



Association of Paroling Authorities International

www.apaintl.org

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Things to Do in 2017

- Renew APAI Membership
- Serve on an APAI Committee
- Urge a fellow organization to join APAI
- Make plans to attend the 2017 Chairs Meeting and Annual Training Conference in Vancouver, BC, Canada April 24-26, 2017

APAI's Membership Fees

- Individual - \$65
- Organizational (up to 8 members) - \$375
- (9 to 13 members) - \$475
- (14 to 20 members) - \$575
- Associate - \$40
- Student - \$15

FROM THE PRESIDENT:

Greetings APAI Members:

I'd like to take this opportunity to acknowledge that the month of April recognizes National Crime Victims' Rights Week, Child Abuse Awareness and Prevention, and Sexual Assault Awareness. APAI appreciates the rights of victims and the important role they play in the parole process. We will continue to offer support to victims and our victim advocate colleagues, and will continue to educate our members at every opportunity on victims' issues. In this newsletter, our Member Spotlight features the Vice Chair of the Rhode Island Parole Board who was recently honored and acknowledged for her dedication to victims and victims' issues. Many of our members acknowledge victims' issues not only this month, but in the daily performance of their official duties. We appreciate the difficulty in balancing victims' input with the many other factors considered in release decision making, and will continue to encourage parole practices that honor and respect victims.

With the arrival of spring, it is that time of year again when our Annual Training Conference (ATC) is right around the corner! We are so excited that the 2017 Chairs' Meeting and Annual Training Conference will be hosted in the international location of Vancouver, British Columbia, Canada.

Once again, our colleagues at the National Parole Resource Center will host a workshop for 30 successful applicants on Saturday April 22nd, preceding the start of our conference. This year's workshop will focus on the topic of the use of risk assessments in release decision making. We are thankful for this continued collaboration with the National Parole Resource Center, and the opportunity it provides to our members.

Our Chair's Meeting will be held on Sunday April 23rd. We are once again honored to have speakers from a variety of organizations presenting to the Chairs on relevant and important issues related to parole. In addition to the Parole Board of Canada, who will be discussing public accountability, we will hear from colleagues at the National Parole Resource Center, the Robina Institute, and the Council of State Governments all of whom are working on projects to help advance parole release practices. It should prove to be an informative and exciting start to the ATC!

Given this year's conference theme, A Global Look forward: International and Diverse Perspectives on Parole, the host and Professional Development committees worked hard to create an agenda with an emphasis on presenters from outside of the United States. That is reflected in both the general sessions and our workshop offerings. We are very grateful to all of those who have agreed to take part in our conference, and are pleased that we can once again offer an international panel as one of our general sessions. For more information about the program visit our website at <http://www.apaintl.org>.

I look forward to seeing all of you in Vancouver!

Warmest regards,

Cynthia Mausser
APAI President



NATIONAL CRIME VICTIMS' RIGHTS WEEK

BY: RANDI LOSALU, VICTIM SERVICES COORDINATOR, WY BOARD OF PAROLE

April kicks off a month promoting various victim related observances including National Crime Victims' Rights Week (NCVRW), which is April 2 - 8, 2017. The theme for this year is Strength. Resilience. Justice. The theme "reflects a vision in which all victims are strengthened by the response they receive, organizations are resilient in response to challenges, and communities can seek collective justice and healing." Communities and organizations across the country will be promoting awareness of victims' rights and services, celebrating progress achieved, and honoring victims and the professionals who serve them.

The five leading national organizations and agencies that focus on corrections-based victim services joined together to promote NCVRW. These organizations include:

- **American Correctional Association Victims and Restorative Justice Committee**
- **American Probation and Parole Association Victim Issues Committee**
- **Association of Paroling Authorities International, Victims Committee**
- **National Association of Victim Assistance in Corrections**
- **National Institute of Corrections, Network of Post-Conviction Victim Service Providers**

The "Creative Ideas" document is a list of various activities that post-conviction victim service agencies are able to participate in and promote NCVRW in their state and community. The collaborative effort was originally published last year, but a follow-up was conducted this year to include additional ideas and information. The document has activities broken down into six different categories, which include correctional clients' fundraising for victim services, victim/survivor awareness and programming, correctional staff education, direct victim and community support, educational programs, and media relations and public awareness. Additionally, the Office for Victims of Crime (OVC) website has a vast amount of resources available to assist victim service professionals promote NCVRW.

