TO: Board Members
FROM: John J. Talaber, Esq.
        Board Secretary
DATE: August 12, 2019
RE: Minutes – Board Meeting
    July 17, 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 July 17, 2019, of the Pennsylvania Board of Probation and Parole.

The public meeting convened at 9:00 a.m. with Chairman Ted Johnson presiding. A quorum of board members was established.

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

Also in attendance were Chad Allensworth, Chief Hearing Examiner, Hearing Examiner Office; Alan Robinson, Chief Counsel, Office of Chief Counsel; Tanner Widdowson, Victim Services Director, Office of Victim Advocate (OVA); Karen Laird, Director of Outreach and Programming, OVA; John J. Talaber, Board Secretary, Office of Board Secretary; Neil Malady, Director of Policy and Legislation; Deb Carpenter, Special Assistant to the Chairman; and Farrah Conjar, Executive Secretary to the Chairman.

The Chairman recognized public guests Dr. Diane Shoop, Executive and Policy Support Manager of the Pennsylvania Sentencing Commission, and Mark Bergstrom, Executive Director of the Pennsylvania Sentencing Commission.

The Chairman read a statement that the Board held an executive session meeting on June 19, 2019 at 2:30 p.m. The purpose of the session was to consult with an attorney or other professional advisors regarding information or strategy in connection with litigation; or with issues or identifiable complaints expect to be filed, and to review agency business which if conducted in public would violate a lawful privilege, or lead to the disclosure of information that is confidential and protected by law.

I. APPROVAL OF MAY 22, 2019 BOARD MEETING MINUTES

Board Member Koch moved to approve the board minutes, and Board Member Barden seconded the motion. The board unanimously approved the minutes.
II. STAFF REPORTS

A. Office of Victim Advocate

Victim Services Director Tanner Widdowson reported that Face-to-Face went very well. Director Widdowson noted that there were service dogs at F2F for the victims, and there will be another service dog at the F2F on Thursday. Board Member Grey requested if the service dogs could come over to the Board’s Executive Office area. Director Widdowson would check to see if that could be done. Chairman Johnson noted that there is a therapist available to the Board on F2F days, and the Board is willing to provide the therapist to OVA staff or victims as needed. Chairman Johnson feels that she is not be utilized to her full potential. The Board had no further questions for Director Widdowson.

B. Sexual Offenders Assessment Board

Executive Director Meghan Dade was not present, and there was nothing to report.

C. Special Assistant to the Chairman (Deb Carpenter)

Special Assistant Deb Carpenter reported that the Board was closing out fiscal year 18/19 with about $750,000 in surplus. Special Assistant Carpenter is not sure what the Governors direction will be with that surplus, but they probably will take it and place it in budgetary reserve. Special Assistant Carpenter, after discussions with the Board’s budget liaison for fiscal year 19/20, originally thought that there was only funding for 82 positions, but it looks like now there will be funding for 84 positions, which also includes the recent wage increase for union and management staff. The Board’s compliment cap is 88 positions but we only have funding for 84 positions. The operating budget is running flat, and we are going to look at cost savings in the event we need to fund the other 4 positions.

Chairman Johnson asked what the $750,000 that was budgeted supposed to pay for? Special Assistant Carpenter stated that some of it was for personnel, because we did not hire as quickly as we should have, which may not be any fault of our own because of delays in the hiring process. Additionally, the Board has yet to be charged any reality rental, and she is not sure what DOC’s stance on it is for the upcoming fiscal year; however, as Chairman Johnson noted, with DOC’s budget cuts it is likely we will be charged this year. Rental amount would likely be about $400,000 per year. There were no further questions for Special Assistant Carpenter.

