



MEMO

TO: Board Members

FROM: Scott Woolf
Acting Board Secretary

DATE: November 4, 2019

RE: Minutes – Board Meeting
September 24, 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 9:14 a.m. at the Maritime Museum in Erie, PA with Board Member Linda Rosenberg presiding in honor of Board Member Grey's last meeting with the Parole Board. A quorum of board members was established.

In attendance were Board Members Maureen Barden, Leslie Grey, Anthony Moscato, and Everett Gillison.

In attendance by telephone conference were Board Members Mark Koch and Leo Dunn.

Also in attendance were Chad Allensworth, Chief Hearing Examiner, Hearing Division; Alan Robinson, Chief Counsel, Office of Chief Counsel; Morgan Davis, Attorney, Office of Chief Counsel; Pennie Hockenberry, Policy Director, Office of Victim Advocate (OVA); Renee Bressler, Special Assistant to the Victim Advocate, Office of Victim Advocate (OVA); Janaki Theivakumaran, Executive Assistant, PA Sexual Offenders Assessment Board (SOAB); Deb Carpenter, Special Assistant to the Chairman; Laura Treaster, Special Assistant to the Chairman (Board Communications/Press); Scott Woolf, Special Assistant to the Chairman; Farrah Conjar, Executive Secretary to the Chairman and Maria Hower, Administrative Officer, Hearing Division.

Board Member Rosenberg noted that the Board held an executive session on September 18, 2019 to discuss a matter of an incident of an employee of the agency.

I. APPROVAL OF AUGUST 14, 2019 BOARD MEETING MINUTES

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

II. STAFF REPORTS

A. Office of Victim Advocate (OVA)

Policy Director Pennie Hockenberry provided feedback that they are very pleased with the turnout in regards to the therapy dogs that are attending in person to assist both the victims and the staff. They asked for the Board's feedback on victim's bringing a service dog to a face to face testimony.

- Board Member Rosenberg is there some type of training or certification that you would require. Pennie does not believe so, mostly the handler takes care of everything in regards to the dog. We have done a non-disclosure piece with that in regards to confidentiality but ultimately it would truly be up to the Board's comfort level.
- Board Member Gillison doesn't believe there would be an issue. But is seeking advice from counsel whether or not the handler being present breeches confidentiality. Chief Counsel Robinson there is a potential there, Board Member Gillison suggests that we look into it that so when we adopt the policy we don't put ourselves in a position, so we want to handle that. Board Member Gillison does not believe there is any objection from the Board.
- Pennie advised we currently utilize certain waivers whenever we have victims of the community that the local program is sitting with. Our confidentiality standards are obviously different at our level versus the local level, so we can do that as well. Board Member Gillison just wants to make sure that it is not something that would end up getting challenged in the future. Pennie will look into that.
- That is all that OVA has to note to the record.

B. Sexual Offenders Assessment Board (SOAB)

Executive Assistant Janaki Theivakumaran indicated that they are currently working on the 2020 training schedule, will send out the dates then. The November training is not pertinent to the Parole Board but will keep the Board and the Hearing Division in mind for the 2020 trainings.

- Board Member Rosenberg asked if there any virtual trainings for Board Members to participate in. It was noted during this session that there are no virtual trainings at the moment.
- There is nothing further for SOAB to report.

C. Special Assistant to the Chairman (Laura Treaster)

Special Assistant Laura Treaster reported the employee awards were successfully completed. She went over the timeline for the Board meeting and training. That is all she has to report.

D. Special Assistant to the Chairman (Deb Carpenter)

Special Assistant Deb Carpenter reported on the agenda the 361 clarification

- When decision makers mark on the 361 DOC support or lack of DOC support, are you referring to the Superintendent or to the overall on the DC46 or a combination of both. The Board replied a combination of both. The Board asked if we would be able to have on the 361 to be able to put split vote, this is going to be looked at.
- The supervision history we need to be clear if we are using it as a reason not to parole. Are decision makers talking talking parole supervision or are we talking about county probation. The Board suggestion was to take out parole and replace with supervision; Deb will circle back to the Board Secretary's Office because they have codes that they use. She will work with them and see if they can adjust the language.
- The last thing is the statements on the 361. Due to the recent change on the restriction of the 361. Please ensure you are clear on what statement you would like listed or not listed on the Board Action. The decision maker put the comments in the box 16 where the parole techs are trained to zero in on that box because that is what you want on the Board Action
- Board Member Rosenberg inquired what is the timing of the roll out. They are looking at doing user acceptance testing for the 361 in November. Roll out will be beginning of the 2020. Scott, Deb, one of the Hearing Examiners and a Board Member will be part of testing.
- That is all she had to report.

E. Special Assistant to the Chairman (Scott Woolf)

- Special Assistant Scott Woolf reported on the dashboard that they had a kick-off meeting with IT and stats. Project team is reviewing the information for databases and be able to display in a format/dashboard that would actually work for everybody that looks at them. The next step is for them/us to be able to look at the all the reports, be able to confirm the databases information and go forward from there.
 - Board Member Rosenberg would be happy to voluntary in terms of interim views.

