

# CURE-NY Newsletter

To Reduce Crime and Uplift Society

Summer, 2011

Published by the New York Chapter of CURE, *Citizens United for the Rehabilitation of Errants*  
207 Riverside Drive, Scotia, New York, 12302 curenewyork@aol.com, www.bestweb.net/~cureny  
Blog: [www.curenewyork.wordpress.com](http://www.curenewyork.wordpress.com) Jim Murphy, Editor



“He ain’t Heavy”

By Gilbert Yong

## Department of Corrections and Community Supervision

Governor Cuomo’s reorganization plan for the new Department of Corrections and Community Supervision (DCCS) has merged the Department of Corrections and the Division of Parole into the new Department, with Commissioner Fisher as its head. In addition to an estimated \$17 million in savings, the merger is intended to enhance rehabilitation while a person is in prison and help them in reentry. A Transitional Accountability plan (TAP) for each person will be developed. A risk and assessment tool will also be developed and is meant to be a guideline for the Parole Board to evaluate readiness for release. The Parole Board retains its independence, but there seems to be clearer connection between the TAP, the risk assessment tool, and the Parole Board’s responsibility. (*Italics indicate direct quotes*)

Here’s a brief summary of the different responsibilities outlined in the legislation:

**The Department** is responsible for:

- developing the Transitional Accountability plan;
- providing the institutional parole services;
- preparing of reports and data for Parole Board – “*information that enables them to perform their independent decision making function*”;
- determining conditions of release; and
- supervising released parolees.

**The Parole Board:**

- “*retains its authority to make release decisions based on the board members’ independent judgment and application of statutory criteria as well as decisions regarding revocations of release.*”;
- Establishes guidelines for use in making decisions including possible use of risk and need assessment: Update guidelines by 12/31/11 and incorporate risk and needs principles in order to determine likelihood of success and the extent of risk that release would pose for the public;
- If release is denied reasons detailed reasons (not in conclusory terms) will be given, explaining in writing how the guidelines were applied; and
- Victims statements are encouraged and may include information of post sentencing threats or intimidation

The Board of Parole shall “*have the power to determine which inmates serving an indeterminate or determinate sentence of imprisonment may be released on parole... to determine the conditions of release*”.

The legislation includes the familiar issues to be considered for release:

“*a reasonable probability that, if such inmate is released, he or she will live and remain at liberty without violating the law, and that his or her release is not incompatible with the welfare of society and will not so deprecate the seriousness of his or her crime as to undermine respect for the law.*”

It also includes the multiple factors in making a parole release decision including:

“*the seriousness of the offense with due consideration to the type and length of sentence; recommendation of the sentencing court, the district attorney, and the attorney for the inmate; the pre-sentence probation report, as well as consideration of any mitigating and aggravating factors and activity following arrest and prior to confinement; prior criminal record, including the nature and pattern of offenses, adjustment to any previous probation or parole supervision and institutional confinement; the institutional record including program goals and accomplishments, academic achievements, vocational education, training or work assignments, therapy and interaction with staff and inmates; ...performance, if any, as a participant in a temporary release program; release plans including community resources, employment, education, training and support services available to the inmate; any deportation order...; any statement made to the Board by crime victim or the victim’s representative...; the length of the determinate sentence to which the inmate would be subject...*”

The law clearly requires that each applicant for parole be considered in light of his or her ability to successfully return to the community. Insisting that the Board consider all statutorily required factors and just the nature of the offense should lead to a much improved process. The links to the Transitional Accountability Plan and the risk assessment instrument provides an

opportunity for greater continuity in preparing an individual for return to the community from the date of admission, making community re-entry a better planned and orchestrated process.

### **Hammock's Caution**

Prior to the new legislation, Former Parole Board Chair Edward Hammock wrote (*in response to Criminal Justice Com of NYS Catholic Conference*) His points are well taken as the new legislation is implemented.

*"I do not believe that the serious nature of the offense should be relied upon by a Board panel denying release without requiring the Board panel to articulate why, in their judgment, the seriousness of the crime warrants continued incarceration beyond release eligibility...Parole should reaffirm that its role is to promote public protection through the screening of offenders prior to their release in order to assure that there are no apparent indications that release would be inappropriate. They should reaffirm that they do not exist to carry out the wishes of victims or pressure groups. In spite of the sentence imposed and the performance of an inmate while confined, they should not insist that release be denied because of the crime. When Parole gives in to pressure from those who express their concerns about a particular offender, they abdicate their statutory responsibility and reject the sentencing determinations of prosecutors and judges."*

