

## Department of Corrections and Community Supervision Where is it heading?

*(Excerpts of Testimony at NYS Assembly Standing Committee on Correction Assemblyman Aubry Chair )*

On November 20, 2011, the Assembly Corrections Committee held hearings on the new DOCCS department, in this edition of the newsletter we focus on these testimonies and the issues raised. We include some of the comments of Commissioner Fisher, Chairwoman Evans, Larry Wright, Attorney Cheryl Kates, Patricia Warth, Judith Brink and the comments from the 51 currently incarcerated people that Attorney Kates included in her testimony. Other comments were made and the full transcripts should be available in Facility Law Libraries or by contacting Assemblyman Aubry

**Commissioner Brian Fisher and Chairwoman Evans** made formal statements and then responded to questioning from Assemblyman Aubry. The formal presentations stressed the work done so far in transitioning both agencies into one. They commented on the development of the TAP and Compas instruments and a number of other financial and administrative issues. They outline a time frame on the implementation of the new procedures. In response to questioning from Assemblyman Aubry they gave more details which are excerpted below:

**Commissioner Fisher**

- “TAP will be in on July 1st.... When TAP is ready to go, a Parole Board member can actually see the TAP, which would show from beginning to end the entire progress... It will be ready to go this summer....COMPAS will be used to assign risk and--because it is a risk and needs assessment it's designed basically to create a mechanism by which we can assign risk levels to caseloads.....The caseloads under COMPAS will be basically on four levels, very similar to that which is already existing for using the TCJS risk needs assessment.... intensive supervision at 25 to 1....medi-high supervision at 40 to 1....Regular supervision 80 to 1...low risk at 160 to 1. I believe, --coming this January everybody coming out of prison will have a COMPAS done. And based on that the assignments will be made and the Parole Board will have access to it before they make their decisions.”
- “you've got to at least give us another fiscal year, 2012, 2013 to put in place everything. And I believe maybe by the fiscal year 2013, 2014 there have to be--there should be an evaluation prior to that. The executive budget will be January 2013 ought to be looking at have we accomplished our goals?”

Chairwoman Evans *(to question of not releasing at minimum for those with good records)*

- “there are a lot of factors that go into release decision making, but ...we continue to allow the Board when they're sitting in panels to make independent decisions. The other thing that we need to consider is the type of inmates that we have and after the result of sentencing restructuring...we were left with violent felony offenders.”

- *(to question of time spent reviewing cases and how many cases are reviewed)*

“...it's taking us about 30 minutes to review a file. We get access to those files the day before. Some commissioners come in on the day before and some commissioners do it in the morning but we give adequate time for review. And one of the benefits of the video conferencing that I may add, is it gives them more time to sit with the files.-- as of the merger 2011 the average interview per commissioner is 23.” ASSEMBLYMAN AUBRY “... on a given day,.. So you're going to have to look through 23 files --..within--some period of time. And if they don't come in the night or the day before they'd have to do that in the morning that they come in?... Do you think that's adequate in terms of making an assessment and a decision about an individual?” CHAIRWOMAN EVANS: “Can we do better? Yes. We're working on it.”

**Larry White.** "I am testifying here as the Community Advocate for the Fortune Society's David Rothenberg Center for Public Policy, The Primary Advocate for The Riverside Church Prison Ministry, and a member of the Prison Action Network Policy Group. Most specifically, as a formerly incarcerated individual who served 32 years in New York prisons, I am testifying on behalf of all those incarcerated in the New York State prison system.... It is critical that a person in prison be informed as to what is expected in terms of performance and conduct., they must be told what it is that they must do to be "worthy" of release. It is also essential that they are involved in the establishment of a plan that leads to their own readiness for reintegration while confined. It is this involvement that creates buy in and empowers personal transformation. This is true prior to a parole board appearance and much more so after a parole release denial. What is sorely missing...is the requirement that the Board of Parole state in detail and not conclusory terms the factors and reasons for parole denial and the specific requirements for actions to be taken, programs or accomplishments to be completed, or changes in performance or conduct to be made, or corrective action or actions to be taken, in order to qualify for parole release. The parole applicant shall be informed of the program or programs, activities and/or facilities needed in order to provide the opportunity to fulfill the requirements set forth by the board. As soon as the requirements have been successfully completed and the parole applicant's institutional record has been satisfactory during the time between the previous and current parole board hearing, release shall be granted."

