

THE SAFE AND FAIR EVALUATIONS (S.A.F.E.) PAROLE ACT

S.1128, PARKER, Kennedy, Montgomery, Perkins

A.4108, AUBRY, Arroyo, Brennan, Clark, Crespo, Fahy, Farrell, Gottfried, Hevesi, Mosley,
O'Donnell, Scarborough, Skartados, Stevenson

Proposed Changes	Current Policy
The interview shall take place with all parties present in the same room	Parole Board hearings are increasingly taking place over closed circuit TV. It is dehumanizing for all parties and doesn't create the trust needed for such significant discussion.
The interview shall be recorded audio/visually.	In-person interviews are recorded by a stenographer who can make mistakes and doesn't record details of the environment such as tone of voice, others in room, activities of those not currently speaking, etc.
No documents that are available to the Parole Board shall be considered confidential except when it's for the safety of the parole applicant	The Parole Board has access to documents of which the parole applicant may not be aware. Some of them contain false information or are misfiled from another person's folder. The parole applicant has no opportunity to correct errors or address information contained in confidential documents.
A copy of the parole applicant's psychiatric evaluation [with his/her consent], Inmate Status Reports, and "parole release plan" shall be made available to a requesting victim or victim's representative. Te Parole Board shall consider supportive or critical input from the victim concerning behavior of the parole applicant post sentencing.	Victim Impact Statements can only relate to the impact of the crime, which will never change, and not on whether they feel the parole applicant creates a present danger to them.
Release on parole shall be granted for good conduct and efficient performances of duties while confined, and preparedness for reentry and reintegration into society, thereby providing a reasonable basis to conclude that, if such person is released, he or she will live and remain at liberty without violating the law.	Many people convicted of violent crimes are commended by the Parole Board for their exemplary institutional record, but denied release based solely on the nature of their crime. The nature of the crime and the criminal history have already been addressed by the judiciary.
The Parole Board will be required to state in detail the specific requirements* for actions to be taken, programs or accomplishments to be complete, or changes in performance, or conduct to be made, or corrective action or actions to be taken, in order to qualify for parole release	Parole decisions are frequently stated in boiler plate language without advising the applicant of steps to take to gain release in the future. This leaves the applicant feeling helpless and hopeless to change his/her situation.
The Department of Corrections and Community Supervision shall provide to the parole applicant access - within 90 days - to the program or programs, activities and/or facilities needed in order to provide the opportunity to fulfill the requirements set forth by the Parole Board.	Programs needed by the applicant are often not available at the facility where she/her is currently incarcerated, or the program does not exist at all. For example: higher education is rarely available, GEDs are not available at all facilities, spending-addiction programs do not exist, etc.
The parole applicant shall be scheduled for a reappearance before the Board upon completion of the stipulated requirements, or after 24 months, whichever comes first. If the requirement previously set forth by the Parole Board have been successfully completed, release shall be granted.	The overwhelming majority of dates for reappearances are for 24 months. For those convicted of violent crimes and denied on that basis, this will not change in 24 months.

The decision shall be based upon the following considerations:

(A) preparedness for Reentry and Reintegration , (B) performance, if any, as a participant in a temporary release program; (C) release plans, (D) any deportation order, (E) any statement, whether supportive or critical, made to the board by the crime victim or the victim's representative, (F) the length of the determinate sentence to which the inmate would be subject had he or she received a sentence pursuant to section 70.70 or section 70.71 of the S. 5374 5 penal law, (G) Participation and performance, if any, in a reconciliation/restorative justice-type conference with the victim or the victim's representatives, (H) The progress made towards the completion of the specific requirements previously set forth by the board for the parole applicant, in the case of a reappearance; and (I) The progress made toward achieving the programming and treatment needs developed in the transitional accountability plan.

NYS Parole Reform Campaign

For more information, please call 518 253 7533 or email us at parole.reform@gmail.com