MEMO

TO: Board Members

FROM: John J. Talaber, Esq.
       Board Secretary

DATE: March 20, 2018

RE: Minutes – Board Meeting
    February 14, 2018

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 February 14, 2018, of the Pennsylvania Board of Probation and Parole.

The meeting convened at 9:02 a.m. on February 14, 2018, with Chairman Dunn presiding.

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

Also in attendance were Morgan Davis, Assistant Counsel, Office of Chief Counsel; Chad Allensworth, Chief Hearing Examiner, Office of Hearing Examiners; Maria Finn, Press Secretary, Office of Communications; Laura Treaster, Director, Office of Communications; John J. Talaber, Board Secretary, Office of Board Secretary; 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; Dr. Brett Bucklen, Statistical Office; Victor Wills, Director of Policy and Legislation; Meghan Dade, Executive Director, Sexual Offenders Assessment Board (SOAB); and Janaki Theivakumaran, Executive Assistant to Director Dade

Pennsylvania Sentencing Commission Executive Director Mark Bergstrom, and Dr. Diane Shoop also attended the meeting.

I. APPROVAL OF FEBRUARY 14, 2018 BOARD MEETING MINUTES

Board Member Gillison made a motion to approve the board minutes as written. Board Member Koch seconded the motion. There was no discussion on the motion and the board unanimously approved the minutes.

The Chairman introduced new Board Member Maureen Barden.
II. STAFF REPORTS

All reports referenced in public session were previously disseminated to the Chairman and will be made available upon request. Chairman Dunn expects senior staff to highlight two or three things in their staff reports at the board meeting since the board will no longer receive the reports in writing.

A. Office of Board Secretary

Board Secretary Talaber reported that the backfile conversion scanning process with DOR is nearing completion, we remain on budget, and his staff is recovering nicely. The board did not have any questions for Board Secretary Talaber.

B. Hearing Examiners Office

Chief Hearing Examiner Allensworth reported that Hearing Examiner Ryan Smith has completed his time sitting with other hearing examiners, and is now going “solo.” The board did not have any questions for Chief Hearing Examiner Allensworth.

C. Office of Chief Counsel

Assistant Counsel Davis had nothing to report, and if the board had any questions, they could ask Chief Counsel Robinson. The board did not have any questions for Assistant Counsel Davis.

D. Office of Policy and Legislative Affairs

Director Wills, beyond the introduction of the new board members, reported the legislature passed House Bill 631 which affects the board in two ways: (1) any tier III sex offender will have a mandatory 3 year special probation tail at the end of their sentence (non-retroactive); and (2) it fixes the SORNA legislation for purposes of Meghan’s Law. Board Member Johnson asked Director Wills about license renewals for inmates who were released on parole as it relates to restitution, fines and costs. Director Wills reported he was not aware of any legislation to address that issue. Chairman Dunn asked for specific information about this issue, and asked Director Wills to sit with Board Member Johnson outside of the board meeting to obtain answers to his questions.

Board Members Barden and Moscato thanked Director Wills for the smooth and easy confirmation process. Chairman Dunn re-welcomed Board Member Moscato. The board did not have any further questions for Director Wills.
II. STAFF REPORTS

All reports referenced in public session were previously disseminated to the Chairman and will be made available upon request. Chairman Dunn expects senior staff to highlight two or three things in their staff reports at the board meeting since the board will no longer receive the reports in writing.

A. Office of Board Secretary

Board Secretary Talaber reported that the backfile conversion scanning process with DOR is nearing completion, we remain on budget, and his staff is recovering nicely. The board did not have any questions for Board Secretary Talaber.

B. Hearing Examiners Office

Chief Hearing Examiner Allensworth reported that Hearing Examiner Ryan Smith has completed his time sitting with other hearing examiners, and is now going “solo.” The board did not have any questions for Chief Hearing Examiner Allensworth.

C. Office of Chief Counsel

Assistant Counsel Davis had nothing to report, and if the board had any questions, they could ask Chief Counsel Robinson. The board did not have any questions for Assistant Counsel Davis.

D. Office of Policy and Legislative Affairs

Director Wills, beyond the introduction of the new board members, reported the legislature passed House Bill 631 which affects the board in two ways: (1) any tier III sex offender will have a mandatory 3 year special probation tail at the end of their sentence (non-retroactive); and (2) it fixes the SORNA legislation for purposes of Meghan’s Law. Board Member Johnson asked Director Wills about license renewals for inmates who were released on parole as it relates to restitution, fines and costs. Director Wills reported he was not aware of any legislation to address that issue. Chairman Dunn asked for specific information about this issue, and asked Director Wills to sit with Board Member Johnson outside of the board meeting to obtain answers to his questions.