D. Hearing Examiners Office

Chief Hearing Examiner Chad Allensworth reported that with Carol Schultz’s retirement, the Office is currently down three Hearing Examiner positions. The plan is to fill two of the Hearing Examiner positions, hopefully with a posting by the end of July 2019. Chief Hearing Examiner Allensworth also emailed all the Board Members about a possible change of process for how the Office will be handling waivers. Board Member Barden asked for a summary of the changes. Chief
Hearing Examiner Allensworth stated that right now, in terms of process, Hearing Examiners are all over the board with what they accept in regard to waiver packets. Chief Hearing Allensworth is trying to get the acceptance process in a more uniform state by updating policy and procedure directing what should be in the waiver packets. Essentially, they are looking to have complete packets with accurate information, and if not, then the packet should be rejected. The problem with the current rejection system is that the case gets lost in the shuffle, and once it goes back to the field, we have no way of monitoring things to get back to the Hearing Examiners, so it slows cases down.

Chief Hearing Examiner Allensworth explained that the new process is that if the Hearing Examiner rejects the waiver packet, a hearing will be scheduled, and they will have the parole agent come to the hearing and get the case adjudicated. Board Member Barden asked what percentage of hearings are waived? Chief Hearing Examiner Allensworth noted that it fluctuates between 85% to 88%. Board Member Fox asked if the Hearing Examiner does not accept a waiver packet, schedules a hearing, and does not allow the field to provide another waiver packet, is that going to put unnecessary work on the Hearing Examiners? Chief Hearing Examiner Allensworth stated there will be an initial “bump-up” in the number of hearings conducted, but it is a very important message to the agents by saying that if you do not want to come to a hearing, get the waiver packet correct and accurate the first time. Board Member Grey stated she thinks it is a good idea, and believes that this is a good way for the field to get the message since the Board has an obligation to do things correctly.

Chairman Johnson asked if we are working with DOC Deputy Secretary Christian Stephens on this matter so they are no blind-sided? Chief Hearing Examiner Allensworth stated “yes” they are writing it up, and they will come to an agreement with him prior to implementation on exactly what the waiver packets should contain. Chairman Johnson also asked if we were giving DOC Deputy Secretary Stephens time to filter that to the field, and Chief Hearing Examiner Allensworth stated “yes.”

Board Member Koch stated that he recently worked with Hearing Examiners Demauro and Kassab, and they are doing excellent work. Chief Hearing Examiner Allensworth responded “thank-you” and gave credit for their training to Deputy Chief Hearing Examiner Gary Holland. There was general agreement among some other Board Members to Board Member Koch’s observation. There were no further questions for Chief Hearing Examiner Allensworth.

E. Office of the Board Secretary

Board Secretary John Talaber directed the Board Members to his handout entitled “June 2019 Board Report” that provide the Board with some of the Office’s operational metrics. If the Board likes the format, then it can be provided on a monthly basis to them. Board Secretary Talaber noted that he compared the numbers to what occurred one year prior. Board Secretary Talaber stated that one thing that stands out is the downsizing of the Inmate Inquiry Unit, with the relocating of phone calls that belong to the field and institutional staff. Board
Secretary Talaber noted that the Office still does quite a bit of scanning of inmate files from the State Record Center. Board Secretary Talaber updated the Board on personnel vacancies in the Office, and highlighted the plans moving forward.

Board Secretary Talaber reported, that after meeting with Senior Staff, the Accelerated Parole Application Review (APAR) project is not working the way we hoped it would work. The intent was that the APAR interviews would be short interviews reviewing what the inmate’s board decision stipulated for the last review. Board Secretary Talaber stated it appears that some of the Hearing Examiners are not comfortable making a decision at the short interview, and they are being placed on the complete docket, thereby adding an extra an extra step in the process. The recommendation is that we discontinue APAR, but keep the database process we developed to continue tracking parole applications. Board Member Barden asked approximately how many parole applications do we receive a year, and Board Secretary Talaber stated about 1200 per year (about 100 per month).

