

Vermont Parole Board

FY 2009 Annual Report

Governor
James H. Douglas

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Vermont Parole Board Message from the Chairman

The year 2009 has been a very productive one for the Vermont Parole Board with continued improvements in Parole Board functions. The Parole Board continues to schedule hearings regularly at 13 sites throughout the state. In 2008 the board began scheduling monthly hearings with (3) Parole Board members at each hearing site (rather than 5 members) based on board member travel distance, and availability. The Parole Board schedules (2) two , (3) three member boards convening simultaneously at sites with large numbers of hearings eliminating the need for two (2) hearing dates per month at Burlington P&P, Rutland P&P, Newport, and Springfield P&P. Despite the increased number of parole eligibility, and violation hearings, the Parole Board continues to reduce its operating expenses, through these efforts.

The experience and professionalism of the current Parole Board Members has afforded the opportunity to conduct hearings with three members without compromising the quality of the hearings and subsequent decisions. The Parole Board continues to meet monthly following a Parole Hearing where all members are participating. The monthly meetings provide an opportunity to conduct Parole Board business, review parole board decisions with respect to the risk assessment indicators, and to provide continued training for parole board members.

In 2009 training for board members, focused on Sex Offender Treatment programs and releasing protocols, as well as learning about the newly implemented Victim Notifications System. Training continues to be an important part of maintaining excellence in board members work.

Despite the increase in work loads for the small staff (3 including the director) at the Vermont Parole Board, the office continues to operate effectively, meeting the statutory responsibilities of the Vermont Offenders on Parole, and those eligible for Parole.

Parole Board Director Danles and I continue to work with DOC management to improve the process of preparing eligible offenders for successful parole, and to improve the involvement of victims in the parole process. The risk assessment tool established in 2007 was reviewed by our NIC (National Institute of Corrections) consultant (Dr. James Austin), for revalidation. The review concluded with an assessment that the tool continues to be valid and effective for use by the Vermont Parole Board. It has been and continues to be an important part of the Parole Hearing interview.

The review by Dr. James Austin noted “Vermont Parole Board has successfully implemented the risk assessment instrument, by using the instrument on cases it reviews in a systematic and reliable manner”.

The men and women of the Vermont Parole Board are a well trained, diverse group of Vermonters providing professional, comprehensive, and thoughtful decisions at Parole Hearings. The experience and training of the Vermont Parole Board, has resulted in its members being recognized as an outstanding Parole Board by the DOC professionals, victims, and offender groups it works with.

Dean George
Parole Board Chair

I. General information about the Vermont Parole Board

A. - Parole Board Structure

The Parole Board is an independent autonomous agency. The agency of Human Services provides support for the Vermont Parole Board.

The Parole Board members are appointed by the Governor, with the advice and consent of the Senate. It is comprised of five regular members and two alternates who are appointed for 3-year terms. The Governor also designates the Board Chair and the Parole Board Director. Additional staff includes one full-time Executive Office Manager and one full-time Administrative Assistant. The following individuals currently comprise the Vermont Parole Board and supporting staff:

Parole Board Members:

- Dean George – Parole Board Chair
- Patricia Boucher – Parole Board Vice-Chair
- Richard Grassi – Parole Board Member
- Bill Pettengill – Parole Board Member
- Peter Ozarowski – Parole Board Member
- Susan Blair – Parole Board Member (Alternate)
- Alice Hafner – Parole Board Member (Alternate)

Parole Board support staff:

- Peter Danles – Parole Board Director
- Madelyn Sinon – Executive Office Manager
- Evelyn Shearer – Administrative Assistant

Board interviews, reviews, and hearings of in-state offenders are conducted at fourteen sites throughout Vermont including both correctional and community corrections facilities. The Board is currently conducting all interviews and reviews of out-of state offenders at one site using audio/video interactive technology.