**Cheryl Kates,** (PO Box 734, Victor, NY 14564 --(585) 820-3818 -Cherylkatesesq.com, [cheryl6401@aol.com](mailto:cheryl6401@aol.com))

- "In the nine years that I have done this I have assisted nearly 100 people to gain their freedom. Approximately, 80-90% of my clients are A-1 violent felons serving life sentences. Of this number, only three people have been re-arrested and none were for violent crimes. In a nine year period, my office has a 3% recidivism rate, out of around a 100 clients. The three percent were young offenders and not people that served decades of incarceration. The offenses complained of were drug use related."
- "Parole needs to be fixed.... There is no presenting evidence that would indicate anything has changed.
  - People are being denied parole based on the serious nature of the crime and criminal history;
  - They are being held above the guidelines and are not being told why that is;
  - Risk assessments are being ignored;
  - The Appeals Unit is ignoring the law; refusing to reverse appeals where they did not perform a duty that is statutorily mandated for them.
  - The Appeal Unit is not answering appeals within a timely manner.
  - LTCA is being ignored by parole;
  - Juveniles are being held as adult offenders and their guidelines are not being applied.;
  - Deportations should occur after an inmate completes their minimum.
  - Appeals when they are answered are being rubber stamped and the Appeals Unit is relying on old case law."

**Patricia Warth, Center for Community Alternatives**

- "In 1994 there were more than 24,000 people participating in the temporary release program during the year. By 2010 this number had plummeted to just over 1,900...In 2010 alone...24,000 people applied...702 were accepted.
  - One, a revitalized temporary release program is completely consistent with the goals of the merger, ...It's also consistent with the goal of saving the State money...
  - Number two, the temporary release program promotes informed decision making about readiness for release and the supports and conditions needed upon release...

- CCA...concluded that a fully revitalized program could save this State conservatively about \$350,000 a day. That translates to about \$13 million a year. Why isn't the State fully, fully using this program? And the only rationale we could come up with is that the failure to continue to let the temporary release program languish really is sort of a remnant of a tough on crime view, right? That punishment is the sole goal."

**Judith Brink, Prison Action Network**

- "...we strongly recommend that parole release decisions be based solely on whether a person's behavior and attitude has changed sufficiently to prepare them for reintegration into society at first under the Department's community supervision. And then hopefully when released they will be fully integrated to the extent that's possible under supervision and move on to become completely reintegrated into their communities,"

**“The degree of civilization in a society can be judged by entering its prisons.”**

**Fyodor Dostoevsky**

**Fifty one incarcerated people gave testimony at the hearings through Cheryl Kate's testimony. We have included excerpts from each of those 51 individuals**

Louise Pitcher, 87G-0765

- I saw the Parole Board on six occasions.... Each commissioner should be required to review the file and parole plan in its entirety. Usually one commissioner conducts the hearing, one writes the previous person's decision, and the third reviews the next person's file. Five minutes is by far not adequate to review a person's case incarcerated for decades.

Jose Santiago, 85A-0808

- I am incarcerated now since 1983 and in the time of my being in prison I have worked very hard to achieve my GED and a college Associates Degree.... I work outside prison. I was given an A pass, which means that I can go to any county in New York state for any emergency....The forest rangers have called the forestry crew and I, to come out and help the community with fire suppression. I gave assistance in Putnam, Dutchess, and Orange counties on many occasions. I earned commendable behavior reports for my work.I truly feel that the Parole Board needs to take a good look at 259 (i) because right now I feel that they are not going by it....I just hope that I am given the chance to prove that I am not the person from so long ago.

