



# *VERMONT*

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**THE VERMONT PAROLE BOARD'S**  
**BRAZEN INDIFFERENCE TO TRANSPARENCY**  
**AND "CUSTOMER" ACCESSIBILITY:**  
**A CHRONOLOGY OF E-MAIL EXCHANGES**

*"In the beginning ... "<sup>1</sup>*

From: CURE VERMONT  
Sent: Wednesday, December 12, 2012 3:28 PM  
To: Pallito, Andy; Blair, Sue  
Subject: From Gordon Bock: the need to get Parole Board schedules posted in the public DOC Web site ...

... became apparent to me in the conversation that I had today with Sue, Andy. Sue noted that the board shares the upcoming schedule with field offices, facilities and Prisoners' Rights, among others, through an internal

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*"Remember those who are in prison, as though you are in prison with them, and those who are tortured as though you are being tortured, too." --- Hebrews 13:3*

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<sup>1</sup> Genesis 1.

site. I recall not that many years ago that one could point and click to a public Web site that showed a full month or so of the upcoming parole-hearing schedule. If I recall correctly, the schedule also showed who was to see the board at what time on each day's schedule, as well as the general nature of the hearing ("revocation," "violation," "file review" and such). In the interest of transparency, can we get back to something approximating this?

Sincerely,  
Gordon

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From: Pallito, Andy  
Sent: Wednesday, December 12, 2012 3:29 PM  
To: Bock, Gordon; Blair, Sue; George, Dean  
Subject: RE: From Gordon Bock: the need to get Parole Board schedules posted in the public DOC Web site ...

Sue/Dean, please respond. It would be useful to know the process (how far in advance) the PB schedules these dates and when it lets the local offices know.

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On Wed, Dec 12, 2012 at 4:04 PM, Blair, Sue  
<[Sue.Blair@state.vt.us](mailto:Sue.Blair@state.vt.us)<mailto:[Sue.Blair@state.vt.us](mailto:Sue.Blair@state.vt.us)>> wrote:  
Andy ... Dean and I looked on line at the Dept of Libraries, where all Board meetings are posted. The Parole Board's meetings were listed. All of DOC staff (with permission) has the ability to get them at any time in the shared drive. Go to templates, parole board, Master Schedules and click on the year. They are listed there. As far as detailed schedules, they are in the shared drive as well under archived parole summaries. These schedules go out twice (for each site), once 10 days or more ahead of the hearing date called the 48 hour schedule. This gives the sites time to get last minute cases to us and in put in their "folder" for us to copy and prepare for the hearing. Then the Final Schedule goes out. Hopefully, there are no changes, but it does happen as offenders move from site to site before the hearing or someone waives their hearing or there are last minute additions. The detailed schedules are not given out to the public, at least not by us - as they do have a way of changing. Locally, staff can look up the schedules and share the information with interested parties if they want. They should always say that the schedule is subject to change. Hope this helps.

Sue

From: CURE VERMONT  
Date: Mon, Feb 18, 2013 at 8:50 AM  
Subject: Re: From Gordon Bock: the need to get Parole Board schedules  
(and rules) posted in the public DOC Web site ...  
To: "George, Dean"  
Cc: "Pallito, Andy", "Blair, Sue"

Dear Dean:

This is a follow-up to my previous inquiries ... about the online posting of both Parole Board schedules and Parole Board procedural rules in such a fashion as to create transparency and accessibility for affected parties.

A check of this page:

[http://info.libraries.vermont.gov/vtgov\\_meetings/meetings.htm](http://info.libraries.vermont.gov/vtgov_meetings/meetings.htm)

at the beginning of February showed that the board was only meeting thrice this month.

A check today shows a different three meetings listed for the second half of the month. (It does seem odd that the site currently only shows two weeks at a time. If a person were to come before the board, say, in the first week of March, wouldn't it be good for them to know by now? Doesn't their not knowing possibly impinge on their due-process rights?)

Regardless, it remains my belief that posting the board's upcoming schedule on a Department of Libraries site --- instead of on the DOC Web site, as was done in the past (and where the average citizen would first be inclined to look if in search of a board schedule) --- makes little sense ...

