

TO: Board Members

FROM: John J. Talaber, Esq.
Board Secretary

DATE: December 11, 2017

RE: Minutes – Board Meeting
November 15, 2017

In compliance with *Act 175*, known as the *Sunshine Law*, effective September 17, 1976, the Office of Chief Counsel provided notification to the public of the scheduled meeting on November 15, 2017, of the Pennsylvania Board of Probation and Parole.

The meeting convened at 9:00 a.m. on November 15, 2017, with Chairman Dunn presiding.

Board Members Linda Rosenberg, Ed Burke, Ted Johnson, and Mark Koch were present. Board Member Leslie Grey was in attendance via videoconference. Board Members Mike Potteiger, Everett Gillison, and Tony Moscato arrived at 9:04 a.m.

Also in attendance were Alan Robinson, Chief Counsel, Office of Chief Counsel; Maria Finn, Press Secretary, Office of Communications; John J. Talaber, Board Secretary, Office of Board Secretary; Luis Rosa, Director, Office of Reentry and Quality Assurance; Jennifer Storm, Victim Advocate, Office of the Victim Advocate (OVA); Deborah Carpenter, Executive Assistant to the Chairman, Edie Letherby, Director, Office of Administrative Services; Victor Wills, Director, Office of Policy and Legislative Affairs; Christian Stephens, Director, Office of Field Probation and Parole Supervision; Meghan Dade, Executive Director, Sexual Offenders Assessment Board (SOAB); and George Little, DOC Chief Deputy Secretary for Community Corrections and Reentry.

Governor's Office Policy Analyst Catherine McKeon was in attendance. Pennsylvania Sentencing Commission Executive Director Mark Bergstrom and Dr. Diane Shoop also attended the meeting.

I. APPROVAL OF OCTOBER 18, 2017 BOARD MEETING MINUTES

Board Member Burke made a motion to approve the board minutes as written. Board Member Johnson seconded the motion. There was no further discussion and the board quorum unanimously approved the minutes.

Chairman Dunn asked everyone in the room to identify themselves since there were guests at the meeting.

II. STAFF REPORTS

All reports referenced in public session were previously disseminated to the Chairman and will be made available upon request. Chairman Dunn expects senior staff to highlight two or three things in their staff reports at the board meeting since the board will no longer receive the reports in writing.

A. Office of Victim Advocate

Victim Advocate Jennifer Storm had nothing formal to report, and stated she was available for executive session. There were no further questions for Victim Advocate Storm.

B. Sexual Offenders Assessment Board

Executive Director Meghan Dade mentioned that the Pennsylvania Superior Court issued an opinion out of Butler County in which the sexual offender hearings were unconstitutional. Executive Director Dade noted there was a possible appeal pending (not from her office) and a legislative fix was also being considered. SOAB will be focusing their entire attention on parole board assessments. Executive Director Dade also mentioned that her office was working with the board secretary on how a board member could request and obtain a PCL-R. Chairman Dunn is putting together a small committee to work on the cost and other details to present to the board at the December 2017 meeting.

There were no further questions for Executive Director Dade.

C. Office of Board Secretary and Office of Chief Counsel

Board Secretary John Talaber reported that 16,601 files remained to be scanned in the filing room. The office was still on track to have the file room prepared for scanning and emptied by the end of December 2017. Board Secretary Talaber reported that the target date for the OnBase recommitment process is the end of March 2018. Board Secretary Talaber had nothing else to report and was available to the board as needed.

D. Hearing Examiners Office

Chief Hearing Examiner Chad Allensworth reported that a hearing examiner position was posted for people on the list and eligible. There were no questions for Chief Hearing Examiner Allensworth.

E. Office of Chief Counsel

Chief Counsel Alan Robinson stated he had nothing to report, and was available to the board as needed.

F. Office of Policy and Legislative Affairs

Director Victor Wills stated he had nothing to report, and was available to the board as needed.

G. Office of Communications

Press Secretary Maria Finn reported that Director Laura Treaster was coming back to work on November 20, 2017. Press Secretary Finn noted that the Governor's press office was reaching out to agencies, and encouraging op-ed ideas. Board Member Rosenberg suggested an article on the juvenile lifers. Press Secretary Finn noted that it was a hot topic and there were a lot of items out there right now. Board Member Rosenberg volunteered to write an op-ed if Press Secretary Finn wanted her to write one. Chairman Dunn encouraged the board members to email ideas to Press Secretary Finn.

H. Office of Administrative Services

Director of Administrative Services Edie Letherby mentioned that there were 70 candidates for the upcoming BTA. Director Letherby noted that the request to extend BTA from a six month to a twelve month program was with the Office of Administration for review. Board Member Rosenberg asked if the board has expanded the pool of candidates, or promoting from within, in the interest of diversity. There was a lengthy discussion of opening the civil service lists among the board members and senior staff. Board member Rosenberg stressed that we need to open up civil service agent positions to get more urban candidates on the list.

Chairman Dunn noted that the civil service commission is changing how they do things right now to reconfigure their system; hopefully in the beginning of 2018. Board Member Johnson stated we need a "full court press" in advertising about the test and positions to those communities in which we are not getting candidates. Board Member Johnson noted that part of the advertising needs to go into county probation, mental health, and drug and alcohol agencies.

