



Association of Paroling Authorities International

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Inside This Issue

BAIL PENDING PAROLE REVOCATION	2
2017 SAVE THE DATE	3
MEMBER SPOTLIGHT: BENITA MURPHY	4
APAI ELECTIONS	4
HUMAN TRAFFICKING	5
IN THE NEWS...	8

Things to Do in 2017

- Renew APAI Membership
- Serve on an APAI Committee
- Urge a fellow organization to join APAI
- Make plans to attend the 2017 Chairs Meeting and Annual Training Conference in Vancouver, BC, Canada April 23-26, 2017

APAI's Membership Fees

- Individual - \$65
- Organizational (up to 8 members) - \$375
- (9 to 13 members) - \$475
- (14 to 20 members) - \$575
- Associate - \$40
- Student - \$15

FROM THE PRESIDENT:

Dear APAI Members,

Happy New Year! I hope that you all enjoyed a happy holiday season. 2016 proved to be a great year for APAI, and I am excited about continuing our work through 2017! Our committees were hard at work on the priorities established at our Annual Training Conference (ATC). I am confident that their efforts will enhance the benefits of your APAI membership.

Before I reflect on those efforts, I'd like to thank the National Parole Resource Center (NPRC) for its continued support of APAI. APAI has enjoyed a longstanding collaborative relationship with NPRC, and this past year proved no different. Richard Stroker assumed the leadership position vacated by Peggy Burke when she retired last year, and has maintained the dedication to providing support not only to APAI as a professional association, but to its members through its continued offerings of Technical Assistance and training opportunities. I cannot encourage you enough to take advantage of these opportunities. Your jurisdictions will benefit from the knowledge and expertise of the incredible staff at NPRC.

I would also like to take this opportunity to thank John Felts, the Chair of the Arkansas Parole Board for serving as the Southern Region Vice President on our Executive Committee in 2016. John has been a long standing member of APAI and we appreciated his willingness to serve in a leadership position. Although we will miss John's perspective and participation, we are very happy that Benita Murphy, the Chair of the West Virginia Parole Board has agreed to assume the Southern Region Vice Presidency. As did John before her, Benita will bring a wealth of experience and leadership to the position. Please join me in thanking John and welcoming Benita.

As to the work of our committees, our Public Relations/Communications committee has been hard at work under the leadership of its new chair, Laura Pisaturo, the Chair of the Rhode Island Parole Board. Laura has the committee focusing on revising our website and up-

dating both our resource map and membership brochure, resources that our membership, and others, use often. The Membership committee, led by Vice President David Blumberg, will continue to focus on recruiting those states who are not yet members through the Regional Vice Presidents. Finally, the ad hoc Constitution and By-Law Committee, created in response to feedback received at the 2016 ATC, immediately undertook the task of revising and modernizing the By-Laws and Constitution. A draft has already been presented to the Executive Committee. The product was impressive and a final, approved version should be ready for submission to our membership in the very near future. I would like to thank the members of this committee, Jeff Peterson, Renee Collette, Joe Pacholski, John Hodges and Jennifer Shaffer, and of course our Chief Administrative Officer Monica Morris. When the final version is submitted for your vote, I am confident that you will find it responsive to the purpose for which it was created.

Finally, our Professional Development Committee, along with Monica Morris and the host committee are busy planning and preparing for the 2017 ATC. We are so excited that this year's ATC is being held in Vancouver, British Columbia, Canada. Speakers and workshop presenters have been secured on a variety of topics pertaining to parole and release authorities. This year, you will notice some changes in our conference format that we believe will enhance your conference experience. Registration is open, so there is no time like the present to sign up!

I hope you all enjoy a successful 2017, and I look forward to seeing you in April!

Warmest regards,

Cynthia Mausser
APAI President



BAIL PENDING PAROLE REVOCATION

BY: DAN FETSCO, EXECUTIVE DIRECTOR, WYOMING BOARD OF PAROLE & APAI SECRETARY

Unfortunately, there comes a time in many parole cases (hopefully the minority) where there are no options available to the agent other than seeking revocation and return to prison. In some cases, all intermediate sanctions have been exhausted. In others, the parolee has been charged with a new felony and is now incarcerated. In many cases, the parolee absconds from supervision. Whatever the case may be, the parolee is usually taken into custody by a parole agent, the police, or both, pending a preliminary hearing on the matter. The question that often arises at this stage is whether the parolee is entitled to bail pending a final parole revocation hearing? The answer is often no, depending on the jurisdiction.