Awaiting your reply, I remain  
Cordially, Gordon

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**Nearly 29 months later ...**

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From: CURE VERMONT  
Sent: Wednesday, July 08, 2015 5:17 PM  
To: George, Dean; George, Dean; Pat Boucher; Ozarowski, Peter; Blair, Sue  
Cc: London, Sarah; Pallito, Andy; Johnson, Justin; Valerio, Matthew;  
Lipschutz, Seth; Sears, Sen. Richard; Sand, Robert; Sorrell, Bill

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Subject: From Gordon at CURE VERMONT: Parole Board schedules posted on the DOC Web site still fall woefully deficient in both transparency and accessibility

This I discerned in the past week as I endeavored to obtain information on a person on the DOC caseload who was facing a parole revocation hearing. I knew from his say-so when he was supposedly seeing the board, and for what type of hearing. But the parole board schedules on the DOC site showed none of this. The experience caused me to unearth a series of E-mails dating back 2 1/2 years --- first between board director Sue Blair and me, and subsequently between Jeb Spaulding (then secretary of administration) and me.

The thread of E-mails (reproduced below) shows that the parole board has made some progress in those 36 months. (For one thing, the board can now be found with relative ease on the DOC Web site, no longer by having to navigate to some arcane Department of Libraries site, the existence of which was known only to DOC personnel --- and was certainly anything but easy for the public, especially the kin of those on the DOC caseload who are not computer whizzes, to find or use.

Two major problems remain:

1) Parole board dockets should in the interest of being less confusing to the public be listed chronologically, not as a hodgepodge that skips and jumps from May 2015 to August 2015 to July 2015 and then back to June 2015. To wit:

<http://doc.vermont.gov/about/parole-board/tentative-parole-board-schedule/>

2) The dockets that are shown are still not actual dockets. They do not show: the name of the person being seen; at what time the person is scheduled to be seen; what type of hearing is being held; who is representing the person on the caseload, if applicable. To wit:

<http://doc.vermont.gov/about/parole-board/vermont-parole-board-schedule11>

I have heard it said in the past week that parole board schedules change on a regular basis, and that it would be burdensome to include --- and have to keep updating --- the subjects' names, the time, the type of hearing and attorneys' names.

So, however, do court dockets in Vermont change on a regular (sometimes daily), basis, yet court clerks in each of Vermont's 14 counties manage to post actual dockets on their Web sites --- with all the aforementioned details --- and regularly revise them as circumstances dictate.

It is shocking to me that in 36 months, we have seen so little progress in

making the parole board's dockets actual dockets that are both transparent and accessible.

What is the parole board going to do about this? Will it take another 36 months?

Respectfully, Gordon

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July 14, 2015:

Greetings Gordon:

In response to your recent email describing the Parole Board Scheduling process, I thought it would be helpful to provide an outline of the process used to schedule Parole Board hearings. The first item you referenced is the site where the monthly schedules for Parole hearings are publicly posted. Each month the Parole Board conducts hearings on a minimum of ten days for 17 sites, and the monthly schedules are posted as you have described. On some days hearings are conducted at multiple sites. An example is Springfield which is typically scheduled on the first Thursday of the month. At Springfield hearings are conducted at the Springfield P&P office, and the Correctional Facility (SSCF). Cases scheduled for the Springfield P&P office include hearings from the Brattleboro P&P office, Hartford P&P office, as well as the Springfield P&P office. Hearings at the Correctional Facility in Springfield include all offenders eligible for Parole housed at the facility as well as any Parole Violation Hearings required. When the hearings are completed in Springfield at both sites, the board finishes by conducting any required hearings at the Windsor Correctional Facility (SESCF).

Your second item of concern is that the schedules are not dockets, and do not show the name of the offender being seen, what time the hearing is scheduled, the type of hearing, and who is representing the Dept of Corrections. What you are describing is the Final Schedule for parole hearings at a particular site, which is completed, and disseminated ahead of the hearings at each site by the Parole Board Office.

