said that there was not enough clear evidence and material to support a criminal case. However, Mr. Chardo referred to the alleged victim as “credible.”

The grand jury further recommended that the Pennsylvania General Assembly make changes to how it handles sexual misconduct allegations. It urges creation of an independent office to review and investigate complaints. Presently, each of the four political caucuses of the General Assembly have their own procedures in this matter.

First Report on School Tip Safety Program

On August 5, the state Attorney General's office released the first annual report on Pennsylvania's new school safety anonymous tip line. The program is called *Safe2Say Something*.

Attorney General Josh Shapiro stated, "Last year, the General Assembly mandated my office establish Safe2Say Something, an anonymous reporting system to give students a way to report signs of classmates who may be at risk of hurting themselves or others,"

According to the report, the system received 23,494 tips between its January start and the end of June, 2019. Most of the tips "focused on students struggling with mental health issues," as opposed to students making violent threats to their school or to their classmates.

The majority of tips (nearly 19,400) were received through the Safe2Say program's mobile application that can be downloaded to smart phones. The top five categories—representing more than half of the tips received—are Bullying/Cyber Bullying (3,558), Cutting/Self-Harm (2,529), Suicide/Suicide Ideation (2,184), Depression/Anxiety (2,121) and Drug Use/Distribution/Possession (1,921).

State Sen. Pat Browne (R-Lehigh), prime sponsor of the legislation that contained the Safe2Say program, commented. "There is no question that this program is contributing to a safer school environment. The success of Safe2Say lies in a caller's trust that they will remain anonymous and that their tip will be taken seriously and acted upon swiftly."

The program cost \$743,428 through its first six months. Students, teachers and administrators were trained how to use the system, as well as how to recognize problems. 864,333 students have been trained so far. The recently enacted state budget includes a \$1 million appropriation for the program.

Since the findings show the majority of tips in the first year were focused on students struggling with mental health issues, Shapiro said he is recommending the General Assembly act to address the need for increased mental health resources for students across Pennsylvania.

Governor's Update on Opioid Epidemic

On August 1, Gov. Tom Wolf provided an update on the state's efforts to counter the opioid epidemic, including better access to helplines, treatments and care. The governor was joined by Pennsylvania Department of Health (DOH) Secretary Dr. Rachel Levine, Department of Human Services (DHS) Secretary Teresa Miller, Department of Drug and Alcohol Programs (DDAP) Secretary Jennifer Smith, Department of Aging Secretary Robert Torres, and psychiatrist Dr. Nicole Witman.

Gov. Wolf announced that Pennsylvania experienced a decrease in opioid drug overdose deaths from 2017 to 2018. He stated that there was an 18 percent decrease in overdose deaths during that time, but added, "New challenges, including the increase of overdoses from other drugs in the past few weeks and months, mean that our work must continue to address the devastating effects of substance use disorder."

Wolf noted three programs that will be added in the fight against the opioid epidemic:

- A new hotline for families in kinship care situations, called KinConnector, that helps family members taking care of children find resources, support, and more.
- A second round of free naloxone distribution days upcoming on September 18 and September 25.
- A grant program providing loans for substance use disorder medical practitioners.

Sec. Levine observed that the Opioid Command Center has worked to combat the opioid epidemic in many ways, including monitoring prescription output. She added that opioid prescriptions have decreased by 27 percent over the last three years.

Sec. Smith emphasized the importance of the *PA Get Help Now* helpline, which assists individuals access drug and alcohol treatment services and resources. She added that the helpline can be reached at 1-800-662-HELP, and that it has helped more than 46,000 Pennsylvanians since 2016.

DOC Reviews Homicides by Parolees

On Aug. 28, Pennsylvania Department of Corrections (DOC) Secretary John Wetzel discussed results of a 33-page internal review of parole cases that involved recent homicides or attempted homicides taking place between May and July. Over the past few months, six homicides were committed by five individuals who were under parole supervision. Two children and an off-duty Pittsburgh police officer were among the victims.

The goal of the review was to determine whether there were any shortcomings in each case individually and to identify whether there are parole policies that should be modified.

