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Description of document: US Parole Commission (USPC) public meeting minutes,
January 2006 – September 2010

Requested date: 23-April-2011
29-April-2011

Released date: 27-April-2011
24-August-2011

Posted date: 23-May-2011
Updated: 05-September-2011

Titles of documents: See following page
Added material appears following previously posted
material

Source of document: FOIA Unit
United States Parole Commission
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Department of Justice
Chevy Chase, Maryland 20815
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TITLES OF INCLUDED RECORDS

U.S. Parole Commission Quarterly Meeting Minutes, Chevy Chase, Maryland,
January 20, 2006,
March 30, 2006,
June 6, 2006,
January 24, 2007

Minutes U.S. Parole Commission Quarterly Meeting,
April 26, 2007,
October 25, 2007,
January 17, 2008,
May 13, 2008,
August 14, 2008,
December 3, 2008,
January 22, 2009,
May 14, 2009,
July 16, 2009,
October 6, 2009,
January 21, 2010,
May 6, 2010,
September 9, 2010

DRAFT (memorandum, 2006)

Memorandum, Addressing Critical Public Safety Needs, May 12, 2006



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

*5550 Friendship Boulevard
Chevy Chase, Maryland 20815-7201
Telephone: (301)492-5821
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April 27, 2011

Re: Your Disclosure Request

This is in response to your request of April 23, 2011 received on April 26, 2011.

The terms of your request cover copies of U.S.P.C. public meeting minutes from January 1, 2006 to September 9, 2010. The next meeting, which has not been scheduled as of this date, will approve and adopt the minutes from the April 7, 2011 public meeting.

Because the Parole Commission is exempt from the access provisions of the Privacy Act, this disclosure is made under the Freedom of Information Act (FOIA).

If you are dissatisfied with my action on this request, you have thirty (30) days from the date of this letter to appeal this decision to the Chairman of the U.S. Parole Commission. An appeal to the Chairman must be made in writing and addressed to the Office of the Chairman, U.S. Parole Commission, 5550 Friendship Boulevard, Suite 420, Chevy Chase, MD 20815.

Sincerely,


Anissa Hunter Banks
FOIA Specialist

Enclosures

AHB



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

U.S. PAROLE COMMISSION QUARTERLY MEETING MINUTES

CHEVY CHASE, MARYLAND

January 20, 2006

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: **COMMISSIONERS:**

Cranston J. Mitchell, Vice-Chairman
Deborah A. Spagnoli, Commissioner
Isaac Fulwood, Jr., Commissioner
Patricia K. Cushwa, Commissioner

STAFF:

Thomas W. Hutchison, Chief of Staff
Rockne Chickinell, General Counsel
Judy I. Carter, Executive Officer
Marc Bransky, Deputy Administrator, Case Services
Douglas Thiessen, Attorney
Sandra Hylton, Hearing Examiner
Gregory Price, Hearing Examiner
Stephanie Jones, Secretary
Phyllis Linnes, Parole Clerk
Kimberly Ly, Administrative Support Assistant
Tiffany Wright, Case Analyst Trainee
Patricia Moore, Staff Assistant

CITIZENS:

Mona Asiner, D.C. Public Defender Service
Kathleen Creamer, Our Place, DC
John Enterline, D.C. Public Defender Service
Tom Hibarger, U.S. Attorney's Office
Sheila Moore, D.C. Public Defender Service
Olinda Moyd, D.C. Public Defender Service
Chiquisha Robinson, D.C. Public Defender Service
Michael Simmons, D.C. Public Defender Service
Pauline Sullivan, CURE

Chairman Edward F. Reilly, Jr. called the Quarterly Meeting of the United States Parole Commission (USPC) to order at 10:05 a.m. on Friday, January 20, 2006, 4th Floor Conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland.

The roll was taken and Commissioner Cranston J. Mitchell, Commissioner Deborah A. Spagnoli, Commissioner Isaac Fulwood Jr., Commissioner Patricia K. Cushwa and Chairman Edward F. Reilly, Jr. were present.

The Chairman announced that notice of the meeting and matters to be discussed had been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act. The meeting was opened to the public.

The Chairman recognized members of the public that were present.

ITEM I. APPROVAL OF THE OCTOBER 6, 2006 QUARTERLY MEETING MINUTES

The Chairman announced that the first item of business on the agenda was the approval of the October 6, 2005 Quarterly Meeting minutes.

Commissioner Spagnoli noted that because she would be submitting her changes to the minutes at today's meeting, she motioned to adopt the minutes subject to the review of her changes and questioned whether she should discuss her changes in the meeting. Chairman Reilly noted that because no one had a copy of the changes it would be only fair to allow each Commissioner an opportunity to review the changes and vote later to approve. Vice Chairman Mitchell motioned to vote on the minutes subject to the review of Commissioner Spagnoli's changes and vote later to adopt. Commissioner Cushwa seconded. A vote was taken. Commissioners Cushwa and Mitchell voted yes.

Commissioner Fulwood questioned, "When we approve the minutes subject to corrections, what are we approving"? Chairman Reilly responded that we are approving the minutes just as they are before us. The proposed amendments would be approved by the Commissioners upon their review. A vote could be held seriatim at a later time.

The General Counsel concurred. Commissioner Fulwood agreed, but opted to vote no and interjected that Commissioner Spagnoli's changes could possibly alter the minutes on and desired to table the minutes prior to the next meeting. Commissioner Spagnoli declined to vote.

Chairman Reilly voted yes to approve the minutes as they are subject to an opportunity to review Commissioner Spagnoli's changes.

ITEM II. REPORTS FROM CHAIRMAN, COMMISSIONERS, EXECUTIVE OFFICE, GENERAL COUNSEL'S OFFICE, CASE OPERATIONS, CASE SERVICES, AND RESEARCH AND TECHNOLOGY UNITS.

Chairman Reilly, before reporting on his activities for the quarter, acknowledged an article in the *Washington Post* newspaper on January 19, 2006, "Locked Up Inside". The story was written by Washington Post Staff writer, Wil Haygood, a very good article and testimony to Commissioner Fulwood's career as USPC Commissioner. In addition, each Commissioner will receive a copy of the *Fugitive Safe Surrender*, a proposal developed by Ohio's U.S. Marshals Service. The proposal is a concept focused on fugitives running from the law will be given an opportunity to surrender. It has already begun in Ohio. A church pastor has opened his church to receive these fugitives. Thus far approximately 800 offenders have taken advantage of the program. Immediate action is taken by a judge and fugitives are given a chance to receive immediate assistance in drug and/or alcohol treatment. An estimated cost per project is \$100,000. The Marshal Service has obtained the monies to begin the programs in other cities. The District of Columbia is one city that is highly recommended to implement the program. The Criminal Justice Coordinating Council is meeting next week to determine whether they will want to move forward with this initiative.

Several discussions have been held with CJCC Director Nancy Ware concerning the public forum that the USPC initiated some years ago when Congress made the decision to give the Commission the D.C. parole function as well as supervised release. The intended purpose was primarily to educate the citizens of the District of Columbia so that they can have a thorough understanding of Commission mission and functions and for the public to voice their opinions and concerns. Chairman Reilly noted that it is the feeling of the Commission that we have exhausted this intent but imperative that we maintain our relationship with the community. The Commission is in continued discussion with CSOSA and CJCC as to how we can re-structure this focus and welcomed our other criminal justice partners (Public Defender Service, CURE, the U.S. Attorney's Office)

their input. The next forum is anticipated for the spring. The Chairman noted Chief of Staff Tom Hutchison as the contact person. Public Defender Service Chief Olinda Moyd noted that she had submitted her input. Chairman Reilly acknowledged receipt of it.

Chairman Reilly noted that the remainder of his report was self explanatory but highlighted his additional duties and position as ex-officio at the U.S. Sentencing Commission and noted numerous meetings on sentencing policy and policy changes which Congress has mandated. The Chairman also noted his membership with the advisory board of the National Institute of Corrections. This organization is very involved with local communities and developing correction policies and procedures and studies on law enforcement corrections. A meeting is scheduled next week which Vice Chairman Mitchell will attend on the Chairman's behalf.

Chairman Reilly offered commendations to Commissioner Fulwood who headed our Combined Federal Campaign project and has exceeded our expectations. With so many national disasters, CFC is a most worthwhile cause. Through Commissioner Fulwood's leadership, the Commission had 101% staff participation which is the most we have ever had.

Chairman Reilly further stated that the Commission continues to periodically meet with the armed services parole boards (army, air force, navy) to discuss a variety of issues that impact the Commission as well as the military boards regarding decisions and policies. We were the recipients of approximately 500 military offenders from the Leavenworth Disciplinary Barracks who have now come under the jurisdiction of the Commission. These offenders are primarily sex offenders that are incarcerated in the Bureau of Prisons. This number according to the military defense department is set to increase. Other meetings included the Department of Corrections with newly appointed Director Devon Brown with regard to the enhancement of the areas where victims, defendants and law enforcement officials, and inmates are seated while awaiting their hearing. Presently, the rooms are open and do not provide a pleasant or private waiting area.

Lastly, Chairman Reilly made mention of *The Leavenworth Penitentiary* a book recently written on the history and development of corrections in the United States. Chairman Reilly noted that he was asked to write the forward and offered to obtain copies for anyone who desired. Chairman Reilly ended his report and opened the floor to questions.

Vice-Chairman Cranston Mitchell noted that his report was self explanatory and opened the floor to questions.

Commissioner Patricia Cushwa opened her report noting on going meetings with large and small group discussions surrounding the D.C. guidelines system in reviewing recidivism and finding out if it is predictive and trying to move forward in looking at guidelines and revocation guidelines and connected with that is the recidivism studies and the possibility with CSOSA of half-way back sanctions and with the Public Defender Services (PDS) and CSOSA the community-based sanction as a final sanction on a revocation. There may be a future possible funding source through Open Society for

these projects.

The victim witness pamphlet is with Justice Printing and is due back today and will be connected with the VNS system. However, no funding has become available for the victim coordinator position. The American Corrections Association at the University of Baltimore will have three part information training for federal and state judges for on going sentencing reform and changes. The training is free. Commissioner Cushwa ended her report acknowledging her gratefulness for being asked to participate on these projects.

Commissioner Isaac Fulwood, Jr. noted that his report making reference to the Combined Federal Campaign and stated that any time we help our neighbor we are doing ourselves well. Chairman Reilly asked Commissioner Fulwood to speak on the DVD featuring the Commission and the Metropolitan Police Department. Commissioner Fulwood noted working with the MPD on a video designed to encourage officers to attend hearings. The DVD will go out to each district and will be shown during roll call. There was follow up with a series of meetings with several high ranking officials, Police Chief Ramsey, Commander Fitzgerald and Robinson for reinforcement that this message gets across to the officers.

The attorneys do not have the opportunity to cross examine. Meetings have also been held with the Prince Georges County Police as well.

Chairman Reilly commented that he has had the opportunity to view the first video but has not seen the edits and suggested that the Commissioner Fulwood prepare a closing for the video.

Commissioner Deborah Spagnoli opened her report noting that with the departure of Research and Technology Administrator James Beck there is the opportunity to reorganize the Division. The Commission decided earlier in the year that technology is going to be a priority and she has been meeting with a number of staff in this effort. Commissioner Spagnoli acknowledged Jerry Hess' exceptional work on the committee. The division's name has been changed to Information Technology (IT) and it is anticipated a committee report will be available by mid-February. She noted that her Committee's work was predicated on the work of another Committee that was discussing reorganization and restructuring issues, and the work of that Committee, under the direction of Commissioner Mitchell was the priority and that Commissioner Mitchell would indicate when the technology committee would take be able to take priority.

Commissioner Spagnoli noted her continued involvement with the Attorney General's Anti-Gang Coordinating Committee as Chair of the for intelligence training for state and working group, local and federal law enforcement and prosecutors. Commissioner Spagnoli expressed her regrets that she was unable to attend two significant meetings.

The next meeting of the entire group is February 13 which will include the Deputy Attorney General.

The Attorney General has a great interest in this committee and has made the issue a priority. Commissioner Spagnoli ended her report. Chairman Reilly opened the floor to questions.

Tom Hutchison, Chief of Staff, opened his report noting that he would be sensitizing reports of the administrators but asked Judy Carter to address the Commission on budget issues. Ms. Carter reported on the current budget noting that we have experienced a 1% reduction in the budget which was tacked on to the defense bill. This budget lowered our base line for the 07 budget. The Congressional budget that was submitted to go forward is 11.9, which was lower than our initial request of 12.8.

During this past quarter, our initial OMB pass back came back with no increase. A pass back appeal was submitted November 28 to the Office of Management and Budget (OMB) and with the assistance of the Special Advisor to the Deputy Attorney General, Frank Shults, some funding was returned. The final budget figure is \$200,000 below our initial request.

Chairman Reilly elaborated on Special Advisor Frank Shults visit, which gave him and the Vice Chairman an opportunity to discuss the budget and our letter to the Attorney General. With the ongoing indecisiveness of the long range future of the Commission, it was critical that we were able to express our concerns as it relates to our mission and the need for additional funding to accomplish our goals. The Chairman thanked Judy for the budget update and opened the floor to questions. Commissioner Fulwood questioned whether Judy's report discussed Item# 3 of the agenda. Chairman Reilly answered no, and that we would come back to agenda Item# 3.

Mr. Hutchison continued his report noting the advanced consent pilot project developed in consultation with the Public Defender Service (PDS) in an attempt to expedite the processing of cases where alleged violators are willing to accept the disposition.

Our traditional expedited revocation process is after the probable cause hearing is held and eligible violators have their file reviewed, if appropriate, an offer is put together and sent to the offender and given two weeks to accept or reject the offer. In an attempt to come up with a process that was both speedy and fair, the person indicates a willingness to accept the disposition. If appropriate, the Commission issues a notice disposing of the case and the case is handled more quickly to completion. If the offender rejects the advanced consent we review the file and make an expedited offer under the old procedures. It is not incumbent upon the violator to accept or for the Commission to accept the disposition of what the violator finds acceptable. Overall the project is working well. Adjustments continue and soon a data report will be made available. The importance of the advanced consent is greatly connected with the population at the DC Jail and alleged parole and supervised release violators. The DC jail population has been a problem for a long time and is over capacity. The interim director spoke to the chairman about what efforts we could take to relieve the population situation.

The Chairman organized a working group to address the matters that are included agencies that are involved in alleged parole and supervised release violators processes, D.C. Superior Court, U.S. Marshals Service, U.S. Attorneys Office, D.C. Metropolitan Police, D.C. Public Defenders Service, CSOSA, the Bureau of Prisons, Department of Corrections and Central Treatment Facility (CTF). There was a meeting in December where issues were identified. Smaller groups were created to see what progress could be made. On January 19, a smaller group meeting was held which focused on designation packets.

The Deputy Mayor's Office and CJCC has been following this issue as it has a fiscal impact not only for the District of Columbia but for the US marshals and a human impact concerning the population at DC jail and CTF. There is no fixed date for completion.

Tom further indicated that a third issue that also affects the population at DC Jail is release planning for persons revoked and who have a short time until their release from incarceration. Mr. Hutchison noted that the Bop does not come down to the jail to do release planning gathering. Until a while ago case managers at CTF and DOC obtained information from CSOSA if approved the prisoner would be released-if there is no release plan info-the release date is retarded so that the information can be developed and investigated. For reasons that are unclear the doc will no longer obtain this information. The immediate impact resulted in an increase in the population at DC Jail. The Chairman and Vice Chairman and Paul Quander met with BOP director Harley Lappin where it was asked of interim director Elwood York to provide some short term assistance with going back to the old practice until another plan could be put in place. However, no decision was made. Consequently, the new director has inherited this issue. A letter was sent to Director Brown requesting his recommendation in this matter.

Training this quarter included a day and half training session at the 4-H center that included topics on sex offenders in the community, mental health treatment, and sentencing guidelines.

Staff Attorney Sharon Gervasoni held our annual ethics training for staff and several employees attended domestic violence training sponsored by CSOSA. The Commission contracted with Prince Georges Community College for a course on effective communication and writing skills. 12 staff members participated and gave a good evaluation of the training.

Mr. Hutchison continued with personnel issues to include the loss of our FOIA officer, Tiffany Tinsley-Matheny. This vacancy will be advertised soon as well as an Information Technology specialist position. As an interim measure, and as advised by the Department, we will hire a part time consultant. It was necessary to re-advertise the parole clerk position which fell through when the candidate was offered another position through his current employer. Chairman Reilly opened the floor to questions.

Commissioner Spagnoli questioned the other upcoming vacancies and what the Commission is anticipating for persons who are leaving in the next few weeks, specifically, Kimberly Ly and Shelley Witenstein. Tom announced that Kimberly Ly would be leaving to go to Homeland Security and Shelley Witenstein is retiring. Commissioner Spagnoli questioned whether the Agency had put a process in place to implement the Attorney General's victim witness guidelines. Tom deferred the question to Commissioner Cushwa. Commissioner Cushwa answered that the committee is ongoing and to date no funding has been received for a victim coordinator. Commissioner Cushwa further stated that without a coordinator, efforts to implement the program are ongoing as much as possible and once we get on board with VNS it will be a lot easier to comply once funding is in place which will possibly happen in June. Mr. Hutchison explained that we have been working with VNS and have developed a method that can be implemented by June. Commissioner Spagnoli expounded on her question asking what training internal staff has received, hearing examiners in particular, as it relates to the Attorney General guidelines. She asked whether they had received copies of the guidelines and whether training on those guidelines was being planned.

Commissioner Fulwood questioned release planning that was discussed earlier and the fact that we have been retarding releases because of administrative issues with the Bureau of Prisons (BOP) and CSOSA who are not investigating release planning and that the Commission should place some type of pressure on whose responsibility this is. It is unfair to keep persons locked up because of administrative issues. For the record, Commissioner Fulwood indicated that he would not be approving such orders and strongly urged the Commission to respond to this matter. Commissioner Spagnoli echoed Commissioner Fulwood's comment and indicated that she too was not approving the recommendations.

Chairman Reilly stepped back to Public Defender Service Chief Olinda Moyd's comments on how to improve the expedited pilot program. Chief Moyd expressed concerns regarding the timeliness of receiving expedited proposals. For offenders who are familiar with the system and know what they want, it is working very well. For those unfamiliar with the system, when receiving the advanced expedites a week before the hearing, sufficient time is not there to explain the process to the offender so that they have a clear understanding of what decisions they are facing.

The process defeats itself when expedites are received a week before the hearing. When the pilot program initially began, PDS received them within 7 days. Since the process moved forward, proposals are not being received in a timely manner prior to the hearing.

Secondly, Ms Moyd requested that in addition to the Notice of Action (NOA) her office would like to receive the salient factor scoring sheet. In the normal expedited process, the scoring sheet is included. However, they are not being received with the pilot project expedites. Without the scoring it is very difficult to explain to the offender the guidelines.

Ms. Moyd highlighted the issue of the guidelines and how the bottom of the guidelines is understood by the offender. It seems that there is a difference in what the offender understands it to be and how the Commission calculates the bottom of the guidelines. What actually is the bottom of the guidelines? Zero should really mean zero. If an offender receives 0-4 or 0-8 they should realistically be released. Chairman Reilly thanked Ms. Moyd for her comments and recommendations and assured Ms. Moyd that her concerns would be addressed. Chairman Reilly opened the floor to questions and moved forward to the next agenda item.

Commissioner Spagnoli asked if the other administrators were going to give their reports. Mr. Hutchison answered that the administrator reports were summarized in his report.

Commissioner Fulwood commented on the impact of staff shortages and noted the shortages where the Commission was are forced to use overtime to try to keep up. Coupled with retirements and separations, we need to be mindful of our shortages as OMB really has no knowledge of or appreciation for our needs. The Department does not have the ability to modify the budget to increase or decrease. If OMB doesn't take a real interest we are at a loss. We sent a memo to the Department which to date has not been addressed and I want it on the record that it was improper and lack of courtesy not to have received a response. We have no monies to build on our infrastructure for computer technology and recordkeeping. We are at critical mass and we need a response and in the mentioning of jail overcrowding, it is not because the jails are overcrowded but because we have budget problems. Commissioner Fulwood further stated that we need to have clear priorities so that we can get things done. Each year has an impact on the next year. Each year we will be faced with a crisis that as it stands right now we will not be able to solve because of lack of funding. Commissioner Fulwood recommended that we not hire until we get through the process of what the Commission should look like and what we want to do and acknowledged it to the Chairman's credit his transition project.

Commissioner Spagnoli agreed generally with Commissioner Fulwood and commented that the Commissioners voted down the budget for FY07. She further questioned that until we get a budget that we can vote on and agree to, what do we do regarding the planning for the fiscal year? She suggested that because we are going through a good reorganization process, a temporary hiring freeze would be wise.

Commissioner Spagnoli commented on the issue of the follow up to OMB and said that it was highly unusual for the Attorney General's office not to have responded and that it is important that we follow up. Commissioner Spagnoli again reiterated her question, "How do we go forward on 07, since it was voted down?"

In defense of the Attorney General, Chairman Reilly noted that he had spoken with the Attorney General's secretary who assured the Chairman that our letter was delivered and that it was in the process of being reviewed within the department.

Subsequent to that call, the Special Advisor to the AG visited the Commission to discuss the status of the Commission and the budget. After this meeting, we heard through the budget staff that there would be an increase in our monies, which the Chairman felt was a result of Frank Shults' visit.

The Chairman stated that while we may not receive a response to our letter he is assured that the visit was a result of the letter. Commissioner Fulwood stated that this may be true but with our letter and disapproval of the budget, a legal issue was raised and looking at the statute the budget was not supposed to go anywhere. If things were done through a back door process, we should have been informed that this was the way things would be handled. The statute states we have the authority to disapprove the budget and as a Commissioner he would like to have a response.

