TO: Board Members

FROM: John J. Talaber, Esq.  
Board Secretary

DATE: April 15, 2019 AMENDED MINUTES

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

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

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

Also in attendance were Chad Allensworth, Chief Hearing Examiner, Hearing Examiner Office; Alan Robinson, Chief Counsel, Office of Chief Counsel; Tanner Widdowson, Director of Victim Services, Office of Victim Advocate (OVA); Karen Laird, Director of Victim Services, OVA; Tara Gross, Victim Assistance Supervisor, 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 (OBS); Neil Malady, Director of Policy and Legislation; Office of Policy and Legislation; Dr. Brett Bucklen, Director, DOC Statistical Office; Laura Treaster, Special Assistant to the Chairman; Deb Carpenter, Special Assistant to the Chairman; Neal Kokatay, Executive Assistant to the Chairman; and Farrah Conjar, Executive Secretary to the Chairman.

I. APPROVAL OF BOARD MEETING MINUTES FOR JANUARY 16, 2019 AND FEBRUARY 13, 2019

Board Member Gillison moved to approve the board minutes for both months; seconded by Board Member Barden. The minutes were approved unanimously. An audio recording is available for each.

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.
II. STAFF REPORTS

A. Sexual Offenders Assessment Board (SOAB)

Executive Director Meghan Dade reported that the next quarterly trainings are not until September and November 2019. Dates, topics, and invitations will follow as the months draw closer.

B. Office of Chief Counsel

Chief Counsel Alan Robinson reported he is continuing to consolidate practices with DOC legal office. No further update was provided.

C. Office of the Board Secretary

Board Secretary John Talaber – No update.

D. Hearing Examiners Office

Chief Hearing Examiner Chad Allensworth reported that the majority of Hearing Examiners (HE) now have iPads. The remaining HEs will be given theirs at the end of the month. This should speed up the interview process. Several issues were addressed at the HE meeting last week. Two new HEs will be starting in April and will go through training for approximately one month. Mr. Allensworth asked if the board wants to have a Corrections Officer (CO) present in the interview hearing rooms with the decision maker(s). This question was raised by some institutional staff. It seems some of the SCIs are not in favor of this, due to costs incurred. Mr. Allensworth suggested the issuance of a joint memo from the board and DOC if guards are to remain present, as there is no written guideline currently. Some discussion took place regarding operational and safety needs. Board members replied in favor of having COs present. Chairman Johnson indicated that he will speak with DOC leadership to decide if a memo is needed. Further discussion took place about past incidents or near incidents, as well as issues of getting electronic equipment (e.g. board iPads) into the SCI.

E. DOC Office of Statistical Reporting, Dr. Brett Bucklen – No Update.

F. Policy and Legislative Affairs

Director Neil Malady reported that Chairman Johnson represented the board well on the proposed medical parole legislation during the Pennsylvania senate budget hearings. A general discussion took place among the board members. Mr. Malady welcomed further questions, views, general comments or thoughts about the medical parole proposal. Chairman Johnson delegated to Mr. Malady the duty of coordinating a response that will present board feedback on the issue. Mr. Malady notified the board of an upcoming workgroup with members of the DOC, OVA, PCCD. Chairman Johnson stated that the board will come together prior to the
workgroup in order to outline concerns about the medical parole proposal. Legislature will be in session through June 2019.

III. OLD BUSINESS

A. January 2019 Retreat Update

Executive Director Mark Bergstrom and Dr. Brett Bucklen provided a handout for reference during their update. The update included information about topics such as 361s, board decision making, and recidivism. A final report will be provided at next month’s board meeting after survey responses are incorporated. After some general discussion and review of the handout there were no further questions.

Executive Director Bergstrom recognized Board Member Dunn for accomplishments during his service as chairman of the parole board. Specifically, Mr. Bergstrom commented on the time period between 2016-2019 when Mr. Dunn served as a member of the Pennsylvania Commission on Sentencing, Ex Officio. Mr. Bergstrom commented that Mr. Dunn did an excellent job representing the board with the commission. In addition, Mr. Dunn gave the Sentencing Commission greater access to the board, allowing partnerships that would not have happened otherwise. Mr. Bergstrom offered thanks, presented a token of appreciation, and enjoyed a photo opportunity.

B. Board Mission Statement Update

Chairman Johnson commented that the mission statement has been approved within the board, and is pending approval from the Governor’s office. The update was tabled until the following month pending that approval. Mr. Fox received thanks from members of the board for his work on this project.

C. e361, Standard Definition of Agreement, Recommitments, Change of Assessment, Violent Sexual Crimes Chart

Board Secretary Talaber was joined by Marci Johnson, Director of Case Analysis and Rachel MacNamara, Parole Manager for the update.

- **e361** - Mr. Talaber asked the board to highlight changes that need to stand out. This will help to avoid missing important notations and will aid in more efficient processing.

- **Recommitment Report** – Currently, a decision to “agree” results in no fill-in box being presented; the decision maker must “disagree” for the fill-in box to appear. Chairman Johnson presented an example of how the current working definition has caused some confusion in the process. Some discussion took place until a decision was reached:
  - **Disagreement with the First Two Votes on a Hearing Report** - Use the Disagree Button Only. When a case continues on for
additional votes after the first two decision makers disagree (these cases are normally recommit and continue on parole for the other person). All Board Members should mark disagreement and clearly state who they agree with at this point. The agree button should not be selected after the first two decision makers.

