

Public Comment to Proposed Parole Regulations

Sunday, November 6, 2016

To: Kathleen M. Kiley, Counsel to the Board of Parole
NYS Board of Parole, DOCCS
1220 Washington Avenue, Building 2
Albany, New York 12226-2050

Re: 8002.2a and in general

To Chairwoman Stanford and Ms. Kiley:

Prison Action Network is tentatively encouraged by the newly proposed rules and regulations approved by the Parole Board and submitted to the State Department on September 28, 2016.

Our members, who have loved ones in prison, or are in prison, or were once in prison, and their survivors, have long been waiting for a parole board that makes informed and intelligent decisions, helping us all feel safer as we go about our daily lives.

If the rules and regulations are applied as suggested, and are not just empty words that will break hearts and cause *total* loss of faith in the parole system, they may be a step in the right direction.

Yet few of us believe the rules and regulations that have been promulgated go far enough to satisfy society's needs. We feel the rules, at a minimum, must include a provision that prevents decisions based **solely** on the nature of the crime. Our loved ones can never change that event, much to their and our sorrow, and it is not an indicator of their future behavior.

The law is now clear that there must be consideration of COMPAS by the parole board. The proposed Section 8002.2a states that "the Board shall be guided by the inmate's risk and need scores on the ["COMPAS"] assessment **if** prepared by the Department of Corrections and Community Supervision." We would like to point out that the word "**if**" should be removed from that sentence. There should be no parole release decision without a COMPAS having been prepared. If one is not prepared the Board cannot consider it, and therefore would not be in compliance with the law if, as the regulation infers, they continue on to make their decision without it.

If a case comes before the parole board without a COMPAS the regulations should require that they send the file back to DOCCS so that a COMPAS can be prepared and the hearing be scheduled within 30 days.

Prison Action Network expects that the rules, if followed, will provide something that parole applicants, their families, advocates, lawyers and judges have wanted for decades: hearings that are respectful civil discussions between commissioners and applicants, that lead to factual, instructive, and personalized explanations for why and how the Parole Board made the decision they did. We hope the explanations will apply to releases as well as denials... people need to know what they did right as well as wrong.

Respectfully Submitted,

Judith Brink

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Director

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