TO:    Board Members

FROM: John J. Talaber, Esq.
       Board Secretary

DATE: August 13, 2017

RE:    Minutes – Board Meeting
       July 19, 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 July 19, 2017 of the Pennsylvania Board of Probation and Parole.

The meeting convened at 9:00 a.m. on July 19, 2017 with Chairman Dunn presiding.

Board Members Leslie Grey, Linda Rosenberg, Mark Koch, Ed Burke, Everett Gillison, and Ted Johnson were present. Board Member Mike Potteiger arrived later in the meeting.

Also in attendance were Alan Robinson, Chief Counsel, Office of Chief Counsel; Laura Treaster, Director, Office of Communications; John J. Talaber, Board Secretary, Office of Board Secretary; Luis Rosa, Director, Office of Re-Entry and Quality Assurance; Scott Woolf, Director, Internal Affairs and Special Services Office; Jennifer Storm, Victim Advocate, Office of the Victim Advocate (OVA); Edie Letherby, Director, Office of Administrative Services; Victor Wills, Director, Office of Policy and Legislative Affairs; and Christian Stephens, Director, Office of Field Probation and Parole Supervision. Meghan Dade, Executive Director, Sexual Offenders Assessment Board (SOAB) was not present, but was represented by her Executive Assistant, Janaki Theivakumaran.

Pennsylvania Sentencing Commission Executive Director Mark Bergstrom and Dr. Diane Shoop attended the meeting. Director of Public Safety and Homeland Security for the Commonwealth Marcus Brown also attended the meeting.

I. APPROVAL OF JULY 19, 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 discussion and the board unanimously approved the minutes by acclamation.
II. STAFF REPORTS

All reports referenced in public session were previously disseminated to board members and senior staff for review and will be made available upon request.

A. Office of Victim Advocate

Victim Advocate Jennifer Storm had nothing to report other than what was submitted, and she was available to the board as needed.

B. Sexual Offenders Assessment Board

Executive Assistant Janaki Theivakumaran, substituting for Executive Director Meghan Dade, had nothing to report other than what was already submitted, and was available to the board as needed.

C. Office of Chief Counsel

Chief Counsel Alan Robinson reported that the board was still waiting for decisions in: Young v. Pa. Bd. of Prob. & Parole, Pa. Cmwlth. Ct. on the issue of sentence credit for time at liberty on parole and awarding and taking away credit; and Smith v. Pa. Bd. of Prob. & Parole, Pa. Supreme Court, on sentence credit for cases where the offender is incarcerated in federal custody.

Chief Counsel Robinson introduced Andrew Stover as working in the office this summer as an Office of General Counsel extern.

Board Member Rosenberg asked Chief Counsel Robinson about a pending Pennsylvania Supreme Court case where the lifer was 20 years old, and sought input on how a decision that may expand the juvenile lifer population would affect the board’s caseload. Chief Counsel Robinson explained that the age of majority in the Commonwealth remains at 18 years old. A general discussion occurred among the board members as to its potential to affect the board caseload. Chief Counsel Robinson will monitor the case and advise the board when a decision occurs. Chief Counsel Robinson had nothing else to report and was available to the board as needed.

D. Office of Board Secretary

Board Secretary Talaber had no additional information to report other than what was submitted, and he was available to the board as needed.

Chairman Dunn asked for a status on the back-file conversion project. Board Secretary Talaber reported we are at 41,000 files; the Department of Revenue (DOR) is helping us convert our files into electronic records with scanners that can do a box of files in minutes; and that our challenge is going to be indexing the files as quickly as DOR is scanning them. Board Secretary
Talaber noted that if we can index between 7,000 and 10,000 files a month, we will have the file room emptied by the end of December 2017. Board Secretary Talaber explained the significance of the "1/1/1980" notation in OnBase shown beside the scanned files: It was an arbitrary date to use so we know that it came from the DOR scanning process. Chairman Dunn provided kudos to the Office of Board Secretary for their hard work on this project.

