Robert Rose III
Sing Sing Correctional Facility
354 Hunter Street
Ossining, New York 10562

October 25, 2016

Mujahid Farid
Correctional Association
of New York
2090 Adam Clayton Powell Jr. Boulevard #200
New York, New York 10027

Re: **Comments Parle Board Decision Making**
(NYS Register / September 28, 2016 @ pp. 7-8)
I.D. No. **CCS-39-16-00004-P**

Dear Mr. Farid:

I submit this latter to you as my formal comments to the proposed amendments of sections 8002.1, 8002.2 and 8002.3 of Title NYCRR, as published in the NYS Register for September 28, 2016.

The Parole Board adopted the Correctional Offender Management Profiling for Alternative Sanctions assessment tool pursuant to the 2011 amendment to Executive Law § 259-c(4), which examines factors including an inmate's criminal record, disciplinary history, support network, use of illegal substances, and readiness for employment to predict risk. However, the Parole Boards continued failure to fully consider this assessment often results in State Courts ordering *de Novo* hearings requiring the Parole Board to conduct a new hearing to take into account the inmates COMPAS assessment and other statutory factors, at an unnecessary cost to tax payers, burdening the Court preventable litigation. To deny parole release when the COMPAS risk assessment is properly performed on an inmate that ranks him or her as a "low" risk according to the probation clarification matrix for future

violence, arrest and absconding, is beyond belief. Which begs the question, what is efforts are made by our Community Supervision, to effectively rehabilitate and prepare people to be released after many years of incarceration.

I also point out that the Department of Corrections and Community supervision is required by Corrections Law § 71-a to prepare a Transitional Accountability Plan for each inmate that is to be considered by the Parole Board, for release. This Legislative mandate has constantly been disregarded, therefore providing the Parole Board with nothing to comply with the statue because there is zero assessments available to accurately measure the Inmates rehabilitation or likelihood of success upon release. With no real procedures in place to assist the Parole Board in its assessment of an inmate's risk and needs, one must ask, in what manner can the Parole Board rationally find a reasonable probability that and inmate will reoffend, or live a crime free life.

It is also my overarching belief that the Transitional Accountability Plan was developed to be a dynamic, case management tool that focuses on each inmate strengths and needs. Where it is intended to promote the rehabilitation and reentry of inmates back into our communities upon completion of his or her sentence of imprisonment. Therefore, serving, as an outline for the type of programming the inmate will receive while in prison, the level of supervision needed upon release from prison, and the services required helping ensure a smooth and successful reintegration into the community. Inmate reentry is in essence a public safety initiative, intended to prevent release persons from committing new crimes and helping them to become productive members of our communities.

Existing Executive Law mandates that the Parole Board inform an inmate in writing of the factors and reasons for the denial of parole, and "[s]uch reasons shall be given in detail and not in conclusory terms." Executive Law § 259-i (2)(a). However, the Parole

Board often fails to explain its reasoning for denying an inmate parole, other than the facts of the crime, and why an inmate is incompatible with the safety of the public and the public's welfare with a mechanical claim that there is a reasonable probability that the inmate would not live and remain at liberty without violating the law. It is my opinion that this practice must be stopped and that the Parole Board articulate the reasoning for its decision, in non-arbitrary, and un-capricious manner.

I ask that you also consider when an inmate has an order from an Immigration Judge signed authorizing the Immigration and Naturalization Service to remove an inmate from the United States and return them to their Country of origin, that the inmate no longer be granted *conditional parole for deportation only*, but released to the United States Department of Homeland Security for deportation. It is beyond belief that New York State would continue to be burdened with the cost of continued incarceration, when the inmate without a doubt face deportation to their county of origin. Where is the logic in the continued incarceration of a person that will not be released to our communities?

I thank you for your time and taking my comments into consideration.

Sincerely,

Robert Rose III