Board Members Barden and Moscato thanked Director Wills for the smooth and easy confirmation process. Chairman Dunn re-welcomed Board Member Moscato. The board did not have any further questions for Director Wills.
E. SOAB

Director Dade reported that with the anticipated signing of HB 631, the workload in her office will resume to normal levels, and there should be no delays in the parole board assessments. Director Dade requested that if the board members are going to request an additional, updated, SOAB assessment, there is no need to note on the 361 that you want a PCLR completed. A PCLR will be completed if possible. Director Dade offered to provide Board Member Barden a tour of her office and explain its purpose and processes. Board Member Burke asked if SOAB will notify the board members if a PCLR cannot be completed. Director Dade responded that her board members should be noting on the report that if a PCLR cannot be completed, the reason why it cannot be completed. The board did not have any further questions for Director Dade.

F. OVA

There was no report from OVA at this meeting.

G. Chairman Dunn’s Executive Assistants

1. Bill Otis reported that he is soliciting additional ideas for board training.

2. Neal Kokatay reported he had a desire to take some conditions out of the 361. Chairman Dunn noted we would have a discussion on conditions during the upcoming board meetings. Board Member Grey wanted to make sure the board was involved in a thorough discussion and ultimately a board vote about the conditions.

3. Deb Carpenter reported she sent out an updated listed of consolidation committee chairs and weekly summarizations. Deb noted that any requests for input for board or hearing examiner input should be made through her and she will coordinate with DOC staff on it. This process allows it to be managed through one or two people, who can coordinate and share the information. Board Member Burke shared his experience with a staff member requesting input. Chairman Dunn noted this was why the request was limited to Deb as the point of contact. This process will allow it to be discussed by the board, rather than it being the position of one individual board member. Deb noted that there has been a lot of office moves, and after the completion of the moves, Deb will provide a map for the board members.

Board Member Rosenberg had a question about the ICSA committee. Board Member Burke provided an example of the prior summarization report being used, and explained the conversation he had with the staff member. There was a general conversation among the board
members about Board Member Burke’s example. Chairman Dunn explained that preparation notes are part of the 361 project, and after it is decided what the board wants, it will need to go through the IT process. The board members continued the discussion about 361 redevelopment. Chairman Dunn noted that the 361 parole guidelines need to be updated, which the Sentencing Commission will need to take back to the legislature for approval based on the 2008 act, and this process will likely take until spring of the 2019 session.

Board Member Rosenberg asked for a charter or a project plan of the redesign of the 361. There was general consensus to create a document, and Chairman Dunn directed Executive Assistant Kokatay to draft and present the document at the March 2018 board meeting. Chairman Dunn noted that this will be a monthly agenda item for the board meetings.

Board Member Rosenberg stated to Deb Carpenter that if there are changes to board documents that involve board processes, the decision cannot be made without the board’s input. Deb reiterated that the one person contact rule will assist with this, and that it will be reinforced at the Consolidation Committee Chair meeting on Wednesday.

Chairman Dunn acknowledged our public guests, Pennsylvania Sentencing Commission Executive Director Mark Bergstrom, and Dr. Diane Shoop. The Chairman also recognized, Sally Barry, Mark Wilson, and Bill Burrell from the counties, and Dr. Bucklen from DOC. DOC Deputy Secretary for Reentry, Luis Rosa, and Director of the Bureau of Probation Services, Bill McDevitt, arrived to the meeting after Chairman Dunn recognized other guests.

III. OLD BUSINESS

A. Suspending Auditing Process of County Probation Departments

The Chairman noted that the decision to suspend audits was adopted at the July 2017 board meeting with a review of the decision in January 2018; however, because of other pressing matters, the Chairman moved this review to the February 2018 board meeting. The decision that needs to be made via a vote is whether to continue the suspension of the auditing process.

The Chairman invited Sally Barry, Mark Wilson, and Bill Burrell to address the board, and to present an overview on their evidence based project that has been ongoing for a little over two years. Mr. Wilson requested that the board continue the suspension and noted the challenges the counties face in developing and implementing the evidence based practices. Ms. Barry provided a timeline of the strategic implementation plan, and the funding for the initiative for evidence based practices to occur for the counties. Mr.
members about Board Member Burke's example. Chairman Dunn explained that preparation notes are part of the 361 project, and after it is decided what the board wants, it will need to go through the IT process. The board members continued the discussion about 361 re-development. Chairman Dunn noted that the 361 parole guidelines need to be updated, which the Sentencing Commission will need to take back to the legislature for approval based on the 2008 act, and this process will likely take until spring of the 2019 session.

Board Member Rosenberg asked for a charter or a project plan of the redesign of the 361. There was general consensus to create a document, and Chairman Dunn directed Executive Assistant Kokatay to draft and present the document at the March 2018 board meeting. Chairman Dunn noted that this will be a monthly agenda item for the board meetings.

