

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

Re: Public Comment, Notice of Proposed Rule Making, 9 NYCRR,  
Part 8001 and Sections 8002.1(a) and (b), 8002.2(a) and 8002.3

Dear Mr. Tracy, as well as Chairwoman Stanford and Members of the Board of Parole,

During a cholera outbreak in London in 1854, local physician Dr. John Snow mapped the spread of infection, tracing it back to a single water pump in the Soho district. In doing so, he demonstrated how social and environmental forces had contributed to the outbreak, and thus founded the discipline of epidemiology. Now, in *A Plague of Prisons: The Epidemiology of Mass Incarceration in America*, internationally recognized public health scholar and researcher Ernest Drucker applies the fundamental concepts of epidemiology to shed light on one of the gravest problems facing America today: mass incarceration. Incarceration, he argues, has itself become an epidemic—a plague upon the body politic.

I ask you to consider your decisions in the light of public health policy, as Dr. Drucker outlined in his book.

The Parole Board (“Board”) has historically denied parole release to far too many people in an arbitrary and inconsistent manner. The Board often denies people primarily based on people’s crimes of conviction or past criminal history, static factors that can never change, rather than releasing people who have demonstrated their rehabilitation, low risk to public safety, or clear readiness to return to their community. The legislature attempted to remedy this situation in 2011 by directing the Board to focus on risk and needs principles and to measure people’s rehabilitation and likelihood of success upon release.

Unfortunately, the Board has not changed its practices and the Board’s proposed regulations of December 18 would allow the Board to continue to ignore objective and evidence-based factors. The regulations simply list a risk and needs assessment and a case plan/transitional accountability plan (“TAP”) as one of twelve factors for the Board to consider, without requiring that those factors guide and control release decisions as intended by the legislature. Such regulations would still allow the Board to maintain the status quo, ignore low risk scores and demonstrated rehabilitation, and deny people based primarily on the nature of their crime of conviction or past criminal history.

The Board needs to come into the 21st century and use evidence, rather than gut reactions, to make parole release decisions. 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 people who are

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.

Thank you for your consideration of these comments.

Sincerely,

Mecke Nagel, PhD  
Cortland, NY