

## Police Community Perspective on Parole

The concept of parole is not one that sits very well with the police community. We have an elaborate system for sentencing in New York State that involves the consideration of many factors including the nature of the crime, the defendant's criminal history, mitigating circumstances if any, victim impact statements, etc., and at the conclusion of that process, the Court imposes a sentence determined to be fair to all concerned and appropriate to the purposes of criminal detention, i.e., to send a message to the defendant and to others that such conduct will not be tolerated in society and to remove the defendant from society for a period of time in the interest of public safety.

The concept of parole works directly against both of those purposes. It releases back into society before the date determined to be appropriate by the sentencing Court a person with demonstrated criminal tendencies while at the same time conveying to that person the message that criminal sentences can be undermined and frustrated by good behavior while in prison and real, or feigned, "rehabilitation".

Few things cause the police community more consternation than to see the same recidivist criminals pass through the system time and time again for the same or similar criminal conduct while endangering and/or injuring the public and the police community each time around. Releasing prisoners early makes a mockery of the sentencing Court and the police who brought the convicted person before that Court. We accept parole as a structural part of New York's Criminal Justice System, but we would urge those that who administer it to focus strongly on the nature and gravity of the underlying criminal conduct, its impact on victims and defendant's criminal history. How the defendant behaved in prison or any purported steps towards rehabilitation there may have been may be factors to be considered under §259-I of the Executive Law and the regulations promulgated thereunder, but they should be given far less weight than the factors considered by the sentencing Court.

One category of cases clearly warrants separate treatment. Parole should not even be considered for anyone who in the process of his or her criminal activity kills a police officer. Killing a police officer demonstrates such a heinous, fervent and total disregard for the rule of law as to warrant a forfeiture of a person's liberty interest. No act could better exemplify an utter disrespect for the law than killing a police officer whose life is dedicated to enforcing the law and whose image is the public face of law and order. A person willing to kill a police officer will obviously stop at nothing to achieve their criminal ends, and a person capable of engaging in such depraved conduct does not deserve a second chance. Parole should not be available to anyone convicted of killing a police officer.

Releasing cop killers on parole clearly has a negative impact on the morale of all police officers. It sends a message to the police officers that the risks they take in their daily work are ignored, that their value to society is unappreciated and that their safety is of no concern. At the same time, it sends a message to offenders that killing a police officer is no different than killing anyone else and that they need to pay no more attention to a police officer standing in the way of their criminal enterprise than any other obstacle. This message seriously undermines the authority of the police community, emboldens the criminal element and jeopardizes officer safety.

The process of parole seems to happen under a cloak of secrecy. The governing statute, which is Executive Law Section 259-i and the regulations promulgated thereunder at 9 NYCRR Section 8002.2 do not require that the parole board consider any community input, any law enforcement input, any victim input other than any victim statements that were given at the time of sentencing and they do not require any form of public hearing. Criminal trials and criminal sentencings are conducted in public, and we fail to see why parole proceedings should be conducted behind closed doors since their subject matter is essentially the same.

We do not have any specific suggestions as to how community input could be required or implemented into the current system, but we think that is an idea that should receive some consideration. We feel that law enforcement input should definitely be required to be considered by parole board members when making a decision to parole an inmate, particularly in cases that involve killing or injuring a police officer but also in cases that do not. The law enforcement community obviously has major input to all aspects of the criminal justice system prior to parole, and we feel to see any reason why it should be frozen out of the proceedings when they reach the parole board. The police community should have as much input into parole determinations as we have in sentencing determinations. As things stand at the present time, the police community generally learns of parole determinations when we read about them in the newspaper, very often to our astonishment and chagrin, or when a recidivist criminal gets arrested again in the same community where he committed the crime for which he was previously incarcerated well before the expiration of the sentence that we understood he or she had received.

In short, we believe that the procedures of the parole board should be modified so that they function much more like the rest of the criminal justice process: in the open, before the public and with full input by all concerned and/or affected individuals and groups.

The current concern about allowing parolees to vote, which is apparently based on the fact that it will allow sex offenders to be present in public schools for purposes of voting, is simply too recent a development to comment on. While it poses obvious concerns, we simply do not have enough experience with the subject matter to offer comment.