Board Member Rosenberg stated to Deb Carpenter that if there are changes to board documents that involve board processes, the decision cannot be made without the board's input. Deb reiterated that the one person contact rule will assist with this, and that it will be reinforced at the Consolidation Committee Chair meeting on Wednesday.

Chairman Dunn acknowledged our public guests, Pennsylvania Sentencing Commission Executive Director Mark Bergstrom, and Dr. Diane Shoop. The Chairman also recognized, Sally Barry, Mark Wilson, and Bill Burrell from the counties, and Dr. Bucklen from DOC. DOC Deputy Secretary for Reentry, Luis Rosa, and Director of the Bureau of Probation Services, Bill McDevitt, arrived to the meeting after Chairman Dunn recognized other guests.

III. OLD BUSINESS

A. Suspending Auditing Process of County Probation Departments

The Chairman noted that the decision to suspend audits was adopted at the July 2017 board meeting with a review of the decision in January 2018; however, because of other pressing matters, the Chairman moved this review to the February 2018 board meeting. The decision that needs to be made via a vote is whether to continue the suspension of the auditing process.

The Chairman invited Sally Barry, Mark Wilson, and Bill Burrell to address the board, and to present an overview on their evidence based project that has been ongoing for a little over two years. Mr. Wilson requested that the board continue the suspension and noted the challenges the counties face in developing and implementing the evidence based practices. Ms. Barry provided a timeline of the strategic implementation plan, and the funding for the initiative for evidence based practices to occur for the counties. Mr.
Burrell presented additional details about implementing this project in 65 judicial districts and the funding for the project through a 2-year PCCD grant.

The Chairman provided a brief history of the genesis of the board’s involvement in this process. Ms. Barry noted that this was no funding for when the mandate for counties to follow evidence based practices went into effect. Mr. Burrell noted there will also be challenges with training all of the county staff to the evidence based practice standards. Board Member Rosenberg provided a brief history of PCCD involvement in the process. There was a general discussion about the funding among the board members and Ms. Barry.

The Chairman asked Mr. Wilson and Ms. Barry if they were seeking to have the board completely suspend the audit process, or was their alternative to audit certain processes as the counties are “phased-in.” Chairman Dunn noted that he invited DOC Deputy Secretary Luis Rosa and Director Bill McDevitt were in attendance at the meeting since it involves their oversight under the MOU. Deputy Secretary Rosa stated that his office was willing to be flexible with auditing and training, but he does want the process to continue moving forward. Director McDevitt provided the board members with a history of the board’s auditing process as it related to the counties. Mr. Wilson noted the counties are not asking to never be audited again; rather, they are seeking a delay.

Board Member Johnson noted that sometimes the auditing process helps with getting the “road-map” to get to the point of compliance. Ms. Barry noted that counties may not have the funding to follow the road-map. Chairman Dunn suggested as a possible solution could we look at having Ms. Barry and Mr. Wilson meet with Deputy Secretary Rosa and Director McDevitt, and for them to come back at the March 2018 meeting with a plan to create into a resolution: (1) We start the audits back-up again; and (2) that compliance with the audit is tied to the counties’ strategic plan that is supposed to be implemented. There was a general discussion between board members, Director McDevitt, Mr. Wilson, Ms. Barry, and Mr. Burrell about Chairman Dunn’s suggestion.

Board Member Rosenberg noted she is very supportive of the work the counties are doing and the implementation of the evidence based practices. Chairman Dunn noted that he would like a resolution for discussion at the March 2018 board meeting.

B. Juvenile Lifer Interview Cases Counting as Two Interview Cases

Chairman Dunn noted that the decision to have juvenile lifer cases count as two interview cases was adopted at the July 2017 board meeting with a review of the decision at the February 2018 board meeting. Board Member Grey made a motion to continue the practice indefinitely, which was seconded by Board Member Johnson. There was no discussion on the
motion, and the board unanimously passed the motion to indefinitely continue
treating juvenile lifer cases as counting as two interview cases on the docket.

Chairman Dunn called for a brief recess at 10:35 a.m.

Chairman Dunn reconvened the meeting at 10:43 a.m.

C. Data Reports and Dashboard Discussion

Chairman stated that the purpose for this agenda item is to give Dr. Bucklen a chance to tell us what is going on and give a status update about his office, as well as to give the board members an opportunity to ask questions. Dr. Bucklen noted that a representative from his office will be at all the board meetings to provide a report. Dr. Bucklen stated that the data dashboard was updated as of December 2017, with the January 2018 data being upload by the third week of February 2018. Dr. Bucklen noted that the parole interview rate was down slightly, and the parole approval rate was down slightly. Dr. Bucklen stated that there is no “dashboard committee” but instead a “beta.gov” committee that he is chairing.