F. Hearing Division

- Chief Hearing Examiner Chad Allensworth reported that the hearing examiner postings have closed, the two (2) hearing examiners that were primarily posted for the State College area but it was state wide and that was closed the end of August 2019. Awaiting the list from HR.
 - Board Member Rosenberg asked Chad was referring to to a list of people eligible or people who apply. People eligible they never tell me who apply, they just give me a list that I am allowed to interview from. As far as the

- Working with the field on waiver procedure by providing training to the field in advance of doing this. Once the training has been finalized the written procedure will be updated and put into effect.
 - Board Member Rosenberg inquired if they are going to assign one agent or specialized agents to conduct the hearings which was previously discussed. Chad advised they would have to ask Christian on the status.

G. Policy and Legislative Affairs

- On behalf of Policy Director Neil Malady, Board Member Barden reported about the NGA. We will meet the September 30, 2019 deadline to the Governor's office. Board Member Koch worked on the medical and geriatric parole and Maureen worked on the other two areas. The final draft is out to the committee for approval and once that is done we will share it with everybody.
- Board Member Rosenberg held a meeting on with the Interstate Council and Senator Baker along with other Board Members. Board Member Gillison's update on the meeting with Senator Baker in reference to questions as a result of certain information that went out to the media in reference to people who allegedly were convicted of murder and our preliminary information that went out to straighten out that record. Senator Baker was very interested in the process and how we work together to make decisions. It was noted by Neil that he hopes to set up quarterly meetings.
- Board Member Rosenberg, we held our Interstate meeting with Senator Baker. The next meeting will be in October 2019 in California and Chief Counsel Robinson will be representing.
 - Issues discussed - Problems sometimes with other states willing to extradite and timeliness of warrants. A letter will be sent out on behalf of our Commission to the DA's, Judges and Court Administrators and Sheriff advising we are aware of the issues that the compact will begin to monitor this more closely and audit them as well.
 - Board Member Grey asked if that means they will not honor a warrant that was issued more than 15 days ago. Chief Counsel Robinson explained that the 15-day rule has not been implemented yet, but that timeliness of the warrant would not invalidate the warrant.

H. Office of Chief Counsel

- Chief Counsel Alan Robinson reported that they are still awaiting scheduling of oral argument in the Young sentencing calculation case.
- Public Defender of Centre County David Crowley will be doing a presentation on parole law. The presentation will be held in early June of 2020 and was offered to Board Members to attend. They have a lot of

questions about decision making. It is an entry level presentation on parole violations hearings and calculations questions

- Board Member Gillison will be talking with Philadelphia Judges on October 15th, about parole questions and parole issues, during their Judicial conversations
- Board Member Rosenberg, Margaret Thompson and I met with Judge Mia Perez Judge from Philadelphia, she is a new appointee to the Interstate Council.

I. Office of the Board Secretary

Board Secretary nothing to report.

III. NEW BUSINESS

- The Board voted on the Board meeting and F2F schedule for 2020. Board Member Moscato made a motion and Board Member Barden second the motion. All in favor unanimous. This is the official schedule for 2020 as well as F2F.
- September 4th Sentencing Commission
 - Board Member Grey advised there was some discussion, the purpose we were there were to talk about the actuaries that were used. Statistical measurements were controversial and there were a couple Legislators opposed to them.
 - There was not much talk about the parole guidelines except in a general sense it was being developed.
 - Chief Counsel Robinson stated one of the questions was what data is going into the Berk Assessment, the answer was I don't know from the Sentencing Commission.
 - Chief Counsel Robinson stated the proposed guidelines this was not a formal comment period it was the first rough draft. Board Member Grey reasonably reflected what they do.
- Board Member Gillison full Board review of select cases, tabled to next month.
- Board Member Rosenberg introduced the Resolution to have senior staff under full Board staff. Board Member Rosenberg read the Resolution. Board Member Koch not in position for hiring employees and is not in favor. Board Member Dunn is also not in favor. Board Member Grey explains day to day management to Chairman then for hiring and replacement it would be a panel instead of just the Chairman's decision. Board Member Gillison called the question; Board Member Barden move to October; Board Member Moscato table to end of meeting; have Chairman way in when her arrives.

Stopped the meeting at 10:07 a.m. to take a short break.

The public meeting reconvened at 10:33 a.m. at the Maritime Museum in Erie, PA with Board Member Linda Rosenberg filling in for the Chairman.

The attendance includes the above individuals and the following joined the meeting: Chairman Theodore Johnson and Board Member Jim Fox.

Chairman Johnson discussed the senior level appointment resolution, which state the hiring, rating, retention, compensation and discipline involving senior level appointments shall be made by the majority of the Board. Board Member Rosenberg motioned and Chairman Johnson Second the motion; resolution passed by the majority of the Board.

Chairman Johnson discussed the Board Secretary's resignation letter with an effective date of October 31, 2019. It was recommended to except his resignation. Board voted unanimously to accept the resignation.

At 10:40 a.m. Board Member Gillison made a motion to adjourn the public session. The motion was second by Chairman Johnson. The Board voted unanimously to adjourn public session.

MMH