



**MEMO**

**TO:** Board Members

**FROM:** Scott Woolf  
Acting Board Secretary

**DATE:** December 4, 2019

**RE:** Minutes – Board Meeting  
November 13, 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 November 13, 2019, of the Pennsylvania Board of Probation and Parole.

The public meeting convened at 9:03 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 Johnson, Board Members Maureen Barden, Jim Fox, Anthony Moscato, Leo Dunn, Mark Koch, Linda Rosenberg and Everett Gillison.

Also in attendance were Gary Holland, Deputy Chief Hearing Examiner, Hearing Division; Alan Robinson, Chief Counsel; Jennifer Storm, PA Victim Advocate, 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); 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 September 24, 2019 BOARD MEETING MINUTES**

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

## **II. STAFF REPORTS**

### **A. Office of Victim Advocate (OVA)**

- Jennifer Storm updated that the therapy dogs are for face to face testimony days for victims and staff to include all decision markers. Trying to avoid influx of non-decision maker staff in the office on testimony days.

- Marsy's Law Update – Marsy's law was on the November ballot and had 1.7 million votes; at a pause legally. Most likely a year until any new law will go into effect.
- Currently interviewing for the OVA Attorney position.
- Juvenile Justice partnership position, Kathy Eichelberger, will start on November 9th to help fulfill the mandate regarding victim of juveniles. She will be performing a lot of policy work, mainly directed at the field.
- Revamping domestic protocol with field supervision based upon the findings in the DOC sentinel report

**B. Sexual Offenders Assessment Board (SOAB)**

- Meghan Dade stated SOAB is working with field services on specialized training for sex offender field parole agents. It is currently in draft form and seeking feedback from Board members on any areas they feel may need addressed in the training for sex offender agents.
- Assessment is good for 3 years. Does the Board want a new assessment, should SOAB do an automatic assessment every 3 years?
  - The Board agreed on an updated assessment and revamp sections that need updated.

**C. Communication Update (Laura Treaster)**

- Laura Treaster reported out on the response to Representative Bernstine and Lawrence county district attorney. There has been no public response to the Board's response to Rep. Bernstine's letter. The Board responded directly to the Representative and all his recipients. Chairman Johnson wanted to respond but not in the media.

**D. Special Assistant to the Chairman (Deb Carpenter)**

- Budget office put money from personnel funding into budgetary reserve, they will release on an as needed basis. There are no concerns with operating/personnel. Bi weekly meetings are conducted with DOC Admin to ensure projections are on target for 19/20.
- Scheduling units will be combined with OBS and the hearing division scheduling unit. Oversight will be provided by Maria Hower in hopes to provide a more uniformed and accurate schedule.
- Information sharing will be discussed in the executive session. Judge/DA letters will be created in a packet with additional information to include the misconduct report and DC 43.
- The stats dashboard is dependent upon some information provided by the DOC stats dept. DOC IT has assigned staff to gather requirements and see what is available. Our hope is to have a preliminary dashboard by first quarter 2020.

- Chairman requested Board Member Gillison, Fox and Rosenberg review the preliminary information,
- E361 – Workflow will change to electronic via Onbase. UAT begins in November and pending no issues will move to production in 1<sup>st</sup> quarter 2020.
  - Board Member Fox asked if this will include any modifications to guidelines.
    - Any changes to the 361 will not impact workflow, the content of the document can change. Condition can change since the process is simply workflow not a unity form created within Onbase.
- Board Member Moscato asked about revising the Judge/DA letter. Board Member Dunn suggested to state if you do not reply we will assume you are deferring to the Board to make a recommendation. The Board was in agreement. Also, if they are providing a recommendation, provide reasons for the recommendation.

