



NEW YORK STATE SENATOR

Martin J. Golden

## Senator Golden, Following Last Weeks Incident at Hofstra University, Calls on New York State Board of Parole to Release Practices and Procedures

MARTIN J. GOLDEN May 21, 2013

Brooklyn – State Senator Martin J. Golden (R-C-I, Brooklyn), following the tragic death of a Hofstra University student last week, today wrote to the Chairwoman of the New York State Board of Parole, Andrea Evans, requesting information and statistics regarding their process and procedure for dealing with parolees inside the State of New York.

The letter, which is a follow up to correspondence initiated in 2010, outlines specific concerns the Senator has with proper oversight. Senator Golden calls on the New York State Board of Parole to share both specific statistics for current parolees and answer five questions regarding oversight. The letter is both attached and below.

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May 21, 2013

Andrea W. Evans

Chairwoman, New York State Board of Parole

1220 Washington Ave, Building 2

Albany, New York 12226-2050

Dear Chairwoman Evans:

After the tragic death of a Hofstra University student last week I am concerned that the State Board of Parole is not giving the proper oversight to the parolees it is releasing back into our communities. Dalton Smith, the perpetrator in the Hofstra home invasion, was released on parole on February 4, 2013. Less than three months later on April 25, 2013, he absconded from parole and a warrant was issued for his arrest. Three weeks after the warrant was issued, Smith forced his way into the home occupied by Andrea and Jessica Rebello, resulting in the death of Andrea.

In 2008 we witnessed a similar tragedy when Horace Moore absconded from parole and was not pursued. He stabbed a New York City bus driver to death after the bus driver refused him a transfer ticket.

This issue has now struck home in my community. A young man from Bay Ridge was one of the hostages of Dalton Smith's home invasion. The practices of the State Board of Parole are placing our communities, our citizens, and our law enforcement in danger. I am prepared to do everything in my power to assist you in strengthening our state's parole system. It has been my life's work as a New York City Police Officer and an elected official to ensure the safety of the people New York.

I am obligated to understand how and why the process continues to fail. I had called upon you in 2010 to produce the following statistics and never received them, so I would again respectfully request:

- release rates for all parolees (total number) and a breakdown by offense type (e.g. A-1 Felony Offenses, drug offenses, major property, other felonies) at initial appearance and upon reappearance for each year from 2005 to the most recent month for 2013 with a breakdown of released, postponed, denied, and total.

- the total number of parolees at a given point in time for each of the following years 2005 – 2013.

There are also a number of questions that I had raised to the Division of Criminal Justice Services that they thought your division would be better suited to answer:

1. When a parolee is enrolled in a re-entry program and fails to complete that program, what is the process for subsequently managing that parolee?
  
2. Are they remanded back into custody? If not what happens?
  
3. Are they enrolled in another program? As a matter of policy how many times are parolees re-enrolled into rehabilitation programs before they are remanded back into custody?
  
4. What are the communication protocols between the Division of Parole and local law enforcement? How is the status of a parolee that fails to complete a local rehabilitation program communicated to the Division of Parole?
  
5. In addition please send to my office statistics on rate of recidivism for parolees indexed to the number of times they fail drug tests.

Please forward the information to my office in the Legislative Office Building. If you have any questions or are in need of further information please do not hesitate to contact my office at 518-455-2730.

Thank you in advance.

Sincerely,

Martin J. Golden

22nd Senate District