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NYS DEPARTMENT OF CORRECTIONS AND COMMUNITY SUPERVISION

Parole Board Interview

In the Matter

-of-

DAVID BERKOWITZ

DIN #78A1976
NYSID [REDACTED]

TYPE OF INTERVIEW: Reappearance

LOCATION: Shawangunk Correctional Facility
Video-conferenced to NYS DOCCS
20 Manchester Road
Poughkeepsie, New York

DATE: May 17, 2016
DECISION DATE: May 17, 2016

BEFORE: COMMISSIONER LUDLOW
COMMISSIONER ELOVICH
COMMISSIONER THOMPSON

ALSO PRESENT: A. TOMLIN, SORC
C. DENNISTON, ORC

AT FACILITY: S. KOBER. ORC

HEARING REPORTER: Lori Ciofalo

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 COMM. LUDLOW: Good morning, sir.
2 THE INMATE: Good morning.
3 COMM. LUDLOW: Sir, you are David Berkowitz?
4 THE INMATE: I can't hear anything. I'm
5 sorry.
6 COMM. LUDLOW: You can hear us now?
7 THE INMATE: Yes, sir. Yes, sir. Good
8 morning. Good morning.
9 COMM. LUDLOW: There is some noise in the
10 background. What is that?
11 ORC KOBER: It's the fan for the computer,
12 sir, for the system.
13 COMM. LUDLOW: You can't tone that down?
14 ORC KOBER: It's part of the TV system.
15 COMM. LUDLOW: We don't have it on this end.
16 I've never heard that anywhere in the state. There
17 must be something wrong with that equipment.
18 Mr. Berkowitz, can you hear me okay?
19 THE INMATE: Yes, I can, sir.
20 COMM. LUDLOW: Sir, you are David Berkowitz,
21 correct?
22 THE INMATE: Yes, sir.
23 COMM. LUDLOW: Mr. Berkowitz, I am
24 Commissioner Ludlow, with me Commissioner Elovich,
25 Commissioner Thompson.

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 COMM. ELOVICH: Good morning.

2 COMM. THOMPSON: Good morning.

3 THE INMATE: Good morning.

4 INTERVIEW BY COMMISSIONER LUDLOW:

5 Q. Mr. Berkowitz, this appears to be your fifteenth
6 appearance before the Board of Parole; is that correct,
7 sir?

8 A. I believe it's my eighth. Eight, I think, sir.

9 Q. Eighth? It looks like fifteen to me. You did
10 have some refusals interspersed, but in terms of actual,
11 physical, appearances, before the Board of Parole, this
12 appears to be number fifteen.

13 A. Okay, then you might be correct, sir. In that
14 case, yes.

15 Q. Is that correct or not? You should know.

16 A. I believe so. I kinda lost count, to be honest
17 with you.

18 Q. Okay. That's what it appears to be, to me.

19 You are sixty-two-years old; is that correct,
20 now?

21 A. Yes, that's correct.

22 Q. Can you hear me okay?

23 A. Yes, I can.

24 Q. Okay, thank you. You were convicted out of, it
25 appears to be, all of the boroughs of the City of New

1 York, except Staten Island; is that correct?

2 A. Yes, Staten Island and Manhattan, nothing
3 happened there.

4 Q. So you were convicted out of three boroughs; is
5 that right?

6 A. Yes, sir. Yes.

7 Q. Okay. And you were convicted of approximately,
8 well, it appears to be twenty-one various convictions,
9 involving Murder Second, Attempted Murder Second,
10 Assault First, Criminal Possession of a Weapon, and
11 there are other similar convictions here, some of which
12 have multiple counts.

13 The controlling sentence is twenty-five to life;
14 is that correct, sir?

15 A. Yes, Commissioner. Yes.

16 Q. You've been in a long time, Mr. Berkowitz. We
17 certainly recognize that. We are cognizant of that
18 point.

19 It appears as though you have been in close to
20 thirty-seven years, in State prison; is that correct?

21 A. I believe it's closer to thirty-nine, all
22 together. I was arrested in 1977, and I came upstate in
23 1978. Say about maybe thirty-nine years, or close to
24 it, if I'm correct.

25 Q. These convictions appear to be your only felonies

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 of record; is that correct?

2 A. Yes, that's correct.

3 Q. Otherwise stated, do you have any prior felony
4 convictions?

5 A. No, no.

6 Q. Do you have any convictions out of state, sir?

7 A. No, sir.

8 Q. Okay. Now, we do have Sentencing Minutes on
9 file, Queens County, State Supreme Court, June 12th,
10 1978, before Judge Tsoucalas.

