



NEW YORK STATE SENATOR

Andrew J. Lanza

Time To Stop The Massive Increase In Violent Criminal Parole Release Rates

ANDREW J LANZA

Senator Lanza joined members of the New York State Senate Majority Conference and the family of fallen New York City Police Officer Harry Ryman to announce the introduction of comprehensive legislation that will dramatically strengthen the State's parole laws to help restrict the release of potentially dangerous violent felons.

The announcement was a direct response to the alarming increase in the parole release rates for A-1 violent felons that has occurred since Governor Eliot Spitzer took office. New State Division of Parole data shows that A-1 violent felons appearing for the first time before the Parole Board are now being released at a rate 180 percent higher than during Governor George Pataki's last term in office. Felons who reappear before the Board are being released at a rate 122 percent higher than during Pataki's last term.

"These critical parole reforms will help keep our communities safe, empower crime victims, and help to ensure that cop killers and other vicious criminals are kept behind bars where they belong," said Senator Lanza.

"My family and I believe that parole procedures need to change; not on behalf of the inmates

– but on behalf of the very people whose lives were destroyed by them," said Margaret Rainone, Staten Island resident and daughter of slain NYPD Officer Harry Ryman. "The current lack of equality regarding victims in the parole process only serves to minimize the impact statement and its real value in the process."

Senator Lanza and Assemblyman Lou Tobacco (R - South Shore) have authored legislation which will strengthen provisions of the law pertaining to impact statements given at parole hearings by victims and family members. Under current law, it is only required that statements given by crime victims and family members be heard by one member of the parole board, while convicts plead their cases before all three members of the parole board. In fact, crime victims and their families are not even entitled to a guarantee that their statement will be heard by a parole board member who will actually decide the case. The bill (S.6825) would fix this injustice by requiring all three parole board members to hear testimony from crime

"Violent criminals should not have more rights than the victims of their crimes," said Senator Lanza. Unfortunately, current policies do just that. This bill will fix the problem by allowing crime victims to be heard by the same parole board members who will hear from the criminal," Lanza continued.

Additional legislation to be advanced by Senator Lanza and the Senate Majority would:

- Require at least 3 Parole Board members to conduct parole hearings for inmates convicted of a class A felony, and require a unanimous vote for parole to be granted in these cases (Presently, only a majority vote is required.);
- Require the Division of Parole to maintain a listing of inmates and their parole eligibility dates, along with other relevant data, on their website;

- Allow victims who did not choose to receive notice of parole hearings at the time of the inmate's conviction to elect to do so at a later date;
 - Require the Division's website to provide a mechanism enabling victims of all crimes, not just violent crimes, to register to receive notice of when their perpetrator will appear before the Parole Board for a hearing. The website must also provide a notice of their rights as a victim to make either a written or oral statement to the Board;
 - Require the Parole Board to give notice to victims who have requested to be notified of a proposed parole hearing, and their rights as victim to make either a written or oral statement to the board;
 - Require the Division of Parole to provide an annual report to the State Legislature on all parole releases, release rates and other information; and
 - Mandate that the Division of Parole must contact the local District Attorney in the county where a crime was committed, whenever an A-felon or Violent Felony Offender comes up for parole.
- Mandate an extensive array of information about inmates be made available on the State Division of Parole website, including their record of behavior while incarcerated.

According to the Senate Majority, the dramatic increase in parole rates is in keeping with a troubling pattern that has emerged since Governor Spitzer first took office – a pattern that will serve to weaken the state's criminal justice system and place the public at greater risk. Elements of this pattern include the following:

- The Governor's proposed budget calls for the closure of four correctional facilities across the State;

- The Governor's proposed budget would dramatically expand the State's "compassionate release" policies for inmates, including A-1 felons. The proposal would effectively change the law so that inmates who have a "permanent" illness can be released without intensive supervision (At the present time, only "terminally ill" inmates can be released, and these individuals are only released under intensive supervision.); and

- In November of 2007, news reports revealed the fact that the Spitzer administration and Board of Parole were quietly negotiating a court settlement that would have dramatically altered the governance of parole hearings in order to favor the rights of violent criminals, including notorious killers such as David Berkowitz, the "Son-of-Sam." Under the proposed settlement, cop killers and other vicious criminals would have received additional opportunities to seek early parole, while also being empowered to select the parole officer of their choice. Strong opposition from the Senate Majority led the Administration to abandon these negotiations.