TO: Board Members

FROM: John J. Talaber, Esq.
      Board Secretary

DATE: December 11, 2018

RE: Minutes – Board Meeting
    November 14, 2018

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

The meeting convened at 9:00 a.m. on November 14, 2018, 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; Morgan Davis, 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 Theivakumaran, Executive Assistant to the Executive Director, SOAB; John J. Talaber, Board Secretary, Office of Board Secretary; Victor Wills, Director of Policy and Legislation; Bill Otis, Executive Assistant to the Chairman; Neal Kokatay, Executive Assistant to the Chairman; Kaitlyn Romiski, 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, and Dr. Diane Shoop, Executive and Policy Support Manager of the Pennsylvania Sentencing Commission. The Chairman later recognized as a guest Marcus Brown, Director of Public Safety for Homeland Security in Pennsylvania.

I. APPROVAL OF OCTOBER 17, 2018 BOARD MEETING MINUTES

Board Member Koch moved to approve the October 17, 2018, board minutes, which was seconded by Board Member Johnson. There was no discussion on the motion, and the board unanimously approved 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 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 Victim Advocate

Director Hockenberry reported that OVA applied for funds to use for additional training in regards to domestic violence. Board Member Gillison had a question about the curriculum OVA will be providing, and Director Hockenberry indicated that she would work to provide the requested information to the board. There were no further questions for Director Hockenberry. Chairman Dunn noted that Director Hockenberry was going to confirm the Thursday Face-to-Face schedule in light of the pending inclement weather. Chairman Dunn also reported that there was a major water issue in the building, and there was a possibility of the staff being sent home early.

B. Sexual Offenders Assessment Board (SOAB)

Executive Director Meghan Dade reported that a training will take place at the Sheraton, Harrisburg, Pennsylvania on November 30th. The topic will be Understanding, Assessing and Treating Online Sexual Offenders. Chairman Dunn asked the board for any comments or concerns of note for SOAB. Board Member Grey asked if board members could video conference into the training. Director Dade said "no," but they will be videotaping the presentation for anyone who could not attend live and wants to view it. There were no further questions for SOAB.

C. Hearing Examiners Office

Chief Hearing Examiner Allensworth reported that they are working with Special Assistant Laura Treaster and Hearing Examiner Gary Holland to develop the e361 that will be based out of Microsoft Word. We are anticipating presenting the model to the board at the December board meeting. Chief Hearing Examiner Allensworth noted that we may have to adjust how we do our signatures. Board Member Barden had the opportunity to use it one day and thought it was wonderful when it worked.

Chief Hearing Examiner Allensworth described some of the problems they are having with the “autoprep” program not working as well as it has been, due to a loss of access to DOC information. Board Member Grey raised a concern as to why there would not be more than one type of person with access. Board Member Rosenberg explained the backstory on how this project developed. Board Member Grey noted that in some areas of our
operation there is not a back-up person, and it not an optimal way to do business from the management perspective.

Chief Hearing Examiner Allensworth reported that they are posting a vacant hearing examiner position that will also go through the education and training process of hiring. Board Member Johnson asked Chief Hearing Examiner Allensworth if the Deputy Chief Hearing Examiner position was filled. Chief Hearing Examiner Allensworth stated the position was offered to a candidate, but to his knowledge it has not been accepted. Board Member Johnson asked that when the offer is accepted, will the board members be given notice of who was hired for the position, and Chairman Dunn replied “yes.” Board Member Grey asked what was the pending condition” and Chief Hearing Examiner Allensworth replied that it was probably a background check. Board Member Grey stated that she was not sure why this is such a mystery, to which Chairman Dunn replied that it is a civil service position, and that they went through the normal civil service process. Board Member Grey commented that the civil service process was to make things more transparent. Chairman Dunn explained that you do not want to put a name out until you are sure who the person is going to be, because the process allows for us to look at the candidates again. The board had no further questions for Chief Hearing Examiner Allensworth.

