

**TESTIMONY OF DAVID FULLARD**  
**NOMINEE TO THE LOCAL CONDITIONAL RELEASE COMMISSION**  
**BEFORE THE NEW YORK CITY COUNCIL**  
**COMMITTEE ON RULES, PRIVILEGES, & ELECTIONS**  
**NOVEMBER 14, 2022**

Good morning, Speaker Adams, Chairperson Powers, and members of the City Council. My name is David Fullard, and I am a visiting associate professor at SUNY Empire State College. Thank you for the opportunity to testify today regarding my candidacy as a commissioner with the Local Conditional Release Commission. I hope to expound on my work history in the correctional field and my education in psychology and penology to demonstrate how my experience is in line with Dr. Ernest Boyer's concept of *The Scholarship of Application*. Namely, that it moves towards engagement by asking, "How can knowledge be responsibly applied to consequential problems? How can it be helpful to individuals as well as institutions?" And further, 'Can social problems *themselves* define an agenda for scholarly investigation?'<sup>1</sup> I trust that my testimony today will demonstrate that they can, and they must.

Prior to my current work as a professor and mentor, I was employed by the New York City Department of Correction for 29 years, retiring with the rank of captain. I worked at the now-closed Bronx House of Detention for Men, and in the Rikers Island complex. Over the years, especially on Rikers, I saw acts of violence within both the incarcerated and uniform population that reflected an absence of humanity and empathy. I'm sure I don't need to give graphic examples of this reality; much of it has been covered in media exposés or lawsuits against the city. During that same period, however, I also saw acts of kindness, compassion, and caring yet again from both the uniform correctional staff as well as those persons who were incarcerated, where individuals on both sides of the correction community tried to help one another in ways that can only be described as inspirational. These spontaneous acts of kindness receive far less attention than those acts of violence.

With these issues in mind, the work of the Local Conditional Release Commission is paramount. Non-violent individuals who are attempting to make major positive changes in their lives need the support of the Commission to further their aspirations to become functional and active members of New York City's citizenry. Not only do non-violent individuals deserve this second chance, but it is also a critical component of social justice, given the numbers of those caught up in unequal policing and sentencing patterns which have given rise to the crisis of mass incarceration over recent decades. Keeping people locked up does not serve their rehabilitation, nor does it serve society. With the frequently problematic conditions behind bars, having someone serve an entire sentence and then releasing them, untreated and unsupported into society may even worsen public safety. Instead, with societal safety and

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<sup>1</sup> Boyer, p. 21.

security at the forefront, we want to assess and release individuals who pose no danger. With the help of a case management probation officer overseeing that they receive the needed social services to ensure their success as returning citizens, we will serve social justice well!

While working as a correction officer, I began to pursue higher education in the field of criminal justice, earning two master's degrees and a Ph.D. My academic work includes research and advanced degrees in the fields of criminology, penology, correction administration, substance abuse and forensic/clinical psychology assessment and treatment. These studies enhanced my years of hands-on correction experience. Together, my background provides insight into how to accurately and effectively diagnose and evaluate an individual's mental health, and what supports they would require to successfully re-integrate into society. I have long tried to bridge what Dr. Boyer calls "the gap between values in the academy and the needs of the larger world."<sup>2</sup>

As part of the Commission, I would make certain that we carefully review an incarcerated individual's history, both institutional and criminal, following a structured, evidence-based assessment protocol provided by the Department of Probation. These assessment tools include such data as the severity of the offense, disciplinary infractions, ties to the community, having supportive family or supportive housing upon release, willingness to seek employment, and willingness to seek treatment if necessary. Personal interviews with potential release candidates give the individuals the opportunity to explain what has changed within them and outside them that will enable the person to live safely and productively once free in the community. This will also enable the evaluators to see if they have gained insight. We will do everything in our power to release individuals who appear to be safe for society with a strong support system in place.

It is critical to consider how the impact of releasing someone might depreciate the seriousness of the crime that was committed, and possibly even undermine respect for the law. To determine this, the assessment must look at the impact on the victim, considering both the victim's impact statement and the severity of the offense by examining what the individual was charged with and convicted of. Convictions for serious charges are terrifying to anyone. Releasing individuals who were convicted of such crimes could be detrimental to society by devaluing the laws that had been violated. However, releasing persons convicted of lesser, non-violent offenses does not have the same effect of depreciating the seriousness of the crime, undermining respect for the law, or causing further harm to the victim. Therefore, it is critical for the commission to have information about the severity of the offense and any institutional infractions in making potential release determinations.

The welfare of society is paramount. One predictor of future violence is a history of serious predatory violence; this prediction becomes even more accurate if the person is an active untreated substance abuser and has no clear connections to supportive people in the community. Release of such a person can raise concerns over issues of societal safety and security. For example, an individual who is a gang member by his own admission, a substance

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<sup>2</sup> Boyer, p. 22.

abuser who is not in treatment (and refuses to go to treatment), who assaulted someone while intoxicated, will most likely do poorly if released. On the other hand, a person who jumped the turnstile in the subway station, admits to drug use in the past but is currently in treatment, who is also supported by his family and able to live at home, has a better chance of being successful in a treatment program set up and monitored by a probation officer. All this information must be gathered systematically, weighed, and reviewed using the evaluator's informed and experienced judgment. Those who do not meet the criteria set out for release by the Commission simply will not be granted conditional release.

The Commission provides a unique opportunity to put into practice Dr. Boyer's discussion of the importance of service that addresses the needs of the larger world – not just “sitting on committees, advising student clubs, or performing departmental chores... service activities must be tied directly to one's special field of knowledge and relate to, and flow directly out of, this professional activity. Such service is serious, demanding work, requiring the rigor – and the accountability – traditionally associated with research activities.”<sup>3</sup>

As both a criminal justice academic and a criminal justice practitioner, I come to the Commission with a somewhat unique skill set. It is my goal to utilize that skill set, in collaboration with my fellow commission members, to identify non-violent individuals who can safely be released to the community. Part of this release recommendation will include a review of post-release housing conditions, social service support, education, vocational training, and employment, overseen by a probation officer acting as a compassionate and caring case manager rather than just a law enforcement officer. It is also my goal to recommend that individuals who are identified as still having a propensity towards acting out in a violent manner not be released to the community, and instead receive needed services while incarcerated to address their ongoing issues. This places public safety first and foremost, both for while these more violent individuals are serving their sentences, and for once they are released at some time in the future.

I view service on the commission as an opportunity to identify individuals who deserve a second chance, providing them with the support to ensure that they succeed, while simultaneously enhancing public safety.

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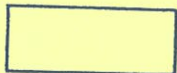
<sup>3</sup> Boyer, p. 22.

Citation:

Boyer, E. L. (2015). *Scholarship Reconsidered: Priorities of the professorate*. Special Report, The Carnegie Foundation for the Advancement of Teaching.

**THE COUNCIL  
THE CITY OF NEW YORK**

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Address: 4 PARK AVE

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