TO: Board Members

FROM: John J. Talaber, Esq.
      Board Secretary

DATE: March 6, 2019

RE: Minutes – Board Meeting
    February 13, 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 February 13, 2019, of the Pennsylvania Board of Probation and Parole.

The meeting convened at 9:00 a.m. on February 13, 2019, with Chairman Ted Johnson presiding. A quorum of board members was established.

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

Also in attendance were Chad Allensworth, Chief Hearing Examiner, Hearing Examiner Office; Alan Robinson, Chief Counsel, Office of Chief Counsel; Jennifer Storm, Victim Advocate, Office of Victim Advocate (OVA); Pennie Hockenberry, Director of Policy, Office of Victim Advocate (OVA); Meghan Dade, Executive Director, Sexual Offender Assessment Board (SOAB); Janaki Theivakumaran, Executive Assistant to the Executive Director, SOAB; John J. Talaber, Board Secretary, Office of Board Secretary; Neil Malady, Director of Policy and Legislation; Michele Hiester, DOC Statistical Office; Deb Carpenter, Special Assistant to the Chairman; Neal Kokatay, Executive Assistant to the Chairman; and Farrah Conjar, Executive Secretary to the Chairman.

Chairman Johnson opened the meeting with a statement regarding improvements in the process since the days of paper administration out of boxes. He offered his thanks to Board Member Dunn and former Board Member Mike Potteiger for their hard work in moving the board forward. Chairman Johnson also expressed appreciation for board members who worked through that prior tedious process.

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.

I. APPROVAL OF JANUARY 16, 2019 BOARD MEETING MINUTES
Board meeting minutes from the January board meeting will be distributed after the February meeting, and voting on the minutes will occur during the March board meeting.

II. STAFF REPORTS

A. Office of Victim Advocate

Victim Advocate Jennifer Storm, Office of Victim Advocate provided the update. A grant was awarded from the Pennsylvania Commission on Crime and Delinquency. The grant will enable OVA to do regional trainings across the Commonwealth, over the next two years. The district offices will be targeted for this training. Training is for probation and parole agents. County agents will be invited as well. The training will focus on what it is like to supervise domestic violence offenders; how to better work with the Office of Victim Advocate and the victim community; and how to supervise the offender in a way that is purposeful. OVA will be assembling an advisory committee. A consultant will be starting within the next two to three weeks and the advisory committee will follow.

OVA is watching legislation (HB276) regarding Marcy’s Law and anticipating it to move at the House on February 19, 2019. This is a constitutional amendment for victims’ rights that gives standing in court, making victims’ rights enforceable. This legislation takes statutory victims’ rights and elevates them to constitutional rights. It will be on the ballot in November 2019. A statewide poll shows that 87% of voters would vote in the affirmative if they were voting today. Ms. Storm fielded questions regarding the upcoming training before ending the update.

B. Sexual Offenders Assessment Board (SOAB)

Executive Director Meghan Dade made reference to the upcoming training on March 8, 2019. The training will be held at the Sheraton Harrisburg. The topic will be the role of trauma and attachment in the development and treatment of sexual offenders. Executive Secretary Farrah Conjar ended the update by asking board members to notify the Board Secretary Talaber if they plan to attend the training.

C. Hearing Examiners Office

Chief Hearing Examiner Chad Allensworth reported that things are flowing pretty well in his area aside from some minor issue with Onbase. Reporting functionality was down for a couple of days. As of today, reports are back online and both package and reports can be launched. Chief Hearing Examiner Allensworth stated that his area is still in the process of filling two
of their Hearing Examiner vacancies. These are in the selection process and pending with HR for approximately three to four weeks. A third vacancy exists. The hearing examiner office is working on changing the Education and Training portion of their testing. This will help with gaining a better understanding of who are the best candidates. The thought is by adding more detail better qualified candidates will be identified.

D. Office of the Board Secretary

Board Secretary John Talaber reported that things are progressing with the e361 process. There has been little feedback regarding any problems with the process. The next phase will involve circulating the decisions by way of electronic means. Regarding these violent forecast reports, they should now be indexed correctly. Board Secretary Talaber stated that if anyone is experiencing problems, please continue to provide him parole numbers. OBS staff review every case to see if there is truly a problem or perhaps lack of information. Board Secretary Talaber fielded questions regarding his update before Chairman Johnson moved on to the next staff report.

E. Office of Chief Counsel

Chief Counsel Alan Robinson reported that a memo has been circulated regarding a case that makes fundamental alterations as to how parole calculates sentences for convicted parole violators. Chief Counsel Robinson reserved further comment for the executive session.

F. Policy and Legislative Affairs

Director Neil Malady stated that legislation is starting to come in for which he will look to board members for comments. Regarding the National Governors Association (NGA) proposal, they would like to do an on-site visit sometime in March. Also, two members need to be replaced on the National Office of Interstate Commission. Both of our oversight chairs in the House and Senate have retired. The board, through Director Malady’s office, will need to work with the governor's office of Public Liaison to get those done. Board Member Fox asked Director Malady to share the NGA proposal and information with the board. General conversation followed regarding representation from the group, timeframe for it to begin, and amount of funding within the proposal.

There is a current piece of legislation that would require Corrections Officers, who oversee inmates, to create a report and speak before the board during the parole hearing, either in person or in writing. General and various conversations ensued in consideration of this update. Director Malady will continue to learn the intricacies of PA parole and the parole board operation as it relates to his work on Capitol Hill. The Policy and Legislative updated ended without further question or comment.
G. Chairman's Assistants

Special Assistant to the Chairman, Laura Treaster reported that The APAI draft has been completed. The presentation is needed for an upcoming conference. There is a pending media request from WHYY for a podcast on the juvenile lifer process. Special Assistant Treaster will need dates from the board for this. Special Assistant Treaster is also waiting for their information such as dates, times, topic, and location.

