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Terrence X. Tracy, Counsel
Department of Corrections & Community Supervision Board of Parole

Prison Action Network: Coalition for Fair Criminal Justice Policies - Comments re: 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:

Thank you for the opportunity to comment on the New York State Parole Board's proposed written procedures for the purpose of determining which inmates may be released to parole supervision as required by Executive Law § 259-c(4).

Prison Action Network (PAN) is an all volunteer organization created by and for people who are directly affected by the abuses of our adversarial criminal justice system. Our members are victims of crime, incarcerated people, formerly incarcerated people, their families, friends and advocates – all of whom are interested in a safer and more just society.

We are part of a campaign to pass the Safe and Fair Evaluations (SAFE) Parole Act, S.1128/A.4108, which amends Executive Law §259-i to change the role of the Parole Board from a punitive body to one which evaluates the readiness of a person to return to society. We believe the SAFE Parole Act has a better chance than these written procedures, of ensuring that deserving people are reunited with their families.

Our organization does not have a legal department, thus we are not qualified to base our comments on the legal ramifications of the The New York State Parole Board's proposed written procedures. Others have done that superbly, and we agree with most of the arguments we've read.

Our comments come from a position of moral outrage at the flagrant disregard for the intent and the letter of the laws passed in 2011 to focus the Parole Board's attention on the readiness of a person to return to society under the supervision of the Department of Corrections's Community Supervision division.

The parole board's proposed procedures are seen by us to be an unequivocal statement of the intention of the New York State Parole Board to continue disregarding the law that instructs them to "measure the rehabilitation of persons appearing before them, the likelihood of success of such persons upon release, and help in determining which inmate may be released to parole supervision."

Frankly, we are appalled by their flagrant disdain for the law, the courts, and for law abiding, justice loving and safety seeking citizens of New York State!

The suggested "procedures" allow retribution and revenge to trump community safety and trust. They do nothing to alter the Parole Board's practice of telling parole applicants that, despite all their demonstrations of rehabilitation and readiness for release, releasing them would deprecate the seriousness of the law. We contend that it is the Parole Board itself who demeans the law by overriding sentences determined by the court.

Such disrespect for the law must not be allowed to become part of the Rules and Regulations of New York State.

Respectfully submitted,
Judith Brink
Judith Brink, Director

Cc: John Koury, Director, Senate Admin. Regs Review JKoury@NYSenate.gov