

Jesse Shannon, #89-T-1248  
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354 Hunter Street  
Ossining, New York 10562

October 30, 2016

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

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

I am writing you with regards to myself and other incarcerated people 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.

While the objective of the Notice of Propose making Initiative is to create a fair parole process, there are certain members of the current Parole Board who seem to be heavily weighted in favor of law enforcement and victims' right advocates.

It is well documented that the Parole Board ('Board') has historically denied release to far too many people in an arbitrary and inconsistent manner. The Board has often based its decisions primarily on peoples' crimes of conviction or past criminal history, static factors that can never change, rather than their risk to public safety, degree of rehabilitation, or readiness to return to their community.

Each year thousands of rehabilitated, community-ready men and women appear before New York States' parole board. And each year the vast majority of them are arbitrarily denied parole, based solely on the "nature of the crime and past history."

These men and women - who are fathers, mothers, brothers, sisters, sons, and daughters - have earnestly demonstrated that they are not likely to re-offend, that they are not their past, not the sum total of their worst decision. They, like myself have used their time productively while incarcerated, including acquiring vocational trades, completing drug and anger management programs, and even earning college degrees. Their release is indeed compatible with the welfare of society. No legitimate state interest is served by warehousing those rehabilitated people who have earned their release from prison.

Yet despite your fair forward thinking 2011 mandates to measure the rehabilitation of person appearing before the board and the likelihood of success of such persons upon release, and to create a validated risk-and-needs assessment instrument, the parole board has scoffed at the amendments to Executive Law §259.1(2)(c)(A).

The greater tragedy, though, is that because of the Parole commissioners' consistent pattern of denying parole to applicants who bear the scarlet label "VIOLENT FELONY OFFENDER," and numbers of community-ready parole applicants are languishing in prison. This pattern of denials is threatening the integrity of the entire parole board apparatus.

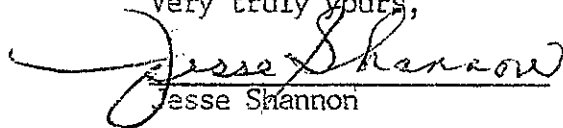
As a convicted person who had already served 29 years of a 30 to life sentence, I am calling on you (The Parole Board) to adopt and/ or create clear regulations to begin doing what the Parole Board should: release people for whom further incarceration serves no purpose- neither protecting public safety nor advancing personal growth and rehabilitation.

I contend herein that any parole regulation that does not explicitly include language forbidding parole commissioners from ceremoniously denying parole to community-ready individuals citing "nature of the offense" and/ or "your release is incompatible with the welfare of society" as a catchall phrase to cover their own personal inclinations to perpetuated a paradigm of punishment.

Until we see real changes in the parole regulations, or have appointments to the Parole Board who are going to follow the intent of the law, the system will remain severely broken, and community-ready men like myself will continue to be denied parole solely on the "nature of the crime and past history." I urge you to adopt the "Safe Parole Act proposed by Prison Action Network (PAN), and/or the parole regulations proposed by Release Aging People in Prison (RAPP).

Thank you for our attention to this matter.

Very truly yours,

  
Jesse Shannon

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