B. - Purpose of the Parole Board

The Parole Board is the only releasing authority for offenders eligible for parole. Parole provides an offender, who has completed a portion of their sentence, the opportunity to successfully integrate into a community as a law-abiding citizen and a productive member of society. Parole also reduces the cost of continued incarceration while providing the least restrictive degree of supervision within the Criminal Justice System.

The Board is also responsible for making decisions concerning offenders serving a Supervised Community Sentence (SCS). SCS is an intensive form of community supervision ordered by the criminal courts in lieu of requiring an offender to serve a sentence of incarceration.

The Board has six major responsibilities:

1. Interview offenders eligible for parole and either grant or deny parole.
2. Upon expiration of the minimum sentence of an offender on SCS, interview the offender and either grant parole, continue the offender under SCS until expiration of the maximum term of sentence or terminate the offender from supervision altogether.
3. Conduct violation hearings involving parolees and SCS offenders who have allegedly violated conditions of their release. The Board decides in these hearings if the violations have been substantiated by substantial evidence and decides the appropriate disposition.
4. Conduct Reprimand Hearings for offenders who may be appropriate for Board intervention in a more informal context. The Board will either deliver a reprimand to the offender, or suggest that the supervising officer initiate formal violation proceedings.
5. Conduct parole eligibility reviews of offenders who are not appearing before the Board in person.
6. Conduct hearings for offenders recommended for early discharge, and for modification of parole conditions. Accommodations for outstanding behavior while on parole are considered when recommended by DOC caseworkers.

C - Decision Making by the Parole Board

In order to establish a quorum for decision making, at least three members must be involved in rendering a decision in a particular matter. Concurrence of a majority of those members is necessary to authorize Board action.

The Board deliberates and makes decisions based on information furnished to it by the Department of Corrections, offenders and their families, victims and their families, and other interested citizens and individuals who may have pertinent information for the Board. The Board considers the following factors according to policy when making decisions concerning offenders eligible for parole:

1. Seriousness of the crime committed.
2. Danger to the public
3. The offender's risk of re-offending.
4. Any input given by the victim, including, but not limited to the emotional damage done to the victims and the victim's family.
5. The offender's parole plan – including housing, employment, need for Community treatment and follow-up resources.
6. Recommendation of the Department of Corrections.

The Board may according to policy consider all pertinent information including the following factors:

1. History of prior criminal activity.
2. Prior history on probation, parole, or other form of supervised release.
3. Abuse of drugs or alcohol.
5. Poor institutional adjustment.
6. Success or failure of treatment.
7. Attitude toward authority - before and during incarceration.
8. Comments from the prosecutor's office, the Office of the Attorney's General's Office, the judiciary or other criminal justice agency.
9. Education and job skills.
10. Employment history.
11. Emotional stability.
12. Mental status - capacity and stability.
13. History of deviant behavior.
14. Official and community attitudes toward accepting an inmate back into the community.
15. Other factors involved that relate to public safety or the offender's needs.

The Vermont Parole Board's Code of Ethics covers such matters as competence, integrity, and professional conduct. The Board firmly believes that adherence to these codes will protect the integrity of the parole and SCS process.

D. - Requests for reconsideration of the Parole Board's decisions

According to Title 28; Chapter 7, the Parole Board's decisions regarding parole and SCS are not subject to court review, with the exception that an offender may ask a court to

determine whether the Board in making a decision violated any provision of chapter 7. An offender may also seek action against the Board if it is alleged that the Board’s actions violated the State or Federal constitutional rights of an offender, or violated the Board’s own rules.

Apart from factors mentioned above that may be challenged through our court system; the Board has developed a policy that will grant reconsideration to a previous decision regarding parole or SCS when new information has been revealed to the Board.

