

TO: Board Members

FROM: John J. Talaber, Esq.
Board Secretary

DATE: July 17, 2018

RE: Minutes – Board Meeting
June 20, 2018

In compliance with *Act 175*, known as the *Sunshine Law*, effective September 17, 1976, the Office of Board Secretary provided notification to the public of the scheduled meeting on June 20, 2018, of the Pennsylvania Board of Probation and Parole.

The meeting convened at 9:00 a.m. on June 20, 2018, with Chairman Dunn presiding.

Board Members Maureen Barden, Everett Gillison, Leslie Grey, Ted Johnson, Mark Koch and Tony Moscato attended the meeting.

Also in attendance were Alan Robinson, Chief Counsel, Office of Chief Counsel; Chad Allensworth, Chief Hearing Examiner, Office of Hearing Examiners; John J. Talaber, Board Secretary, Office of Board Secretary; Victor Wills, Director of Policy and Legislation; Michelle Hiestler, DOC Statistical Office; Meghan Dade, Executive Director, Sexual Offenders Assessment Board (SOAB); Janaki Theivakumaran, Executive Assistant to Director Dade; Jennifer Storm, Victim Advocate, Office of Victim Advocate; Laura Treaster, Special Assistant to the Chairman; Deborah Carpenter, Executive Assistant to the Chairman; Bill Otis, Executive Assistant to the Chairman; Neal Kokatay, Executive Assistant to the Chairman; Farrah Conjar, Executive Secretary to the Chairman.

The Chairman recognized public guests, including members of the sentencing commission and staff members.

I. APPROVAL OF MAY 16, 2018 BOARD MEETING MINUTES

Board Member Gillison moved to approve the May 2018 board minutes; seconded by Board Member Johnson. There was no discussion on the motion and the board unanimously approved the minutes.

II. STAFF REPORTS

A. Office of Victim Advocate

Victim Advocate, Jennifer Storm had no formal update, but offered that no extra “Face-to-Face” days have occurred due to not enough cases. She will let the board know if there are any upcoming. Victim Advocate Storm made new staff Introductions – Miller Hoffman (Victim Assistance Coordinator), Kel Wilkinson (Policy Director) and Amanda Goddard (Victim Assistance Coordinator). There were no further updates or questions.

B. Sexual Offenders Assessment Board (SOAB)

Executive Director Meghan Dade reported that training of parole staff is underway. This training objective is to help staff identify which sex offenses and offenders require an assessment. Training is aimed at improving the process and avoiding the 6-9 month delay of dockets for people requiring a SOAB assessment. Janaki Theivakumaran, Executive Assistant to Director Dade, introduced intern Amanda Bender of the Labor and Industry New Intern program. Amanda is a sophomore at Shippensburg University, majoring in Criminal Justice and Psychology.

C. Hearing Examiners Office

Chief Hearing Examiner Chad Allensworth reported that a quarterly hearing examiner meeting occurred last week. He referenced the previously submitted agenda which included the objectives of the meeting. Chief Hearing Examiner Allensworth introduced staff visitors Karen Reis, retiring soon with over 34 years Commonwealth service, and Hearing Coordinator Sally Leeper. The two were taking the opportunity to observe a board meeting for the first time.

D. Office of Board Secretary (OBS)

Board Secretary John Talaber reported that July 12, 2018 is the rollout day for the recommitment process. Executive Assistant Deb Carpenter and Board Secretary Talaber will ensure that board members are trained. He also spoke to the new scheduling transition and selection efforts underway to fill the administrative assistant role. Chairman Dunn announced the idea of a combined scheduling unit between the hearing examiner's and the board secretary offices. No questions or comments followed the OBS update.

E. Office of Chief Counsel

Chief Counsel Alan Robinson introduced a Dickinson law student who will be working as an extern within the Office of Chief Counsel for few more weeks this summer. The Office of Chief Counsel continues transitioning and

melding with DOC legal, taking on the work of the field and transitioning that work to DOC. Focus will remain the same for the board's central office; decision-making for revocations, parole refusals and calculations. The board has no further questions or comments.

F. Office of Policy and Legislative Affairs

Director of Policy and Legislation Victor Wills advised we are still without a name for a board member appointment. Potentially, we will not have a replacement for former Board Member Burke until fall, due to the budget which may be finished on time. Reportedly, we would see increases of approximately \$1.4 million for SOAB, \$171,000 for OVA, and \$9.17 million for supervision. JRI II is mired in House Judiciary Committee and it's not likely to be seen until 2019. The Governor signed Act 29, the second half of SORNA. This should address most, if not all, of remaining concerns with SOAB. No comments or questions followed.

