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A Guide to Parole Preparation In New York State

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Michelle L. Lewin

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PAROLE PREPARATION PROJECT



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A Guide to Parole Preparation In New York State

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Acknowledgments and Disclaimer: This Guide is most relevant for people serving life sentences. These materials are based on and inspired by materials prepared by currently and formerly incarcerated people, who are the true experts in preparing for Parole Board appearances. They are also based on materials created by other advocacy organizations in New York State. **Nothing in this Guide constitutes legal advice.**

A. INTRODUCTION

This Guide is offered as a resource to people who have upcoming appearances before the New York State Board of Parole ("Parole Board" or "the Board"). It draws on the expertise of people who have previously appeared before the Parole Board, as well as some advocates who have assisted them.

This Guide assumes that people incarcerated in New York State prisons who have appeared before the Parole Board are the ultimate experts in both their own experience, and specifically in the parole preparation process. The following materials are meant to serve only as an additional resource to that expertise. The strategies suggested here are by no means the only ways, or guaranteed ways, to achieve release. In the end, only you can know what's best for you, and this Guide simply offers suggestions for you to consider.

The parole process can be a difficult and sometimes painful journey, but it is the deepest hope of those who put together this Guide that whatever you do to prepare will ultimately lead you home.

B. FIRST STEPS

Identify your strengths

Once you learn that you have a Parole Board appearance, take some time to explore what it is you want to convey to the Board of Parole through your parole packet and during your interview. What do you want them to know about you? What do you want the Commissioners to think and feel after they meet you? What parts of yourself do you want to highlight? What parts do you want to recognize as still needing work?

Begin by reflecting on your experience of incarceration. You can start at the beginning of your sentence or look back from your most recent interview with the Board (if this isn't your first time). Identify things about your experience that have gone well, such as completing programs, earning certificates, maintaining a good disciplinary record, working toward your GED or higher degree, becoming close with others inside, taking a leadership role in the lifers' organization, establishing a strong relationship with your Offender Rehabilitation Coordinator (ORC), maintaining relationships with loved ones outside, developing a long-term release plan, etc. Identify things that you feel proud of, and begin to think about not only how you accomplished them, but why they matter to you.

Identify your "truth"

We define "truth" broadly to include how you define and see yourself, and how you understand yourself to be in the world and in relation to others. You also have your own truth about the crime of which you were convicted. However, from the moment people are arrested, they are

usually advised by their lawyers not to talk about the incident for which they were arrested. This advice makes sense in the context of a pending prosecution, because anything the accused says to anyone except their defense attorney can – and usually will – be used against the accused to prosecute them.

Because of the adversarial process of the criminal legal system, there usually isn't much room for someone accused of a crime to talk openly about what they actually did, or to explain the full context surrounding what happened (including various life events and factors that led to the crime). Often the adversarial legal system process leads people to remain silent about how and why things unfolded as they did, particularly when it seems that not talking about it helps protect them from judgment, loss, alienation and punishment.

Because of these experiences of holding in such significant life events (especially events often rooted in childhood trauma or experiences of systemic oppression), it generally can be hard for people who are in prison to get in touch with their truths and feelings about their past actions. Prison is also usually not a safe place for people to share their real feelings or reflect on their experiences.

We believe that exploring your truth about your crime and your own life, and coming to terms with that truth, is a crucial part of the process that will ultimately make being released far more likely. Later in this Guide you will find some tools to help you engage in this difficult, but rewarding, emotional work.

Identify your resources

Identify what resources you already have that you can draw upon to build support for your release. Are there family members and friends on the outside who are willing to offer you housing, employment, or other kinds of support after you have been released? Are there organizations that you've worked with before or had contact with since you were inside that might be willing to write a Letter of Reasonable Assurance, offering support when you get out? Are there programs you've completed, classes you've taken or experiences you've had behind the walls that contributed to your growth in ways that you can describe to the Board? Is there a religious group you've been active in that has helped you understand yourself and helped you take accountability for your past actions, or that serves as a guide for your current behaviors?

Begin to gather materials such as certificates, notices of completion, letters of support, and other documents that will help document for the Board the resources you have drawn upon during your incarceration to become the person you are now, to show the Board how you have grown into someone who does not pose a risk to public safety, and to demonstrate that you will put to good use the support of individuals and/or organizations after you are released to help you succeed in the community. Later in this Guide, you will find more specifics about these documents, and a list to help you keep track of them.

Also think about the more personal resources you have. Who can you ask for support in the parole preparation process? Who can help you practice for your interview? Who can you confide in if you start to feel anxious in the days leading up to or after the interview? With whom can you process your experience? There may be other people inside who can help serve as a resource for you, and/or you might identify people outside of prison who can support you.

If you can't identify another person whom you feel comfortable asking for support, then make a commitment to be that support for yourself. Rather than avoiding the necessary parole preparation work because you don't feel that you have another person to bounce ideas off of, schedule time for self-reflection and practice. If you've ever spent time in solitary confinement, then you might already be familiar with tools for coping with isolation. Whether you visualize for yourself answering the Parole Commissioners questions, or you imagine talking through the parole preparation process with a friend (perhaps someone who has gone through this process before you and has been released, or even a historical figure who endured the experience of incarceration), invest time and intention in the preparation project, regardless of whether you have external support to draw upon.

Lastly, make a plan for how you will take care of yourself and attend to your needs in this process. How can you ensure that on the days leading up to and on the day of the interview, you are your full and best self? Does that mean getting enough sleep the weeks and night before? Does it involve reading books that comfort you? Writing letters to people you trust? Avoiding situations that might result in a disciplinary ticket? Perhaps practicing meditation to help you manage the stress of anticipating and then experiencing the interview, and of waiting for the Board's results?

Whatever your process is, building in daily practices that help you face the reality of your interview with the Board, rather than avoiding it, may help you feel more confident and steady on the day of.

