



MEMO

TO: Board Members

FROM: Scott Woolf
Acting Board Secretary

DATE: September 9, 2020

RE: Minutes – Board Meeting
August 12, 2020.

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 August 12, 2020, of the Pennsylvania Board of Probation and Parole.

The public meeting convened at 9:00 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, Linda Rosenberg, Anthony Moscato, Jim Fox, Khadija Diggs, Leo Dunn and Mark Koch.

Also in attendance were Chad Allensworth, Chief Hearing Examiner, Hearing Division; Alan Robinson, Chief Counsel; Tanner Widdowson, Office of Victim Advocate (OVA); Pennie Hockenberry, OVA; Tara Gross, OVA; Meghan Dade, Executive Director, PA Sexual Offenders Assessment Board (SOAB); Janaki Theivakumaran, SOAB; 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; Farrah Conjar, Everett Gillison.

The Chairman recognized public guests Mark Bergstrom, Pennsylvania Sentencing Commission.

I. APPROVAL OF July 15, 2020 BOARD MEETING MINUTES

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

II. STAFF REPORTS

A. Office of Victim Advocate (OVA)

- In person testimony is going well. We are still encouraging victims to use Zoom, but the Board's willingness to accommodate the in person is appreciated.

B. Sexual Offenders Assessment Board (SOAB)

- Meghan Dade stated SOAB will be doing automatic re review every 5 years of Sex Offenders not every 3 years. They simply do not have the staff to keep up with every 3 years. There really is no impact from a clinical and risk prospective to push it out another 2 years. If there are concerns and/or questions on a specific case Stacy and Meghan are always available to answer any questions. If necessary, the SOAB will try and accommodate an earlier review if everyone is in agreement it's needed. All requests are to be recorded on the 361 for easy tracking of requests.

C. Communication Update (Laura Treaster)

- Stats Dashboard is still moving along. Chairman Johnson expressed interest in using the dashboard, Laura advised there is not a targeted roll out date because the developers are interested in understanding the business process. The developers are trying to get a handle of where that data is coming from and who manages it. Her hope is October or November to start using it.
- Working closely with the Office of Board Secretary on formatting and producing a training manual.
- Working on updates to the intranet and internet.
- Working on social media to assist Field Services with safe return (scaled down version of what was planned due to COVID) in their district offices. Laura Treaster reported out she is helping other senior staff members with projects as needed. Board Members are not involved. They are trying to bring the furloughs and emergency release more into the fold and have reentrants come into the office to check back in with their agents to avoid warrants, future arrests, etc. This is strictly a field supervision initiative.

D. Hearing Division

- Chief Hearing Examiner Allensworth advised OA has completed testing The schedule to grade the test is the week of September 14th. After grading the list will go out and we can begin interviews.
- Chad advised his goal is to move the waiver pilot (Scranton and Williamsport) statewide by 2021. Jim Fox advised we should move forward but understands there may be some challenges with Philadelphia. The major part of the pilot process has already been incorporated with the new virtual hearing which is in effect statewide now. Policy has always required two (2) business days for the waivers. However, the hearing staff was lenient with that process. Board Member Barden expressed concern for the additional workload for Board hearing staff because they may need to do more hearings vs. waivers. Chad advised it really does not; they are seeing a decrease in waivers. Waiver rate last year was 85% is 70%; for August is about 56%. No opposition from the Board to continue and move statewide.

- The V/C process with Field Services is moving forward, still working out some minor issues. Chad is working with Laura to streamline the notification process with a shared site rather than an email process.

E. Policy and Legislative Affairs

- Neil reported out the Senate is due back September 8th and the House is due back September 15th, they each have 12 sessions day between now and Election Day.
- Senate bill 968 {merger bill} the Senate will run the 1st week back, they are entertaining an amendment that puts the Board of Pardons in the Department of Corrections. Neil was advised the Chairman of the Judiciary Committee has interest in this amendment.
- No movement on the 9th Board Member. Chairman Johnson expressed concern being down possibly 4 members during the upcoming election due to terms expiring 6 months prior to election. Board Member Dunn advised we have all of next year to fill the 9th Board Member. He also advised it's hard to tell this far out from the election. Chairman asked to see if any names have been submitted. Anthony Moscato advised there had been no names submitted for the 9th position.