G. Laura Treaster, Special Assistant – Press, Media, Website

Projects are continuing as they were in the previous months; working on the board's website and other projects as they come up. Special Assistant Treaster sent an email yesterday to board members with the final approved response from the Governor's office in response to the Columbia University findings. An approved response was sent to the opinion section managing editor, of the Philadelphia Inquirer for publication earlier this morning. Board Member Johnson suggested a copy be sent to Columbia University. Board members will receive a copy. No questions followed regarding Mrs. Treaster's update.

H. Chairman Dunn's Executive Assistants

1. Executive Assistant Bill Otis informed the board that Jason Stauffer, Parole Manager 2, Central district would be presenting an overview of EPICS, Effective Practices in Community Supervision, a training course given to all agents.
2. Executive Assistant Neal Kokatay asked the board members what changes they wanted to see in the 361 process. Board members were asked to email or meet with Mr. Kokatay with questions, working from latest draft provided prior.
3. Executive Assistant Deb Carpenter announced the transition of her new position working with the Public Safety Delivery Center for Dustin Rhodes. She was not sure when the transition would happen. Regarding the consolidation steering committee, they are still meeting on Mondays. They are finalizing recommendations and moving them forward. Nothing has been finalized until the steering

committed makes the approvals, then they are sent to the Secretary for approval. Steering committees wrap up around July 2, 2018. A meeting is scheduled for July 11, 2018 in Elizabethtown. Committees will meet on how they plan to move forward with recommendations. Referring to the steering committee report, Board Member Gillison asked whether or not the report will be in writing and for a draft to review, for trend analysis. Mrs. Carpenter commented that a spreadsheet can be shared, once finalized. No comments or discussion followed.

Chairman Dunn added that he is looking at filling Deb's position, taking resumes at this time. Selections for this position will be made by the Chairman. Chairman Dunn welcomed any recommendations for candidates. Resumes will be accepted, at the latest, by the end of next week.

III. OLD BUSINESS

A. Data Reports and Dashboard Discussion

Ms. Michelle Hiester, Department of Planning, Research and Statistics addressed two topics:

1. Exploring what would happen to the decisional instrument if we replace the OVRT with the violence forecast model, the Berk forecast. Analysis handouts were provided. She explained that a couple of different methods of replacing the OVRT within the 361 were utilized. Referencing the handout, she reported estimated grants increased slightly, 2.3%. All three methods are showing very slight differences when considering the violence forecast model and replacing the OVRT. Regarding missing cases, about 6% in 2017 are missing for various reasons. A majority of these are minimum and minimum review cases. Incorporating that information into each of the three methodologies did not change the match rate much. Prior match rate was approximately 95% using OVRT v. violence forecast model; is now approximately 93%.

Ms. Hiester's office is working to automate the Violence Forecast Model process with hopes of decreasing the number of cases that are missing due to human intervention. Chairman Dunn mentioned the matter of an entry glitch. Ms. Hiester responded saying that in the past month a date issue was discovered. It has been resolved and updated forecasts are going out to agents. Automation will mitigate this type of issue in the future.

2. Updating recidivism rates for the re-entry program. In 2016, the re-entry program was evaluated. It was compared to a control group and it was found that in the first two years it was mitigating the

recommitment rate. The re-entry program was doing better than the control group. In the third year, there were very similar results as the control group. The recommitment rates were updated as of 2018 and very similar rates to 2016 were found. Further analysis and review of the data (handout) continued. She reported findings of *status quo* of what was seen after the previous trial, two years ago. A copy will be emailed, at Board Member Gillison's request. Time will be allotted at an upcoming meeting to discuss further, per Chairman Dunn. No questions followed.

Chairman Dunn called for a brief recess at approximately 9:35 a.m.

Chairman Dunn reconvened the meeting at approximately 9:45 a.m.

B. Robina Update

Robina Institute of Criminal Law representatives gave a presentation, focused on qualitative results. Robina is taking a mixed method research approach – quantitative and qualitative. The quantitative approach focuses on the 361 and how decisions are reached, and a dataset from PCS that included all parole decisions for a 6 year period, from 2010 to 2016. The data shows the release rate continues to average about 55%. The qualitative portion involves the interview portion. A recidivism data set has been linked with the (qualitative) interview data set by PCS. Robina will be looking to see whether the board decision to release ends up in recidivism. Robina staff will return to the board to present on that data in approximately two months.

1. Quantitative overview - for first interviews, a little over a half got released; decreasing to approximately 45% for subsequent interviews. Regarding the guidelines score (1-15) used for suggesting parole or denial, approximately 15% of first interviews have a score that is 7 and above. The remaining 85% that do have a suggestion for release - about 30% of those are denied suggesting that maybe the guidelines score is not working as well as it should. About a third of the time it appears that board members are seeing some other factor(s) causing a departure from the guideline. Board Member Johnson asked for clarification, and the representative clarified that about 30% of the time the guideline is suggesting a release but the decision is not made to release.