III. OLD BUSINESS

A. Sentencing Commission

Executive Director Mark Bergstrom Director stated that during the January 2019 retreat there had been some discussion about doing a recap and having that report ready for March. Included in that report will be some responses to questions raised by the board. Also during the retreat, a discussion took place about a survey to try to fill in some of the gaps in the Rowena findings. Two different surveys were discussed – one for board members and one for hearing examiners. At that time, Board Members Rosenberg and Barden had agreed to help review a draft. They did, and provided very useful comments after their review. The draft should be sent to the board by the end of the week by way of email. The hope is that the survey can be completed online, by the end of the month. With that, results should be prepared by the following month's board meeting. General conversation ensued and the report ended.

B. Fulfillment of Chairman Duties

Chairman Johnson commented on the great accomplishment of getting Deb Carpenter to return to the board. He also added that key to his role and chairman duties will be the work of Board Secretary John Talaber; Chief Hearing Examiner Chad Allensworth; and Special Assistant to the Chairman, Deb Carpenter.

C. DOC Statistical Office, Michele Hiester

Ms. Hiester offered her thanks for the feedback received on the violence forecast model. Her office is working to automate the work involved including OnBase. She proceeded with a reminder to the board of ways they can help the process; such as, providing to OBS individual cases that are missing. This will be helpful during the review and adjustment process in order to make sure everything is working properly. The objective is that by summer 2019 the process would be automated. Ms. Hiester distributed a handout
displaying a diagram of the process including the human resources involved. A brief period of questions and answers follow before the update ended.

D. Board Mission Statement Update and Board Member Complaint Policy

Board Member Dunn, regarding the mission statement update, commented that previous thoughts were to include this as part of the NGA process, as technical assistance. Board Member Rosenberg asked for clarification on the purpose of the NGA collaboration. Board Member Dunn explained that the purpose is generally to help the board improve decision-making overall, and in ways the board feels it is necessary. Board Member Fox read a description of the purpose of the NGA collaborative. Members spent some time discussing the current mission statement, making suggestions and a plan for a new or adapted statement.

Board Member Dunn, concerning the complaint policy, presented a draft of how to handle situations if there were complaints about board members. The proposed plan was broken down into three complaint areas:

- Behavior/Actions - should be referred to the chairperson.

- Any documented form that involves allegations of discrimination, sexual harassment, non-compliance state or executive directives - refer to OIG for investigation

- Allegations or violations of a code of conduct - The Chairperson would decide what action is necessary or to simply remind the board member of the code; Allegations of misconduct by the Chair should be referred to OIG by a board member or staff person for review.

Some discussion and questions about the practice of other boards took place. Executive Assistant to the Chairman, Neal Kokatay was tasked with finding out how other boards operate in this regard. Chief Counsel Alan Robinson will verify with DOC and confirm whether he can act as a screener/investigator/arbitrator for this process.

E. DOC Treatment Program Update - Christian Stephens, DOC Deputy Secretary (in absentia)

Deputy Secretary Stephens sent a list to board members by email, prior to the session. Chairman Johnson confirmed with the board members receipt of the list. Board members responded in the affirmative. Board Secretary Talaber requested a copy, for the record. Further review will be postponed until an upcoming session, with Deputy Secretary Stephens present.
IV. NEW BUSINESS

A. Case Amnesty

Board Member Fox presented a proposal to implement case amnesty for days of uninterrupted time away from work. The proposal requests that amnesty would be granted for up to two weeks per year, per board member. The proposal was accepted unanimously, as a practice, and without need for a resolution. A handout was distributed outlining the details.

B. ICSA – DOC Changes

Chairman Johnson received information regarding changes that are proposed for the Parole Summary/Integrated Case Summary Application (ICSA). Neal Kokatay, Executive to the Chairman, commented that two proposed changes could affect board member decision making. Some conversation and review of the previous version resulted about the important and relevant aspects of ICSA as it relates to board decisions. The subject of determining whether criminality is escalating or de-escalating received much attention. Chairman Johnson requested that an end-user take part on the committee coordinating this change. Preferably, an end-user would be a Hearing Examiner and a board member. This will better ensure the committee understands how parole decision makers are utilizing ICSA. Chairman Johnson will request a training and information session with Mr. Mario Dirienzo, Parole Supervisor, Laurel Highlands for the March board session.

C. Parole Release Decisions

Board Member Rosenberg referenced a University of Cincinnati report (Rowena’s final report). The report contained information about inmates who were denied parole. Board members will gain insights from Rowena that may be helpful during board member discussions about decisions made and how hearings are conducted. A copy of the report was provided and the update ended without further comment.

D. Mandatory Parole Conditions

Chairman Johnson referred to an article in the Philadelphia Inquirer where a complaint was lodged about parole conditions that were set. General suggestions and comments were made about how board members ought to consider criticisms, commentaries of complaints, or overall potentially negative feedback. Further discussion ensued about the issue in the article, in consideration of probable other resolutions for similar cases. Further comment was reserved for the executive session.
Board Member Barden moved to adjourn the public session, which was seconded by Board Member Dunn. The board unanimously voted to adjourn the public session meeting at 10:20 a.m.

The Board entered Executive Session at 10:36 a.m. to discuss cases and to obtain legal advice. Executive session adjourned at 12:05 p.m.

JJT/sst