Commissioner Spagnoli acknowledged that Commissioner Fulwood's request was reasonable to expect and noted that while we continue to await a response from the Attorney General, at the same time we needed to move forward on the issues that were raised in conjunction with the budget disapproval. For example, the Commissioners wanted to have a breakdown of expenses differently from what was prepared, a spending plan for approval. It's been a few months ago since this request. Commissioner Spagnoli noted, for example that training funds should be set aside and not used for anything else. In addition, she said that the Commission should have different programs and categories, i.e. a program for victims, a gang program, domestic violence program, and a sex offender program etc. If we categorized our budget in such a way, it possibly would be easier to obtain funds. By establishing a time to meet regularly to discuss this further would enable us to move forward if we should receive a response. As our letter mentioned, we need to indicate how the Parole Commission fits into the Department's strategic goals and the President's Management Agenda. The Commission is not mentioned in the Department's strategic goals like the other agencies within the department are. She indicated that if we, as a Commission, set goals, outcomes and priorities, we may be taken more seriously by the Department and perhaps given more funding.

The Chairman commented that this is what we are envisioning with the establishment of the transition project and to define to some degree what the Commission feels the positions we can and cannot fill and in addition to redirecting funds from one source to another to meet our goals. These are issues that the Commissioners need to decide on. Commissioner Spagnoli commented that what she envisioned needed to be done is different from what the transition group was doing. She opined that both issues should be addressed at the same time. She further suggested that the discussions involving these budgetary issues and reorganization should be public ones.

Judy Carter noted that the budget update meetings with the Chairman are ongoing and she is prepared to share these updates with the Commissioners. Chairman Reilly responded that he would set a meeting to include Commissioners and appropriate staff.

Commissioner Spagnoli commented that she thought we previously held two public meetings on the budget.

Chairman Reilly noted that this was done because it was for the adoption of the final approval of a budget and that the next planned meeting will be held internally with Commissioners and appropriate staff with exchange on what monies we have to allocate and where these allocations will be placed along with taking in consideration the impact from both working groups.

There will also be discussion on the reorganization of the Research and Technology Unit. Chairman Reilly reiterated again his feelings on receiving a response from the Attorney General's office and urged Commissioner Spagnoli not to hesitate to visit the Attorney General's office during some of her visits to Main Justice and to inquire about our response.

Commissioner Spagnoli asked whether the Attorney General was aware that the Commissioners requested a meeting with him. Chairman Reilly stated that this was done through the Attorney General's former assistant and later was assured that the letter had been received and at the time of receipt there was no opportunity to meet with us and strongly believed that Frank Shults visit was that meeting.

Commissioner Spagnoli again stated that it appeared that the Parole Commission policy was unclear about when a meeting must be public and when a meeting does not need to be and she asked for clarity. General Counsel Chickinell stated that he would have to do research prior to answering the question and that he would provide the information. Mr. Hutchison commented the difference is what you choose to do publicly and what is required.

There being no further questions or comments, Chairman Reilly moved to Agenda Item 4, *Discussion on a policy regarding treatment of sex offenders and sex offenses*, opening the floor to discussion.

Commissioner Spagnoli noted that she submitted this item for the agenda and highlighted issues that she had previously brought up for discussion at other meetings on how the Commission deals with sex offenders. She said that the Commission is insulated from public reaction and feelings regarding sex offenders. She said the Commission should recognize that a comprehensive criminal justice response is necessary to effectively address the issue of sex offenders. Commissioner Spagnoli felt strongly that as an Agency we are not talking and doing enough about addressing the issues involved with the potential release of sex offenders. Commissioner Spagnoli noted that she receives dozens of sex offender cases and it is obvious from staff recommendations and a lack of recommended conditions that staff is not being trained in this highly specialized area.

Commissioner Spagnoli highlighted a TV show, Primetime Live that was broadcast last night that reported on a 42 year old man who had been molesting children for most of his teen and adult life and further admitted that he had been molested as a child himself.

Commissioner Spagnoli further commented that pedophilia is not curable, but treatment is essential to reduce the likelihood of recidivism. How these individuals are managed and the treatment they receive in and out of prison is critical to protecting the public and the victims of these brutal crimes. Commissioner Spagnoli mentioned that the report highlighted a particular 6-year program in California which has 500 participants judged to be mentally ill-sexually violent predators and has been in operation for over 10 years. This particular pedophile profiled was the 4th person to have graduated from this program. Commissioner Spagnoli noted Oprah Winfrey is lobbying for every child molester to stay in prison for life even for the first offense; being a victim herself Oprah is a powerful voice that Commissioner Spagnoli suggested we understand her ability to be persuasive.

Commissioner Spagnoli further stated that in 9 out of 10 of our cases, when sex offenders are released, they are given no sex offender after care conditions and if, in the majority of cases conditions had been added those conditions were only the very generic ones. The staff recommends release of most sex offenders, so the vast majority of cases for Commissioners review must include background regarding the strict management and treatment of these offenders when they are in the community.

Commissioner Spagnoli continued her remarks noting in her opinion the Commission has a lackadaisical and lenient attitude towards very dangerous sex offender cases. Commissioner Spagnoli highlighted specific sex offender cases, noting the case of a sex offender who raped his six year old step-daughter after getting her drunk. The six year old was so traumatized at the trial that during her testimony she retreated under the witness stand in a fetal position.

In this case, the Commissioner reviewing the case would have never been able to fairly decide the case in that the hearing summary did not include the step-father's own admission to the crime. Unless you review the entire file, a Commissioner would not have known of this most important element. Commissioner Spagnoli noted that she was not suggesting that the staff could not perform; she simply stated that the problem is that the staff has not been properly trained to deal with these specialized issues, nor have they gotten the message that this is a priority for the Commission.

Commissioner Spagnoli stated the need for action and proposed specialized training in this area for case analysts, hearing examiners, and Commissioners. She further indicated that as a federal paroling authority, we should have a policy statement that sends a message that the Parole Commission takes this crime seriously. Commissioner Spagnoli stated that our guidelines are offensive regarding child molesters in that we treat the rape of a child 12 years and under and the rape of an adult woman the same -- a category 7 offense, but if you are a child between the ages of 13-17, and you are raped or molested, this Commission treats that heinous crime as a lowly category 4 offense. The Commission needs to change these discriminatory guidelines. She opined that all sexual offenses should be category seven with the exception of statutory rape cases when there is a minimal difference in age and the sex is consensual.

Chairman Reilly recognized Commissioner Fulwood who suggested appointing a committee to review what kind policies and conditions we set when we release sex offenders. Keeping in mind there are other agencies involved in this equation. Many Community Correction houses won't take sex offenders; however, the policy is being changed in that all Community Correction Housing Facilities are obligated to take them. Commissioner Fulwood noted training with the US Probation office who gave an exceptional presentation on how to handle sex offenders once they are released into the community.

Again, Commissioner Fulwood reiterated his remarks on our budget deficit stating that the more we lose staff the less review is going to occur which in turn forces staff to pay more attention to deadlines and getting the work out. Chairman Reilly said that he would consider a committee that would craft some major policy changes to be voted on and noted the stricter sex offender policies in Kansas.

Commissioner Spagnoli recommended that any policy statement formulated should be written by the Commissioners as opposed to staff as Commissioners are the policy makers. Chairman Reilly said that he would look into the issue and would get back to us about appointing a committee and indicated that he might ask Commissioner Spagnoli to take the lead.

Chairman Reilly moved to Agenda Item #5- *Discussion on a policy regarding the treatment of domestic violence offenders and offenses.*

Commissioner Spagnoli noted that the staff does not take domestic violence cases as seriously as needed. Staff has no clear knowledge or specialized training in domestic violence cases. Many people don't understand the cycle of violence and have the feeling that if a woman stays in a situation it's her own fault. This attitude comes from a lack of awareness and understanding of domestic violence.

If a victim does not show for a hearing, no one at the Commission seeks to find out why or makes any attempt to locate them. Hearing Summaries are void of prior offenses and if you don't review the entire folder a Commissioner cannot fairly decide the case because that Commissioner reading only has the hearing summary which lacks complete information. Staff routinely dismisses cases because of no shows and that is not acceptable and we need to take a more caring attitude. Commissioner Spagnoli noted a case involving an officer who saw an offender outside a victim's house—a clear violation of a restraining order—and she indicated that in this case you would not need the victim to testify. But again, staff dismissed the case because the victim could not be located even when you only needed the officer's testimony.

Commissioner Spagnoli further noted that there are too many cases such as these and stressed again the need for specialized training and commented that she could arrange a training session within a week that would not take a lot of resources. Commissioner Fulwood commented there are three things that need addressing: policy, training, and staff and again the need to quickly move forward with appointing a policy committee.

Chairman Reilly moved to agenda #6, *Discussion on a revised policy regarding prisoner escapes.*

Commissioner Spagnoli stated that again this is another issue that the Commission is not taking seriously and stated that she placed this item on the agenda due to one particular case that caught the public's attention. An inmate escaped from a locked facility, not a halfway house, but a locked institution and our guidelines only called for 6 months. Is 6 months an appropriate punishment for escape given the case that was recently decided? Commissioner Cushwa commented that we should include the Bureau of Prisons into this discussion because cases vary where persons may be late coming back from work which can be deemed an escape.

Commissioner Fulwood concurred and agreed that situations need to be decided on a case by case basis. Cases where an inmate scales a fence as opposed to someone who is 2-3 hours late returning from work must be decided differently. Why would we revoke someone who returned but was late? While they should be reprimanded cases must be separated. Commissioner Spagnoli recommended that we designate a staff member to obtain the rules and regulations from BOP on escape.

Chairman Reilly commented that this is what the Commission does —make policy and if the guidelines are out dated, too harsh or too lenient, it is the Commission's business to make the proper adjustments and modifications. Commissioner Spagnoli commented that while the results of the recidivism study is something that we will not be getting for quite some time, in this particular area of sex offenders, domestic abuse and escape the Commission should not wait but must act now to change the guidelines to protect the public and community. Commissioner Cushwa commented that APAI and the Center for Public Policy have already done research in the area of sex offenders and domestic violence that will assist us in our research. In checking with other states who have already researched these issues, we should not ignore the resources that we have immediate access to.

There being no additional comments, Chairman Reilly moved to Agenda Item 7, *Discussion on Commissioner Participation in hearings.*

Commissioner Spagnoli noted that a number of Commissioners have sat in on revocation and or initial hearings with the hearing examiners and suggested that once a month a Commissioner conduct a hearing as opposed to observing a hearing examiner and further stated we have delegated the authority to the hearing examiners but as Commissioners we have the authority to hear cases and that it would be helpful to Commissioners to better understand what is happening outside of the Commission if we have actual hands on experience with the inmates, the police and the victims. And since staff will be preparing the cases for Commissioners they might take a little more time and interest in preparing the cases.

Commissioner Cushwa noted that while she was Chair for the Maryland Parole Board they heard revocations and parole releases and the hearing examiners handled the lesser cases and further suggested that there are legal issues that we need to be cognizant of and upon hiring additional hearing examiners we should seek candidates with law degrees.

Commissioner Fulwood stated that he was not too concerned about Commissioners hearing cases in light of the fact that as Commissioners we have the final authority in deciding cases which could possibly jade a Commissioners decision and with no disrespect to lawyers but what is needed are persons with common sense and training.

Chairman Reilly noted as the current statute reads there is nothing that prevents the Chairman from assigning a Commissioner to do hearings as it has been done in the past and in light of the budget and as a cost saving measure, we don't necessarily have to hire hearing examiners we can use Commissioners to perform the job. Commissioner Cushwa noted what Commissioner Spagnoli is trying to express is that Commissioners will have a little more insight as to the inmate and his rehabilitation. Commissioners conducting hearings would pose a problem in serving as an appellate board as that there would be a problem with Commissioner voting. Chairman Reilly brought up the utilization of video conferencing which cuts the cost of traveling. Congress is also pushing this option as well.

Chairman Reilly moved to Agenda Item 8, *Discussion regarding revised amendment to 28 C.F.R. Section 2.26 and 2.54 pertaining to appeals and requests for review by the Attorney General.*

Commissioner Spagnoli stated that while much time and effort was spent on developing rules, regulations and procedures, we have done nothing with it and recommended that it be made part of the manual. Discussion needs to be centered on what worked well and what didn't. (1) Should we meet as a Commission first regarding AG appeals before we give our individual opinions, i.e. we meet as a group for pre discussion on the case and (2) oral arguments –do we give them (parties) an opportunity to make oral presentations either in person or telephonically when we officially present the case?

Commissioner Cushwa suggested that we need to discuss timeframes—were they too long and do we use what we did the last time as an agenda item because we don't want to have to begin from scratch each time we receive an appeal from the Attorney General.

Chairman questioned the General Counsel Chickinell on what was crafted last time –do we use that as a starting point to move forward. Commissioner Spagnoli thought we should circulate the document she crafted on internal procedure. Commissioner Fulwood recommended that we receive the rule for the specific case in addition to Commissioner Spagnoli's document.

Chairman Reilly moved to Agenda Item 9, *Discussion regarding Commission handling of crime victims*.

Commissioner Spagnoli question what we do with training as it relates to the Attorney General's guidelines and the new laws. She has not seen any evidence of it in the work of staff. It is our duty to find the victims when there are hearings. Victims are requesting to be heard and they have a right to be heard—we have a duty to locate them.

Commissioner Spagnoli made reference to a case where the victim wanted to be heard when parole was considered. However, in the summary it was only noted that the victim was not in the BOP system. Commissioner Cushwa commented that she was not sure if staff and administrators were awaiting the VNS system and recommended that Heather Cartwright come in for training. Commissioner Spagnoli questioned whether staff had received a copy of the guidelines and whether training had taken place. Tom responded that he could not answer whether copies of the guidelines had been given to each staff but that some were in receipt of it. Chairman Reilly answered that there had been no training.

Commissioner Fulwood noted training and staffing are the ingredients that are needed--witnesses and victims are not easy to find and staff with specialized abilities is needed to locate victims. Commissioner Cushwa again recommended contacting Heather Cartwright to assist in implementing our VNS system. Commissioner Spagnoli strongly suggested that each staff person should have a copy of the guidelines in their possession until such time training is available.

Chairman Reilly opened the floor to the public. PDS Chief Olinda Moyd noted that her office has submitted their first set of comments on 2.19 revisions of the USPC manual and additional comments will be forthcoming as well as a copy of her letter to Judge Sullivan bringing to his attention that PDS clients are not receiving institutional hearings within 90 days. Philadelphia contacted PDS indicating that when they receive PDS clients they are already passed 100-120 days. There used to be a benefit for PDS clients in their admission of the violation which meant they would receive their hearing in a timely manner but this is no longer so. We do support USPC Commissioners conducting hearings and to meet PDS clients and to hear their situations and circumstances.

In regards to sex offender and domestic violence issues that were raised, it is hoped that the training USPC will offer will be balanced. Contact CSOSA who is offering the services of Paul Brenan who runs CSOSA's sex offender unit—here him talk about the treatment that they are involved in GPS monitoring, polygraph testing and hope it involved if PDS can be involved hearing from some of PDS clients who are under tight surveillance and supervision.

Domestic violence training it is hope that USPC training will include statements from individuals who are victims. We often hear women say I think he is on parole –I thought he was messing around—my way to get back at him was to call the police—because there are two sides to every story, training should include hearing from victims.

Guidelines changes are should not be based on not letting sex offenders out—but based on concrete, detailed research and that sex offender and domestic violence decisions should be decided on a case by case basis and not on what you may have been offended by.

Lastly, if there is a committee put in place to change or form policy or that organizes training; PDS would like to be invited to participate.

Lastly, Ms. Moyd questioned Commissioner Spagnoli's remark that she received more sex offender cases than any of the other Commissioners and whether those cases follow the same trend. Commissioner Spagnoli stated that she did not know whether she received more, just that she received a lot of them. She explained that many of the sex offender cases that she receives were riddled with errors and incomplete information that she cited earlier. Tom Hutchison noted that cases are assigned randomly by the inmates register's number.

Commissioner Fulwood commented that for the record he wanted to make the public aware that we are to treat cases fairly and decide cases based on the information received and is highly in favor of PDS being a part of the training and policy making process so that we can have a standard of fairness and to hear both sides.

PDS Attorney Chiquisha Robinson gave an example of unwritten policy on domestic assaults who has a client that has been on parole and has been an outstanding parolee –no violations-no sanctions and as documented by his probation officer and there is no likelihood of him being a danger to the community but nonetheless a hearing examiner represented that because of the Commission has never released anyone who has been convicted of domestic violence and now because of this the parolee is now out of work and his family is facing hardships because of this decision which Attorney Robinson stated that this is something that worries her that cases are not being considered on a case by case basis. Chairman Reilly remarked that this process is totally inaccurate and wanted to inquire more information regarding this incident. There is no policy as such. We are a paroling authority of the federal government and now a supervision and revocation—we are not here to retry the case. Our decisions are based on guidelines and policies coupled with input from staff, the Bureau of Prisons, the courts and we want to be as just and fair as we can.

Mona Asiner added as it regards to the Commissioners role –offenders who are cited for technical violations as a result of drug usage and they have been assessed for a residential treatment program—the hearing examiner recommends a revocation simply because the hearing examiner felt this should have been done when they were under supervision. The Commission needs to be aware that is occurring and if the approach of the Commission is to be just and fair it certainly is not trickling down to the Hearing Examiners. Jails are full of people who have dual diagnosis mental health and drug addiction are told that these treatments should have been administered while on supervision and the Commission needs to take this issue more seriously to the examiners.

Commissioner Cushwa asked when offenders are assessed --after or before the warrant is issued and how many treatment beds are potentially available? Ms. Asiner responded that many times the warrants have already been issued and the process of probable cause begins and they wind up back in jail. She further stated that bed space varies. PDS works very hard to obtain bed space.

Commissioner Cushwa concurred with Ms. Asiner that without treatment there will continue to be a revolving door on recidivism and as Senator Brownback's bill predicated that reentry should include meaningful treatment which can not be done on the streets. Commissioner Cushwa asked that if PDS could provide the Commission what you have to offer so that we can see these issues when they arise. Ms. Moyd commented that her office is in the process of drafting a letter to the Commission and noted when members of her staff came to Commission training and discussed treatment and relapse and was assured by the Commission that treatment was going to be considered. Commissioner Cushwa questioned was it at the examiner level that treatment was being stopped.

Tom Hibarger commented that the USA office would be more than happy to offer some specialized training to the Commission and in cases of victim locating his office has trained police officers and investigators that would be more than willing to assist.

Chairman Reilly acknowledged Judy Carter's effort and hard work in the preparation of the Employee Handbook that is nearing completion and distribution. Vice Chairman Mitchell noted training on the handbook. Judy answered that handbooks would be distributed based on a scheduled meeting with each supervisor and unit.

There being no further business Vice Chairman Mitchell moved the meeting be adjourned at 1:27 p.m. Commissioner Cushwa seconded the motion. The vote carried unanimously.

Submitted by:

Patricia Moore

Patricia Moore, Recording Secretary



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United States Parole Commission**

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U.S. PAROLE COMMISSION QUARTERLY MEETING MINUTES

CHEVY CHASE, MARYLAND

March 30, 2006

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: **COMMISSIONERS:**

Cranston J. Mitchell, Vice-Chairman
Deborah A. Spagnoli, Commissioner
Isaac Fulwood, Jr., Commissioner
Patricia K. Cushwa, Commissioner

STAFF:

Thomas W. Hutchison, Chief of Staff
Rockne Chickinell, General Counsel
Judy I. Carter, Executive Officer
Marc Bransky, Deputy Administrator, Case Services
Douglas Thiessen, Attorney
Sandra Hylton, Hearing Examiner
Gregory Price, Hearing Examiner
Stephanie Jones, Secretary
Phyllis Linnes, Parole Clerk
Tiffany Wright, Case Analyst Trainee
Patricia Moore, Staff Assistant
Anita Hemsley, Student Intern
Ron Lewis, Consultant

CITIZENS:

Tom Hibarger, U.S. Attorney's Office
Olinda Moyd, D.C. Public Defender Service

Chairman Edward F. Reilly, Jr. called the Quarterly Meeting of the United States Parole Commission (USPC) to order at 10:21 a.m. on Thursday, March 30, 2006, 4th Floor Conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland.

The roll was taken and Commissioner Cranston J. Mitchell, Commissioner Deborah A. Spagnoli, Commissioner Isaac Fulwood Jr., Commissioner Patricia K. Cushwa and Chairman Edward F. Reilly, Jr. were present.

The Chairman announced that notice of the meeting and matters to be discussed had been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act. The meeting was opened to the public.

Chairman Reilly announced that he also serves as an ex-officio member of the U.S. Sentencing Commission along with Attorney General Gonzales who does not attend the meetings but sends on his behalf a designee from within the department.

The Chairman welcomed members of the public that were present and recognized two new employees to the Commission: Ron Lewis, consultant and Anita Hemsley, student intern.

ITEM I. APPROVAL OF THE JANUARY 20, 2006 MINUTES

Commissioner Spagnoli indicated that she was not able to completely review her changes and was not comfortable approving the minutes and requested additional time to review. Chairman Reilly indicated that he also had not read the changes. It was motioned and unanimously agreed that the January 20, 2006 minutes would be tabled for review and decided on at the next quarterly meeting.

ITEM II. REPORTS FROM CHAIRMAN, COMMISSIONERS, EXECUTIVE OFFICE, GENERAL COUNSEL'S OFFICE, CASE OPERATIONS, CASE SERVICES, AND RESEARCH AND TECHNOLOGY UNITS.

Chairman Reilly opened his report indicating that the U.S. Parole Commission has lost a great deal of key people, namely, James Beck, Administrator, Research and Technology, Shelley Witenstein, Administrator, Case Services and Kimberly Ly, Administrative Assistant, Executive Office.

