



**MEMO**

**TO:** Board Members

**FROM:** Scott Woolf  
Director  
Board Secretary Office

**DATE:** October 18, 2020

**RE:** Minutes – Board Meeting  
September 16, 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 September 16, 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 Alan Robinson, Chief Counsel; Morgan Davis, Legal; Shaivya Singh, Legal Intern; Jennifer Storm, Office of Victim Advocate (OVA); Meghan Dade, Executive Director, PA Sexual Offenders Assessment Board (SOAB); Stacey Ginesin, 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; Deputy Secretary Christian Stephens, Field Services.

The Chairman recognized public guests Mark Bergstrom, Pennsylvania Sentencing Commission; Diane Shoop, Pennsylvania Sentencing Commission; Leigh Skipper, Philadelphia Federal Public Defender.

**I. APPROVAL OF August 12, 2020 BOARD MEETING MINUTES**

Board Member Moscato 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, they are always looking to improve. They have purchased disposable masks and have disinfectant wipes on the tables.
- Recently hired a person to handle the Lehigh Valley area and the hope is to do regional in person.
- OVA is engaged with a lot of dialog with Philadelphia and reopening of courts. Concern about the YouTube live streaming of court proceedings.
- The OVA bill had a last minute amendment to usurp the authority of the victim advocate and that is being halted at this point with opposition. Board Member Diggs asked for clarification on the last minute amendment. Jen advised the amendment was to strip the current qualification of the victim advocate to make the victim advocate a member of the bar. It is something that is adamantly opposed by many according to Storm.

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

- Meghan reported completion of two Sex Offender Management and Supervision trainings for field agents.
- Preparing to conduct the first in depth training to sex offender agents. Training will cover how to read assessments, and go in depth on the people they are supervising in the community.
- Conducted their first virtual quarterly training, a few Board Members were in attendance. SOAB is currently looking for a speaker for the next quarterly training. They will keep the Board posted on the date.
- Filled the vacant investigator position at the Norristown sub office. SOAB will be fully staffed by mid-October.

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

- In regards to the parole dashboard, that is currently in development, Laura advised she is working closely with the developers and providing them information as they move through the project. According to the lead developer they are hoping to have some of the reports on the dashboard by November 4<sup>th</sup>. They are working quickly to get as much on the dashboard as they can.
- Finalized the very first Office of Board Secretary training manual, worked very closely with Scott's staff. Manual is 285-page manual with screen shots and how to guides. Worked in collaboration with Cara Sheffield, Elliot Smeal and Marci Johnson. Chairman commented and wanted to voice his appreciation for putting together this manual that was long overdue. Big thanks to Scott and his people.

**D. Hearing Division**

- Chief Hearing Examiner Allensworth was unable to attend due to grading of the hearing examiner tests. The grading will go on all week. Once they have the scoring complete they will be able to set up postings. They are scoring in

teams. There is about 100 that met the MET's. Chairman advised we are looking to broaden the experience of the hearing division. He has concerns with the grading process and having the same people grading that have been performing the job for years. Is the process better if we have the same hearing examiners grading the test or should it be Board members? We have an opportunity now with 4 vacancies and I don't want to lose this opportunity. (Chairman Johnson comments)

- Board Members would like to continue to receive the individual emails and not use the Zoom spreadsheet.
- Board Member Rosenberg asked that 16E for F2F be named with the offender's name, parole id.
- PV's are being returned to the SCI Coal Twp and SCI Greene. SCI Coal Twp is still having a problem with the public defender's office. The majority of those cases are waivers, but the ones that don't have representation are continued. Board Member Rosenberg asked if inmates can sue due to lack of representation. Alan advised it is a problem, they are entitled to representation under the state public defender statute. The Board does not have the authority or the ability to appoint a public defender. It puts the Board in a bad spot, our response is to give them a continuance if appropriate. But at some point we have to do our business just like a court and ask the inmate what efforts have you made to secure counsel. Eventually the offender will sue the public defenders. DOC has offered to pay for a public defender to help represent the offender. Board Member Barden advised we need to be mindful and continue to a date or the person will just sit there, especially on the TPV's. Board Member Diggs inquired if we could do a contract with AOPC or the court for counsel to avoid a backlog of cases. Alan will talk with Tim Holmes, DOC Chief Counsel.

#### **E. Policy and Legislative Affairs**

- Neil reported out the House of Representative is in this week. Senate will be next week. It will not be until October that both chambers are in together.
- Senate bill 968 {merger bill} passed the Senate last week. It is now in the House Judiciary committee. Board Member Fox asked if the merger bill still has the amendment to add the Pardons Board, Neil stated it does. Early on we were advised there was to be no substantial changes, so this amendment is somewhat perplexing.
- No movement on the 9<sup>th</sup> Board Member
- The Victim Advocate bill did not pass yet, hopefully next week.

#### **F. Office of Chief Counsel**

- Alan introduced the new intern Shaivya Singh. She is a 3<sup>rd</sup> year law student at Dickinson College in Carlisle. She is on site Wednesdays and Fridays, if you have any question or assignment for her please go through Alan or John Manning.

- Scott vs. Parole Board decision preliminary objections and a response have been filed. Commonwealth court has ordered briefs and scheduling oral arguments. Alan will keep the Board posted. {claim that not interviewing persons convicted of 2<sup>nd</sup> degree murder violates their constitutional rights.} Attorney General office is handling the case.

