TO: Board Members

FROM: John J. Talaber, Esq. Board Secretary

DATE: March 6, 2019

RE: Minutes – Board Meeting January 16, 2019

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 January 16, 2019, of the Pennsylvania Board of Probation and Parole.

The meeting convened at 9:04 a.m. on January 16, 2019, with Chairman Dunn presiding. A quorum of board members was established.

Board Members Everett Gillison, Leslie Grey, Ted Johnson, Mark Koch, Tony Moscato, Linda Rosenberg, Maureen Barden, and Jim Fox were in attendance.

Also in attendance were Chad Allensworth, Chief Hearing Examiner, Hearing Examiner Office; John Manning, Assistant Counsel, Office of Chief Counsel; Pennie Hockenberry, Director of Victim Services, Office of Victim Advocate (OVA); Meghan Dade, Executive Director, Sexual Offender Assessment Board (SOAB); Janaki Theivakumar, Executive Assistant to the Executive Director, SOAB; John J. Talaber, Board Secretary, Office of Board Secretary; Victor Wills, Director of Policy and Legislation; Christian Stephens, Department of Corrections (DOC) Deputy Secretary; Gary Holland, Deputy Chief Hearing Examiner; Michele Hiester, DOC Statistical Office; Laura Treaster, Special Assistant to the Chairman, Neal Kokotay, Executive Assistant to the Chairman; and Farrah Conjar, Executive Secretary to the Chairman.

The Chairman recognized public guests Mark Bergstrom, Executive Director of the Pennsylvania Sentencing Commission; Dr. Diane Shoop, Executive and Policy Support Manager of the Pennsylvania Sentencing Commission and Tara, Intern Sentencing Commission.

I. APPROVAL OF DECEMBER 12, 2019 BOARD MEETING MINUTES

Board Member Moscato moved to approve the December 12, 2018 board minutes, which was seconded by Board Member Grey. Board Member Rosenberg noted that the minutes were not detailed about the discussions that occurred, and asked that a notation be placed on the minutes that there was an audio tape available in addition
to the minutes. The board unanimously approved the minutes directing that Board Member Rosenberg’s notation be placed on the minutes.

II. STAFF REPORTS

All reports referenced in public session were previously disseminated to the Chairman and will be made available upon request. Chairman Dunn requested that senior staff present a summary of the changes or achievements in their areas from the past year and any major projects they are currently working on.

A. Office of Victim Advocate

Ms. Storm distributed the annual report of accomplishments from the past year. OVA has two employees that will be starting with many years of experience, either in juvenile justice advocacy in the courts or within juvenile detention facilities. Two other new staff members are in the background process. These are positions obtained due to a federal grant.

General questions were answered regarding training location and dates for upcoming SOAB trainings.

A question was raised regarding duplicate OVA data within Onbase. Mr. Talaber responded that efforts are underway to electronically remove redundancies. Mr. Talaber will obtain a status at the upcoming Onbase meeting.

B. Sexual Offenders Assessment Board (SOAB)

Executive Director Meghan Dade asked board members to email any topic of interest for the September training. There were no further updates or questions.

C. Hearing Examiners Office

Mr. Allensworth referred to his previously submitted handout that summarizes 2018 accomplishments and goals for 2019. The hearing examiner division is in the process of selecting two candidates for hearing examiner. They will be posting a third toward the end of January 2019 to replace Hearing Examiner Mark McCormick, who has accepted an appointed position. iPads will be obtained for hearing examiner's in order to speed up the interview process. Some conversation ensued regarding the shallow qualified applicant pool and the process through HR to address geographic concerns that might help add more people to the list.
Board Member Rosenberg reverted to the Office of Board Secretary update with a question regarding the posting of board decisions online. Mr. Talaber clarified that the already public green sheet would be available on the internet.