OVA Director Widdowson noted that OVA has a notice requirement as part of the process as well. Chairman Johnson asked Director Widdowson if it would be more prudent if OVA got the information after the APAR decision was made? Director Widdowson responded that they provide a notification at the APAR decision, and if placed on a regular docket, at that time too. Board Member Koch and Chairman Johnson noted it was too bad that APAR did not work out because one of its goals was to not have to upset the victim by having the victim come back for a Face-to-Face. Board Member Fox noted that it seems the APAR cases we are getting are from inmates that got longer “hits” based on the guidelines for parole violations, and he thinks it ok to no longer have APAR. Board Member Fox made a motion to discontinue the APAR process, which was seconded by Board Member Gillison. There was no further discussion on the motion, and the Board passed it unanimously.

F. Policy and Legislative Affairs

Policy Director Neil Malady reported the legislature is in recess until mid-September. Director Malady stated that he is working with Board Member Barden to schedule a final meeting on the National Governors Association workgroup proposal that is being submitted to the Governor by the end of September 2019. The meeting is tentatively scheduled for August 22, 2019. Director Malady reported that Board staff and DOC staff are working closely drafting language for the medical parole bill. It is likely to be introduced in the Senate this fall by Senator Baker. Director Malady is also working with DOC staff on the JRI II and merger legislation bills that could be moved in the legislature this fall. Board Member Grey asked if there was a draft of the medical parole language that she could see? Director Malady will circulate the language to the Board Members. Chief Counsel Robinson clarified that the medical parole language would only be prospective for those who commit their crime after the new statute is effective. There were no further questions on this topic.
G. Special Assistant to the Chairman (Laura Treaster)

Special Assistant Treaster was not able to attend the Board Meeting; however, in her absence Special Assistant Carpenter reported that each Board Member should have received documentation from her concerning the Board’s Dashboard Project. It appears that all Board Members are in agreement on what they would like displayed on the Dashboard. The next step will be to go to IT to start creating the Dashboard. Special Assistant Carpenter will work with BIT staff to see what data is available from specific sources, and there will be various versions of the Dashboard as the project moves forward. If there is any information that cannot be pulled into the Dashboard, Special Assistant Carpenter will let the Board know.

Board Member Rosenberg asked about using OnBase to provide some of the data? Special Assistant Carpenter noted that it is an option, but there will need to be keywords associated with the data we are seeking. Board Member Rosenberg asked if DOC understands the capabilities of OnBase? Special Assistant Carpenter replied that while BIT may not have a thorough understanding of OnBase, the developer we will be working with does understand OnBase. There were no further questions from the Board.

H. Office of Chief Counsel

Chief Counsel Alan Robinson reported that he did not have anything for public session. Chief Counsel Robinson mentioned that if anyone is complaining about not receiving the pay raise through the passing of the recent budget, it is his understanding that it is being worked on and it will be retroactive to July 1, 2019. It should show-up in employees’ paychecks sometime in August 2019. Special Assistant Carpenter further explained the process. There were no further questions from the Board.

III. OLD BUSINESS

A. Board Dashboard

There was no further discussion on this topic other than what was stated in the “Reports” portion of the minutes.

B. National Governors Association Project

There was no further discussion on this topic other than what was stated in the “Reports” portion of the minutes.

C. September 2019 Board Meeting

Board Member Grey reported that the booklets for the public session have been completed. Board Member Grey reported that those Board Members who are also attorneys will be able to receive CLE credits as part of the presentation process. The thought in providing CLE credits is the hope that it will draw some of the legal
community into the discussion. Board Member Grey noted that Special Assistants Treaster, Carpenter, and Executive Secretary Farrah Conjar are going to run it through the CLE approval process. One of the booklets will be geared toward the college students, and one of the booklets will include slightly more legal material for the legal community. The presentations will be at the Hurt Auditorium and the Board Meeting will be located Maritime Museum on the Bayfront of Erie. The invitations to the parties we want to participate have been sent. There is a possibility that a representative of the Pardons Board will be coming to Erie in the same time frame, that would not conflict with our programs but instead compliment the topics involved.