Board Member Gillison asked if we will be discussing the issue of partial sentence credit later in the meeting, and Chairman Dunn replied "yes." Board Member Rosenberg had a question about the board training topics, and Chairman Dunn noted that it too was on the agenda for later in the meeting.

E. Hearing Examiners Office

Board Secretary Talaber, representing Chief Hearing Examiner Chad Allensworth who was on vacation, had nothing to report and noted that Chief Hearing Examiner Allensworth would not be available to the board as needed throughout the day.

F. Statistical Reporting and Evidence-Based Program Evaluation Office

Executive Assistant William Otis, in his capacity as agency statistics liaison, reported that Dr. Brett Bucklin would be attending the meeting and providing a presentation on statistics.

G. Office of Administrative Services

Office of Administrative Services Director Edie Letherby stated that she had no additional information to report other than what was submitted, and she was available to the board as needed.

H. Office of Field Probation and Parole Supervision

Director Christian Stephens stated that had no additional information to report other than what was submitted, and he was available to the board as needed.

Chairman Dunn asked how the field file conversion process was going, and Director Stephens reported that the field back-file conversion process should be done by the middle of August 2017. Board Member Grey noted there were some scanning issues in the district office where she works, and she has concerns about the field agents having to scan their files. Director Stephens reported that field agents are being tasked with preparing the file to then be scanned by clerical staff. Director Stephens noted that in the past (and as the current process) clerical staff was never tasked with purging files or placing them in the correct order.
I. Office of Re-Entry and Quality Assurance

Director Luis Rosa reported his office is working on ways to acknowledge the institutional agents concerning their excellent performance. Director Rosa had no additional information to report other than what was submitted. Director Rosa was available to the board as needed.

J. Office of Communications

Chairman Dunn asked Director Laura Treaster to report on the Enhancing Mobile Parole Office Efficiency and Responsibility (EMPOWER) project. Director Treaster shared the stories she has been posting to the Board’s Facebook website. Director Treaster also reported that Press Secretary Maria Finn was working with various outside entities on Project Safereturn scheduled for September 2017.

Board Member Rosenberg noted for Director Treaster that a possible news item could be the next time there was a graduation from the Philadelphia Reentry Court. Director Treaster said she would follow-up on the request with a conference call including Board Member Rosenberg. Chairman Dunn noted he recently saw an article in the Philadelphia Inquirer on reentry efforts in the city. Board Member Rosenberg stated she heard that murders in the city have increased by 22% and expressed concern that the cases are not being solved. There was a general discussion of the issue among senior staff and board members. Director Treaster stated that she had no additional information to report other than what was submitted, and she was available to the board as needed.

K. Office of Policy and Legislative Affairs

Director Victor Wills reported that Board Member Anthony Moscato was confirmed and would be starting in early August 2017. Chairman Dunn stated that Board Member Moscato would not be participating in the August Face-to-Face process until he has some more time to get accustomed to the board. Board Member Burke asked what area of the state he would cover. Chairman Dunn indicated he would be working out of his home office, and that the thought was he would cover SCI-Forrest and SCI-Rockview. Chairman Dunn reiterated that any board member could work out of a home office if they so desired.

Board Member Burke stated that he was having problems with the quality of the videoconferencing. Board Member Rosenberg noted that she changed to another provider and the quality was better. Chairman Dunn stressed that if the board members continue to have problems with videoconferencing, to make him aware of the issue. Board Member Grey stated that there was a longer noticeable delay with videoconferencing on the iPad. Chairman Dunn stated that Director Scott Wolff was available to work with the board members on upgrading equipment. Board Member Grey also expressed concern that
SCI-Graterford’s videoconferencing capabilities are a continuing issue. Board Member Rosenberg noted the equipment there was older than other institutions. There was a general discussion on technical videoconferencing issues among the board members. Chairman Dunn noted that they could talk about the issues with Director Wolff after the board meeting.

