



**TO:** Pennsylvania Parole Board Members

**FROM:** Farrah Conjar  
Executive Secretary II

**DATE:** February 2, 2024

**RE:** Board Meeting Minutes  
**January 17, 2024**

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 9, 2023.

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**

- |   |   |   |
|---|---|---|
| <input checked="" type="checkbox"/> Chairperson Jim Fox                       |   | <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<br>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 type="checkbox"/> Morgan Davis, Assistant Counsel                    |   |

Chairperson Fox recognized public guests:

Matt Kleiman, Executive Director, Pennsylvania Sentencing Commission

Michael Pipe, Deputy Chief of Staff, Governor's Office

## **APPROVAL OF JANUARY BOARD MEETING MINUTES**

Minutes were requested to be modified. Modified Minutes will be completed for the February Board Meeting.

## **OFFICE AND STAFF REPORTS**

### **Records and Administration Office Report**

Records and Administration Director, Scott Woolf

- Announced hiring D'ani Johnson as the Administrative Assistant.
- Memo to Decision Makers for misconducts will go into testing this Friday, tentative release date of first quarter 2024.
- The Decision Maker Library Organization, which was provided by the workgroup, was submitted to the Developers with a tentative release date for the first half of 2024.
- Upgrade to a newer Onbase version is scheduled for February 2024. Recommitment enhancements are underway. Enhancements are made due to the feedback from the various users.

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

Victim Advocate, Suzanne Estrella

- Preparing for National Crime Victims' Right Week April 21-April 27, 2024.
  - Summit and Rally will be April 22, 2024, Victim Advocate appreciates the Board's partnership for this event. The theme this year is: "Options, Services, and Hope for Crime Survivors. How would you help?"

### **Sexual Offenders Assessment Board (SOAB)**

Executive Director, Meghan Dade

- On March 15, 2024 SOAB will be hosting a training at the Eden Resort in Lancaster with Steven Sawyer, a national expert on sex offender treatment, focusing on group training and risk factors with respect to the Sex Offender population.
- SOAB will be fully staffed in two weeks.

### **Board Secretary Report**

Board Secretary, Deb Carpenter

- Working with Department of Corrections Administration office on upcoming budget hearings.
- Director Woolf and Board Secretary met with SCI Parole staff to address any questions or updates they have for the Board.
  - They are experiencing challenges on the new case planning portion of the Strong-R. They are having internal discussion with the DOC counselors on adding programs or not removing programs the individual has already completed. These are normal challenges when old data does not migrate over. If

anyone sees cases where the programming piece seems off please advise and we will try to get a resolution.

- Any program updates will be captured in the parole summary section of the ICSA. If Decision Makers are not seeing quality ICSA's please advise, it's a training piece for the new supervisors and new agents.
- The Prep Notes tentative release date is planned for the first quarter of 2024.
- IT projects are prioritized by the IT Steering Committee, I represent the Board on that committee.
  - Onbase projects are done quicker because they have developers dedicated solely to OnBase.
  - Prep notes are targeted for the first quarter of 2024. This may be delayed due to Calcite deployment delay. This project is done in house by developers who work on multiple projects.
  - Board Action rewrite is targeted for the first half of 2024
  - Board Action available on the website is targeted for the first half of 2024.
    - Board Action rewrite must be completed first.
    - Board Member Diggs asked if there are any security concerns with having the document on our public website.
  - Request for Proposal (RFP) for a scheduling software is in the planning phase, no targeted implementation at this time

### **Communications/Media Report**

Special Assistant, Janaki Theivakumaran

- Working with DOC fiscal staff with the RFP for the scheduling software.
- Spring Retreat is scheduled for the week of April 15<sup>th</sup> in King of Prussia.
  - Tuesday, April 16<sup>th</sup> will be the Parole 101 presentation, Wednesday, April 17<sup>th</sup> Justice Dougherty and his staff will present on Autism.
  - AOPC and the Governor's office approved a press release about the event.
  - If you have any topics you are interested in hearing about at the Spring Retreat please reach out.

### **Policy and Legislative Affairs Report**

Policy and Legislative Affairs Director, Neil Malady

- The Legislature is in recess until February 5, 2024, they will be in for the Governor's budget address on Tuesday February 6, 2024.
- Our Budget Hearings are scheduled for February 20 at 1pm with the Senate and February 23 at 10am with the House.

### **Office of Chief Counsel Report**

Chief Counsel, Alan Robinson

- Jack Shope, former Legal Office Administrator, took a promotion and is no longer with the Board.

- Financial Disclosures are due May 1, 2024. Any questions regarding submissions can be directed to Morgan Davis.

### **Office of Hearing Examiners Report**

Chief Hearing Examiner, Michael Potteiger

- Hearing Examiner Mark Gabonay will be retiring January 12, 2024.
- Paige Wiggins, Administrative Assistant, is leaving on March 1, 2024. Her position will be posted later this month.
- Implemented the new recommitment ranges on parole violators, that were approved by the Sentencing Commission, on January 1, 2024.
- On January 24, 2024, parole supervision staff will begin directly placing technical parole violators in Parole Violator Centers, instead of going through SCI Smithfield.
- OVA approached us to add an additional F2F day in Lehigh County. Discussed the availability with Chairman Fox, Board Member Brown and Board Member Rosenberg. This is tentatively set to begin in February.
- Chairman Fox asked CHE Potteiger to work with Legal to give a briefing to the Board on the recommitment ranges so they have an understanding on it.

