



TO: Pennsylvania Parole Board Members

FROM: Farrah Conjar
Executive Secretary II

DATE: January 8, 2024

RE: Board Meeting Minutes
December 13, 2023

In compliance with *Act 175*, known as the *Sunshine Law*, effective September 17, 1976, the Pennsylvania Parole Board provided notification to the public of the scheduled meeting on November 14, 2022.

The public meeting convened at 9:00 AM at Riverfront Office Center in Harrisburg, PA with Chairperson Charles Fox presiding. A quorum of Board Members was present.

Attendance

- | | | |
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| <input checked="" type="checkbox"/> Chairperson Jim Fox | <input checked="" type="checkbox"/> BD Member Leo Dunn | <input checked="" type="checkbox"/> BD Member Tony Moscato |
| <input checked="" type="checkbox"/> BD Member Marcus Brown | <input checked="" type="checkbox"/> BD Member Ted Johnson | <input checked="" type="checkbox"/> BD Member Linda Rosenberg |
| <input checked="" type="checkbox"/> BD Member Khadija Diggs | <input checked="" type="checkbox"/> BD Member Jack Daneri | <input checked="" type="checkbox"/> BD Member Elizabeth Bolton
Penna |
| <input checked="" type="checkbox"/> Alan Robinson, Chief Counsel | <input checked="" type="checkbox"/> Deb Carpenter, Board Secretary | |
| <input checked="" type="checkbox"/> Neil Malady, Policy/Legislative Affairs | <input checked="" type="checkbox"/> Scott Woolf, Director – RAO | |
| <input checked="" type="checkbox"/> Michael Potteiger, Chief Hearing Examiner | <input checked="" type="checkbox"/> Janaki Theivakumaran, Special Assistant | |
| <input checked="" type="checkbox"/> Meghan Dade, SOAB Executive Director | <input checked="" type="checkbox"/> Suzanne Estrella, Victim Advocate | |
| <input checked="" type="checkbox"/> Jason Lambrino, Assistant Counsel | <input checked="" type="checkbox"/> Morgan Davis, Assistant Counsel | |

Chairperson Fox recognized public guests:

Mark Bergstrom, Executive Director, Pennsylvania Sentencing Commission
Matt Kleiman, Pennsylvania Sentencing Commission
John Manning, Deputy Chief Counsel, Department of Corrections (DOC)
Michael Pipe, Deputy Chief of Staff, Governor's Office
Mike Barvitskie, Director of Quality Assurance
Brian Platt, Assistant Counsel, Department of Corrections (DOC)

APPROVAL OF NOVEMBER BOARD MEETING MINUTES

Board Member Anthony Moscato motioned to approve the November 2023 Parole Board minutes. Board Member Theodore Johnson seconded the motion. The Parole Board unanimously approved the minutes.

OFFICE AND STAFF REPORTS**Office of Victim Advocate (OVA)**

Victim Advocate, Suzanne Estrella

- Holiday message will be going out to staff with resources that can be used to assist with coping with trauma.

Sexual Offenders Assessment Board (SOAB)

Executive Director, Meghan Dade

- In 2024 SOAB is working on a two-day PCLR training, a module is being developed focusing on the Parole Board. Additional information will be forth coming.

Board Secretary Report

Board Secretary, Deb Carpenter

- Director Woolf and Board Secretary will be presenting at the Institutional Parole and Regional Institutional Parole Director (RIPD) meeting. Any questions for institutional parole may be emailed to Director Woolf and myself.
- Board Secretary provided an update regarding the DC43 agenda item. Board Secretary discussed the updates to the DC43, Vantage, and DOC programming. Any questions regarding this can be directed to the Board Secretary. A Strong-R training is being scheduled for the first half of 2024.
- Board Secretary provided an update on the agenda item about the presence of DOC staff during parole interviews. Consulted with Deputy Secretary Wenerowicz, who confirmed that there is no DOC policy for this matter. It is at the discretion of the decision maker if DOC staff are present during parole interviews. This will be brought up at the meeting with Institutional Parole and RIPDs.

Communications/Media Report

Special Assistant, Janaki Theivakumaran

- Thanked Chief Counsel Robinson, Assistant Counsel Davis and Chief Hearing Examiner Potteiger for presenting to the Public Defender's Office in York County and Philadelphia County.
- Spring Retreat has been scheduled for April 2024 in King of Prussia. Additional details will be sent out early next year.