Please note the process for completing the Final Schedule for hearings: The Dept of Corrections staff are required to notify the Parole Board Office of those offenders that are "Eligible for Parole" and entitled to be seen by the Parole Board at least two weeks ahead of the scheduled hearing for each site. Additionally there are a number of other types of hearings that may be scheduled for example; Parole modification hearings, Interstate Compact Parole requests, Early discharge from Parole, Medical Parole, and Parole Violation Hearings to name a few. The Parole board office which consists of two full time personnel then assembles the information and completes a

Final Schedule for hearings to be posted 10 days prior to the hearings at each site as determined by the monthly schedule. The Final Schedule for hearings includes the names of the offenders, the type of hearing, and the DOC caseworker/ parole officer name. The Parole Board office schedules hearings in one hour blocks, with priority given to making sure any support people, victims, etc., have the best opportunity to be at the hearing. In many instances DOC case workers have multiple cases to present to the board, and the schedule will provide times that allow a caseworker to present all their cases before moving on the next caseworker. The Parole Board office makes every effort to schedule hearings in a timely fashion and for offenders eligible at their minimum sentence date, allows them to be seen up to one month ahead of their minimum sentence date. There are many instances where the Parole Board office is notified after the Final Schedule is posted, by DOC personnel with additional hearing requests. The office does its best to accommodate those requests rather than wait until the following month, and does revise the Final Schedule of hearings.

The priority of the Parole Board is to conduct parole hearings in a timely fashion and to make sure all interested parties are properly notified of the hearings. Equally important is to complete the legal documents that follow the decisions of the Parole Board, returning them to the offender promptly. As you know Parole Hearings are open to the public and we welcome any who may wish to attend hearings.

While you are correct that the present Final Schedule of hearings is not alphabetical, it is our hope that the new Offender Management System and the Agency IT staff, will be able to provide our limited Parole Board office staff with opportunities to make scheduling easier to assemble and disseminate.

Best Regards Dean George  
Parole Board Chairman

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July 14, 2015:

Thank you, Dean, for the illuminating walk-through of how the Parole Board operates.

What I do not see here is a concrete explanation of why --- when Jeb Spaulding was appalled 30 months ago that actual dockets were not posted for the public to see (and given that he said at the time that he was going to

communicate his dismay to the board) --- actual dockets have yet to materialize.

To clarify, such dockets would include, though not necessarily be limited to:

- the name of the person being seen;
- what time the hearing is scheduled;
- the type of hearing; and
- who is representing the person being seen. (In other words, it would at least list the name of the assigned Prisoners' Rights attorney, if applicable. The germane Corrections Department caseworker or parole officer to whom you allude is useful, too. But if for example I --- or any employer, family member, clergy person or otherwise interested party --- sought to appear on behalf of someone being seen by you, the need to know who is the person's attorney is significantly more acute. We would want to learn if the Prisoners' Rights attorney wants us there, and there is far less likely to be the need or desire --- except, of course, for victims --- to contact the DOC staffer at all.)

With no name-by-name online dockets such as those produced by the Vermont courts available ahead of board hearings to anyone but DOC personnel who have access to your internal system, I regret to submit that I must stand by my comment that comprises the subject heading of this E-mail, to wit:

Parole Board schedules posted on the DOC Web site still fall woefully deficient in both transparency and accessibility.

I hope, Dean, that you can address this specific and overriding concern.

Cordially, Gordon

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Sept. 2, 2015:

Dean and Sue:

You responded here --- on July 14th --- and then I replied promptly with what immediately follows these sentences.

As we approach nearly two months since my reply, I am wondering when you will respond to the specifics of that.

Sincerely, Gordon

**(SENATOR FLORY AND THE SENATE INSTITUTIONS COMMITTEE: HERE FOLLOWED A REITERATION OF MY E-MAIL TO DEAN GEORGE AND SUE BLAIR DATED JULY 14, 2015, AS ALREADY SHOWN, SUPRA. G.M.B.)**

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*NOTE: Five months later, no further reply from the Parole Board with the requested explication has occurred.*

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*Gordon Bock  
2 February 2016*