Identify challenges and obstacles

If you have been denied release in the past, consider what the reasons are that you think the Parole Board denied you. Plan for how you can address those reasons. Are there concerns the Commissioners expressed during your interview or in the Board's decision that you can work to address before your next interview (such as a lack of post-release plans? Or a lack of programming? Or lack of genuine remorse?) Or, if they expressed concerns about things that you cannot change (such as the facts of the crime for which you were convicted), are there specific aspects about the Parole Board's concerns that you can respond to in a different way in both your written materials and during the interview?

Also work to identify obstacles in yourself. We recognize that there are many different kinds of physical and emotional responses that people have when they face the challenge of preparing for the Board. It's an incredibly heavy, high-stakes process, and often people become defensive, shut down, or just avoid the process altogether. If you find yourself shutting down when thinking about parole preparation, explore possible fears that keep you from engaging in the process. Are you afraid of being asked questions you can't answer? Are you afraid of what it might actually mean to be released? Are you afraid of what awaits you once you return home? While these are incredibly difficult and personal questions, spending time with yourself and even writing down your answers could make all the difference.

C. COLLECTING DOCUMENTS

The Board is required to review particular documents before (or during) your interview as a part of their release consideration. If possible, it can be helpful for you to get these documents, too, so you have a fuller picture of what the Board sees, and so you can respond to the questions or concerns these documents might raise for the Commissioners.

Key Documents

1. Pre-Sentence Report (PSR) – The PSR is a report compiled by the Department of Probation before a person is sentenced that contains the prosecution's version of the crime and general background information about you. The Board uses this as a basis for asking you questions about the incident, even though it's very old and not always accurate. According to DOCCS Directive #8370 ("Offender Requests for Copies of Presentence Reports"), because of Criminal Procedure Law 390.50(2), you should be able to request a copy of your PSR through your Offender Rehabilitation Coordinator (ORC) so that you can review it before your Parole Board interview. This can take some time, however, so fill out the required form soon. You should also request the PSR from the sentencing court by filing a motion, which can be as simple as sending a letter to the clerk of the Supreme Court, Criminal Term, of the county where you were convicted. See attached for a sample. You should also send a copy of that letter to the Department of Probation for that county.
2. Sentencing minutes – The Board also reviews the transcript from your Criminal Court sentencing, particularly to see whether the judge, prosecutor, your defense attorney, and/or you said anything relevant to the crime of conviction, your sentence, and potential release to parole. The sentencing minutes can contain very prejudicial and/or sometimes helpful statements. The Board of Parole is now required to try to obtain the sentencing minutes (as well as any current statements from the prosecutor, judge and your defense attorney) and to keep them in your file, but they aren't always successful. If you don't have your sentencing minutes, you can try to follow up with your appellate attorney (or perhaps even your trial attorney) to see if they still have a copy of the sentencing minutes. You can

also try to get them through the courts as well, but this involves tracking down the court reporter, which is often tricky for decades-old convictions. If you have a friend or supporter on the outside, they can call the court where you were convicted and ask about the process of obtaining sentencing minutes. To do this, they will need your date of conviction, date of sentencing, NYSID, and any other relevant information you have, including the name of the Judge who sentenced you.

3. "Parole Board Report" (Previously called the "Inmate Status Report") – A two-page summary of the crime and your programming in prison that your ORC prepares for the Parole Board before your appearance. You should be able to get a copy of this from your ORC, although sometimes they redact (delete or black out) certain parts of it. If you can't get it from the ORC, try a FOIL request.
4. Transcripts of past parole hearings – If you've already gone before the Parole Board, your past transcripts are an incredibly valuable resource. Use them to track what questions the Commissioners tend to ask you. Carefully review your responses, and think critically (and as objectively as possible) about whether your responses really answer the Board's questions, and/or whether your responses reflect what you really want the Board to know about who you are now and how you think and feel about your crime. If you don't have the transcripts, you should be able to get them through a FOIL request and/or requesting them directly from the Board of Parole. Also make sure you read very carefully the Board's decision from any of your previous Parole Board appearances so that you can focus on the issues and areas the Board cited as reasons to deny your release.
5. COMPAS and Case Plan – Another document compiled by your ORC that is designed to assess your risk to public safety upon your release, and to identify your needs upon release. See DOCCS Directive #8500 for more information about how this is supposed to be prepared and utilized by the Board.

Keep in mind that the COMPAS report is based on some factual information (for example, do you have any Tier III infractions in the previous two years), and also includes an analysis of answers you provide to questions about your attitudes toward certain situations. In addition, there are parts of the COMPAS report that are based on the subjective opinion of your ORC. For example, current question 19 asks "Does this person appear to have notable disciplinary issues?" and has three potential boxes to be checked—No, Yes, and Unsure. Current question 22 asks "Is there evidence of positive family support?" and has the same three potential answers for the ORC to select from (yes, no and unsure). Parole applicants have reported some success in challenging their COMPAS when they believed the answer provided by the ORC did not accurately depict their disciplinary history or their family support.

You are entitled to receive a copy of your COMPAS report before you see the Board, but you might not receive it until a day or two beforehand, so try to see if your ORC is willing and able to get you a copy soon after they meet with you to fill out your COMPAS.

If you believe there are any errors in the report you should try first to meet with your ORC to discuss those matters. If your ORC is unwilling to meet with you about your COMPAS, or if they won't make the changes you think are required, you should reach out to your SORC and/or even the Deputy Superintendent for Programs. Make sure to also file a grievance regarding the errors, and mention them during your parole interview, if you are able.

Other Documents

Here is a list of other documents that you (or a family member or friend) should try to collect, either by requesting them from your ORC directly or through a FOIL request. If you ask someone on the outside to request these documents on your behalf, you will likely need to give them a signed (and notarized) release form showing that they have your permission to get these documents.

6. Education, Programming, Disciplinary Records – DOCCS keeps a computerized printout of each of these records. Ask your ORC. A signed release will be required if a supporter on the outside tries to get them through the ORC or a FOIL request.
7. Health Records – Useful to obtain if you have significant medical issues or have received mental health services through OMH. Anyone requesting these documents from the outside on your behalf will have to submit a HIPAA-compliant release form (HIPAA stands for the "Health Insurance Portability and Accountability Act of 1996," federal legislation that seeks to ensure the privacy of your medical information). Consider whether you need ALL of your health records, because this could be an overwhelming amount of material.
8. Your prior administrative appeals and Article 78 petitions and the resulting decisions – These materials can help shed light on reasons for past denials by the Board. If you don't have copies, try to get them through a FOIL request or from the Parole Board directly.

