

TO: Terrence X. Tracy, Counsel DOCCS Board of parole

John Koury, Director of NY Senate Administrative Regulations Review Committee

M. Farid, Correctional Association of NY

In June, of 2010, while serving as Catholic Chaplain at both Sing Sing and Bedford Hills Correctional Facilities, I was invited to address the Parole Commissioners at Eastern CF on behalf of ShuAib Raheem, who had been incarcerated for 37 years. I had gotten to know him when he was incarcerated at Sing Sing. During that time he was a model prisoner who got a Master's Degree and performed many wonderful acts of service for others.

In addressing the Commissioners I told them about my trip to Rwanda in Central Africa with several other NY State prison chaplains to tour their prison system and work with those who had committed the genocide of 1994. While there, we met a Prison Warden whose entire family had been slaughtered in the genocide. The majority of the 6000 people in her prison had participated in the genocide, including one young man who had raped and killed her sister. One day, that young man asked her if she could possibly forgive him. She said she had to forgive him, because that was the only way she could find any peace. She then summarized her whole prison philosophy by saying *"Because these people have committed such atrocious acts, they need to be treated with a lot of love so that they can be transformed."*

Rwanda is much too poor to afford the luxury of locking people up forever. Instead, they focus on rehabilitation so their criminals can be transformed into productive members of society. When that transformation is complete, they are released. I think it is worth noting that their recidivism rate is extremely low, so it must be working! I think the people of Rwanda have a lot to teach us. When we continually dwell on retribution, we are not doing the victims' families any favor. Instead, we serve as "enablers" – prolonging their misery by keeping them locked in the past. I think the victims' impact statements often prove that point. If some of them were still traumatized thirty-seven years after Mr. Raheem committed his crime, perhaps that was because our system never allowed them an opportunity to heal. Stirring them up every two years for Parole hearings serves to rip old wounds open time after time.

No one can ever change the past. But we don't have to remain prisoners of it. That Prison Warden in Rwanda chose not to remain a prisoner of her past, and now she is free and happy and at peace, in spite of the horrors she experienced when her entire family and extended family were wiped out. It didn't bother her when the person who killed her sister was released from prison, because she was already living in peace. She was not the only person in Rwanda to make this discovery. Immediately after the genocide, their new government quickly realized that pursuing retaliation would eventually lead to more killing, perhaps even to another genocide. Inspired by the example of South Africa's Archbishop Desmond Tutu, who wrote *No Future Without Forgiveness*, the government of Rwanda recognized the necessity of forgiveness and reconciliation if they were ever to find peace. I spoke with numerous survivors throughout the country who got tired of feeling miserable from being filled with hatred and bitterness who eventually found peace through forgiveness.

I think we owe it to our own crime victims' families to show them a better way of dealing with their pain and anger, so they too can find peace and be free. If keeping Mr. Raheem locked up for thirty-seven years didn't help them to heal, I seriously doubt if more time would ever make any difference. But I do not believe people in such pain are capable of objectively evaluating how much time is required or is appropriate to repay them for their suffering. That's why we have a Parole Board! Instead of focusing on the pain, which never goes away until the person is ready to let go of it, the Parole Board should be looking for signs of transformation in the person who committed the crime. If the person has a good institutional record, has taken advantage of educational opportunities to learn a better way of life and made positive contributions within the facility, those are good indications that a major transformation has occurred – and that the person is a good candidate for release.

I knew numerous men at Sing Sing and women at Bedford Hills who had sterling institutional records and participated in many excellent activities to benefit other people, but were seemingly automatically hit at their first parole board due to “the nature of their crime”. Sometimes this continued for their third, fourth or tenth boards. No one is capable of changing the nature of his or her crime. What is done is done! But the judge already sentenced them to an appropriate punishment for the nature of their crime, and that punishment normally includes a minimum and a maximum amount of time to be served. Until the Pataki era, it was presumed that if a person took all of his or her required programs, behaved appropriately and showed convincing signs of rehabilitation that person would be paroled after serving the minimum time specified by the judge. That was a major incentive to do the right thing! But from the Pataki era on, the Parole Commissioners have usurped the role of the judge and have begun resentencing individuals for what they personally feel is a more appropriate sentence for the nature of the crime. Not only do the Parole Commissioners have no legal expertise qualifying them to overrule the judge's sentence, but they have no legal right to do such a thing. The result of this change of practice has been catastrophic. People are abandoning hope and are giving up. They know that no matter what they do, they cannot change the past, and they are now being judged and re-sentenced only on the basis of the past, with no regard for any of the ways they have tried to grow and be rehabilitated.

There isn't even any consistency in the way that they are being judged. I knew of one man at Sing Sing who had done outstanding things during his twenty-five years of incarceration but was hit at his first board. Meanwhile, his co-defendant, who had received the same sentence but had been in and out of SHU for numerous offenses and had done nothing worthwhile in prison throughout his entire incarceration, was released by a different board at a different facility. That doesn't make any sense! The one who has been transformed is still in; while the unrepentant sinner is being inflicted on the neighborhood!

To return to Rwanda for a moment, they would find that incomprehensible -- and very dangerous. They don't base their release on the nature of the crime but on the signs of an authentic transformation. That is why I urge you to not allow the persistent cries of the wounded to drown out the much more urgent cries for justice: justice that is long overdue; justice that will allow those men and women who have demonstrated that they have truly been rehabilitated to contribute their many great gifts toward building a better world for all of us.

Rev. Ron Lemmert