“Our review identified no evidence of misconduct or policy or rule violations that would have reasonably affected the outcomes in these cases,” Secretary Wetzel said. “There is no indication of any alarming trends with regard to parole releases or arrests.”

Parole Board data shows an average of about one-quarter of 1 percent of parolees have been re-arrested for homicide or attempted homicide over the past 10 years, and less than 5 percent have been re-arrested for a violent crime.

Wetzel also said that the DOC, under direction of Executive Deputy Secretary for Community Corrections and Reentry George Little, is in the process of reviewing all active parole cases—33,827 individuals—to ensure they are being supervised at the proper level.

However, the review ordered by Wetzel in July, made eleven recommendations for improvement—DOC intends to implement the recommendations. The report also recommended legislative actions.

The Department of Corrections takes responsibility for the supervision of paroled individuals across Pennsylvania. But, paroling decisions remain solely the responsibility of the Pennsylvania Board of Probation and Parole.

Pennsylvania State Corrections Officers Association (PSCOA) President Larry Blackwell reacted to the DOC’s review, “While we cannot comment on a report we only just received, the PSCOA reiterates its call for an independent examination into Pennsylvania’s parole process. A recent spate of murders allegedly committed by parolees demands our commonwealth do more than just trust the DOC to address these horrific crimes. The department’s contention that the number of murders allegedly committed by parolees has been consistent isn’t a defense; it’s a condemnation of a system that is letting too many violent criminals out of prison and putting Pennsylvanians at risk... Separately, we understand inmates are being coached on what to say in their parole hearings. We also understand that parole officers are being told not to bring parole violators back to jail for violations. Serious consideration must be given to slowing down the parole process until a thorough, independent review can be completed. Lives of innocent Pennsylvanians depend on it.”

DOC to Close SCI Retreat

On August 29, Department of Corrections (DOC) Secretary John Wetzel announced a proposal to close the State Correctional Institution at Retreat, located in Luzerne County. SCI Retreat houses 1,100 inmates and employs approximately 400 individuals.

In a straightforward statement, Sec. Wetzel said, “The closure proposal is necessary due to the \$140 million Fiscal Year 2019-2020 budget deficit. One of the most cost-effective ways to reduce the gap between the DOC’s budget allotment and anticipated expenditures is to close a prison.”

According to a press release, the proposed closure of SCI Retreat is expected to save taxpayers \$20 million this fiscal year and \$40 million next fiscal year, not including facility maintenance and upkeep costs.

No other state prisons are being considered for closure. Under this proposal, every SCI Retreat employee is promised to be offered a position at another DOC facility.

Wetzel said that during Fiscal Year 2018-19, the DOC experienced a significant decrease in its inmate population of nearly 1,900, which is the largest one-year decrease in the department’s history. The DOC’s June 2019 inmate population was 46,482—the peak inmate population was 51,757, in June 2012.

“We are confident that we can close this prison and still be under operational capacity,” Wetzel said. According to DOC figures, male state prisons are operating at approximately 95.7 percent of capacity. Officials say that even with the closing of SCI Retreat, the figure would only rise to approximately 98 percent of capacity.

According to prison closure processes enacted through legislation, the DOC must first announce its intention to close a prison and then undergo a review process of at least three months before making a final determination on the proposed closure.

In addition to the SCI Retreat closure, Wetzel announced DOC will cut costs through other facility closures, personnel cutbacks in the Central Office, and elimination of outsourced services.

Total cost reductions involving all DOC facilities and its Central Office are being estimated at \$86 million.

DOC Freezes Spending on Reentry Services

On Aug. 30, the Pennsylvania Department of Corrections announced a temporary freeze on spending on services for recently released inmates.

Private vendors who provide formerly incarcerated persons with family counseling, mentoring services, and housing assistance were notified on August 29 that they will not receive any new referrals from the Department of Corrections for the next 60 to 90 days, according to George Little, executive deputy secretary for Community Corrections and Reentry.