D. THE PAROLE PACKET

In preparation for appearing before the Board, a lot of incarcerated people create their own "parole packet" to help explain to the Board why they are suitable for parole release. When considering whether to release you on parole, the Board wants to know whether you have a plan for housing, education or employment (including job training programs), drug or alcohol treatment (if relevant to your previous history), and emotional support from family or friends.

They also want to know about your accomplishments inside and the emotional work you've done on coming to terms with the crime for which you were convicted.

The following are advocacy materials that can be created or obtained, and then compiled into a single packet that you or a supporter on the outside can submit to the Board. These documents can help demonstrate how and why you are suitable for release. Everyone's packet will be different – and should be different, because each packet should be personalized to the individual going before the Board. However, here are some common parts of the packet that you might want to consider including in the materials you submit:

1. Personal Statement¹

Sometimes called an "offender statement," this is a chance for you to share with the Board your thoughts, feelings, and discoveries about the crime² through open and honest reflection. You can use your statement to give your personal history, talk about your childhood, share information about your family and other loved ones, and/or talk about your accomplishments and time in prison, and your plans for when you are released.

Many people want to talk in their personal statements about how they've changed over the course of their incarceration. When talking about your own transformation, if you feel you've undergone one, try not to list accomplishments, but rather give a real explanation for what drove the change. Was it a part of your education? A certain teacher, class or concept that created a revelatory moment? Was it something a friend or mentor shared? A loss of a loved one? A religious experience? At the back of this guide are some writing prompts for you to consider that might help guide you as you write your personal statement.

Consider instances in which you put your strengths and truths to work. Such instances may have occurred in the context of your relationships with friends or family on the outside, or interactions with prison staff or other incarcerated people. Providing the Parole Board with concrete, real life examples of challenges you have faced in prison and how you have handled them can powerfully illustrate character traits, growth and change.

Try to keep the statement as concise as you can and avoid long introductions or long conclusions. Remember that the Commissioners are unlikely to read the entire packet, and

¹ DOCCS maintains an "Apology Letter Bank" where people can submit letters for any victims or members of any victims' family. If you have already submitted such a letter you should make sure that your personal statement is not in conflict with anything you wrote previously. Also note that many applicants prefer not to submit a letter to the bank right before their interviews with the Board as it could be construed as disingenuous.

² Throughout this Guide, we make reference to the crime for which you were convicted. We recognize, however, that some people are convicted of crimes despite being innocent. If that is your situation, then you might want to consult with legal experts about how to navigate the parole interview. The complexities that arise in such a situation are outside the scope of this Guide.

if you can reduce the amount of excess material, there is a greater chance they will read the things that really matter to you.

Even if you don't end up including your personal statement in your packet, it can be a great exercise for self-reflection. Keep in mind, however, the risks that can come with putting things in writing that you don't want others to read until or unless you're ready to share them with the Board (risks we imagine you're very familiar with, given your time in prison). If you do decide to write out your thoughts, you might want to label your statement as a "draft" so that it's clear that it's a work in process.

2. Letters of Support or Reference (see sample at the end of this packet)

Letters of support offer the Board a unique perspective and a counter-narrative to the file that they receive from the prison. Letters of support are an opportunity for family, friends, and other supporters such as teachers, employers, advocates, defense attorneys or even sympathetic Correctional Officers to share their thoughts about you with the Board. These letters are also an important opportunity for people on the outside to detail any resources or support that they can offer.

Suggestions for things for your supporters to include in a Letter of Support:

- The author should state their name, age, occupation, and their relationship with you
 - Are they your cousin, sister, partner, spouse, and so on?
 - Include the length of time they have known you
- If they knew you before you were incarcerated, they can include details about you before you went to prison
 - Talk about how often you are in contact. Do they visit you? Speak to you on the phone? Write letters to you?
- Describe your qualities and characteristics
 - In the author's experience, who are you? What makes you unique?
 - Why do they feel you are a strong candidate for release?
 - Include any of your accomplishments in prison that they know about (e.g., drug and alcohol programs, educational achievements, personal hobbies)
- Times when you've spoken with the author about your crime
 - Address any general feelings or feelings of remorse that you expressed to them about the crime
 - The letter writer should not ignore or make excuses for the crime of conviction. People should also avoid attempts to re-litigate the facts of the case.
- Any contributions or support they may be able to offer you
 - Housing
 - Employment or a job referral
 - Financial support
 - Clothing
 - Transportation

- Emotional support/advice/encouragement
- Their belief that, despite your mistakes, you are ultimately a strong and special person, someone who does not pose a risk to public safety, a person who has matured and now promotes peace – however it is that they feel about you.

Make sure the author prints their name and signs and dates the letter, and includes their phone number, email address, mailing address or some way for the Board to reach them, if they feel comfortable including that information (some authors get their letters notarized, so you might want to suggest that if it's not too much of a burden for any individual who writes a support letter for you). Also see the sample letter at the end of this packet for guidance.

Some people present letters of support from DOCCS volunteers or personnel such as Corrections Officers. There is a form that DOCCS employees can use to recommend someone for parole. If you feel comfortable asking COs for a letter, it is an option but not a requirement.

3. Letters of Reasonable Assurance

Many community organizations will write "Letters of Reasonable Assurance" that confirm that they are willing to work with you after your release. These letters let the Board know that you are connected to various resources and community systems where you can receive guidance, support and counseling.

There is an extensive list of organizations that offer post-release services for people coming home from prison. The New York Public Library publishes a guide called Connections each year that compiles these resources and includes listings for counseling, substance abuse services, housing resources, job training programs and educational opportunities. For people who are incarcerated, Connections is often available in hard copy in the law library or via mail order.