Jimmy Pross, 99B-1230

- The Parole Board should be required to give a full in-depth separate written parole decision. The decisions we receive are boiler plate statutory language that do not represent a well-thought out deliberated decision by the commissioners. The decisions should be based upon parole mentioning all accomplishments, mandatory programs and interpersonal relationships with staff (officers and counselors). Also the full in-depth written decision should include what you as an inmate must do prior to your next appearance to be released. If you do what they tell you to do you should be granted parole.

Hector Batista, 93A-9734

- I don't think that the Parole Board is in need of anything other than what is given to them by the facility. A person's programming along with their behavior during his time of incarceration should be enough to make a proper judgment by the Board. If a person does all that he can do while incarcerated isn't he rehabilitated? How many resources does the Board need to determine if a person is ready for release?

Robert Seth Hayes, 74A-2280

- I have been denied parole many times for "the serious nature of the crime". I have completed all necessary programs and submitted a risk assessment indicating I am not a "threat to society". Yet, I continue to be denied parole.

Mario Campo, 91A-4337

- The additional resources needed to improve the Board of Parole are more commissioners with an open mind and sense of respect for the letters from our communities.

Thomas De Sanna 79A-0984

- Q: What direction is the Governor's Office giving DOCCS and parole regarding sharing information? Example: At present, disciplinary gets shared with parole, but not program evaluations or commendations. Why?
- Q: What direction is the Governor's Office giving DOCCS and parole concerning the consideration to be given to LCTA, Merit, Earned Eligibility and consistent program evaluations which speak to an individual's attitude, employability, character and inter-and intra-personal relationships with staff, prisoners, and volunteers?
- Q: Why are staff (civilian and security) and volunteers ordered to NOT submit letters on our behalf speaking to our character and changes in personality over long periods when they best know and are able to speak to our rehabilitation? Why is this discouraged and even deliberately undermined?

Spyro Germeis 83B-1433

- Any guidelines that are presented need to be direct, detailed... The Board exercises autonomy without complete consultation of the law as it was intended. How will the new system determine risk assessment and measure rehabilitation without specific guidelines determining specific performance?...To further improve parole there needs to be accountability for the decision-making process. The only viable way such accountability can be developed is to allow the reviewing court the latitude to order release on parole when the arbitrary decision- making arises.

Michael Jeffries, 83B-1741

- I have been incarcerated since August 23, 1982. I have during the course of my incarceration completed all of the recommended programs and maintain an excellent work history. I have a good disciplinary record. I cause no problems for both staff and inmates. I have gone to three Parole Boards and each time I received a 24 month hit... I would propose that the correctional officers have a say. These are the people who interact with inmates the most. Also I feel Parole should tell inmates what needs to be done to be granted parole after the 24 months.

Christopher Chianese, 05B-2194

- Objective evaluation criteria such as risk assessments and measures do not yet effectively exist in the NYS Board of Parole...subjectivity-mood, feeling, opinion, agenda-remains the basis of NYS Parole Board decisions. Rehabilitation has no way of being accurately, logically and rationally addressed. The NYS Parole Board is in desperate need of concrete-objective-qualifiable-quantifiable criteria to be used as a tools, guidelines, and measures in determining who of those incarcerated have achieved rehabilitation and who have not. Without such factual direction, a myriad of men and women that are fit to successful re-enter society and rebuild their lives will continue to needlessly remain incarcerated.

Timothy Goode 91A-9536

- A person that acquired an education opposed to the person that did not is more likely to succeed and not be a statistic of recidivism. This is a person who went above his/her guidelines with remarkable change from the beginning of their sentence until the present time. My guidelines are (46-76 months). At this present time I have 248 months served; four (4) reappearances....Commissioner Fischer himself reported in 2009, releasing some of the violent felons did not pose a danger; in fact the 585 A-1 violent felony offenders released between 2005-2008, did not recidivate.

Billy Hernandez, 96A-1274

- What needs to be addressed is ...to evaluate us for who we are today. Please see me as the husband and father I have become and not as the adolescent I once was. Many times we are forgotten about. We are not looked at as human beings, with the ability to change our future. Unfortunately, we are not able to change our past, but we have the will and strength to grow and learn from our mistakes.

