

Mr. Richard Hontoria 77B1934
Livingston Correctional Facility
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Kathleen M. Kiley, Counsel to the Board of Parole
Department of Corrections and Community Supervision
1220 Washington Avenue, Building 2
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October 24, 2016

RE: Response to the Notice of Propose Rule Making
as published in New York Register on September
28, 2016 (I.D. No. CCS-39-16-0004-P)

Dear Ms. Kiley

My name is Richard Hontoria, and I'm presently incarcerated at Livingston C.F.. At this moment I would like to share my views with you, and express my opinions, and concerns of others offenders who are presently in the same situation I'm. We are sentenced under New York Penal Law to indeterminate sentence with a minimum term of (15 to 25 years) and a maximum term of (Life). We are classify (Violent Offenders), who have been incarcerated between (30 to 45 years), while being denied parole multiple times.

Historically, the New York State Board Parole has inconsistently denied parole release to applicants of violent offense, using the primarily reasons; "Nature of Crime", "Seriousness of Offense", or "Other Static Factors that never change". It seem that the Board of Parole polices are rooted in retribution, with the final result being extreme and indefinite punishment with no concerns of rehabilitation, which should be the first priority while the offenders is incarcerated as he/she prepare to return back to society.

Yet at a frequent rate, offenders who are classify (non-violent), are afforded parole release at a higher rate, then offenders classify with (violent crime). (Yes) I do understand the circumstances, and why commissioners take this approach since there decision fall under the welfare of society. But is it "right or fair"? Are we being dealt equally as human who have made bad choice and decisions in our life, but yet are trying to correct our wrongs by rehabilitating ourselves, and showing that we have?

Study are shown by the Department of Corrections and Community Supervision, how different rates of recidivism fall into category of crimes. Statistic tell us that (non-violent offenders) have the highest rate of (all offenders who commit new offenses), or who (violated there term of parole).

Between 25 to 35 percent of offenders are afforded the opportunity because their static is categorized as (non-violent offense), but yet the Board of Parole continue to release this group of offenders, and are selected with others.

On the other hand, many (violence offenders) who has been incarcerated for the past (30 to 40 years), who has educated themselves, who has facilitate programs for the (DOCCS), or has helped assist facilities administrations providing a better run facility for offenders and staff. We are the same offenders that the parole board will use, "Factors against" while making a decision on our future within society. Time and time again because of our violent past, our change in life is not taken serious, or is taken for granted. But as a whole, we do what society expect us to do while incarcerated, we ready ourselves, we prepare ourselves to live our lives as others do in the free world. We change our criminal behavior, our mind set, we add new morals, values and principles that make people feel safe around us. But for whatever reason? We are not looked upon equally as a person who committed a (non-violent offense), and is afforded a second, third or fourth chance in life. Although we have the lowest recidivism rate of "all offenders" returning back to prison, (1 to 3 percent), and not the highest as (non-violent offenders. We are the offenders who are denied parole the most, as the primarily reasons for parole denial is; "past criminal history" or "conviction of violent crime", "factors that will never change who we once were in life". But any "factors" that do change the degree of readiness to return to the community seem to be unimportant to the Board of Parole for reasons unknown to the offender who incarcerated.

In 2011, the legislature amended a section of Executive Law §259-i, that direct the Board of Parole Commissioners to re-focus their views on offenders for parole consideration. Personally speaking, since October of 2011, when legislature approved this amended to Executive Law §259-i, I have appeared before the board of parole (3 times under the (COMPAS-Risk Assessment) and a total of (8 times) within my incarceration on a 25 to Life sentence. In 2015 commissioner Crangle mention at a hearing that was postpone that I have a very low Risk Assessment score of (1 and 2) also (Unlikely), and that I should not worry about my score going up 1 point from my first evaluation at Cayuga C.F., to my last one done in Southport C.F., as I continuing to improve my rehabilitation and work ethics while participating in the "Cadre program" at Southport C.F.. But even commissioner Crangle statement didn't matter to the following commissioner Ludlow, who denial my parole in January of 2016 for the second time. Since then I have a feeling of hopelessness that I will never obtain freedom while creating a feeling that I should just give up hope, and stop pursuing meaningful opportunities to enhance my readiness to return one day to society. It's my understanding that the "COMPAS Assessment/Case Plan", and the (Risk Assessment/Criminogenic Scale) were intended to help the commissioners make a decision base on (Risk and Needs principle) while measuring rehabilitation and the likelihood of success upon release. But despite these new amendments parole commissioners has largely continued to ignore "objective factors" and deny offenders based on "unchangeable factors", like the nature of our conviction. This has left me wondering after almost (40 Years of incarceration) on a term of (25 to Life) while I committed at (18 years old). Why are the legislators even passing the new amendment to the law, when the New York State Officials refuse to follow them? And what am I to tell my family and friends who come to visit and are so excited with the amendment law, but we end up debating because the don't understand that this law will never apply to me, it only apply in principle. This just starts another debate that I must

be still doing wrong while in prison, because the law said I should be released by now.

So Ms. Kiley, I do appreciate all the effort that our legislators put forward into adding this amendment. But I personally feel it fall short of legislative intended propose, mainly because it's not defined enough and it's open to interpretation. I can see the "Court of Appeal/Appellate Division" continuous telling us, "as long as the commissioners spoke on it, it's the discretion of the commissioners". And since we still have commissioners who sit on the "Board" and continue to resist change, who don't want to move forward from there past agenda of denying parole release for unwritten polices, instead of using rehabilitation or readiness factors. We will be back to square one.

Well I have taken up enough of your time, but before I close I would like to get off the topic and mention something that hopefully one day someone will change. As long as commissioners keep getting re-appointed after there 6 year term expired, and stay on as commissioners for another 12 to 20 years, inmates chances of getting release will lower with every re-appearance. Why? Once a parole commissioners deny you parole for the "Nature of your crime" because it's the only reason it can use since all other requirements for parole are met. Then years later you get the same commissioners who denied before, there is no way a commissioner can justify releasing you if your static had not change since you saw them the first time. What rational explanation can be given for releasing you now? I have reappear before the same commissioners numerous times within my (8 parole appearance), I have seen the following commissioners: (Thompson)(three times), (Hudson C.F. 2008, 2009) and (Cayuga C.F. 2013), Commissioner (Crangle) (twice), (Collins C.F. 2011) and (Southport C.F. 2015) a hearing that postpone, Commissioner (Ludlow), (twice) (Hudson C.F. 2008) and (Southport C.F. 2016), NOTE: I was a "Cadre worker" not in "SHU" at the time of my board appearance. Commissioner (Ferguson) (twice) (Hudson C.F. 2009) and (Cayuga C.F. 2013) and commissioner (Greenan) (twice) (Hudson C.F. 2009) and (Collins C.F. 2011). All these commissioners have denied my parole release because of "the nature of my crime", since no other reason can be found within my rehabilitation effort or parole plan and community support from family and friends, along with employment. All these factors have been meet since 2002. But I do understand "the seriousness of my offenses" and it's probable why I have handle my denial the way I do, as I realize the pain I caused my victim families, friends and society for my irresponsible act.

Ms. kiley, I thank you for your most precious time and attention in this matter.

Sincerely,


Mr. Richard Hontoria 77B1934

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