The founders of this nation deemed bail important enough to include a guarantee against excessive bail in the 8th Amendment to the Constitution. Many states have a right to limited bail before conviction, however, most states do not address the question of bail following conviction, whether it be bail pending revocation of probation or parole. In those states that have bail for post-conviction release and revocation, probationers are generally afforded the right to bail, but less frequently, parolees are also given the right to bail. This disparate treatment between probationers and parolees with regard to access to bail has led to litigation in which parolees have claimed a violation of equal protection. Most courts have rejected this argument, finding that the difference between parolees and probationers are sufficiently significant to justify different treatment on the issue of bail consideration. One important distinction is that the court already found confinement unnecessary for the probationer, but not the parolee. Another important distinction is that many courts lose jurisdiction over the offender once they are sentenced to prison; parole boards then make the release decision.

Here in Wyoming, we have a State Supreme Court decision from 1991, *Pisano v. Schillinger*, 814 P.2d 274, that provides that the right to bail found in the State Constitution is limited to bail prior to conviction, not following conviction. The Wyoming Court further held that a parolee arrested and detained on a parole warrant had no right to bail. The Wyoming Legislature went a step further and in 2011 they added statutory language to the effect that “a parolee taken into custody under the order of the board is not subject to release on bail.” The fact that bail is not available to a parolee arrested on a board warrant is not exactly common knowledge in the Wyoming legal community, and the Wyoming rule withholding bail to parolees has no force or application outside of the state.

Wyoming is a small state in terms of population, but quite large in geography. When a parolee absconds, the supervising agent contacts board staff to request a warrant, which our hearing examiners prepare. When the parolee is arrested on the warrant, we are contacted via the NCIC process and we then follow-up with the local jails where the arrest was made. In our larger jurisdictions, we often have long standing relationships with the jail staff and they know that parole warrants are non-bondable. However, like most states, we have rural counties where there may be only one or two parolees under supervision. The local jail and court are often unfamiliar with parolees and the subtle differences between probationers and parolees. In my experience, there have been instances where parolees have been released on bail when detained on a parole warrant, or released upon posting bail for other, new charges, despite the presence of a parole warrant. In those cases, we typically work through the agent and jail officials to either clarify any confusion with local officials and if necessary, to educate our stakeholders regarding the law with regard to bail and parole warrants.

The fact that Wyoming does not provide bail to parole violators also does not preclude courts from other states from offering bail to Wyoming parole fugitives. I have worked a case where our wayward parolee was arrested in Southern California and refused to waive extradition. I was contacted to begin the Governor’s warrant process, and in the interim, the parolee was released before the Governor’s warrant could be obtained – despite the protests of the local prosecutor. In response, I simply re-entered the warrant into NCIC and continued to work with the California prosecutor to obtain the Governor’s warrant. Several weeks later, our Wyoming fugitive was arrested in the same place and this time, the Governor’s warrant was also in place and we were able to secure his return. I have had other, similar experience with several states and it is always an adventure.

The right of a parolee to be admitted to bail varies greatly from jurisdiction to jurisdiction. The law is fairly clear that having been convicted of the underlying crime, the right to bail diminishes for those placed on parole. However, the presumption in favor of bail is strong many places - certainly in the United States. Under their general power, judges will set bail for offenders whether or not specific statutory authority exists. Simply because your state may not provide bail to parole violators does not necessarily mean that every judge in your jurisdiction is aware of this law, or agrees with the law, and other states will often offer bail to fugitive parolees, regardless of what the law may be in the absconder’s home state.



A GLOBAL LOOK FORWARD

INTERNATIONAL & DIVERSE PERSPECTIVES ON PAROLE

2017 ANNUAL TRAINING CONFERENCE
VANCOUVER, BRITISH COLUMBIA, CANADA
APRIL 24-26, 2017



MEMBER SPOTLIGHT: BENITA MURPHY

BY: MONICA MORRIS, APAI CHIEF ADMINISTRATIVE OFFICER



I would like to introduce longtime APAI member, Benita Murphy, Chairperson of the West Virginia Parole Board as our new Southern Vice President. She has been a member of the parole board for 16 years and has served twice as Chairperson.

Benita has a Master of Science degree in Criminal Justice Administration-Corrections Management from Mountain State University in Beckley West Virginia. She has been a member of APAI since 2000 and will be an excellent addition to the Executive Committee. Welcome Benita and we all look forward to working with you!

APAI Vice President, Southern USA

Benita Murphy

Chairperson, West Virginia Parole Board
Charleston, West Virginia

APAI ELECTIONS 2017

BY: MONICA MORRIS, APAI CHIEF ADMINISTRATIVE OFFICER

The election of APAI officers is approaching as we enter the new year. As many of you know the election of officers takes place at the annual business meeting. This year the business meeting will be held April 25, 2017 at the annual training conference to be held in Vancouver, Canada. We are trying something a little different this year, the business meeting will be held in conjunction with the awards luncheon on Tuesday. This will allow for more valuable training time on Wednesday, our final day of the conference.