Alejo Rodriguez, 86A-0607

- A risk and needs assessment plan sounds good but what will the assessment be based upon? I have yet to read the criteria that will be used to assess my needs if I still pose a threat to society....Throughout the years there have been some consistent trends in regard to release and recidivism. Overwhelmingly people that were incarcerated for murder or kidnapping have the lowest recidivism rates... People with a college education, who are over 40 years of age, who have over 15 years in prison, with family ties and work-vocational trades all have higher success rates when released from prison; why aren't these factors being considered? If the type of crime shows that I will not have a low chance of recidivating how then am I repeatedly denied parole based on the nature of the crime? And how does the Parole Board explain their decision? It doesn't. It offers no new insight into who I am today.

Gary Pignato, 09R-2805

- Being a former police officer I have serious concerns as to how the Department of Corrections comes up with their reasoning when denying "work release" or "presumptive release". I am 51 years old and lived a very "normal" law-abiding life as supported by numerous letters of support. Yet I have been denied work release, even after serving my minimum sentence because I am told I am a risk to the community... My question is what standards if any are considered, or what guidelines are followed? When is a person eligible for these types of releases? My reason for this question is there is another inmate here with me on a white collar crime and the wording for our presumptive release denials

were exactly the same verbatim. How is that even possible? It appears there is no thought even put into these decisions.

Michael Palmeri, 94A-1822

- I come up for parole for the second time in March 2012. In 1991, I was arrested and indicted for Murder second. ... I feel the Parole Board uses boiler plate language in giving their decisions....There should be more oversight and input by the officers in the housing units as well as program areas. I hope this could be instilled with the new merger of DOCS and the Division of Parole.

Fabrizio Barbaran, 83B-2700

- What status? We have not seen anything yet. We need to have the staff (civilians and correctional officers) give us evaluations, behavioral assessments, and any other type of report that details inmate's progress. All these should be done in proximity to their appearance before the parole panel.

Towanda Holloway, 91G-0596

- I am incarcerated for 21½ years. I attended four Parole Boards and was denied at all four. To make an attempt to be granted parole, you can increase the chance by completing IPA, a trade and industry. As a person with a 15-to-life sentence, I believe after 15 years we should be released on work release.

William Maxwell, 89A-5087

- Board members will have to state upon a hold on release why and what needs to be accomplished in order to gain release... This will cause transitional accountability plans and risk assessment tools to work in an individual's favor. An individual's release into a cognitive based program similar to the Network program which helps aid an individual's identification with the community and society as a productive member and for every Board member to have a background in psychology, sociology, social worker, peer counselor or some form of cognitive learning education to focus on an individual's unification with the community, family, and social skills. This will keep the Board members focus on aiding rehabilitative measures and not repunishment and resentencing.

Joseph Lago, 07R-0320

- The Board of Parole needs to give parole applicants a fair hearing when considering release instead of resentencing a person based on the instant offense as a key factor. The Board of Parole should examine evidence and evaluate a person based on their progress in rehabilitation and the likelihood of success upon release. However, the lack and disregard of the risk and needs assessment guidelines and the fact it is not being implemented into parole hearings here at Otisville CF. This is one of the reasons we continue to only see the old fashion style operations that are not part of the 2011 parole law amendments.

Infinite Uhura Allah, 93A-7885

- The written factors for all incarcerated people regarding the risk and needs assessment should be considered by the Board of Parole if they completed all areas of concern:

1. Completed all program requirements (vocational, academic, GED and better etc.);
2. Psychiatric evaluation which is a critical and supportive tool for re-entry;
3. Good conduct, performance, and preparation that he/she will live and remain at liberty without violating the law;
4. Written statements by the lawyers, victim impact etc. All these risks and needs principles are to be considered a satisfied measure with rehabilitative of all parole applicants appearing before the Board with the likelihood of success should the offender be released in the future. The most important though is a stable housing plan upon release.