Board Member Johnson raised the question of the status of the board mission statement considering Mr. Wills’ departure. Mr. Wills offered that the application to the national governor’s association was accepted. They will be coming to work with a core team including Board Member Barden, Chairman Dunn, a judge from the Commonwealth court, PA Department of Corrections Secretary Wetzel and Chief Hearing Examiner Allensworth. There will be in person meetings as well as telephone conversations. More information will be forthcoming in the next few weeks. Mr. Wills will be sending, to the board members, a copy of the application and the RFP.

D. Office of the Board Secretary

Mr. Talaber distributed a handout that highlights what was accomplished last year and the goals for the upcoming year. No further update was provided.

E. Office of Chief Counsel

Assistant Counsel, John Manning informed the board that statements of financial interests are due by May 1, 2019. These are available online and must be completed online. This includes the governor’s code of conduct and the state ethics commission. The legal office is ready, willing, and able to help any board member who may need assistance. There were no further questions for Mr. Manning.

F. Policy and Legislative Affairs

Director Wills reminded the board that this is his last board meeting, as he will be leaving for a position within the department of state. Mr. Neil Malady will be coming aboard this afternoon, and he will be around for introductions. Mr. Wills referred to his previously submitted report regarding meetings that Chairman Dunn and Mr. Neil Malady have been setting up before the appropriations hearing. Chairman Dunn thanked Mr. Wills publicly for his contribution over the past few years.

G. Chairman’s Assistant

Special Assistant to the Chairman, Laura Treaster reported that most of the topics she is currently involved in are regarding the website or the intranet. She has also been working with the administrative aspects of the consolidated intranet project. Challenges continue for this complicated
project, but things are moving forward. Pending items from 2018 are a priority, including any unforeseen communication issues that may arise.

III. OLD BUSINESS

A. Risk Assessments

Executive Assistant Neal Kokatay provided an update regarding the RFP for the risk assessment. The Department of Corrections had a couple of items that needed to be flushed out for this to move forward. Mr. Kokatay was able to work with DOC to complete these items so that they could be submitted. The committee will be meeting in the week following the board session to finalize for submittal. Mr. Kokatay has also been doing research on the efficacy of therapeutic community outpatient treatment. He informed the board that they have received an email from him including some helpful research articles. He also included in the email a written summary of the information.

B. Sentencing Commission – Mark Bergstrom, Executive Director

Mr. Bergstrom offered his thanks for the board’s participation at the retreat on Monday, January 14, 2019. Mr. Bergstrom’s overview of the retreat followed. Members of the board have identified a few factors that details are wanted on; for example, a breakout of offences and recidivism measures. Sentencing Commission staff will work on this and prepare it for submission to the board for the next board meeting. There was also a discussion about conducting an online survey to try to identify missing information or the scaling of information. His staff will be working on a draft during January, with hopes of having it available online for members and hearing examiners in February. The objective is to package that information and to have it ready for the board meeting in March. Additionally, the plan is to prepare a small written report, building in the greater details and the survey responses. The goal is to have this ready by March, as well. The 361 was another matter for review. It will serve as a starting point for any modifications the Commission would recommend. The Commission will continue to provide a monthly report about steps they are making. Mr. Bergstrom suggested that further conversations would be beneficial regarding a potential framework or template.

Ms. Rosenberg commented that there is a need for more discussion around concerns within the community regarding the use of risk assessment for parole decisions. Mr. Bergstrom responded in agreement and in support a further consideration. There were no further questions for Mr. Bergstrom.

C. Onbase Staff
The Office of Administration, IT, has agreed that a third person is needed. Qualified Onbase candidates are difficult to find. The second Onbase staff person recently started working. The recruitment and selection costs for the third Onboard position will come out of the board’s budget. Regarding a contracted statistical position, the consideration would be for a part-time person. However, contract positions are very costly. Chairman Dunn presented an alternative, discussed with the statistics office. The statistics office has a contract worked out with Penn State’s criminal justice group for a PhD to come in 2 to 3 days per week to help with Department of Corrections related matters. Dr. Brett Bucklen is planning to reach out to the director there to see what the cost would be to have someone come in here 2 to 3 days per week. This person would meet with board members and hearing examiners to help pinpoint the most important factors for taking the current online performance metrics to a higher level. Chairman Dunn reviewed the budget and some discussion ensued in consideration of funding the Onbase position.