11 You, at the time, were represented by Mr. Leon
12 Stern and Ira Jultak; is that correct?

13 A. Yes.

14 Q. The minutes are on file and are part of the
15 record.

16 We have the COMPAS Risk Assessment on file. The
17 COMPAS Risk Assessment is a tool that we use to assist
18 us in complying with Executive Law 259 C4, which
19 requires the Board of Parole to conduct a risk and needs
20 assessment, as a measure of your rehabilitation for
21 re-entry into the community.

22 In your case the computer assessment has you at a
23 low risk of felony violence, a low risk of arrest, and a
24 low risk of absconding, taking off from parole.

25 If on parole, would you anticipate presenting as

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 a low risk to the public safety, as suggested by this
2 computer analysis, or something else? What are your
3 thoughts, sir?

4 A. I feel I am no risk, whatsoever.

5 My criminal past was a terrible tragedy. By the
6 grace of God, I want to have that behind me now.

7 I really didn't come here to seek parole. More
8 than anything, I came here just to talk with you. I
9 have some things in my heart to share. But I understand
10 this is a parole hearing and you have your formalities,
11 and that's fine.

12 Q. This is, indeed, a parole interview. As such the
13 Board of Parole is required, by the Executive Law, to
14 consider various factors, and we certainly want to
15 comply fully with the Executive Law, which governs the
16 operation of the Board of Parole. Do you understand
17 that, sir?

18 A. Oh, of course, absolutely.

19 Q. Now, in that regard, we have a Case Plan on file.
20 The Case Plan is a statement of goals, tasks and
21 activities.

22 Among the goals identified in the Case Plan:
23 Improve problem-solving skills, spend more time
24 volunteering. These are the goals identified in the
25 Case Plan.

1 Have you made progress with respect to either or
2 both of these goals, sir?

3 A. Yes, I have. Sure.

4 Q. What have you done in that regard?

5 A. Well, I continue to go forward with my life. I
6 do a lot of good things.

7 When I was in Sullivan Correctional Facility, I
8 was there for more than twenty-eight years,
9 twenty-eight-plus years, and I was a caregiver. I
10 worked with mental health inmates. I worked with
11 sight-impaired inmates.

12 I was a chapel clerk, and I helped run chapel
13 services. I would oversee chapel services, and I would
14 do Bible studies. I was constantly putting myself out
15 there to help other individuals, with kindness and
16 compassion.

17 I mean, I feel that's my life's calling, all
18 these years. My evaluations, and so forth, should show
19 that to be true. I've done a lot of good and positive
20 things, and I thank God for that.

21 Q. That's certainly to your credit. We will take
22 that into consideration.

23 With regard to the instant offenses, the record
24 indicates that you caused the deaths of six individuals,
25 in the various boroughs we discussed. You also wounded,

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 in a serious way, seven other victims.

2 You have what appears to be a grand total of
3 thirteen victims, here, six of whom you killed; is that
4 all correct?

5 A. Yes. Yes, that is correct.

6 Unfortunately, it was a terrible tragedy. I
7 regret that with all my heart. I would do anything, if
8 I could ever change that.

9 But that's part of the past, and there is nothing
10 I could do but grieve. I have a lot of pain in my life,
11 over all that's happened.

12 Q. There is commentary in the file to the effect
13 that you virtually paralyzed the City of New York, from
14 July 29th, 1976 through July 31st, 1977.

15 What do you have to say about that comment, any
16 response?

17 A. I am deeply sorry for all that has happened. I
18 believe I was not in my right mind at the time. I take
19 full responsibility, and I just regret it.

20 It was a time that my life was out of control.
21 I'd do anything if I could go back and change that, but
22 it's impossible to go back into the past and fix those
23 kinds of things.

24 Q. There is an indication in the file, Mr.
25 Berkowitz, that you told the staff, something to the

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 effect, and I quote, "The hearing process, meaning the
2 parole hearing process, is painful, and that you believe
3 parole is not realistic, and you are reportedly content
4 to do the best that you can in prison," end quote.

5 A. Yes.

6 Q. Did you make that statement or something similar?

7 A. Yes. Yes.

8 Q. Would you care to elaborate on that, sir?

9 Specifically, the statement that, quote, "parole is not
10 realistic."

11 Did you make that statement, and would you care
12 to elaborate on that, specifically?

13 A. Well, I feel that the crimes were so serious and
14 the damage so severe, and so many people I'm sure are
15 still hurting and grieving, that, realistically,
16 something like parole, in my situation, would be very
17 unusual.

