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***Precis of testimony by Gordon Bock,
state director of CURE VERMONT, on S. 116,
before Senate Institutions committee,
Wednesday, February 3, 2016***

- The Vermont Parole Board has shown brazen indifference to transparency for the public and displays little to no concern about “customer” accessibility to what it does. (See eight-page handout with historical perspective.)
- For years, the Parole Board put its dockets on an obscure Department of Libraries (DOL) Web site that --- while putatively known to Department of Corrections (DOC) personnel --- was virtually impossible for members of the public to find, much less utilize.
- Now, even though the Parole Board dockets are on the DOC Web site, a check on Monday, February 1, 2016 yields the unavoidable conclusion that the board still cares little about accessibility by the public, both “customers” of the system and the general public.

***"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***

A “screen shot” of the germane DOC Web page from February 1st shows that the schedule of supposedly upcoming Parole Board meetings lists “a tentative schedule for October 2015 (and) ... a tentative schedule for August 2015.” Again, this is what the public --- and the world --- saw on Monday, February 1, 2016 as the supposed schedule of the Parole Board for future meetings. (See handout showing screen shot from Monday, Feb. 1, 2016.)

- The Vermont Parole Board manual, as also posted on the DOC Web site, covers (in Chapter 6) the rules for how both tentative schedules and final hearing schedules “shall be distributed.” (See screen shot from Monday, Feb. 1, 2016.)

Nowhere in either set of procedural rules in Chapter 6 of the Vermont Parole Board manual is there mention of the posting of either set of schedules on the Internet.

CURE VERMONT posits that the Legislature ought to require the Parole Board to revise this section of its manual to reflect a requirement that *the board must post on the DOC Web site (or whichever such site would upon passage of S. 116 become the new home of the Parole Board) both sets of schedules* --- in timely fashion and in a manner sufficient to allow proper notice and an opportunity to be heard to the “offender” (sic); to the family, friends, employers, clergy of the “offender” (sic) and other such interested parties; to victims; nay, to any interested party --- so as to evince purported concern by the Parole Board for the due process of law that the United States Constitution safeguards in Amendments V, VI and XIV and that the Vermont Constitution safeguards in Article 10.¹

CURE VERMONT further posits that *the Vermont Parole Board can be required to make timely and clear postings of upcoming Parole Board schedules on the Internet by the Legislature’s taking action to amend 28 VSA 403*, effectively impelling the Parole Board squarely into the 21st Century, to wit:

¹ Amendment XIV: “**No state shall** make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state **deprive any person of life, liberty, or property, without due process of law**; nor deny to any person within its jurisdiction the equal protection of the laws.” (emphasis added)

a) *changing the title of 28 VSA 403* from “Powers and responsibilities of the commissioner regarding parole” (referring to the DOC commissioner) to “powers and responsibilities of the parole board” (or similar), reflecting the intent of S. 116 to make the Parole Board an autonomous entity; and

b) inserting into subsection (5) of 28 VSA 403 language that goes beyond the existing requirement “(to) provide written notification of the date, time, and place of a parole interview or review of an inmate by the parole board,” requiring additionally the posting of details pertinent to the upcoming Parole Board hearing on the board’s Web pages, also “(a)t least 30 days prior to the date of the interview or review,” as the statute now mandates; and

c) correcting a glaring deficiency in the existing statute where it states, “Failure of the department to provide the notice or provide it in a timely manner shall not affect the validity of proceedings conducted by the parole board.”

Failure by the Vermont Parole Board --- repeated and long-standing failure by the Vermont Parole Board --- to provide notice of its upcoming hearings via an easily accessible and regularly updated Web site (and thus *de facto* a concomitant failure by the Parole Board to provide such notice in a timely manner) shows a flagrant disregard for the due process of law.

Flagrant disregard for the due process of law decidedly does affect adversely the validity of judicial proceedings in Vermont (and elsewhere). Flagrant disregard for the due process of law is expressly prohibited in the United States Constitution and in the Vermont Constitution, as discussed, *supra*.

Why, then, ought not failure of the Parole Board to provide timely and proper notice via the Internet affect the validity of proceedings conducted by a quasi-judicial board before whom at each meeting come people with a liberty interest in the proceedings regarding their fate?