Director Malady noted that while the Legislature will be in session in Harrisburg, we will reach out to their district offices so that the local staff can attend. This is important because families of the incarcerated often reach out to their offices. Board Member Grey noted that we are reaching out to the victim and public defender communities as well. Board Member Grey reported that we will also have a male and female parole agent available, and we hope to generate interest is people possibly considering careers in the parole field. Board Member Grey will be providing a list of things to do while visiting Erie.

Chairman Johnson noted that the Erie Club is right by the Courthouse, and it is at a time when the day is winding down, so they are anticipating a good crowd. Chairman Johnson said that this in in step with what they always talked about doing: Getting into the community; letting them see how the Board works; explaining what the Board does and how decisions are made. Chairman Johnson stated that there will also be another session with community leaders and agencies. Chairman Johnson noted that he and Pardons Board Secretary Flood had lunch, and in the evening after one of the meetings, both will be doing a session at one of the Erie Community Centers. The session will be run by Paul Gamble who is the reentry specialist with the Federal Government, and they will be talking with the community about the difference between pardons and parole. Secretary Flood will then give information on how to apply for pardons. The Chairman is very pleased with Board Member Grey and the rest of the group that put this together. Board Member Grey expressed her appreciation to Laura Treaster, Deb Carpenter, and Farrah Conjar for all their hard work in making this happen. There was a general discussion among the Board Members in doing something like this in the other parts of the Commonwealth.

D. Evidence Based Practice Leadership Team for County Probation-Status Update from 5/22/19 Meeting

Chairman Johnson is working on developing questions for them and will send them a list of questions on what the Board needs answered. Chairman Johnson hopes to come to some conclusion on this issue by the August 2019 meeting. Chairman Johnson notes that the money that the Board used to provide to the County has been moved to the DOC, so even if the Board votes to provide some money, he is not sure it can be what was provided in the past due to budget restraints.
E. Violent Crimes Chart (Part III)

Board Secretary Talaber referenced that this was a continuation of the discussion from the Board’s April 17, 2019 and May 22, 2019 meetings. The Office of Board Secretary has been collecting questions from various people regarding board designated offenses. Board Secretary Talaber referenced a handout and noted the board’s decision regarding the number of required votes needed to be updated. Board Secretary Talaber reviewed the crimes and the recommendations. The Board heard the recommendation and decided on the number of votes for each as follows:

Recommendation Twelve:
- After the Board voted on May 22, 2019 to make involuntary manslaughter a violent 5 vote case, it was discovered that this crime remained a 2 vote case: Voluntary Manslaughter.
- After discussion and recommendations from the Chairman and board members, Board Secretary Talaber temporarily made this a 5 vote violent case until it could be discussed at the July 17, 2019 board meeting.
- Does the Board wish to make this a 5 vote violent case or remain a 2 vote violent case?

Recommendation Thirteen:
- After the Board voted on May 22, 2019 to make involuntary manslaughter a violent 5 vote case, it was discovered that this crime remained a 2 vote case: Manslaughter of a Law Enforcement Officer.
- After discussion and recommendations from the Chairman and board members, Board Secretary Talaber temporarily made this a 5 vote violent case until it could be discussed at the July 17, 2019 board meeting.
- Does the Board wish to make this a 5 vote violent case or remain a 2 vote violent case?

Recommendation Fourteen:
- After the Board voted on May 22, 2019 to make involuntary manslaughter a violent 5 vote case, it was discovered that this crime remained a 2 vote case: Voluntary Manslaughter of an Unborn Child.
- After discussion and recommendations from the Chairman and board members, Board Secretary Talaber temporarily made this a 5 vote violent case until it could be discussed at the July 17, 2019 board meeting.
- Does the Board wish to make this a 5 vote violent case or remain a 2 vote violent case?

Recommendation Fifteen:
- After the Board voted on May 22, 2019 to make involuntary manslaughter a violent 5 vote case, it was discovered that this crime remained a 2 vote case: Murder of an Unborn Child (Regardless of Degree).
- Board Secretary Talaber temporarily made this a 5 vote violent case until it could be discussed at the July 17, 2019 board meeting.
- Does the Board wish to make this a 5 vote violent case or remain a 2 vote violent case?

