

Opinion: Views & commentary from around the community

Reasonable Doubt: Part 2 Of A Series

By Matthew Hattley



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When a person receives a specific amount of time (25 years to life) from a judge for their crime, they are left with the impression that as long as they complete all required programs, stay out of trouble, maintain strong family and community ties, have a pre-approved residence and acquire the necessary skills to become employable, they will be released once they complete their minimum sentence, that being 25 years in this case.

This is actually an unwritten procedure, or protocol, conveyed to all prisoners via their Offender Rehabilitation Coordinator throughout their incarceration. An ORC is the new acronym for our counsellors, whom we meet with regularly. With their advice and guidance we are supposed to be able to navigate the prison system — while preparing ourselves to reintegrate back into society. In the process they encourage us to maintain an exemplary prison record.

So, our individual with a sentence of 25 years to serve followed all the rules and regulations. He did everything expected of him. Even the staff officers at both his previous and his current correctional facility believe he deserves a second chance. They saw him as the perfect candidate to be released. Achieving freedom seemed plausible.

However, he was disappointed to find that his first parole hearing was to be conducted not in person, but via video conference. It seemed very impersonal. He had expected to speak to a live panel of three Parole Commissioners. Even more disturbing to him was that the hearing lasted a mere ten minutes. He was not given the opportunity to express himself or discuss the wonderful personal transformation which had taken place over the past 25 years.

Indeed, the commissioners never mentioned that his chances of committing a new crime were less than 8 percent, compared to the average of 40 percent. Their primary focus was the crime itself, they barely glanced at the content of his extensive parole packet, which held a history of his accomplishments, goals and future plans.

When he received the decision three days later, it really didn't surprise him that they denied his release. He had only been praying that what he'd been expecting was wrong. Reading the actual words brought tears to his eyes.

This was what they said: "Discretionary release shall not be granted merely because of good conduct and program completion while confined, but after consideration of the specific factors; discretionary release is not presently warranted as there is a reasonable possibility you would not live at liberty without again violating the law and furthermore; your release would be incompatible with the welfare of society and would so deprecate the serious nature of the crime as to undermine respect for the law."

After regaining his composure, he called his family to report the terrible news. No one could understand why he was not released. At 50 years of age he was no longer a threat to society. Why is it so hard for the commissioners to accept that he's no longer the person he was at 25? His family was at a loss for words, and they also lost their respect for the parole process. The commissioners had judged him without getting to know him, without bothering to really examine his case.

His family now has to carry the burden of knowing that he has to do an additional two years, before his next scheduled hearing. And even then, there is no guarantee that he will be released. They have the power to hold him indefinitely, even though he was not sentenced to "Natural Life" — the term for a lifelong sentence of imprisonment.

According to Judge Richard Bartlett, "It is not the function of the Board to review the appropriateness of the sentence. This is for the court to decide. Their role is to determine the suitability of release based on the inmate's behavior while imprisoned and the likelihood of their reoffending."

Unfortunately, this is how the parole board currently operates, with absolutely no accountability for their actions. So, regardless of how we grow and change in prison, they seem to believe that we can never repay our debt to society. There's nothing to base that belief on, except bias, perhaps malice, perhaps even hatred. Should that be the basis for judgments in parole hearings?

So, dear reader, do you believe people should be punished indefinitely for a mistake they made 25 years ago? Or do you believe people can change for the better over an extended period of time in prison? If the latter, then please support the SAFE Parole Act (S.1128/A.4108). To find out more visit action@milknottjails.org or call (917) 719-6455.

Matthew Hattley, #93A9739
Woodbourne Correctional Facility
P.O. Box 1000
Woodbourne, NY 12788-1000

comments@shawangunkjournal.com