You can direct supporters on the outside who have access to the internet to download the guide at: www.nypl.org/help/community-outreach/correctional-services-program

4. Cover Letter and Cover Page

A cover letter is a letter that highlights your strengths and gives a broad, formal summary of everything in your packet. You can write your own cover letter as a way to offer clear reasons why the evidence you are presenting to the Board supports the conclusion that you are suitable for parole. An outside advocate can also write a cover letter or sometimes called an "advocacy letter" for you. Advocacy or cover letters are different from a letter of support because they offer a broader overview of your accomplishments and a summary of the parole packet, in a persuasive and compelling way.

Here are some suggestions for what should go in an advocacy letter

- Introduction
 - A summary of the reasons why you should be paroled
- Personal History
- Crime of Conviction
 - Usually brief, may focus on remorse or rehabilitation or mitigating factors that you wish to highlight.
- Achievements While Incarcerated
 - Disciplinary record
 - Educational attainment
 - Vocational training and skills
 - Therapeutic programming
 - Personal development and/or religious beliefs
 - Work assignment and recommendations
 - Self-discovery
- Release Plans
 - Residence
 - Employment (or education)
 - Substance abuse treatment, if applicable
 - Reference to relevant letters of reasonable assurance and support
 - Describe support network
- Low Risk of Reoffending
 - Health and medical information relevant to parole release
 - Age-related concerns
 - Reference COMPAS if score indicates low-risk

If you choose not to do a cover letter, you should, at the very least, include a cover page with your name, DIN, address where you are located and any other identifying information you wish to include.

5. Certificates/Awards/Other Documents

Make sure to include copies of all of your certificates, notices of completion, awards, diplomas, training and employability report, resume (if you have one), and anything else in your packet. This should include certificates from any and all sources that show your achievements while incarcerated, including, but not limited to: GED programs, trade school, vocational training, higher education/college (whether you received several credits or a degree), completion certificates for DOCCS programs (ART/ASAT) or non-DOCCS programs (Puppies Behind Bars/Network), religious studies, other voluntary programs, charity/fundraising work, or anything else. Be sure to emphasize and explain programs you have completed or certificates you have received that require the most time and effort and are the hardest to achieve. The chances are that the Commissioners do not know what is required for you to earn the certificates you have achieved.

6. Additional Exhibits

Include as an additional exhibit any additional documents that you reference in your statements and materials. You can also include transcripts from educational programs, a trifold pamphlet you've created, or an evaluation from a supervisor or mentor. You can also include photographs or artwork that you have done, if you believe they will carry a positive message.

7. Structure of the Packet

Use a table of contents to summarize the materials in the packet and dividers or even colored pages to separate the sections. We also recommend binding the packet so no documents can fall out or be removed (obviously it is easier for folks on the outside to have the packet bound than people who are incarcerated).

8. Where to Send the Packet

If you have the resources to send multiple copies of the packet, we recommend sending the packet to:

1. The Supervising Offender Rehabilitation Coordinator (SORC)

If you are incarcerated, we recommend giving your ORC and/or Supervising ORC a copy of the packet at least 2 weeks before the interview date. There is supposed to be an SORC at each facility who is responsible for compiling materials for the Board – ask your ORC to give your packet to the SORC in charge of parole.

If someone on the outside (for example, a friend or family member) is mailing your packet on your behalf to the Board, it should still go to the Supervising ORC in charge of parole at the facility (not to DOCCS in Albany). We recommend that supporters mail a hard copy to the Supervising ORC at the facility via U.S. mail with some kind of tracking feature 2 weeks in advance of the interview. Then ask your supporter to call the SORC after you know that the facility received it to make sure it got to the right person, and call again the Friday before the interview to ask whether they can confirm that the Parole Board Commissioners received it or will receive it.

9. Keep a Copy for Yourself

Keep a copy of the packet for yourself, or if a supporter on the outside sent the packet, make sure they send it to you as well (and keep a copy for their own records). The materials you've compiled will certainly be a useful resource either at future interviews with the Board if you are denied, or for various purposes once you are released (such as obtaining certificates of relief from disabilities, job applications, and so on). Also, because the interviews are commonly conducted via video conference, if you have your own copy, you can reference it and ask the Commissioners whether they have their own copy as well.

E. THE INTERVIEW

Seeing the Board can be difficult and preparation is key. We recognize that the actual interview can be draining emotionally, psychologically and even physically. Commissioners are asking you questions about the most intimate and sometimes painful parts of your life, and the pressure you feel about answering their questions can be overwhelming. Thinking about the interview far in advance, practicing with someone you trust, and finding ways to be fully prepared for any questions that may arise can help you build confidence and strength. Also thinking about how you can ensure that the message you want the Commissioners to walk away with will be communicated, no matter what questions are asked, will also help you feel more secure. Just remember that all you need to be is your true and authentic self, and whoever you are is enough.

PREPARING FOR THE INTERVIEW

Reflection and Practice

If you have had a Parole Board interview before, identify what has gone well at past Parole Board appearances (e.g., answers to Commissioners' questions that you feel good about). Make a plan for how you can try to repeat what went well (in the case that those parts are within your control).

Also, think about the parts of a Parole Board interview that are most challenging for you. Or, if this is your first appearance, think about what you imagine will be the most difficult part, based on what you have heard from others. Identify what makes those parts of the interview difficult. Some examples might be the Commissioners' attitudes; the requirement that you speak about yourself; the impersonal nature of video conferencing; Commissioners' questions about topics that may bring up painful memories or difficult feelings; Commissioners asking questions based on inaccurate information; Commissioners asking questions about topics that you have been advised by your trial attorney not to talk about; Commissioners asking lots of "yes" or "no" questions, and/or multiple questions in a row without giving you time to answer them all completely, etc.

Reviewing old transcripts

If you've been to the Board before, try to obtain all of your old transcripts. Review them multiple times with these questions in mind:

- How do you think this interview went?
- Which responses did you think were effective?
- What do you think you could have done better?
- Which responses (if any) do you think were particularly problematic?
- If these transcripts belonged to someone else and you were helping them prepare for their interview, what would you want to discuss? What feedback would you give?
- Is there anything that you don't feel has been addressed? Is there something you wish you had said?
- What do you wish the Commissioners had asked?