Board Member Johnson asked Dr. Bucklen about electronic signatures, that would save thousands of dollars in mailing and bed costs: How can it be implemented and can it be implemented. Chairman Dunn noted that it would not be Dr. Bucklen. Chairman Dunn noted that BIT is working on other projects, including the OnBase recommitment process, and then the electronic 361 process. Chairman Dunn is pushing very hard to have something done this summer on the electronic 361. There was a general discussion among the board members of IT issues.

Board Member Johnson explained the releases were down because of the arrival of new board members and the comfort level in voting cases. Board Secretary Talaber noted that board releases are also down because OBS only did 1500 board actions in the month of December 2017 (due to the backfile conversion project) but in January 2018 did 4200 board actions, so this should be a blip in time. Chairman Dunn stated that the monthly docket is also falling, particularly in areas on the “cases not seen” report. Chairman Dunn noted that OBS did 4200 board actions, while in the process of moving locations, and competing the electronic backfile conversion. Board Member Burke raised concerns about transfers on the “cases not seen” report. Chairman Dunn noted that the transfers are high due to emptying of SCI-Graterford in preparation for the opening of SCI-Phoenix.

Board Member Gillison asked Dr. Bucklen what are the top five data questions he thinks the board is looking for to do their job as decision makers. There was a lengthy and in-depth discussion about this matter among the board members and Dr. Bucklen on data information they would like to see on a dashboard. There was a brief discussion on the need to (or not need to) “sunshine” discussions on these topics if the board met outside of the
motion, and the board unanimously passed the motion to indefinitely continue treating juvenile lifer cases as counting as two interview cases on the docket.

Chairman Dunn called for a brief recess at 10:35 a.m.

Chairman Dunn reconvened the meeting at 10:43 a.m.

C. Data Reports and Dashboard Discussion

Chairman stated that the purpose for this agenda item is to give Dr. Bucklen a chance to tell us what is going on and give a status update about his office, as well as to give the board members an opportunity to ask questions. Dr. Bucklen noted that a representative from his office will be at all the board meetings to provide a report. Dr. Bucklen stated that the data dashboard was updated as of December 2017, with the January 2018 data being upload by the third week of February 2018. Dr. Bucklen noted that the parole interview rate was down slightly, and the parole approval rate was down slightly. Dr. Bucklen stated that there is no “dashboard committee” but instead a “beta.gov” committee that he is chairing.

Board Member Johnson asked Dr. Bucklen about electronic signatures, that would save thousands of dollars in mailing and bed costs: How can it be implemented and can it be implemented. Chairman Dunn noted that it would not be Dr. Bucklen. Chairman Dunn noted that BIT is working on other projects, including the OnBase recommitment process, and then the electronic 361 process. Chairman Dunn is pushing very hard to have something done this summer on the electronic 361. There was a general discussion among the board members of IT issues.

Board Member Johnson explained the releases were down because of the arrival of new board members and the comfort level in voting cases. Board Secretary Talaber noted that board releases are also down because OBS only did 1500 board actions in the month of December 2017 (due to the backfile conversion project) but in January 2018 did 4200 board actions, so this should be a blip in time. Chairman Dunn stated that the monthly docket is also falling, particularly in areas on the “cases not seen” report. Chairman Dunn noted that OBS did 4200 board actions, while in the process of moving locations, and competing the electronic backfile conversion. Board Member Burke raised concerns about transfers on the “cases not seen” report. Chairman Dunn noted that the transfers are high due to emptying of SCI-Graterford in preparation for the opening of SCI-Phoenix.

Board Member Gillison asked Dr. Bucklen what are the top five data questions he thinks the board is looking for to do their job as decision makers. There was a lengthy and in-depth discussion about this matter among the board members and Dr. Bucklen on data information they would like to see on a dashboard. There was a brief discussion on the need to (or not need to) “sunshine” discussions on these topics if the board met outside of the
board meeting. Chairman Dunn stated there is plenty of time during this meeting to have the discussion. Accordingly, the discussion with Dr. Bucklen and the board members on data topics continued, with Dr. Bucklen making a list of the items on a whiteboard.

D. 361 Conditions

Chairman Dunn suggested that the Mr. Kokatay's proposed condition changes be placed in a document and circulated to the board members. Board Secretary Talaber requested they be circulated to OBS staff since they work closely with the conditions on the 361. Chairman Dunn asked Board Secretary Talaber to find and provide any Berk reports to the board members. Chairman Dunn stated that Dr. Bucklen and Dr. Berk have talked about revising the Berk tool.

Board Member Burke made a motion to adjourn that was seconded by Board Member Johnson. The board unanimously voted to adjourn the meeting at 11:56 a.m.

JJT