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May 22, 2006

The Honorable Joseph R. Lentol
New York State Assembly
Room 632 - LOB
Albany, New York 12248

Dear Joe:

As you might imagine, there is a great deal of dispute among experts after the 5-0 Appellate Division ruling whether we should do anything on civil confinement. Some argue that anything the Legislature does will make the process of civil commitment harder. That may well be true, but honestly, I think we should act and not let the civil confinement issue be court mandated.

Here are my views on the issues that must be decided prior to a conference committee: First, the Senate cannot agree to a second jury after a decision is made that a person is a sexually violent predator. Secondly, the concern of having a jury trial in the place where the crime was committed, seems expensive and unnecessary. The present process is much less onerous and will not cause a problem with the courts.

Thirdly, the Senate could live with the concept of intensive supervision. After a sexually violent predator is held for at least a year and then has been adjudged able to be released_ Incidentally, I have met with the Parole Board about the present dealing with sexually violent predators. We might want to meet with Jeff Aubry about the parole situation. I was shocked to find out that there are more parolees outside of New York City than there are in New York City. That is something really new.

Let's talk shortly and see if we can realistically recommence the Conference Committee on Civil Confinement. Frankly, I have had so many issues going, both criminal and in other areas, that I just have had trouble zeroing in on the civil confinement issue.

Very truly yours,

Dale M. Volker

DMV:np