Chairman Reilly acknowledged data technician Maria Duvall, recipient of the Daniel Lopez Award.

Chairman Reilly continued his report noting that he and Commissioner Cushwa hosted a

meeting on March 28 for the Northeastern Regional States of the Association of Paroling Authorities in preparation for the upcoming APAI 2006 Conference at the offices of New York Parole Chair Robert Dennison.

Chairman Reilly further reported that the Commission is currently responsible for approximately 700 military offenders and is due to receive an additional 200 inmates, primarily sex offenders, from the military in Ft. Leavenworth; thereby requiring extensive training for Commission employees. Chairman Reilly further stated that sex offenders fall under many categories and staff must learn to distinguish the many different categories. He announced today's sex offender and parole decision-making training session at 3:00 p.m. with Dr. David D'Amora, Director of Special Services for the Center for the Treatment of Problem Sexual Behavior located in Middletown, Connecticut, who has been treating sex offenders for over 28 years.

Chairman Reilly noted his attendance at the National Prayer Breakfast and gave some history of the breakfast noting that King Abdulla was this year's speaker. Chairman Reilly ended his report opening the floor to questions.

Vice-Chairman Cranston Mitchell opened his report noting his attendance at the Association of Paroling Authorities International meeting in Kansas City, Missouri on January 12-13, 2006.

Vice Chairman Mitchell continued his report noting that in February, he was interviewed by Assistant Attorney General Richard Hertling regarding the future of the U.S. Parole Commission. This meeting involved looking at the Commission overall and exploring activities of the Commission.

Vice Chairman Mitchell continued noting his experience with the Combined Federal Campaign Commission activity "Turnabout Day". Roles were exchanged between the Chairman and Vice Chairman with employees Ella Williams and Sean Michael. Ms. Williams served as Chairperson and Mr. Sean Michael as Vice Chairman. Chairman Reilly served as a records center assistant and Vice Chairman Mitchell as data technician. Vice Chairman Mitchell indicated that he enjoyed his role and thought it was a great experience for him as it gave him an opportunity to see the IT process first hand.

Vice Chairman Mitchell ended his report opening the floor to questions.

Chairman Reilly noted that he was glad that Vice Chairman Mitchell had brought up the CFC Turnabout Day as he also had a wonderful experience in his role and that he learned first-hand that the records center is now more functional and more efficient overall.

Commissioner Isaac Fulwood, Jr. opened his report reiterating the David Lopez

Employee Award. Commissioner Fulwood indicated that it is important to thank employees for their hard work and dedication.

Commissioner Fulwood reported that it is both critical and difficult improving the coordination process in our work and pointed out the need to define sex offenders.

Commissioner Fulwood indicated that politics drive how people respond and commented how the current code on the streets is “no snitching.” Commissioner Fulwood indicated that he has spoken with USPC Case Operations Administrator Steve husk and Maryland Police Department Assistant Chief Fitzgerald regarding the USPC/DC MPD video which is scheduled to air soon in the District. Commissioner Fulwood explained the importance of police officers reporting to hearings. He stated that if officers are “no shows” when subpoenaed for court, they may now face disciplinary action.

In order that changes in behaviors are tracked once the video has been released, Vice Chairman Mitchell inquired about the date the video would be forwarded to the District. Chairman Reilly commented that surrounding counties, in addition to Prince Georges County, needed the video as well.

Chairman Reilly noted an article in the *USA Today* newspaper which reported that people are beginning to campaign about “snitching.” It is now of great concern with law enforcement because witnesses are afraid to come forward due to fear of retaliation. It is also becoming harder for prosecutors in terms of not having witnesses. Communities need to be stabilized and generally speaking, poor neighborhoods get the gravity of the problems. People are allowing fear to stop them from coming forward.

Judy Carter commented on a radio station interview that was done live with Commissioner Fulwood. She requested that if ever there was another live radio interview, would Commissioner Fulwood let other staff know so that they too can tune in.

Commissioner Deborah Spagnoli opened her report indicating that the last few months have been very busy since the announcement by Attorney General Gonzales’ of a new Anti-Gang Initiative which is a priority for the Administration because of the growing gang problem that is spreading across the country. She reported that part of the Attorney General’s Anti-Gang Initiative would include a pilot project targeting six large cities across America where millions of dollars in grants will be provided to combat gang activities. Commissioner Spagnoli reported that this initiative goes hand and hand with what the U.S. Parole Commission is trying to accomplish in the District of Columbia and in the federal cases that the Commission still has jurisdiction over.

Commissioner Spagnoli continued her report noting that the Commission’s Technology Subcommittee continues to meet and is seeking ways to reshape the IT Division to where it should be. She reported that while other Subcommittees set up by the Chairman and chaired by the Vice-Chairman were to report to the Commissioners first and once those reorganization issues were addressed, they were to then guide her Subcommittees’ Agenda and direction, her Subcommittee continued to meet even though its work would

not be the priority until the other Subcommittees had finished their work. She reported that she felt her Committee had already made a significant impact in discovering and recommending that the Commission purchase one or two additional video-conferencing systems now, at a price tag of no more than \$10,000, resulting in the Commission holding the vast majority of its hearings via video-conferencing, not only saving the Commission a tremendous amount in travel money (upwards of \$100,000), but also improving substantially the time and efficiency of the hearing process.

Commissioner Spagnoli noted that the Chief Information Officer in the Office of U.S. Attorney has offered to help the Commission review and reorganize the IT Division. He has a great deal of experience in reorganizing in both the private sector and government. Commissioner Spagnoli commented that it was his opinion to look at the Commission as a whole for reorganizing as opposed to singling out the IT Department.

Commissioner Spagnoli continued with comments regarding how, in her opinion, the Commission continued to mishandle, and not take seriously cases of domestic violence and sex offender cases. She said that she would continue to highlight the mishandling of these cases until the Commission improved. She noted that she had spoken with Assistant U.S. Attorney Tom Hibarger inquiring as to how the Commission could coordinate staff training and expert witnesses and knowledge in this area. Mr. Hibarger offered to provide training, and Commissioner Spagnoli and Mr. Hibarger agreed to meet to discuss the Commission's needs.

Commissioner Spagnoli highlighted a number of specific Commission cases in which mistakes were made and bad judgment utilized; these mistakes and errors in judgment result in public safety being jeopardized and victims being re-victimized by the system.

Commissioner Spagnoli reiterated her ongoing desire to have specialized, dedicated staff to handle these specialized cases. She once again discussed how every other law enforcement or public safety Agency in the District (and most Agencies across the country) have specialized units to handle these cases including the police, the prosecutor and the supervision agency, noting that the Parole Commission was the only Agency that did not dedicate resources to these specialized areas. Commissioner Spagnoli further reiterated that as long as the staff was not trained to handle and understand the special nuances of these cases, bad recommendations and decision would continue to be made by the Commission.

Commissioner Spagnoli elaborated referring to a case where specialized knowledge by staff was necessary in order to make an intelligent recommendation to the Commission.

An offender was paroled from a twenty year sentence for threats and extortion; three years later his parole was revoked for sexually assaulting a 13 year old girl. The Commission chose to use its discretion to re-parole this offender, and when it did so, the Commission failed to place any sex offender conditions on the child molester's release. The Parole Commission was now recommending that Commissioner Spagnoli grant this child molester an early termination from any supervision whatsoever based on their belief

that he was unlikely to commit a new crime. She strongly disagreed and explained why.

She said that since this offender did commit a new crime while on parole, it wasn't likely that he would commit a new crime, he actually did so; that he did so once, makes it more likely he will do so again. The crime he committed, an act of child molestation, is one of the worst crimes a defendant can commit. He took away the innocence of a child – not only did he commit unspeakable acts against her, he made her testify at trial, accused her of lying, got other people to say she was lying and got her to recant her statements years later. He continually denied committing the crime. In the end, of course, it turned out that he was lying and that the 13 year old girl was telling the truth. The jury got it right. In mandatory treatment for sex offenders required by the state where this man was convicted of his crime (and what should have been required by the Parole Commission), he was forced to admit the crime during a mandatory polygraph examination. He put this poor child through the worst experience, made her so miserable that she lied and said she made it up after he had gone to prison, and the Commission staff, because they are not trained to understand what happens in these cases, assumes that the offender was telling the truth and she was lying. The system re-victimized the victim over and over again and Commissioner Spagnoli believes that the Commission needs to be better trained so that the Commission does not participate in re-victimizing the victim. This poor child probably has no idea that she was vindicated in the end by the perpetrator himself.

Commissioner Spagnoli went on to say that because of her background and training as a prosecutor and victim advocate, she understands that defendants who are attracted to children are mentally ill and that their desire for children does not go away with time. Short of leaving them in prison for the rest of their lives, research has shown that treatment (often long term) and close supervision are the only ways to protect the community and other children. She quoted W.L. Marshall and H.E. Barbaree in the Long Term Evaluation of a Behavioral Treatment Program for Child Molesters, in which one treatment study for child molesters compared one group of molesters who received treatment to another group that did not and the sex re-offense rate, using unofficial statistics was 13% for the treatment group and 35% for the non-treatment group.

She believed that this defendant, by the nature of his crime, remained a danger to the community and is at risk to re-offend. She thought it incumbent upon the Commission to protect the community and prevent future victims by ordering continued high level supervision with treatment orders, stay away from minor orders, mandatory polygraph exams and GPS monitoring. She indicated that if the staff were trained and knowledgeable about these issues, recommending these supervision options would become second nature to them and the Commission would then have a better shot at protecting the community that we do now.

Commissioner Spagnoli also discussed a case in which the Commission had made a serious error in how we treated a case – a very, very violent offender (sentenced to 76 years in prison) first received the benefit of a juvenile sentence and status, but in 1996, that benefit was taken away from him by the District of Columbia's Department of Corrections due to his serious and very violent behavior within prison. The Commission however continued to treat him like a youth offender rather than an adult offender until Commissioner Spagnoli caught the error – over 10 years after this defendant was reclassified. Clearly, a great many number of Commission staffers and Commissioners had reviewed the case over the past 10 years but not one person realized the error.

Finally, Commissioner Spagnoli discussed a certain category of cases. Commissioner Spagnoli reported that current Commission procedure and practice presumes a Commissioner signing on certain kinds of cases (changeovers, for example) has agreed with a previous Commissioner's decision to release the offender. She has brought this issue up in the past and no change in practice or procedure has occurred. Therefore, Commissioner Spagnoli commented that she will not sign cases in which she disagrees with a prior decision to release.

For example, she had a case for a changeover signature, where another Commissioner decided to release defendant to the community after only 7 years on a 15 year sentence for first degree cruelty to a child and aggravated assault. Defendant submerged a 6 month old baby in scalding water, burning her face and upper back so badly that the baby had to undergo numerous reconstructive surgeries. The person who committed this heinous crime received counseling in prison for 4 years wherein defendant NEVER admitted committing the crime, adamantly maintaining his innocence as recently as three months prior to his parole hearing. In his parole hearing, however, defendant "admitted" his crime, obviously only to get a release date. Commissioner Spagnoli did not agree with the previous Commissioner's decision to release defendant, therefore she said to ask her to sign an order EFFECTING that offender's release is something she cannot do.

Commissioner Spagnoli indicated that there are many cases that arise where she does not agree with a prior decision. She indicated Commissioner Fulwood expressed similar frustrations. Because a Commissioner who does not agree with the prior decision to release cannot currently change that previous decision to release and therefore release is a foregone conclusion, that policy and procedure needs to be changed. Under the current process, a current Commissioner must abandon any critical thinking and blindly sign onto that which another Commissioner has agreed to.

She believes that Commissioner signatures should mean something -- if they do not and all that is necessary is a signature by a Commissioner "blindly" agreeing to that which was previously done, then she does not believe that Presidentially appointed, Senate Confirmed appointees are necessary to fulfill that function as individual critical thinking and decision making is not taking place and Commissioners as individuals are therefore irrelevant to the process.

Commissioner Spagnoli ended her report suggesting once again that the Commission reconsider its current practice with regard to this issue and have the original Commissioner sign on the order affecting the release and/or change the rules allowing the next Commissioner to reconsider a previous decision to release.

She did indicate that what she did in the child cruelty case was to add conditions of release in order to protect the community and protect other children. She ordered imposition of the drug aftercare condition, stay away and no contact orders with children under the age of 12, parenting classes, mental health counseling and GPS monitoring.

She also said she added a sentence indicating that her signature on the case was a signature/decision to add conditions of release only and in no way shall be considered a decision to release or a decision approving the previous decision to release defendant to the community.

Chairman Reilly further commented that Commissioner Spagnoli's points are well taken and indicated that he would schedule a summer retreat for Commissioners to determine what can be done to change the process and procedure.

Commissioner Patricia Cushwa opened her report indicating that the first hour and a half of the APAI Northeastern Region Parole Chairs meeting recently held in New York was a discussion of victim issues.

Commissioner Cushwa reported that she received one fax and is anticipating receiving additional victim coordinator position descriptions and extract components from them all to develop a federal description for the Commission.

Commissioner Cushwa commented that we need a dedicated Victim Service Coordinator to attend training, to assist with training and to do extensive outreach and noted that most parole commissions have this position. Commissioner Cushwa indicated that there is \$10,000 in training money available from the Victims of Crime Office and some of this will be used to dedicate six hours on victim issues and in-house training in the fall.

Commissioner Cushwa further reported that she has discovered that the military is video taping victim statements at the time of sentencing. This is great as sometimes, victims of violent crimes do not want to come back years later to relive the crime committed against them. Once the offender comes up for parole, if the victim is not available, the video tapes will still be available for review. It is important to preserve the integrity of the video. This way, the impact of the instant offense is always available and given while it's fresh in mind of the victim.

Commissioner Cushwa reported that she attended a forum at University of Maryland Law School in March. Federal Judge Andre Davis was the moderator and had very interesting and intriguing notions on where Federal judges should be in sentencing and supervised

release in the future and what their likes and dislikes.

Commissioner Cushwa reported that on April 19, she will be part of a panel at the University of Maryland sponsored by the American Bar Association. This panel will discuss pardons, parole, clemency, and revocations.

Commissioner Cushwa noted that the D.C. Guidelines Study Group will meet today at 2 p.m. At the last meeting they discussed gangs. Dr. Austin discussed gangs and gang activities as a risk factor for recidivism.

Commissioner Cushwa further reported that while in NY, accreditation issues were discussed and the use of video conferencing was also discussed. She indicated that when the subject of sex offenders was discussed, NY, who is very proactive in terms of sex offenders, agreed to send down Richard Risaldo to speak with staff at no charge to the Commission.

Mr. Risaldo handles all sex offender issues in Manhattan. Commissioner Cushwa commented on a system, started in NY. This system, known as the *Parole Crime Stats* is also being used in Baltimore. This system shows ways on how to measure and allocate resources.

Commissioner Cushwa noted that she has been active outside of the Commission as well. She has testified on three different bills in Maryland on behalf of the Maryland Government, Maryland Attorney General and Baltimore Mayor. She indicated that she was pleased that different bills on sex offender issues included the Parole Commission in the bills. Commissioner Spagnoli commented that the Parole Commission had to be active in terms of what it is doing for victims of crime. The Commission has the authority to order a number of conditions that help protect victims utilizing stay away orders to global positioning to extending time on supervision. The bill is now coming through the House and Senate Offices and now includes the Parole Commission.

Commissioner Cushwa reported lastly that she will sit on a panel in Reno, Alternatives in Parole, will discuss revocation issues and how to handle technical violators. Commissioner Cushwa will inform them of the recent Reprimand Sanction project.

Commissioner Cushwa ended her report and opened the floor to questions.

Tom Hutchison, Chief of Staff, reported on the activities of Case Services and the IT Section. Mr. Hutchison reported that a DC jail population working group was set up and last quarter under the chairmanship of John Clark. The working group includes our criminal justice partners in the DC system to discuss what could be done to stabilize the population by reducing the number of parole and supervised release violators at the DC jail. Mr. Hutchison reported that the DC Department of Corrections (DOC) has both a physical and a fiscal concern; the physical concern is a capacity issue and the fiscal concern is under the D.C. Revitalization Act, the DOC pays for housing and maintenance of inmates until the final hearing. At the final hearing, the U.S. Marshals takes over and

pays for inmate housing for 30 days; then, the Bureau of Prisons (BOP) pays for the rest of the time the person is in custody. The per diem cost at the D.C. jail is about \$85 a day. The BOP estimates that it pays DOC about \$3 million per year for housing federal prisoners. Several meetings have been held to develop ways to expedite the revocation process. Mr. Hutchison noted that the Deputy Mayor held a meeting with the Executive Branch of D.C. Government. He stated that the principal action taken by the Commission last quarter was the Advanced Consent project. In this project, the alleged violator indicates at the probable cause hearing that he or she will accept a specified determination. If that disposition is accepted at this end, it becomes the decision in the case. Unfortunately, the full potential of this project has not yet been realized in terms of saving time and the ability to process cases in a timely manner. The problem is two fold- (1) Staff shortages magnified with staff on extended leave and (2) An increase in docket size. Mr. Hutchison indicated in the first 10 weeks of this year, there was a 25% increase in hearings and noted that this may have been due to a sweep by the Marshals.

If the sweep is over, dockets will drop to normal levels, which will help us in being able to make sure that the process works to its maximum benefit.

Mr. Hutchison reported on release planning for inmates with relatively short stays in D.C. jail. After the final hearing, a person becomes the responsibility of the feds. If the term they serve after that is less than 60 days, BOP does not transfer them to another federal facility; BOP continues them in the D.C. jail. BOP policy is to develop a release plan for federal inmates in release planning. The plan is then sent to a supervising agency, which investigates the plan and helps determine if it is suitable.

Mr. Hutchison noted personnel issues. He announced Jim Beck's retirement as head of the IT section. Consultant Ron Lewis will assist with computer security issues. Mr. Hutchison also mentioned the retirement of Case Services Administrator Shelly Witenstein.

Mr. Hutchison commented on the Victim Notification System and indicated that our connection date will be announced in July.

Lastly, Mr. Hutchison reported on the Commissions upcoming public forum scheduled on May 20th at Matthews Baptist Memorial Church in S.E. Nancy Ware, CJCC Executive Director, will be the moderator. There will be more groups involved in meeting, greeting and answering questions; namely, PDS, CURE, BOP, US Marshals, and the US Attorneys.

Mr. Hutchison ended his report and Chairman Reilly opened the floor for questions.

Steve Husk, Administrator, opened his report commenting that this quarter had been the most active in terms of the videoconference expansion since the Commission first started conducting hearings via videoconference in 2004. Mr. Husk reported that around April 10, there will be 16 additional institutions with video conferencing capabilities; for a total of 33 out of 60 hearing sites with video compatibility.

Mr. Husk further indicated that, John Vanyur with BOP reported at an Interagency Work Group Meeting that a new facility in Phillipsburg, PA would be opened and will house many DC prisoners. Mr. Husk reported that, in conversation with Mr. Vanyur, he was not sure whether the new facility would be parolable but showed support to conducting hearings via videoconference if hearing dockets were scheduled at this new facility. Overall, Mr. Husk reported that the BOP had been supportive of the Commission's videoconferencing efforts.

Lastly, Mr. Husk reported that John Clark is working on all aspects of parole violators and moving prisoners to hearing sites in a timely manner. Mr. Husk indicated that the issue of police officers attendance at hearings was on the table for discussion. Mr. Clark will be meeting with Commander Evelyn Primas, MPD Court Liaison Office. Mr. Husk reported that he sent Mr. Clark copies of forms that USPC sends out requiring attendance. Mr. Husk is expecting the report from this meeting between Mr. Clark and Commander Primas by the end of the week. Mr. Husk stated that Commander Primas had previously met with the Warden at CCA regarding security concerns. These problems have since been resolved and it is now more comfortable going into the institution. This too is a result of the Interagency Work Group. Mr. Husk ended his report and opened the floor to questions.

Commissioner Cushwa asked Mr. Husk if any decision had been made regarding calling telecommuters back into the office for 30 days. Commissioner Fulwood responded that it is in his proposal.

Chairman Reilly expressed his appreciation regarding John Clark speaking to CTF about processing and moving inmates in a timely manner.

Rockne Chickinell, General Counsel, opened his report stating that the number of litigation cases handled has dropped from last quarter. He indicated that nothing could be read from this drop as the number of litigation cases fluctuates. Mr. Chickinell commented that these cases raise the same issues that are usually brought before the Commission.

Mr. Chickinell further reported that the Legal Office has been without a FOIA Officer since mid-January which has caused an increase in the backlog. Currently, there is a backlog of 119 cases and that number is expected to increase each month. Mr. Chickinell commented that the vacancy announcement was currently with the Department of Justice (DOJ). The position is needed to keep up with FOIA.

Vice Chairman Mitchell asked what was being done differently in the interim. Mr. Chickinell replied that a student employee had been handling the work with Mr. Chickinell preparing some responses. He indicated that the addition of a new student worker would help a great deal during the summer months.

Vice Chairman Mitchell commented that backloads continue to impact the normal course

of business which brings him to the recent conversation of telecommuting; this may be an option or strategy.

Commissioner Cushwa indicated that last year there were 205 transfer treaty cases which were assigned to Hearing Examiners. She questioned if they could be reassigned so that they (examiners) would be available for FOIA.

Judy Carter, Executive Officer, opened her report indicating that there are several tasks that are underway.

Ms. Carter reported that there is a new internal controls mandate being enforced. It is the A-123 Management Accountability and Controls. This process will ensure that there are appropriate controls within the agency's existing policies and procedures. The A-123 process is an ongoing procedure until fully implemented.

Ms. Carter reported on the Quarterly Status Report that looks at budget & fiscal, human resources and performance data.

