

From: Solidarity Committee of the Capital District
To: Terrence X. Tracy, Esq., Counsel, NYS Board of Parole
January 10, 2014

The Solidarity Committee of the Capital District is a worker- union-support organization that was established 30 years ago. With hundreds of dues-paying unions and individuals and a thousand subscribers to its monthly newsletter, the committee works with a wide variety of organizations in the region, the state, and across the nation. Within a few years of its founding, its work came to include civil rights, human rights, environmental issues, and family farm and food issues. As such, we have always been concerned with the plight of our fellow workers, including those who have been convicted of crimes and sentenced to jail or prison time.

So, our interest in parole is just a part of our interest in those who are at the lower end of the American justice system. It has been our experience that it is overwhelmingly the poor who are sent to jail or prison and, therefore, the issue of a fair system of parole is vital to the entirety of our justice system. These are the very citizens who most benefit from the formation of unions and the support of the labor movement.

We are very concerned that the “changes” that have been proposed or made in establishing policy for the state parole board are not sufficient to lead the board to consider what they statutorily should consider when hearing a request for parole by any incarcerated person in New York State.

It appears that the old rules apply and there are two new ones that are ambiguous and may not be effective in making a determination. At this time and long in the past, New York has released only 20-25 percent who seek parole. Considering the rate of incarceration in this and other states (the U.S. has the highest rate in the world, as you know), it would appear that the parole rate is not one we can point to and consider it to be sound corrections policy.

Our understanding of the existence of a parole system is that members of a board sit to consider requests for parole by inmates who have served at least their minimum sentence and, in many cases, have served substantially more. As well, the parole board considers more than the length of time served by the inmate, but takes into consideration all of the other aspects of the potential parolee’s life in prison—such as general behavior, educational opportunities taken, readiness for re-entry into the community, and much more. As it turns out, too often the person is refused parole, not on the basis of whether he or she is ready for release, but because of the crime of which the inmate was convicted.

Nothing can be done to change the crime, but there are many opportunities for an individual to show that there have been changes in the person who committed the crime. It is these changes that ought to be considered by the board in these circumstances. Apparently, this is not the most important criterion for release into parole, judging by the low percentage of inmates who are paroled by the board.

Civil rights activists long have said, “Those who have been convicted of crimes are sentenced to prison time...the punishment is incarceration, so they do not deserve further punishment while they are incarcerated.” The low rate of approval of parole in New York’s prison system can be viewed as evidence of further punishment by parole board, which, in effect, in 75-80 percent of the cases, re-sentences an inmate to more time behind bars. This is not the parole board’s job. Rather, it is the job of the judiciary, which has problems of its own.

In the prisons of America, including New York State, there has been a problem of overcrowding for decades, even though that seems to be on the wane, right now. Even so, there are more people incarcerated and under court supervision in the U.S. than in any other country, including places like China and Russia and the autocracies of the Middle East, to name a few. That is not a record of which to be proud. At least a significant part of the problem is the low rate of granting of parole, especially when so many incarcerated Americans have been convicted of non-violent and low-level crimes. During a period of what could be described as a “law and order” frenzy in the U.S., laws were passed everywhere that were harsh. That atmosphere prevailed in most aspects of American life and surely it affected those who sat on the parole boards of the nation.

If the boards see the problem of release as one of a shortage of parole officers, then there should be strong consideration given to increasing the number of officers, even at a time when state and federal budgets are stretched thin. But this is a matter of justice under the law and parole should not be something that can be so easily dismissed. It’s also a matter of civil rights as a part of the justice system. When a person has served the appropriate time for the commission of a crime, what is considered for parole should be whether the person is ready to return to community life. And, it should be a matter of consideration of the positive ways that an inmate’s return to the community would affect the family and its relation to the community.

Just as the U.S. needs to reduce the flow of persons—usually poor and usually of color—into the prison system, the system needs to improve its dealing with the release of inmates and see that the greatest number of them can be returned to their homes and communities. Other nations do it and the U.S. and New York State should be able to do it. It probably would not take legislation to require more fair-minded consideration of applications for parole, but just the consideration of the person’s readiness to return to life outside the prison. That, the parole board could do on its own.

People do change and we believe that there is not enough weight given to the actual changes in an inmate's behavior and personality—work effort, education, participation in religious or philosophical endeavors, good conduct—and, too often, the person is sentenced to two more years by the board, without a second thought, until the next parole hearing. We must not waste the potential of their lives so lightly and we must relieve the citizens' burden of paying for our outsized prison and post-release supervision system. We must do better.

Yours truly,

John Funicello, chairman
(For the Solidarity Committee of the Capital District)
Albany