



Crime & Punishment

James Alan Fox on criminal behavior and the justice system

PROBATION AND PAROLE

Keep parole board votes private

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Permit me to tell a story about an unimportant event that illustrates a point about something far more important.

A few weeks ago, my wife and two of her girlfriends on the block decided on an evening excursion to watch a cast of female impersonators sing and dance down at Jacques on *Broadway* in Bay Village. Because it was a Friday night, the neighborhood trio expected that husbands would be *dragged* along to the cabaret.

Under usual circumstances, we three guys would grin and bear it; at least there would be alcohol to dull our discomfort while watching the all "female" review. But this wasn't just any Friday night, for the Sox were in New York to play the Yankees and the Bruins were hosting Game 1 of their playoff series against the Tampa Bay Lightning.

What a Friday the 13th dilemma! Should we do the good husband thing and join our wives for the show? Or, should we instead meet at my place to watch the Sox/Bruins double feature on my 52-inch flat screen?

This hardly seemed like a close call from a purely guy perspective, yet our wives had been looking forward to the couples night at Jacques for weeks. Just as we all joined up to walk to the club, my buddies and I became quite vocal--complaining actually--about the great sacrifice we were making. It is a lot easier to stand up to the wife when you're not the only one protesting.

Confronted with the sudden male uprising, our wives shrewdly played the guilt card. Allegedly, each of us was "perfectly free to stay home and watch some stupid games while the rest went out partying."

After a few responsive rounds of, "that's okay, dear, we promised we would go," the three of us guys huddled up (huddling is definitely a guy thing, probably invented by the NFL) and came up with an equally shrewd plan to trump the wives guilt card.

We elected to take a "private vote" on whether the three of us, as a group, would go clubbing with the wives or stay home with the remote control. We decided that the vote would be 2-1 in favor of the Sox/Bruins option. By virtue of the "secret ballot," each of us could tell the wife that he voted for the couples night at Jacques, but had to yield to the majority. To this day (and until she reads this), my wife doesn't know that the vote was as fake as the performers at Jacques.

As promised, there is a larger and more important lesson from that Friday night charade. It would have been a great strategy for the former parole board that voted unanimously, 6-0, to grant release to Dominic Cinelli, the parolee who killed a Woburn police officer last December during the course of an armed robbery.

The rest of the tragic outcome is history, as were the jobs of the board members who vote for Cinelli's release. Had the board huddled up and decided to report a modified 5-1 vote, each member could have claimed to have been the lone dissenter. Maybe then, none would have been booted.

Of course, I'm not really serious about monkeying with votes to cover the parole board's collective butt. I am very serious, however, in my belief that publicizing the identity of the members who voted for and against parole, as is being contemplated, will taint the entire process.

We should want parole board members to vote as they see fit, without concern that they may be criticized by the media, harassed by the public, or even fired by the governor, should a decision to release some inmate turn out badly.

Identifying who votes how will bias the parole decision-making process toward taking the easy and safe road. Had my friends and I been compelled to vote openly between the female impersonators at Jacques and the games on TV, we in all likelihood would have taken the easy and safe road, the road that led right to Bay Village.

Go ahead and call me and my friends wimps, if you want. That's quite alright. But it isn't alright to create conditions that would encourage the parole board to wimp out. Unlike my insignificant choice of entertainment for an evening, the parole board is faced with weighty choices that impact people's lives and freedom. Let's not make that process any more onerous than it already is.