Ms. Carter indicated that the Fiscal Year 2007 budget request submitted still includes four positions and \$451,000 for the Crime Victim Support and Resolution Program. Also included in this request is the initial cost for the Electronic Parole Management System.

Ms. Carter reported that the current budget (FY 2006) is on target. The Commission has also undergone an audit of our financial records and received a clean audit.

Ms. Carter commented that the African American History Program was a success.

Ms. Carter also reported that Employee Handbooks have been distributed to all employees during meetings held with each section.

Ms. Carter ended her report and the floor was opened for questions.

ITEM IV: AGENDA ITEM - REPRIMAND SANCTION HEARINGS

Commissioner Fulwood reported that CSOSA had proposed a Reprimand Hearing Process designed to address a particular population that ordinarily would be coming to the Commission for the service of a warrant. Mark Bransky, Helen Krapels, Deidre Jackson and Vice Chairman Mitchell along with Commissioner Fulwood all met with PDS and CSOSA and designed a program that would require notification to the Parole Commission of individuals that are in violation of their release conditions. Commissioner Fulwood, the initial Hearing Examiner, would sit with the violator and try to build a support system so that the person does not come back.

This would be held on Wednesday initially starting out with four dockets; after the

hearing, there would be a meeting in an attempt to sort out whether it's being done appropriately. Commissioner Fulwood and Vice Chairman Mitchell both have concerns that if they do the hearings, they must be careful not to create new things for the violator. They are currently working on a script of how to handle the hearings and overall it seems like it has a great deal of potential. This is the essence of the program. Traffic violations will be considered as well. CSOSA would send the information to be viewed by Deidre or Mark who would in turn present it to Commissioner Fulwood for approval. An evaluation component has developed a series of program performance data. It's an expensive process and if it appears that it is not working, the Commission needs to step out. After the first few meetings, a report will be given to the Chairman for review. There are three sites that the hearings will be held at: Taylor Street, Rhode Island Avenue and South Capital Street. If all goes as planned, it will be an excellent program.

There being no further business Vice Chairman Mitchell moved the meeting be adjourned at 12:47 p.m. Commissioner Fulwood seconded the motion. The vote carried unanimously.

Submitted by:

Stephanie Jones

Stephanie Jones
Recording Secretary



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

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U.S. PAROLE COMMISSION QUARTERLY MEETING MINUTES

CHEVY CHASE, MARYLAND

June 6, 2006

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: **COMMISSIONERS:**

Cranston J. Mitchell, Vice-Chairman
Deborah A. Spagnoli, Commissioner
Isaac Fulwood, Jr., Commissioner
Patricia K. Cushwa, Commissioner

STAFF:

Thomas W. Hutchison, Chief of Staff
Rockne Chickinell, General Counsel
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Marc Bransky, Deputy Administrator, Case Services
Ron Lewis, Consultant, IT Contractor

CITIZENS:

Misty Thomas, D.C. Public Defender Service
Andrew Perito, D.C. Public Defender Service
Paul Vernon, D.C. Public Defender Service
Pauline Sullivan, CURE

Chairman Edward F. Reilly, Jr. called the Quarterly Meeting of the United States Parole Commission (USPC) to order at 10:04 a.m. on Thursday, June 6, 2006, 4th Floor Conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland.

The roll was taken and Commissioners Cranston J. Mitchell, Deborah A. Spagnoli, Isaac Fulwood Jr., Patricia K. Cushwa and Chairman Edward F. Reilly, Jr. were present.

The Chairman announced that notice of the meeting and matters to be discussed had been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act. The meeting was opened to the public.

The Chairman welcomed members of the public and USPC summer student interns that were present.

ITEM I. APPROVAL OF JANUARY 20, 2006 and MARCH 30, 2006 MINUTES

Chairman Reilly opened the floor for the adoption of the January 20, 2006 and the March 30, 2006 minutes. Commissioner Spagnoli indicated that due to email technical difficulties her edits for both minutes (January 20 and March 30) were unable to be transmitted. Subsequently, changes could not be made. Commissioner Spagnoli motioned to table the approval of both minutes. Commissioner Cushwa seconded. A vote was taken which carried unanimously. Commissioner Fulwood suggested a deadline be set for the submission of changes. Commissioner Cushwa recommended June 15. The vote was amended setting June 15 as the deadline for submitting changes to the January and March 2006 minutes.

ITEM II. REPORTS FROM CHAIRMAN, COMMISSIONERS, EXECUTIVE OFFICE, GENERAL COUNSEL'S OFFICE, CASE OPERATIONS, CASE SERVICES, AND RESEARCH AND TECHNOLOGY UNITS.

Chairman Reilly opened his report highlighting his attendance at the Federal Sentencing Guidelines Seminar held in Miami, Florida, that included probation officers and judges. The conference presented a variety of issues: sentencing guidelines, fraud, theft and sex offenses, immigration difficulties, and BOP concerns related to correctional management, confinement and litigation. Chairman Reilly noted his presentation which addressed our role in transfer treaties and witness protection and the relationship that exists between the Parole Commission and the Sentencing Commission

The Chairman continued his report noting his meeting with Assistant Attorney General Regina Schofield for Justice Programs regarding the expansion of video conferencing capabilities at the DC Jail. Contacts are being made with the Office of the Deputy Mayor concerning wiring.

Other issues discussed included the development of a victims' forum.

The Chairman reported that meetings between the U.S. Army Clemency and Parole Board and the Commission continue as the Commission is responsible for military prisoners for all branches of the military.

He further noted that the CSOSA certificate is nearing completion. The certificate is designed for offenders who have satisfactorily completed supervision. The Chairman ended his report and opened the floor to questions.

Vice-Chairman Cranston Mitchell opened his report noting the recent APAI Conference in Reno. The conference was well attended with representation of some 400 participants, 7 international countries and other service providers. The Vice Chairman acknowledged the efforts of Judy and Zelia Carter in the appointments of our summer interns who are an asset to the Commission.

Vice Chairman Mitchell commented on the quarterly minutes and recommended digital recording which would allow a more timely distribution. The Vice Chairman closed his report acknowledging CSOSA's television presentation on PBS on offenders and their successful completion of supervision and suggested that these individuals would possibly be candidates for our certificate program. The floor was opened to questions.

Commissioner Isaac Fulwood, Jr. opened his report noting a series of meetings that he attended with substance abuse providers to discuss the need for programs that address addiction. Commissioner Fulwood noted that 52 -54% of offenders are revoked for technical violations such as substance abuse, failure to report to supervision, or maintaining a job or address as well as the need for support once the offender returns to the community.

Commissioner Fulwood further reported his speaking engagements with news media, Howard and George Washington Universities on the functions and mission of the Commission. Commissioner Fulwood commented that often times the public is not aware of what the Commission does and indicated that this may be the reason that there is not a great response in terms of how the Commission should function. He further stated that the Commission is made for the community as a whole and it's the job of staff to provide for the public safety the best way they can.

Commissioner Fulwood pointed out that staff shortages impact on how the operation flows. He commented that staff shortages can be a setup for failure and for tragic mistakes. He recommended that staff be better trained. Commissioners Fulwood and Mitchell will be meeting with CSOSA regarding Reprimand Sanction Hearings. He noted that it is a very expensive process but it aids in offender's becoming more productive.

In addition, Commissioner Fulwood has been meeting with the religious community on re-entry.

Commissioner Fulwood further noted recent articles in *The Washington Post* concerning the incarceration of the black male and asked the question: "How do you get black males to be refocused and when released they become productive again." He stated that there is a need to focus on school dropouts because 40% of dropouts end up in jail. The focus should also be how to rebuild the family. He commented on a few of Commissioner Spagnoli's critical topics that included better training for staff—specifically sex offenders.

Commissioner Fulwood thanked those staff members who participated at the recent Public Forum.

Lastly, Commissioner Fulwood reported that the recent video made for the Police Department on the importance of officers reporting for court hearings and the operations of the Commission is being released in the District. Police Officers are to show up; it's part of their duty assignment. If subpoenaed, and they don't show, they get fined. Commissioner Fulwood has also met with Montgomery and Prince George County's Police as well.

He further indicated that MPD were represented at the Public Forum and he only wishes that more people from the public would attend as it is an opportunity to learn about Commission processes.

Commissioner Deborah Spagnoli opened her report noting that she and the US Attorney's office had arranged for mandatory training to be conducted for Commissioners and staff regarding sex offenses and domestic violence cases. Commissioner Spagnoli noted that the U.S. Attorney's Office spent a great deal of time and resources formulating this excellent training for the Commission.

Commissioner Spagnoli reported that she is continuing activities as a member of the Attorney General's Anti-Gang Coordination Committee. During the reporting quarter, she was asked to co-chair a subcommittee tasked with designing a training program for state, local and Federal prosecutors and law enforcement officers and investigators. The goal is to design a program that can be implemented within the next few months. She further indicated that the Attorney General continues to make combating gang crime a priority for the Department.

Commissioner Spagnoli reported that she will be attending the D.C. Judicial Conference.

Commissioner Spagnoli further reported that she will continue to highlight cases where she continues to find staff errors and omissions. Disagreeing with the initial release, Commissioner Spagnoli discussed a case where a warrant was requested for a serial rapist who had assaulted four women over a short period of time. The rapes of these four women were violent and were committed armed. He received a minimum sentence of 29 years and a maximum sentence of 95 years. A psychological profile indicated that he was at high risk for re-offending.

A previous Commission decision was made to release this armed serial rapist him at the minimum 28 years; shortly after the release he violated his parole in many areas, including using drugs and failing to submit to drug testing and he also violated his sex offender aftercare. He committed more new crimes; possession with the Intent to Distribute Heroin and Cocaine and Conspiracy to commit Grand Larceny. The U.S. Parole Commission received this warrant on this violent offender and did not act on it for two months. She stated that this is an on going problem that the Commission has. She expects that high risk offenders coming through with violations are not sat on; U.S.P.C. should not wait two months to issue the warrant but it's something that she sees more than she should. When she brought it to analyst's attention, she told the analyst that it was unacceptable and questioned why the Parole Commission waited two months to act on it. She never received an answer as to why.

Commissioner Spagnoli noted that Commissioner Fulwood had written a memo to Chairman Reilly responding to a memo that Chairman Reilly had distributed on or about May 1, 2006 regarding Commission Operations. She indicated that she wanted to put it on record that she agrees with Commissioner Fulwood with regard to some of the previously discussed issues among the Five Commissioners with regard to Commission Operations including the holding off on hiring of certain individuals until we completed a review of the commission's efficiency and effort at reorganization. She also agrees and supports Commissioner Fulwood in his opinion that it is unethical and quite possibly illegal to award sole source contracts without sending the proposal out for a solicitation of bids. It was agreed to by all Commissioners that the Commission would not be using individuals that had been associated with the Commission for decades for these contracts because they were after a fresh look and a fresh approach; not people that knew the Commission and could not look "outside the box" for new ideas. She just wanted to put this on record that she supports Commissioner Fulwood's reasoning behind disagreeing with what was done especially since the Commissioners had all talked about it and agreed that a hiring freeze was a good thing to do and that someone on the outside should be looking at the commission; especially when there was someone that had actually agreed to do it basically for free.

Commissioner Spagnoli further reported that she was disappointed that budget discussions had been cancelled on two prior occasions. She wanted to make note on the record that she supports having these budget discussions in public; that the input received from employees and partner agencies is very helpful for Commissioners who must

formulate and vote on a budget and spending plan for the Agency. Commissioner Spagnoli indicated that transparency in operations and decision making is key to success of an agency and the morale of its employees. She reiterated her desire to hold as many meetings as possible in public.

Commissioner Spagnoli reported that she has wanted to discuss a number of specific OJ cases with the Commissioners; that she previously sent out an e-mail to Commissioners indicating her desire to talk about these cases prior to them being finalized; and that she asked the Chairman to either set a meeting to so discuss the cases or to add these cases today's agenda during the closed session. The Chairman did not put these cases on the agenda for discussion today so a date needs to be set to discuss these cases in the near future.

Commissioner Patricia K. Cushwa opened her report expounding on the Reno Conference that Vice-Chairman Mitchell had just spoke about in his report. Commission Cushwa indicated that of all the states there, there were more attendees from the U.S. Parole Commission (13) than from any other state. She indicated that these were also representatives there from CSOSA and PDS. Commissioner Cushwa indicated that this is really good because others are able to see what we deal with on a day to day basis and the United States can see that the U.S. Parole Commission is very deeply involved in its cases.

Commissioner Cushwa reported that the Guidelines Group is making good progress with the project. To that end, the Chairman and Commissioner Cushwa had been e-mailed earlier in the week that James Austin was approved and fully funded to follow up on the Guidelines Project. There is a Guidelines Meeting scheduled for July 20, 2006 at 3 P.M. here at the Commission with Commissioners and the full committee; this phase of the group can be finished so that the next stage can begin. Commissioner Cushwa welcomed Marianna Portner and reported that Ms. Portner has completed 274 cases and is reviewing D.C. Cases to study recidivism for not only technical violators but also violent crimes which will be first and most important component in developing the guidelines. She commented on the fact that this fits in with the Sentencing Commission and other initiatives in the district.

Commissioner Cushwa thanked Marc Bransky for inviting CSOSA for a victim's forum that was held here at the Commission. She indicated that staff really enjoyed the forum and suggested that this be done on a yearly basis in addition to staff training.

Commissioner Cushwa further reported that she appeared at a forum at with the American Bar Association at the University of Maryland in Baltimore. Discussed at this forum were issues of Parole, Technical Violators, Release and Guidelines. Commissioner Cushwa indicated that this seems to be the biggest issues out there right now. Prior to attending the conference in Reno, she presented information at this forum regarding Guidelines; she presented information in Reno regarding Technical Violators and she continues to work on Guideline Issues here at the Commission looking at the D.C. population.

She reported that everything is flowing well in terms of the work that Chairman Reilly does with the Sentencing Commission, Commissioners work with gangs and the D.C. population and Reprimand Sanction Hearings as well. She noted that it's good to see enthusiasm within the U.S. Parole Commission.

Commissioner Cushwa ended her report welcoming the Student Interns. She also advised that there would be a special on Larry King live at 9:00 P.M. that evening which was to be broadcasted live from San Clinton Prison. Inmates serving life sentences would be interviewed. She encouraged all to watch the two night program.

For the benefit of the interns, Chairman Reilly spoke about the Commission being an independent quasi judicial body and said the Commissioners were the equivalent of a judge. He discussed that the process among Commissioners was an honorable one and that Commissioners wouldn't always agree with one another but that the Commissioners must talk among themselves and ask others to look at a case again if there was disagreement. He said Commissioners were appointed not to serve whatever administration appointed them or what administration was in place – he said he has served three Presidents and never in all his time here was he asked or called downtown to vote a certain way or to try and influence votes one way or another and he said that would not happen while he was at the Commission.

Tom Hutchison, Chief of Staff, reported on his participation in a number of meetings that included computer policy group, hearing examiners and an orientation program for summer volunteers and student employees, the National Committee on Community Corrections and the Commission's public forum meeting. Other meetings included DC Dept of Health to discuss HIV-positive offenders, internet security training and electronic data management. Along with Judy Carter, Venu Pillai and DOJ budget staff, he met with OMB staff to discuss the Commission's budget issues for FY2007.

Tom noted his response to concerns about the number of DC parole and supervised release violators in the DC Jail and the CTF indicating that Chairman Reilly organized a working group to examine ways to minimize the number of such violators at these facilities. Representatives of the DC DDOC, DC Superior Court, CSOSA, BOP, the US Marshals, the US Attorney's Office, MPD, the CTF and the Public Defender Service are a part of the working group in addition to the Commission. Along with Tom, Chairman Reilly has designated Steve Husk as the Commission representatives.

Mr. Hutchison continued his report with the activities of Case Services. Personnel issues included the ongoing recruitment efforts for a parole clerk. Workload indicators reported 3054 warrants and supplemental warrant applications from May 2005 through April 2006. There are currently 118 witsec cases. Five new cases entered and one case was closed. Two warrants were issued for witsec cases.

Training and meetings for Case Services included several staff participating in an audio conference entitled "Sex Offenders and Parole Decision Making", the NCIC

recertification requirements and the Commission's Public Forum. Case Analyst Joann Kelley chaired the organizing committee for the Forum. Other training included Case Analyst Scott Kubie attending the APAI conference in Reno. Deputy Case Services Administrator Marc Bransky collaborated with Commissioner Cushwa in organizing a program in recognition of National Victim's Rights Week. Case Analyst Sylvia Hall participated in CSOSA/Rivers Resource Day videoconference, providing information about parole and supervised release preparation.

Tom noted that the Reprimand Sanction Hearings pilot project has gotten underway.

Tom reported on the Research and Technology Unit noting the assignment of two American University student volunteers, Aaron Shaw-Bobrow and Anita Hemsley.

The Commission actively participated in the Department's Annual Incident Response-IT Contingency Plan Exercise, Justice Shield 2006.

The Annual Computer Security Awareness Briefing was prepared and presented to Commissioners and staff. The briefing consisted of relevant information regarding protecting against identity theft, internet usage policy, and other security-related information.

The D.C. Department of Corrections informed the Commission in late May that the DOC is moving to implement IP-based video conferencing at the DC Jail. DOC anticipates implementation by July 31, 2006.

Steve Husk, Case Operations Administrator, was present and did provide a summary of his written report. However, due to technical difficulties, this summary was not recorded. Please refer to Mr. Husk's memorandum to the Commissioners dated June 2, 2006 for the complete content of that report.

Judy Carter, Executive Officer, thanked Steve Husk for his attendance at the recent OMB Presentation. Steve's input allowed newly assigned OMB Examiner, Charles Brown more insight in the types of cases we process. In addition, JMD Budget Staff in attendance were better informed as well.

Special Reports submitted to the JMD included the Quarterly Status Report which includes financial, human resources and performance data. The Commission sets its own goals and decides how many hearings, revocations, warrants, etc. and how many we expect. This report speaks to numbers not performance.

Ms. Carter reported on the FY 2007 announcing that the House Science-State-Justice-Commerce Appropriations Subcommittee (SSJC) has tentatively scheduled subcommittee markup on the Justice Bill for June 14. The Justice bill is last on the scheduled markup. The Senate markup is expected prior to the August recess. No date has been set.

The Budget formulation exercise for FY2008 was initiated in May 2006. Meetings have

been held with Commissioners and Managers. As a result of these meetings the Commission is proposing a new initiative to meet specialized workload in the area of gangs and sex offenders. Additional funding will be requested to supplement our FY2007 request for the electronic parole management system. A meeting is anticipated in the next 3 weeks to continue discussions on the FY2008 budget.

Under security, the Commission's Homeland Security Presidential Directive (HSPD-12) operating plan was certified and accredited by the Department's Security Emergency & Planning Staff, giving the Commission the authority to operate (ATO) status. Zelia Carter continues to revise and update the Commission's operating plan for Phase I for the Personal Identification Verification plan. Commissioner Mitchell questioned if the plan had been finalized. Ms. Carter indicated no, this is just our initial plan as requested by the Deputy Attorney's office. The Department will request more in depth information as it relates to "how we plan to contact employees, how to keep them home, how we plan to communicate". Eventually this plan will be a sub-section of the COOP plan. We have received tentative approval from BOP to use the Annapolis Junction as an alternative worksite. Commissioner Mitchell asked "How knowledgeable is staff of the COOP plan". Judy responded, not very knowledgeable. Due to the fact that this is only the first phase, presently there is only a small group who are ready--hearing examiners, two from Case Operations, the Chairman and Vice Chair.

Small operation concerns him that communication is not where it should be. In his conversations with staff, employees are not aware with what is happening regarding things that they should know.

As it relates to Human Resources, Ms. Carter explained the 2006 Fair Act Inventory. In accordance with the competitive sourcing initiative of the President's Management Agenda, a report was submitted on the designation of USPC positions as commercial or inherently governmental functions.

Recruitment actions included a parole clerk and a FOIA Specialist. The training committee has met several times this quarter. Training opportunities are being planned for each month. The first is a seminar on domestic violence with representatives from the DC Metropolitan Police Department's Domestic Violence Unit on June 8.

The Chief of Staff approved the request of 18 employees to attend training conferences including APAI, NABCJ, APPA and ACA.

Mandatory IT Security Training sessions for all staff was conducted by Ron Lewis in May and June.

Ms. Carter ended her report noting several meetings she attended this quarter. Chairman Reilly opened the floor to questions.

Rockne Chickinell, General Counsel, opened his report noting the back log of FOIA requests has increased to over 207 cases. The FOIA Officer vacancy announcement has

closed. The assignment of one temporary employee and two student interns should help in reducing the backlog.

The number of appeals processed by the National Appeals Board in the second quarter is 42. We received 82 appeals decided in the first quarter.

Mr. Chickinell highlighted several cases. In Austin v USPC, the Second Circuit reversed the Commissioner's release date determination in a transfer treaty case and remanded the case to the Commission for further proceedings. The court of appeals found that the Commission had committed a procedural error in requiring Austin, who was convicted of murder in the UK, to serve life imprisonment for his foreign offense.

In Johnson v. Quander, the D.C. Circuit held that CSOSA's mandatory collection of a probationer's DNA sample by a blood test was not unreasonable under the 4th Amendment. Applying the "totality-of-the circumstances" test, the circuit court found that a probationer had a lesser privacy interest than ordinary citizens, that the privacy invasion caused by taking a blood sample was relatively small, and that the government had a substantial interest in monitoring the probationer's activity, deterring recidivism, and protecting the public.

Mr. Chickinell ended his report. The Chairman opened the floor to questions.

