



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Calls on Governor Cuomo to Investigate Decisions of NYS Parole Board

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| ISSUE: **NEW YORK STATE PAROLE BOARD**



Senator Patrick M. Gallivan (R-C-I, Elma) is calling on Governor Cuomo to investigate and possibly remove some members of the New York State Board of Parole following the release of convicted murderer Richard LaBarbera earlier this month and convicted cop-killer Herman Bell in 2018. Senator Gallivan, a former NYS Trooper, Sheriff of Erie County and member of the Parole Board, says the decisions raise serious questions about the actions of some current parole commissioners in exercising their duties.

In a letter to the governor, Gallivan said the release of LaBarbera calls into question the judgement of those members of the Parole Board who voted to release him. LaBarbera, who was released earlier this month, was convicted in the 1980 murder of a 16 year-old girl in Rockland County. He was ordered to move to Erie County where he was arrested last week for violating his parole. Senator Gallivan notes that LaBarbera committed the murder while on parole for another crime and should never have been granted parole.

“Despite Mr. LaBarbera’s prior record on parole and his unwillingness to lead a law-abiding life, the Parole Board voted to release him,” Senator Gallivan said. “While the law provides for the Parole Board’s independence, commissioners must follow strict governing standards in granting parole. This case, and others, raise concerns about the judgement of some members and their ability to fulfill their responsibilities to the residents of New York.”

Senator Gallivan also pointed to the 2018 release of Herman Bell, one of three men convicted in the 1971 murder of two New York City police officers. The Parole Board appears to have ignored the facts of the case, including the sentencing judge’s clear intent that Bell serve a sentence of imprisonment for as long as legally permissible. At the time of sentencing, Bell was serving a 25-year prison sentence in California and the judge ordered that Bell’s New York sentence be consecutive to a sentence(s) imposed in any other jurisdiction, and consecutive to any sentence imposed for any other crime.

Senator Gallivan says in both cases, some members of the Board of Parole failed the citizens they are supposed to serve.