## **E. Hearing Division**

- Deputy Chief Hearing Examiner Gary Holland reported that the hearing division is working with the field on the waiver procedure; a draft of the policy should have been circulated.
  - They started a pilot with Williamsport and Scranton; the field staff will have one shot to get a waiver packet correct, to exclude items out of the agents control. The field staff need to provide a complete packet or move to hearing.
  - Board Member Dunn advised of a timeliness due to Interstate not following up with a Texas case.
  - Gary advised field is concerned and feel the decision makers should help them in the process; the Board disagrees. They are neutral decision makers and cannot assist the agents with their hearings.
- Cheryl Labenne will be transferring to the Erie DO in January.
  - Hearing division will be down 4 hearing examiners.
- Chairman has advised Secretary Wetzel and the Governor's office we will be down decision makers and we will roll cases starting in January.
- Board Member Dunn advised with panel hearings he is tossing 2 out of 3 cases.
  - Board Member Fox asked if we could invite Deputy Secretary Stephens and Evans to attend Board meetings so they can hear the issues we are seeing.
  - Board Member Koch advised the quality of hearings were horrible, but once the training occurred the quality has improved.
- Diversity of the hearing examiners within the SCI's; Chairman requested moving the staff around so inmates were not seeing the same decision maker.
  - Hearing examiners want the live interviews and they are not in favor of video conferencing (V/C). Use V/C to limit travel if necessary.
  - Gary is asking the Board's position on the diversity policy for hearing examiners.

- Chairman advised he would give them some time to review their decisions to get a better understanding of why the division is so far apart in their decisions.
- They need to look at why they are struggling with their decision. The Chairman understands they do not want to do V/C but he needs to see some changes.
- Board Member Moscato brought up some technical issues that hearing examiners may face.
  - Deb Carpenter advised Chad and her discussed the logistic and Chad advised the SCI are very helpful with setting everything up.
- Board Member Dunn believes we should look at some decision makers negative votes to review the length of hits an inmate receives/
  - Chairman has concern with the lack of information as to why they were denied; especially on RRRI or nonviolent cases. Not asking decision makers philosophy to change but allowing diversity for the inmates.
  - Board Member Rosenberg has concerns with the length of hits.
  - Gary asked if they see something out of the ordinary on a case to please bring that to Chad and Gary's attention
- Hearing Report – Must provide full sentences when taking credit time. There will be some minor changes to the report that decision makers will see.
  - A new box will be added to concur with hearing examiner. Provide clarity on who they are agreeing with.
  - Board Member Barden has asked to help with the total numbers we are dealing with regarding taking time.
    - OBS, Chief Counsel and Hearing office hearing office will work together to provide a better calculation, if possible, prior to hearing for DM review.

#### **F. Policy and Legislative Affairs**

- Policy Director Neil Malady stated Representative Bernstein may report out Markie's bill.
- Only three session days left in 2019 for the Senate and the House may follow. Those few days prove to be problematic on filling the pending Board Member positions.
- The Senate will report the Senate Bill 14, probation reform bill with the following changes:
  - Adding Critical Incident Stakeholder Review
  - Adding 6<sup>th</sup> Violation Category
  - Adding language about TPV/CPV and court of records issues.
- House Judiciary Committee may report out the JRI bills revised language addressing mandatory min for certain gun violence language.
- House Bill 44, correctional officers (CO) participating in parole hearings may report out as well.
  - Met with committee members and explained the current role that CO's have in hearings.

- Senate Bill 714, the Board executive staff have worked closely with DOC staff for input. The bill could possibly run with the Budget approval in 2020.
- Senate budget hearing is scheduled for February 19, 2020 from 1p.m to 3 p.m.

**G. Office of Chief Counsel**

- Chief Counsel Alan Robinson reported that Morgan Davis will do the oral argument in the Young sentencing calculation Supreme Court case.
- Chief Counsel Robinson will argue a Commonwealth Court case that is pending for the Board that the Board must appoint public defenders for all parole proceedings.

**H. Office of the Board Secretary**

- Main areas of focus are staff, technology and process improvement to eliminate redundancy and properly utilize staff resources.
- Onbase is an area we hope to improve and enhance efficiencies with workflow and queues. Making recommendation to automate some of those processes
- Board members are to provide any recommendations that need improved. Now is the time to make things better since they work in the program on a daily basis.
- December 2<sup>nd</sup> the Board will go back to paper mailings of recommit Board Actions; there were a lot of fail points on the electronic process. The process was not properly vetted initially. We no longer control the institutional piece and any delay was causing issues for legal and Board staff due to the appeal language. It was reviewed intensely with the SCI staff and it was decided to go back to mailing since some processes are out of our control.
- Board Member Rosenberg and Board Member Koch thanked Scott for a job well done and stepping up in to help manage the office.

At 10:26 a.m. Board Member Dunn made a motion to adjourn the public session. The motion was seconded by Board Member Gillison. The Board voted unanimously to adjourn public session.

SAW