

MINUTES

DECEMBER 5, 2017

RHODE ISLAND PAROLE BOARD

1) Call to Order- Chairperson Pisaturo called the meeting to order at 5:04pm

2) Roll Call- Roll call taken by Board Administrator Matthew Degan

Present: Chairperson Laura Pisaturo, Vice-Chairperson Victoria Almeida, Members Dr. Jorge Armesto, Dr. Bonita Cade, Ms. Marilyn Cepeda.

Absent: Dr. Nolan, Major Perez

3) Adoption of Minutes – adoption of minutes from the December 14, 2016 public meeting. Dr. Cade moved to adopt the minutes, seconded by Attorney Almeida. All voted in favor, none abstained and the motion passed.

4) Review and adoption of 2017 Parole Board Regulations

Chairperson Pisaturo discussed the genesis of this project, the validation of the Board's risk assessment instrument in 2016, the recommendations for a new scoring matrix and other factors by both Dr. Meredith and Mr. Stroker – all of which the Board reviewed in

August and December 2016 and which is outlined in the meeting minutes from December 2016.

Vice-Chairperson Almeida made a motion to open meeting to Public Comment and Dr. Armesto seconded the motion. All voted in favor, none abstained and the motion passed.

- No public comments from anyone present at the meeting.**
- Chairperson Pisaturo advised that the Board received written public comments, both from the Department of Corrections, by email prior to the meeting:**

A) The RIDOC Community Corrections Division, Probation and Parole Supervision, has asked that we include in section 1.4B that the home plan letter include consent of the home of property owner because this is part of the Probation and Parole investigation that they require.

B) Assistant Director Weiner on behalf of the RIDOC requested in reference to section 1.7 that as to the last five words, the RIDOC recommends that we change them to “other matters related to the supervision of parolees” so that it is a little more generic and that there is no confusion as to who controls the supervision of parolees

There being no further public comment, Dr. Cade made a motion to close Public Comment and Vice-Chairperson Almeida seconded the motion. All voted in favor, none abstained and the motion passed.

Dr. Armesto raised a concern with Section 1.5 E, Sexual Offenses and Child Molestation, of the Regulations. He questioned that the language in that section did not provide the Board with any flexibility to grant parole unless an offender participates in the Sex Offender Treatment program, even if the sentence length prevented it or even it could be addressed by treatment in the community.

Chairperson Pisaturo polled other Board members on whether they also read the section as restrictive. She stated she reads it more generally and as allowing the Board discretion in the subject area; other Board members agreed with this interpretation.

Dr. Armesto moved 'to repeal and replace the existing the Parole Board's 2015 and 2016 Guidelines with the 2017 Standards for Parole' including incorporating the two recommended changes by the Department of Corrections (as previously stated). Attorney Almeida seconded the motion. All voted in favor, none abstained and the motion passed.

Public comment period will remain open until December 10, and then we will move ahead with filing via the Secretary of State's Office.

5) Consideration of Participation in the Deferred Sentencing Program with the Federal District Court of the State of Rhode Island

The Chairperson advised that she recently met with Chief Judge

Smith and Associate Judge McConnell of the federal district court, Chief Probation Officer John Marshall regarding a relationship between the Rhode Island Parole Board and the Court's Deferred Sentencing Program. Board members received a written description of the Deferred Sentencing Program for the United States District Court for the District of Rhode Island and an existing Memorandum of Understanding (as a sample) between the United States District Court for the District of Rhode Island and the Rhode Island Superior Court.

The Federal Court has invited the Parole Board to participate in the court's deferred sentencing program when a defendant, who is selected by the United States District Court for participation in this deferred program, also has a related state parole proceeding pending at the same time. Chairperson Pisaturo indicated that this may be a rare circumstance, but it could include a parolee who is arrested and charged with a federal offense and who has a parole hold concurrent with consideration for the Deferred Sentence Program. It makes sense for the Board to participate and be at the table with the federal court, probation, prosecution and defense when the offender is being discussed for consideration.

Chief Probation Officer for the United States District for the District of Rhode Island John Marshall appeared and provided an overview of the program to Board Members and members of the public at the meeting.

Following Chief Marshall's presentation, Dr. Cade made a motion to open this portion of the meeting up to Public Comment, seconded by Attorney Almeida, and all voted in favor with no abstentions.

Attorney Camille McKenna, Assistant Public Defender for the State Public Defender, was present and asked if any crimes are excluded from the Deferred Sentencing Program, such as minimum mandatory crimes. Chief Marshal responded that eligibility criteria is not specific to exclude anyone but that sex offenders, for example, have not participated to date and that the program, so far, is run consistently as the Court's diversion program and its selection process.

There being no further public comment, Dr. Cade made a motion to close the Public Comment portion, Dr. Armesto seconded. All voted in favor, none abstained and the motion passed.

There was no other Board discussion on the topic and Attorney Almeida made a motion for the Parole Board participate in the District Court's Deferred Sentence Program (DSP) and authorize the Board's Chairperson to enter into an MOU with the Federal Court to effectively allow the Parole Board to, in its discretion, on a case by case basis, to participate in the DSP consistent with the spirit of the sample MOU between US District Court and the Rhode Island Superior Court. Dr. Armesto - seconded the motion. All voted in favor with no abstentions and the motion passed.

6) New Business

Chairperson Pisaturo took this time to recognize the Parole Board Victim Advocate, Aria Dimeo, and Family Services of Rhode Island who provide victim advocacy to those interfacing with the Parole Board. This is made possible through a VOCA grant. The Chairperson next recognized the newest Parole Board appointee, Mrs. Marilyn Cepeda who was appointed to the Board in 2017. Chairperson Pisaturo, on behalf of the Board, congratulated Director A.T. Wall on his announcement to retire as Director of the Department of Corrections and offered thanks for his years of public service and collaboration with the Rhode Island Parole Board.

Dr. Armesto made a motion to adjourn. Ms. Cepeda seconded the motion. All voted in favor, none abstained and the motion passed.

Adjourned: 5:40pm