



# From the President

## Crisis Management: What To Do When That Case Goes Wrong

### INSIDE THIS ISSUE

MEMBER SPOTLIGHT	2
CONNECTICUT PARDON SYSTEM	3
GEORGIA PAROLE BOARD	4
APAI ALUMNI ED REILLY	5

### TO-DO IN 2019

- RENEW APAI MEMBERSHIP
- SERVE ON APAI COMMITTEE
- URGE FELLOWS TO JOIN APAI
- MAKE PLANS TO ATTEND THE 2020 ANNUAL TRAINING CONFERENCE IN NASHVILLE APRIL 4 - APRIL 8, 2020

### MEMBERSHIP FEES\*

<b>INDIVIDUAL</b>	\$65
<b>ORGANIZATIONAL</b>	
(UP TO 8 MEMBERS)	\$375
(9 TO 13 MEMBERS)	\$475
(14 TO 20 MEMBERS)	\$575
<b>ALUMNI</b>	\$40
<b>ASSOCIATE</b>	\$40
<b>STUDENT</b>	\$15

\*Fees are on a per year basis.

**Anyone associated with a releasing authority** that has discretionary powers on parole decision making knows the feeling. The pit in the stomach, the upset and nervousness and often the sheer terror of having an offender who was released by your board making the headlines. There are few good news stories about success or redemption. Instead they detail new offenses or other alleged behavior that immediately puts you and your co-workers under a microscope with a particularly hard light. You are seen as even more culpable than the offender because your judgement allowed the crime to occur. The media and public demand not only accountability but also their pound of flesh. Therefore it is incumbent for all discretionary release authorities to have in place a crisis management plan before any of the prior mentioned events take place. Otherwise your lack of preparation will make you look disorganized, unresponsive, defensive or even worse, apathetic. Listed are five brief contingencies that can help your organization weather the storm and learn from the experience, rather than losing credibility or possibly even employees or your statutory authority.

First, designate a sole spokesperson who will handle all media. You need to have one person speaking for your agency to ensure uniformity and consistency of the message you are providing.

Secondly, make sure that your information is totally accurate. The media and public have the right and will always second guess decision-making, but before you go public with any communications make sure that it is entirely accurate.

Third, it is imperative that you take responsibility for what you "own." It is not helpful or constructive to throw other departments or individuals under the bus. We need to stress that we make many good decisions but unfortunately predicting human behavior is not an exact science.

Next, you have hopefully cultivated a relationship with radio, television, and newspaper outlet representatives before this event transpired. It is always best to be able to communicate with someone you have developed a prior relationship with and created a mutual level of trust. This can go a long way to trying to mitigate the invariable spin that occurs when the worst happens.

Lastly, you need to express sincere remorse about the new offenses and the victims involved. Nothing looks worse than an indifferent or unsympathetic bureaucrat explaining a tense and difficult situation, who seems to be disinterested or removed from the high-profile story. To do otherwise compounds the anger and frustration of the general public.

By no means is this list meant to be cumulative. Feel free to add anything else you feel would be helpful in dealing with this crisis period. Always remember that we do the best we can at all times and make the most well informed decisions with the information provided in making release decisions.

*David R. Blumberg*

**David Blumberg**  
APAI President

# Member Spotlight

Edie Grunwald, Chair, Alaska Board of Parole

by: Ashley Koonce, Executive Director, APAI

**APAI is excited to announce the appointment of Edie Grunwald as the Chair of the Crime Victims Committee.** This committee is charged with elevating the awareness of crime victims issues in the post-conviction processes and ensuring that the professional development opportunities offered, facilitated, and supported by the Association contain sufficient content relative to victims and survivors of crime and their role in the parole and reentry process.

Edie Grunwald was appointed to a five-year term on the Board of Parole and as Chair by Governor Mike Dunleavy March 1, 2019. Ms. Grunwald served 31 years with the U.S. Air Force and Alaska Air National Guard, honorably retiring in September 2015, with the rank of colonel. She has earned two master's degrees: Master of Strategy – National Security; Master of Science – Business Organizational Management; and a Bachelor of Science – Occupational Technology and has been a Senior



Certified Professional in Human Resources since July 2015. She entered the criminal justice arena in December 2016, when her 16 year-old son was found murdered. She has been involved with Alaska's judicial laws and continuing education in Corrections courses. She brings a new perspective to the parole board along with leadership, education, and life experiences. As a member of the Association of Paroling Authorities International, she was selected to chair the Crime Victims Committee in June 2019. She looks forward to contributing at such a broad level.