According to the 2015 National Crime Victimization Survey conducted by the Bureau of Justice Statistics, there were over five million individuals who were a victim of a crime. These victims and the professionals who serve them deserve to be recognized and honored for what they have accomplished and their resilience to continue on towards justice.



A GLOBAL LOOK FORWARD
INTERNATIONAL & DIVERSE PERSPECTIVES ON PAROLE

APRIL 24-26, 2017
VANCOUVER, BRITISH COLUMBIA CANADA



MEMBER SPOTLIGHT: VICTORIA ALMEIDA

BY: MONICA MORRIS, APAI CHIEF ADMINISTRATIVE OFFICER

Victoria M. Almeida, Vice Chairperson of the Rhode Island Parole Board has been selected to receive the Victim Service Award on behalf of Rhode Island Attorney General Peter F. Kilmartin, the U.S. Department of Justice, Family Service of Rhode Island and the Rhode Island Crime Victim Service Provider Steering Committee. This award was given as part of the larger National Crime Victims' Rights Week. Victim service providers, members of state and federal law enforcement as well as victims, survivors and family members come together to pay tribute to those lives lost to senseless violence. They also honor those who dedicate their time and passion to serving crime victims in our State. The award honors individuals and organizations that have gone above and beyond in their service to either directly support, advocate for, and/or honor the rights and dignity of Rhode Island victims of crime. Miss Almeida has been a long-standing member of the Rhode Island Parole Board and has demonstrated support for victims, offering patience, understanding and encouragement, particularly when she senses that the victim's well-being may be hampered in some way by the offenses they and their family experienced.

Victoria M. Almeida is an attorney and principal in the law firm of Adler Pollock & Sheehan P.C. of Providence and Boston. Miss Almeida began her term on the Parole Board in 1984 and served as Vice Chairperson of the Board for 14 years and was reappointed to the Board by Governor Carcieri. Miss Almeida has a record of public service having been the first woman in RI history to be appointed Assistant Executive Counsel to the Governor and serving as Associate Judge of the Cumberland Municipal Court.

Miss Almeida is a frequent lecturer and author of various publications on trial techniques, legal ethics and has been recognized by numerous civic and charitable groups for her commitment to public service and the community. She received the distinguished Dorothy Lohmann Community

Service Award from the RI Bar Association for her volunteer work on behalf of disabled persons.

Miss Almeida served as the Treasurer of the Rhode Island Bar Association, currently serves as its Secretary, and will serve as its President in 2009-2010. Miss Almeida served as chairperson of the Rhode Island Bar Association's Committee on Ethics and Professionalism and its Public Relations



Committee and is chairperson of its Strategic Planning Committee. She is also a member of its Executive Committee as well as its House of Delegates and is on the Editorial Board of the R.I. Bar Journal. She is a member of the American Bar Association, a member of the National Association of Criminal Defense Attorneys and is on the Panel of Arbitrators for the American Arbitration Association and the American Arbitration Forum. Additionally, she is listed in Best's Recommended Insurance Attorneys. Miss Almeida is a life-

time fellow of the Rhode Island Bar Foundation and is on the Board of Directors of the St. Thomas More Legal Society and a member of Phi Alpha Delta Legal Fraternity.

She serves as Vice Chairperson of the RI Health Services Council, the advisory board to the Director of the Rhode Island Department of Health. She also serves on the Board of Directors and Executive Committee of Dorcas Place, an adult literacy organization and is a member of the Advisory Board of St. Antoine Residence of the Diocese of Providence. She is a member of the Guardian's Council of St. Francis Chapel & City Ministry in Providence and is a member of the Diocesan Catholic School Board for the Diocese of Providence.

We are so proud to have you as a member of our association!