Role play and Common Questions

Find someone you trust inside, or even a friend or family member on the outside to practice with (ideally in person, during a visit, because phone calls are recorded). Ask your supporter to pretend to be a Commissioner and go through either questions you've been asked at prior interviews or questions from the list below.

Some of the Board's questions are likely to come from information contained in your Pre-Sentence Report (PSR) and your sentencing minutes. Common topics include: The crime for which you were convicted (i.e., "the instant offense"), including what happened and why; any previous convictions; the circumstances of your life before you were arrested (especially any references to gang involvement, drug or alcohol addiction, prior convictions, etc.); your disciplinary history while incarcerated; programming; education and future goals; community support and release plans; and the general "What else do you want us to know?" question.

Here are some frequently asked questions by the Board to help you with role-playing:

- Why did you [insert fact from the crime, such as hit him/shoot him/run from the police/sell drugs/carry a gun]?
- Why did you think you needed a gun?
- Do you think that selling drugs is a victimless crime? Why?
- Do you think selling drugs is a nonviolent crime? Why?
- You said that you were high/drunk at the time of this offense. Why did you use drugs/alcohol?
- How do we know you won't use drugs/alcohol upon release?
- Do you know that if you're arrested again, you will spend the rest of your life in prison?
- Were you offered a plea bargain in this case? Why didn't you take it?
- Were you involved in this crime?
- Who else was involved; what happened to them?
- Why did you go to trial?
- How do you explain this escalating pattern of violence when you were a young person?
- What were you thinking when you committed this crime? What was going through your mind?
- Why did you kill this man/woman/child/victim?
- Police specific: Why did you aim for his head? Did you know he might have been wearing a bullet-proof vest?
- What would you say if you could speak to the victim of your instant offense or that person's family?
- In cases where there was a claim of self-defense: why didn't you just walk away?
- What have you learned from the Alternatives to Violence Program OR the Alcohol and Substance Abuse Treatment Program OR the Aggression Replacement Therapy program?
- Were you a member of a gang?
- Why should this panel grant you parole?
- Do you think you've served enough time?
- Do you have anything else to add?
- Do you think you were given a fair hearing?

While you're practicing, you might want to write out sentences that you'd like to say in response to questions. While the point is *not* to just develop a script that you memorize, sometimes writing can help clarify the answers you'd like to give and may help you remember the points you'd like to make during the actual interview. Again, keep in mind the possible risks of having such answers in writing (given that you don't have control over your papers); some people prefer to write down answers to help them practice and then destroy them if it feels too risky to keep them around. You'll figure out what works best for you.

Also, spend time imagining yourself in the interview room. If you can, try to make the space and questions feel familiar; this might help you reduce your nervousness or feelings of discomfort during your actual time with the Commissioners.

And remember, if need be, it's ok to say "can you repeat the question?" if you need more time to reflect during the interview.

Get your mind right

Consider how you want to feel during and after your next interview (e.g., calm, prepared, confident, humble, steady, and so on). Identify the steps you can take every day between now and your interview to help you feel the way you want to feel during and after your interview.

Going to the Board is so difficult. You want to be confident and positive, but you may be afraid of getting your hopes up or giving yourself a false sense of security. During the weeks leading up to the interview, be kind to yourself. Explore your own feelings of fear and anxiety as they relate to seeing the Board, and perhaps sharing these feelings with others you are close to may help relieve some of that tension. Practicing, preparing and having a plan, as well as getting good rest the night before will make you feel that much more ready for the interview.

DURING THE INTERVIEW

Time is short!

The average interview is very quick! Decide what are the most important things you want the Commissioners to understand about you and why you're ready for release, and highlight them in whatever ways you can.

Strategies for talking to the Board

Use material from your personal statement. You can keep a copy of your personal statement in front of you for the interview so you remember what you want to convey if you get nervous. You could even bring the written answers you drafted along with you if you think it might comfort you. Just avoid reading from a page during the interview or sounding rehearsed. Try to make eye contact with each Commissioner, if possible, especially if the interview happens via video conference.

Stick to your talking points and come back to them

This is a common strategy for anyone facing difficult questions in a public setting, such as political candidates, people talking to the media, or attorneys making arguments before a court. They know what message they want to get across. You should have a good sense of what your most important points are and stick with those or circle back to those points even if the Board asks you questions that head off in another direction. This is especially true for yes/no questions. Be prepared to provide complete answers such as "yes, and I would like to explain why..." or "no, because...."

This doesn't mean that you should avoid the question asked. Always answer the question in every way you can, but see every question as an opportunity to share the main points you know you want the Commissioners to hear. For this reason, "do you have anything else to add?" is a great, but sometimes intimidating question. It's an opportunity for you to say anything that the Commissioners didn't cover, or to share thoughts that you may have forgotten earlier. Spend time drafting and practicing your answer to this question. It can be one of the most important.

Highlight the positive

The interview is your opportunity to convey to the Board that you are ready for release. While much of your record speaks for itself, this is your time to highlight your strongest qualities, demonstrate how special you are, and show the Commissioners that you've spent the past years preparing yourself for this moment.

Talking about the crime: accepting responsibility while showing insight

Your job in the interview is to make your case, and part of that case involves acknowledging and accepting responsibility for your actions, whatever they might have been. You must be able to discuss the crime and even the most unpleasant details relating to it. This means being able to talk about injuries, weapons (if there were any), and the moments leading up to and after the crime.

It's also important to show that you understand why you committed the crime and caused the harm, while at the same time be able to totally accept that understanding why, does not excuse the act. Perhaps it was your difficult childhood, the wrong group of friends, or drugs and alcohol that led you to harm another. While all of those things are deeply important, demonstrating too much insight and not enough acceptance of responsibility may sound to the Board like rationalizing, minimizing, and excusing.