18 I wish things were different, but I'm just being
19 realistic. Reality, sometimes, can be painful, but I
20 have to deal with what it is. You know?

21 Q. We understand, and we appreciate your perspective
22 in that regard.

23 With respect to discipline, the file indicates
24 that you have had no disciplinary issues since November
25 of 2004; is that correct, sir?

1 A. I believe so, yes.

2 Q. In the event you are paroled, do you have any
3 plan on where to live, sir? Do you have any release
4 plan or concept of where you might reside?

5 A. Not at this time, no. Not at this time.

6 Q. So it would appear that if you were released, you
7 would need a shelter of some kind. Is that your
8 understanding?

9 A. Well, I'd probably need someplace to live. If
10 that were ever the case, I have a few very good friends,
11 and people who are ministers, outstanding members of
12 society, who would take me in and afford me a place to
13 live.

14 I'm just saying, if that were ever the case, I
15 have many things to fall back on, if that were a
16 reality.

17 Q. I understand. Thank you.

18 In terms of work, if on parole, you have
19 identified working in ministry, involving counseling of
20 youth.

21 We also note that you have reportedly achieved an
22 Associate's Degree in Business Administration. Is that
23 accurate, sir?

24 A. Yes, that it. Yes.

25 Q. From what institution, and when was that?

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 A. I graduated Sullivan Community College, with a
2 two-year degree in Business Administration, and I
3 graduated with top honors.

4 Q. That's indeed to your credit, and we will
5 consider that as such.

6 [REDACTED]
7 [REDACTED] That indicates that you are,
8 currently, [REDACTED]; is
9 that accurate?

10 A. Yes, sir, that's accurate.

11 Q. The file further indicates that in April of 1993,
12 you were classified [REDACTED]

13 [REDACTED]

14 We do have a [REDACTED] on file. You
15 were reportedly seen as recently as February 8th, 2016,
16 by the [REDACTED]

17 That report indicates that you are not [REDACTED]

18 [REDACTED]

19 is that correct?

20 A. Yes, sir, that's correct.

21 Q. The report further indicates that you are not,
22 currently, participating in any [REDACTED]

23 [REDACTED] is that correct, as well?

24 A. Yes, that's correct.

25 Q. In terms of diagnosis the report states, and I

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 quote, "None." Are you aware of that?

2 A. I am aware of it, now. I didn't see the report,
3 until you just revealed that.

4 Q. In terms of recommended treatment, and I quote
5 from the report, "There are no recommendations from a
6 [REDACTED] standpoint, at present" end quote. Are
7 you aware of that?

8 A. Well, I am, now, that you read that to me, and I
9 thank God for that.

10 Q. This is a report of Social Worker Osmen Yildiz,
11 Social Worker 2.

12 Is this report accurate and current in terms of
13 the sections that I've read, in your opinion?

14 A. Yes. Yes.

15 Q. Now, in terms of programs, the file indicates
16 that over your period of incarceration, which you
17 identified as thirty-nine years, you have completed all
18 mandatory programs, you've completed in the college
19 program, as specified a moment ago; is that correct,
20 sir?

21 A. Yes, sir, that's correct.

22 Q. In terms of programming is there anything, in
23 particular, you wish to cite for the panel's particular
24 attention?

25 A. Well, as I said, for many years I have worked as

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 a -- I guess you could say, just like a caregiver.

2 I have a heart for helping and reaching out to
3 inmates, offenders, who have psychiatric problems, who
4 have a lot of depression, and things like that.

5 For more than twenty years, when I was at
6 Sullivan, I worked with the inmates who were in the
7 mental health block, the Intermediate Care Program. The
8 staff there really liked me, and they trusted me.

9 Even though I lived in general population, all my
10 time at Sullivan, I mingled freely with these men.

11 The staff asked me to talk to certain men, who
12 seemed depressed, who were going through different
13 things. So, I feel that's my calling in life.

14 Also, for a number of years, I worked as a
15 mobility guide for the sight impaired.

16 I also worked as a chapel clerk, and that also
17 entailed ministering to the men. Sometimes, it was
18 leading the worship services, opening the services in
19 prayer. Sometimes, even preaching the message, when the
20 guests don't show.

21 The chaplaincy staff, as well as the officers in
22 the chapel, trusted me, completely, to be around the
23 volunteers. The men and women would come in, and I
24 would sit with them and work with them.

25 So, I really just count my blessings. I've

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 really done wonderful. Considering all the things in my
2 situation, I did excellent at Sullivan, and I was
3 thankful for those opportunities.