Board Member Koch made a motion to make the following crimes five vote violent cases: (1) Voluntary Manslaughter; (2) Manslaughter of a Law Enforcement Officer; (3) Voluntary Manslaughter of an Unborn Child; and (4) Murder of an Unborn Child (Regardless of Degree). Board Member Barden seconded the motion. There was no discussion on the motion, and the Board voted unanimously in favor of the motion.

Board Secretary Talaber stated that since we have completed the Violent Crimes Chart review, we can review the “Votes Required” chart at later meeting. A copy of the current Votes Required chart was distributed to the Board Members. The last update of the Votes Require Chart was March 30, 2017. Board Secretary Talaber attached to the handout the authority behind various items on the Votes Required Chart. Board Secretary Talaber suggested that as part of the review, we consider doing any modifications through a resolution so we do not need to rely on the previous documents. Board Secretary Talaber noted that we have had RTKL request before for the information. The Board Secretary’s Office will provide recommendations for the August 14, 2019 meeting.

F. Full Board Review and Cases

Board Member Gillison suggested that we table this discussion so that he can develop a plan and discuss with the other Board Members at a future meeting. Board Member Gillison wants to meet with everybody to understand how it could work on certain cases, much like the cases we review in Executive Session. Board Member Gillison suggested that after the criteria is developed, the Board meet once a quarter to discuss the cases. Board Secretary Talaber will table it for the August 14, 2019 meeting.

IV. NEW BUSINESS

A. Processing of Waiver Cases

There was no further discussion on this topic other than what was stated in the “Reports” portion of the minutes.

B. Robina Report Comments

Chairman Johnson asked if everyone had a copy of the proposed comments and statistical information. Board Secretary Talaber reminded the Board that it had a deadline from Robina of July 22, 2019 to provide comments to the draft report. Board Member Fox asked if the only thing we are commenting on now is the second report of the interviews with the inmates? Board Secretary Talaber replied “yes.” Board Member Fox suggested that we should have interviewed people that were paroled, unlike the sample interviewed which were denied parole. Board Member Dunn agreed with Board Member Fox. Board Member Grey suggested that they
could have done interviews with the paroled population at district offices. Board Member Rosenberg expressed like she felt the report made the Board look bad, looking at only three and a half percent of all the people paroled, which is a group that is clearly disgruntled because they were denied multiple times.

Board Member Rosenberg stated that when she read about SCI-Graterford, all the quotes regarding decision makers were “he,” while she was assigned to SCI-Graterford and she believes that the reference is to a Hearing Examiner rather than a Board Member who made the comments. Board Member Barden noted that limitations in the pool dictated the outcome. Board Member Koch noted that you can use a sample of 35 people and make it say almost anything, and his understanding of the study and small group was for a limited reason, and not for the larger picture of parole. Board Member Fox raised concerns that this data could be greatly misinterpreted.

Chairman Johnson and Board Member Barden asked what is going to happen after this report is released? Board Member Rosenberg noted that this article could be quoted in other studies, and it ends up on other websites. The Board asked Executive Director of the Sentencing Commission Mark Bergstrom for his thoughts.

Executive Director Bergstrom noted that he had not seen the draft of the Robina Report. Executive Director Bergstrom noted that as part of the Robina project, the thought process in having the parolee interviews as part of the project was so that we would have both qualitative and quantitative research. One of the gaps that Robina wanted to investigate was “why are individuals being denied parole?” We want to understand the failures to determine if it was on the inmate, who may not have done certain things, or was it because of other factors that come into it. Executive Director Bergstrom feels that there are two difference sides to how you use this information: (1) Is there anything worthwhile that you can take away in terms of your practices; and (2) What do you do with this document? This document is a way of messaging to the community, and he understands the Board’s concerns.