Board Member Gillison asked what the agency is doing to train its current employees on diversity and to prepare them for management positions. Board Member Gillison wanted to make sure that we have leadership training. Chairman Dunn explained the three Commonwealth training programs for managers and mentorship programs. Board Member Gillison would like to see the programs expanded to more than two positions per year, reminding all that good leaders replace themselves. There were no further questions for Director Letherby.

I. Community Corrections and Reentry

DOC Chief Deputy Secretary for Community Corrections and Reentry George Little gave a brief overview of his background and his office. Chief

Deputy Secretary Little discussed budget issues and its impact on the C.C.C. and C.C.F. beds. Chief Deputy Secretary Little reported that around the beginning of 2018, a new policy will be instituted to have the reentrant out of the C.C.C./C.C.F. in 90 days (if feasible). Chief Deputy Secretary Little stated if they get past 90 days, there would be a lessening of privileges and more incentives for them to find a home plan. Chief Deputy Secretary Little noted that this may not apply to special populations that have historically been hard to place.

Chief Deputy Secretary Little stated that his office is working closely with medical treatment providers to aid in the transition. DOC has an agreement with DHS to get the reentrant placed into the COMPASS system 5 to 10 days prior to their release. Chief Deputy Secretary stated that the “go-live” date for this is March 2018. Chairman Dunn asked when additional beds would become available. Chief Deputy Little explained that his office is going to reevaluate how to handle where different populations are placed, and use this knowledge to decide the budget for fiscal year 2018-2019. Chief Deputy Little provided his thoughts on the merger, how long it may take, and the importance of the board being the biggest customer of his staff. Board Member Rosenberg thanked Chief Deputy Secretary for his comments.

J. Statistical Reporting and Evidence-Based Program Evaluation Office and Old Business

Executive Assistant William Otis, in his capacity as agency statistics liaison, gave a brief overview of the available reports. Board Member Rosenberg noted that when reviewing the reports, there were many that were no longer helpful, and agreed to reduce it to eight reports. Board Member Rosenberg encouraged board members to let Executive Assistant Otis know if they wanted additional reports or the frequency they wanted the reports.

Board Member Gillison asked about “real time” data, noting the fact it is not updated to be very frustrating. Chairman Dunn said that he would be discussing it with Dr. Bucklin the following Monday. Board Member Gillison noted that it would be a useful tool for the board members to hold themselves accountable to the policies they implemented. Board Member Johnson noted that he discussed it at the transition team meeting. Board Member Gillison stated that it is clear that the board’s requests are not being prioritized. Chairman Dunn noted that he would invite Dr. Bucklin to the next board meeting. The board members did not have any further questions for Mr. Otis.

III. NEW BUSINESS

A. Draft Resolution on Parole Application Cases

Victim Advocate Storm explained the draft resolution and background information to the board members. Victim Advocate Storm noted that the

resolution would reduce the docket for the board members concerning interviews; and would eliminate the need for a victim to testify and relive the events (but keep the option available to them if and when the inmate is considered in the future). Board Secretary stated it would affect about 250 cases per year. Chairman Dunn stated that in application cases, the board only approves about 5% of the cases.

Board Member Johnson raised a concern that the inmate would have a chance to be seen after a long "hit." Chairman Dunn noted that there is a safety feature built in based on the hearing examiner having the power to issue a recommendation that the case be placed on the normal docket. The Chairman would have the power to overrule the hearing examiner if he or she denied the opportunity to go on the normal docket. Board Member Gillison asked if it passed legal scrutiny to follow this resolution, and Chief Counsel Robinson replied "yes." Board Member Potteiger asked if the hearing examiner look at all cases (2 vote or 5 vote case). Chief Counsel Robinson stated "yes."

Board Member Grey asked about the "stipulation" terminology in the resolution. Board Member Grey asked what does that mean. Chairman Dunn replied that it applies to anything that was checked as a reason for denial of the initial parole. Victim Advocate Storm, Chief Counsel Robinson, and Board Secretary Talaber agreed with the Chairman that it was the interpretation when it was drafted.

Board Member Gillison made a motion to adopt Board Resolution 2017-05, which was seconded by Board Member Potteiger. There were no more questions or comments on the motion. The board voted unanimously to adopt Board Resolution 2017-05.

B. 2018 Board Meetings and Face-To-Face ("F2F") Schedule

Victim Advocate Storm gave a brief report on the two-day format of F2F, as well as going to satellite areas around the commonwealth. Victim Advocate Storm heard that the board was considering not holding its monthly meeting, and on behalf of OVA, she provided numerous reasons why they were not in favor of the idea. There was a general discussion among the board members and senior staff in the merit of holding the monthly board meetings. Chairman Dunn noted that if there was month that the board decided not to have a board meeting, the board members would still be responsible for coming in to do F2F interviews. Victim Advocate Storm stated that OVA would need six months to make any changes to its two-day schedule. The Board decided by consensus to keep the 2018 Board Meeting and F2F schedule as it is currently written.

Chairman Dunn noted that the board was going into executive session. Chairman Dunn asked if the public had any comments. There were none. Board Member Burke made a

motion to conclude the public session of the meeting, which Board Member Potteiger seconded. The board adjourned public session at 10:28 a.m.

IV. EXECUTIVE SESSION

The Board, Board Secretary, Chief Counsel, and Chief Hearing Examiner went into executive session to discuss specific parole cases at 10:37a.m., and remained in executive session until 11:54 a.m.

JJT