L. Internal Affairs and Special Services Office

Director Scott Woolf addressed some of the board members concerns with videoconferencing issues, and recommended that “hardwiring” the videoconference equipment would help with the issues. Director Woolf had nothing else to report and was available to the board as needed.

Staff reports were completed.

IV. OLD BUSINESS

A. Face-to Face (F2F) Committee Report

Victim Advocate Storm stated that she was willing to have her report and the discussion in public session, provided that specific victim cases were not identified. Chairman Dunn asked everyone to use caution that specific cases not be discussed.

Victim Advocate Storm reported that the committee had met with Board Members Gillison, Grey, and Potteiger, and relevant staff present. Victim Advocate Storm noted that in August 2017 there will be two F2F days. Victim Advocate Storm reported that no other states do the F2F program the way Pennsylvania does it. Victim Advocate Storm observed that number of F2F cases was increasing, and the traumatic impact on board members, hearing examiners, and her staff was increasing.

Victim Advocate Storm indicated that the committee, after reviewing the historical documents dating back to when F2F first started, recommended that policies and procedures be developed to memorialize the current practices. The board generally agreed with this recommendation.

Victim Advocate Storm stated that the committee looked at regionalizing the process, but once examining the logistics and costs involved, it was clear it would be very cumbersome (e.g. board member interviews, OVA staff traveling, security costs, and videoconferencing costs). However, Victim Storm indicated that OVA is interested in piloting a F2F day for the Erie region.

Victim Advocate Storm said the committee’s recommendation was that extra F2F days would be considered during “Board Week,” on Tuesday, Wednesday, or Thursday. Chairman Dunn indicated that we could do board training from 9:00 a.m. to 12:00 p.m. on Tuesday and the afternoon do board
training; on Wednesday do the board meeting in the morning, and have F2F in the afternoon; and if there are other F2F cases left, we do them on Thursday (preferably finishing by noon). Victim Advocate Storm indicated that she was fine with how the board wanted to do it, provided that her staff knew months in advance due to their scheduling process. Victim Advocate Storm noted that some months there may not be enough cases to even roll into a Wednesday afternoon.

Chairman Dunn asked for board member input. Board Member Grey indicated she favored a more regional approach, and she had concerns that maybe people are not able to come to Harrisburg because of money. Victim Advocate Storm indicated her staff checked into Board Member Grey’s concern, and the data does not indicate that it is a problem because we are working with videoconferencing solutions to make it work. Victim Advocate Storm stated that in unique circumstances, OVA and board members have traveled to the victim’s location to take testimony. Chairman Dunn stated this will continue to be an option.

Board Member Rosenberg stressed that if possible, we take victim testimony before the board interviews the inmate and decides the case. Victim Advocate Storm stated that her staff does the best they can to make this occur, but victims have the right to come-in and testify even after the inmate has been interviewed.

Board Member Koch observed that things are generally worked out on a case-by-case basis. Board Member Koch noted the challenges of having multiple victims in the room and continuing to do that hour after hour, and how the impact affects the overall process. Board Member Koch liked the approach of spreading it out so that the board members and hearing examiners could have a break. Chairman Dunn indicated that maybe we could change the process (with OVA approval) sometime this fall, asking board members to block off Tuesday, Wednesday, and Thursday during board week as F2F days. Chairman Dunn noted we will break-up the days into half F2F days to spread out the testimony.

Board Member Gillison asked if the board was doing a resolution on the decision for this issue. Victim Advocate Storm indicated that we could. Board Member Gillison made a motion, seconded by Board Member Johnson that we adopt the three-day process. Chairman Dunn stated he did not think a motion was necessary, and asked if the Board would allow him and Victim Advocate Storm to develop a process and memorialize it in policy.

