

Good Morning, Senator Gallivan, Chairperson Committee on Crime Victims, Crime and Correction and Senator Akshar, Chairperson Committee on Elections,
_____ distinguished colleagues and guests.

My name is Laura Ahearn, I am the Executive Director of the Crime Victims Center *dba* Parents for Megan's Law. I am a New York State Licensed Social Worker and an Attorney admitted to the NYS Bar. The Crime Victims Center is a State Certified Rape Crisis Center and a Crime Victim Center, providing crisis intervention, criminal justice advocacy, courtroom and medical accompaniment, counseling and other trauma informed support services to crime victims and surviving family members. Working directly with the NYS Office of Victims Services the CVC has facilitated the return of nearly 6 million dollars in reimbursement to crime victims for expenses related to the crimes committed against them. Over the past 20 years I have worked with over 25,000 victims of violent crime including but not limited to victims of sexual assault, domestic violence, stalking, gang violence, assault, arson, vehicular crimes, federal crimes, terrorism, and survivors of homicide, including the surviving family members of MS-13 victims in Suffolk County.

Thank you for this opportunity to offer testimony on behalf of crime victims and surviving family members regarding the New York State Parole Board Procedures relating to decisions to deny or grant parole to an inmate and on behalf of the community regarding Executive Order # 181. I will first address New York State Parole Policies and Procedures.

New York State Parole Policies and Procedures

In May of 1971 Herman Bell was part of a group that lured and ambushed two New York City Police Officers, shooting them both in the back and killing them. Three months after he murdered Officers Pia-gen-tini and Jones, Mr. Bell murdered San Francisco Police Sergeant John Young in his station house. His guilt and actions were never in dispute. Their families had to endure **8 Parole Board Hearings** and in the last hearing, by a 2-1 margin Bell was granted parole. The response was swift from the family and police unions across the country.

What is particularly telling however was the response from two high profile elected officials in New York. Mayor Bill de Blasio urged the state parole board to reconsider its "tragic and incomprehensible" decision. He wrote to the Parole Board that "Murdering a police officer in cold blood is a crime beyond the frontiers of rehabilitation or redemption," Gov. Andrew M. Cuomo, when asked if he supported the parole board's decision to release Mr. Bell, said if he were on it, "I would not have made that decision."

Herman Bell should never have been released. His release appears inconsistent with NY State statutory procedures regarding discretionary release on parole. Pursuant to the statute, an inmates release must not be "incompatible with the welfare of society and will not so deprecate the seriousness of his crime as to undermine respect for law." For some crimes, parole must not be an option.

The current parole board procedures when considering whether to deny or grant parole to an inmate are re-victimizing victims and surviving family members. Every two years victims

and surviving family members are forced to relive the trauma associated with the often brutal crimes committed against them or their loved one.

For victims and surviving family members, this process effectively amounts to **state scheduled post-traumatic stress disorder (PTSD)** wherein victims and/or loved ones themselves feel sentenced to relive and recount the often horrific details of the most tragic and hurtful events in their lives.

I am now going to read a statement from surviving family members of 13 year Kelly Ann Tinyes and a statement from Jennifer Brooks who was 10 years old when the South Shore Rapist kidnapped her from her home to rape her. Both statements support the need to effect significant changes in the NYS Parole Board's process to prevent victims and family members from further enduring even more suffering.

Kelly Ann Tinyes

On March 3, 1989, Robert Golub lured 13-year-old Kelly Ann Tinyes to his home, where he beat, stabbed, mutilated and strangled her. He then put her body in a garbage bag, like she was trash, and hid her in his basement. She was found the next day. It was a horribly heinous crime, one he should spend the rest of his life in prison for. I am now going to read a statement from Mr. Richard Tinyes, Sr. Kelly Ann Tinyes' father, dated October 1, 2018.

Dated October 1, 2018 – Statement from Mr. Richard Tinyes, Sr.

101 Horton Rd.

Valley Stream, N.Y. 11581

To Whom It May Concern,

On March 3, 1989, our beautiful daughter Kelly Ann Tinyes was brutally murdered in the Golub house down the block from where we live. Robert Golub was there when Kelly entered the house. Robert Golub was waiting for her and he beat her head and body so badly that we had to close the coffin at her funeral.

