

Dear Ms. Kiley, as well as Chairwoman Stanford and members of the Board of Parole:

Please accept this public comment pursuant to the State Administrative Procedure Act, in response to the Notice of Propose Rule Making as published in the New York State Register on September 28, 2016 (I.D. No. CCS-39-16-00004-P).

I have been a teacher in San Francisco for the past 30 years, but I was born and raised in New York City and travel back to the city and state frequently. I have visited a number of aging prisoners there over the past decade, each of whom have been continually denied parole. This process has always concerned me, since these men pose absolutely no danger to society.

It seems to me that the risk and needs assessment issue in parole should be an over-riding one. If a man or woman has served, for example, 40 years for murder, and is now in his or her 60's or even early 70's, has stable family connections on the outside, and has shown no tendency towards violent behavior during a lengthy incarceration, those factors should weigh heaviest on the decision around parole.

Unfortunately, the new draft of the parole regulations does not adequately address this issue. Parole board officials would still be allowed to deny parole based on the nature of the original crime, with language such as "release of this prisoner would denigrate the serious nature of the crime." This has happened over and over again with the current parole commissioners and there is nothing in the new draft that would prevent this from occurring again.

If a prisoner has a 25-life sentence with the possibility of parole, why is the issue of the original crime hammered at over and over again without any acknowledgment of the risk and needs assessment that should be primary in consideration of parole? It is a cruel and unfair system, making it impossible for those who have truly used the time in prison to change themselves and prepare to rejoin society. Are we saying that these men and women should die in prison because of the nature of their original crime? Has that replaced parole?

The issue of whether a released prisoner can live and remain at liberty lawfully and as an integral part of our community should be front and center. The parole board should be looking at the individual in front of them, not at a crime committed decades ago. Otherwise, vengeance has replaced parole.

Thank you for your consideration in this matter,

Robert Roth  
San Francisco, California