Kenneth Zerweck, 83A-0360

- ...this new merger could have a major impact on the decisions for the inmates as well as help the Board of Parole make a more informative decision. Such as more information could pass from corrections and parole from housing unit officers, school, work areas, and medical/mental health...Risk assessments given by qualified professionals to inmates ...so they can be judged for who and what they are now, rather than for the crime they committed many years ago. Although the risk assessment ...much improved and effective if the Board of Parole was required to weigh each factor equally rather than making "NOTE" of positive factors and then simply using the instant offense as the primary basis for its decision. ...Work release especially for long timers who have no outside support system for their release is a good idea.

Anthony Shoffner, 93A-5327

- As no one can change the past, the nature of the offense (severity, notoriety, et.al.), what bearing does this still have in release decisions? Especially when all recommended programs completed successfully, additional voluntary programs are taken that address the factors related to the crime and the instant offense and institutional record (achievements, merits, or infractions) and the gravity of each (IPA, TA, or Tier I, II, III, and the nature of the offense.

Sammy Geraci, 92A-3920

- From my observation here at Fishkill, it seems under Governor Cuomo's administration and the new DOCCS/Parole entity, that parole has taken a new direction; whereas in the past, the focus was mainly on the nature of one's instant offense and past criminal history...other factors such as positive rehabilitation efforts and release plans are seriously being considered in determining whether or not to grant parole. For the most part, persons with past multiple denials are now being given a fair chance at obtaining parole. Counsel's office has been answering some appeals in a timely manner. But the hope is that all appeals will be answered. This is a way to save on court costs and the unnecessary filing of Article 78's.

Sebastian Ventimiglia PhD, 77A-2360

- From personal experience (appearance in 2009) I have no reliance on the veracity or integrity of the persons who would say to me, "This is about retribution...not whether you've changed and become a better man." (Commissioner James Ferguson). Before these new changes in law came about, I submitted a risk assessment and the commissioners did not bother to read it.... They further fail in the facility parole offices to assist an inmate with planning a release plan to assist them in successfully reintegrating back into the community; ...My suggestion would be for the Board's deliberations to be recorded or transcribed so that appellants know the decision made was not predetermined or arbitrary and capricious or irrational. Commissioners should be versed in the record of the individual before them, should not be reviewing the record of those yet to appear before them while conducting someone else's interview.

Andrew Restivo, 82C-0180

- I think the greatest challenge facing surviving veterans who are incarcerated is educating the lawyers, judges, the general community, and especially the Parole commissioners about the common sense programs that are available in the communities..... Because the veterans courts are working so well with a zero recidivism rate-I don't understand why Vietnam Veterans who are never afforded the benefit of this treatment and special programs are not allowed to participate in the program when we come up for parole?

Kerry Norton, 10B-2999

- Since the Parole Board merged with DOCS people expected some major changes for the better based on this unification....People have yet to see positive results concerning this new change because DOCS and parole are not working together... we need a change of persons on the Parole Board instead of the "same old" Parole Board. ... It's like they want to keep prisons full instead of giving people a chance to come back to society.

John Creamer, 95A-0228

- Although it is too early to see what kind of impact this merger has on parole, I believe that the TAP, if used correctly will help those men/ women who have shown positive change over their incarceration and should go home. The merger also allows parole /DOCCS to really see the change in the inmate-if any. We work around officers all day and they should have their commendable reports taken into account instead of just noted.

Freddie Mercado, 82A-5907

- Although the written procedure has adopted the risk and needs assessment tool, the Parole Board is not looking at the rehabilitation of the person. The new procedures concerning the decision-making guidelines have remained unchanged. They still focus on two factors only- the seriousness of the crime and the individual's criminal history. These static factors are never going to change and as long as the Parole Board will continue to only look at that, individuals who are rehabilitated will be denied parole.