Commissioner Spagnoli commented on Chairman Reilly's earlier remarks regarding outside influence by the Department of Justice and other outsiders. She said that she had never felt any influence by anyone on the outside with regard to decisions or specific cases, saying that she didn't think anyone outside the Commission had ever brought a specific case to her attention with regard to her vote, but she did think there was a very large danger of influence over Commissioners on specific cases with regard to Commission staff/senior staff who do not like when Commissioners disagree with their recommendations. She said that when Commissioners such as herself do disagree, the staff/senior staff talk negatively among themselves about her decision thereby disrespecting and undermining the independence of a Commissioner vote or decision making authority. Staff then forum shop specific cases to specific Commissioners and refuse to give certain cases to certain Commissioners. She then went on to say that when Chairman Reilly raises the issue of outside folks not exercising undue influence on his watch (which she didn't believe was an issue), that he should be more concerned about the actual undue influence the staff was trying to exert over cases and Commissioners from the inside. Chairman Reilly interrupted her on numerous occasions as she was trying to complete her comments, interjecting that she could make her own decisions -- staff merely makes recommendations. She tried to respond that when Commissioners tell staff what they want done on certain cases, senior staff has tried to prevent Commissioner decisions from being implemented. She said she has had this conversation numerous times and Chairman Reilly interrupted her again telling her he took her comments personally and he did not understand what she was saying. She tried to respond by giving examples -- in two situations she decided and ordered staff to prepare a warrant arrest for an offender. The staff member's supervisor did not want the warrants issued,

and the staff member got in trouble both at the time and during their performance appraisal for following Commissioner Spagnoli's decision in those two cases but Chairman Reilly interrupted her again and she was not able to finish the example. She again tried to share that everyone on the fourth floor knows that staff was ordered not to give her a certain category of cases (advanced consent) after she disagreed with a number of them, Chairman Reilly again interrupted and Commissioner Spagnoli indicated that she had in any case, made her point.

Commissioner Spagnoli also raised a point concerning the advanced consent cases indicating that since 50% of all revocations were being handled this way that it was important the Commissioners decide policy as to exactly what kinds of cases and types of offenders should be handled in this plea bargain fashion. Chairman Reilly banged his hand on the table, disagreeing with Commissioner Spagnoli indicating that the advanced consent pilot project would be decided after the Commissioners received a report on the project.

Commissioner Spagnoli also raised a budget issue – she was concerned how the Commission and staff were going to procedurally move forward on '07 budget issues because the Commission voted against the budget. She asked whether their vote disapproving the budget had any real meaning if senior staff was moving forward on it anyway.

Commissioner Fulwood said it was unprofessional for the Department of Justice to not respond to the Commissioner's letter about budget issues. Chairman Reilly said that he was advised that the letter was received and acknowledged. Commissioner Fulwood said he had not seen an acknowledgement and said the Department should treat us with respect and dignity like we treat them.

Chairman Reilly announced the U.S. Marshal's upcoming Fugitive Safe Surrender presentation on Monday, June 12.

There being no further business Vice Chairman Mitchell moved the meeting be adjourned at 12:47 p.m. Commissioner Fulwood seconded the motion. The vote carried unanimously.

Submitted by:

Patricia W. Moore

Patricia W. Moore
Recording Secretary



**U.S. DEPARTMENT OF JUSTICE
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U.S. PAROLE COMMISSION QUARTERLY MEETING MINUTES

CHEVY CHASE, MARYLAND

October 26, 2006

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: **COMMISSIONERS:**

Patricia K. Cushwa, Commissioner
Isaac Fulwood, Jr., Commissioner
Deborah A. Spagnoli, Commissioner

STAFF:

Thomas W. Hutchison, Chief of Staff
Rockne Chickinell, General Counsel
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Administrator, Case Operations
Marc Bransky, Deputy Administrator, Case Services
Ron Lewis, Consultant, IT Contractor
Stephanie Webb, BearingPoint Consultant

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| Patricia Bennett | Earl Bracey | Sylvia Hall |
| Sandra Hylton | Deirdre Jackson | Tarnisha Jackson |
| Stephanie Jones | Phyllis Linnes | Patricia Moore |
| Venu Pillai | Maryanna Portner | Joy Randall |
| Rhonda Shelton | Dawn Sikkema | Tiffany Wright |
| Douglas Thiessen | | |

CITIZENS:

Pauline Sullivan, CURE
Tom Hibarger U.S. Attorney's Office

Chairman Edward F. Reilly, Jr. called the Quarterly Meeting of the United States Parole Commission (USPC) to order at 10:07 a.m. on Thursday, October 26, 2006, 4th Floor Conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland.

The roll was taken. Commissioners Deborah A. Spagnoli, Isaac Fulwood Jr., Patricia K. Cushwa and Chairman Edward F. Reilly, Jr. were present. As noted in the Chairman's opening remarks, Vice Chairman Cranston J. Mitchell would not be able to attend.

The Chairman announced that notice of the meeting and matters to be discussed had been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act. The meeting was opened to the public. The Chairman welcomed members of the public and staff and asked each to introduce themselves.

ITEM I. APPROVAL OF JANUARY, MARCH AND JUNE, 2006 MINUTES

Chairman Reilly opened the floor for the adoption of the January, March and June 2006 minutes. The Chairman noted that some final changes were received late last night and had not been reviewed by Commissioners. In that regard, it is recommended that the approval of these minutes be tabled until reviewed by each Commissioner.

Chairman Reilly announced two proposed amendments one to 28 C.F.R. §2.25 and the other to 28 C.F.R. §2.66. The proposals were submitted by USPC Case Operations Administrator Steve Husk, to be considered at this date and time by the Commission. Attorney Douglas Thiessen provided a legal memorandum regarding the videoconferencing proposed rule change. Steve Husk presented background information on each proposed amendment.

Mr. Husk referred to his memoranda dated October 12, 2006. Proposed Amendment 28 C.F.R. §2.25 would allow for District of Columbia probable cause hearings to be conducted by a videoconference between a hearing examiner and an offender. Proposed amendment 28 C.F.R. §2.66 would allow alleged violators of parole or violators of supervised release described in paragraph (b) of that section to notify the Commission that he or she accepts responsibility for the violation behavior, waives a revocation hearing and asks for a specific sanction that he or she agrees to in advance.

Under the current rule, an alleged violator may enter into such agreement only after the Commission has had an opportunity to review the case.

Chairman Reilly delayed questions and comments for Mr. Husk and opened the floor to USPC Attorney Douglas Thiessen.

Attorney Douglas Thiessen introduced D.C. Public Defender Service Chief Olinda Moyd's memorandum of June 20, 2006 outlining comments to the Commission citing PDS concerns on the proposed videoconferencing of probable cause hearings for D.C. code parolees and supervised releasees.

The Public Defender Service believes that the proposed video-conferencing of probable cause hearings is a potential affront to their client's rights to due process under Morrissey v. Brewer. They believe that beside the constitutional questions raised by video-conferencing, practical and policy concerns should dissuade the Commission from implementing this proposal.

Commissioner Fulwood complained that the Commissioners had just received the proposed rule changes and were expected to immediately vote on. Chairman Reilly said the proposed rule change vote would be as an interim rule, not as a permanent one. Commissioner Fulwood said he was not prepared to vote unless he receives documents and has time to fully read them. He also stated that he would like time and the ability to hear input from the other affected parties.

Chairman Reilly discussed letters of support we had received on these issues. Commissioner Fulwood said that Commissioners are the ones who vote on the rules and should have the proposals up front.

Doug Thiessen apologized for not getting the legal memo to the Commissioners sooner.

Commissioner Cushwa indicated that the legal memo was not the only item not received by the Commissioners and noted that the proposals were not received until late last night or early this morning. She wanted a chance to listen to the concerns of the prosecutor and the public defender and asked when in the future we could vote on this.

Chairman Reilly suggested we receive additional information in writing from the public defender and prosecutor and then circulate the issues for a vote by seriatim voting.

Doug Thiessen suggested we vote on the rule as a proposed one, rather than an interim or a permanent one.

Commissioner Spagnoli echoed Commissioner Fulwood's comments. She said that clearly the senior staff had been involved in this issue, working closely with PDS who had been given time to comment, but the USA had not been afforded that same courtesy.

She also expressed concern and dismay over the fact that Commissioners did not receive these proposed rule changes until last night or this morning. She indicated that she had raised this issue in the past, that it is not possible to receive something for review on the exact date that we are supposed to vote on it. This process is commonplace at the Commission; it does not allow for informed decision making by the Commission; it instead asks the Commission to rubber stamp that which the staff has already decided to do. It is therefore impossible for Commissioners to actually review anything before a vote is held.

Commissioner Fulwood again said he thought the problem was with the process. Commissioner Spagnoli said she wanted an answer to the question as to why the Commissioners did not get these proposals until last night. Chairman Reilly replied that he surmised that it was not circulated in a timely fashion. He thought that the staff had now heard the message – there is a need to get this stuff to the Commissioners early, before consideration. Commissioner Spagnoli disagreed with voting on these issues using the seriatim process that Chairman Reilly had suggested. She indicated that these issues were important and that the Commissioners should discuss them as a body and she said she thought the Commissioners should get input from the audience – staff and our partner criminal justice agencies.

Commissioner Fulwood suggested tabling the issue. Commissioner Cushwa said we should call a special meeting on the issues rather than wait for the next quarterly meeting. She too felt that the Commissioners should hear from the Public Defender and the US Attorney's office and that we all needed a chance to read the proposals.

Commissioner Fulwood again reiterated his position that it was not about whether we were for or against the proposals but that we were against the process. He said we should table the motion and call a special meeting to get the PDS and the USA to give live testimony.

Commissioner Spagnoli said she heard a motion from Fulwood, so she seconded it, and the motion passed on a vote of 4-0.

Steve Husk spoke about the second proposed rule change which adopts the advanced consent pilot project which had been ongoing as a pilot for the past year. In these cases, an offender suggests a sanction he or she is willing to accept before the Commission reviews the case. 727 cases had been decided this way. Mr. Husk indicated he thought it was a successful pilot and succeeded in moving offenders out of the jail in half the time as even the expedited cases did, and he said we did this while not giving up the Commission's discretion to deny offender's offer, which the Commission has done in 11% of the cases. The Mayor has sent a letter in support of the program because it helps him alleviate overcrowding in the jail.

Mr. Husk also indicates that he considered comments from the PDS; they wanted us to change that if an offer was accepted, the Commission deemed offender to accept responsibility for what they did. PDS did not want the Commission to consider an offer and acceptance to be considered an acceptance of responsibility. Mr. Husk saw no need to change the rule and practice with regard to acceptance of responsibility.

Chairman Reilly read the letter of support from the Mayor and said he appreciated that support.

Commissioner Spagnoli said that she thought this issue should be tabled and heard at the same time the Commission hears the videoconferencing proposed rule change. She said it was important that those in the room understood what the advanced consent pilot project was. She explained that it is a plea bargaining process; defendants come to the Commission and indicate that if they are given a certain plea bargain, they then would not make the Commission present witnesses and put on a hearing against them, the defendant would simply go to prison now.

Commissioner Spagnoli also said she did not understand how the Commission could conduct this vast a pilot program without a vote of the Commission because this pilot instituted significant policy changes and policy changes could not be implemented without a vote of the entire Commission. She asked for a legal opinion as to the 727 cases that were handled this way – she wondered how the Commission could send those 727 offenders to prison – taking away their liberty, without a vote of the Commission.

She indicated that she thought the Commissioners should seriously consider what kinds of cases should be included in this plea bargain process. She said that, as a former prosecutor, she understood the value and need for plea bargaining, but indicated that the policy upon which plea bargain cases were handled should be thoughtfully considered and implemented by the Commission. For example, child molesters, murderers, pedophiles, life sentences and certain domestic violence cases do not belong in this plea bargain program. She said it was her opinion that those kinds of criminals need to be handled more seriously and looked at fully prior to deciding that they should only go back to prison for 12 months or less, as opposed to a longer period of time.

She also said she did not think the Commission was considering whether or not the offenders who were using this plea bargain process were being looked at to see how many times they had previously been revoked. She said there was no difference in the offer to someone who had never been revoked and one who had been revoked 4, 5, or 6 times. Those cases are all handled the same and Commissioner Spagnoli disagreed with that. The formula seems to be that if you only violate administratively, whether you did it once or 100 times, the Commission does not care or recognize those differences – our acceptance of the offer is the same, approximately 4-14 months. Commissioner Spagnoli does not believe that serves either the individual or the community well, and she wants to hear from people who like and work in the community on this issue. She said she has denied advanced consent and expedited cases for those reasons. Nor does she believe we have taken into consideration the DC crime emergency when making recommendations on which cases to be plea bargained away. She believes that during the crime emergency, violent criminals should be treated differently – offenders who have previously been arrested for robbery should not be given low plea bargains – this policy of the USPC is in opposition to how seriously other DC law enforcement and criminal justice agencies handle these types of cases.

Commissioner Spagnoli and Commissioner Fulwood asked Tom Hutchison and Steve Husk to explain why the Commissioners did not receive reports and updates regarding the advanced consent pilot program while other DC agencies were in fact getting those reports and updates from the Commission. Why were the Commissioners left out of this process? Mr. Husk's numbers indicated that over 40% of cases were being handled in the advanced consent program, but the memo from the Commission that went to the DC Community indicated that over half of the cases (50+%) were being handled using the advanced consent cases. Commissioner Spagnoli asked the staff to explain the discrepancy.

Mr. Husk indicated that he had been giving reports to people on this working group headed by John Clark during the past year, and that he could dredge up some of those reports. Mr. Hutchison then indicated that the reports were oral, not written. The Commissioners asked again if there were any written reports, Steve Husk indicated he would have to look and see and Tom Hutchison indicated that he might have done an email. The Commissioners then asked again, why had they not received copies of these reports and statistics? Commissioner Spagnoli said Commissioner Fulwood specifically asked for this type of report at the last quarterly meeting in June.

Commissioner Spagnoli opined that if 90% of the USPC cases were DC cases and 50+% of those 80% were being handled through this advanced consent process, then over two thirds of USPC cases were not getting a thorough review by the Commission as it went through the advanced consent process. Because of the sheer number and seriousness of these cases, she thought the Commissioners should thoughtfully review which kind of cases and offenders should be a part of this process.

Tom Hutchison said he will run the date to see if 67% of the cases during a six month time frame were handled in the advanced consent pilot program, as indicated to outside agencies.

Commissioner Fulwood said that whenever you do a pilot it is important to establish perimeters and report back with what you have discovered. What are the problems, what are the strengths, then we as Commissioners study and make a rule change, not staff. Commissioner Fulwood also wanted to know what the USA had to say about this. He knew what the Mayor said, but the Mayor has to empty the jails at the same time he is spending millions of dollars to lock people up. He then tells the USPC that we have to get these criminals out of jail. He indicated the Commissioners should have received this information sooner and he was going to vote to table the issue.

Commissioner Cushwa indicated she wanted to see a chart or a breakdown of numbers – cases in the advanced consent program including the average time people spend for certain categories of violations.

Commissioner Fulwood said pedophiles and murderers should not be in the program. He indicated that it was the five Commissioners who took the risk of letting the wrong person out, not the Mayor.

Steve Husk indicated that the USA was not involved in the process, but that they were aware of what was going on.

Commissioner Spagnoli said she hoped that it was understood that her comments are never directed at any one in particular on the staff – she knows that the staff is simply doing that which they have been told to do based on the priorities of the leadership and the agency. She said she did not blame staff for that but that it was the responsibility of the Commissioners to establish the priority and set the tone.

Commissioner Spagnoli indicated that sending the same person in and out of prison every 24 months, thereby creating a USPC revolving door for the District of Columbia population was not the right way to protect the public or to help the individual offender. She said there was a better, more thoughtful way to do it – one that would actually bring justice to the individual and to the community.

She said Commissioners ask for but do not receive information and are left to operate in the dark and that was unacceptable. The Mayor has certain concerns about alleviating jail overcrowding but that the Commission's responsibility is to protect the public and Commission decisions must be made with that as the priority. She said that she had been told by staff on the 4th floor that because she was denying certain advanced consent cases, that she was specifically barred from reviewing those kinds of cases. She said she has great concern over the pressure she felt about her decisions and over the ability of staff to steer cases to certain Commissioners to get the results they want.

Commissioner Fulwood said the process was all about information sharing, he mentioned the budget issue and said staff was demoralized. He said we need information and data on a timely basis, never before have we received a report on this and that it is simply to be ordered that the Commissioners have the data regarding the program.

Motion to table this proposed rule change to be taken up at the next meeting passed 4-0.

Chairman Reilly and Commissioner Fulwood engaged in a conversation over the budget. Commissioner Fulwood thought we should send another letter to Justice and Chairman Reilly listed what he has done to help get funding and he also indicated that when our brothers and sisters were done serving their time, they should get out of prison.

Commissioner Spagnoli asked if the Chief of Staff had compiled the list of cases that the Commission would have if we decided to participate in the Fugitive Safe Surrender Program. Chairman Reilly said that the Commission did not keep those numbers, the Marshals Service did. Commissioner Spagnoli indicated that at the last meeting, the USMS said that the Commission had to keep track of their own warrants, the USMS had no way of tracking which warrants in their system belonged to the USPC and for what offenses.

The Commission needs to know how many outstanding warrants exist, for what violation and for what kind of offender before we can decide whether to participate in this program. The Chief of Staff said he would provide those numbers.

Commissioner Spagnoli then mentioned the DC Crime Emergency. She said that a number of Commissioners had asked for a special meeting to be held on the issue but that request was not fulfilled. She said she thought the Commission should take a more active role in the DC community since the vast majority of Commission cases are DC case. She thought that it's important to treat gun, robbery and gang cases differently as a result of the crime emergency and she wanted to hear from other DC agencies.

ITEM II. REPORTS FROM CHAIRMAN, COMMISSIONERS, EXECUTIVE OFFICE, GENERAL COUNSEL'S OFFICE, CASE OPERATIONS, CASE SERVICES, AND RESEARCH AND TECHNOLOGY UNITS.

Chairman Edward Reilly opened his report highlighting his participation at a dinner honoring President Clinton with the National Law Enforcement Memorial award. The Chairman noted his participation in the Association of Paroling Authorities, International (APAI) recent conference held in Chicago. In consideration of time, the Chairman referenced his quarterly report and offered the report to anyone who desired a copy. The floor was opened to questions.

In the absence of **Vice Chairman Mitchell**, Chairman Reilly offered a copy of the Vice Chair's report to those in attendance.

Commissioner Deborah Spagnoli opened her report highlighting her attendance at the D.C. Judicial Conference. She reported that it was a great opportunity to meet area judges and discuss parolees and supervised offenders with the judges. Commissioner Spagnoli noted that she continues to be involved with the AG Anti Gang Committee; that she chairs the subcommittee on training, and that she has completed the first draft of a training program for the Attorney General to roll out throughout the country through the US Attorney's offices. She was gratified to be able to be a part of this work and this project and expressed that the gang issue continues to be high priority for the Department. She also indicated that the Commission should make gangs an issue of priority for the Agency, and that the Commission staff could also benefit from attending the training she was working on.

Commissioner Spagnoli stated that there are a few items that she would like to discuss once Commissioners Fulwood and Cushwa give their reports. She indicated that what she would like to discuss is not a part of the activity report and would like to discuss it prior to the closed session.

Chairman Reilly opened the floor to questions.

Commissioner Patricia Cushwa opened her report noting her involvement with the D.C. Guidelines study meeting that she has been conducting over the past several months.

Commissioner Cushwa opened the floor to MaryAnna Portner, a member of the guidelines group, so that she could give the final report of the study. She also noted that in a nine month period she has obtained grants, held meetings and that the study is nearing completion.

Ms. Portner gave a brief status report and stated that the purpose of the report is to study the rate of recidivism of D.C. code offenders; their behaviors and how quickly they recidivate.

Commissioner Cushwa indicated that once the statistics and data is collected a report will be released; hopefully in the beginning of 2007. All information should be completed by December. Commissioner Cushwa opened the floor to questions.

Commissioner Isaac Fulwood, Jr. opened his report indicating that his report is self explanatory. He added that the only emphasis added to his report is a series of meetings he has conducted with people in the recovery and substance abuse process and USPC revocation processes. He continues to work on what action can be taken by the community to improve treatment? Commissioner Fulwood commented that an extensive part of substance abuse issues deals with maintaining jobs and making a significant difference in the Community.

Chairman Reilly asked Commissioner Fulwood the status of the Reprimand Sanction Hearings process. Commissioner Fulwood explained that reprimand sanction hearings are conducted every Wednesday. These hearings are geared towards the D.C. population with the concept of not sending violators back to prison but understanding and developing support systems they need in order to survive outside of prison.

Tom Hutchison, Chief of Staff, added that thus far there have been 30 reprimand sanction hearings. The administrative position for case services has been advertised and interviews are underway. Using JCON's specifications, new computers have been ordered. 96% of staff is in compliance with DOJ security standards. Mr. Hutchison noted that the remainder of his report spoke for itself and opened the floor to questions.

Judy Carter, Executive Officer, noted several contracts awarded during this quarter, one to BearingPoint who will conduct an organizational analysis of the Commission. The contractors have been meeting with staff and Commissioners and are now in the midst of meeting with our criminal justice partners. A preliminary draft should be available before Thanksgiving.

A contract was awarded to Excella to conduct an analysis of the functions and systems of the Commission and make recommendations on the type of paperless system that would best suit the Commission's needs. Two additional contractions were awarded to Jim Beck: (1) to collect data from case files to identify and document factors that predict recidivism and (2) to evaluate the Commission's self-assessment questionnaire and submit a summary report. A contract was awarded to Michael Green to conduct a review of the process from an arrest on a Commission warrant through the D.C. local revocation hearing decision. Ms. Carter continued her report noting new hires, student volunteer and recruitment efforts. Parole clerk proposals have been received.