**NYS PAROLE REFORM CAMPAIGN** is continuing its efforts to deal with the nature of the crime in denying parole. They are organizing calls, emails, letters and visit to legislators in support of Assembly/Senate bill A7939 S5374 introduced by Assemblyman Aubry and Senator Duane. Check out [www.ParoleReform.org](http://www.ParoleReform.org) The purpose of the bill as stated in its summary is :*" To provide clarification and guidance to inmates who have been denied parole in order to take proper steps to be granted parole in the future...The Parole Board must state in detail, and not in vague terms, the factors and reasons for the denial of parole and the specific requirements for actions to be taken, programs or accomplishments to be completed, or the changes in performance or conduct to be made, or corrective action to be taken in order to qualify for parole release. Under current law, the Parole Board may deny an inmate parole simply due to the nature of his or her crime. Under this criteria, an inmate may never become eligible for parole - no matter how successful he or she has been in rehabilitative and educational programs.This bill would require the Parole Board to inform an inmate that was denied parole the exact reasons for the denial, and what steps are required to be considered for parole in the future."*

### **Prison Action Network's Concerns** from July 2011 Building Bridges

PAN is expressing concerns over the existing 2010 risk assessment tool for questions such as : " if this person (the parole applicant) faces employability problems upon release?" "will it be difficult to find a steady job?" "Will money be a problem for you when released?" Almost anyone who said no to either of those questions would be seriously out of touch with reality, yet no is probably the answer that will get the better score.

**NATIONAL SYMPOSIUM THINK OUTSIDE THE CELL: A NEW DAY, A NEW WAY** (Riverside Church New York City September 24<sup>th</sup>) Bringing together speakers for a conversation on the issues facing the incarcerated, the formerly incarcerated and their loved ones.. Speakers include the Rev. Al Sharpton; Newark Mayor Cory Booker,; CNN journalist Soledad O'Brien; Randall Robinson,; Jeremy Travis, President of the John Jay College; "Chef Jeff" Henderson, formerly incarcerated motivational speaker; Rossana Rosado, CEO of El Diario La Prensa; Khalil Muhammad, of the Schomburg Center for Research in Black Culture; Alan Rosenthal, co-director, Justice Strategies, Center for Community Alternatives; Terrie Williams, youth advocate. Anyone who wants to attend the free, day-long symposium is urged to register immediately at [www.thinkoutsidethecell.org](http://www.thinkoutsidethecell.org), since space is limited. Free breakfast and lunch will be available at the event, which is funded by the Ford Foundation.

### **Merit Time in Albany**

Senator Montgomery and Assemblyman Aubry have introduced a merit time bill which would allow merit time for all the incarcerated except those serving a sentence for first degree murder, incest, acts of terrorism, harassment of an employee by an inmate or the attempt or conspiracy to commit any of these offenses. Even with these exclusions, its intent would widen the number eligible for this program. The bill was on the Crime, Crime Victims and Corrections Committee agenda in March, but was not reported out of committee and will not be voted on by the entire Senate this year.

## Corrections and Community Supervision in Canada

There may be some lessons for NY's new Department of Corrections and Community Supervision in the experience of Canada. There, those sentenced to more than two years are the responsibility of the Correctional Services of Canada (CSC), a federal program whose mission is "to actively encourage and assist offenders to become law-abiding citizens."

Most of Canada's federal offenders serve only part of their sentences in institutions. The remainder of their time is served in the community, where they adhere to certain conditions and are supervised by Parole Officers. The work of gradually releasing offenders, ensuring that they do not present a threat to anyone, and helping them adjust to life beyond institutional walls is called *community corrections*. Such work is essential because experience has shown that most offenders are more likely to become law-abiding citizens if they participate in a program of gradual, supervised release.

In 2009, Canada had 12,649 people housed in their prisons and another 8,000 (about 1/3 of those sentenced) in a variety of community settings including :

- Community Based Residential Facilities run by CSC;
- Community Residential Facilities operated by non-governmental organizations or private aftercare agencies.

Both the governmental and not for profits settings include structured living environments with 24-hour supervision, programs and interventions to assist the offender with a gradual and structured transition to the community. The collaborative relationships between communities, non-governmental organizations and the government are seen as essential in providing the tools and assistance required to support offenders to make successful transitions to the community. This collaboration opens the door for creative responses to ensure public safety and the successful reintegration.