Rodney Evans, 89B-1972

- Honestly there have not been any noticeable changes since the merger. However, we're still in the early stages. Hopefully, when the changes are noticeable they will be satisfactory for both parties, DOCCS and offenders.... parole officers at their assigned facilities need to open up a better line of communication with the offender to have better insight of the risk level of the said offender. I have personally experienced the lack of due process in this area. The counsel's office is very slow in responding to appeals...Where is the due process? Until you hold the counsel's office accountable for their actions parole appeals will never be fair.

Louis Trama, 87A-7596

- I appeared before the Parole Board, October 25, 2011, and although my board was postponed, I was the last to appear. I got to hear about everyone else's experience. In a word there are no "risk assessment" tools being used thus far at Parole Boards. There seems to be a slim chance for people like myself who are serving sentences or sex offenses because no risk assessments are being utilized.... Parole hearings should be video and or audio taped to ensure a true verbatim record. The chairwoman of parole should include in her written risk assessment tools the need for offense specific

assessment tools to be used in a decision-making process. For every person that sits before the Board there should be an individualized assessment, one size does not fit all.

Robert O'Connor, 87A-1777

- In the way it is applied, however, this rite has become rote as it blocks out anything other than the instant offense/criminal history. It keeps out everything but the past. On the other hand, a risk assessment instrument takes the past into consideration, but it doesn't stop there. ... Yet an even more compelling consideration includes how a person responds to his or her remorse via therapeutic, rehabilitative, and educational programs, which are also correlated with lower recidivism rates. They provide structure. They offer direction. They promise a future.

Cathy L. Scott, 09G-0258

- My name is Cathy Scott. On the evening of September 29, 2007, I made a terrible choice. What started out as dinner with friends turned into a horrible tragedy. The choice I made that night to drive after drinking alcohol has brought immense pain to so many people. I struck a motorcycle killing the driver, Joseph Valley. The devastation that I caused continues to torment me. Mr. Valley's family lost so much because of me.... I cannot change what happened; all I can change is myself.... I do not expect the pain to end when I walk out the gates. I would like to leave prison prepared to meet the emotional challenges that I will face upon my release.

Thomas McRoy, 84B-2270

- I am serving sentence of 25 years to life for a crime I committed when I was just 17 years old. I sincerely and profoundly regret my actions that led to someone's death. After serving my minimum 25 years, I appeared before the Parole Board and was denied for the serious nature of the crime and because I used marijuana while in prison. ... After 27 years of incarceration, my parole hearing lasted 15 minutes, much of which was taken up by the commissioner's diatribe against me for having used marijuana in prison. I was never told of anything I could do to increase my chances of being granted parole. Parole's single focus on the nature of the crime, something that can never change ignores those who have, in fact put forth great efforts to change.

Rory Dolan, 95A-2656

- Since the merger of both agencies it would be beneficial to everyone involved to gauge the rehabilitation of a person... if the Board of Parole would take testimony from the person's immediate supervisor, program supervisor or anyone within the facility who has regular contact with the individual over the course of weeks, months, years and at times decades. All decisions should state in detail the factors and reasons for the denial and specify the actions, programs, and or accomplishments necessary to qualify for parole release. Abolish the current system of Board of Parole commissioners to be replaced by a community Board of Parole selected by the Commissioner of jurors to sit on thirty- day terms... The same community/society that sat in judgment to find a person guilty would also sit in judgment whether the person is rehabilitated and fit to enter society.

Vincent Vacante, 89T-3169

- I had a risk assessment when I went to the Board. They ignored it. I scored in the low-moderate second lowest bracket

Alberto Rivera, 85A-3847

- What occurred over a 1/4 of a century ago, one cannot change. I can only change. A person's change can be seen by his ways (programs, disciplinary and trades), one's faith and the area supervisors (correctional officers, counselors, civilian staff, etc.) They are the ones that we are around on a daily basis. The Board can order a parolee to continue therapeutic programming, attend drug and alcohol counseling, and any other programs that they deem necessary. Parole must help with housing, job assessment, and public assistance. The Board should not base their decision making on the serious nature of the crime or one's past criminal history. The judge took all that into consideration at sentencing. What about giving back to the community; such as community service instead of continuing incarceration?