D. Office of the Board Secretary

Board Secretary Talaber reported that Administrative Officer Shamekia Smith Tucker is out of the office, and her back-up is Parole Staff Technician Sheila Kneisley. The Administrative Assistant position that Melissa Walters used to hold has been filled, with Nancy Thompson starting in December 2018 to do primarily scheduling. Board Secretary Talaber said Shamekia will be Nancy’s backup. Board Member Koch suggested that we have a map for where board members live and the travel times between SCI to SCI. Board Member Johnson and Board Member Grey joined in about this idea. Board Secretary Talaber stated that he would provide this to the staff.

Board Secretary Talaber reported, also relating to the schedule, that Special Assistant Laura Treaster submitted a proposal to the Governor’s Office to develop a scheduling program. The program would interact with Microsoft Outlook, and allow staff from the Board Secretary, Victim Advocate, and Hearing Examiners offices to simultaneously work on a schedule together. Additionally, we have invited representatives from the Governor’s Office of Performance Through Excellence, to assist us in streamlining our scheduling process. This provides us an outside viewpoint to look at our current process and help us streamline so it is more efficient. Board Secretary Talaber noted that the 1:00 p.m. meeting on technology issues is going to be more of a discussion than a training, so that we can discuss the many technology projects in the works that affect our business processes.
Board Member Rosenberg asked if we can put all the interviews in the Outlook Calendar. Board Member Grey noted that this used to be done for the board members. Chairman Dunn asked if everyone was willing to rely on Outlook, and the board members generally agreed. Chairman Dunn asked that the board members give Executive Secretary Conjar access to Outlook. There were no further questions for the Board Secretary.

E. Office of Chief Counsel

Assistant Counsel Davis noted that Chief Counsel Robinson could not attend the meeting, and Deputy Chief Counsel Manning was in court arguing two en banc cases involving sentence credit issues. The board did not have any additional questions for Assistant Counsel Davis. Chairman Dunn noted that there will be a discussion and legal advice provided on a case in executive session.

F. Policy and Legislative Affairs

Director Wills reported that after the election there will be 29 republicans, and 21 democrats in the Senate, and 108 republicans and 95 democrats in the House. At this moment, we are unsure who the judiciary chairs will be in the Senate or House. Director Wills will be sending a document via email that is a legislative wrap-up for 2018. Board Member Fox asked about legislation involving Sexually Violent Predators and how often they could apply for parole. Director Wills noted that bill did not make it out of the judiciary committees. Director Wills noted the November 2017 board resolution that addresses the concerns. There were no further questions for Director Wills.

G. Chairman’s Assistants

Executive Assistant Romiski reported that she was working on updating the COOP plan and working on a floor map with DOC on the Riverfront Office Center. The board members did not have any questions for Executive Assistant Romiski.

Executive Assistant Otis had nothing to report. Board Member Johnson asked Executive Assistant Otis if there was anything he was working on. Mr. Otis replied he was working with the Hearing Examiners office tracking how many people they interview. Board Member Johnson asked what that was for, and Chairman Dunn replied that has asked Mr. Otis to do some of the normal reports for the Hearing Examiner’s Office since they are done in staff. Board Member Johnson asked Mr. Otis what he then does with those numbers. Chairman Dunn replied that this is part of report that he sends out to board members concerning hearing examiner percentages. Mr. Otis is there to keep track of monthly reporting and its normal review.
Board Member Rosenberg asked if the report of the board members' parole rates was disseminated before last month. Chairman Dunn replied that it was disseminated before but then stopped, and he was trying to disseminate it again. Board Member Rosenberg asked that if reports are being distributed outside the agency concerning this information, then they should also be sent to board members. Chairman Dunn indicated that he recently became aware it was not being circulated. Board Member Rosenberg has concerns that it the report had incorrect data about her parole rates. Board Member Johnson noted there have been other problems with the reports concerning the number of cases Board Member Moscato had reviewed.

Board Member Rosenberg suggested that there should be a shared place on One Drive for this type of information. Board Secretary Talaber indicated that he did not have staff that could do it at this time, and Board Member Rosenberg volunteered to do it. Board Secretary Talaber noted that Board Member Fox has indicated that there is information over on the Intranet that could also be moved to OneDrive. Board Member Rosenberg suggested that Mr. Otis could work on gathering this information. Chairman Dunn asked Mr. Otis to coordinate with Dr. Bucklin and Board Secretary Talaber to get the information over to OneDrive.

