

THE SENATE  
STATE OF NEW YORK  
SENATOR PATRICK M. GALLIVAN  
59TH DISTRICT

July 29, 2019

Honorable Andrew Cuomo  
Governor  
Executive Chamber, New York State Capitol  
Albany, NY 12224

Dear Governor Cuomo:

As a former member of the New York State Board of Parole, I have great respect for the enormous responsibility each member has in determining whether to release individual inmates. As part of its mission, the Board of Parole must ensure public safety by granting parole when appropriate under strict governing standards. Two recent cases raise serious questions about the actions of some Parole Board members in exercising their duties and I urge you to investigate further.

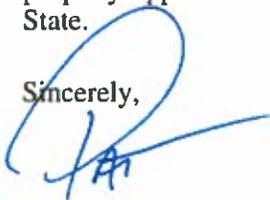
Earlier this month, the Board granted parole to Richard LaBarbera, who was convicted in the brutal 1980 murder of a 16-year-old girl in Rockland County. Upon his release, LaBarbera was sent to Erie County where just last week he was arrested for violating the terms of his parole.

In less than 3 weeks, Mr. LaBarbera proved, yet again, that he is not capable of leading a law-abiding life. In fact, he committed the 1980 murder while on parole for another crime. However, despite his prior record on parole and scant evidence that he had the ability to follow the laws of society, the Parole Board released him. This undeniably wrongful release, be it poor judgement or willful and intentional ignorance of the law, calls into question the judgement of those members of the Parole Board who voted to release Mr. LaBarbera and their ability to properly fulfill their duties. Ironically, one of the commissioners who voted to release LaBarbera, voted against the release of co-defendant Robert McCain.

I am equally dismayed by the Board's decision to release Herman Bell in 2018. His callous, cold-blooded murder of two New York City police officers cannot be diminished by the passage of time. Once again, the board has ignored the facts of the case, the intent of the sentencing judge, the voices of the victims' families and the will of the people of New York State. A commissioner who voted to release Mr. Bell, despite a new disciplinary charge against him, voted against Bell's release in 2016.

These are two clear cases wherein the Parole Board failed the citizens they are supposed to serve. There are more. While the law provides for the Parole Board's independence, it also provides you with the authority to remove individual members for cause. I urge you to review these cases, examine the records of the Parole Board members involved and remove them if it is demonstrated that the law is not being properly applied and they are not fulfilling their statutory responsibilities to the residents of New York State.

Sincerely,



Patrick M. Gallivan  
Senator – 59<sup>th</sup> District