Lisa Shipp, 07G-1307

- We continue to be denied release without adequate justification .The general nature of the crime is the primary reason given. In my personal case, I felt the Board did not give adequate consideration to the steps that I took towards rehabilitation. My treatment programs were not acknowledged.... The length of time the counsel's office took to respond to the appeal was in excess of the four-month deadline.... The subjective nature of parole decisions is disturbing to inmates.

Aaron Talley, 73A-1113

- The role of the Parole Board is to evaluate the likelihood that the parole applicant if released, will live a law-abiding life based on his or her overall comportment during the period of incarceration and not to resentence the inmate by substituting its own opinion of the severity of the crime for that of the sentencing court....As to what result has the merger had on the Appeal Unit, from a personal opinion my appeal to the appeal unit was submitted by my attorney in April 2010, and we have still not received a response as required by law within 120 days.

Alan Stasinski, 82A-0173

- I have a parole plan via Cheryl L. Kates Esq. and a psychological risk assessment by Dr. Joel Schorr. It solidly scored in the very low risk categorization. My score was a 5.1. This instrument ranked me to be of very little risk to the community if released. So why wasn't I granted parole?...Since in jail I have completed all recommended programs. I am not a security risk. My health has deteriorated and I am confined to a wheelchair. I am a changed man. I do have respect for the law and society. So with respect, why am I not on parole?

Rajendra Paltoo, 91A-2026

- All risk assessments are made at the beginning of one's incarceration with security classification being the only measure of progression during the period of incarceration. As one's security classification drops within the Department of Corrections and Community Supervision (DOCCS) the Board of Parole should be given evaluation sheets filled out by correctional staff whose daily interactions and inter-personal relationships with parole applicants holds the greatest amount of credibility in assessing the parole applicant's behavior and character today..... Case in point A1 violent felony offenders having outside clearance; but contradictory Parole Board decisions that the applicant poses a threat to the community and DOCCS lets them out in the community on a daily basis. This is a clear inconsistency between DOCCS and the Board of Parole.

Anthony Bottom, 77A-4283, AKA Jalil Muntaquim

- Since ,many of the parole commissioners are former governor Pataki appointees, they continue to make decisions subject to Pataki's philosophy and mandate. This especially concerns A-1 felons that Pataki believed should be exempt from parole consideration....One of the failures of the Parole Board is the disregard of statistical information informing them of who is less likely to recidivate. For example, those prisoners who spent more than 15 years in prison, obtain college degrees, maintain family and community support, have employment guarantees and have supplied the Board with risk assessments often are denied release as an A-1 felon despite it being proven they are less likely to recidivate. ...Unfortunately, the Pataki administration philosophy continues to manifest itself contrary to the new written procedures essentially distorting its application. The additional resources should be confirmation of prisoners/parolees parole plan submitted to the Parole Board. If the parole plan is confirmed by supervising parole officers, then release should be granted.

Bryson Davis Johnson, 08B-0978

- I believe they should speak to the people in the community and get their opinion....If a person has done his time, and completed every recommended program and kept a positive record he should be qualified for release.

Thomas Porter, 84A-2256

- I myself have been in prison for close to 32 years. I am now 16 ½ years past my minimum sentence of 15 years. In the past 15 years, I've had a home to go to, a couple of job offers, as well as family and community support, and not one time have I received less than 24 months for a hit at the Board. And not once has the Board instructed me on what I should do to gain my freedom at my next appearance.

Paul Cox, 95A-3755

- In preparation for my initial hearing (2/11) a risk assessment was conducted by an independent forensic psychologist. The LSI-R assessment placed me in the low risk category. At my hearing the commissioners noted my assessment then stated in their decision that if released I would not remain at liberty without violating the law...It is my belief that my parole denial was the result of unequal weight given to the nature of the crime. A mechanism needs to be put in place that will guarantee that equal weight is given to each decision-making factor for each inmate.