Policy and Legislative Affairs Report

Policy and Legislative Affairs Director, Neil Malady

- The Senate will be finishing up session this week. The House will be back in session in March 2024.
- The House has a Medical Parole Bill that is on the calendar but will not be voted on this week. Chairman and I will be meeting with the Governor's Office in the new year to discuss his initiatives regarding geriatric parole.

Office of Chief Counsel Report

Chief Counsel, Alan Robinson

- Chief Counsel Robinson previously circulated the Robinson case regarding automatic reparole.

Office of Hearing Examiners Report

Chief Hearing Examiner, Michael Potteiger

- Chief Hearing Examiner Potteiger reported that effective January 12, 2024 Hearing Examiner Mark Gabonay will be retiring.
- Met with Philadelphia County Prison in reference to inmates being able to meet with their attorneys in a secure location. Working with the Philadelphia Deputy Commissioner to start hearings at 9:00 a.m. to keep on a timely schedule.

Records and Administration Office Report

Records and Administration Office Director, Scott Woolf

- The OnBase update on recirculation cases did not move forward due to technical issues, Director Woolf will update when issue is resolved.
- OnBase enhanced the recirculation process for the return to technician feature to give Board Members more choices in the drop-down box.
- In 2024 OnBase development team will be enhancing the software.

Action Items

- Board Member Johnson and Board Member Diggs would like a longer conversation into how the DOC classifies an inmate's race.
- Discussion was had about the Swift, Predictable and Brief sanctions pilot procedure.

Board Member Diggs expressed concerns regarding the Swift, Predictable and Brief Pilot Program.

- Why is the Board crafting and voting on a policy that is almost exclusively for use by the DOC / Parole Field; the Board has little to no actual involvement in the implementation of the policy?

- *Chairman Fox responded that the Board's portion includes reviewing the information that the field submits and accepting or rejecting the waiver.*
- *Chief Counsel Robinson provided a brief summary of the history of the statutory guidelines under JRI2 regarding Swift Predictable and Brief. There were a series of meetings since May in collaboration with DOC. This was drafted in accordance with Board wishes from 2019, and as the statute states the Board is required to adopt procedures, this is the proposed procedure. The role of the Board in the statute is to ensure that individuals charged or involved in any of the 6 excludable offenses are not improperly placed in periods of brief detention in lieu of revocation. Hearing Examiner's role is minimal. This is a joint procedure between the Board and DOC and complies with statute.*
- What is the measure of success/failure of this pilot?
- When and by whom will the pilot be evaluated by?
- What is the standard for success?
 - If we say it is a failure, we need to have some basis for saying this.
- What happens when we pull people out of supervision for 3,5,7, days?
 - What happens to their job, housing, medical care, mental health counseling, SO programming, children, elderly parents?
 - What happens to their lives if they are sent to prison?
- Did we mirror another state's approach or did we start from scratch?
 - What was the benefit from it being done somewhere else?
 - What was learned at these states?
- This policy seems to create a two-tier system with violations. We already have a system that already exists, TPVs. This pilot seems to be creating a whole other tier, with little to no due process.
 - *Board Member Johnson commented he thinks anything we can do to try to make the system better is well worth its while. The inmate has to waive it, if he/she strongly believes it isn't a violation then there is a decision to be made. It's a trial, if it works then we are all better for it, if not, we can tweak it to make it better or get rid of it.*
- The policy is so vague, I don't think we fully understand the layout or what this program actually does. Is this for people who don't actually meet the standard of where the field would violate? They do not meet the standard of violation but we are going to send a person to prison for 3 plus days? This pilot is directed at the high intensive caseload, most intensive supervision who have already been in prison for years, why?

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Board Member Moscato motioned to approve the procedure, motion was approved 7 Y:1 N and 1 abstention.

Open Discussion

- Chairman Fox congratulated and thanked Mark Bergstrom for the Collaboration through the years with PA Parole Board and wished him great success in his retirement.
- Board Member Johnson thanked Board Member Dunn for his years of service and work at the Commonwealth and Parole Board.

ADJOURNMENT

At 10:05 a.m. Board Member Dunn made a motion to adjourn the public session. The motion was seconded by Board Member Moscato. The Board Members voted unanimously to adjourn the public session.