



November 11, 2016

Kathleen M. Kiley  
Counsel to the Board of Parole  
Department of Corrections and Community Supervision  
1220 Washington Avenue, Bldg 2  
Albany NY 12226

On September 28, 2016, the Parole Board submitted newly proposed rules and regulations to the State Department. On behalf of our current and future clients, Brooklyn Defender Services (BDS) registers its cautious optimism that the proposed rules and regulations will result in fairer, more transparent parole hearings. Ultimately, BDS supports passage of the Safe and Fair Evaluation (SAFE) Parole Act ([S.1728/A.2930](#)) and views the proposed changes as a stop-gap measure.

As a public defense organization, BDS is committed to upholding New York State law. However, for far too long, the decisions of the parole board have been subject to only limited guidance—with almost no oversight by the judiciary. Parole Board decisions often rely on static nature-of-the-offense justifications in their denial, with little consideration of rehabilitative evidence. As such, parole applicants have been left to guess what, if anything, they can do after a parole denial to gain their liberty. Brooklyn Defender Services knows that our clients are so much more than the act for which they were incarcerated.

Crime victims and their families, people in prison, their children and loved ones, and New York State residents deserve a correctional system which respects personal responsibility, redemption and second chances. A system which continues to punish long after rehabilitation is evident serves only to undermine justice and the very respect for law and order we all seek. The current practice of perpetual punishment serves neither a penal, legal or moral good.

Lastly, people who committed crimes in their youth should not have parole hearings conducted as if they were still the youth who committed these crimes--sometimes decades in the past. Parole decisions often disregard the science of brain and behavioral development. Thus, for people who are convicted of crimes committed during their youth, BDS strongly recommends parole evaluations based on recognized scientific evidence indicative of limited brain development and capacity.

The passage of the SAFE Parole Act will ensure proposed parole regulations that will result in fairer and more transparent parole hearings, re-unification of families and strengthened communities.

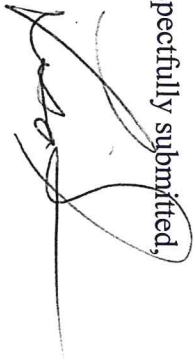
Lisa Schreiberdorf  
Executive Director

177 Livingston Street, 7th Floor  
Brooklyn New York 11201

T (718) 254-0700  
F (718) 254-0897

[www.bds.org](http://www.bds.org)  
[@bklynrddefenders](https://twitter.com/bklynrddefenders)

Respectfully submitted,



Lisa Schreibersdorf  
Executive Director

Cc: Mujahid Farid

Correctional Association of New York  
2090 Adam Clayton Powell Jr. Blvd., #200  
New York, NY 10027  
mfarid@correctionalassociation.org  
Lwhitehorn@earthlink.net

John Koury, Director, ARRC  
State Capitol  
State St. and Washington Ave  
Albany, New York 12224  
JKoury@NYSenate.gov

Brooklyn Defender Services

177 Livingston Street, 7th Floor  
Brooklyn New York 11201

T (718) 254-0700  
F (718) 254-0897

www.bds.org  
@bklyndefenders