According to the APAI constitution, the office of President and Treasurer shall become vacant on even number years, while the office of Vice President and Secretary shall become vacant on odd number years. Elected officers shall have two-year terms and may not serve for more than two elected consecutive terms in the same office. The current APAI Secretary, Dan Fetsco from Wyoming, has now served two elected terms as Secretary and we are seeking his replacement. Thank you, Dan, for your service, you have done an excellent job for APAI.

The Nominating Committee is set to meet this month and is now accepting nominations for the position of Secretary, as well as Vice President. Newly elected officers will as-

sume their duties of office on July 1, 2017. The APAI by-laws state, "The Vice President shall as directed by the President, be responsible for coordinating the activities of the Regional or Sectional Vice Presidents and shall perform such other tasks as the President may assign." The Secretary is responsible for taking and distributing all minutes from meetings of the Executive Committee as well as the annual business meeting. The Secretary shall serve as Executive Committee liaison to the Membership Committee and shall perform such other tasks as the President may assign. The Executive Committee currently meets the 4th Friday of every month. If you would like to nominate someone for either position or have an interest of your own, please reach out to Nominating Committee Chair Jeff Peterson at jeffpeterson47@gmail.com or myself, Monica Morris at monica@apaintl.org. Nominations will be taken through the end of next month with nominations closing on February 28, 2017.

Could this be you, a co-worker, or a professional colleague you have gotten to know over the years? The time is now, please contact any APAI staff member or anyone on the Executive Committee if you have any questions about the process. We welcome your involvement.



THE LONG TRAVELLED ROAD: RECOGNIZING, IDENTIFYING, ADDRESSING, AND COMBATING HUMAN TRAFFICKING

BY: DR. NAJAH BARTON, SUPERVISORY VICTIMS COORDINATOR, UNITED STATES PAROLE COMMISSION, DEPARTMENT OF JUSTICE
DR. PAULETTE HUBBERT, SUPERVISOR VICTIM ASSISTANCE PROGRAM, DEPARTMENT OF HOMELAND SECURITY

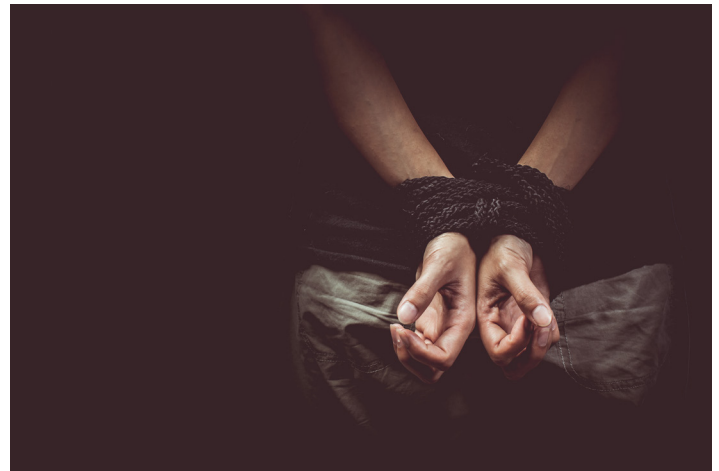
Globally, there are 45.8 million people that are being enslaved in some manner, presently (Global Slavery Index, 2017). Enslavement occurs when there is a power differential in a relationship dynamic, for which one party uses another for purposes of sexualized (i.e. sexual exploitation) or non-sexualized (i.e. forced begging) acts. Human trafficking is a form of enslavement, also referred to as modern-day slavery (United States Department of Health and Human Services [USDHHS], 2012). Human trafficking is defined as “...the threat of or use of force or, other forms of coercion, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude” (Department of Justice, 2015; United Nations Office on Drugs and Crime, United Nations Convention Against Transnational Organizational Crimes, Article 3(a), 2000).

Relative to the epidemic of trafficking, it is estimated that 20.9 million persons are being trafficked worldwide, annually (International Labour Organization [ILO], 2016). In 2000, in Palermo, Italy, thus, nearly half of the total number of persons subject to enslavement are at great risk for being victims of trafficking. The United Nations Convention Against Transnational Organizational Crimes established in 2000, offered a foundational definition protocol to combat human trafficking. This protocol that was later used to craft legislative language for the first federal statute of its kind, the Trafficking Victims Protection Act (TVPA). The TVPA is rooted in the Palermo Protocol. Prior to the TVPA, traffickers could and were prosecuted in the United States using slavery and organized crime statutes. The TVPA established the various actions of a criminal involved in trafficking as a federal crime, and mandated victims’ rights in the aftermath of the crime.