New York's Department of Corrections and Community Supervision will be responsible for offenders while in prison and when released back to the community. The new department will have leeway to develop community correction programs. If Canada's experience is any indicator, coupling the Department's Transitional Accountability Plans and Risk Assessments for each inmate with community based programs should help meet the goals of safer streets and successful reintegration of those returning to the community. (For more information on what Canada is doing, take a look at CSC's website -- [www.csc-scc.gc.ca](http://www.csc-scc.gc.ca).)

**Parole Board News** Terms have expired for five of the members of the Parole Board. Members Walter Smith, James Ferguson, Christina Hernandez, and G. Kevin Ludlow had been appointed by Governor Pataki with terms ending in June and July of this year. Henry Lemons had been appointed by Governor Spitzer. While their terms have finished, they will continue to serve until Governor Cuomo appoints and the State Senate confirms the appointments. No word yet on when the Governor will appoint and the Senate will be in session.

**LIFELONG CURE** is a chapter of National CURE that is being revived. Barbara Stevenson and Kathi Izor from Colorado serve as the chairs of Lifelong CURE. Charlie Sullivan the Director of National CURE asked Jim Murphy of CURE NY to edit the newsletter. Jim was asked to compile the newsletter from the responses of with life sentences on the National CURE mailing list. While that list did not include many New Yorkers serving life sentences, Jim will try to identify them on the CURE NY mail list and include them in the delivery. The organizations purpose as outlined by Barbara and Kathi is to:

- draw attention to the varied situations and issues of those sentenced to life;
- detail the organizations trying to reform the policies of the US and state governments regarding life sentences; and
- detail some of the initiatives taking place.

The newsletter lists some of the **facts about life sentences in the US**:

- 140,610 individuals are serving life sentences, representing one of every 11 people (9.5%) in prison.
- Twenty-nine percent (41,095) of the individuals serving life sentences have no possibility of parole.
- The number of individuals serving life-without-parole sentences increased by 22% from 33,633 to 41,095 between 2003 and 2008. This is nearly four times the rate of growth of the parole-eligible life sentenced population.
- In five states—Alabama, California, Massachusetts, Nevada, and New York—at least 1 in 6 people in prison are serving a life sentence.
- Racial and ethnic minorities serve a disproportionate share of life sentences. Two-thirds of people with life sentences (66.4%) are nonwhite, reaching as high as 83.7% of the life-sentenced population in the state of New York.
- There are 6,807 juveniles serving life sentences; 1,755, or 25.8%, of whom are serving sentences of life without parole.
- Seventy-seven percent of juveniles sentenced to life are youth of color.
- There are 4,694 women and girls serving life sentences; 28.4% of females sentenced to life do not have the possibility of parole." (No Exit//The Expanding Use of Life Sentences in America" Pg. 3, 2009 The Sentencing Project)

**CURE-NY**

The New York Chapter of National CURE  
Citizens United for the Rehabilitation of Errants  
207 Riverside Avenue  
Scotia, New York 12302  
Return Service Requested

Non Profit  
Organization  
US Postage  
**PAID**  
Albany, NY  
Permit No.  
217

Please fill in and mail this membership application to: CURE-NY, 207 Riverside Dr., Scotia, NY 12302

Your Name \_\_\_\_\_  
Address \_\_\_\_\_  
City, State & Zip Code \_\_\_\_\_  
Phone \_\_\_\_\_  
E-mail \_\_\_\_\_  
Fax \_\_\_\_\_

Please check type of membership and Annual Dues.

- |  |          |                                     |           |
|--|----------|-------------------------------------|-----------|
| <input type="checkbox"/> Incarcerated person | \$ 2.00  | <input type="checkbox"/> Sustaining | \$ 50.00  |
| <input type="checkbox"/> Basic               | \$ 10.00 | <input type="checkbox"/> Life       | \$ 100.00 |
| <input type="checkbox"/> Family              | \$ 20.00 | <input type="checkbox"/> Benefactor | \$ 500.00 |

**Other Legislation** A great number of bills effecting criminal justice issues were introduced, some good, some awful. A number introduced by Democrats dealt with easing employment for people returning from prison. Others introduced by Senate Republicans would have made it even more difficult for people to be released or increased fees for the imprisoned. Neither the good or awful made it out of Committee and so they died.

**Apology Repository**

New York On April 20th, CURE NY members met with Family and Friends of Homicide Victims in New Paltz in order to discuss shared social justice positions. There was agreement on many issues including the State's little known Apology Repository which allows the imprisoned to apologize to victims. As a result of our discussions, we agreed that the New York State Apology Repository is something that could be of significant value to some victims as well as some offenders and families, if carried out in a restorative approach.

\*\*\*\*\*

**We are sorry, but CURE-NY is not able to offer legal advice or help in individual cases.**