

October 20, 2016

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Counsel to the Board of Parole
New York State Department of
Corrections and Community Supervision
The Harriman State Campus – Building 2
1220 Washington Avenue
Albany, New York 12226-2050

Re: *Proposed Changes to 9 NYCRR §§ 8002.1 - 8002.3*

Dear Ms. Kiley:

I am writing in support of the above referenced proposed rule changes that were published in the *NYS Register* on September 28, 2016.

I am serving a sentence of 3 1/3 – 10 years after a plea to grand larceny in the first degree. I have been incarcerated for a total of four years and ten months, almost four years to the day, in the custody of DOCCS, the first ten months having been spent in the custody of the New York City DOC.

To date, I have appeared before a Merit Parole Board (July, 2014), an initial Parole Board (January, 2015) and a *de novo* Parole Board (January, 2016) and each time, I have been denied parole. I have an earned eligibility certificate, which creates a presumption of release, no disciplinary whatsoever, extensive community and family support, a solid release plan that includes an actual offer of employment and at my January, 2015 interview, Commissioner Alexander described my COMPAS Risk Assessment scores as “pretty much perfect.”

While I understand that parole “shall not be granted merely as a reward for good conduct or efficient performance of duties while confined but after considering if there is a reasonable probability that, if such inmate is released, he will live and remain at liberty without violating the law, and that his release is incompatible with the welfare of society...” *See* Executive Law § 259-i(2)(c)(A), I do not understand what will be different about my ability to live and remain at liberty without violating the law from my January 2016 interview to my next (January 2017) interview or my conditional release date of September 2018.

Each time that I was held, the Board focused on the nature of my instant offense, without seriously considering my level of rehabilitation or who I am today. The 2011 amendments to Executive Law § 259-c(4) encouraged the Parole Board to focus on risk assessment and the future and if not to place less emphasis on the nature of one’s instant offense, to at least keep that in perspective.

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I believe that the proposed changes are a great next step towards reforming a system that keeps in prison:

- those with significant time in prison, particularly the nearly 10,000 inmates with life sentences, whose recidivism rates are often as low as 1%, far below the New York State average for all released prisoners; and
- the aging prison population (those over age 50), whose number has increased from 5,111 in 2000 to 10,140 in 2016 and whose recidivism rate averaged 5.5% in 2010, again way below the average for all released prisoners. It should also be noted that the cost of maintaining these prisoners rises exponentially above the cost for maintaining prisoners below the age of 50.

The Parole Board in New York State has complete, unfettered discretion to do as they please and as I am sure you are well aware, the overall release rate is below 30%, with many, especially those with life sentences, remaining in prison years and often decades beyond the minimum term they were sentenced to.

It is about time that New York State brings about meaningful parole reform. I applaud the Board for taking this step on its own and hope that *a)* the proposed rules will be adopted next month, and *2)* that in the spirit of these new rules, Parole Boards will, in fact, pay more attention to the COMPAS Risk Assessment tool when determining whether or not an inmate should be released, and that a fair chance at parole release will finally be granted to those whose crimes were committed when they were just children. Some of this group remains in prison many decades beyond their minimum sentences and frankly, most of these people are anything *but* a threat to society.

Respectfully,

/s/

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cc: John Koury, Director, ARRC
Mujahid Farid, Correctional Association of New York
Michelle Lewin, Parole Preparation Project