Board Member Johnson asked Victim Advocate Storm for clarification on what are appropriate questions, and when it is appropriate to tell a victim the decision if the inmate has already been interviewed and the case decided. Victim Advocate Storm suggested a small training and discussion session in the future.
Board Member Koch called the question on the motion that F2F be held on Tuesday, Wednesday, and Thursday; that the days be blocked by the board members on their calendars for the board meeting, F2F, and training; and that Victim Advocate Storm and Chairman Dunn schedule the days to make it work as needed. Board Member Burke asked that if a vacation was scheduled, what would prevail? Chairman Dunn stated the vacation would prevail, but encouraged board members not to schedule vacations during Board Week. Victim Advocate Storm asked if the board wanted a resolution for the next board meeting, and the board members answered “no.” The board (without Board Member Potteiger present) voted unanimously to approve the motion.

B. Sentence Credit Issues

The board and Board Secretary Talaber went into Executive Session at 9:50 a.m. so that it could receive legal advice from Chief Counsel Robinson.

The board came back into public session at 10:17 a.m. Chairman Dunn explained that board is not voting on the issue this month. Chairman Dunn directed Chief Counsel Robinson to further review the matter, and provide a resolution and guidelines on partial sentence credit for discussion at the August 2017 board meeting.

Board Member Johnson asked if there should be a representative from the field to review the matter before the board votes. Chairman Dunn indicated that the Chief Counsel Robinson and Board Secretary Talaber will bring-in other relevant staff to the discussion including Director Stephens. Board Member Grey stated it is important for the field to understand how important their reports are to the board members in the decision-making process.

C. Docket Scheduling

Board Secretary Talaber and Administrative Assistant Melissa Walter provided a handout on docket scheduling. Board Secretary Talaber sought clarification on how the board wanted to count juvenile lifer cases toward the board’s 14 cases per day; specifically, should juvenile lifer cases count as one or two interview slots for the day. Board Member Burke provided an example of how board interviews were overscheduled for a day, noting there was room on the Hearing Examiner’s schedule to do the non-violent cases on their own.

Chairman Dunn did not oppose having juvenile lifer cases count as two interview slots based on the current board docket, suggesting that we do this for six months to see how it works. The board members generally discussed the merits of counting it as one or two cases. Director Rosa asked that whatever the board decides, that it be consistent for all. Board Member Koch made a motion for the juvenile lifer cases to count as two cases for a six-month pilot, which was seconded by Board Member Johnson. Chairman
Dunn asked if there was further discussion. Board Member Johnson requested that the juvenile lifer cases be spread out so that Board Member Rosenberg did not have so many. Chairman Dunn explained that we would try do that to but we had to keep geographic limitations in mind. The board unanimously voted in favor of the motion.

D. Court Records for Reccommitments

Board Member Gillison contacted the Philadelphia Clerk of Courts, who informed him that it was a “Department of Corrections” issue. Director Stephens noted that there was a meeting with AOPC to see if they could take off the waiver statement on their court dockets. Director Stephens stated that he directed agents in the Philadelphia area to seek “short certificates” from the court to aid this process. Chief Counsel Robinson indicated that his office would conduct legal research on this issue.

E. Board Training Schedule

Board Secretary Talaber handed out a revised draft of the 2017 Board Meeting Topics and Training Schedule, and solicited suggestions before the final version was implemented. Board Secretary Talaber asked the board members to review and provide any suggestions to it so we could have a final version approved at the August 2017 board meeting. Board Member Rosenberg suggested a possible program on GPS, and a monthly report on GPS statistics.

Chairman Dunn noted that there was a “data meeting” with statistical staff in the afternoon, and the need to pare down the reports that we use so that we could obtain the reports that we would like to see. Chairman Dunn directed Board Secretary Talaber to include the topic “data reports” into the monthly meeting general discussion.

Board Member Gillison asked Board Secretary Talaber how the piloting of just sending goldenrod files to the board members was working. Board Secretary Talaber reported that it was working well, we continue to receive board decisions in a timely manner, and is a good stepping stone to the future. Board Member Johnson noted that the GPS discussion is an import tool for decision making purposes. Board Member Rosenberg also noted that a discussion on juvenile lifers would also be helpful, connecting the juvenile lifer population to local community services, and possibly bringing in a juvenile lifer speaker and ASCRA agent.