### **Board Discussion**

- Chairman asked for Board Members to volunteer for Parole for Success Program, working with DOC Reentry staff to participate in a panel, which will consist of the Board, DOC Reentry, Treatment and Housing. The Parole for Success presentation will be held at all the SCI locations.
- Chairman asked for Board Members to volunteer for a professional video which will be shown to all inmates via the inmate channel and during pre-parole classes at the DOC that will educate them on the parole decision making process.
- Chairman asked for a Board Member to present at the upcoming retreat for Parole 101.
- Working on developing a quarterly briefing or message about all the positive accomplishments of the Parole Board.
- Chairman will be presenting, along with the Pennsylvania Sentencing Commission, at the 2024 APAI Training Conference on the new Parole Decisional Instrument in May 2024. Please advise if any Board Members would like to attend the conference.
  - We will share current agenda and APAI website.
- Looking at the parole rate trends and obtaining a better understanding of how the statistical office is calculating that rate. Since our initial inquiry we were advised Short Sentence Parole cases were being excluded from the rate but now added back in which

brings us to 48% but it still is a drop in past parole rates of 58%. Items that could factor into reduction:

- Adding offenses that require majority to parole.
- New decision makers who vote more conservatively than their predecessors.
- It is important we make good public safety decisions that is fair to the inmate and based on the facts in the case and should not be influenced by the Board's overall parole rate.
  - Board Member Rosenberg would like to look at why there is 10% difference and wants a better understanding of that rate, along with discussions to gain a better understanding of why the Board Members are so far apart in their parole rates.
  - Board Member Johnson would like to take a look at the offenses defined in statute as violent and compare to our majority vote list of offenses.
    - Chief Counsel provided additional guidance, Senior Staff can pull some information together for Board review and future discussion.
- Chairman reported out on how often the interview panel decision on majority offenses differs from the final Board decision, which occurs less than 4% of the time.
  - Board Member Johnson brought up the importance of subsequent voters (not part of the original panel) explaining why you are disagreeing from the interviewers. He is not seeing that consistently and wanted to remind everyone, if your opinion is different from the initial interviewers please explain in the notes section. This is extremely helpful for subsequent voters.
  - Board Secretary will provide some of those cases that fall in the 4% for Board review and future discussion.

### **Action Item**

- Chairman Fox made a motion to approve creating opportunities for defense counsel input, Board Member Johnson seconded the motion. Motion passed unanimously. See attached requirements of the motion.

### **ADJOURNMENT**

At 11:43 a.m. Board Member Moscato made a motion to adjourn the public session. The motion was seconded by Board Member Daneri. The Board Members voted unanimously to adjourn the public session.

The “*creating an opportunity for defense counsel input into parole processes*” feasibility workgroup recommends that the PA Parole Board website be enhanced to include an option, access and guidance for defense attorneys to provide input and documents for consideration in parole processes. The parole website, along with all Commonwealth agency websites is currently being updated. Our Parole website updates can include an option, with guidance for defense counsel, to submit written commentary, recommendations and supporting documents to be considered in parole decision-making processes. The parole website is maintained in-house; modifications and upgrades do not require outside requests or IT support services.

Currently the Board receives an estimated 50 – 75 communications / documents a week through the “contact us” and email website access, which offers a “fill-in the form” option as well as an email option, to which documents can be attached. Information received through the website is managed, sorted, filtered and when appropriate a DocType (identifying label) is set for inclusion in parole OnBase folders, by Special Assistant, Janaki Theivakumaran. At the present time, for example, this information would commonly include family and friend support letters. The same process can be utilized for defense counsel input, however, DocTyped specifically as “defense counsel” submissions. The website guidance for defense attorneys would request that their PA Attorney ID# be included along with the name, DOC# and Parole# of the person regarding whom the information is being submitted. It is anticipated the nature of information received is likely to include, but will not be limited to: unique circumstances regarding the defendant / client; any special handling involved in the case; unique aspects in the development of a plea agreement; noteworthy matters in the resolution of the case; substance use, mental and physical health concerns; family circumstances; other information defense counsel may choose to share. It is anticipated defense counsel input is likely to be submitted close in time to when someone is sentenced to state prison, newly received in a DOC facility, and assigned DOC and Parole #s. However, the option to submit information will remain open as long as the person remains in custody. It is also anticipated this same process can be utilized when other case-related defense counsel (such as a federal defender) has information relevant to a technical or convicted parole violator matter, however, is not actually counsel for the violation hearing.

The anticipated challenges to this recommended process to receive defense counsel input include:

- providing clear guidance on the website for defense counsel input, including re-directing counsel to the DOC inmate locator site, to obtain a particular person’s DOC and Parole #s, and to check where along the minimum – maximum sentencing continuum someone may be, if the desire is to submit information close in time to a minimum parole eligibility interview;
- monitoring the volume of input so that it does not become an overwhelming task for Janaki, or whatever staff may be designated to back her up in that work responsibility;
- notifying the defense bar and folks in DOC custody that the option for defense counsel input exists;
  - notice in the Board’s power point presentation used for CLE and public information sessions;
  - notice to all of the PA County Public Defender Offices, as listed on the sheet included with our current Board Decisions which are subject to administrative appeal;

- notice to the Public Defender Association of Pennsylvania, which can be further disseminated on their listserv;
- notice to the Eastern, Western and Central Districts of Pennsylvania Federal Defense Offices, which can be further disseminated on their listserv, which includes private defense attorneys who have been approved to do court-appointed work;
- notice to local attorney bar associations, to the attention of the criminal division;
- notice to PBI, in advance of their annual Criminal Law Symposium;
- notice on the DOC, closed-circuit, inmate channel.

Thank you for your consideration of this proposal to include defense counsel input into the PA parole process.

Submitted by:

**Marcus Brown | Khadija T. Diggs, Esq. | Theodore W. Johnson**  
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