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November 14, 2016

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

Re: I.D. No. CCS-39-16-00004-P
Amendment of 8002.1 Title 9 NYCRR
Amendment of 8002.2 Title 9 NYCRR
Amendment of 8002.3 Title 9 NYCRR

Dear Ms. Kiley and Chairwoman Stanford:

I have previous been responsible for preparing and filing responses to the proposed parole regulations for a number of organizations. However, in the course of my work researching and explicating ideal parole and other back-end release programs that are being proposed on a national level, I have come across a document that I believe summarizes the ideal system in a nutshell with clear and simple language. While I can't recall when and who sent me this document, I am sending it in for consideration on the current parole regulations proposals because I agree that it would create a parole system that would be fair and bring the process into the twenty-first century. Following are the proposals:

A PLAN FOR PAROLE REFORM

Following are recommendations that could work substantial incremental improvements in the current practices of all paroling systems.

Discretionary parole-release is an important feature of U.S. sentencing and corrections that will not disappear in the foreseeable future. Regardless of one's views on the "determinancy/indeterminancy" debate, it would be irresponsibile not to give assistance to the majority of states that continue to vest meaningful authority over prison sentence length in paroling agencies.

1. In institutional structure and composition of parole boards should be reconstituted to ensure members possess the requisite education, expertise and independence relative to release decision-making. Parole Board members should be recommended for appointment by a special bipartisan panel subject to gubernatorial approval.

2. The amount of prison-length discretion vested in the parole board or other releasing agencies should not eclipse the sentencing discretion of sentencing courts and for most cases should not exceed 25 to 33 percent of the maximum prison term.
3. There should be a meaningful presumption of release at first eligibility, fashioned in a way that the majority of applicants will be released at that time. Parole boards should not be authorized to deny release on the ground that the applicant has not served sufficient time for punishment purposes when the court has set the minimum term of imprisonment. Denial of release must be based on credible assessments of risk of serious criminal conduct and readiness for reentry.
4. The use of risk assessment instruments for parole release should be fully examined but not eliminated. The risk assessment items and scoring should be transparent. As a first step, states should open their risk assessment tools to vigorous, public challenges of these tools' statistical underpinnings, as well as their applications to individual populations and persons.
5. Decision-making tools should be structured, policy-driven and transparent. Parole boards should adopt parole guidelines systems that govern the consideration of applicants for release. The guidelines should establish presumptive release dates tailored to the varying risk levels and readiness for reentry presented by the person. Paroling authorities should develop capacities to promulgate, monitor, revise, and enforce compliance with the guidelines system.
6. Victims should have the right to submit impact statements or appear at parole hearings, but victim input should be limited to the future risk potential of the applicant and conditions of release. Victims should not make recommendations to grant or deny parole. To do otherwise violates the parole boards' primary objectives and undermines the applicants' right to a fair hearing.

Thank you for your consideration of this submission.

Mujahid Farid