



NEW YORK STATE SENATOR

James L. Seward

Too Many 'get Out Of Jail Free' Cards

JAMES L. SEWARD

Remember those rainy days when you played Monopoly and you got a 'Get out of jail free' card' so you could keep playing if you landed in jail? It's for real for some New York jailbirds right now.

The problem is an alarming increase in the parole release rates for A-1 violent felons that has occurred since Governor Eliot Spitzer took office. New state Division of Parole data shows that A-1 violent felons appearing for the first time before the parole board are now being released at a rate 180 percent higher than during Governor George Pataki's last term in office. Felons who reappear before the board are being released at a rate 122 percent higher than during Pataki's last term.

We're not talking pickpockets here. These are rapists and killers -- violent felons.

That's why the senate is introducing comprehensive legislation that will dramatically strengthen the state's parole laws to help restrict the release of potentially dangerous violent felons. It is about safety in our communities and on our streets. We have to stop the high numbers of violent criminals being paroled in this state.

The senate majority's tough criminal justice reforms helped to produce record-breaking drops in crime throughout the past decade, and we are not going to allow that progress to be

reversed under any circumstances. Additional critical parole reforms will help keep our communities safe, empower crime victims, and help to ensure that cop killers and other vicious criminals are kept behind bars where they belong.

The legislation we're proposing would:

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Require at least three parole board members to conduct parole hearings for inmates convicted of a class A felony, and require a unanimous vote for parole to be granted in these cases (presently, only a majority vote is required);

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Require the Division of Parole to maintain a listing of inmates and their parole eligibility dates, along with other relevant data, on their website;

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Allow victims who did not choose to receive notice of parole hearings at the time of the inmate's conviction to elect to do so at a later date;

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Require the division's website to let crime victims register to receive notice of their perpetrator's appearance before the parole board for a hearing. The website must also provide a notice of their rights as a victim to make either a written or oral statement to the board;

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Require the parole board to give notice to victims who have requested to be notified of a proposed parole hearing, and their rights as victims to make either written or oral statements to the board;

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Require the Division of Parole to provide an annual report to the state legislature on all parole releases, release rates and other information; and

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Mandate that the Division of Parole must contact the local district attorney in the county where a crime was committed, whenever an A-felon or violent felony offender comes up for parole.

Other actions by the governor that cause concern for public safety:

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His budget calls for the closure of four correctional facilities across the state;

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It would dramatically expand the state's "compassionate release" policies for inmates, including A-1 felons; and

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In November of 2007, the Spitzer administration and Board of Parole were quietly negotiating a court settlement that would have dramatically altered parole hearings in order to favor the rights of violent criminals, including notorious killers such as David Berkowitz, the "Son-of-Sam." Under the proposed settlement, cop killers and other vicious criminals would have received additional opportunities to seek early parole, while also being empowered to select the parole officer of their choice. Strong opposition from the senate majority led the administration to abandon the negotiations.