III. OLD BUSINESS
A. 361 Updates

Executive Assistant Kokatay reported that he placed 361 Charter documents onto OneDrive for the board members' review. Mr. Kokatay reviewed the relevant dates on the Charter. Mr. Kokatay reported that there is an assessment meeting scheduled with the field on the impact of the possible new assessment on operations. Board Member Rosenberg asked questions on how it impacts the 361. Chairman Dunn noted that the LSIR would replace whatever fourth generation tool we utilize, and that he wanted Board Member Rosenberg involved in the meeting because of her IT background and experience. Executive Assistant Kokatay discussed various options in the computer development of CAPTOR and other programs. Board Member Rosenberg stated that this seems to be years away, and questioned if we are making changes now to the 361 or years later. Board Member Rosenberg asked if we are at a minimum, 1 to 2 years away from making changes to the 361.

Chairman Dunn replied yes, and explained the various parts of the process concerning changes. Chairman Dunn wants the board members to focus on reviewing what we can, and continue working on what we want for the reasons why we say yes or no to parole, and change anything regarding conditions. Chairman Dunn noted we may be able to incorporate some of this information in the e361. Board Member Rosenberg asked what data are
we going to be using to decide on what changes to make, and is a really important board discussion. Chairman Dunn agreed.

Board Member Johnson asked why we cannot develop a position that works with Dr. Bucklin in statistics so we can develop a dashboard and answer questions needed for projects like this. Board Member Johnson noted that Dr. Bucklin has taken on two agencies, and lost positions, and has different priorities than the board members’ priorities. Board Member Koch noted that the board has the Board Secretary. Board Member Johnson clarified that it needs to be someone who has a statistics background and is working full time on the requests. Chairman Dunn stated that when it comes to getting a full-time position, it was part of the discussion when merging the statistics office, and was made clear to him that you are not going to have a dedicated position any longer. Chairman Dunn stated that came from the Governor’s Office and the Office of the Budget. Chairman Dunn stated they wanted a combined office. Board Member Rosenberg and Grey questioned why one precludes the other and why Michelle Heister cannot work in a combined office but do only parole projects.

Board Member Johnson, in terms of personnel, stated that when the Chairman oversaw the institutions and field agents he had 2 executive assistants, and now that the compliment dropped to less than 100, he has 4 executive assistants. There must be something that allows the Chairman to make hiring decisions for additional personnel. Board Member Johnson asked why one of the executive assistants could not work in conjunction with Dr. Bucklin to gather the information needed for this dashboard. Board Member Johnson wants the board to be able to know how they are doing, what they use to measure and evaluate how they are doing their jobs. Board Members Johnson and Rosenberg requested that the board members get a statistical person to help them.

Chairman Dunn noted that things ebb and flow, stating that Dr. Bucklin has provided us with statistics on things such as what is our recidivism rate. Board Member Johnson noted that this occurred because he met with Secretary Wetzel and asked that we be provided with that information. Board Member Johnson stated that we need to work closer with DOC, and this dashboard will help us do our job. Board Member Johnson suggested that we have a “sit-down” general conversation with DOC leadership on how we can work better together. Board Member Johnson stated it appears that the board’s needs are not important because when they ask for things, they are denied by the Chairman. Board Member Johnson feels that it is falling on a deaf ear.

Board Member Rosenberg stated that from the Robina presentation in October, it was a terrific conversation starter, and is the type of information that board members are interested in obtaining. Board Member Rosenberg suggested we take that presentation and have a discussion. Board Member Rosenberg suggested we have Executive Director Mark Bergstrom facilitate
that conversation. Chairman Dunn agreed. Board Member Rosenberg suggested having a day long retreat on the 361 topic. Executive Assistant Kokatay suggested we all have a discussion with the Chairman on what needs to be involved. Board Member Fox commented that if we are going to be evidenced based, we need to see the evidence, using the violent forecast model as an example. Board Member Fox also asked how what the board designs and the sentencing commission designs relate.

