

Dannel P. Malloy  
Governor

Erika Tindill  
Chair

# STATE OF CONNECTICUT



TELEPHONE  
(203) 805-6605

FAX  
(203) 805-6652

BOARD OF PARDONS AND PAROLES  
55 West Main Street - Waterbury, CT 06702

**Minutes –Board Member Meeting**  
**February 26, 2013**  
Start time 8:00 a.m.

*Present: Erika Tindill, Chair; John DeFeo, Executive Director; Richard Sparaco, Acting Director, PRD; David Rentler, Supervising Psychologist; John O'Connor, Board Member; David McCluskey, Board Member; Robert Murphy, Board Member; Foye Smith, Board Member; Kelly Smayda, Board Member; Remi Acosta, Board Member; Pamela Richards, Board Member; David May, Board Member; Jennifer Zaccagnini, Board Member, Barbara Stango, Administrative Assistant; Mary Acevedo, Administrative Assistant*

*Absent: All currently appointed Parole Board Members were in attendance.  
(Note: There are currently 3 vacant Parole Board Member positions)*

Chair Tindill made a motion to open the meeting of the Board at 8:00 a.m.; Pamela Richards seconded the motion.

**Essential employee designation and office closing** – Erika Tindill, Chair, John DeFeo, Executive Director

Chair Tindill clarified the current policy regarding essential vs. non-essential employees for instances of inclement weather. Currently, Board Members have a dual designation - they are essential if assigned to a hearing going forward, non-essential if not assigned to a hearing *or* if a scheduled hearing has to be canceled. This is not a new policy.

Chair Tindill seeks to designate all agency staff, including Parole Officers and the Supervising Psychologist, non-essential. Executive Director DeFeo is researching the procedure for doing so and the impact on the NP-4 bargaining union concerns regarding the effect on hazardous duty job classifications. Acting Director Sparaco pointed out that there are currently hazardous duty employees in other state agencies who are designated non-essential.

**Legislative Proposals** – Erika Tindill, Chair

The Appropriations Subcommittee is meeting tomorrow, Wednesday, February 27, 2013 at 3:30 p.m. at the Legislative Office Building. Parole related topics being proposed include:

- The structure of the Parole and Pardons Boards;
- Increase in compensation for part-time board members from the 1984 rate of \$110.00/day to \$200.00/day; Chair Tindill proposed and supports an increase to \$250.00/day.
- Returning to administrative reviews of certain cases
- An amendment to the statute regarding the confidentiality of pardons applications processed by the Pardons Unit; the 2006 statute creating provisional pardons mandates confidentiality of the application. No correlating change was made to the statute regarding full pardons (expungements). This was likely an oversight as there is no sound public policy reason for exempting provisional pardons, which do not erase an offender's record.
- Sentencing Commission proposal regarding juvenile sentence modification. This proposal creates additional cases for the parole board. Chair Tindill advocated for the "meaningful opportunity" to be given by the sentencing court as the U.S. Supreme Court did not define the term. There was not enough support for this proposition so the current proposal is to have the parole board consider additional information (reports, evaluations, etc.) submitted on behalf of an attorney for the inmate. Parole Board

member McCluskey asked about the possibility of the Pardons Board considering clemency petitions for offenders convicted of crimes at age 17 or younger who received adult sentences. Chair Tindill indicated that a petition has been submitted but later withdrawn by the inmate. The concern by public defenders and criminal defense attorneys is that a review by the Pardons Board could be considered a “meaningful opportunity” and those offenders denied clemency would not be able to benefit from new legislation Connecticut must pass to be in compliance with the *Miller* and *Graham* cases.

- An amendment to the Compassionate Parole statute that changes the percentage of sentence served requirement.

### **Special Parole Reviews**

Kenneth Haley, inmate # 267356

Frank Harris, inmate # 186728

Some board members were not able to access the history tab in CaseNotes. Chair Tindill made a motion to continue these two Special Parole reviews to the meeting scheduled for Tuesday, March 5, 2013 at 9:30 a.m. Board member Pam Richards seconded the motion. A vote was taken. The motion carried.

### **Planning, Research and Development (PRD) Unit analysis of Structured Decision-Making worksheet data** – David Rentler, Supervising Psychologist, Richard Sparaco, Acting Director of PRD Unit

There was a PowerPoint presentation of the Structured Parole Decision-Making (SPDM) worksheets collected over a 6-month period. [NOTE: Board members Foye Smith, David May, and David McCluskey left the meeting at 8:55am to conduct scheduled parole hearings.]

The National Institute of Corrections (NIC) will have Dr. Ralph Serin back to conduct a refresher training to clarify use of the SPDM and scoring of domains.

Topics included in the presentation:

- Identifying resource and training needs
- Reasons for collecting and analyzing SPDM data
- Board Member usage and coding of SPDM worksheets by domain
- Clarification of SPDM framework
- SPDM data will be utilized as supporting documentation for necessary changes to, or backing of current DOC programming and treatment, as well as efficacy of field supervision.

### **Setting of Special Parole conditions** – John DeFeo, Executive Director

- BoPP proposed a statutory amendment regarding Special Parole; commitment to the “care and custody of the Commissioner of the Department of Correction” would allow for placement in residential programs prior to end of commitment time frame on a Special Parole revocation.
- Special Parole case reviews conducted for the purposes of setting Special Parole conditions will be presented by Parole Officers on full panel dockets using any available information currently on file. A full Decisional Information Summary will not be processed and presented to the panel in cases where we are simply setting conditions and no decision regarding release is to be made.

### **Halfway House Stipulations; Parole and Community Services Placement** – John DeFeo, Executive Director

Panels should take into consideration the following:

If a potential parolee has no proposed sponsor information, a VTP date of approximately 90 to 120 days should be given after the hearing in order to ensure better opportunity for halfway house placement by DOC prior to parole release.

Chair Tindill made a motion to adjourn the meeting at 10:15 a.m.; John O’Connor seconded the motion.