Executive Director Bergstrom noted that part of the study was to look at successes, and try to figure out what were the “good” things about the successes, and is there anything we are missing that we could build into a future version of the Parole Decisional Instrument (361).

Board Member Barden asked if it is up to the Board to see if this study is released? Chairman Johnson asked Executive Director Bergstrom if the Sentencing Commission is in the contract with the Board. Executive Director Bergstrom replied he would like to see the report before it becomes public. Executive Director Bergstrom stated it was always the intent to give the Board and the Sentencing Commission the opportunity to review the report and provide input before it went public. Chairman Johnson asked why Executive Director Bergstrom thinks he did not receive a copy of the report, to which Mr. Bergstrom replied that he thought it was so that the Board had the first opportunity to review it before it went to a wider audience. Board Secretary Talaber suggested we share the report with the Sentencing Commission since they are part of the confidentiality agreement with
Robina. Chairman Johnson stated he does not have a problem releasing a copy of it to the Sentencing Commission, and the Board agreed.

Executive Director Bergstrom stated that the Sentencing Commission would be happy to participate in a conference call with the Board and Robina to address the concerns. Board Member Fox noted that there was not a review of the inmate’s file to determine how many misconducts the person had, or other factors, that might account for a parole denial other than the nature of the interview.

The Board directed Board Secretary Talaber to talk to Robina to get additional time to provide comments. Chairman Johnson stated this will give Executive Director Bergstrom time to review the report. Board Members Gillison and Rosenberg both stressed that the context of the report is so important, and to not come off as defensive with Robina. Board Member Moscato inquired what was the purpose of the study with Robina is the first place? Executive Director Bergstrom explained that it goes back to the Sentencing Commission’s mandate to develop parole guidelines, and the Sentencing Commission and the Board decided to start with the Parole Decisional Instrument (361). The thought was then to bring in an outside but informed neutral third party, leading to the partnership with Robina.

Board Member Dunn stated that we need to be careful when doing individual responses to individual cases so that we do not violate our own confidentiality of parolee information. Board Member Fox agreed that we need to make sure that confidentiality is respected. Chairman Johnson suggested they could aggregate all the misconducts of the people interviewed so as to keep the inmate’s information confidential, so that we can compare what was similar within the group that was studied.

In addition to Board Secretary Talaber asking Robina for an extension of time to respond, Board Member Rosenberg suggested we respond to Robina via a letter so our concerns are in writing. The general consensus of the Board was that we put our concerns in writing, and schedule a time we can discuss it with them so that Robina can prepare.

Board Member Fox asked Executive Director Bergstrom about a status of where we are with the parole guideline project? Executive Director Bergstrom replied that the Sentencing Commission gave the Board a report in April 2019, and there have been some side conversations about the report. The next steps in the process are to look at risk factors first, and then the weighted factors the Board is presently using, and then the non-weighted factors that come into play with the decision making process. The goal is to move to conformity with the parole instrument while trying to achieve a lower recidivism rate. The Sentencing Commission is working on drafting a 361. The Commission would like to informally review the draft with some Board Members. The Commission would like to have a discussion at the September 5, 2019 meeting with Board Members about the draft and where to go from that point forward. After the September Commission meeting we will all have a better idea of where we are going. Ultimately, the Sentencing Commission will have to draft a formal proposal and publish it, and then have hearings. It will then go to the General
Assembly for an up or down vote. Executive Director Bergstrom anticipates having a preliminary draft of the 361 to the Board Members in August 2019.

Executive Director Bergstrom noted that the September 5, 2019 meeting will be the first time the Commission really reviewed the 361 instrument. Board Member Fox stressed the importance of laying a foundation for the Commission on how sentencing and parole factors differ. Executive Director Bergstrom agreed, and noted that two of the Commission Members participated in the Villanova parole workshop. The Commission Members have a better understanding of the parole process and the issues Board decision makers face. There was no further discussion on this topic.

