



NEW YORK STATE SENATOR

Martin J. Golden

Senator Golden Raises Concerns About Recent Parole Policies and Proposed Budget Cuts

MARTIN J. GOLDEN March 23, 2010

Brooklyn- State Senator Martin J. Golden (R-C-I, Brooklyn) today issued a letter to Acting Commissioner Sean M. Byrne of the New York State Division of Criminal Justice Services expressing recent parole policy changes that are placing our communities and all New Yorkers, as well as law enforcement personnel.

Senator Golden also indicated his opposition to a proposal in the Governor's Budget that will reduce the number of Parole Commissioners from 19 to 13, potentially further destabilizing the system. This budget action would increase the caseloads of the individual commissioners and the likelihood of mistakes in the process of reviewing the cases of inmates requesting parole.

The letter is below.

-30-

March 23, 2010

New York State Division of Criminal Justice Services

4 Tower Place

Albany, New York 12203-3764

Dear Acting Commissioner Byrne,

I have great concern that recent parole policies are placing our communities, our citizens and our law enforcement in danger. Based on the hearing of Thursday March 18, 2010, I learned that parolees are simply not being properly supervised. Technical violations are routinely not imposed, drug tests are not administered and when parolees abscond they are not being pursued. These practices are unsafe and place our communities at risk.

In addition, the Executive Budget proposal to reduce Parole Commissioners from 19 to 13 has the potential to further destabilize the system. This budget action would reduce the size of the Parole Boards thereby increasing the caseloads of individual commissioners and the likelihood of mistakes in the process of reviewing the cases of inmate requesting parole. This proposal should be rejected.

Of specific concern to me is the apparent lack of process in the matter of Horace Moore. In 2008, Horace Moore was thrown out of a highly effective reentry program run by the Brooklyn District Attorney's office. He had failed numerous drug tests and was later arrested at a subway station with a knife. Subsequent to being thrown out of the program, Horace asks a bus driver for a ride and then stabs him to death when the driver refuses him a transfer ticket.

It would seem to me, that if someone is on parole, and the conditions of their parole require them to enroll in and complete a drug rehabilitation program, failure to complete that program should result in such individual being immediately remanded back into custody and sent to back to prison.

In the case of Horace Moore this did not happen.

Based on last the hearing of last week, this seems to frequently not happen.

As a retired New York City Police Officer and an elected official I have an obligation to understand how and why this part of the process failed, specifically in the light of statements made by numerous parole officers that they are being directed, as a matter of policy, to not violate parolees and to not pursue absconders.

Please respond to the following:

1. When a parolee is enrolled in a reentry program and fails to complete that program, what is the process for subsequently managing that parolee?
2. Are they remanded back into custody? If not, what happens?
3. Are they enrolled in another program? As a matter of policy how many times are parolees reenrolled into rehabilitation programs before they are remanded back into custody?
4. What are the communication protocols between the Division of Parole and local law enforcement? How is the status of a parolee that fails to complete a local rehabilitation program communicated to the Division of Parole?
5. In addition please send to my office statistics on rate of recidivism for parolees indexed to the number of times they fail drug tests.

Thank you for your prompt attention to this matter. If you have any questions or are in need of further information please do not hesitate to contact my office.

Sincerely,

Marty Golden

State Senator