The Department of Corrections will review contracts and reassess its spending across all of its 11 reentrant service areas, which include sex offender services, alcohol and drug treatment, and workforce development.

Little said the temporary suspension of some service referrals is expected to save the department \$2 million to \$4 million. Some of that money may be reallocated based on the outcome of the Corrections Department’s program review, or be paid out in a few months when individuals waiting for referrals can obtain them.

The contract review might lead to budget cuts, or to program changes that would allow reentrants to enroll in services administered by other state agencies. But Little stressed that the review “is not about cutting overall funding. It’s about being smart with the money we spend and getting best outcome for reentrants.”

Spending on reentry programs has expanded in recent years. Little noted that while recidivism rates among Pennsylvania’s former inmates have trended downward, the department has not closely monitored which programs offer the most promising outcomes to reentrants and taxpayers. The department recently began reviewing its vendor contracts to see which ones correlate with reentrant success.

Redistricting Reform Commission’s Report

On Aug. 29, the Pennsylvania Redistricting Reform Commission released its final report. Last year Gov. Tom Wolf created the 13-member bipartisan commission by executive order, to investigate gerrymandering and make recommendations regarding the state’s legislative redistricting process. The commission took nine months to fulfill its mission.

“This report is a product of the most extensive public conversation ever held with Pennsylvania citizens about the issue of redistricting,” said David Thornburgh, commission chairman. “What did we hear? That Pennsylvanians are hungry for change, and for a less partisan, more transparent, and more responsive process for drawing election maps. My fellow Commissioners are proud of our contribution and trust it offers useful guidance to the Governor and the leadership of the General Assembly as they take up this issue later this fall.”

The commission held nine public meetings in Altoona, Bethlehem, Erie, Harrisburg, Philadelphia, Pittsburgh, Reading, Wilkes-Barre, and Williamsport. More than 600 people attended the evening meetings and an additional 1,000 comments were submitted online. The commission also reviewed the redistricting process in Arizona, California, Colorado, Michigan, Missouri, New York, Ohio, and Utah. Legislation proposed in Pennsylvania was also considered.

The commission is recommending the creation of an 11-member citizens commission to develop redistricting maps that would be submitted to legislators for approval. Republican and Democratic legislative leaders would each appoint five members, including two from the opposing political party. The governor would appoint the 11th member, a non-voting chairperson. To further reduce partisanship on the commission, anyone who has held

an elected federal, state or judicial office, or has been employed in support of such a public official, or has registered as a lobbyist, would be ineligible to be a commission member.

In the conclusion of its report, the commission stated, “The Pennsylvania Redistricting Reform Commission strongly believes these reforms should epitomize principles designed to instill public trust in the revised process.” Those principles being:

- Politicians should not have complete control over redistricting;
- The criteria used to create district maps should be clearly defined and measurable; and
- The goals and methods for redistricting should be transparent to the public.

Last November, when the governor formed the Redistricting Reform Committee, Republican lawmakers scoffed and called the move “political theater” and “a distraction.”

House Republican spokesman Mike Straub commented, “The Congressional district process is outlined in current law and represents the greatest opportunity for citizen input through the legislative process in the House, Senate and Governor’s office. We will take into consideration proposals to modernize the current process, but an eleven-member panel will never be as representative of the Commonwealth as 253 legislators and the Governor is, nor will an 11-member panel allow for as much transparency and opportunity for input as the amendment process currently provides.”

Pennsylvania’s next redistricting process will occur in 2021, following the 2020 census.

The commission’s report is available online: <https://www.dos.pa.gov/VotingElections/Pages/Redistricting-Report-2019.aspx>

Lead Free PA

On Aug. 29, Gov. Tom Wolf championed Lead Free PA, his statewide initiative to tackle the health problem of lead exposure in young children. Speaking to physicians and health care officials at UPMC Children’s Hospital of Pittsburgh, Wolf said that 70% of homes, schools and child care facilities built before 1978 have potential lead exposure through water, paint and pipes—lead-based products were banned in 1978.