F. Office of Chief Counsel

- Scott vs. PBPP – A person commits 2nd degree murder who didn't intend or actually kill someone should be eligible for parole interview under the Constitution. The Attorney General is handling this case; preliminary objections have been filed. If anyone reaches out for testimony or comments, please let Alan know so he can maintain the coordinated effort with the AG's office.

G. Office of the Board Secretary

- Scott Woolf asked for approval to move forward with the revised Judge/DA letters; Board advised they are okay with moving forward with the new letter format.
- Scott advised there is an uptick in the recommit queue for PV being returned to the SCI's. He is asking Board Members be mindful of those decisions due to DOC asking for a quicker turnaround on those cases so they can properly address the person at the right facility. {less movement due to COVID}. Board Member Rosenberg asked about a note that states it's been sitting with a decision maker too long. Scott advised not to worry about that it's more for the OBS staff.
- Chairman Johnson asked the Board to attempt to clear their queue by Friday or Sunday. If he sees cases sitting too long he will need to reassign those cases to avoid delay on decisions to the SCI.

H. Pennsylvania Sentencing Commission Office

- Mark Bergstrom advised the public hearings are scheduled for parole recommitment and parole guidelines on August 31st and September 9th. The August 31st hearing is for testimony from inmates only but is open for public viewing. The September 9th hearings will be open for testimony and the public. Their website has the registration information. Jennifer Storm has advised they vetted the inmates and have some concerns. She also asked that if any detail of the crime begins to emerge during testimony that the testimony be shut down. Mark advised they requested to have a broad representation of inmates, race, ethnicity, age, reason for incarceration, aggravated vs individual sentences, etc. They thought it would be helpful to have lifers participate, they are sitting for a long time and they a lot of input to various issues. Doing a run through with the inmates prior to the hearings advising them on the focus of the proposals. The Chairman will cut them off if they stray too far.
- Board Member Moscato wants to know why are we asking inmates what they think of our paroling instrument. Mark responded that the purpose of the public hearings is to receive input from people who could be impacted from any decision being made. The public at large is a key audience, everyone in DOC with the exceptions of lifers will be subject to the guidelines and recommitment ranges; it's an impacted community that we are supposed to hear from. Mark believes hearing from them is important just like when we worked with Robina, they interviewed inmates because they are impacted individuals. Mark advised this was not a request from General Assembly, it is something the Commission decided as part of the public hearing process.
- Board Member Fox asked about delaying the implementation because he feels there is going to be significant IT development. He has concerns with the 6-month implementation. Mark advised he has met with DOC IT to discuss their mandate and look at the status of CAPTOR. The Commission has a freestanding application within JNET that connects with AOPC to populate information directly from the court of common pleas. Reviewing with IT to ensure there is an automatic feed to avoid data entry of already existing information and to eliminate redundancy. Could the existing application be used as model? Could it be available directly to decision makers or available through CAPTOR? He will be following up with IT to review the options available but at this time there is no set model and both the Commission and IT are aware that it will take time to develop and implement.
- The intent of the public hearings is to gather information and make any changes necessary to the proposals. If the changes are minor, we can make those changes and move forward with adoption. If the changes are substantial, then they would probably need to go through another set of hearings.
- The idea of pushing the effective date from July 1st to January 1st is something to consider even if it's only for automation. Board Member Fox also suggested during the last meeting was a pilot on working with the

application and figuring out workflow with the Board's other efforts. That would also provide an opportunity to practice and identify a way to mesh this with the 361 or anything else in a way that isn't redundant and fits the Board's workflow.

At 9:42 a.m. Board Member Fox made a motion to adjourn the public session. The motion was seconded by Board Member Barden. The Board voted unanimously to adjourn public session.

SAW