4 Q. That service is much to your credit. We will
5 consider that as such in our deliberations.

6 The panel does note official opposition to your
7 release on file. The panel also notes consistent
8 community opposition to your release, as well, which
9 will also be considered among the myriad of factors that
10 the Executive Law requires us to examine.

11 A. Sure.

12 COMM. LUDLOW: Commissioner Elovich?

13 COMM. ELOVICH: Just a couple of questions.

14 BY COMMISSIONER ELOVICH:

15 Q. Why were you transferred from Sullivan to
16 Shawangunk, if you know?

17 A. I don't know. I can only speculate that it was
18 because of the new way of doing things, after the two
19 inmates escaped from Clinton.

20 I did very well in Sullivan. On April 12th of
21 this year, the officer told me, "Hey, we got a call from
22 Draft Processing, that you have to pack up, you are the
23 transfer."

24 It was a shock to everybody; including the
25 officer, in the cellblock, where I lived for many years,

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 he knew me.

2 That was it. They just put me, on a transfer, in
3 a van, and sent me to Shawangunk. I don't know, it was
4 just instant. I did very well at Sullivan.

5 Q. One more question. When Commissioner Ludlow had
6 questioned you about the instant offense, you said you
7 were not in your right state of mind.

8 To what do you attribute the execution of six
9 innocent people and the shooting of another seven
10 innocent people? Where did that rage come from?

11 A. Ma'am, I'll be frank, I just -- I can't even
12 explain that. I can't put that into words. It's beyond
13 my comprehension.

14 I look back with, like, so much disbelief. There
15 are times that I wake up and say, I can't believe this
16 happened.

17 I just don't understand it. It's something
18 painful that happened, that I have to deal with. It
19 happened.

20 I can't put everything into a couple of
21 sentences. I don't know. I don't know. I'm sorry.
22 I'm sorry.

23 COMM. LUDLOW: Commissioner Thompson?

24 COMM. THOMPSON: No further questions.

25 Thank you.

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 COMM. LUDLOW: Commissioner Elovich,
2 anything additional?

3 COMM. ELOVICH: Nothing additional. Thank
4 you.

5 CONTINUED BY COMMISSIONER LUDLOW:

6 Q. Mr. Berkowitz, anything additional, that's
7 important to you, sir, that you wish to apprise the
8 panel, before we close the interview, sir?

9 A. I do have something that I wrote. It's a
10 two-page letter, that I prepared. I even typed it up,
11 last night.

12 Would it be possible for me to just read this to
13 you, for your own information?

14 Q. Yes, we will let you read that, sir.

15 If you wish to submit the actual letter, in its
16 entirety, I would ask you to have our good staff at
17 Shawangunk, fax that over to us, and we will incorporate
18 it into the record, here. Go ahead.

19 A. Yes, I would like that very much. Thank you.

20 This is a letter to the Parole Board. I composed
21 this last night, in my cell, and then, with my
22 typewriter, I just put it together.

23 Q. We do have a certified stenographic reporter in'
24 the room with us. This is a verbatim record. I would
25 ask you to read at the proper speed, so that the record

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 can be made clear. Thank you.

2 A. Thank you. Okay, I will. I'll try.

3 The letter to the Parole Board: "Thank you for
4 allowing me the opportunity to present this letter to
5 you and to speak on this matter.

6 Since my arrival at Sullivan Correctional Facility, some
7 28-plus years ago, I do believe that in the course of
8 time I have been able to be a help to both the
9 facility's staff and the inmates.

10 For example, I was trained as an "Inmate Program Aide"
11 (IPA), and performed as something of a peer counselor
12 for those who were housed in E-North's "Intermediate
13 Care Program" (ICP) for various mental health and
14 psychiatric reasons; I lived in the prison's general
15 population, but worked at the 64-man ICP Unit on
16 weekdays where I cared for these men.

17 In addition, I have spent time working as a
18 "sighted-guide" escorting and assisting those at the
19 "Sensorial Disabled Unit" where those who are legally
20 blind needed daily help. I also worked as the
21 chaplain's assistant and as a chapel clerk for many
22 years. My responsibilities included everything from
23 doing all kinds of paperwork, setting things up for the
24 services, and helping to coordinate those services when
25 I was asked to do so. I was also present to welcome and

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 accompany all of the civilian ministerial volunteers,
2 and to even sit alongside them when necessary. The
3 chaplaincy and correctional staff having no qualms
4 allowing me to help watch over the men and women, who
5 regularly visited our chapel as guests.