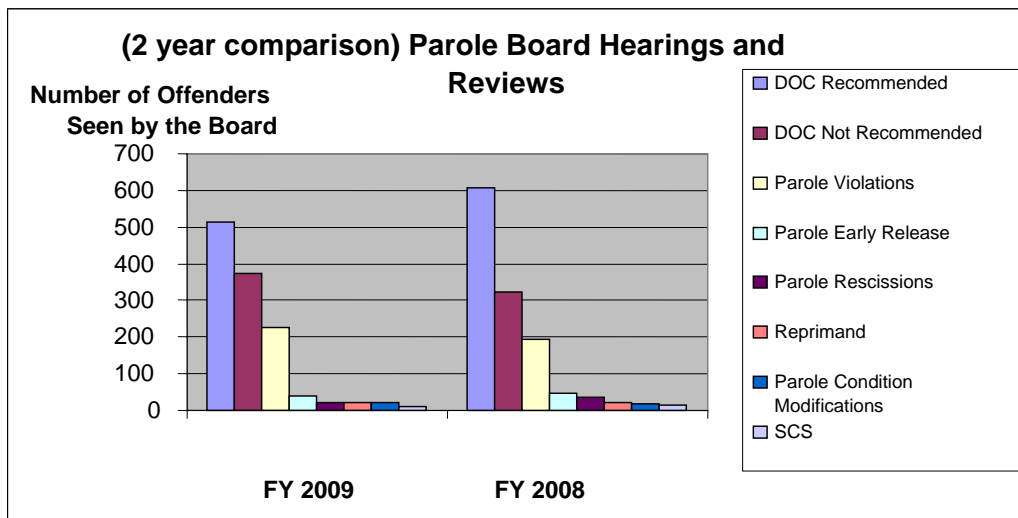
For reconsideration of a prior decision regarding parole, the Board must receive a reconsideration request within thirty (30) days from the date final disposition is made available to the offender. If it is not received within thirty (30) days, it shall be denied. Reconsideration shall only be considered if new evidence has been provided that was not available at the time of the proceeding which would have likely resulted in a different decision by the Board.

For reconsideration of a prior decision regarding SCS, there is no time-limit, but a bifurcated process is involved.

1. The Board must make a preliminary decision to schedule the SCS reconsideration request for a hearing. The request must be supported by “good cause”.
2. If a decision is made by the Board to hear the SCS reconsideration request, the Parole Board Office schedules a formal hearing.

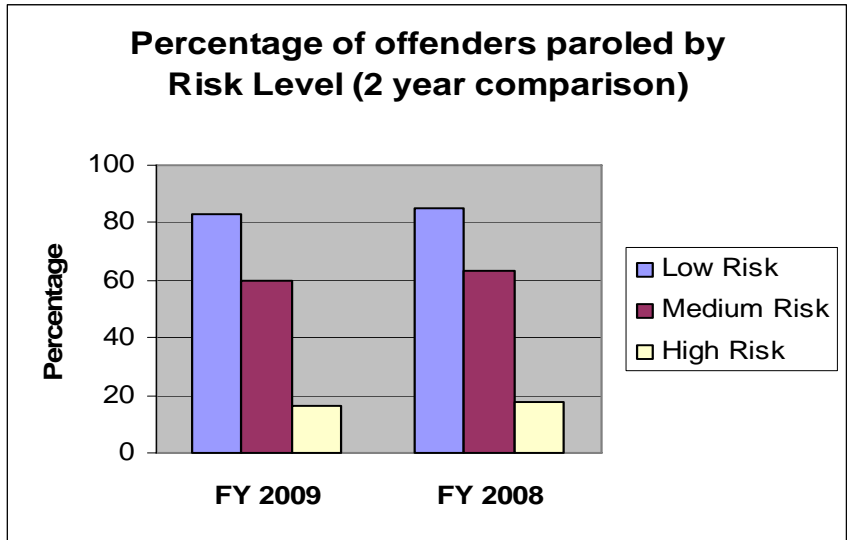
II. Overview of Parole Proceedings:

A. Summary of all proceedings (two year comparison).



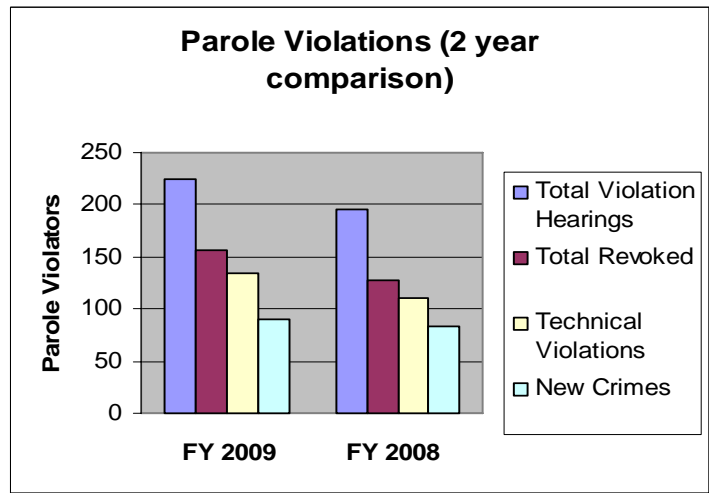
Although parole eligibility hearings decreased slightly in FY 2009, from the total in FY2008, the number of hearings conducted during the first few months of FY 2010 shows a significant increase over those in FY 2008, and FY 2009. **This significant increase is due in large part to the efforts of Sandra Olberg from DOC Central Office, who has been auditing the inmate population for those who are parole eligible, and working with DOC field managers to improve the management of their offender populations.**

B. Risk Assessment Statistics



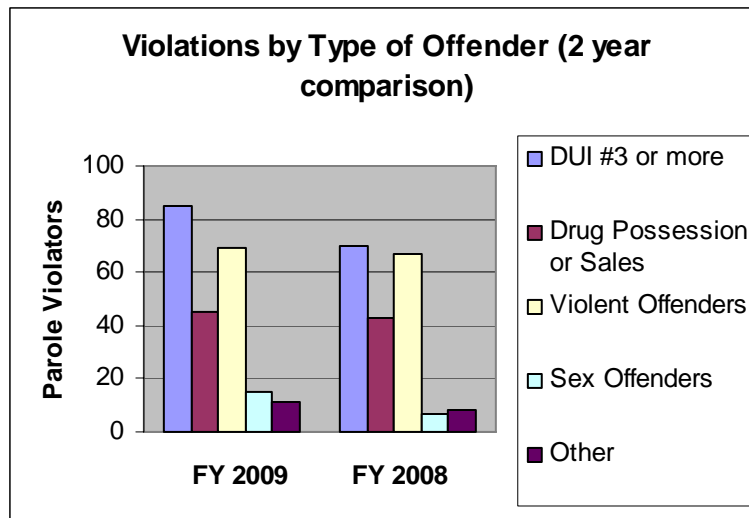
In FY 2009 the Board paroled **83% of offenders scoring Low Risk, 60% of offenders scoring Medium Risk, and 16% of offenders scoring High Risk.** Percentages for each risk category are very good, as indicated by Dr. Jim Austin, and fairly consistent with FY 2008.