Since 2000, the TVPA is regularly reauthorized and amended to further enhance the US government’s response to human trafficking. The TVPA was last reauthorized in 2013 and is currently under review for reauthorization. This cycle of reauthorization supports a regular review of the protections available to victims under the law and a further customization to the U.S. context as it relates to human trafficking and the evolving understanding of the needs of victims. These protections and rights for trafficked persons were designed to both address the needs of trafficked individuals and to counter the means of force, coercion and control

employed by the traffickers. They are fundamental factors that contribute to the success of U.S. criminal investigations and prosecutions. TVPA was the first federal statute of its kind in the United States.

Commonly done in an organized manner, it is important for awareness to be built around the elements present in human trafficking cases. An act, means, and purpose are the key ele-



“...it is estimated that 20.9 million persons are being trafficked worldwide, annually (International Labour Organization [ILO], 2016).”

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ments that are present in cases of human trafficking. At its core, occurrences of trafficking provide that an act, means, and purpose are definable and present, collectively. The act or what [is done] takes form where the trafficker recruits their victims. The means or how [the act is done] may be inclusive of, but not limited to, the use of force, threat of the use of force, coercion, fraud, deception, abuse of power or placing someone in a position of vulnerability; or giving or receiving payment for purposes of exercising control over the victim. Lastly, the purpose or why [it is being done] is often for gain associated with profiting through other forms of sexual exploitation, forced labor (i.e. domestic servitude).

TVPA provides protection for victims, funding for prevention programming, and immigration relief, and other benefits for victims. The TVPA also provides prosecutorial parameters for human traffickers in the United States (USDHHS, 2012). Subsequent to the establishment of TVPA, there have been several legislative actions. Specifically, mandatory restitu-

CONTINUED ON PAGE 6



THE LONG TRAVELLED ROAD: RECOGNIZING, IDENTIFYING, ADDRESSING, AND COMBATING HUMAN TRAFFICKING

CONTINUED FROM PAGE 5

tion for victims of trafficking has been established under 18 U.S.C. § 1593, criminalization for attempts or conspiring to traffic any persons exists under 18 U.S.C. § 1594(a), forfeiture of interest in property and/or assets obtained as a result of committing a traceable act of trafficking was imposed under 18 U.S.C. § 1594, and victims have an avenue for seeking remedy for their experience through civil suits under 18 U.S.C. § 1595 (Department of Justice, 2015).

Since 2000, several key actions have been taken which place great emphasis on examining the closer aspects of the problem of human trafficking. By Presidential Proclamation in 2010, January was declared as National Slavery and Human Trafficking Prevention Month. National Human Trafficking Awareness Day is observed January 11, annually. Also of note, the work of the Interagency Task Force to Monitor and Combat Trafficking in Persons has fostered the means by which there is greater depth on how to address trafficking, as it can be difficult to detect; a focus and greater emphasis on trauma-informed care when working with human trafficking survivors, allocation of federal funding to aid survivors of trafficking—relating to caring for their needs such as mental health care, advocacy services, and housing, campaigns geared towards recognition, reporting and understanding human trafficking, and most recently, establishment of the U.S. Advisory Council on Human Trafficking, which is comprised of 11 human trafficking survivors of different backgrounds and experiences. A key action of the Council in 2016, were the first set of recommendations for combatting trafficking, while incorporating survivorship, as an aspect (Obama, 2016).

Reporting

Reporting of trafficking in the United States has increased over the past two decades. While trafficking is more prevalent in countries with lower economic resources, high conflict, and larger agricultural demands (e.g. cotton plantations), the United States is not far removed from instances of human trafficking. Since 2008, reporting or tracking of instances of human trafficking in the United States has increased by over 259 percent (Lee, 2013). As of October 2016, there have been over 138,000 signals—reports of suspected or knowledge of trafficking cases via telephone, emails, or online tips—received by the National Human Trafficking Hotline Center (Polaris, 2017).

Globally, there are over 20.9 million victims of forced labor. Fifty-five percent are women and girls (11.4 million) and 45

percent are men and boys (9.5 million). Over 90 percent or 18.7 million adults and children are in privatized enterprise or individual forced labor situations, exploited for sexual or non-sexualized acts. The larger majority of victims are forced into sexual exploitation. The other 10 percent work in state-imposed forced labor (i.e. rebel armed forces). Annually, as a privatized economic market, it is estimated that illegal profits total about 150 million dollars (USD) (ILO, 2016). Two-thirds or 99 million dollars is obtained from sexual exploitation, and 51 million dollars from forced labor (ILO, 2016).

