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Manhattan DA'S Draft Parole Letter Policy

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All,

In furtherance of your continuing efforts to enhance public safety and ensure fairness, the Office is implementing a practice to ensure we manage submissions to the Parole Board consistently across the office. To this end, the Office has formed the Parole Review Committee^[1] and the policies described below will direct how the office engages with the Parole Board in support of or in opposition to an incarcerated person's release to community supervision.

ADAs are entrusted to recommend sentences commensurate with the seriousness of the facts and circumstances of the case and the interests of justice. In most cases, the Office will not take a position (i.e. not send a letter) regarding an individual's release on parole. However, sentences may be imposed over our objection, or aggravating circumstances may exist in plea-bargained cases that justify advocating for an individual to serve more than the minimum term of incarceration. Aggravating circumstances include, but are not limited to, a serious disciplinary record while incarcerated, other dangerous or threatening behavior while incarcerated, or specific threats or risk of harm to a particular person or persons upon release. Alternatively, circumstances may exist that call for us to support a person's release upon their first appearance before the Parole Board. These circumstances may include, but are not limited to, support from the victim in the case and academic/employment achievements and leadership/mentoring roles while in custody.

In a case in which the ADA believes that circumstances exist to the extent that our Office should support or oppose the individual's release to community supervision, the ADA may, with the approval of a Trial Bureau Chief or their designee, submit a proposed support/opposition letter to the Office's Parole Letter Committee. All letters in support or opposition to release to community supervision are to be written by the ADA who prosecuted the case, or, if the ADA has left the Office, a Deputy Bureau Chief should assign the Parole letter review to another ADA. When submitting a letter for review by the Office's Parole Letter Committee, please email the letter to parole@dany.nyc.gov at least 10 days before mailing deadline to allow adequate time for review.

The Office has limited ability to obtain a copy of an individual's disciplinary records while incarcerated and Parole Board Report; therefore, if you submit a letter without first being able to view the individual's disciplinary record while incarcerated, please include language acknowledging that your recommendation lacks such insight.

In addition, any materials intended for submission to the Parole Board regarding any specific case should be submitted for review to the Parole Letter Committee, even where such materials are not part of a recommendation to grant or deny parole.

^[1] The Parole Letter Committee consists of Meg Reiss, Joyce Smith, Lisa DelPizzo, Brian Crow, and Sherene Crawford.