What you can emphasize is that you accept responsibility for everything that happened, regardless if you caused the harm directly, were just a bystander, or played a different role altogether. Ultimately, a big part of this is about being accountable and responding to questions about your life and the crime for which you were convicted with humility and in a non-defensive

way. It's also important not to over-intellectualize the crime and your feelings about it. Try hard to stay in the realm of feelings, as opposed to thoughts. This part of the process is always about speaking your truth, and sharing with the Board your own narrative of the crime, as genuinely and in the most heartfelt way possible.

Also, be aware of the distinction between characterizing your conduct as a mistake versus a bad decision. Although these words may convey the same meaning in some people's mind, Parole Commissioners see a difference. A mistake tends to suggest a lack of responsibility—that the conduct was simply careless, a slip-up or oversight. A bad decision acknowledges an intentional act that caused harm for which you are taking responsibility. Try in general not to use words that may sound to the Commissioners as if you are trying to avoid taking responsibility (for example, avoid words and phrases like "It was an accident," "I was negligent" or "I made a mistake").

Most importantly, walk into and leave the interview with dignity and self-respect. You don't have to and shouldn't unconditionally embrace a story of "transformation" and redemption if it doesn't feel genuine and true. Being your real and authentic self and describing your own experiences as they happened is the best way to show the Board that you take them seriously.

Create a record for a possible parole appeal

The interview also creates a record for appeal, in the event that the Commissioners do not decide in your favor. For example, make sure to mention during the interview the advocacy packet you submitted for consideration, and get the Commissioners to acknowledge it, so it becomes part of the record. Once the packet is part of the record, then you can reference it in an appeal.

If you requested all the documents in your parole file and some were not provided to you, consider bringing this to the Commissioners' attention to create a record for appeal. The Parole Board routinely withholds certain portions of your parole file, but this may not be in line with the law. To "preserve" this issue should you be denied parole and decide to appeal, you need to register an "objection" in some way.

Think carefully about whether you want to raise the objection and if so, how you should do it. One way to preserve the issue is to mention it in your cover letter to your parole packet or in your personal statement. This avoids having to raise the issue during the parole interview. In the alternative, you could raise the issue at the parole interview. If you decide to raise the issue during the interview, think about the words and attitude you wish to convey.

As to the COMPAS, if there are inaccuracies such as an increase in your score from the last COMPAS that can't be explained by intervening events, consider bringing this to your ORC's attention, raising it in the parole packet and/or interview.

How to address inaccuracies in the Board's materials

Sometimes the materials the Board considers (e.g., PSRs, sentencing minutes, the ORC's Inmate Status Report, the COMPAS report, and other documents) contain factual inaccuracies (or things that you might disagree with). Try not to waste your precious few minutes with the Board focusing on attempting to correct any factual errors. While they may rightfully feel very important to you, generally the Board isn't interested in debating facts. They may even see your desire to debate facts as you avoiding responsibility.

If you feel yourself getting stuck on a particular fact or issue, try to find a way to turn the conversation back to your ability to accept responsibility for the crime and your growth in prison, regardless of those inaccuracies.

Sometimes you may feel like the Commissioners are asking you to admit to untrue "facts" from the PSR, etc. It's ok for you to disagree with the Board at times if something is truly false, but try to avoid either (1) letting the whole interview turn into an exploration of how many disputed "facts" you're willing to admit, or (2) letting a few denials of facts turn into evidence that you do not have remorse or refuse to accept responsibility.

Inconsistency is sometimes ok

It is usually considered ok to say something to the Board that is inconsistent with what you may have said at a past hearing if it's because your preparation process has led you to accept a greater level of responsibility than you were able to accept in the past, or to express a greater degree of remorse. If that is genuinely your experience, you might want to explain to the Board how this transformation and self-examination occurred (for example, personal reflection, readings from a specific book, participation in a group in prison, the experience of losing a loved one on the outside, or any other experience that helped shift your perspective and understanding of your past behaviors).

Don't make complaints

While you may undoubtedly have complaints about the practices of the Board, your experiences in prison, prison conditions or practices, and/or other aspects of the legal system, the interview is not the time or place to make those complaints.

Maintaining innocence can be a difficult approach, but not an absolute barrier to Parole release

We recognize that many people inside simply did not commit the harm they were accused of committing, or perhaps had a different role in the crime than what they were convicted of committing. If you do maintain your innocence, see it as your truth, and speak about it in the ways that you feel comfortable. Be aware that the Board may see your claim of innocence as an attempt to re-litigate the case, so try to find ways to highlight your accomplishments, your low risk of recidivism, and any other factors that speak to your eligibility for release.

THE COMMISSIONERS OF THE BOARD AND THEIR ROLE

Greet the Commissioners

There will be 2 or 3 commissioners in the room or over videoconference. If it's an in-person interview, shake hands with all commissioners. They will introduce themselves and note that the interview is being transcribed.

If you have any problem seeing, hearing or understanding the Commissioners, respectfully let them know this.

One Commissioner will take the lead

One Commissioner will take the lead and ask all the questions, the other(s) may chime in at the end or may say nothing at all. Don't be alarmed if one or more of them ask no questions. Regardless, throughout the interview, address your answers to all of the Commissioners, not just the person who asked the question.

What are they looking at?

Parole Board Report (formerly called the Inmate Status Report (which is prepared by the ORC)); pre-sentence report (PSR)—which (as its name implies) is prepared at the time of trial/plea before the person is sentenced—; sentencing minutes; possibly transcripts from past interviews; and the packet you've submitted (hopefully!).

What's the law?

Executive Law § 259-1 (2)(c) says that "discretionary release on parole shall not be granted merely as a reward for good conduct or efficient performance of duties while confined but after considering if there is a reasonable probability that, if such inmate is released, he will live and remain at liberty without violating the law, and that his release is not incompatible with the welfare of society and will not so deprecate the seriousness of his crime as to undermine respect for the law..."