Ms. Carter announced that the DOJ Strategic Plan was submitted outlining the Commission's efforts in support of the Attorney General's strategic goals II and III. It is hoped that it would be posted today.

A reimbursement agreement was continued with JMD/DOJ for Information Systems Security support by Ron Lewis and network security engineering by Jorge Gallardo. Ms. Carter acknowledged a special thank you to Ron and Jorge. The Commission received green on its report card in security. DOJ continues to increase our reporting requirements. Unfortunately, there have been several security incidents reported this quarter involving the receipt of SPAM Email, and a virus that was detected on two workstations. All workstations are now compliant. The Commission is at 95% completion of Computer Security Awareness Training with only a few personnel still need to reach 100%.

Ms. Carter updated the E-Gov projects and addressed the MOU that documents two buildings designated to serve as alternated worksites for Commission essential employees in the event of a building shutdown.

Ms. Carter continued her report noting our continuing resolution through November 17. All agencies have been authorized to operate at the FY 2006 budget level. We received a continuing resolution budget of \$1,428,000. It is anticipated that Congress will request another continuing resolution through mid December to allow them more time to vote on the remaining appropriation bills.

Commissioner Spagnoli asked whether the videoconferencing equipment purchases was the same equipment that was discussed and recommended for purchase by her technology working group as a means to save thousands of dollars in travel expenses by the hearing examiners. They indicated it was.

Chairman Reilly indicated he was preparing a master calendar of events for 2007 to be distributed to all Commissioners.

Rockne Chickinell, General Counsel, opened his report noting that a selection has been made to fill the vacant position of FOIA/Privacy Act officer and is awaiting security clearance from the Department.

Mr. Chickinell cited notable cases which included Samson v. California. The Supreme Court held that a police officer's search of a state parolee was reasonable under the 4th Amendment in the absence of reasonable suspicion that the parolee was committing a crime or a violation of parole conditions. A California statute requires that every state parolee agree in writing to a parole condition that the parolee is subject to search and seizure by a parole officer or law enforcement officer without a warrant and without cause. The Court held that a parolee did not have legitimate expectation of privacy, and that the State has a substantial interest in effectively supervising parolees given the high recidivism of parolees.

Mr. Chickinell further discussed USPC policy was actually more restrictive than the Supreme Court on authorizing and carrying out a search condition . This policy requires that the probation officer have a reasonable suspicion (as opposed to no suspicion at all) that the parolee is in possession of contraband or in violation of a release condition before asking for the search condition. Mr. Chickinell noted that this is a complicated area and it would be wise for the Commission to jointly work with CSOSA and the Judicial Conference in making any changes to the Commission's search policy.

Mr. Chickinell recommended that the Chairman designate a liaison to both the Administrative Office and CSOSA for any future discussions of a possible modification of the search policy of federal and D.C. offenders under supervision.

Commissioner Spagnoli commented that being from California she is very familiar with this issue, that she had previously talked to the General Counsel about it and encouraged Mr. Chickinell to stay involved and to present a policy change to the Commission.

Commissioner Spagnoli questioned the continued practice of awarding sole source contracts in spite of Commissioner Fulwood's ongoing effort to educate the Commission that it was improper. She asked if the contracts that were awarded to Jim Beck followed DOJ rules and regulations against sole source contracting and whether requests for proposals were issued. Ms. Carter responded that the first contract was but the second was not. The first proposal received three responses. The second was only offered to Beck because it was under \$2500.

Commissioner Spagnoli asked whether Beck also received a contract to write and report the annual report. Ms. Carter said that was still in the works – it was approved by the Chairman but not actually given out yet.

Commissioner Spagnoli and Commissioner Cushwa questioned why no one employed with the Commission could produce the annual report. Chairman Reilly responded that the report is not produced annually. He said it becomes a hardship to pull employees who have the knowledge from their regular duties. The same applies to the History of the Parole Commission report. The Chairman noted that Jim Beck is knowledgeable and could quickly produce a supplement to the History.

Judy stated that the contract is only for the preparation of the report not to produce it. Commissioner Spagnoli commented that she thought it unusual to have someone from the outside prepare the annual report.

Commissioner Cushwa suggested that each unit prepare a report that would make up the annual report. The Department could handle the reproduction.

Commissioner Fulwood said he wanted more minorities to receive contracts.

Commissioner Spagnoli asked whether the Mike Green contract was put out for bid.

Commissioner Reilly said he had a 2:30 meeting and asked that further discussion be held until the next meeting. Commissioner Spagnoli indicated she had a few more items to put on the record regarding the budget.

She reiterated her previous request for a copy of the budget expenditure plan for Commissioner approval – this request was made in June and still not received by the Commissioners. She also asked how much money was spent during the last month of the fiscal year in lapsed funds (computers, security, awards); she understood the amount to be over \$300,000. Chairman Reilly said he would provide copies. He also indicated that the spending of lapsed funds was solely in the purview of the Chairman.

Commissioner Fulwood said he disagreed and said he did not believe it was in Reilly's administrative discretion to spend this money without approval from the Commissioners. Chairman Reilly says he makes every effort to collaborate collegially, but the authority rested with him. He spoke about all of the money he spent on lunches for OMB staff and indicated he should ask the executive officer for reimbursement because he had spent a significant amount. He asked the other Commissioners to make a commitment to lobby their state senators even though it was in violation of DOJ policy.

Chairman Reilly asked for a motion to adjourn the meeting. Commissioner Spagnoli indicated she still had a few more items to put on the record. She indicated that if the Chairman's position was the correct one and that he had all the authority to spend the money as he wished, at the very least, Commissioners should be able to express their opinion as to how the money should be spent and Commissioners should actually know how the money was in fact spent without having to submit a FOIA request.

She indicated that the Chairman gave out over \$130,000 in awards to staff without asking the Commissioners for their input. Some of the awards seemed disparate and based on favoritism and some senior staff received awards even though they were the target of a number of grievances.

Commissioner Spagnoli wanted her position on the record opposing the Commission's continued use of sole source contracting.

Chairman Reilly made a pointed comment at Commissioner Fulwood and Commissioner Fulwood asked Chairman Reilly not to correct him because he was not speaking to the Chairman. Chairman Reilly again tried to adjourn the meeting, indicating that collegiality was not very good today.

Commissioner Spagnoli again said she wanted to finish putting her items in the record. She talked about spending money as being a policy issue. She indicated that in the past she and others were told that major purchases for security and computer equipment could not and should not be made because JCON was going to come in, evaluate the Commission and provide the equipment for us. However, she was concerned that in opposition to what she and others had been told, Chairman Reilly decided to obligate over \$150,000 in computer and security purchases that would have been covered by JCON. She indicated that, while she agrees that the Commission needs new equipment, as a policy issue, and a smart fiscal decision, she would have voted to spend the money on promoting the public safety mission of the agency – building the victim unit, training staff on gang issues, domestic violence, rape, etc., rather than spending money arbitrarily on equipment that would have been covered by JCON within a few months. In essence, the Commission spending of the money negates the need for JCON to spend their money for our needs. Commissioner Spagnoli did not believe that this was a wise expenditure of funds. Ms. Carter agreed that JCON would have covered the cost and had the Commission asked them to buy a dozen or so computers immediately, they would have done so, in advance of their purchase of all new equipment.

Commissioner Spagnoli also said she wanted to be involved in the hiring decision for the new Case Services Administrator position because that unit had been troubled for a long time, their jobs are critical to the success of the Commission and that what she believed was necessary for the position was a person with strong leadership skills, someone with District of Columbia law enforcement or public safety experience who could help the Commission better understand and integrate into the DC system, and she believed that we should recognize a competent minority female for the role.

Chairman Reilly said that he was not involved in the hiring process and that she should speak with the vice-chairman.

Commissioners Spagnoli and Cushwa engaged in a discussion about the victim witness coordinator position. Commissioner Spagnoli indicated the will of the Commissioners had been thwarted on this for over one year as it sat on the Chief of Staff's desk without action.

Commissioner Cushwa asked about the funding for the position.

Commissioner Spagnoli reiterated her position that choices regarding the spending of money have a direct policy making public safety impact.

The proposed changes to the rules of 28 C.F.R. §2.25 and 28 C.F.R. §2.66 were not voted on. The Commission believed it did not have ample time to review the relevant memoranda regarding these two agenda items and thus voted to postpone the vote on these two agenda items to a subsequent meeting.

In light of his schedule, Chairman Reilly moved that this meeting be adjourned and he cancelled the closed Original Jurisdiction meeting wherein five cases were to be considered, to a later date. Commissioner Fulwood seconded the motion. The vote carried unanimously. The meeting ended at 12:50 A.M.

Submitted by:

Stephanie Jones

Stephanie Jones
Recording Secretary



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

Office of the Chairman

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U.S. PAROLE COMMISSION QUARTERLY MEETING MINUTES

CHEVY CHASE, MARYLAND

January 24, 2007

When I discovered on January 25, 2007 that the Commission's public meeting held the day before, January 24, 2007, was not recorded as the law requires it to be, I immediately used my own notes and memory to immediately record my recollection of the meeting in general and most specifically as to points and issues I raised. Shortly thereafter I informed Commissioner Fulwood that the meeting had not been recorded and that I had memorialized my recollection of the meeting. I suggested that because he made a number of significant points during the meeting, especially regarding the videoconferencing issue and vote that he too might want to memorialize his recollection of the meeting.

I was not present during the beginning of the meeting. My notes begin during the supervisor reports.

A discussion among Commissioners and staff ensued after both Judy Carter and Rockne Chickinell presented their reports. The Commissioners asked Rockne Chickinell why the legal division was having trouble responding to appeals filed by the Public Defender Service in a timely manner. The Commissioners also asked him to prepare a more detailed litigation report that would outline what issues were being raised in the 64 new lawsuits filed and the 91 appeals made. Mr. Chickinell promised to find out why his lawyers were not responding in a timely fashion.

Two commission employees, Dawn Booze-Hill and Pat Bennett asked about the victim witness program and the coordinator position the Commission was proposing. They indicated that they had significant experience working with victims and both enjoyed the work and were good at it. They felt the advertised position was written in a way that excluded them from being considered for the job and thought that meant that the Commission had already selected someone for the job as that is what has been done at the Commission in the past. Chairman Reilly repeatedly slammed his hand down on the

table in response to the employee's concerns telling them that this was not the proper forum for discussing job announcements and requirements.

I interjected at that point saying that Dawn and Pat had valid points and that the Commission needed to better communicate with the employees to inform them of what we have in mind for the future of the agency and specifically what we are looking for when we advertise job vacancies. It is important for morale and is a tool of good management to share information and ensure that our employees believe they all have a shot at upward mobility within the agency.

A significant point was raised by the Commissioners as to whether the vacant attorney position currently being advertised was already pre-determined to be for Helen Krapels, a current employee serving as a case services supervisor but who was on detail to the legal division.

Both Ms. Carter and Mr. Chickinell had trouble answering the question I raised – had they already decided to give this position to Ms. Krapels and were they using the DOJ/OPM advertising system to circumvent the federal government's competitive requirements to fill these types of positions?

I indicated that the Commission employees suffer from low morale, and that one of the reasons for that low morale was the fact that many employees believe that there is very little upward mobility in the office. They also believe that on those rare occasions when positions do become available to fill, that those positions are pre-determined by the supervisors to go to the employees that are deemed "favorites" or friends of management, and that those people then get special treatment by management. My position was that whether or not this was true was irrelevant because it was the perception among staff that it was and it is that perception that helps create the morale issues within the office. I noted that Dawn and Pat's concerns were both timely and appropriate given what the senior staff was doing to try and circumvent DOJ rules to give this legal position to Helen Krapels. I added that my issue wasn't about any specific individual, like Helen Krapels – the issue was over process and what legal issues and perception problems the discriminatory use of the process causes.

Both Commissioners Fulwood and Cushwa expressed a similar concern over this process.

Ms. Carter said the legal position was being advertised for five days. I indicated that seemed to me to be an unusually short time for a job advertisement when the usual advertisement period is 30 days. I indicated that the fact that the Commission was only advertising the position for 5 days was a piece of evidence that the Commission did indeed intend to give the job to a pre-determined person. In my opinion, this particular situation was even more egregious because not only were the Chairman and senior leadership appearing to circumvent the competitive hiring process, but there are very specific rules for how the Department of Justice hires new attorneys. It appeared that leadership here was trying to give Ms. Krapels a leg up, not only on the other attorneys currently in the office but over any other entry level attorney that the Department hires. I

discussed my understanding that the Department had strict rules about the hiring of new entry level attorneys and what GS Grade level they began their legal employment. Ms. Krapels had no prior legal experience – she is an entry level attorney, and it appears that the Commission was trying to “beat” the DOJ system by hiring her into an attorney position she was not qualified for.

I felt that this was wrong, not only to pre-select candidates and defeat the competitive process, but to show this kind of internal favoritism which contributes significantly to low employee morale.

I specifically asked Ms. Carter if she had been instructed by anyone at the Commission to advertise for this position with the intention of hiring Ms. Krapels, but if Ms. Krapels did not make the final list of candidates, Ms. Carter was to close the list and not hire from it. I was concerned over Ms. Krapels friendship with the Chief of Staff that stems from their both being from the state of Wisconsin and the perception that it gave to other employees if Ms. Carter had been so instructed. She said she had not been so instructed.

The discussion then centered around two proposed rule changes – one regarding videoconferencing, and the other involving the “advanced consent” process.

A long and involved discussion ensued over advanced consent cases in general and specifically as to the changes envisioned by the proposed rule change. During the meeting and for the benefit of the audience, I summarized that advanced consent cases were cases in which the offender essentially asked the Commission to agree to a reduced sentence, or plea bargain, if he/she admitted to his/her violation at the probable cause stage in the parole revocation process. This “pilot program” had been utilized by the Commission for over one year.

I asked how the Commission was able to establish this pilot program – a significant change in Commission policy – without an actual vote of the Commission. As an attorney, it was my understanding that the only way to change Commission policy or procedure was statutorily prescribed as a majority vote of the Commission. Chairman Reilly and Chief of Staff Hutchison advised that the pilot program had been established by a Chairman only issued memorandum. I asked to see this memorandum since I was not familiar with it; Pat Moore, Chairman Reilly’s assistant was unable to locate the memorandum and no memorandum has been provided as of the date of these minutes being reviewed and adopted (April 24, 2007).

I mentioned that I raised this issue in October, when this proposed rule change first came to the Commissioners’ attention, where I asked then for a legal opinion or rationale as to how the Commission was able to sustain a change in policy that affected nearly 1000 cases and offenders without a vote of the Commission. No one from the Commission responded to my concerns over the legality of incarcerating nearly 1000 or so offenders without a majority vote so authorizing such policy.

In addition to my concerns over the legality of the "pilot program," I also indicated that I would not vote for a permanent rule for advanced consent cases until the Commission discussed and voted on a policy regarding what particular cases and offenders should qualify for such program.

I reiterated my concern that Commissioners must seriously consider what types of cases should be included in this automatic plea bargain process. As a former prosecutor, I understood the value and need for plea bargaining, but believed that the policy upon which plea bargain cases were handled should be thoughtfully considered and implemented by the Commission.

I opined that cases handled via advanced consent should be ones in which neither the original crime nor current violation involved violence. I also opined that offenders who had committed murder, rape or child molestation should never be given a plea bargain via the advanced consent process, in addition to life cases, gang cases and most domestic violence cases. I expressed the opinion that these kinds of cases don't belong in a plea bargain program and those kinds of criminals needed to be handled more seriously and looked at fully prior to deciding that they should only go back to prison for 12 months or less, as opposed to a longer period of time with a detailed action plan for the offender to accomplish while in prison.

I also said that I believed we should consider the number of times a parolee had previously violated parole when determining which cases belong in the advanced consent category. Currently, we treat a case in the same manner whether they had never previously violated parole or whether they had violated parole four or more times. We also don't distinguish between the number of times someone has violated parole for administrative reasons. The formula seems to be that whether you violate administratively one time or 100 times, the Commission's acceptance of an offer is the same - 4-14 months. I said I did not think this revolving door policy serves either the individual or the community well and could not substitute for a well-reasoned re-entry plan.

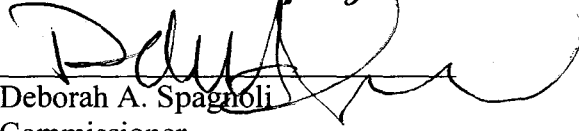
Tom Hutchison indicated that he would chair a meeting among staff, the Public Defender Service and the US Attorney's office to discuss what kinds of cases should or should not be considered for the Advanced Consent calendar, providing the group's consensus opinion to the Commissioners for consideration and vote.

The Public Defender Service expressed great concerns over the proposed wording of the new rule and opposed the new rule as written, though they support the advanced consent concept in its practice. Tom Hutchison indicated that he would work with PDS to come up with acceptable language for later consideration by the Commissioners.

The Chairman decided to cut off debate on the issue and said he would schedule a special meeting to consider the proposal further.

Submitted by:

Deborah A. Spagnoli


Deborah A. Spagnoli
Commissioner



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United States Parole Commission**

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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

Thursday, April 26, 2007

PRESIDING: Edward F. Reilly, Jr., Chairman

PRESENT: Vice Chairman Cranston J. Mitchell
Commissioner Patricia K. Cushwa
Commissioner Isaac Fulwood, Jr.
Commissioner Deborah A. Spagnoli

Thomas W. Hutchison, Chief of Staff
Judy Carter, Executive Officer
Rockne Chickinell, General Counsel
Roslyn F. Davis, Case Services Administrator
Stephen J. Husk, Case Operations Administrator

Members of the public:

Thomas Hibarger, USAO (D.C.)
Crystal McQueen, PDS
Lisa Guffey, PDS
Pauline Sullivan, CURE
Ivy Lange, Washington Lawyers' Committee
Philip Fornaci, Washington Lawyers' Committee
William Woodruff USAO (D.C.)
Nancy Ware, CJCC of D.C.

Chairman Reilly called the meeting to order at 10:05 a.m. in the Commission's fourth floor conference room at 5550 Friendship Blvd, Chevy Chase, Md. 20815.

The Chairman announced that notice of the meeting and the matters to be taken up at the meeting had been posted in public places and published in the Federal Register pursuant to the

Government in the sunshine Act, and that the meeting was open to the public. The Chairman noted that members of the public were present.

The Chairman, Vice Chairman, Commissioners Cushwa, Fulwood, and Spagnoli, and the Chief of Staff, Executive Officer, General Counsel, Case Services Administrator, and Case Operations Administrator each presented a report summarizing their activities during the quarter (January through March 2007). A copy of the reports is attached.

Vice Chairman Mitchell moved to approve the amendment to § 2.66 as set forth in the attached document. Commissioner Cushwa seconded the motion. Vice Chairman Mitchell accepted an amendment to provide that the Commission would, in 36 months, release a report on the advanced consent process. The motion as amended carried, with the Chairman, the Vice Chairman, and Commissioners Cushwa and Fulwood voting aye and Commissioner Spagnoli voting no.

Vice Chairman Mitchell moved to approve the minutes for the quarterly meetings held on January 20, 2006 and March 30, 2006. Commissioner Cushwa seconded the motion. The motion carried 5-0.

Commissioner Spagnoli moved to approve the minutes of the June 6, 2006 quarterly meeting. Commissioner Fulwood seconded the motion. The motion failed, with Commissioners Fulwood and Spagnoli voting aye, and the Chairman, Vice Chairman, and Commissioner Cushwa voting no.

At 12:20 p.m., Commissioner Mitchell moved to adjourn the meeting. Commissioner Fulwood seconded the motion. The motion carried by voice vote.

Respectfully submitted,

Patricia W. Moore
Recording Secretary



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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

July 26, 2007

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice-Chairman
Isaac Fulwood, Jr., Commissioner
Patricia K. Cushwa, Commissioner

Thomas W. Hutchison, Chief of Staff
Douglas Thiessen, Attorney
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Marc Bransky, Deputy Administrator, Case Services
Ron Lewis, Consultant, IT Contractor

Members of the public:

Ira Felson, Citizen
Olinda Moyd, D.C. Public Defender Service
Collette Connor, D.C. Public Defender Service
Maeve Townsend, D.C. Public Defender Service
Jenifer Foster, Our Place, DC
Pauline Sullivan, CURE
Teresa Howie, U.S. Attorney's Office
Nancy Ware, Criminal Justice Coordinating Council
Mannone Butler, Criminal Justice Coordinating Council
Robert Pierre, *The Washington Post*

Chairman Reilly called the meeting of the United States Parole Commission to order at 10:11 a.m. in the fourth floor conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of the meeting and matters to be discussed had been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman noted that members of the public were present.

The Commission took up the minutes of the meetings of April 26, 2007 and June 6, 2007. Vice Chairman Mitchell moved to approve both minutes April and June 2007. Commissioner Fulwood seconded the motion. The motion carried unanimously.

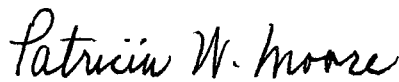
Chairman Reilly, Vice Chairman Mitchell, and Commissioners Cushwa and Fulwood each submitted a report on their activities during the quarter. The Chief of Staff, Case Services Administrator, Case Operations Administrator, Executive Officer, and Attorney Thiessen on behalf of the General Counsel then submitted reports on their activities during the quarter. A copy of the reports is attached.

Vice Chairman Mitchell moved to submit to OMB the proposed 2009 Budget "as is". Chairman Reilly seconded the motion. The motion was adopted, with Chairman Reilly, Vice Chairman Mitchell, and Commissioner Cushwa voting yes and Commissioner Fulwood voting no.

Public comments were taken and addressed.

Vice Chairman Mitchell moved that the meeting adjourn, and Commissioner Fulwood seconded the motion. The motion carried unanimously, and at 12:47 p.m. the meeting was adjourned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patricia W. Moore". The signature is written in dark ink and is positioned above a horizontal line.