BOOK REVIEW: ON THE PAROLE BOARD

BY: MONICA MORRIS, APAI CHIEF ADMINISTRATIVE OFFICER

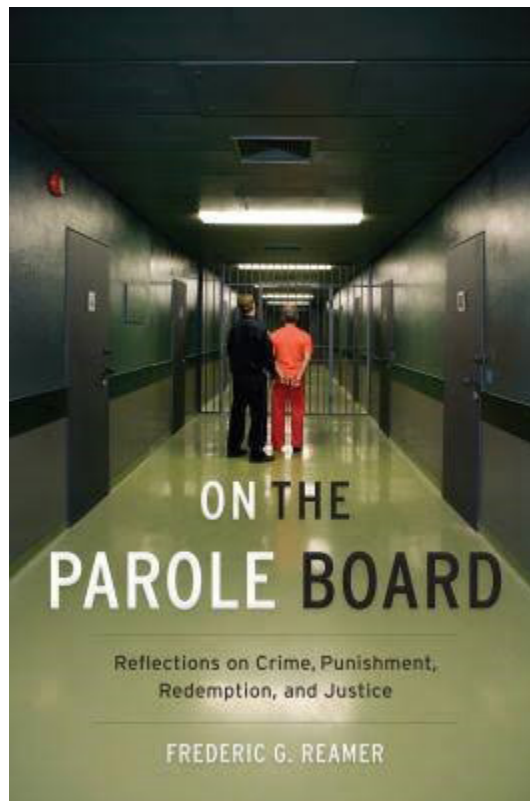
Frederic (Rick) Reamer has written a book, *On the Parole Board: Reflections on Crime, Punishment, Redemption, and Justice*, highlighting his many years of service as a member of the Rhode Island Parole Board. As I look back to how I became involved, I remember about a year or so ago I was asked by Dr. Reamer's publisher, Columbia University Press, to take a look at the book. I was happy to comply because I had only read one other book authored by a parole board member in all my years of being in the criminal justice system. I had enjoyed reading that book and I knew I would enjoy this one too. I was mailed the hard copy transcript and began reading.

As parole board members, we know what it's like. I will never forget what it was like and neither will Dr. Reamer, who has chronicled his 24 years of service with victims, offenders, prosecutors, victim and offender families, prison officials, and let's not forget about the public and the media, our biggest critics when we make a controversial decision. It is not an easy task being a releasing authority, with all the pressures that go with it. I want to thank Rick for all of us who have lived in that role and his ability to put a pen to paper about his experiences.

Current Rhode Island Chairperson Laura Pisaturo also read the book. When speaking about Dr. Reamer she stated, "A revered colleague and friend, Rick Reamer is a consummate professional. It was privilege to serve with him on the Rhode Island Parole Board. He truly understands the balance between justice and mercy."

Dr. Reamer is currently a professor of Social Work at Rhode Island College, where he has been on the faculty since 1983, and has stated that he took his responsibilities on the board very seriously. In an interview with Daniel Bates of the publication *The Guardian*, Dr. Reamer states, deciding on parole

"is not just an intellectual exercise" and is something that affected him deeply: "For me, much of this work requires deep looks at the personal, the very emotional quality of these cases. This is not mental gymnastics, trying to put all of this data into in an equation and reaching a decision. There's a lot of pathos, there's a lot of emotion and a lot of tears."



As stated by Dr. Reamer's publisher, few people experience life inside of prison and even fewer are charged with the formidable responsibility of deciding whether inmates should be released. Deciding which inmates are ready to reenter society and which are not is a complicated choice that balances injury to victims and their families against an offender's capacity for transformation and redemption. Remembering details of many criminal cases, *On the Parole Board* is a singular book that explains from an insider's perspective how a variety of factors play into the board's decisions: the ongoing effect on victims and their loved ones, the life histories of offenders, the circumstances of the crimes, and the powerful and often extraordinary displays of forgive-

ness and remorse. According to the publisher's website, this book will appeal to anyone interested in the complexities of the criminal justice system, the need to correct its injustices, and the challenges of those who must decide when justice has been served.

You decide for yourself; after all, aren't these some of the reasons that we all got into this business? Thank you again Dr. Reamer for sharing parts of our parole world with the public. This book can be ordered through [amazon.com](https://www.amazon.com).



A PAROLEE'S RIGHT TO CONFRONT REVOCATION WITNESSES

BY: DAN FETSCO, EXECUTIVE DIRECTOR, WYOMING BOARD OF PAROLE & APAI SECRETARY

When I first began as a parole hearing examiner in 2007, we had an informal policy in Wyoming with regard to parole agents appearing personally at parole revocation hearings: if the parolee admitted all the allegations as part of the preliminary hearing process, we would not require the parole agent to appear personally at the subsequent and final hearing. However, if the parolee denied any or all of the allegations, we did ask that the agent appear personally. In many cases, this could result in a 500 mile drive across mountain passes in the dead of the Wyoming winter, which can be a frightening and frustrating way to travel, not to mention deadly.