#### **G. Federal Defender of the Eastern District – Leigh Skipper**

Common scenario local arrest, defendant is on parole and a detainer is lodged. The case is dismissed locally and federal prosecution is commenced. Primary jurisdiction remains with the Board. The defendant is convicted and receives a federal sentence. What they are seeking is to have some sense of infrastructure when the return of the defendant, while serving the federal sentence, for the parole revocation proceeding. The statute mentions the parole revocation hearing does not have to occur until the defendant is returned to the state facility. That often can be years depending on the federal sentence. There are benefits if they can be resolved prior to the expiration of the federal sentence, cost savings, programming standpoint. Requesting a coordinated effort to have the defendant presented/ paroled then returned back to federal custody. There are approximately 50 cases currently; clients who are subject state parole jurisdiction in the federal system. Board Member Fox asked for clarification on how it benefits the inmate in federal custody. Leigh Skipper stated the resolution sooner rather than later is a cost savings; inmate benefits - program restriction by the BOP are curtailed because of the detainer. Chairman Johnson advised he would like to set up a meeting with all the federal public defenders to discuss further.

#### **H. Special Assistant**

- Budget is a 5-month budget. Most likely it will stay flat. BY 21/22 there are no new position, no new program. The Board did not get a cut in their budget.
- Finalized the Board Secretary position and job class code. What we did was bring the position more in line with an executive director or chief of staff position. In addition to that, we were able to create a senior level position just to manage the Board Secretary Office. Board Secretary Office is the most critical area of the Board and it needs consistent management and consistent leadership.
- DOC's new assessment will be Strong-R, vendor is Vantage. They are currently in the requirements gathering phase and will brief the Board today at 1:00. The plan is to have a model out by the beginning of a year. The Strong-R will be a separate assessment initially. LSIR and OVRT will continue to exist and populate on the 361. Eventually the Strong-R will replace the LSIR and OVRT.
- Quality control unit reports to Morgan and Deb. They handle all the administrative remedy processes. This unit has developed training based upon the errors, these trainings will continue as long as errors occur. Overall the training is well received, the unit has seen significant improvements.

**I. Office of the Board Secretary**

- Scott Woolf advised the quality control training is having a positive impact. We reorganized the staff to better utilize the staff we have. Over the past several months we have concentrated on errors.
- 2021 calendar - Board Member Fox motioned to approve, Board approved the Board meeting dates for 2021.

**J. Pennsylvania Sentencing Commission Office**

- Mark Bergstrom advised the public hearings were conducted and he has some issues he would like to follow up on. There is no a consistent standard for convicted violators and recommitment ranges. We talk about this but we don't include anything in the recommit ranges about trying to promote more consistent practices. We have an opportunity over the next couple months to try and see if anything can be worked out through rules or guidelines to promote more consistent practices. This ties into work the commission has been doing on rebuilding the guidelines because one of the recommendations was within the sentencing guidelines there should be an enhancement for someone who commits a crime while under supervision. If we are building in enhancement at sentencing, coordination is needed to ensure there is no double counting and we know what we are all doing. We have some time to look at this to see if there is anything we can do. This was the general issue that was raised and it is worth having a discussion about. Another issue raised was whether there should be any recommendation about street time, the Board does have some discretion, so should the guidelines address any of that. There a lot of those things we do not have in these guidelines or recommitment ranges that we can discuss to see if it is worth pursuing or not. A key issue was risk assessment; we have a requirement to include a risk assessment and what is the best available from DOC. We all agreed the LSIR is the best available right now. A move to a new assessment would need to be worked into the process. Over the next few months, Mark will talk with Board members looking at what we have in place and seeing if there are specific changes needed. Finally, one of the issues with the guidelines is regarding the two factors that we take into account that are recommendations. One is input from DOC which is built into the instrument, the other are input from District Attorney, Judge and victim which is not built into the instrument but an overriding factor. Should they both be on the same scale. Mark will take these items back to the Commission for the December meeting. If there are substantial changes they will have to republish, conduct hearings and probably adopt in March. If there are not substantial changes, the Commission could adopt in December. The process is to submit to the general assembly with a review period of 90 days, if not rejected the authority exists. The Commission would delay implementation until January

2022, that would give a year to work through everything and pilot with the Board. Board Member Moscato asked if Mark met with victims or their advocates. The Commission sent out notices about the hearings and request for participation. Board Member Diggs asked about the overrides. Mark advised there are weighted factors and overriding factors. Should the recommendations be weighted factors or overriding factors or stay as is? Chairman Johnson wanted to remind everyone this is a tool we are using to help with our decisions.

#### **K. Board Secretary**

- Board Secretary candidate is Deb Carpenter. No duties will change between Scott and Deb. Board Member Barden motioned to appoint Deb Carpenter to Board Secretary and Board Member Fox second the motion. The Board unanimously approved the appointment

#### **L. Field Services Update**

- Deputy Secretary Christian Stephens provided an update of safe return; statewide they had 70 individuals who surrendered. The majority out of Harrisburg and Philadelphia, it was a good effort with no budget. They were only parole cases. We were able to get them back on to parole, only two were max out cases.
- Board Member Fox advised it is helpful to know the current theme and updated practices. He provided an example of a note conviction referencing a specific memo. He believes it is helpful to be on the same page with the field. He is requesting quarterly updates on what is going on, it is helpful in making better decision. Christian agreed and said he is available anytime to provide an update. If he isn't available, he will ensure a regional director attends. He advised through COVID they have put of demobilization plans. They altered face to face contacts and adjusted some high risk offenders to enhanced supervision. Agents were able to do telephone, FaceTime and skype. Regarding note conviction example, the practice has not changed. We are seeing an uptick in these cases in the interstate process for a variety of reason, i.e. COVID, cost, etc.
- We are still enhancing our mobile process. Our goal has always been accountability and caring. We are doing a pilot in Philadelphia, expanding to six units from five. We will have hearing agents now as opposed to trying to train over 800 agents throughout the state. Moving to becoming more specialized in the field to really address issues before they get to violation.

At 10:50 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