The statute also says that the Board of Parole must consider these factors:

- Institutional record (programming, academic, vocational, work, therapy, interpersonal relationships w/ staff and inmates)
- Performance in temporary release program
- Release plans (community resources, employment, education, training, support services)
- Deportation orders
- Victim's statement (or statements of a representative of the victim(s) if they are dead or incapacitated)
- Length of determinate sentence if the person has been sentenced under PL 70.70 or 70.71 (this doesn't apply to Murder 2 convictions)
- Seriousness of the offense
- Recommendation of sentencing court (this means the judge), the district attorney, and the defense attorney

- Pre-sentence probation report (PSR) and aggravating or mitigating factors, including activities following arrest and prior to incarceration
- Prior criminal record (nature and pattern of offenses, adjustment to previous periods of probation, community supervision, and institutional confinement)
- Current risk and needs assessment prepared by DOCCS (the COMPAS report)
- Current case plan prepared by DOCCS (TAP)

F. AFTER THE INTERVIEW

Have a plan for what you are going to do after the interview. How will you decompress? Think about whether you'll want to talk to anyone about your experience. Would you prefer just to forget it and move forward until you receive their decision? Do you want to have a planned phone call with a friend or loved one? Do you want to take some time to write down some of the Board's questions and the answers that you gave?

G. WRITING PROMPTS

Here are a series of writing prompts you may consider using when writing your personal statement and preparing for your actual interview with the Board. Remember, anything you put in writing could be confiscated by DOCCS, so keep all writing as confidential as possible, and make sure to label your materials as "drafts."

- Describe your childhood/adolescence/young adulthood
 - How would you describe yourself?
 - What were you passionate about; what did you like to do?
 - Who did you spend a lot of time with?
 - What was challenging for you?
 - What did you envision for your future; what were your goals?
 - What toys did you play with?
 - Who did you play with?
- Describe your family life
 - Who raised you?
 - Who did you live with and where did you live?
 - What was your room like?
 - Did you grow up with siblings and/or cousins?
 - Were you close with any members of your family or extended family? How did these individuals influence you?
 - Did you have any difficult relationships with people in your family?
- Describe your life leading up to your incarceration
 - Explain any major life changes you might have been going through

- Describe what you often thought about; describe how you felt on a day-to-day basis.
- Were there any changes in your plans for the future or your goals?
- Describe how you felt about yourself. Were you proud of yourself, upset with yourself, happy with who you were, frustrated by perceived mistakes or flaws?
- Describe the crime and your role
 - What happened on the day of the crime?
 - What were the events leading up to the crime?
 - What actually happened? Describe in detail.
 - What was your role?
 - What memories do you have of the event? What pieces are missing?
 - What thoughts were going through your mind?
 - What did you feel in your body? (Anger, sadness, fear, numbness, power, etc.)
- Describe your feelings right after the crime
 - How did you feel afterwards?
 - What did you do with those feelings?
 - Did you tell anyone what had happened?
 - Did you look for support? Did you hide?
 - If you could re-live the experience what would you do differently?
 - What would be your new course of action?
 - If you did not commit the crime, explain your feelings after being accused, and what it feels like now to still be in prison.
- Describe your feelings during your trial/plea process
 - How was your experience with the criminal legal system?
 - Did your attorney explain the process?
 - Did you feel prepared for the process?
 - What were your expectations?
 - How did you feel throughout the process?
 - Did you have a system of support throughout the experience? Explain what it felt like to have (or not have) support.
 - How would you go about this process differently if you knew what you know now?
- Write about your accomplishments/positive experiences on the inside
 - What have you achieved while being incarcerated?
 - Have you received degrees and certifications?
 - Have you been recognized for your accomplishments?
 - What are you most proud of?
 - Describe some of the friends you have made and the impact they have had on you
 - What is the best piece of advice you have received?
 - What is the best piece of advice you have given?
 - What goals have you set for yourself?
 - What would you still like to accomplish?

- What are your aspirations if you were to be released?
- Write about the victim's experience and the experiences of their family members
 - What do you think the victim(s) felt before and during the crime?
 - What do you think they felt afterwards, if they didn't die?
 - What do you think the victim's family felt when they found out about their loved one's death? How do you think they found out?
 - How do you think the victim's death changed their family? What became different in their lives? What impact did it have on them?
 - Think about financial, economic, emotional, social, romantic and interpersonal consequences.
 - What do you think their family felt one week after their loved one died? One month? One year? Ten years?
 - If the victim hadn't died, what do you imagine their life would have been like? What do you think they would have accomplished? What job would they have pursued?
- Write a letter to your victim(s)
 - What would you say to them?
 - What do you want them to know?
 - What were you thinking about at the time?
 - What were you feeling at the time?
 - What have you thought about since the incident?
 - How have your thoughts and feelings changed? What has shifted for you? How did that shift happen?
 - What was the reason for your transformation, if you feel you had one?
 - What do you feel now?
 - What must be done to repair the harm/make things right? What efforts have you made?
 - What would you say to them today?
- Write a letter to each of your loved ones affected by your crime
 - What would you say to them?
 - What do you want them to know?
 - What were you thinking about at the time of the offense?
 - What were you feeling at the time?
 - What have you thought about since the incident?
 - What do you feel now?
 - How do you think they have been affected by your incarceration?
 - What would you say to them today?
- Other Prompts to get your mind moving!
 - Write about your favorite animals or your favorite song
 - When do you feel the most fulfilled?
 - What are your favorite foods?
 - Write about the last dream you had.

- What is your favorite book?
- What is your favorite movie?
- If you could travel anywhere in the world where would you go?
- What is your favorite holiday?
- Do you have any traditions for that holiday?
- If you could have a superpower what would it be and why?

H. SAMPLE LETTERS

Sample Letter to Request Pre-Sentence Report

Applicant's Name
DIN XX-X-XXXX
X Correctional Facility
Address

Date

[County and Clerk Where Sentencing Took Place]
[Address]

[Same County as above, Probation Dept.]
[Address]

To Whom it May Concern,

My name is [NAME] (DIN XX-X-XXXX; NYSID XXXXXXXX). I am writing to request a copy of my pre-sentencing report ("PSR") that was issued in connection with case number XXXX-XX, for which I was sentenced on [DATE] in [COUNTY] County.