In addition to numerous military awards, Ms. Grunwald was guest speaker for the Victims for Justice 2019 Awards Ceremony, recognized with the Victims for Justice Phoenix Award, 2018, for "Rising Above and Making a Difference," and as the Alaska Frontiersman Person of the Year, 2017.

She has lived in Alaska since June 1985.



**2020 ANNUAL TRAINING CONFERENCE / APRIL 5 – 8, 2020**

JULY 2019

# Connecticut Pardon System

in the Spotlight

by: Richard Sparaco, Executive Director, Connecticut Board of Pardons and Paroles

**On July 23rd**, William Tong, Attorney General for the State of Connecticut, presented oral arguments before the U.S. Court of Appeals for the First Circuit in Boston defending Connecticut's Pardon Process. At issue is the pending deportation case of Richard Marvin Thompson that has called into question whether a pardon issued by a state Board has the same effect of a pardon issued directly by a Governor or the President.

Thompson came from Jamaica to Connecticut in 1997, to live with his father who was a U.S. citizen. Thompson obtained a green card and worked as a legal U.S. resident. In 2001, Thompson was involved in a fight and was convicted of second-degree assault. Although he received a suspended sentence, the crime and conviction served as the basis for a deportation order and removal that was issued in the wave of the Criminal Alien Removal Initiative of 2012. The government cited that the basis for the deportation order rested on the grounds that Thompson's legal status was forfeited due to his criminal conviction. Thompson filed the first of several appeals regarding his deportation order to the Board of Immigration Appeals (BIA). With a stay in place and deportation proceedings halted, Thompson applied to the Connecticut Board of Pardons and Paroles for an absolute pardon and on December 13th, 2017, the Connecticut Board of Pardons and Paroles granted him a "full, complete, absolute and unconditional pardon" which has the effect of erasing his arrest and criminal conviction. Based on his receipt of this pardon, Thompson filed his third petition ("untimely" as his second was still under review) to reopen his deportation order in the Seventh Circuit Court of Appeals. On August 7, 2018, the petition was denied on the grounds the Thompson did not qualify for a "pardon waiver" since his pardon was not issued by a governor and that the pardon "must be of an executive rather than a legislative nature."

In oral arguments before the First Circuit Court in Boston, both Thompson's Lawyer and Connecticut's Attorney General argued that Thompson is entitled to a waiver from deportation in accordance with 8 U.S.C. § 1227(a)(2)(A) (vi), the "Pardon Waiver Clause" of the Federal Immigration and Nationality Act. Tong stated that the grounds for Thompson's order of deportation disappeared when the Parole Board issued their pardon. Tong argued that "the federal government cannot single out Connecticut's



best-practice pardon system, which clearly meets the requirements for recognition under the BIA's own criteria and prior rulings. It cannot deny our residents a second chance that Congress gave by allowing waivers when a person has received a full pardon." In his 37 page brief, he pointed out that "The State of Connecticut has a vital interest in this case, which directly impacts the State's sovereign power to issue pardons for the commission of crimes; the State's authority, protected by the Tenth Amendment and by the constitutional principle of equal sovereignty, to determine the manner in which it will structure and exercise its sovereign pardoning power; and State residents' Fifth Amendment right to have the federal government honor Connecticut's full and unconditional pardons to the same extent that it honors functionally-identical pardons issued by other states."

Thompson is one of two Connecticut residents who are currently being detained by ICE whose deportation orders are based on criminal conviction(s) that have been pardoned. Although Connecticut is one of six states including Alabama, Georgia, Idaho, South Carolina, and Utah, where pardons are issued by gubernatorial appointees and not a governor, there does not appear to be any denials of this nature recorded in any of these states. In a press conference following the hearing Carleton Giles, Chairperson of the Board of Pardons and Paroles stated that he was deeply "disappointed and disturbed" that the Federal Government is refusing to recognize Connecticut's Pardon System.