Detection and Signs of Trafficking

Trafficking of persons is not always easily detectable. Victims of trafficking are not of one race, ethnic group, age, gender, or socioeconomic status or class. USDHHS (2017) note that the most vulnerable populations are: (1) individuals who have experienced childhood abuse or neglect, (2) children involved in the foster care and juvenile justice systems, (3) runaway and homeless youth, (4) Native Americans, Pacific Islanders, Native Hawaiians, (5) victims of violence, (6) Lesbian, Gay, Bisexual, Transgender, and Questioning (LGBTQ) individuals, (7) migrant workers, (8) undocumented immigrants, (9) racial and ethnic minorities, (10) people of low economic status, (11) persons with a substance dependence history, and (12) persons or communities exposed to intergenerational trauma.

In fact, the low risk and high profit contributes greatly to the main reason as to why this is the case. Traffickers tend to change their habits or operational strategies, use tactics to disenfranchise their victim(s)—so much so, that the individual(s) being trafficked lack control, awareness of who they are, where they reside/live, identifying information, of poor mental and physical health, and/or has no connectivity to the world around them, associates, or a support system. A list of signs relating to red flags commonly seen in cases of trafficking can be found at <https://polarisproject.org/recognize-signs>.

Summary

Human trafficking is significantly impactful for victims, especially when considering the experience, aftermath, and recovery process involved in regaining stability and post-victimization relief. As a public health matter, human trafficking



THE LONG TRAVELLED ROAD: RECOGNIZING, IDENTIFYING, ADDRESSING, AND COMBATING HUMAN TRAFFICKING

CONTINUED FROM PAGE 6

efforts have progressed since initial legislative actions nearly two decades, domestically in the United States and internationally. The availability and continuous improvement of resources such as educational materials, brochures, training, technical assistance, and victim advocacy services, lends to improving efforts in combatting trafficking. Furtherance of future initiatives will build on the foundation established by continuing to increase awareness of human trafficking.

Resources

Knowing the signs and available resources greatly impacts the continuous uphill battle to fight human trafficking. Further information on the subject matter may be obtained from the following resources:

Office on Trafficking in Persons
Administration for Children and Families
<https://www.acf.hhs.gov/otip/victim-assistance/services-available-to-victims-of-trafficking>

Department of Homeland Security (Blue Campaign)
<https://www.dhs.gov/blue-campaign>
Report suspected human trafficking to 1-866-347-2423

International Labour Organization
<http://www.ilo.org/global/topics/forced-labour/lang--en/index.htm>

National Human Trafficking Hotline
<https://humantraffickinghotline.org/resources>
Help for trafficking victims may be sought by calling 1-888-373-7888, or texting HELP or INFO to BeFree (233733)

Office of Refugee Settlement
All states have a State Refugee Coordinator or Regional Representative, specifically designated to aid victims of trafficking. Contacts for all states may be found at
<https://www.acf.hhs.gov/orr/resource/orr-funded-programs-key-contacts>

United Nations Office of Drug and Crime Human Trafficking and Smuggling Section
UNODC
P.O. Box 500
1400 Vienna, Austria
Tel. (+43-1) 26060-5687
Fax. (+43-1) 26060-5983
Email: htmss@unodc.org

United Nations Office on Drug and Crime Report on Human Trafficking
<https://www.unodc.org/unodc/en/human-trafficking/global-report-on-trafficking-in-persons.html>

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IN THE NEWS.....

- The Army has a new Clemency and Parole Board Chairman, Alexander Conyers. Mr. Conyers previous assignments include Commander/Director of Emergency Services, 16th Military Police Brigade, Ft. Bragg, NC; Military Police Branch Chief, Officer Personnel Management Division, Human Resources Command, Ft. Knox, KY; Commander, 525th Military Police Battalion/Joint Task Force Guantanamo, Guantanamo Bay, Cuba; Deputy Director, Detainee Operations, Combined Security Transition Command, Camp Eggers, Afghanistan; and Chief of Corrections, Office of the Provost Marshal General, Pentagon.
- Georgia State Board of Pardons and Paroles member Jacqueline Bunn has been reappointed to a full 7-year term by Governor Nathan Deal. Bunn was first appointed last July to fill the unexpired term of former board member Albert Murray who retired.
- Ashley Lippert has been named to fill the Executive Director's position for the Interstate Compact for Adult Offender Supervision (ICAOS).



Executive Committee

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David Blumberg
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Treasurer
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Rhode Island

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Alaska

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