Patricia W. Moore
Recording Secretary



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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

October 25, 2007

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice-Chairman
Isaac Fulwood, Jr., Commissioner
Patricia K. Cushwa, Commissioner

Thomas W. Hutchison, Chief of Staff
Rockne Chickinell, General Council
Judy I. Carter, Executive Officer
Roslyn Davis, Administrator, Case Services
Stephen J. Husk, Administrator, Case Operations
Marc Bransky, Deputy Administrator, Case Services
Ron Lewis, Consultant, IT Contractor

Members of the public:

Charles G. Jeane, *Student – David A. Clarke School of Law*
Olinda Moyd, *D.C. Public Defender Service*
Jenifer Foster, *Our Place, DC*
Pauline Sullivan, *CURE*
Ivy Lange, *Washington Lawyers Committee*
Nancy Ware, *Criminal Justice Coordinating Council*
Naomi Long, *Drug Policy Alliance*
Robert Pierre, *The Washington Post*
Rob Okun, *U.S. Attorney's Office, D.C.*
Walter Ridley, *Citizen*

Chairman Reilly called the meeting of the United States Parole Commission to order at 10:22 a.m. in the fourth floor conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of the meeting and matters to be discussed had been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman noted that members of the public were present.

The Commission took up the minutes of the meetings of July 26, 2007. One correction was noted. Add Case Services Administrator Roslyn Davis to the list of attendees at the October 25, 2007 Quarterly meeting. Vice Chairman Mitchell moved to approve the minutes for July 2007 with the noted correction. Commissioner Fulwood seconded the motion. The motion carried unanimously.

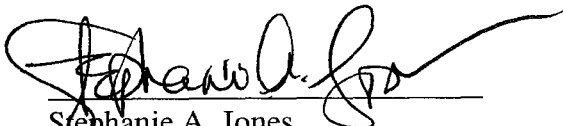
Chairman Reilly, Vice Chairman Mitchell, and Commissioners Cushwa and Fulwood each submitted a report on their activities during the quarter. The Chief of Staff, Case Services Administrator, Case Operations Administrator, Executive Officer, and General Counsel then submitted reports on their activities during the quarter. Copies of the reports are attached.

Commissioner Cushwa moved to adopt Recommendations One and Two of the report on Re-Validation of the U.S. Parole Guidelines for Washington D.C. Code Offenders and to establish the timeline for implementation as submitted by Dr James Austin and Roger Ocker. The motion was adopted, with Chairman Reilly, Vice Chairman Mitchell, Commissioner Fulwood and Commissioner Cushwa voting yes.

Public comments were taken and addressed.

Vice Chairman Mitchell moved that the meeting adjourn, and Commissioner Fulwood seconded the motion. The motion carried unanimously, and at 12:55 p.m. the meeting was adjourned.

Respectfully submitted,



Stephanie A. Jones
Recording Secretary



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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

January 17, 2008

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice-Chairman
Isaac Fulwood, Jr., Commissioner
Patricia K. Cushwa, Commissioner

Thomas W. Hutchison, Chief of Staff
Rockne Chickinell, General Council
Judy I. Carter, Executive Officer
Roslyn Davis, Administrator, Case Services
Stephen J. Husk, Administrator, Case Operations
Rick Hinton, OPTIMOS

Members of the public:

Teresa Howie, U.S. Attorney's Office
Olinda Moyd, *D.C. Public Defender Service*
Fran Brooks, D.C. Public Defender Service
Pauline Sullivan, CURE
Ivy Lange, *Washington Lawyers Committee*
Mannone Butler, *Criminal Justice Coordinating Council*
Vincent Haskell, D.C. Public Defender Service
Stuart Patchen, Federal Defender Service, Philadelphia
Rob Delaney, D.C. Public Defender Service

Chairman Reilly called the meeting of the United States Parole Commission to order at 10:07 a.m. in the fourth floor conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of the meeting and matters to be discussed had been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman acknowledged members of the public that were present.

The Commission took up the minutes of the meetings of October 25, 2007. Vice Chairman Mitchell moved to approve the minutes for October 25, 2007. Commissioner Fulwood seconded the motion. The motion carried unanimously.

Chairman Reilly, Vice Chairman Mitchell, and Commissioners Cushwa and Fulwood each submitted a report on their activities during the quarter. The Chief of Staff, Case Services Administrator, Case Operations Administrator, Executive Officer, and General Counsel then submitted reports on their activities during the quarter. Copies of the reports are attached.

Commissioner Mitchell moved to adopt Amendments One and Two of the Transfer Treaty Regulation at 28 C.F.R. §2.68, with one change to Amendment One: *replace the word "non-binding" with "strike"*. The motion was adopted with Chairman Reilly, Vice Chairman Mitchell, Commissioner Fulwood and Commissioner Cushwa voting yes.

Public comments were taken and addressed.

Vice Chairman Mitchell moved that the meeting adjourn, and Commissioner Fulwood seconded the motion. The motion carried unanimously, and at 11:15 a.m. the meeting was adjourned.

Respectfully submitted,

Patricia W. Moore

Patricia W. Moore
Recording Secretary



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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

May 13, 2008

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice-Chairman
Isaac Fulwood, Jr., Commissioner
Patricia K. Cushwa, Commissioner

Thomas W. Hutchison, Chief of Staff
Rockne J. Chickinell, General Council
Judy I. Carter, Executive Officer
Deirdre M. Jackson, Administrator, Case Services
Stephen J. Husk, Administrator, Case Operations
Lisa Ashley, Victim Witness Coordinator
Jordana Randall, U.S. Parole Commission
Janice Bradford, U.S. Parole Commission

Members of the public:

Olinda Moyd, D.C. Public Defender Service
Angela Haynes, Public Defender Service, Philadelphia, PA
Nancy Ware, Criminal Justice Coordinating Council
Michelle Bonner, Our Place, Washington DC
Susan Galbraith, Our Place, Washington DC
Philip Fornaci, D.C. Prisoners' Project
Pauline Sullivan, CURE
Alberta Miles, CURE
Geraldine Watson, CURE

Chairman Reilly called the meeting of the United States Parole Commission to order at 10:01 a.m. in the fourth floor conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of the meeting and matters to be discussed had been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman acknowledged members of the public that were present.

The Commission took up the minutes of the meetings of January 2008. Vice Chairman Mitchell moved to approve the minutes for January 2008. Commissioner Fulwood seconded the motion. The motion carried unanimously.

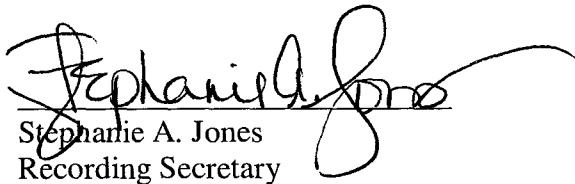
Chairman Reilly, Vice Chairman Mitchell, and Commissioners Cushwa and Fulwood each submitted a report on their activities during the quarter. The Chief of Staff, Case Services Administrator, Case Operations Administrator, Executive Officer, and General Counsel then submitted reports on their activities during the quarter. Copies of the reports are attached.

Chairman Reilly moved to adopt the agenda item; YRA Misdemeanor Offenders and set asides. The motion was adopted with Vice Chairman Mitchell, Commissioners Cushwa and Fulwood voting yes. The motion was adopted unanimously.

Public comments were taken and addressed.

Vice Chairman Mitchell moved that the meeting adjourn, and Commissioner Fulwood seconded the motion. The motion carried unanimously, and at 11:21 a.m. the meeting was adjourned.

Respectfully submitted,


Stephanie A. Jones
Recording Secretary



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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

August 14, 2008

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice-Chairman
Isaac Fulwood, Jr., Commissioner
Patricia K. Cushwa, Commissioner

Thomas W. Hutchison, Chief of Staff
Rockne Chickinell, General Council
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Deirdre Jackson, Acting Administrator, Case Services

Members of USPC Staff:
Zelia Carter, Training Coordinator
Venu Pillai, Budget Officer
Joseph Pacholski, Hearing Examiner
Vanessa Johnson, Summer Intern

Members of the public:
Philip Fornaci, *Washington Lawyers Committee*
Olinda Moyd, *D.C. Public Defender Service*
Pauline Sullivan, *CURE*
Mannone Butler, *Criminal Justice Coordinating Council*
Ira Felsen, *Citizen*

Chairman Reilly called the meeting of the United States Parole Commission to order at 10:02 a.m., in the fourth floor conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of the meeting and matters to be discussed had been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman acknowledged members of the public that were present.

The Commission took up the minutes of the meetings of May 13, 2007. Commissioner Fulwood moved to approve the minutes for May 13, 2007. Commissioner Cushwa seconded the motion. The motion carried unanimously.

Chairman Reilly, Vice Chairman Mitchell, and Commissioners Cushwa and Fulwood each submitted a report on their activities during the quarter. The Chief of Staff, Case Services Acting Administrator, Case Operations Administrator, Executive Officer, and General Counsel then submitted reports on their activities during the quarter. Copies of the reports are attached.

Public comments were taken and addressed.

Commissioner Fulwood moved that the meeting adjourn, and Commissioner Cushwa seconded the motion. The motion carried unanimously, and at 11:25 a.m. the meeting adjourned.

Respectfully submitted,

Patricia W. Moore
Recording Secretary



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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

December 3, 2008

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice-Chairman
Patricia K. Cushwa, Commissioner

Thomas W. Hutchison, Chief of Staff
Rockne Chickinell, General Council
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Deirdre Jackson, Acting Administrator, Case Services

Members of the public:

Philip Fornaci, *Washington Lawyers Committee*
Ivy Lange, *Washington Lawyers Committee*
Olinda Moyd, *D.C. Public Defender Service*
Rashida Edmondson, *D.C. Public Defender Service*
Angela Haynes, *Federal Public Defenders Office, Philadelphia, PA*
Rob Okun, *US Attorney's Office, Washington D.C.*

Chairman Reilly called the meeting of the United States Parole Commission to order at 10:00 a.m. in the fourth floor conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

Chairman Reilly reported that Commissioner Fulwood will be unable to attend today's meeting because he is conducting reprimand sanction hearings. Guests were welcomed and introduced.

The Chairman announced that notice of the meeting and matters to be discussed had been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman acknowledged members of the public that

- were present.

The Commission took up the minutes of the meetings of August 14, 2008. Vice Chairman Mitchell moved to approve the minutes for August 14, 2008. Commissioner Cushwa seconded the motion. The motion carried unanimously and the minutes were adopted.

Chairman Reilly announced that Congress has extended the Commission through November 1, 2011. On July 16, 2008, Congresswoman Eleanor Holmes-Norton testified to Congress on behalf of the Commission stressing the fact that this is the sixth extension granted and that issues surrounding its permanency need to be resolved

Chairman Reilly along with Commissioners and senior staff discussed the fact that although the USPC is committed to being an open book in its transparency to the public there are statutes that prevent disclosing certain information. The Commission is willing to meet with the public to answer questions. Additional questions and answers have been added to the Q & A brochure to address more concerns. There is also a new victim's rights brochure being printed.

There was lengthy discussion on the process in monitoring and supervising offenders. CSOSA brought to Commission's attention that GPS monitoring is being circumvented by supervised releasees. A meeting with USPC and CSOSA is planned.

Vice Chairman Mitchell reported on activities relating to the National Institute of Corrections. Vice Chairman Mitchell attended a conference in September that related to the supervision of adult offenders and is working with other paroling authorities to develop procedures for how things should be handled. Vice Chairman Mitchell will give an update as soon as more information becomes available but did offer that the offenders will be monitored from state to state.

Commissioner Cushwa commended the work of Dr. Jim Austin on the Guidelines Study submitted to the Commission and spoke on policies and procedures relating to representatives and victims' attendance at hearings via video conferencing with the allowance of testimonies and comments.

Commissioner Cushwa further noted submitting information to external partners and expressed the importance of giving accurate yet limited information in order to comply with DOJ rules of confidentiality.

Chairman Reilly expressed frustration over the issues of the Dr. Austin Guidelines study, asking how long USPC had to wait before getting the final report. Commissioner Cushwa reported that she communicated with Dr. Austin and as of a week and half before the meeting, Dr. Austin had not received the necessary information from US parole.

Chair Reilly asked Chief of staff Tom Hutchinson if the information compiled by Sheldon Adelberg had been compiled and sent. Tom Hutchison confirmed that he had recently sent out the additional information and that Dr. Austin should have all the information now.

Vice Chairman Mitchell commented on the Austin study adding that Dr. Austin is recognized throughout the country and he cautioned that the “finished product” was delayed due to some who were not in full support of the study. Commissioner Mitchell felt that barriers had been placed to delay the study and at this point it is his hope that the study will continue.

Chairman Reilly added that he thought that it was mere caution being demonstrated so that offender’s rights and/or due processes were not violated coupled with missing recidivism information. Dr Austin has now received all of the information and the study is ready to resume.

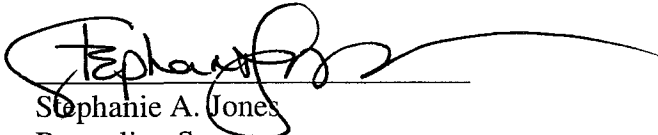
Vice Chairman Mitchell raised the question of the backlog of warrants. Acting Case Services Administrator Deirdre Jackson reported that there continues to be a backlog of approximately two months due to the shortage of staff. A new case analyst begins on December 8, 2008. At present, there are only four case analysts. Commissioner Cushwa questioned if warrants are separated according to “detainers vs. on the street”. Ms. Jackson replied that analysts are trained to prioritize in terms of mental health, serious law violations, CSO urgency, etc.

The Chief of Staff, Case Services Acting Administrator, Case Operations Administrator, Executive Officer, and General Counsel then submitted reports on their activities during the quarter. Copies of the reports are attached.

Public comments were taken and addressed.

Vice Chairman Mitchell moved that the meeting adjourn, and Commissioner Cushwa seconded the motion. The motion carried unanimously, and at 12:15 p.m. the meeting adjourned.

Respectfully submitted,


Stephanie A. Jones
Recording Secretary



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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

January 22, 2009

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice Chairman
Patricia K. Cushwa, Commissioner

Thomas W. Hutchison, Chief of Staff
Rockne J. Chickinell, General Council
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Deirdre M. Jackson, Acting Administrator, Case Services
Patricia W. Moore, Staff Assistant

Members of the Public:

Mannone Butler, Criminal Justice Coordinating Council
Michelle Bonner, Our Place, DC
Angela Haynes, Federal Public Defenders Office, Philadelphia, PA
Rob Okun, US Attorney's Office, Washington, DC

On Thursday, January 22, 2009, Chairman Reilly called the meeting of the United States Parole Commission to order at 10:15 a.m., in the fourth floor conference room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

Chairman Reilly announced that Commissioner Fulwood has been hospitalized and subsequently will not be at today's meeting. A moment of silence was held in remembrance of USPC Attorney Douglas Thiessen and National Institute of Corrections' Deputy Director Larry Solomon.

Chairman Reilly welcomed and introduced members of the public who were in attendance.

The Chairman announced that notice of this meeting and matters to be discussed have been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman acknowledged members of the public that were present.

The Chairman announced that due to an administrative error there are no minutes from the December 3, 2008 meeting. These minutes will be presented and voted on at the Commission's next quarterly meeting.

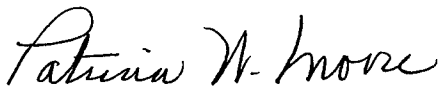
Chairman Reilly, Vice Chairman Mitchell, and Commissioners Cushwa and Fulwood each submitted a report on their activities during the quarter. The Chief of Staff, Case Services Administrator, Case Operations Administrator, Executive Officer, and General Counsel then submitted reports on their activities during the quarter. Copies of the reports are attached.

Commissioner Cushwa requested that the following items be reflected in the December 3, 2008 quarterly meeting minutes: 1) to reflect that at the December 3 quarterly meeting Commissioner Cushwa requested to be in attendance at the upcoming outreach pilot program project meeting and 2) that she would like to attend the upcoming APAI 2009 Annual Conference.

Public comments were taken and addressed.

Commissioner Cushwa moved that the meeting be adjourned. Vice Chairman Mitchell seconded the motion. The motion carried unanimously, and at 12:05 p.m. the meeting adjourned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patricia W. Moore".

Patricia W. Moore
Recording Secretary



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

Office of the Chairman

*5550 Friendship Boulevard
Chevy Chase, Maryland 20815-7201*

*Telephone: (301) 492-5990
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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

May 14, 2009

PRESIDING: Edward F. Reilly Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice Chairman
Patricia K. Cushwa, Commissioner
Isaac Fulwood, Commissioner

Thomas W. Hutchison, Chief of Staff
Rockne J. Chickinell, General Counsel
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Deirdre M. Jackson, Administrator, Case Services
Venu Pillai, Administrator, Information Technology
Stephanie A. Jones, Recording Secretary

Members of the Public:

Nancy Ware, Criminal Justice Coordinating Council
Hillary Hansen, Our Place, DC
Stuart Patchen, Federal Public Defenders Office, Philadelphia, PA
Rob Okun, US Attorney's Office, Washington, DC
Brian Roberts, DC Public Defender Service
Philip Fornaci, Washington Lawyers' Committee
Ken Pfaehler, Sonnenschein, Nath & Rosenthal
Pavisa Dehghani-Tafari, DC Public Defenders Office
Olinda Moyd, DC Public Defender Service
Richard Freerlee, DC Public Defender Service

Members of the Public (*continued*):

Ivy Lange, Washington Lawyers Committee
Jason Wallach, Dickstein Shapiro
Kenneth Weinstein, US Attorneys Office
Pauline Sullivan, DC CURE
Rob Okun, US Attorneys Office
Mannone Butler, Criminal Justice Coordinating Council
Terra Roberts, Criminal Justice Coordinating Council
Margaret Quick, Criminal Justice Coordinating Council

On Thursday, May 14, 2009, Chairman Reilly called the meeting of the United States Parole Commission to order at 10:00 a.m., in the fourth floor conference room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of this meeting and matters to be discussed have been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman welcomed members of the public that were present and requested that each introduce themselves.

The Commission took up the minutes of the quarterly meetings for January 22, 2009 and December 3, 2008. Commissioner Cushwa moved to approve the minutes for January 22, 2009, provided an addition be noted in the minutes that although she had requested to be in the Outreach Project Meeting she was not included in the meeting. As a result, the Outreach Project has not begun. Vice Chairman Mitchell seconded the motion. The motion carried unanimously and the minutes were adopted.

It was agreed that the minutes for the December 3, 2008 Quarterly Business Meeting would be voted upon seriatim.

Chairman Reilly, Vice Chairman Mitchell, and Commissioners Cushwa and Fulwood each submitted a report on their activities during the quarter. The Chief of Staff, Case Services Administrator, Case Operations Administrator, Executive Officer, Information Technology and General Counsel, respectively, submitted reports on their activities during the quarter. Copies of the reports are attached.

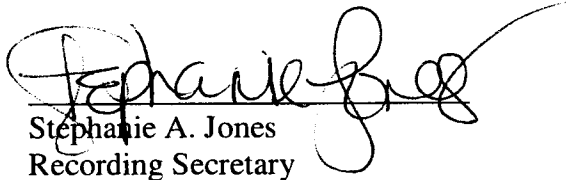
Public comments were made on the proposal to apply the 1987 guidelines of the District of Columbia Board of Parole to some DC offenders.

Rob Okun of the U.S. Attorney's Office, Philip Fornaci of the D.C. prisoners' Project, and Brian Roberts of the Public Defender's Office for the District of Columbia all submitted written statements regarding the proposal to apply the 1987 guidelines of the District of Columbia Board of Parole to some DC offenders. *Copies attached.* They also made brief presentations at the meeting.

Jason Wallach, Law Firm of Dickstein Shapiro, stated that he welcomed the proposal. Mr. Wallach noted concerns regarding the reasons for departing from the guidelines, the setting of rehearing dates, and the limitation that the plan only applies to prisoners who committed their crimes when the D.C. Boards' guidelines were in use.

Commissioner Cushwa moved that the meeting be adjourned. Vice Chairman Mitchell seconded the motion. The motion carried unanimously. The meeting adjourned at 11:42 p.m.

Respectfully submitted,


Stephanie A. Jones
Recording Secretary



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

Office of the Chairman

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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

July 16, 2009

PRESIDING: Isaac Fulwood Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice Chairman
Patricia K. Cushwa, Commissioner
Edward F. Reilly Jr., Commissioner

Thomas W. Hutchison, Chief of Staff
Rockne J. Chickinell, General Counsel
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Deirdre M. Jackson, Administrator, Case Services
Venu Pillai, Administrator, Information Technology
Patricia W. Moore, Recording Secretary

Members of the Public:

Nancy Ware, *Criminal Justice Coordinating Council*
Mannone Butler, *Criminal Justice Coordinating Council*
Angela Haynes, *Federal Public Defenders Office, Philadelphia, PA*
Robert Okun, *US Attorney's Office, Washington, DC*
Olinda Moyd, *DC Public Defender Service*
Parisa Dehghani-Tafari, *DC Public Defenders Office*
Pauline Sullivan, *DC CURE*
Amanda Maldenado, *DC Public Defender Service*

On Thursday, July 16, 2009, Chairman Fulwood called the meeting of the United States Parole Commission to order at 10:00 a.m., in the Fourth Floor Conference Room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of this meeting and matters to be discussed have been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman welcomed members of the public that were present and requested that each introduce themselves.

The Commission took up the minutes of the quarterly meetings for May 14, 2009. Commissioner Reilly moved to approve the minutes and Vice Chairman Mitchell seconded the motion. The motion carried unanimously and the minutes were adopted.