In terms of the 15% of the first interviews that have a suggestion for denial, 77% of those are not released. A small percentage are released even when denial is suggested. She stated that Robina will be working on the review of an instrument the board might be able to more closely rely on.

The representative referred to a prior request of the board to provide individual statistics for board member denial rates. The current data

set does not support the request. However, Robina was able to determine that out of all the decisions that are made by a single decision maker, 35% of those are denied parole and about half of the panel interviews get denied. It appears that when board members make decisions alone, that approximately 48% are denied and for 35% release is allowed. Some discussion ensued regarding clarification of the data. Robina will be obtaining a new data set from Department of Corrections. The process has already started by looking at current board members, by code not by name, to link up data set in order to decipher decisions.

2. Qualitative presentation - the two Robina representatives went into three Pennsylvania institutions, interviewing inmates about the parole release process, inmate experiences with being denied parole, and their plan for getting ready for the next parole hearing. The presentation went on to include information regarding first interviews and subsequent interviews.

The qualitative portion of the research was presented at a recent national conference giving the inmates' perspective on the interview and parole process. The sample for the qualitative interviews included offenders who had been denied parole at some point within the last few years, were up for re-parole in the near future and were at medium risk on the LSIR (meaning that the interview had the potential of being approved or denied). Robina advised the board that the qualitative research was focused on the perspective of the inmate. SCI Graterford and SCI-Muncy inmates provided most of the data sample in recorded interviews with Robina. The interviews took place in October 2017, November 2017 and June 2018. Robina also visited SCI- Houtzdale a week prior to the board meeting to increase the sample size. There were a total of 65 inmate interviews.

The study was grounded in the idea of procedural fairness, a theoretical concept of criminology. The premise is that when people view the system they participate in is fair, and view the authority figures and processes as legitimate, they are likely to comply with the laws. This premise is based on perceptions. Robina suggested this is important to consider when reviewing the qualitative portion its research. Robina stated that this is an evidence-based practice. Robina suggested that positive outcomes can include less interventions with prisoners and fewer behavioral issues. The presentation continued with comments, questions and discussion regarding:

- a. The number of participants – 43 (16 women, 27 men) were randomly selected by Robina from a pool of inmate names provided by the Department of Corrections, following the participation guidelines stated above. Interviews were

voluntary, lasted for about 30 minutes, have been transcribe and coded. Interview sample questions were shared with the board.

- b. The preparedness for the interview – how inmates prepared; how they felt going into and going through the parole interview; how they relied on one another for insight to the process, what they felt was important to board members.
- c. Recurring themes that emerged – inmate concern or efforts toward completion of prison programming; making sure that they're misconduct free; demonstrating remorse and responsibility (how to express remorse) and being honest; perceptions about the effectiveness of program; and the misperception that the minimum sentence also equated to parole, rather than potential of serving time beyond the minimum. Inmates don't seem to understand what is meant by a 'demonstration of remorse', and expressed a feeling of cultural disparity from board members. Robina suggested that remorse and behavioral change have inadvertently been integrated into the 361.

3. Closing observations/comments:

- a. Training and education to the parole process will be helpful in resolving the conflict in perceptions about an unfair judicial procedure.
- b. Some inmates expressed an interest in moving toward a model to establish a fixed sentence.
- c. Inmates felt moral character pre-judgement had occurred prior to their parole interview; want to be given a chance to redeem themselves.
- d. There is a need for more institutional support prior to the interview and more meaningful classes.

Robina will submit a written report to the board in the next two months. The presentation ended with no further discussion or questions.

C. Parole Conditions

Chairman Dunn brought forth points arisen out of the hearing examiner meeting. These will be put on a future agenda as training items:

1. General conditions - what does not need to be included in board actions because they already exist in law or regulation?
2. Board members should not include any reference to child custody within decisions

D. Board Schedule Changes

Chairman Dunn stated:

1. Please do not make changes between members without going through OBS.
2. Video conferencing from home should be free of distractions.
3. Wear professional attire when videoconferencing.
4. Please be thoughtful about travel arrangements, to avoid unplanned resources to make changes, potential penalties and other costs. Do not cancel travel unless true emergencies or exigent circumstances.
5. An email will follow, summarizing these points.

Board Member Gillison moved to adjourn the public session, Board Member Johnson seconded. The board unanimously voted to adjourn the meeting at 11:56 a.m.

JJT/SST