# Georgia Parole Board

## Guidelines Result in Public Safety Driven Parole Decisions

by: Steve Hayes, Director of Communications, Georgia State Board of Pardons and Paroles

*This article first appeared in the Georgia Association of Chiefs of Police Online Quarterly Newsletter, 2019: 3rd Quarter. Visit [www.gachiefs.com/newsletter](http://www.gachiefs.com/newsletter) for more information.*



**Parole decisions in Georgia are scientific and data driven** resulting in a higher percentage of offenders successfully completing parole supervision.

“We have a scientific risk-assessment tool whereas we apply guidelines to the decision making process. Not only are the decisions resulting in the best possible outcomes; because the decisions are based on best practices, science and data, the decisions are largely predictable,” says Terry Barnard, Chairman of the State Board of Pardons and Paroles.

When considering parole for those offenders who will become statutorily eligible for parole consideration and who are serving less than a life sentence, the Board reviews a recommendation of months, or a percentage of the sentence, to serve. This recommendation is obtained from the Parole Decision Guidelines Rating System or the guidelines. The guidelines account for the severity of the crime and the offender’s risk to reoffend. The offender’s risk to reoffend is determined by weighted factors concerning the offender’s criminal and social history that the Board has found to have value in predicting the probability of further criminal behavior.

The Board’s decisions are the result of the data included in the application of the guidelines that results in a parole recommendation which Board Members consider when determining whether an offender will be paroled and if so, when.

The Board has the discretion to deviate from the recommendation to either increase or lower the time to serve prior to parole or vote to deny parole.

“The Constitution gives the Board discretionary power to make a parole decision and we do so in the best interest of public safety,” states Barnard.

“However, utilizing a guidelines system allows for parole recommendations based on best practices,” adds Barnard.

The Board agrees with the parole recommendation delivered through application of the guidelines approximately 80% of the time. The Board’s parole success rate; those offenders successfully completing parole supervision, is 72%, roughly 15% above the national average.

Richard Stroker, a Senior Associate at the Center for Effective Public Policy, says guidelines are key to good parole decisions.

“The use of guideline tools in decision making represents a best practice in the parole field. These tools incorporate objective, validated information, take into account critical areas of interest or concern, and help promote more consistency and transparency in the decision making process,” says Stroker. “The Georgia Board of Pardons and Paroles has utilized a decision making guideline for many years, and is nationally respected for its effective use of evidence based strategies and practices,” adds Stroker.

The Parole Board is pleased to be able to join the Georgia Association of Chiefs of Police at the 2019 Summer Training Conference, July 21-24, in Savannah.

