

Parole Justice Committee of Capital Area Against Mass Incarceration
33 Central Avenue, Albany NY 12210

Ms. Kathleen Kiley, Counsel, Board of Parole
NYS Department of Corrections and Community Supervision
1220 Washington Avenue, Building 2, Albany NY 12226

November 5, 2016

TO the NYS Board of Parole:

We are a group of citizens who recently joined together in response to John MacKenzie's suicide. We respond to the proposed regulations with thoughts of Mr. MacKenzie's experience with the Parole Board first and foremost in our minds. Like State Supreme Court Justice Maria Rosa, we believe that it is unacceptable to repeatedly deny parole to people with perfect institutional records simply because of the nature of their crime.

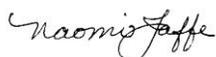
Citizens gathered outside of the Parole Board's Albany office for a rally after Mr. MacKenzie's suicide and in part listened to his poetry. He used words such as "Auschwitz" as a metaphor to convey his feelings about his experience in prison. This poetry led us to remember the masterpiece, *Night*, by Holocaust survivor Elie Wiesel. A central theme in *Night* is hope – the ability to foster, preserve, or lose hope and its consequences.

Hope is an important part of the lives of people who are incarcerated and is the lens with which we review these proposed regulations. We believe that it is productive that you are making changes to the parole process. However, it is unclear that, in the future, the Board would reach a different decision in a case like John MacKenzie's, should the proposed regulations be adopted. It is possible for people to change themselves; it is **impossible** for people to change the nature of their crime. People who are incarcerated with an indeterminate sentence need to be able to remain hopeful that the day will come when they will return to society. Therefore, we believe it is important that members of the Parole Board approach each parole hearing with an open mind and consider all of the information at hand in an even and objective manner. If, for example, an inmate has low COMPAS scores and has demonstrated rehabilitation and readiness for release, board members should keep their personal views in check regarding the length of the minimum sentence determined by the court and parole should be granted.

We are absolutely convinced that John MacKenzie, if released, would have been a productive and positive member of the community. There was no justifiable public safety reason for his continuing confinement, and there are many more people incarcerated in New York's prisons whose situation is similar.

At the August Parole Board business meeting, Chairperson Stanford stated that the Board has to get away from using "boilerplate language" in decisions, and that is part of what these proposed regulations would accomplish. We urge you to state specifically in the regulations that the boilerplate language in a denial should be replaced with words specific to the individual's circumstances that would allow people to understand what they need to do to change so that the Parole Board deems them fit to return to society. Otherwise, it is hard to keep hope alive.

Sincerely yours,



Naomi Jaffe, Steering Committee Member
for the Parole Justice Committee of Capital Area Against Mass Incarceration