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November 3 2016

Kathleen M. Kiley
Counsel for the Board of Parole
Department of Corrections and Community Supervision
DOCCS
1220 Washington Ave
Albany, New York 12226

Re: Proposed Rule Changes to
Parole Decision making
9 NYCRR 8002.1, 8002.2, and
8002.3

Dear Kiley:

Please accept this letter as a formal public comment for propose changes to Parole Decision making pursuant to the State Administrative Procedure Act, as published in the New York State Register on 9/28/16.

It is to be noted that not all issues presented here in, directly affects me [offender] as they are presented on behalf of those who are similarly situated one way or another and cannot articulate their concerns.

As of recent, these comments have been generated amongst the legislatives regarding the failure of the Parole Board to consider the offenders, youth and attendant circumstances at the time of the offense. This does against the holding in Matter of Hawkins v NYS DOCCS, 30 NYS3d 397 (3rd Dept. 2016).

Also, before I continue, it should be applauded for ther efforts of DOCCS to merge with Division of Parole back in 2011, and the softening of the provisions governing the seriousness of the crime proponent and criminal history, which is overdue. [amending N.Y. Ezec. Law 259-C(4)].

The Parole Board has historically denied release to far too many people in an arbitrary and inconsistent manner. There are just too many cases to cite in support. However, I will utilize some of the facts and present them as comments for this proposal.

For instance, I have been to the Parole Board in June 2012 as an initial Board, and I was denied board release. My Son and Daughter were looking forward to me being released, which has added to their anxiety and stress. It is alleged that in the process of DOCCS preparing my 2014 Inmate Status Report, it was discovered that a mistake was made in calculating my sentence. My family and I are devastated by this news, when it wasn't in my favor. I'm now scheduled to see the board in 2030. I am 57 years of age and have been in prison since 1984. Over the years, I have observed the transition and rehabilitation of those appearing and making a parole board.

I have observed the personal growth and the rehabilitation of those in both cases. There are those applicants who come from other facilities and was transferred, to other facilities as a facility need and having outside clearance, yet, still denied parole release. Most have a low risk assessment and a LCTA certificate.

The current parole policy ignores the applicants age achievements, low risk assessment, and the claims of actual innocence. The decisions to deny appearance of release seems to welcome and acknowledge achievements, age, actual innocence, low risk assessment, but it is ignored by the Commissioners when its time to consider release. In my case, when I appeared before the board in 2012, the denial affected my mother dearly, who will turn 96 in February of this year. She currently resides in Florida. The parole record showed that I achieved numerous certificate and letters of achievement. I mailed my mother and wife a copy of all my certificates. My mother exclaimed that it appeared that the Commissioner who interviewed me was a police and attempted to resentence me for the crime I committed in the past. I received a reversal of my conviction in 2006 pursuant to a CPL 440.10 motion and stayed on Rikers Island for three (3) years, without getting into any problems with Corrections Officers or other inmates. MY wife said, the commissioner spented too much time on my past crime, and not enough time on my future.

There are too many applicants that have the same story as mine. The Commissioners are ignoring the COMPAS, age, achievements without taking into consideration of the future.

It is no surprise that the medical cost for people over 50 years

of ages is continually rising when the best interest of the Department of Corrections is to release the potential applicants and let them apply for medicare, to pay for their own medication.

Many of the applicants should have be sentenced to a mental institution, instead of prison, not arguing for the People of the State of New York, in the way these applicants act behind these walls.


In addition, the parole board should not rescind a parole release if a victim impact statement si not submitted in a timely fashion - it should be submitted prior to an applicant's appearing before a board in order to give all parties affected the opportunity to investigate the allegations prior to the commencement of the hearing and it should be the responsibility of the Office of the District Attorney and the Police Department to alert the victim of timely. Title 9 NYCRR 8002.4(d) should be changed to reflect that the Board shall implement this rule regarding the belated victim impact statment, and that it is not new evidence, and the board should not allow the media to editorialize against the petitioner [applicant for parole release] when he has been granted parole release because the process, in either case, can be manipulated by the late submission, and the board should be held to confront unabashed media frenzy, public pressure and familial outrage. The COMPAS will offer the reviewer whether prisoner [applicant] was the product of person improperly released. There is a lot at stake, the way the board is currently being ran.

The undersign maintains that any parole regulation that could bring parole decision making in to the twentieth first century is certainly warranted, which would include bringing forth language restricting Commissioners designated to sit on these boards or panels from ritualistically citing the "nature of the offense" considering the applicant's age and achievements, and tenure in prison, along with let the COMPAS serve the purpose it was intended to serve. Until one can see the proposed changes being made, public sentiments and proposals will be adopted in accordance with §8002.1, 8002.2, and 8002.3 of the Title 9 NYCRR.

Thank you for attention in the Matter.

Sincerely yours,

Anthony Morgan



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Copies of this letter has been served on the following parties:

Mr. John Koury, Director
845A Legislature Office Building

Mr. Mujahid Fariq
Release Againg People in Prison