

January 30, 2014

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

John Koury  
Director  
NY Senate Administrative Regulations Review Committee

Sent Via Email: [Terrence.Tracy@doccs.ny.gov](mailto:Terrence.Tracy@doccs.ny.gov)

[JKoury@NYSenate.gov](mailto:JKoury@NYSenate.gov)

Ending Parole Abuses – Reuniting Families Comments

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

Mr. Tracy and Mr. Koury,

Please accept these comments submitted by *Ending Parole Abuses -Reuniting Families*—the statewide parole reform campaign launched by the Prison Ministry of the Riverside Church in New York City—in response to the Notice of Proposed Rule Making published in the New York State Register on December 18, 2013.

Like other New Yorkers who care about both public safety and successful reintegration, we were encouraged in 2011 when Governor Cuomo signed into law Executive Law §259-c(4), requiring the parole board “to measure the rehabilitation of persons appearing before the board, [and] the likelihood of success of such person upon release...”

We looked forward to the parole board developing validated risk- and- needs assessment principles and instruments—and to following the law. By doing so, we believed, the board would finally address the twin issues of public safety and successful reintegration.

Yet, despite the 2011 law, the parole board stubbornly continued policies and practices that systematically denied parole every year to thousands of men and women who had clearly demonstrated that they were prepared to return home as contributing citizens. Even the state’s own statistics showed that many of those repeatedly denied—those convicted of violent crimes—were the least likely to commit a new crime when they were paroled.

We were encouraged once again when we recently learned that the parole board finally had proposed new regulations to comply with the 2011 law. We thought the board would provide an empirical measure of risk-and-needs principles, as the law requires, leading to systematically sound parole decisions.

Once again, we are disappointed. After reading the proposed regulations, we are left with the sad realization that nothing has changed. At the end of the day, the old backward-looking, static factors used to determine parole release—like “nature of the crime”—will vitiate future-focused factors like risk and needs assessments, rehabilitation and the likelihood of success. Executive Law §259-c(4) has been rendered irrelevant—as has every New Yorker’s desire to live in a safe community.

These proposed regulations make it clearer than ever that nothing short of a Commission on Parole, established by Governor Cuomo through an Executive Order, can adequately hold the board accountable and challenge a history of decision-making that is driven by unfounded biases and fears. Such a commission can provide a thorough, system-wide analysis of the board and bring about transparency, accountability and public confidence. We need a Commission on Parole if we are ever to realize objective practices and enhanced community safety.

We thank you for the opportunity to submit these comments.

Sincerely,

Sheila Rule  
Lewis Webb  
Jacqueline McLeod  
Suzanne Ross  
Judith Brink  
Barbara Innis  
Nichole Zeichner

Coordinating Committee  
*Ending Parole Abuses - Reuniting Families*  
Statewide Parole Reform Campaign