Felix Delgado, 93A- 0549

- Though passed with good intentions, I believe the DOCCS merger has not brought about fairer parole decisions. While DOCS strives to offer programs that seek to properly prepare offenders for successful re-entry, by promoting academic, vocational, and therapeutic development, parole does not give equal weight in their decision making. Almost 90% of all parole appeals note that according to Executive Law parole is not a reward for achievement in programs that taxpayers are paying for. ...In 2009, NYS law was changed to allow for the use of a risk assessment. These are not being done by parole. They should be done by mental health. A parole officer must have a Bachelor's Degree however this does not mean they are trained to assess mental health issues. The use of parole officers to do this assessment is a conflict of interest.

Sabu Quinones, 91A-3203

- During my initial appearance held in October 2009, it was determined that I be held 24 months for the serious nature of the crime. My decision stated: "your positive disciplinary record, positive program achievements, and parole packet are noted. However, due to the serious nature of the crime parole is denied."...I was chosen ...to participate in a newly developed TAP program... information was gathered to assist with re-entry into society. At that time the facility parole officer informed me that I satisfied the requirements for such re-entry assistance....upon my second parole consideration appearance I was once again denied parole for the serious nature of the crime.

Billy Green, 84B-2141

- To answer this question succinctly I have no idea what is going on with this risk assessment issue. The parole office claims to have no new information concerning new changes in parole. Our law library is clueless and badly informed. To improve parole it should be allowed that there is involved participation by all staff and correctional officers, less personal opinions on deciding inmate's release, more emphasis on the present and not the past.

Michael Murphy, 91B-2342

- I am a 41-year-old juvenile offender. I was arrested at the age of 13 for a most brutal crime. My victim Andrew, died a violent death. At the time I couldn't accept responsibility for what I did and couldn't face the consequences of my actions. I pled not guilty. My sentence was 9 years to life. This was the maximum allowable by law for a juvenile in 1985. I have served 27 years at the point I wrote this letter. The Board feels that I haven't changed in 28 years. Their decisions have remained the same: Nature of the crime, seriousness of the crime, threat to the community. Never mind that since I posted bail on April 14, 1984, I haven't even threatened anyone. The person I was in 1984, no longer exists.

Richard Fernandez, 04B-0931

- The risk assessment might be a good tool in assessing an inmate's risk and needs in regards to his rehabilitation and his success upon his release, particularly for inmate's serving a minimum term of more than 8 years, and are not eligible for a Certificate of Earned Eligibility. For those eligible what is the point of a risk assessment? DOCCS has already determined the person is ready for release. The EEC carries a presumption of release....The Parole Board acts as a second sentencing court. The serious nature of the crime will never change.... The reasons parole gives to deny parole is not based on any factual, tangible, or valid reasons. They are based strictly on the opinions of the Parole Commissioners.

Rocky Matchaletti, 84C-0959

- The Parole Board really needs to pay close attention to letters written on behalf of the inmates. Letters from the Department of Corrections such as housing officers are very important. These officers are with us eight hours a day. Who knows us better than them? Also there are some programs or jobs where we are watched by officers each day. There are some officers that we know that have become higher- ranking officials in the system who have known us for 25 years. They write each time we appear and parole ignores them. I have been in front of the Board on four occasions. Usually we get ten minutes.

My last Board I had seven minutes. How can a fair assessment be made in ten minutes?  
The Board ignores the letters from the officers that spent their time with us.

Matthew Solomon, 89A-1381

- The addition of risk and needs assessments sounded like a great tool for the Parole Board. I felt I would now have an impartial instrument to gauge my rehabilitation. Then came my fourth Parole Board appearance on 9/20/11. At my Parole Board appearance the commissioners commented repeatedly on such things as my program accomplishments, excellent disciplinary history, and my parole plan including family and community support, employment opportunities and my long-term goals. We discussed the recommendations submitted by DOCCS staff on my behalf which attests to the changes I have made in my life to become the man I am today. There of course was lengthy discussions about the crime I committed and my insight into the crime and all contributing factors....When I received my parole release decision it was another denial, based predominantly on the seriousness of the crime and community opposition; two factors that can never change. I am no longer the person I was 24 years ago when this crime occurred.