

# A SELF-HELP GUIDE TO PAROLE PREPARATION IN NEW YORK STATE

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Disclaimer: The intended audience for these materials is incarcerated people preparing to see the Parole Board without any outside assistance in the preparation process.

Acknowledgments: These materials are based on and inspired by many materials prepared by various advocacy organizations working with people in prison. They also come from collaborations with currently and formerly incarcerated people, who have immense expertise in preparing for Parole Board appearances.

## A. INTRODUCTION

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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”) who are not working directly with supporters on the outside to prepare. 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 their own experience, and have significant insight into 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 way, or even a guaranteed way, 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

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This Guide will focus on two main parts of Parole Board appearances:

- (1) Helping you create your own “advocacy packet” to help show the Board why you are suitable for parole release (described in Section D); and
- (2) helping you prepare for the Parole Board interview itself (described in Section E)

### 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 advocacy 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 a lifers’ organization, establishing a strong relationship with your 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, where the goal of the accused person is usually to minimize their actions in order to avoid prosecution or achieve the lowest sentence possible, 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 histories of childhood trauma, experiences of systemic oppression, and/or events that themselves perpetuated trauma and 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 truth or reflect on their experiences, making it even harder to access those thoughts.

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 wall that contributed to your growth in ways that you can describe to the Board? 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. 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, identify the resources you already have inside of yourself, and 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? 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 (or merit time) 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 that you can work to address before your next interview (such as a lack of post-release plans? Or a lack of programming?) 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

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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.

1. Pre-Sentence Report (PSR) – 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. If that doesn’t work, then you can also request it from the sentencing court by filing a motion (make sure to copy the Department of Probation).
2. Sentencing minutes – The Board also reviews the transcript from your sentencing hearing, particularly to see whether the judge, prosecutor, and/or your defense attorney said anything specific about your possible release on 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 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 request them through a formal Freedom of Information Law (FOIL) request. If that doesn’t work, then if you appealed your conviction, 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 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.
3. “Inmate Status Report” – A 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.
4. 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.

In addition, here is a list of some of the other documents (there may be other useful documents not listed here) that you (or a family member or friend) may want to try to collect, either by requesting them from DOCCS directly through a FOIL request or from a previous attorney or other sources. 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 or witnessed) release form showing that they have your permission to get these documents.

5. Education, Programming, Disciplinary records – DOCCS keeps a computerized printout of these records. A signed release will be required if a supporter on the outside tries to get them through a FOIL request.
6. Health Records – Useful if you have significant medical issues or have received mental health services through the Office of Mental Health (OMH). Anyone requesting these documents from the outside on your behalf will have to submit a HIPAA-compliant release (HIPAA stands for the “Health Insurance Portability and Accountability Act of 1996” and was federal legislation that seeks to ensure the privacy of your medical information). The outside advocate may also need an additional OMH release form. Consider whether you need ALL of your health records, which may be an overwhelming amount.
7. 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 (paying particular attention to questions that surprise you – are the Commissioners picking up on something from your PSR or sentencing minutes that you weren’t aware of during your prior interview(s)?). 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 Freedom of Information Law (FOIL) request.
8. Appellate decisions – If your case was appealed, it can be helpful to get the court’s decision, which might clarify facts that were disputed at a trial or misreported in the pre-sentence report, or might clarify your sentence if it was reduced. However, this is the document that DOCCS is least likely to have in your file, so if you don't have a copy of your appeal and can't get a copy of it from the law library, then you might want to ask someone on the outside to get a copy for you.
9. Prior parole appeals/Article 78s and their decisions – These 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.

#### **D. THE PAROLE PACKET**

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In preparation for appearing before the Board, a lot of incarcerated people create their own “advocacy” or “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 Statement

Sometimes called an “offender statement,” this is a chance for you to share with the Board your thoughts, feelings, and discoveries about the crime 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?

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 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, 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
- 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 signs and dates the letter, and includes their phone number 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 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](http://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
  - Note: Some applicants prefer to not only detail their release plans in the cover letter or advocacy letter, but will include such information in an entirely separate section within their packet because of the significance of these plans to the Board.
- 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.

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. 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 (for example, if you have a supporter on the outside who is able to help you make copies, or if you have access to a copier inside), we recommend sending the packet to the following places:

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 4 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 4-6 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 1-2 business days before the interview to ask whether they can confirm that the Parole Board Commissioners received it.

2. Make sure to **keep a copy for yourself**, or, if you have 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**

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Seeing the Board can be difficult and preparation is key. We recognize that the actual interview can be extremely 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.

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.

### **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/drank 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?
- 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?
- Are there certain sections of your packet that you want us to pay particular attention to?
- Do you have anything else to add?

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 can be short!

While people serving life sentences are sometimes given more time for their interview with the Commissioners, the average interview can last less than ten minutes. 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 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 even 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 ones.

### Talking about the crime: accepting responsibility while showing insight

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.

Most importantly, we want you to 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.

It's also important to show – to the extent that you committed the crime you were convicted of – 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. This part of the process is always about speaking your truth, and sharing with the Board your own narrative of the crime.

### 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. A simple question like “did you receive the parole packet I submitted?” should do. Once the packet is part of the

record, then you can reference it in an appeal. If the Commissioners do not have the packet, ask that they consider it when they make their decision.

#### 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, or a failure to accept responsibility, 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. Other staff, such as the SORC, ORC or others may also be in the room observing. If it's an in-person interview, shake hands with all Commissioners, or look at and greet each Commissioner. They will introduce themselves and note that the interview is being transcribed.

### 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?

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-I (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)

Although the Board must *consider* all factors, it *is not required* to give each factor equal weight, and it has broad discretion whether to grant parole.

## **F. AFTER THE INTERVIEW**

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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. SAMPLE LETTERS

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### Letter of Support

[LETTERHEAD IF YOU HAVE IT]

[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 []. 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]

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]

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]