



NEW YORK STATE SENATOR

George M. Borrello

## Senator George Borrello & Assemblyman Joseph Giglio Call for Measures to Give Victims a Stronger Voice in Parole Board Decisions

GEORGE M. BORRELLO September 12, 2023

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Kaitlyn Brown, daughter of murdered Salamanca resident Penny Brown, shares the trauma of Edward Kindt's release on parole and the difficulty she encountered in trying to access services through the state's Office of Victim Services.

Kaitlyn Brown shares family's trauma and sense of injustice following release of Edward Kindt who raped and murdered her mother, Penny Brown

OLEAN, NY – Crime victim and advocate Kaitlyn Brown joined Senator George Borrello and Assemblyman Joseph Giglio as well as local officials and victim advocates at a news

conference today to call for support of measures that would bring more balance to parole board hearings and give victims a stronger role in the process.

Ms. Brown drew on her family's own wrenching experience in calling for the changes. Her mother, Penny Brown, was brutally raped and murdered by Edward Kindt in 1999 while she was out jogging with her dogs. Because he was 15 at the time of the killing, he was spared a life term on his plea to second degree murder and sentenced to nine years to life in prison, the maximum available for a juvenile at the time.

"The loss of her beloved mother at the hands of a vicious monster has left Kaitlyn Brown and her family with unthinkable pain and anguish, even more than two decades after this horrific crime. True healing has been nearly impossible as they have been continually forced to relive their trauma with each parole hearing," **said Senator George Borrello.** "In March, the thing they feared most happened: Edward Kindt was released on parole."

"With little notice or correspondence, my Mother's rapist and murderer was shockingly released earlier this year to the county I currently reside in. The psychological impact this decision has had on myself and my family has been profound and utterly devastating. We have navigated this nightmare with an abysmal lack of resources from the state while their priority has been the safety and wellbeing of the perpetrator. We have completely fallen through the cracks of this system and we are a glaring example of the way victims are dismissed, silenced, and left without support. We are the ones serving the life sentence, and being revictimized along the way," **said Kaitlyn Brown.**

"It is hard to believe how parole board members could justify releasing an individual who is capable of such callous depravity against an innocent woman. It is particularly upsetting in light of the fact that he also had a troubled disciplinary record while in prison," said Senator Borrello. "Assemblyman Giglio and I spoke out strongly against his release and advocated for

the board to reverse their decision. They refused.”

“Unfortunately, the experience of Kaitlyn and her family underscores a new reality in New York State: those who break the law – who even commit the most heinous crimes imaginable – have more rights and more support from the state than their victims,” said Senator Borrello. “Serial killers, cop killers and sexual predators like Edward Kindt who would never have been paroled in the past are now regularly released into society by New York State’s Parole Board. With each release, victims are revictimized and the safety of innocent New Yorkers is at risk.”

Assemblyman Giglio noted that changes made to the Parole Board by the previous administration led New York to a dangerously soft on crime position. This has caused a multitude of problems for New Yorkers, including the release of violent felons – murderers, rapists, and others who prey upon innocent victims – back into communities across the state.

Data from the Parole Board’s annual legislative report confirms that parole approvals have risen significantly: in 2016 the parole approval rate was 23 percent but by 2021 it was 38 percent.

“The Parole Board is no longer following the proper guidelines for the release of incarcerated individuals. Community activists are now overruling the work of judges and juries. Juries and judges spend countless hours examining cases in exhaustive detail only to have their decisions overturned by brief interviews by three Parole Board members,” **said Assemblyman Giglio.**

Senator Borrello and Assemblyman Giglio outlined proposals they believe are needed to restore balance to parole board decisions and give crime victims a stronger voice in the

process. Among the measures are:

- [S.5316 \(Weik\)](#) which would allow a victim or victim representative to appeal a decision of the parole board. Currently there is no recourse for crime victims or their representatives to appeal a decision for discretionary release. A 2019 New York appellate court ruled that an inmate/parolee is the only person who can challenge a parole determination. This legislation would eliminate that barrier to justice by providing victims with a statutory right to appeal parole decisions;
- [S.4986 \(Oberacker\)/A.2423 \(Giglio\)](#) which would require one member of the parole board come from a law enforcement background and that one member be a crime victim or representative of a crime victim. These two unique perspectives – that of enforcing the law and those who were victims of the law’s violators – will provide important insights about the nature of crime and its effects on everyday New Yorkers; and
- [S.5315 \(Weik\)](#) would require that a parole approval can only be granted when there is a unanimous decision of the panel. Currently, with a three-commissioner panel, agreement by a majority (2-1) is sufficient to grant release, even for those who have committed horrific murders and violent crimes.

“Under our state’s current leadership, there is a constant drumbeat in the Capitol of how we need to do more to ‘end mass incarceration’ of murderers, rapists, child predators and other individuals who are threats to society. Thanks to a dangerously lenient parole board and a string of pro-criminal policies forced through by the majorities in the Senate and Assembly, they are on their way to achieving that goal,” said Senator Borrello, who co-sponsors all three parole bills.

“The voices that are drowned out are the victims and survivors of violent crime like Kaitlyn Brown and her family. Their lives have been broken by criminals like Edward Kindt and their pain and trauma will never go away. They have essentially been victimized twice: once by the perpetrator and again by a state parole board that ignores and silences them,” said Assemblyman Giglio. “It’s time for that to end. The measures we are supporting are a first step towards bringing the scales of justice back into balance.”

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#### RELATED LEGISLATION

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### **2023-S4986**

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- Introduced
  
- - In Committee Assembly
  - In Committee Senate
  
- - On Floor Calendar Assembly
  - On Floor Calendar Senate
  
- - Passed Assembly
  - Passed Senate
  
- Delivered to Governor
  
- Signed By Governor
  
-

Requires the state board of parole to include at least one member who is or was a member of law enforcement and at least one member who is a crime victim or crime victim's representative

February 21, 2023

In Senate Committee [Crime Victims, Crime and Correction](#)

Sponsored by [Peter Oberacker](#)

Do you support this bill?