I am scheduled to appear before the Board of Parole for consideration for release on [DATE] or earlier. As such, I am entitled to a copy of my PSR under New York Criminal Procedure Law § 390.50(2), which makes specific reference to individuals in my situation (in relevant part):

*Upon written request, **the court shall make a copy of the presentence report**, other than a part or parts of the report redacted by the court pursuant to this paragraph, **available to the defendant for use before the parole board for release consideration** or an appeal of a parole board determination. In his or her written request to the court the defendant shall affirm that he or she anticipates an appearance before the parole board or intends to file an administrative appeal of a parole board determination. **The court shall respond to the defendant's written request within twenty days** from receipt of the defendant's written request.*

I am copying the Queens County Department of Probation on this letter in hopes that it may expedite the process of retrieving my PSR and ensure that a copy is promptly sent to me. Thank you for your attention in this matter.

Respectfully,
[Applicant's Name]

Sample Letter of Support

[YOUR FIRST NAME AND LAST NAME]

[ADDRESS]

[PHONE NUMBER]

[CORRECTIONAL FACILITY NAME]

[SORC AND NAME OF SUPERVISING OFFENDER REHABILITATION COORDINATOR]

[CORRECTIONAL FACILITY MAILING ADDRESS]

RE: Letter of Support for [NAME OF APPLICANT, DIN #]

Dear Commissioners of the Board of Parole,

My name is [YOUR NAME]. I am writing you about my brother [OR HOW YOU KNOW EACH OTHER], [NAME][DIN], who is going up for parole on [DATE]. He has served [LENGTH OF TIME IN] twenty years of a fifteen-to-life sentence. This is his third time going up for parole. I work as a [OCCUPATION] at [COMPANY/ORGANIZATION] in the [LOCATION] area, and have done so for the past [NUMBER] years.

When I first learned about my brother's crime, I was in shock that he would break the law. I thought I would never be able to forgive him for bringing disgrace to our family name. He is my brother, so I visited him about a year after he was sent to prison. I just wanted to see how he was doing, and [impression of his accomplishments]. I kept coming back to see him, and over the course of two decades he has been able to express true remorse for what he had done, and actually take all the right steps to correct his life. He started attending church, and started mentoring people inside that wanted to change their lives as well.

If he is released, we have a spare bedroom he can stay in until he can save enough money to afford his own place. I also have a job lined up for him at [name of business] . I have put my reputation on the line because he understands what he did was wrong, and is truly regretful for it. The [place] he will be working at is less than a four-minute walk from our home. I know once you meet him you will see exactly what I am talking about. He will have the proper support system to ensure he will be a successful member of our community. Thank you so much for reading this, and for your consideration.

Sincerely,

[NAME]

Sample Letter of Reasonable Assurance A

[LETTERHEAD]
and/or

[DATE]

[NAME
ADDRESS
PHONE NUMBER OF ORGANIZATION]

[APPLICANT NAME] [DIN #]
[CORRECTIONAL FACILITY NAME]
[CORRECTIONAL FACILITY MAILING ADDRESS]

RE: Letter of Reasonable Assurance for [NAME OF APPLICANT, DIN #]

Dear Commissioners of the Board of Parole:

Please accept this letter of reasonable assurance on behalf of [NAME OF APPLICANT].

[NAME OF ORGANIZATION] is a 501(c)3 non-profit organization. [INSERT FACTS HERE ABOUT YOUR ORGANIZATION AND ITS MISSION, WHEN IT WAS FOUNDED, ITS HISTORY, ETC.] We were established in 1999 and we work with men and women transitioning from incarceration. We have served over 3000 men and women and have become one of the most successful re-entry programs throughout the country. We were highlighted by the President of the United States during his State of the Union Address in 2004 and have worked closely with both the Department of Labor and the Department of Justice in its Prisoner Re-entry Faith Based Initiatives.

[INSERT DETAILS ABOUT YOUR SPECIFIC SERVICES]. Our services include, but are not limited to, resume and job development, basic computer training, substance abuse and anger management programs, and education referrals. We also offer individual and group life coaching for all our participants and their children.

Once released, [APPLICANT NAME] will receive the full scope of our services [DETAIL SPECIFIC SERVICES]. It is our mission to help him reintegrate into society in a productive manner including seeking, obtaining and maintaining verifiable employment.

We believe that with our services, [APPLICANT NAME] can be successful, especially during those first crucial weeks after release. If your panel sees fit to release him, we can help him become a self-sufficient individual who is an asset to his community. Please feel free to call us at the above number if there are any questions.

Respectfully submitted,
[NAME OF SENDER]
[TITLE]

Sample Letter of Reasonable Assurance B

[LETTERHEAD]

[DATE]

and/or
[NAME
ADDRESS
PHONE NUMBER OF SENDER]

[APPLICANT NAME] [DIN #]
[CORRECTIONAL FACILITY NAME]
[CORRECTIONAL FACILITY MAILING ADDRESS]

RE: Letter of Reasonable Assurance for [NAME OF APPLICANT, DIN #]

Dear [APPLICANT NAME]:

I am writing to let you know that I have received your letter requesting housing placement at [NAME OF FACILITY]. As I'm sure you are aware, there is a significant housing crisis in New York City. Thousands of people are without homes and the shelter system is consistently at capacity. As such, while I cannot guarantee you a bed, if you are released, and we have a bed available for you, we would certainly receive you.

[NAME OF FACILITY] [INSERT FACTS ABOUT ORGANIZATION, HISTORY, MISSION and SERVICES]. Our organization is a seventeen-bed alcohol and drug free transitional housing program in a dorm setting. We provide our participants with Motivational Case Management Services. Our goals for our participants are (1) obtain entitlement benefits including rental; (2) seek and maintain employment; (3) seek and maintain independent housing; and (4) comply with the housing rules and parole stipulations including housing curfew.

In the event that you may need additional information, please do not hesitate to contact me. If able, we will welcome you into our organization. We believe our work makes our community a safer and respectable neighborhood.

Sincerely,

[NAME OF SENDER]
[TITLE]