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Tamarac, FL

November 8, 2016

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Subject: Parole Reform

My Husband is John Zoccoli #98A4768. He is currently incarcerated at Sing Sing Correctional Facility and at this point in time he has served 21 years on his 25 to life sentence. He will appear before the Parole Board in the year 2020.

First off, I would like to commend the Division of Parole for taking steps toward parole reform through proposing much needed changes to section 8002.2 Part A (Risk and Nee Assessments). I understand the difficulty in considering whom to release or deny based on concerns for the safety of society and respecting the wishes of the victims of all crimes. However, the current system is broken, and based upon fear base reactionary policies that need to be re-thought. The evidence of a shift is encouraging to my family and I as it shines the light of hope in an otherwise dark and hopeless situation. I propose the following suggestions for further reforming parole.

I propose expanding the LTCA (Limited Time Credit Allowance) credit beyond a onetime 6-month consideration. An objective analysis of the statistics for the recidivism of college educated men and women prisoners contrasted against the rates of recidivism with those non-college educated men and women prisoners undeniably demonstrate that education is a major factor in determining who is more at risk to re-offend. While the LTCA does offer those who earned a two-year college degree a potential credit of 6 months—thereby allowing them to be considered for parole 6 months earlier. This credit should be extended beyond a onetime issuance. This would provide incentives to gain higher education, and as a consequence offer ex-cons a better chance of success outside of prison walls. For example an individual who earned an Associates Degree can be considered for parole 6 months earlier, but if he goes on to earn a Bachelors Degree, and even a Masters Degree, there is no more LTCA available. Thus the expansion of LTCA would offer the individuals with the greatest chance of success the opportunity to be considered for parole earlier.

Next is the issue of the length of time normally issued at a parole hearing when parole is

denied, which is 24 months. Parole commissioners can schedule reappearances from 6-24 months; yet, reappearances more often than not are scheduled for the maximum allowed (24 months). Parole applicants are routinely held 24 months. In addition, The Board does not identify corrective action that might be taken in the interim of a person who is denied parole.

It is suggested that through an Executive order, the Governor assign a commission to investigate cases of multiple Parole Board denials. It can be considered to be cruel and unusual for an individual to be locked up for an unknown amount of time. No one can thrive on regular two-year cycles of hope followed by disappointment. This practice is cruel and goes against the purpose of incarceration: "to insure the public safety by preventing the commission of offenses through the deterrence influence of the sentence authorized, the rehabilitation of those convicted and their confinement when required in the interest of public protection." (Penal Law 1.05(6)). Yet many parole applicants and their families and advocates live on a two-year emotional roller coaster ride for years on end. It's hard to maintain hope under those circumstances, and it offers a hopeless prospect for one approaching a parole board for the first time.

It can be considered inhumane to give a person a sentence with a minimum term of a quarter of a century, and then deny parole after inspiring him or her to change and prepare for a successful return to society. Unreasonable denials induce hopelessness and despondence in parole candidates and family members alike (i.e. June 6, 2016, John Mackenzie's suicide after being denied parole for the 10th time). The current composition of the Parole Board is disproportionately made up of former law enforcement employees. There needs to be people from the communities who are qualified and represent the demographics of the communities, which most offenders will return to and a more specialized group that could identify and understand deviancy, and the effects of confinement on human beings (i.e. Clinical Psychiatrist, Psychologist, Sociologist).

The addition of some simple language could offer parole commissioners the ability to render a more fair decision. Here is the suggestion: in addition to the proposed new rules and regulations of 8002.2 Part A (Risk and Needs Assessments) should read: "If a Board determination, denying release, departs from the COMPAS scores, an individualized "inherently correctable" reason(s) for such departure should be given in the decision.

This new proposal will give the inmate the opportunity during the period between boards to find a remedy for the identified inherently correctable reasons of denial. Otherwise, if a reason is inherently uncorrectable—such as "nature of the crime," it will be uncorrectable at every parole hearing thereafter. The appropriate sentence was then issued by the sentencing Judge, and the one serving the sentence has a reasonable expectation of being released at the minimum term if this individual has completed all therapeutic programs and maintained behavior that demonstrates low risk behavior for reintroduction into society. The "minimum term, by law

and definition, is a penal sanction which is commensurate with the perceived severity of the crime" [N.Y. Penal Law, 265.09(2) (McKinney 1998)]. Thus, to extend a person's time repeatedly beyond the minimum term—based solely on the NOC, or other reasons that cannot change—effectively amounts to multiple acts of resentencing by the Parole Board.

The institution of a type of restorative justice coping program would be a great addition to N.Y.D.O.C.C.S. The creation of a program that places any willing crime victim and offender volunteers together in a group geared toward addressing the needs of victims during their struggle to cope with trauma they have experienced. This program will work in conjunction with current programs designed to address the emotional, social, and psychological issues that are a product of crime. This program will be two-fold. One aspect will focus on crime victims preparing offender volunteers to address some of the needs of crime victims. These volunteers will undergo sensitivity and other appropriate training to prepare them to interact with crime victims in a productive way. The program will bring victims and offenders together to engage in healthy dialogue that will help victims cope with their experience. The goal of this proposal is to create a program directed at servicing crime victims or family members; to help crime victims or family members address issues that could help them cope with the loss of a love one, property, or insecurity; to provide assistance in dealing with and finding help for economic and social issues faced in dealing with the department of Justice; and to provide Assistance in navigating the Criminal Justice System in order to get all the necessary help to regain a resemblance of their previous life.

Policy makers need to come to grips that nearly all those eligible for parole will eventually be released, it is up to them and the policies/programs/opportunities they implement that determines what type of man is released back into society. Thus, all of the above suggested changes would help to provide a parole board more in line with everyone's interests.

Respectfully,

Elysa Vulpis-Zoccoli