

Responses to Questions for the Record from Monica David Morris
Nominee to be Commissioner, U.S. Parole Commission
Questions Submitted June 12, 2019

QUESTIONS FROM RANKING MEMBER DIANNE FEINSTEIN

1. The majority of offenders who come before the U.S. Parole Commission have been convicted for violating the District of Columbia Code. The Parole Commission maintains jurisdiction over all District of Columbia Code offenders and has decision-making authority for both grants of parole and revocations of parole and supervised released for those prisoners. For each of the cases under its jurisdiction, the Parole Commission is responsible for making determinations for initial conditions of supervision; managing an offender's risk in the community; modifying supervised release conditions; making early discharges from supervision; issuing warrants or summons for violations of supervised release conditions; and issuing revocations of release for any offenders released on parole or mandatory release supervision.
 - a. **You have spent your career in the state of Florida, and your correctional experience is at the state level. How are you planning to use that expertise as you consider parole decisions for offenders in the District of Columbia?**

RESPONSE: In working with offenders, I always use the same consistent approach. I find it critical to treat everyone with respect, be fair but firm, and never compromise the safety of the community. During my years in Florida, I have paroled many offenders who have transitioned successfully into their communities after release. These offenders are working, creating new families of their own, paying taxes, and some have even become homeowners. I would use the same reasoning skills in my work with the District of Columbia cases, expecting the same successful outcomes. I feel offenders should be prepared when they leave the prison system and I appreciate the role that corrections professionals have in ensuring parolees are successful when released. I would utilize the resources available and work with local government partners to make sure there was follow-up with the offenders once released.

- b. **Do you believe that having localized experience is necessary for a Commissioner on the Parole Commission?**

RESPONSE: No, I have found through my work as Executive Director of the Association of Paroling Authorities International that no matter where offenders are located, they all have the same basic needs. I would quickly learn what local resources were available and be willing to work towards adding additional programs to support successful reentry into society. Nationally and internationally, the problems that lead inmates to incarceration appear to be universal with little or no variation as to the geographic boundaries.

- c. **Please speak to your federal corrections experience, specifically any professional experience you have interacting with the Federal Bureau of Prisons.**

RESPONSE: My college internship allowed me to work in the Federal Bureau of Prisons in Lexington, Kentucky. I have worked with my colleagues in the United States Parole Commission on parole issues for the past 19 years. I served as an accreditation commissioner for the American Correctional Association reviewing state and federal programs for accreditation standards. As a criminal justice professional in Florida, I worked closely with our federal partners and feel comfortable working within the federal system.

2. The *National Capital Revitalization and Self-Government Improvement Act of 1997* (D.C. Revitalization Act) transferred control of the District of Columbia's criminal law enforcement system to the federal government. Among other changes, the D.C. Revitalization Act abolished the D.C. Parole Board and transferred its duties to the Parole Commission. The District of Columbia is unique in that the federal government provides a local function when it determines the parole and supervised release outcomes for D.C. residents.

- a. **If confirmed, do you see a role for District of Columbia government to play in the parole and supervised release decisions impacting its citizens?**

RESPONSE: Yes, I would encourage the District of Columbia government, and the Court Services and Offender Supervision Agency (CSOSA), to participate in parole and supervised release decisions as appropriate. Cooperation between the U.S. Parole Commission and the District of Columbia government will promote successful outcomes for both the District's offenders and its citizens.

- b. **In some instances, you will encounter offenders who were sentenced when the D.C. Parole Board was still in existence. Do you believe that factor should be weighed in your final determination? Why or why not?**

RESPONSE: It is my understanding that the Parole Commission follows different guidelines depending on when the underlying offense was committed. While the guidelines may differ from case to case, I strongly believe all offenders should be treated fairly, equally, and with respect.

3. Commissioners on the Parole Commission exercise a great deal of discretion. A hearing examiner, who attends the actual hearing, provides the commission with a recommendation based on the facts of each case. A commissioner may choose to go against the recommendation of the hearing examiner.

- a. **Would you ever overturn a determination made by a hearing examiner without seeing the witness firsthand or talking with the offender whose liberty interest is at stake?**

RESPONSE: I would have to make that decision on a case-by-case basis; however, I do intend to conduct in person hearings as much as possible. I also believe that the

use of video conferencing can be an effective means of receiving input from interested parties, but seeing the offenders and witnesses firsthand would be optimal. Involving families, victims, law enforcement, and other interested parties is crucial in the parole process. I firmly believe that more accurate and complete information leads to better parole decisions.

- b. It is possible for offenders to have their parole or supervised release revoked based on a charge that is ultimately dismissed or a charge for which the offender is acquitted. If confirmed, would you pursue a revocation in cases where there is a dismissal or acquittal? Why or why not?**

RESPONSE: Yes, it could be possible, but rare. It is most important to look at the underlying behavior of the offender to identify patterns of behavior and risk factors that may cause the offender to re-offend. I would also consider the victim's interest the safety of others. If confirmed, I would have to make that decision on a case-by-case basis; however, it would be unlikely that I would pursue a revocation unless there was a public safety concern. I always would try to make the best decision for all involved parties, with public safety as the primary consideration.