JULY 2019

# APAI Alumni Ed Reilly

to Serve as US Observer in Ireland

by: Monica Morris, Former Executive Director, APAI

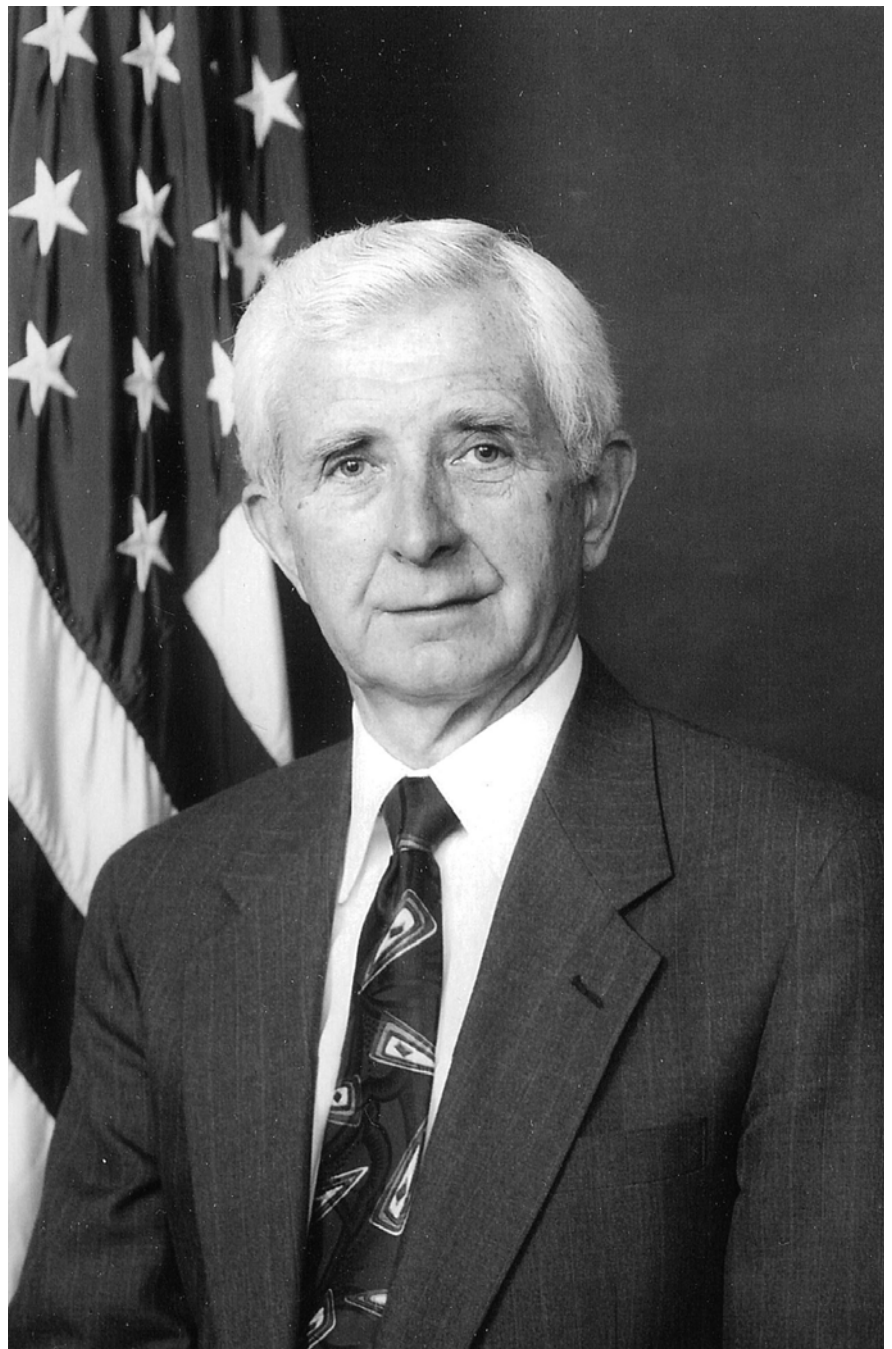
Reilly becomes U.S. Observer to the International Fund for Ireland (IFI). In this capacity he will serve as the U.S. Government's official observer at all meetings of the Board of Directors of the Fund.

Ed Reilly, Former Chairman of the United States Parole Commission (USPC) was appointed by President Donald J. Trump to represent the United States in meetings of the Board of the International Fund. This group promotes peace and development in Ireland and Northern Ireland.

He joins a list of prominent Irish-Americans with long histories and relationships with Ireland. The IFI was established in 1986, by the British and Irish governments in an effort to promote economic and social progress and peace through dialogue and reconciliation between nationalists and unionists throughout Ireland and Northern Ireland.

Chairman Reilly graduated from the University of Kansas with a political science degree and served as one of the youngest legislators in the Kansas House of Representatives. He went on to serve as a Senator for 29 years in the Kansas Legislature where he led efforts in reforming the Kansas correctional system. He was nominated to the Parole Commission by the 41st President, George H. W. Bush and served under Presidents Clinton, G.W. Bush, and Obama. He retired under the Obama Administration but has been quite active with his work on school endowment boards as well as his condo association. Chairman Reilly has been a long-standing member of The Association of Paroling Authorities International (APAI) where he currently serves on the membership committee. He is the past recipient of the Ben Baer Award as well as the President's Award.

Please join me in congratulating Ed on his most recent appointment. As the saying goes, you can't keep a good man down. Thank you, Mr. Reilly, for continuing to serve your country.



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