Lead Free PA would establish universal lead testing for children that would be done through a finger prick. It would implement regional response teams to focus on finding the source of lead exposure and creating a response plan, as well as providing workforce training in the lead abatement and remediation field.

Pennsylvania had 51,600 children ages 1 to 5 with blood lead levels of 10 micrograms per deciliter or higher in 2010, according to a Public Health Institute study published in the journal *Pediatrics*. That’s 3.7 cases per 1,000 children. The state has the sixth-highest percentage of children suffering from lead poisoning.

Wolf said legislators need to support universal lead testing in children. There are currently several bills in the state House and Senate that call for blood tests for children and lead precautions in rental housing. Other legislation has been discussed, involving lead in plumbing systems and school drinking water.

A similar press conference was held in Philadelphia the day before.

DEP Fines Energy Transfer for Mariner East Violations

In an Aug. 29 statement, The Pennsylvania Department of Environmental Protection (DEP) announced that Energy Transfer/Sunoco Logistics will pay a combined \$313,000 for two penalties related to Mariner East 2 pipeline construction violations in 2017 and 2018.

This latest assessment brings the total financial penalties for the company constructing the Mariner East pipeline to more than \$13 million.

One penalty stems from the pipeline company’s horizontal directional drilling activities, which caused drilling mud spills in 16 streams and wetlands in 10 counties in 2018. The company’s actions violated the Clean Streams Law and the Dam Safety and Encroachment Act.

The company also violated the Clean Streams Law during 2017 pipeline construction, which led to erosion and sedimentation at a number of waterways in Cumberland County.

DEP Secretary Patrick McDonnell said, “DEP will maintain the stringent oversight that we have consistently exercised by monitoring Sunoco and taking all steps necessary to ensure that the company complies with its permits and the law.”

Construction on the \$2.5 billion Mariner East project began in February 2017, after the Department of Environmental Protection identified hundreds of deficiencies in its water-crossing and earth-moving permits. Since then, the DEP has issued more than 80 violations to the company for polluting wetlands, waterways, and destroying about a dozen private water wells.

The pipeline brings natural gas liquids from eastern Ohio and western Pennsylvania to an export terminal near Philadelphia. The majority of the product shipped through the pipelines will go to Scotland to make plastics.

Pennsylvania and the Chesapeake Bay

On Aug. 29, Gov. Larry Hogan of Maryland wrote to Pennsylvania and federal officials saying that Maryland has "alarming concerns" about neighboring Pennsylvania's lack of progress in meeting clean water goals for the Chesapeake Bay.

Gov. Hogan sent the letter to Pennsylvania Gov. Tom Wolf and the U.S. Environmental Protection Agency, ahead of an upcoming meeting of the Chesapeake Executive Council, which includes the governors of the states in the watershed. Hogan chairs the council.

The Chesapeake Executive Council includes the governors of the six bay watershed states, the administrator of the EPA and the mayor of the District of Columbia. The watershed covers 65,000 square miles (165,000 square kilometers) and includes Delaware, Maryland, New York, Pennsylvania, Virginia and West Virginia.

Hogan criticized Pennsylvania's recently released Watershed Implementation Plan. States in the bay's watershed have released plans to meet restoration goals by 2025. "The Commonwealth of Pennsylvania's final WIP falls far short of the federally established nitrogen goal by only achieving 73% of the required reduction," Hogan wrote. "Pennsylvania's plan also includes a troubling funding gap of over \$300 million annually."

J.J. Abbott, Wolf's spokesman, said Pennsylvania has made great strides in improving local water quality. The state spans over 15,000 miles of impaired streams, 33,000 farms and 350 municipalities, he wrote in an email. "Over 1,000 Pennsylvanians—farmers, foresters, academics, local municipal and community leaders, environmental advocates, and state government agencies—contributed their expertise to our plan." Abbott also noted that Wolf proposed farm legislation approved by lawmakers this year that makes a \$23 million investment with new conservation funding, with priorities to be given to counties in the bay's watershed.

A 2014 agreement between states in the watershed and federal agencies reaffirmed support for a regional approach and partnership, including a commitment to clean water goals by 2025.

Dai Morgan