- **Disagreement with the First Two Votes - Hearing Reports.** If the original decision makers are disagreeing with a recommit and continue on parole, then the case should go on to an additional two Board Members. The additional two Board Members form an appeal panel, along with the original board member who is the third Board Member on the appeal panel.

  - The decision will be decided by the best out of four votes at this point. Please note: this was three additional votes previously.

- **Preliminary Hearing.** A preliminary hearing with a decision to continue on parole with probable cause must have two agreeing signatures.

- **Violent Sexual Crimes Chart.** Board Secretary Talaber asked the board to provide feedback on proposed changes to the voting requirements, due to new incoming crimes via statute. He suggested two review phases should occur – 1. Update the current chart and 2. Update and align the Votes Required Chart. The *status quo* is to continue treating these crimes as requiring five votes, until a decision can be made regarding the proposed updates. Some preliminary discussion took place about the opportunity to review this proposal and potential ways it might benefit or impact decision making.

  - OBS will:
    - work with DOC office of Statistics to interim data
    - provide recommendations for categorization of crimes

  - This subject will be placed on the agenda for the next board meeting

- **Mr. Johnson asked for feedback from the Hearing Examiners’ (HE) Office. HE Representatives should attend the next board meeting.**

- **Board Member Discretion to Videoconference (VC).** Mr. Johnson commented on the board’s previous vote to require a board member appear onsite for juvenile cases. Mr. Johnson suggested that board members be permitted to hear juvenile cases by way of VC in certain situations. There are times when unavoidable factors preclude the ability to appear onsite, but appearing by VC would be feasible (e.g. inclement weather, illness). Mr. Gillison commented that a resolution had already been passed on this matter. He further added that it was resolved that the board members for the juvenile case have the discretion to VC. Mr. Talaber added a clarification that the resolution limits appearance by VC to emergencies. There was some discussion about within what context a VC would be acceptable. It was
agreed that one board member would continue to be scheduled to appear onsite, barring an emergency or extenuating operational need for both board members to VC in. Some conversation ensued about general VC issues. Ms. Carpenter will email the contact information for IT.

10:11 am the board recessed.
10:18 am the board meeting resumed.

IV. NEW BUSINESS

A. OnBase System Issue

Ms. Carpenter provided an update regarding the recent OnBase system outage. One of two servers that support OnBase went down. After OnBase staff re-routed system traffic to another server, latency issues developed. Re-routing system traffic facilitated the time to repair the down server. In addition, other system failures (CAPTOR, DOC Info) taxed IT human resources. Board Secretary Talaber will prepare a business impact analysis in order to advise IT of ways to support our systems in the event of future system issues. This will allow for operational scenario planning. Board Member Rosenberg asked for better communication during system issues. Ms. Carpenter acknowledged the communication issue and her earlier participation in a conference call with Mr. Johnson and IT leadership to address this. Board Secretary Talaber added that it appears that very few cases will need to roll, due to the SCIs ability to fill in the voids. However, a more significant impact was observed in the production of board actions.

B. 85% Parole Myth

Mr. Johnson asked for the redistribution of an existing letter explaining the board does not operate under an 85% of parole standard. The members unanimously agreed to send the letter to judges, district attorneys, and public defenders. Special Assistant to the Chairman, Laura Treaster will send her updates to the board members for input. The final version will be forwarded to the governor’s office for approval consideration. The goal is to have a final approved letter for the next board meeting.

C. Philadelphia Inquirer and Prison Policy Initiative Report and Response

Board Member Barden stated that a proposed letter to the Philadelphia Inquirer has been drafted and provided to the board for review. A separate letter, for the Initiative, is with Board Members Fox and Rosenberg for review and to update before submitting for board review. The board members continued with a review of the letter to the Philadelphia Inquirer () only. Board Member Rosenberg suggested a vote for the acceptance of the proposed letter to the Inquirer. Subsequent to a favorable vote the letter will be forwarded to Mr. Malady to process through his office to the governor’s office. The board engaged in conversation about the need to address these entities directly and in this manner, by way of a formal board response. It was agreed to move forward with preparing a formal response, anticipating direction from the governor’s office. Mr. Malady added that Mr. Andrew Barnes, of the governor’s policy office, will be joining the board meeting in April 2019 regarding the trajectory for policy as it relates to board operation. General conversation
followed. Board Member Dunn motioned to have the letter signed from the board in the form approved by the governor’s office. Mr. Fox seconded the motion; the board approved unanimously. Mr. Malady stated that he will work with Mrs. Treaster to develop speaking points based on the letter.

Board Member Gillison moved to adjourn the public session, which was seconded by Board Member Koch. The board unanimously voted to adjourn the meeting at 10:48 a.m.

VI. Executive Session

The board went into executive session at 10:49 a.m. for the purpose of discussing OVA cases and to receive legal advice. Executive session was completed at 11:31 a.m.

JJT/sst