Kelly's head was beaten so badly that it was swollen to almost twice it's normal size. He then took a knife and cut her throat, slashed her breast numerous times and then took the knives and cut her vagina to her anus.

Robert Golub is coming up for parole again in November and every two years the family has to endure reliving what he did to Kelly for months before the parole hearing. Two years is torment for our family. It should be every five years. At the first parole hearing, we were allowed to bring numerous family members with us for support. Now we are only allowed to bring immediate family members which is four people and two additional relatives who are not allowed to speak.

This has affected our lives in so many ways. My business was affected because no one wanted to face their worst nightmare. No matter where I went, people would stare or some people would ask if I was Richard Tinyes. Wherever I went - Aruba, Florida, Charlotte, North Carolina - people would recognize us. My wife Vicki is very upset because she believes there is a chance Robert Golub could be released on parole. The state should make parole hearings every 5 years for murderers to give peace to the victim's families. The families should also be able to bring more people with them for support and those people should be allowed to be heard.

Sincerely,
The Tinyes Family

After a brief introduction I will read excerpts from a statement from Ms. Jennifer Brooks. The full statement is provided in your packet.

On June 22, 1988, the South Shore Rapist Scott Carrol was sentenced to 650 years in prison for terrorizing and sexually assaulting multiple women. He kidnapped and raped a 10 year old child, that child was Jennifer Brooks.

Statement from Ms. Jennifer Brooks - Dated October 1, 2018

My name is Jennifer Brooks, and in 1986, I became the youngest victim of the "South Shore Rapist." I was 10 years old when he kidnapped me from my bedroom and took me to an empty lot to rape me. I was lucky that he was eventually caught and charged in four counties throughout New York and Florida. It went to trial in three of those counties, all leading to convictions on multiple counts of rape, attempted rape, sodomy, burglary, and in one case, attempted murder.

For reasons I will never understand, this man, who was only in his 20s at the time of his sentencing and was out on parole from a burglary conviction when he raped all of us, [and] was given the chance of parole starting when he was 51. Plenty of time to pick up where he left off and continue raping little girls and women.

I was glad to be given the opportunity to speak and deliver a victim's impact statement. It was extremely difficult for me, but I believed it mattered, so I did it. The first time, I was told a member of the parole board was going to be there. It wasn't explained to me until afterwards that the people in the room were not members of the parole board who would hear his case and were just going to write a transcript of what I said to deliver to them. I could have just written it myself if I'd known. But did my in-person appearance matter? Did it carry any more weight than if I'd just written a statement? I couldn't get any straight answers about it.

Numerous times over the years, I wrote to the Victim Assistance email address with questions. Sometimes I got no response back at all, like when I wrote to say that my friends and family were asking for advice about what to include in their letters. I wanted to know if there were any sample letters or guidelines about what a parole board cares about. No response.

When I did get responses, they were always unsigned, so I had no idea who I was talking to, and the answers were generally cold and not helpful. It's a terrifying prospect realizing that every year or two, you have to freshly beg for strangers to care about you enough to keep the man who terrorized you and dozens of other women away from society. So far parole has come up every two years, but I've been told that it can be changed to yearly any time. Every time it comes up, I'm a mess for months, stressed out like crazy about what I would ever do if this guy is set free. I'm a single mom of an 11-year-old daughter, and I have no choice but to live near where he raped me, and where he still has family.

Three years ago I had a close call. I called to find out whether the parole board had made its decision and was told they got an extension because they wanted to see more of his trial records, particularly the sentencing notes, which were not in the files because they had been destroyed after a certain number of years, a fact that still stuns me. This was October, and I was told I should get a decision "right around Christmas." Preparing for Christmas was miserable that year. It broke me apart that I had sent in my victim's impact statement describing what this man had done to me and how he had ripped my life apart and that it wasn't enough. The parole board had heard all that and were seriously considering setting him loose anyway.