C. Noting Convictions

Board Secretary Talaber asked about Board involvement in “noting convictions” in light of the Memorandum of Understanding between DOC and the Board; specifically, no longer having supervisory oversight of the field agents. For example, in a case where the field misses the 120-day deadline to have a revocation hearing it requests the Board to “note the conviction.” The Board Secretary’s Office will then forward that memo to Board Members for a decision, even though there are not any choices to be made. In an effort to reduce some of the memos to Board Members, would the Board be comfortable with the Staff Technician noting the conviction when the 120-day deadline has clearly passed? Board Member Barden made a motion to give the Staff Technicians the power to note the conviction in this type of situation, and the motion was seconded by Board Member Koch.

Board Member Fox stated he would agree, but it is important to keep the data on when this type of situation occurs so that the field’s management can be informed. Board Member Grey asked who determined the 120-day deadline was missed? Board Secretary Talaber stated it was the parole supervisor at the Franklin sub-office. Board Secretary stated that they could let the District Directors know. Board Member Gillison noted that by having the Board note the conviction, it gets the field off the hook for missing the deadline. Board Member Koch noted that the field staff are no longer employees of the Board. Board Member Gillison stated it would be good for the Board to report at the end of the year how many cases were missed to the field. Chairman Johnson raised the concern about inmates being incarcerated for the full 120-days. This too supports we keep statistics about who remains incarcerated. Board Secretary Talaber stated we could still record a board action that notes the conviction, which will give us the ability to obtain statistics on how often it occurs.

Chairman Johnson emphasized that we want to look at how long inmates are sitting in prison for the Board Member decision, when ultimately the case disappears because a deadline we missed. Board Member Barden inquired about how “waivers” effect the Chairman’s factual situation. There was a general discussion among the Board Members on whether or not they check the 120-days as part of their review process for waiver cases.
The Chairman directed the Board back to the pending motion. Board Member Dunn inquired do we want to limit it only to the 120 day cases or others? Board Secretary Talaber suggested the Board table extending the note conviction rule for other factual situations until the August 14, 2019 Board meeting because we will be discussing the Votes Required Chart. The Board unanimously approved the motion.

D. State Intermediate Punishment

Board Secretary Talaber reported that a discussion was not necessary because the situation mooted itself, and there was no need for Board involvement.

E. Commutation Cases

Chairman Johnson stated that these would be cases where the inmate was given a commutation of a life sentence from the Governor and the Board would review the person before he or she was released from the Community Corrections Center (CCC). Board Secretary Talaber provided a handout to the Board of eight Commutation cases since December 2018, seven of which were the commutation of a life sentence. Those seven cases have individuals who have been placed in a CCC for one year following their commutation. Historically, the Board conducts an interview of the person for purpose of parole conditions about four months before they are released from the CCC. Board Member Gillison asked Chief Counsel Robinson what is the required process, by law, in terms of reviewing the cases?

Chief Counsel Robinson noted that not all of the commutations charters are worded the same way. Chief Counsel Robinson explained that the Parole Board has the exclusive power to grant or deny parole. The Prison and Parole Code, 61 Pa. C.S. § 6137 provides that that a person who has a life sentence commuted by the Governor has to serve a least one year in a CCC or Community Corrections Facility. Chief Counsel Robinson stated that the Board must interview the offender and make a decision to parole or not parole. The Board passed a resolution making the case a majority decision case rather than a panel decision. After a brief discussion, the Board did not make any changes to the previous resolution.

F. 257H Discussion

Board Member Fox stressed the importance of receiving a copy of the 257H when receiving a memo for a Board Member’s input. Board Secretary Talaber said staff will provide a copy of the 257H when providing the Board Member with a memo.

At 10:35 a.m. Board Member Fox made a motion to adjourn the public session. The motion was seconded by Board Member Koch. The Board voted unanimously to adjourn public session.

The Board entered Executive Session at 10:50 a.m. to discuss specific parole cases and to obtain legal advice on a number of issues from Chief Counsel Robinson. Executive Session was adjourned at 1:06 p.m.

JJT