6 In all the years I was housed at Sullivan there was
7 never a serious problem with the volunteers. Clearly
8 the staff never viewed me as a risk or a threat, nor as
9 a potential security problem. Had they done so,
10 obviously I would have never been permitted to function
11 in such a capacity.

12 I believe that throughout the years I've spent at
13 Sullivan Correctional Facility, I was able with God's
14 help, to do many good and beneficial things, both for my
15 fellow offenders, and for the staff as well. As a
16 Christian and caregiver, I have counseled and prayed
17 with countless men, some who have lost a loved one or
18 were despairing over the news of a very sick family
19 member. While others were despondent at having lost
20 contact with someone whom they were once close to. I
21 made sure I was available to help anyone who requested
22 prayer or advice. I tried to be there for those who
23 were depressed.

24 While in my free time I would write letters and messages
25 with spiritual themes, which, I believe, have provided

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 hope and inspiration to many people from all walks of
2 life. I have written extensively on such subjects as
3 forgiveness, redemption, and persevering under difficult
4 circumstances, as well as on the need to discourage gun
5 violence.

6 Not that any of this means anything overall. But I hope
7 it does show the members of the parole board that I have
8 devoted my life to doing good. That the staff at
9 Sullivan considered me to be trustworthy, dependable and
10 respectful. For this I am most thankful. I especially
11 thank God for changing my life and making all this
12 possible.

13 I likewise hope to continue to do good in the future,
14 even if I have to take my last dying breath behind
15 prison walls. I want to continue to be something of a
16 role model for my fellow inmates, as well as a source of
17 hope and inspiration to whomever I can. Thank you!

18 Respectfully, David Berkowitz. Dated May 17th, 2016."

19 Thank you for allowing me to share this, sir. I
20 appreciate that.

21 Q. You're welcome, sir. Thank you for making that
22 statement. We certainly hope that you are sincere with
23 respect to the entirety of that statement.

24 A. Okay, thank you.

25 Q. Mr. Berkowitz, we have attempted to give you a

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 full, fair and accurate interview today. In your
2 opinion, sir, have you received that?

3 A. Yes, I have. Thank you.

4 COMM. LUDLOW: We will close the interview.
5 We will advise you in writing, in due course.

6 Hopefully, we will strive to bring all of our
7 consideration to the forefront, to fully comply with the
8 Executive Law that is imposed on the Board of Parole.
9 Thank you, sir.

10 THE INMATE: Sure. Okay, I'll furnish a
11 copy of this letter to you, just for general filing or
12 whatever. I wish all of you a good day.

13 COMM. LUDLOW: We will incorporate that in
14 the actual record. Thank you, sir.

15 THE INMATE: Okay, thank you.

16 (Interview concluded.)

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David Berkowitz DIN #78A1976 NYSID [REDACTED]

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2 (After due deliberation by the Parole Board Panel,
3 the following Decision was rendered:)

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5 DECISION
6

7 David Berkowitz, parole is denied. Hold 24 months.
8 Next appearance, May 2018.

9 Following careful review and deliberation of your
10 record and interview, this Panel concludes that
11 discretionary release is not presently warranted due to
12 concern for the public safety and welfare.

13 The following factors were properly weighed and
14 considered: Your Instant Offenses in the City of New
15 York, from July 1976 through July 1977, involved you
16 causing the deaths of six victims and wounding seven
17 other individuals.

18 Your Criminal History indicates the Instant
19 Offenses to be your only felonies of record.

20 Your institutional programming indicates progress
21 and achievement, which is noted to your credit.

22 Your disciplinary record appears clean, since your
23 prior appearance.

24 You virtually paralyzed the City of New York, for
25 one year, from July 1976 through July 1977.

David Berkowitz DIN #78A1976 NYSID [REDACTED]

1 The Panel notes current official opposition to your
2 release. The Panel also notes consistent community
3 opposition to your release.

4 Required statutory factors have been considered;
5 including your risk to the community, rehabilitation
6 efforts, and your needs for successful community
7 re-entry.

8 Your discretionary release, at this time, would
9 thus not be compatible with the welfare of society at
10 large, and would tend to deprecate the seriousness of
11 the Instant Offenses and undermine respect for the law.

12 (All Commissioners concur.)

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CERTIFICATION

I, Lori Ciofalo, Court Reporter and Notary Public,
in and for the State of New York, do hereby certify that
I attended the foregoing proceedings, took stenographic
notes of the same, and that the foregoing, consisting of
23 pages, is a true and correct copy of the same and
whole thereof.

Lori Ciofalo

Lori Ciofalo, Court Reporter

Dated: May 17, 2016