Thank God they didn't. But the next time parole came up, I went all out. Since my story didn't matter enough last time, I asked everyone I could think of to write letters. I never got instructions about where to send these letters, so at first they were all emailing to the same address I was, and getting no responses. Finally I found a website that was meant for this type of use, at <http://www.doccs.ny.gov/DOCCSWebLettersToBoardofParoleForm.aspx>. However, right away friends started telling me that the form was broken-- it was rejecting letters with nearly any form of punctuation, like apostrophes or quotation marks. It was also severely limiting the word count of submissions to about one paragraph. Many of my friends gave up because no matter what they sent, they couldn't get it to go through.

People asked me if the parole board will consider letters from out of state, or even out of the country, and I have no idea. I have wondered if getting media attention would help or hurt. I have wondered whether I need to write something different every time, if they actually reread all my old letters, and what I need to show them. I've heard that he's been well-behaved in prison, which doesn't shock me because there are no women there. His "good behavior" shouldn't mean nothing in this context, and yet from what I understand, it DOES mean he will get out early.

I am also told to call in each day after a certain date to find out the decision, or wait for a letter in the mail. Why? When you have cases like this, how hard would it be to have someone make the phone call right away to let me know so I can sleep again or prepare for the worst?

Getting any kind of advice or real answers has been just about impossible, and to this day, I have no idea what the parole board considers or doesn't, and what they were thinking before when they nearly set a serial rapist free. What I want more than anything are two things: much longer periods between parole hearings, and complete transparency about the process. I want to speak with at least one member of the parole board that's speaking to him. I want them to hear MY voice, not just his. I want to ask them what they're thinking and what they want to hear from me.

I don't just want them to read notes. I want them to recognize that I am a real person whose life will be irreparably harmed if they let him out. He promised to come back for my little sister; I have every reason to believe he would come back now for my daughter.

I want clear instructions about what the parole board considers, and I want compassion and support during the process. It shouldn't feel like I'm speaking to a neutral third party when I contact Victims' Assistance; I want them to hear that I'm staying up until dawn every single day and working near my front windows so I can watch the house and keep my daughter safe. I want them to understand that I spent 4 years trapped in my home with agoraphobia, and that I changed my name to make it harder for him to find me. I want them to see how hard I fight every single day for my sanity and to live in this world. And I want to believe that what happened to me matters, and that it will be used to make sure that it doesn't happen to the next 10-year-old girl.

Thank you for your consideration.

Recommendations from Victims and Surviving Family Members of Homicide Victims

1. Pursuant to the statute, an inmates release must not be “incompatible with the welfare of society and will not so deprecate the seriousness of his crime as to undermine respect for law. “ For some crimes, such as the murder of police officers, the brutal sexual assault and murder of Kelly Anne Tinyes and the kidnapping and rape of 10 year Jenna Brooks by the South Shore Rapist, parole must not be an option.
2. Parole hearings should not be granted at least every 2 years. Instead, there should be longer periods in between such as at least every 5 years for murderers and rapists to prevent re-victimization.
3. Surviving family members should be able to be accompanied to parole hearings by more than immediate family members such as cousins and friends of the victim for support - and those people should be allowed to be heard.
4. Parole Board Victim Assistance services should be more responsive and more transparent to address victims and surviving family members concerns:
 - Clear instructions about the process need to be provided to every victim and surviving family member and if procedures are not followed, there needs to be a complaint process and procedure for victims and surviving family members.
 - Victims Assistance emails must be responded to and questions answered thoroughly.
 - Electronic forms designed to provide supporters of victims an opportunity to write letters must always be functional and quality assurance practices in place to ensure they are operational.
 - Victim notification processes should be automated via email or an automated call such as the process VINE utilizes.

In closing I would like to express our opposition to Governor Cuomo's 2018 Executive Order enabling parolees to vote as it grants Registered Sex Offenders access to schools which serve as polling places. School grounds where children play and congregate must be a sanctuary from those who may cause harm. The implications of this order potentially place children and our most vulnerable at increased risk and adequate safeguards are not currently in place. Registered sex offenders should not be granted access to schools. If sex offenders on parole, as well as other parolees convicted of violent crimes wish to exercise their right to vote, we believe they should be given Absentee ballots, postage paid if indigent, to cast their ballots.

Thank you for this opportunity to speak on behalf of the victims we represent and serve.

Laura A. Ahearn, Esq., L.M.S.W.
Executive Director
The Crime Victims Center, *dba* Parents for Megan's Law