Chairman Dunn directed Executive Assistant Kokatay to get with Dr. Bucklin and see what the result of the violent forecast model are with recidivism since there are multiple years of data. Executive Director Bergstrom explained how this project came together over the past few years, and the goals of the various parties in this project, and he is agreement for meeting to discuss the details. Board Member Fox asked for additional information about the Robina reports. Chairman Dunn asked for adding another day in January during board week to focus solely on the whole project to get things into context.

Executive Assistant Kokatay discussed suggested condition changes on the 361, beginning with the condition where the parolee needs to maintain employment and the need to pay child support. There was a general discussion among the board members on each condition, and the ability to enforce the condition, and the merits of the field and/or the board imposing the condition.

B. Policy Concerning Complaints on Hearing Examiners and Board Members

Board Member Rosenberg asked if there was a policy in place when there are complaints against hearing examiners or board members, or is that the Chairman’s discretion. Chairman Dunn said there is not a policy but a practice, that for hearing examiners it goes to Internal Affairs. If it involves a board member (including the chairman), it goes to the Office of Inspector General. Board Member Rosenberg asked if every time there is complaint against a board member it goes to the Inspector General. The Chairman replied “yes.” Board Member Johnson asked if the board member is notified that there is an investigation. Chairman Dunn replied that he believes that you are by the Inspector General. Board Member Johnson asked if the Chairman could notify the board member. Chairman Dunn said he would not do so because he would not want to infringe on the Inspector General’s investigation.

Board Member Fox suggested we develop a policy on our own that allow staff to screen out inmate complaints. Chief Hearing Examiner Allensworth indicated that he does not get a lot of complaints, but he does screen them and sends the serious ones to Internal Affairs. Chief Hearing Examiner Allensworth lets the hearing examiner involved know about the complaint if he does not send it to Internal Affairs, and also counsels them not to retaliate
against the offender. Chief Hearing Examiner Allensworth intends to formalize this into a policy once his administrative officer is in place.

Board Member Rosenberg asked what happens with complaints about board members. Board Secretary Talaber indicated that they are doing something similar, and that he screens out the one where it is clear that the inmate is just angry that he or she has been denied parole. Board Secretary Talaber stated that his office really does not get too many, maybe one or two a month. If it is something more serious allegation he passes it along to the Chairman.

Board Member Rosenberg asked if the complaint came from a victim. How would it be handled? Chairman Dunn explained that he would be alerted by OVA and he as Chairman would decide on whether it should go to the Inspector General. Board Secretary Talaber noted that complaints about board members and hearing examiners from victims would likely come through the Face-to-Face process, and the benefit there is that a video is made of the incident. Board Member Johnson and Board Member Rosenberg asked if the video would be reviewed prior to it going to the Inspector General’s office. Board Secretary Talaber’s experience with working with OVA was if there was a complaint from a victim, they would review the video and see if there was merit to it. Board Member Rosenberg asked if the Chairman’s process was to ask OVA to review the video first before he sends to the Inspector General. Chairman Dunn explained that has not happened, but that he would ask OVA to review the video for credibility check. Chairman Dunn explained that when he gets a complaint about a board member, and there is some credibility in the complaint, he passes it on to the Office for Inspector General. Chairman Dunn assumes that it is reviewed twice- once by OVA and once by the Inspector General. Board Member Rosenberg suggested that the process be documented. Chairman Dunn indicated that he would do so.

Board Member Moscato noted that when he started as a board member, the hearing examiner reminded him that he would be lied to everyday. Board Member Moscato hopes that the Inspector General keeps this mind.

Due to the unavailability of water in the building, the public session of the meeting concluded at 10:35 a.m.

Chairman Dunn reconvened the meeting into executive session for the purpose of receiving legal advice at 10:38 a.m.

Board Member Gillison moved to adjourn the executive session, which was seconded by Board Member Johnson. The board unanimously voted to adjourn the meeting at 10:50 a.m.