Board Member Potteiger arrived at the meeting.

Board Member Rosenberg requested we also have training on specialized agent caseloads. Board Member Johnson suggested mental health and sex offenders as example topics. Board Member Rosenberg inquired about the type of trainings they obtain.
Board Member Rosenberg suggested as a topic how the board defines violent offenders as it relates to the 361-voting sheet. Chairman Dunn noted that topic should have at least a 2-hour block of time, discussing how the Department of Justice and other law enforcement agencies view the topic.

Board Member Rosenberg suggested we also discuss rotating the board members to different area of the Commonwealth to interview, when a board member has already denied the inmate on two occasions and does not feel they can objectively interview the person again. Chairman Dunn suggested that with Board Member Moscato’s arrival, Board Secretary Talaber and Administrative Assistant Walters schedule the Chairman 3 or 4 days per month to video conference on the cases where this is an issue. Chairman Dunn directed Director Rosa and Board Secretary Talaber to discuss how to make this option work given the logistical challenges.

Board Member Grey noted that they sort of already do it informally. Board Member Pottinger noted that they do this by discussing the case with the institutional parole staff, and was unsure of the need for a “policy.” There was a general discussion among the board members and Director Rosa on the details of how this would work in terms of programming and policy. Board Member Grey noted that this area goes into the topic of “incapacitation cases” and the need for additional training in this area. Chairman Dunn stated that this topic will be included with the PCLR training. Chairman Dunn directed Board Secretary Talaber to place the rotating board member issue on the August 2017 board meeting agenda as a discussion topic.


Chairman Dunn offered to discuss this with any board member outside of the meeting, and it was removed from the agenda in the interest of time.

Board Member Johnson asked about the status of the 361-amendment project. Board Member Johnson indicated that he would like to have something on the vote-sheet that allows him to explain his decision in a better way. Chairman Dunn noted that we will be working toward a better 361 over the next 6 months, and encouraged the board members to keep the ideas coming forward.

G. Auditing of County Adult Parole Departments

Chairman Dunn added this to the agenda based on a letter all board members received from Mark Wilson, asking to suspend the auditing process until the counties can institute evidence based practices. Board Member Johnson asked for a discussion on the topic. Board Member Burke made a motion that the board suspend the audit process as requested, which was seconded by Board Member Koch.
Board Member Johnson noted that the committee he is involved with is developing how to implement evidence based practices, but at the same time the counties are getting "hit" during the audit process. Board Member Johnson is in favor of suspending the audit process until they can accomplish the task, but is in favor of establishing a deadline to have the project completed. Chairman Dunn suggested the board suspend the audit process, but review it again in January 2018 (and re-evaluate every 6 months thereafter).

Board Member Pottinger expressed his concern for suspending the audit given that this has been a long process, and believes it needs to be in place to encourage the counties to move this forward. Board Member Pottinger noted that there has never been a denial of money for failing the audit. Board Member Rosenberg believed it would be a good gesture to the committee to extend the deadline. Board Member Koch called the question. Board Members Koch, Burke, Rosenberg, Gillison, Grey, Johnson, and Chairman Dunn voted in favor of the motion. Board Member Pottinger voted against the motion. The motion passed.

Chairman Dunn directed Board Secretary Talaber to add this topic to the agenda for the January 2018 board meeting.

V. NEW BUSINESS

Discussion on Justice Reinvestment Initiative (JRI) One and Specialized Centers

Department of Corrections, Bureau of Planning, Research, and Statistics Director Brett Bucklen presented statistical information on the Justice Reinvestment Initiative One and Specialized Community Corrections Centers. Director Bucklin answered numerous questions from board members on related topics. The board members thanked Dr. Bucklin for his time and the presentation.

Board Member Potteiger moved to adjourn the meeting, which was seconded by Board Member Johnson. The board voted unanimously to adjourn the meeting.

JJT