

# Is justice best served by never-ending punishment?

By Michael B. Mushlin and Bennett L. Gershman, Commentary  
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Forty-seven years ago Herman Bell, along with two other men, ambushed and fatally shot New York City police officers Joseph Piagentini and Waverly Jones outside a housing project in Harlem. The officers were chosen for death simply because they were police officers. Bell was convicted of murder and sentenced to 25 years to life in prison, where he has been incarcerated in maximum security for the past four decades.

During this time Bell has aged from an angry and belligerent young man to an elderly and mature man who has been a constructive force for improving the condition of his fellow prisoners and bettering the life of those in the outside world. He is genuinely remorseful for the terrible pain he caused and is dedicated to making the remaining years of his life useful and meaningful for others.

In granting Bell parole, the parole board decided he has been punished enough and is entitled to release. The board's decision was based on Bell's lengthy period of confinement, his good record in prison, his genuine pain and sorrow for his heinous crime, and the almost nonexistent risk of recidivism. Indeed, New York's Department of Corrections and Community Supervision's own data reflects Bell's minimal risk to public safety; people over 65 with murder-related convictions have the lowest risk of recidivism. The board's decision also may have been influenced by a powerful letter in which Jones' son expressed forgiveness for Bell's killing his father and said that paroling Bell would bring Jones's family "joy and peace." Denying Bell parole, he wrote, "would cause us pain as we are reminded of the painful episode each time he appears before the board."

It is noteworthy that New York's parole board was reconstituted by Gov. Andrew Cuomo, who appointed new board members who in turn promulgated new regulations designed to make parole less vindictive and more focused on rehabilitation. The board's decision to parole Bell underscores the board's new approach. In the past, release on parole was rare. Today parole is more available to people who legitimately have earned it.

The decision to parole Bell has generated understandable opposition from many quarters, including New York City Mayor Bill DiBlasio, the Patrolmen's Benevolent Association, and Piagentini's family. Indeed, Diane Piagentini, Joseph Piagentini's widow, supported by the police union, has petitioned the state Supreme Court to rescind the April 17 parole, claiming that "parole is not appropriate for cold-blooded cop-killers."

We, and over a hundred organizations, believe the board did the right thing. The board emphasized that rehabilitation is a meaningful goal in our penal system and that continued

vengeance needs to be tempered with justice and mercy. Otherwise parole becomes a meaningless abstraction.

We understand but strongly disagree with the position of Diane Piagentini and the police unions. This was a horrible crime committed many years ago during incendiary times by a young man with a warped political ideology. He has been in prison for over 44 years. He is a changed man. He has expressed remorse and will be a constructive force for society's betterment. Will keeping him in prison until he dies contribute to public safety? Should hatred and vengeance continue to drive our penal system? Or is justice and humanity better served by paroling him?

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