The 2018-19 budget (ending June 30, 2019) is $12.3 million total ($11.2 Personnel, $1.1 Operating); approximately projected surplus is $584K (mostly Personnel). The 2019-20 budget is $12.1 million total ($10.9 Personnel, $1.1 Operating). Surplus is projected to be approximately $75,000.

The OnBase contracted position will cost approximately $175,000; Statistical Developer position is estimated at $150,000 or approximately $40,000 for a Criminal Justice JD fellowship.

Conversation also took place regarding $40,000 (a third of $120K DOC and PCCD are also offsetting) the board has contributed for three years for the County Commissioners Association to work with County Chief Association to look at evidence-based practices. The board has received a request to fund this project for an additional three years. Considering budgetary items discussed and expected constraints, Chairman Dunn invited board feedback regarding the choice to fill the Onbase position over other potential events.

Approximately, $405,000 is needed to fund all.

BM Grey raised the question regarding an assistant for general board support. Chairman Dunn discussed the possibilities of resources available to fill the Onbase position coming through staff attrition. Mr. Fox offered that moving forward with the Onbase position is in favor. BM Rosenberg raised the question for whether human resources are available from DOC through the MOU. Chairman Dunn explained that positions may no longer be available at DOC. Mr. Johnson revisited the idea of meeting with the DOC to see where collaboration might be possible. Conversation continued regarding options other than funding the Onbase position.
D. Reports - DOC Statistical Office, Michele Hiester

Monthly reports are available on the web. Ms. Hiester will send an email with information for how to locate the reports. The hearing examiner workload report is generated through the hearing examiner office. The requested reports regarding recidivism are possible. A quarterly report is not currently generated. There has been some discussion to generate an annual report. Ms. Hiester asked Neal Kokatay if he will be willing to share his information regarding the therapeutic community in outpatient treatment. Invited any items the board would like to see covered at next month's board meeting.

E. e361 Update

Board Secretary Talaber asked how the e361 is working for the decision makers. Feedback was favorable and enthusiastic. Board Member Grey asked for a solution to prevent the need to bring the laptop into the central office in the event of a device lockout. Board Member Rosenberg raised the point for a list of points of contact. Chairman Dunn asked if this list would be published online and included as a card within member laptops. A lengthy conversation took place regarding access for technical or other assistance after hours, the e361 and OVA workflow ideas. Chairman Dunn requested that ideas be forwarded to Mr. Talaber.

F. Parole Agent Hearing Training – DOC, Deputy Secretary Christian Stephens

Mr. Stephens handed out a copy of the hearing training schedule. This class is the first with a one-year probationary period. Mr. Stephens’ office met with BTA upon learning of the plan to reduce the training from two days to four hours. The new plan is to do the four-day training. The following week, upon completion of BTA, class attendees will return for two days of hearing training. Additionally, on the job training will consist of having agents sit in on hearings prior to conducting a hearing. The additional six months of probationary time will be utilized for hearing training and to incorporate a legal report writing portion. The academy is working with Mr. Holland and Chief Counsel Alan Robinson to establish a curriculum for the training of agents concerning hearings. Mr. Johnson inquired about specialized hearings. Mr. Stephens replied that DOC is still looking at it. There is a lot of transition currently. DOC is still considering piloting out of one district. It will be revisited once some of the transition is resolved. Mr. Stephens fielded general questions. Mr. Gillison and ask for a review of the past year of what has been accomplished, what remains a challenge, or a basic SWOT analysis. Mr. Stephens asked for time to prepare a response that will be submitted to the board prior to the next board meeting. A question and answer period continued for DOC Stephens until it was acknowledged that no other questions remained.
Board Member Fox moved to adjourn the public session, which was seconded by Board Member Johnson. The board unanimously voted to adjourn the meeting at 11:02 a.m.

JJT/sst