4. As you know, the Parole Commission is comprised of up to five commissioners. The Parole Commission, however, has proposed lowering the number of commissioners from five to three. In addition, last year, the reauthorization for the Parole Commission was only extended for two years.

What is your vision for the future of the Parole Commission?

RESPONSE: I would support lowering the number of commissioners from five to three, if the number of cases has diminished enough that there was only a need for three. I also understand the need to re-evaluate how the agency can best serve the criminal justice community in the future. When parole was abolished in Florida, the commission was given additional duties over the years and as a result, it remains a small but efficient agency today. The United States Parole Commission has also taken on additional duties since the abolishment of parole. Today the Commission is responsible for reviewing the remaining federal cases as well as the District of Columbia's cases. I feel it is imperative that the Commission remain an independent agency to assure due process for the old law parole cases. Additionally, I believe the two-year extension provides a critical time to discuss the future of the agency with all interested parties. I feel my position as Executive Director of the Association of Paroling Authorities gives me the vital experience needed to be a part of those discussions.

5. What improvements, if any, would you bring to the Parole Commission as a commissioner?

RESPONSE: While I am unable to state specific areas I think need improvements, as I have not served with the Commission, I would like to work with the Bureau of Prisons to parole more elderly inmates. Depending on their risks and needs factors, elderly inmates could successfully transition to less costly facilities if given the opportunity. I would conduct an

overall review of the agency to identify and eliminate inefficiencies wherever possible. I would work with my colleagues to identify processes that are obsolete, functions that can be streamlined, and programs or procedures that may be beneficial additions to the overall system. I would support the expansion of video conferencing as necessary to hear directly from offenders and witnesses. Additionally, I would contact the Bureau of Prisons to inquire if and how the Commission could assist with the newly enacted First Step Act.

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QUESTIONS FROM SENATOR KAMALA HARRIS

1. The U.S. Parole Commission may grant parole to people within its jurisdiction, in cases where (a) the person has substantially observed the rules of the institution; (b) release would not depreciate the seriousness of the offense or promote disrespect for the law; and (c) release would not jeopardize the public welfare.

- a. **What factors will you consider to determine whether release would “depreciate the seriousness of the offense” or “promote disrespect for the law”?**

RESPONSE: I would consider the inmates institutional conduct, his or her productivity while incarcerated, the parole plan, mental health records, family support, employment opportunities, and his or her willingness to continue to work on their self-improvement once released. I would consider the thoughts of the victims, the sentiment in the community, and all public safety concerns. I would conduct a complete risk and needs assessment, and would not release anyone who I felt was a danger to him or herself, or a danger to society.

- b. **What factors will you consider to determine whether release would “jeopardize the public welfare”?**

RESPONSE: Over the many years of working with offenders, I have found some inmates are not suitable to be released and that their release would “jeopardize the public welfare.” I would consider all of the above-mentioned factors with emphasis on the inmate’s mental health history, patterns of behaviors towards a certain victim type, and the offender’s danger to society. I strongly believe people should feel safe in their communities and would not parole anyone who I believe would jeopardize the public welfare.

- c. **Will you commit to considering evidence of a parole applicant’s rehabilitation?**

RESPONSE: Absolutely, the inmate’s demonstration of rehabilitative efforts is key to any successful parole prognosis.

- i. **If yes, please explain how you will analyze whether an applicant has been sufficiently rehabilitated to justify release.**

RESPONSE: I would consider all the previously listed factors, as well as history of substance abuse and the offender’s motivation to continue their self-improvement activities once released. I feel it is important to work

with offenders prior to release to prepare them to be successful and well equipped upon re-entering society. Completing the suggested Bureau of Prisons programs as recommended by the Commissioners would be considered as well.

2. In *Graham v. Florida* (2010), the U.S. Supreme Court held that juvenile offenders could not be sentenced to life without parole for non-homicide offenses. Writing for the majority, Justice Kennedy noted that juveniles are characteristically distinct from adults because they have less maturity, a less developed sense of responsibility, and less formed character. Accordingly, Justice Kennedy concluded that “because juveniles have lessened culpability they are less deserving of the most severe punishments.”

- a. **Do you agree with Justice Kennedy’s description of the characteristics of juveniles?**

RESPONSE: Yes, my training, research, and professional experiences support Justice Kennedy’s beliefs about juveniles. I have successfully paroled many juvenile offenders in Florida who have become contributing members of society after 25 to 30 years of confinement on a mandatory sentence.

- b. **If yes, how will this affect your parole assessment for people who committed crimes as juveniles?**

RESPONSE: I would consider all previously listed factors with an emphasis on behavioral changes that have occurred while the offender was incarcerated.