

Terrence X. Tracy, Counsel

Board of Parole, Dept. of Corrections & Community Supervision;  
John Koury, Director  
NY Senate Administrative Regulations Review Committee;

Dear Mr. Tracy, Mr. Koury, and Members of the Board of Parole,

I am writing to take advantage of the New York Board of Parole's public comment collection in response to the Board's December 2013 proposed revisions to parole regulations. As someone committed to seeing the fairest possible parole practices, I urge the Board to revisit the regulation revisions, which currently do not provide impetus for positive change.

Statistics show that while the overall prison population in New York has dropped 22% over the last 12 years, during that same period, the number of people who are incarcerated and over the age of 50 has increased by 73%. This means that while we are locking fewer people up, we are also letting fewer people out, indicating there are significant flaws in the parole process. The Board has historically denied parole releases in arbitrary and inconsistent manners, using static factors, such as nature of the crime and past criminal history, as their primary basis for denial. People can never change the nature of their crimes; however, they can change themselves.

One of the biggest oversights in the parole process is the little weight given to dynamic factors such as level of rehabilitation, release plans, age, length of time already served, and the likelihood of recidivism as measured by risk and needs-based assessment tools, such as COMPAS. While Executive Law 259-c(4) was amended to implement the use of evidence-based principles, thus promoting fairness and public safety, the language of the recent revisions fails to give such evidence-based and fair principles the force necessary to make a difference.

With exceedingly long sentences becoming routine, and increasingly for non-violent crimes, we are in danger of creating a caste of New Yorkers who are robbed of the opportunity to make positive choices—both small and grand—that we on the outside take for granted every day. These New Yorkers are stuck in a holding pattern in which they are given false hope, only to be continuously disappointed; for some, this means that the only adult life they know is life behind bars. However, with stronger and clearer regulations, the Board can begin to address this iniquitous stalemate. With the availability of tools such as COMPAS, the Board should use evidence, rather than gut reactions, to make parole release decisions. Furthermore, the regulations should require that a person who has a low risk score in a risk assessment *or* who has substantially participated in her or his case plan/TAP activities should generally be released. For any person who is denied release, the regulations should require the Board to provide guidance to those individuals with specific, written instructions for steps to take in order to be released. For more detailed suggestions, please see the RAPP (Release Aging People in Prison) Campaign's alternative regulations proposals here (<http://www.correctionalassociation.org/news/nys-parole-regulations>).

Thank you for your consideration of these comments.

Sincerely,

Kelly Roberts

Medgar Evers College

Brooklyn, NY