This informal practice of requiring parole agents to travel the State was born out of the holdings of *Morrissey v. Brewer*, 408 U.S. 471 (1972) and *Gagnon v. Scarpelli*, 411 U.S. 778 (1973). The *Morrissey* holding continues to be the seminal case concerning parole revocations. Among the many due process rights that the *Morrissey* case carved out for offenders facing parole revocation is the right to “confront and cross-examine adverse witnesses” absent a showing of good cause, 408 U.S. at 489. The Supreme Court further clarified in *Gagon* that it “did not in *Morrissey* intend to prohibit use where appropriate of the conventional substitutes for live testimony, including affidavits, depositions, and documentary evidence,” 411 U.S. at 782.

Neither the *Morrissey* nor *Gagnon* opinions directly address the use of telephonic testimony at parole hearings, however, lower courts have rendered a few decisions that consider the question. For instance, in *U.S. v. Martin*, 984 F.2d 308 (9th Cir. 1993), the Ninth Circuit Court of Appeals held that a defendant’s confrontation rights in a hearing to revoke supervised release varied depending upon the circumstances of the case. In particular, the Court stated, “in cases involving the *Morrissey* right to confrontation, the appellate court employs a process of balancing the releasee’s right to confrontation against the government’s good cause for denying it,” 984 F.2d at 310.

In *Martin*, the defendant challenged the reliability of a drug test which indicated he had consumed cocaine. The drug counselor who collected the sample testified at the revocation hearing, but no witnesses were produced with regard

to the testing process. The appellate court weighed the importance of the evidence in its balancing test, finding that the evidence was important as it was the only proof offered to support the alleged violation. Further, the state offered difficulty and expense as reasons for not producing a witness to testify regarding the testing of the sample, which the court found unpersuasive. Also of significance, the court noted that the state offered no alternative to live testimony whatsoever – leaving open the possibility that telephonic testimony regarding the testing procedures would have satisfied the defendant’s right to confrontation.

In *Shore v. Locker*, 2003 WL 1563991 (N.D. Cal 2003), a California district court held that *Morrissey*’s endorsement of the use of evidence like letters and affidavits – objects which cannot be cross-examined at all – convinced the court that the offered telephonic testimony allowed adequate confrontation. In *Shore*, the court also noted that there were legitimate reasons for permitting the witness to testify telephonically, as she was both frightened of the parolee and lived in a location that was a long distance from where the hearing was to be held.

Recently, we have begun permitting our parole agents to testify telephonically at final parole revocation hearings even if the parolee denies the allegation. However, we perform an informal balancing test before discussing the need to appear at a final revocation with the parole agent. For example, if the denied allegation is that the parolee absconded from supervision, and the evidence is that the parolee was arrested in Texas (and returned to DOC custody at a significant cost) and that the parole agent had no further contact with the parolee after absconding – we certainly would not insist that the agent appear personally. In vast majority of the parole revocations cases we see, the parolees admit the allegations, or they admit a majority of the allegations. Further, I believe that our parole agents work with our parolees in the form of utilizing alternative sanctions, that we rarely see a parolee who is revoked for a single allegation, unless the violation is of a serious nature. The result is that very few agents are ever requested to personally attend a final parole revocation hearing in Wyoming.



A PAROLEE’S RIGHT TO CONFRONT REVOCATION WITNESSES

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Conversely, we encourage and welcome agents to appear at any and all of their parole revocation hearings. An in-person hearing offers the agents a chance to meet our parole board members. For many agents, it is the first time to visit our medium security institution and return-to-custody facility. It also provides the agents the opportunity to meet with institutional case management staff, which can provide important team building opportunities between correctional case work staff and field agents, helping to create a better reentry process for the offender population.

I am sure we all wish to see fewer parole revocations. They are, however, an inevitable consequence of paroling offenders. Hopefully this article will provide some food for thought when debating whether to require a parole agent to appear personally for a revocation hearing.



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