



MEMO

TO: Board Members

FROM: Scott Woolf
Acting Board Secretary

DATE: January 10, 2019

RE: Minutes – Board Meeting
December 11, 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 December 11, 2019, of the Pennsylvania Board of Probation and Parole.

The public meeting convened at 9:01 a.m. at Riverfront Office Center in Harrisburg, PA with Chairman Ted Johnson presiding. A quorum of Board Members was established.

In attendance were Chairman Theodore Johnson, Board Members Maureen Barden, Linda Rosenberg, Jim Fox, Anthony Moscato, Leo Dunn, Mark Koch and Everett Gillison.

Also in attendance were Chad Allensworth, Chief Hearing Examiner, Hearing Division; Alan Robinson, Chief Counsel; Tanner Widdowson, Office of Victim Advocate (OVA); Pennie Hockenberry, Policy Director, OVA; Meghan Dade, Executive Director, PA Sexual Offenders Assessment Board (SOAB); Janaki Theivakumaran, Executive Assistant, SOAB; Deb Carpenter, Special Assistant to the Chairman; Laura Treaster, Special Assistant to the Chairman (Board Communications/Press); Scott Woolf, Acting Board Secretary, Office of Board Secretary (OBS); Neil Malady, Legislative and Policy Director; Christian Stephens, Deputy Secretary of Field Services; Kelly Evans, Deputy Secretary for Reentry Services; Farrah Conjar, Executive Secretary to the Chairman; Mark Bergstrom.

The Chairman recognized public guests Mark Bergstrom, Executive Director of the Pennsylvania Sentencing Commission.

I. APPROVAL OF November 13, 2019 BOARD MEETING MINUTES

Board Member Fox moved to approve the Board minutes, and Board Member Barden second the motion. The board unanimously approved the minutes.

II. STAFF REPORTS

A. Office of Victim Advocate (OVA)

- Pennie Hockenberry reported the process of reindexing about 77,000 OVA documents in OnBase. They are utilizing temp staff to help complete this project. The Board will start to see new document types as you review cases. Deb updated the decision maker library in OnBase so you can begin viewing these documents. The document titles will be more descriptive so you know what you are looking at. Pennie wanted to note they are tackling this huge project in phases. She will provide a chart to Deb of the documents and their descriptions. The Board is to reach out to OVA if they have any questions or concerns about the document they are viewing.
- Auto registration with JRI 2 came out of the House judiciary committee. If this passes it will ensure every county is forwarding victim information to OVA. This will result in far less late victim registrations.
- Tanner wanted to know what the Board preferred for 2020 victim testimony days. Would they prefer to keep it to two days or one longer day, if all testimony can be accomplished in one day. The Board agreed one longer day would be preferred. Tanner made note that OVA cannot guarantee it will only be one day. The Board acknowledged.

B. Sexual Offenders Assessment Board (SOAB)

- Meghan Dade stated SOAB worked with OnBase to get all their assessment in the correct document type, SOAB assessments.
- Meghan addressed the question front the Board regarding the difference in Static 99 scores with DOC and SOAB. Her recommendation as a default go with the SOAB number; our experts are trained in the Static 99 and the assessment is double-checked by the SOAB Psychologist. If there are questions regarding the the score please contact Janaki and Meghan. Board Member Fox asked Meghan if she could intervene if they notice DOC has placed someone in a program that doesn't fit the crime. Meghan advised they cannot as it goes beyond SOAB mandate. Board Member Fox and Chad Allensworth advised there is a current case like this with the joint resolution committee. Megan advised SOAB would be more than willing to schedule a training/information session on the Static 99 for DOC and the Board. Chairman Johnson advised he would like the training once all Board Members are in place.

C. Communication Update (Laura Treaster)

- Laura Treaster reported out she is helping other senior staff members with projects as needed.

- Advised the Board Chairman Johnson has an interview coming up with CBS 21 on juvenile lifers.

D. Special Assistant to the Chairman (Deb Carpenter)

- E-361 - OnBase did the initial review of the E361 with us and there were some issues identified especially with the memos to decision makers. We will be working on resolving those issues. As of today she is still comfortable with the 1st quarter of 2020.
- Parole Board Application – testing on the parole application should occur in December.
- District Attorney (DA) notification – testing on the additional item to be shared during the notification to the DA. It will now include the DC43 and the misconduct report.
- HR/Budget issues – Nothing has changed money is still in budgetary reserve; will release on an as needed basis. Working with Scott Woolf on some organization structure to OBS aligning them more appropriately with staff technicians to managers.