Chairman Fulwood, Vice Chairman Mitchell, and Commissioners Cushwa and Reilly each submitted a report on their activities during the quarter. The Chief of Staff, Case Services Administrator, Case Operations Administrator, Executive Officer, Information Technology and General Counsel, respectively, submitted reports on their activities during the quarter. Copies of the reports are attached.

Public comments were taken and addressed.

Commissioner Reilly moved that the meeting be adjourned. Commissioner Cushwa seconded the motion. The motion carried unanimously. The meeting adjourned at 12:15 p.m.

Respectfully submitted,

Patricia W. Moore

Patricia W. Moore
Recording Secretary



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

October 6, 2009

PRESIDING: Isaac Fulwood Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice Chairman
Patricia K. Cushwa, Commissioner
Edward F. Reilly, Commissioner

Thomas W. Hutchison, Chief of Staff
Rockne J. Chickinell, General Council
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Deirdre M. Jackson, Acting Administrator, Case Services
Stephanie A. Jones, Recording Secretary

Members of Staff:

Patricia Vines
Tiffany Smith
Steve Brunson
Earl Bracey
Kendria Jordon
Sam Dickey

Members of the Public:

Nancy Ware, DC Criminal Justice Coordinating Council
Robert Okun, US Attorney's Office, Washington, DC
Michelle Bonner, Our Place, DC
Jenny Terrell, Our Place, DC
Angela Haynes, Federal Public Defenders Office, Philadelphia, PA
Olinda Moyd, Public Defenders Office, Washington, DC
Katy Dyer, Public Defenders Office, Washington, DC
Parisa Defghani-Tafai, Public Defenders Service, Washington, DC
Greg Harrison, DC Court Services and Offender Supervision Agency
DeAndre Baker, DC Court Services and Offender Supervision Agency
Calvin C. Johnson, DC Court Services and Offender Supervision Agency
Denise L. Reed, DC Court Services and Offender Supervision Agency
Gregory Smith, DC Court Services and Offender Supervision Agency
Margaret Quick, DC Court Services and Offender Supervision Agency
Adelle LaRue, DC Court Services and Offender Supervision Agency
Cornell Jones, M.H.C., CD
Amin Muslim, Ward 7 City Council Office
Julia Irving, DC Metropolitan Police Department
Jim Coffin
Dirul Pasha
Dr. Roosevelt Cohens

On Tuesday, October 6, 2009, Chairman Fulwood called the meeting of the United States Parole Commission to order at 10:00 a.m., in the fourth floor conference room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of this meeting and matters to be discussed have been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman acknowledged members of the public that were present.

The Commission took up the minutes of the meeting of July 16, 2009. Commissioner Cushwa moved to approve the minutes for July 16, 2009. Commissioner Reilly seconded the motion. The motion carried unanimously.

Chairman Fulwood, Vice Chairman Mitchell, and Commissioners Cushwa and Reilly each submitted a report on their activities during the quarter. The Chief of Staff, Case Services Administrator, Case Operations Administrator, Executive Officer, and General Counsel then submitted reports on their activities during the quarter. Copies of the reports are attached.

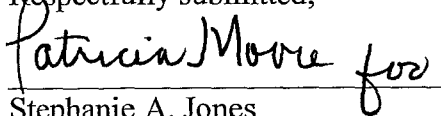
Rockne Chickinell and Steve Husk discussed the rule on the application of the 1987 DC Parole Guidelines to some D.C. prisoners. The policy and rule has been under consideration by the Commission for several months. In July, a proposal was published to obtain comments by September 15, 2009. The Washington Lawyers Committee raised a few questions about the interim rule. The concerns were addressed accordingly.

Vice Chairman Mitchell moved to adopt the approval of the Final Rule on applying the 1987 D.C. Board of Parole Guidelines to Sellmon Cases. Commissioner Cushwa seconded the motion. The motion carried unanimously.

Public comments were taken and addressed.

Commissioner Cushwa moved that the meeting be adjourned. Vice Chairman Mitchell seconded the motion. The motion carried unanimously, and at 12:05 p.m. the meeting adjourned.

Respectfully submitted,

The signature is written in cursive and reads "Patricia Moore" followed by a flourish that looks like "for".

Stephanie A. Jones
Recording Secretary



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

Office of the Chairman

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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

January 21, 2010

PRESIDING: Isaac Fulwood Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice Chairman
Patricia K. Cushwa, Commissioner

Rockne J. Chickinell, General Counsel
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Deirdre M. Jackson, Administrator, Case Services
Patricia W. Moore, Recording Secretary

Members of the Public:

Nancy Ware, DC Criminal Justice Coordinating Council
Jenny Terrell, Our Place, DC
Angela Haynes, Federal Public Defenders Office, Philadelphia, PA
Parisa Defghani-Tafai, Public Defenders Service, Washington, DC
Calvin C. Johnson, DC Court Services and Offender Supervision Agency
Margaret Quick, DC Court Services and Offender Supervision Agency
Kaitlin Digney, DC Court Services and Offender Supervision Agency

On Thursday, January 21, 2010, Chairman Fulwood called the meeting of the United States Parole Commission to order at 10:00 a.m., in the fourth floor conference room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of this meeting and matters to be discussed have been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman acknowledged members of the public that were present.

ITEM 1: APPROVAL OF OCTBER 6, 2009 QUARTERLY MEETING MINUTES

The Commission took up the minutes of the meeting of October 6, 2009. Commissioner Cushwa moved to approve the minutes for July 16, 2009. Vice Chairman Mitchell seconded the motion. The motion carried unanimously.

ITEM 2. REPORTS FROM CHAIRMAN, COMMISSIONERS, EXECUTIVE OFFICE, GENERAL COUNSEL, CASE OPERATIONS AND CASE SERVICES, VICTIM WITNESS PROGRAM

Chairman Fulwood reported on his activities for this quarter specifically noting his meeting with Congresswoman Eleanor Holmes Norton to discuss the extension of the Commission, funding and staffing. Other notable meetings included discussion with the Alliance of Concerned Men; discussion of the recidivism matrix with the Department of Corrections Director Devon Brown. Chairman Fulwood announced the retirements of Commissioner and former Chairman Edward F. Reilly and Chief of Staff Thomas W. Hutchison.

Vice Chairman Mitchell noted that his report activities spoke for itself and opened the floor to questions.

Commissioners Cushwa noted her activities for the quarter and as the Combined Federal Campaign Chairperson acknowledged the committee's efforts in its collection of \$17,600.

The Case Services Administrator, Case Operations Administrator, Executive Officer, and General Counsel submitted reports on their activities during the quarter. Copies of the reports are attached.

Victim Witness Coordinator Amanda Pyron noted new developments and progress within the Victim Witness Program, most specifically, the newly established Focus Group and the development of a victims DVD. Vice Chairman Mitchell recommended that Ms. Pyron meet with senior staff to discuss program developments in more detail.

ITEM 3: PUBLIC COMMENT ON INTERIM RULES IMPLEMENTING THE EQUITABLE STREET TIME CREDIT AMENDMENT ACT

The General Counsel recommended considering the public comment on the interim rules and the new draft of final rules, and summarized the comment for the Commissioners. The policy and rules have been under consideration by the Commission for several months. The Commission took no action on the rules at the meeting.

ITEM 4: SUMMONS VS. WARRANTS PILOT

Case Services Administrator Deirdre Jackson commented on the summons vs. warrant pilot project. In lieu of warrants, the Commission is moving rapidly to adopt the use of summons. The purpose of the summons project is to determine the extent to which the Commission can rely upon the summons to bring about the appearance of a supervisee at a revocation proceeding. The issuance of a summons is based upon a determination that the offender will appear for the proceeding and does not pose an unacceptable risk to the community. Chairman Fulwood stated that this would reduce overcrowding of jails and will hold offenders accountable.

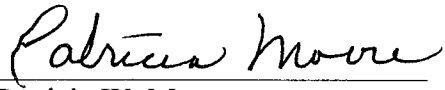
ITEM 5: RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM (RSAT) & SECURE RESIDENTIAL TREATMENT PROGRAM (SRTP) FUNDING

A meeting is being requested with the District's City Administrator Neil Albert to discuss funding for both programs. The Commission is partnering with federal and local agencies in the District of Columbia to allow parole/supervised release violators to participate in in-patient drug treatment programs within the Department of Corrections or its contract facilities. Both of the programs are designed for persons that are returned to custody on a warrant alleging only administrative or minor criminal violations and that have a documented history of substance abuse.

Chairman Fulwood opened the floor to public comments.

Commissioner Cushwa moved that the meeting be adjourned. Vice Chairman Mitchell seconded the motion. The motion carried unanimously, and at 11:12 a.m. the meeting adjourned.

Respectfully submitted,

A handwritten signature in cursive script, reading "Patricia W. Moore". The signature is written in black ink and is positioned above a horizontal line.

Patricia W. Moore
Recording Secretary



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

May 6, 2010

PRESIDING: Isaac Fulwood Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice Chairman
Patricia K. Cushwa, Commissioner

Rockne J. Chickinell, General Counsel
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Deirdre M. Jackson, Administrator, Case Services
Stephanie A. Jones, Recording Secretary

Members of the Public:

Mannone Butler, DC Criminal Justice Coordinating Council
Christopher Bates, Federal Public Defenders Office, Philadelphia, PA
Olinda Moyd, Public Defenders Service, Washington, DC
Rhonda Hegeir, Public Defender Service, Washington, DC
Anna Rodrigues, Public Defender Service, Washington, DC
Katy Dyer, Public Defender Service, Washington, DC
Calvin C. Johnson, DC Court Services and Offender Supervision Agency
Robert Okun, US Attorney's Office, DC
Amin Muslim, DC City Council, Ward 7 Staff

On Thursday, May 6, 2010, Chairman Fulwood called the meeting of the United States Parole Commission to order at 10:00 a.m., in the fourth floor conference room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of this meeting and matters to be discussed have been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman acknowledged members of the public that were present.

ITEM 1: APPROVAL OF January 21, 2010 QUARTERLY MEETING MINUTES

The Commission took up the minutes of the meeting of January 21, 2010. Commissioner Cushwa moved to approve the minutes. Vice Chairman Mitchell seconded the motion. The motion carried unanimously.

ITEM 2. REPORTS FROM CHAIRMAN, COMMISSIONERS, EXECUTIVE OFFICE, GENERAL COUNSEL, CASE OPERATIONS, CASE SERVICES, AND VICTIMS PROGRAM

Chairman Fulwood opened his report giving an overview of some of the issues that are confronting the Commission. He stated that the Parole Commission will be relocating to 90 K Street NE, Washington at the end of 2010.

Chairman Fulwood discussed the issues of crack cocaine and the disparity that exists. He has appointed a committee, headed by USPC Attorney Johanna Markind, to develop recommendations for rulemaking for publication in the Federal Register. Comments will be sought as the Commission moves forward to change the policy.

Chairman Fulwood discussed the Technical Violations Matrix. The study conducted by Dr. James Austin is related to non-criminal activities and technical violations. The Chairman has appointed USPC Case Operations Administrator Steve Husk and others to develop a report to be shared with Commissioners. The Commission will meet with CSOSA to determine the consistency of the sanctions and for possibly developing a pilot project to implement in the near future. A meeting will be held at a later date.

The Chairman noted the Commission's Notice to Appear pilot project. The concept is to study a targeted population of offenders who do not pose a risk to the community. The Commission will conduct its first meeting in June.

Vice Chairman Mitchell noted that his report spoke for itself and added that McKinley Rush retired after 30 years of service to the District Government. Mr. Rush was well respected and was a good colleague. Vice Chairman opened the floor to questions.

Commissioners Cushwa noted her activities for the quarter and thanked the Commission for the love and support shown to her in the recent loss of her mother.

Commissioner Cushwa acknowledged USPC Victims Coordinator Amanda Pyron's work with the Victims Unit. Commissioner Cushwa opened the floor to questions.

The Case Services Administrator, Case Operations Administrator, Executive Officer, and General Counsel reported on their quarterly activities. Copies attached.

Victim Witness Coordinator Amanda Pyron noted new developments and progress within the Victim Witness Program, most specifically, the newly established Focus Group and the development of a victims DVD. Vice Chairman Mitchell recommended that Ms. Pyron meet with senior staff to discuss program developments in more detail.

ITEM 3: REVISION OF YRA SET ASIDE RULE

USPC General Counsel Rockne Chickinell recommended that the Commission consider publishing a proposed rule that would explicitly state the Commission's authority to set aside a YRA conviction for: (1) an offender who served only a jail term for a misdemeanor offense without subsequent supervision; or (2) an offender who served a term of supervised release but somehow was not reviewed for early termination before the sentence expired. The Commission voted to promulgate the proposed rule.

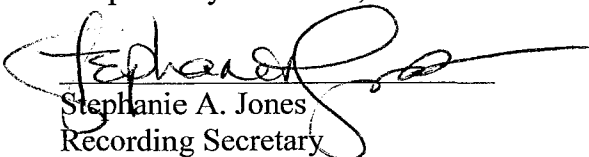
Vice Chairman Mitchell moved that the proposed YRA be accepted. Commissioner Cushwa seconded the motion. The motion carried unanimously.

Chairman Fulwood opened the floor to public comments.

Amin Muslim, Anna Rodriguez and Calvin Johnson all gave comments relating to how to better manage offenders and streamline the process. An at length discussion was held on reconnecting offenders to their families and communities.

Commissioner Cushwa moved that the meeting be adjourned. Vice Chairman Mitchell seconded the motion. The motion carried unanimously and at 11:35 a.m. the meeting adjourned.

Respectfully submitted,


Stephanie A. Jones
Recording Secretary



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

Office of the Chairman

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Chevy Chase, Maryland 20815-7201*

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MINUTES

U.S. PAROLE COMMISSION QUARTERLY MEETING

September 9, 2010

PRESIDING: Isaac Fulwood Jr., Chairman

PRESENT: Cranston J. Mitchell, Vice Chairman
Patricia K. Cushwa, Commissioner

Rockne J. Chickinell, General Counsel
Judy I. Carter, Executive Officer
Stephen J. Husk, Administrator, Case Operations
Deirdre M. Jackson, Administrator, Case Services
Jonathan H. Pinkerton, Chief Information Officer
Amanda K. Pyron, Supervisory Victims Coordinator
Jordana Randall, Program Coordinator, Case Operations
David L. Wynn, Deputy Administrator, Case Operations
Derrick R. Miller, Case Analyst, Case Services
Robin Brown, Student, Information Technology
Thaddeus O. Hicks, Case Operations Assistant
Steve M. Brunson, Case Analyst, Case Services
Kenny Holland, Deputy Administrator, Case Services
Stephanie A. Jones, Recording Secretary

PRESENT: Members of the Public:

Paul Brennan, DC Court Services and Offender Supervision Agency
Angela Haynes, Federal Public Defenders Office, Philadelphia, PA
Michelle Bonner, Our Place DC
Courtney Cross, Our Place DC
Herman D. Odom Jr, Office of Ex-Offender Affairs (OEOA)
Parisa Dehghani-Tafti, DC Public Defender Service
Margaret Quick, DC Court Services and Offender Supervision Agency
Amin Muslim, DC City Council, Ward 7

On Thursday, September 9, 2010, Chairman Fulwood called the meeting of the United States Parole Commission to order at 10:00 a.m., in the fourth floor conference room at 5550 Friendship Boulevard, Chevy Chase, Maryland 20815.

The Chairman announced that notice of this meeting and matters to be discussed have been posted in public places and published in the Federal Register pursuant to the Government in the Sunshine Act and that the meeting was open to the public. The Chairman acknowledged and welcomed members of the public that were present. The Chairman introduced Albert Herring, newly assigned, Special Assistant to the Chairman. Mr. Herring spoke briefly about himself and past positions held.

ITEM 1: APPROVAL OF MAY 6, 2010 QUARTERLY MEETING MINUTES

The Commission took up the minutes of the meeting of May 6, 2010. Commissioner Cushwa moved to approve the minutes for May 6, 2010. Vice Chairman Mitchell seconded the motion. The motion carried unanimously.

ITEM 2. REPORTS FROM CHAIRMAN, COMMISSIONERS, EXECUTIVE OFFICE, GENERAL COUNSEL, CASE OPERATIONS, CASE SERVICES, AND VICTIMS PROGRAM

The Chairman, Commissioners, Case Services Administrator, Case Operations Administrator, Executive Officer, Victim Witness Coordinator, Information Technology and General Counsel submitted reports on their activities during the quarter. Copies of the reports are attached.

ITEM 3: CONSIDERATION OF PROPOSED RULE REGARDING RATING OF CRACK COCAINE OFFENSES

In February 2010, Chairman Fulwood appointed a committee to review Parole Commission guidelines regarding rating of crack cocaine offenses and to recommend needed changes. Steve Husk gave a summation of the committee's recommendation to issue a proposed rule for public comment on eliminating the disparity in rating crack cocaine and powder cocaine offenses. A draft Federal Register publication has been prepared. Mr. Husk encouraged the members of the public to submit comments by November 22, 2010.

Commissioner Cushwa made a motion to have the proposal published; Vice Chairman Mitchell seconded the motion. The motion carried unanimously.

ITEM 4: CONDITIONS FOR SEX OFFENDERS

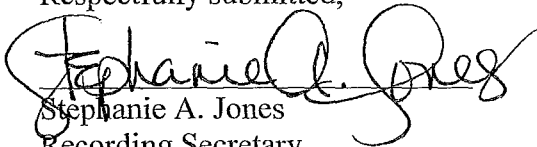
Rockne Chickinell opened a discussion noting that the Chairman requested his recommendations for revisions of the conditions used by the Parole Commission to assist probation officers and supervision officers monitoring sex offenders on supervised release of parole. Mr. Chickinell indicated that he had edited current USPC special conditions and adopted some of the language on the Court Services and Offender Supervision Agency's (CCSOSA) conditions since those conditions had previously been approved by Superior Court judges. Commissioner Cushwa suggested that the changes should be tailored to individual cases; Vice Chairman Mitchell commented that it is simply a revision to what already exists and only the wording has been changed.

Chairman Fulwood made a motion to approve the proposal; Vice Chairman Mitchell seconded the motion. The motion carried unanimously.

Chairman Fulwood opened the floor to public comments.

Commissioner Cushwa moved that the meeting be adjourned. Vice Chairman Mitchell seconded the motion. The motion carried unanimously. At 11:23 a.m. the meeting adjourned.

Respectfully submitted,


Stephanie A. Jones
Recording Secretary

NEW MATERIAL ADDED 05-SEPTEMBER-2011



**U.S. DEPARTMENT OF JUSTICE
United States Parole Commission**

*90 K Street, N.E., 3rd Floor
Washington, D.C. 20530
Telephone: (202)346-7000
Facsimile: (202)357-1038*

August 24, 2011

Re: Your Disclosure Request
FOIA Tracking Number: FY11-00260

This is in response to your request of April 29, 2011 received on May 2, 2011.

The terms of your request cover the memorandum distributed during the May 2006 Quarterly Business Meeting created by Chairman Edward Reilly and responded to by Commissioner Isaac Fulwood.

If you are dissatisfied with my action on this request, you have thirty (30) days from the date of this letter to appeal this decision to the Chairman of the U.S. Parole Commission. An appeal to the Chairman must be made in writing and addressed to the Office of the Chairman, U.S. Parole Commission, 90 K Street, N.E., 3rd Floor, Washington, D.C. 20530.

Sincerely,


Anissa Hunter Banks
FOIA Specialist

Enclosures - 3 pages

AHB

D R A F T

On Friday, May 5, 2006, I received a memo outlining a number of actions, based on lapse funds because of retirements and unfilled positions. To include Sole Source personal service contract, I am certain that you are aware that the “United States Code Title II section 4203-3 (Budget), ratify, revise, or deny any request for regular, supplemental or deficiency appropriations prior to the submission of the requests to the Office of Management and Budget by the Chairman, which requests shall be separate from those of any agency of the Department of Justice.” This section requires you to get approval of the Commissioners, before reprogramming or redirecting expenditure.

The basic principal of Sole Source contracting is the inability or an emergency in locating the needed service. Also, the requirement to seek the lowest responsible, responsive bidder. In addition, this proposal is inconsistent with proper management. This agency has critical needs for a strategy plan. Further, the memo fails to lay out the amount of fund’s needed per contract and the time frame. Equally important is the need for a fresh look in light of the D.C. offender, this is the majority of the agency workload.

We previously began a review of the Agency for the purpose of identifying critical challenges facing our changing work environment. It would seem to me that no decision is appropriate until this exercise is complete. We have not met as a Commission to further discuss this very important priority and I believe it is necessary that we do so.

You indicated that the Department of Justice instructed you to make no changes until Mr. Hertling finished his review of the Agency. You now seek to unilaterally make changes that all of the other Commissioners disagree with. I believe it is in this Agency's best interest that you withdraw the contracts outlined in your memorandum until we as a Commission decide our strategic plan and goals.

Memorandum



Subject

Addressing Critical Public Safety Needs

Date

May 12, 2006

To

Chairman Edward F. Reilly

From

Isaac Fulwood
Commissioner
U.S. Parole Commission

The following questions are proposed to assist in the development of a new initiative to improve our ability to address critical public safety needs:

- If we directed a targeted approach to improving public safety i.e., Violent Offenders, Sex Offenders, Domestic Violence and Gangs
 - How would this change your operations
 - What training would you need
 - Would you require additional staff
- What would be the challenges to implementing the program
- Identify risk factors for each group
- Should we create a specialized unit to address the issue
- What changes in workload have you experienced—broke out by class
- What is the expected outcome of new programs
- Have there been Court/Legislative issues that impact your program or method of dealing with public safety issues
- How would the new initiative impact other Criminal Justice Agencies
- How would the use of technology impact the new program
- What type of computer program do you need to track certain kinds of offenders