C. Violation Hearings Overview.

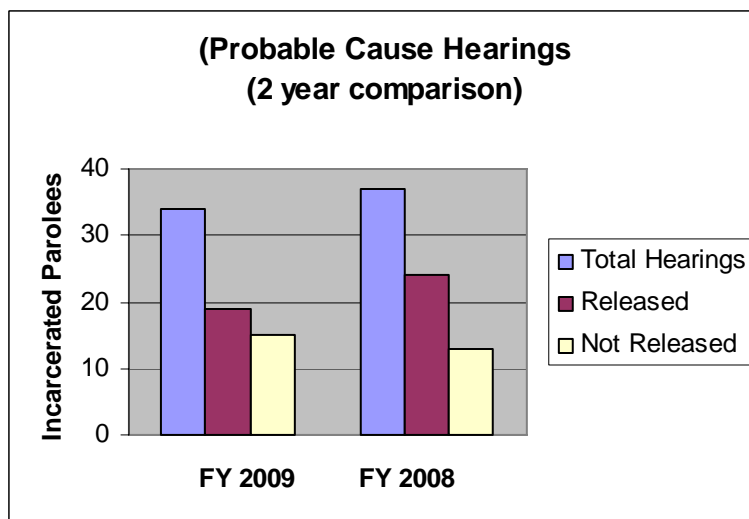


The number of Parole Violation hearings has increased 15% since fiscal year 2008. The percentage of parole revocations as a disposition to parole violation hearings continues to remain stable at 69% (66% in FY 2008). The Parole Board continues to use a Parole Violation Matrix to assist them in their decisions regarding disposition of parole violations. The use of the matrix assists in reducing the number of parole revocations for “technical” violations of parole.

As indicated in the graph below, **multiple DUI offenders continue to make up the largest percentage of parolees brought before the Parole Board for Parole Violation Hearings**, followed closely by Violent Offenders, and Drug Offenders.

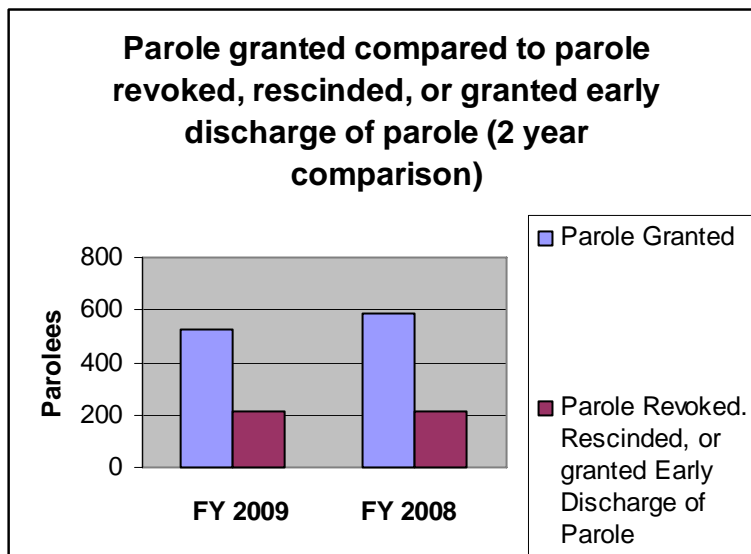


The Parole Board conducted 34 (Pre-Violation Hearing) Probable Cause Hearings in FY 2009. Of those Probable Cause hearings 19 parolees were released pending their Final Violation Hearing before the Board, allowing parolees to maintain employment And family relationships, as well as saving expenses associated with incarceration.



D. Net Increase of Parolees: Difference between Offenders Granted Parole Compared to those Offenders having Parole Revoked, Rescinded, or Parolees granted Early Discharge of their Parole Sentence (2 year comparison).

At the end of FY 2009 DOC was supervising **1061** parolees, compared to **1049** parolees at the end of FY 2008. **The net increase in parolee population from the end of FY 2008 to the end of FY 2009 is (12).** During FY 2009 the number of offenders granted parole (**526**) was modestly greater than the total number of parolees who had their parole revoked, rescinded, discharged early, or “Maxed-Out” (completed) without incident (**511**).



IV. Overview of Operating Costs FY 2009

As noted in the Board Chair letter at the beginning of this report, the Parole Board continues to reduce board member expenses by scheduling (3) board member hearings instead of the (5) member hearings, and by considering travel distances when scheduling board members for hearings whenever possible. These efforts have helped reduce parole board expenses in FY2009, and continue to be effective to date.

Peter Danles
Parole Board Director _____