E. Hearing Division

- Chief Hearing Examiner Allensworth advised they will have four vacancies in January. They are working with HR to fill these positions and will be reverting back to the old way of posting, a work simulation. Currently in the process of revising the work simulation with HR. This involves a written test that provides a rating instead of relying solely on their education and training.
- Does the Board want an Agent recommendation during the hearing process?
 - A recommendation as to what they want in panel hearings during the disposition process.
 - Christian advised historically the field has been discouraged from putting their recommendation in writing. Their responsibility was to lay out all the facts of the case. Then, a Board Member was able to ask during the disposition process of the panel hearing.
 - Chad advised the violation sanctioning grid provides some guidance; does the Board want the recommendation specifically stated. Board Member Barden and Chairman Johnson advised they want more input from the field; they both find it very helpful. They believe no decision maker is going to know as much about the case as the supervising agent.

- The Board is okay with recommendations for all hearings; waivers and panel. During disposition on panel hearings; waivers hearings can have additional information provided on the 257H.
- Christian advised:
 - Agents will give the decision makers a more thorough 257H, to include language that provides a history of their overall adjustment.
 - If an Agent has a recommendation, then they can provide it.
 - The fact the individual is sitting in front of you is mostly likely the field's recommendation because all other diversions have failed.
- Board Member Rosenberg requested packets be provided to Board Members in a timely manner. Christian and Kelly advised they will check on what that is not occurring but should.
 - Board Member Rosenberg advised the SCI staff is doing a great job.
- Board recommends doing all clarifying questions during disposition phase. Hearing Examiners should not be helping the agents put on their case. This will be covered during upcoming trainings.

F. Policy and Legislative Affairs

- Policy Director Neil Malady stated the House Judiciary Committee voted out the JRI 2 packages; SB501 has presumptive parole. The bill language has changed and the Board would still have a “decision making” role. The amendments will be reviewed by the House and the hope is it will go to the Senate when they are back in session.
- House Bill 44, correctional officers (CO) participating in parole hearings was changed from a shall to a may.
- The family met with the Governor's office on Markie's law. The Governor has not committed to the bill but his staff is working to see the possibilities to resolve this issues. Chief Counsel Robinson advised the bill does not specify concurrent or consecutively. The way it's written if you commit certain crimes you are not going to be eligible for parole on the judge imposed sentence for 1 or 2 years. There are some concerns about changing the minimum dates on the already imposed sentence.
- Neil advised in talking with the House judiciary committee there would be no merger between the DOC and the Board.

G. Office of Chief Counsel

- Chief Counsel Alan Robinson reported out statistics for Board law suits relating to granting parole, not granting parole and error in calculating sentences. Approximately 450 cases per year. The cases are generally parole refuses and/or revocation.
- Morgan Davis did the oral argument in the Young sentencing calculation Supreme Court case. She did a fantastic job
- Chief Counsel Robinson argued the Commonwealth Court case that is for the Board that the Board must appoint public defenders for all parole proceedings.

H. Office of the Board Secretary

- No issues to report on the Board action mailing process change.
- The sentence calculation manual is in draft form. This is just the start in further documentation that will enhance the office.
- To further the goal of increasing quality decisions; the quality assurance unit and the chief counsel office will hold workshops for parole staff techs and managers to enhance the way they do their calculations.
- Working towards getting the staff on the same page as to how they do the work they do. In conjunction with this we are looking at the Board action language and making it more understandable and easily readable.

I. Reentry Services, Deputy Secretary Kelly Evans

- A memo will be sent out advising no input of medical information is allowed on the ICSA due to confidentiality reasons. There will be a note in there referring decision makers to the DC481. This only applies to physical health. The counselors will still input specific needs.
- Scott will be attending the bi weekly meetings with the reentry staff to have a better flow of information between OBS and the SCI's

Chairman Johnson reminded staff that our decisions are our decision. We stand behind our decisions, we make decisions as Board and support each other. Board Member Rosenberg commended Chairman Johnson on his support of the other members and hearing examiners.

At 9:50 a.m. Board Member Dunn made a motion to adjourn the public session. The motion was seconded by Board Member Koch. The Board voted unanimously to adjourn public session.

SAW