

January 12, 2014

Terrence X. Tracy, Counsel
Board of Parole, Dept. of Corrections & Community Supervision
Parole Board
The Harriman State Campus, Bldg. #2
1220 Washington Ave.
Albany, N.Y. 12226-2050

Re: Public Comment
Notice of Proposed Rulemaking, Title 9 NYCRR; Part 8001, 8002.1(a) and (b),
8002.2(a), and 8002.3

Counsel and Members of the Board of Parole,

I submit the following letter to you as public comment in response to the Notice of Public Rulemaking as published in the New York State Register on December 18, 2013.

The proposed regulations in Part 8001, 8002.1(a) and (b), 8002.2(a), and 8002.3 fail to use language that is sufficiently precise and authoritative to address urgent problems in New York State's parole guidelines. Rather than identify and enable fundamental changes that are necessary to successfully move the state away from wasteful spending, and toward policies that invest in the current and anticipated needs of New York communities, the proposed regulations extend out-dated policies that commit vital resources to the harmful imprisonment of people who are aging and otherwise present minimal risk.

To modernize the state's approach to justice and adequately respond to the distressing realities of New York prisons, guidelines must adopt stronger language that prioritizes risk assessment in decision-making while clarifying assessment criteria and requiring the Board to provide evidence that demonstrates the degree to which actual risk is a consideration. If the intention of the amendment was to lead the state beyond a shameful crisis in which New York confines nearly 9,000 people over 50 years of age, far too many who are elderly and face debilitating illness behind prison walls, the proposed regulations fail to empower Board members to realize that aim.

To continue the state's successful initiative in reducing incarceration rates and costly investment in prison infrastructure, New York's Parole Board would be strengthened in facilitating that process by adopting alternative regulations developed by the Release Aging People In Prison (RAPP) Campaign in collaboration with the Correctional Association of New York. RAPP's recommendations offer comprehensive and much-needed solutions to New York's prison crisis and help in advancing decarceration policies that serve the needs and wellbeing of communities throughout the state.

Sincerely,

M. Bryan Welton
Brooklyn, NY

Cc: John Koury, Director
NY Senate Administrative Regulations Review Committee
State Capital
Albany, NY 12247