



**UNITED
NEIGHBORHOOD
HOUSES**

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**Testimony of United Neighborhood Houses
To the New York State Senate Standing Committees on
Crime Victims, Crime, and Correction and Judiciary**

**Senator Julia Salazar, Chair, Committee on Crime Victims, Crime, and Correction
Senator Brad Hoylman, Chair, Committee on Judiciary**

Soliciting public opinion on bills S.15A and S.7514 (Parole Justice)

**Submitted by Tara Klein, Deputy Director of Policy & Advocacy
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Thank you for the opportunity to submit testimony in support of S.15A and S7514, the Parole Justice legislative package. United Neighborhood Houses (UNH) is a policy and social change organization representing 46 neighborhood settlement houses that reach over 765,000 New Yorkers from all walks of life. A progressive leader for more than 100 years, UNH is stewarding a new era for New York's settlement house movement. We mobilize our members and their communities to advocate for good public policies and promote strong organizations and practices that keep neighborhoods resilient and thriving for all New Yorkers. UNH leads advocacy and partners with our members on a broad range of issues including civic and community engagement, neighborhood affordability, healthy aging, early childhood education, adult literacy, and youth development. We also provide customized professional development and peer learning to build the skills and leadership capabilities of settlement house staff at all levels.

UNH and our settlement house members strongly support both Parole Justice bills, which serve as compassionate measures that would support some of New York's most vulnerable residents. These bills would reorient parole release policies to value personal transformation and safety, rather than simply punishment. They would give incarcerated individuals the opportunity to receive a fair parole hearing and potentially return home to their communities, where UNH's settlement house members offer supportive programs and services that foster community connection. Everyone has worth and dignity, and no one should be defined by the worst thing they have ever done. These bills will give people the opportunity to return home and build stronger communities.

New York spends an average of \$60,000 annually to incarcerate just one person, and between \$100,000 and \$240,000 annually per older adult in prison. Rather, this money could be reinvested in community-based services that provide resources and strengthen overall community health and safety. It is estimated that the Parole Justice bills together would save the State \$522 million per year.¹ As an idea of what this could support in communities, this is greater than the entire budget of the New York City Department for the Aging, which supports hundreds of thousands of older adults

¹<https://centerforjustice.columbia.edu/news/new-report-unlocking-billions-fiscal-analysis-pending-justice-reforms-new-york-state>

through contracted services such as over 300 senior centers, home delivered meals, case management, and other home- and community-based services.

Elder Parole

S.15A (Hoylman) / A.8855 (Davila) would require consideration of parole release for all incarcerated older adults who are age 55 or older and have served at least 15 years of a consecutive prison sentence. Importantly, this “elder parole” legislation offers no exceptions or preferences for the type of original crime, medical status, etc. The bill also includes reporting requirements.

The number of older adults in state prisons is rising at an alarming rate, even as the overall prison population has been decreasing. In New York, nearly 1/4 of people incarcerated in state prisons are age 50 or over (the widely-accepted definition of an older adult in prison), while this rate was 7% in 2000 and 11% in 2007. This is in part a legacy of criminal justice policies with mandatory long sentences. At the same time, older people in New York prisons comprise 56% of all deaths behind bars, while this rate was just 8% in the 1980s.²

Year	Overall NY prison population	Older adult NY prison population	Percent older adults in NY prisons³
2000	71,466	4,706	6.6%
2019	47,459	9,896	20.1%
2021	31,262	7,586	24.3%

Older adults in prison face unique challenges that can be met by shifting them back into their communities:

- **Low Public Safety Risk** – Older adults have been shown to have the lowest recidivism rate of any age cohort in the U.S.,⁴ offering a strong public safety argument in favor of this legislation.
- **Lower Medical Costs** – Older adults in prison have high medical needs (including mental health, physical and cognitive disabilities, chronic conditions, etc.), which add high costs to prison health care delivery, which is 100% covered by the State via DOCCS.⁵ New York could save money by shifting these costs to the individual and insurance companies including Medicaid.
- **Longer Lives** – Older adults in prison tend to experience “accelerated aging” due to the struggles of prison life. The prison health care system has also faced criticism for low quality of care, particularly throughout the COVID-19 pandemic. Today, someone dies in a New York State prison once every three days, and more than half of those deaths represent older adults.⁶ Incarcerated older adults could experience longer, healthier lives on the outside where they can receive better and more specialized healthcare.

² centerforjustice.columbia.edu/sites/default/files/content/New%20York's%20New%20Death%20Penalty%20Report.pdf

³ DOCCS and Comptroller DiNapoli audit:

osc.state.ny.us/press/releases/2022/01/new-yorks-prison-population-continues-decline-share-older-adults-keeps-rising

⁴ <http://www.osborneny.org/resources/the-high-costs-of-low-risk/the-high-cost-of-low-risk/>

⁵ <https://osc.state.ny.us/reports/aging-inmates.pdf>

⁶ centerforjustice.columbia.edu/sites/default/files/content/New%20York's%20New%20Death%20Penalty%20Report.pdf

Most states, including New York, have some type of compassionate release or medical parole program that releases incarcerated persons once they become extremely infirm or near-death. However, these programs are not widely used – New York’s Medical Parole program released just 13 people in 2016, and during the pandemic in 2020 just 9 people were released out of 1,049 applicants.⁷ Of states that boast stronger elder parole programs (most which were enacted in the last few years), most limit qualification to exclude individuals who committed serious or violent crimes. Many older adults who are serving long sentences are doing so because they committed serious crimes, so the eligibility pool for these policies ends up being small. A report by the Vera Institute of Justice⁸ evaluated programs in South Carolina and Mississippi for effectiveness and recommended expanding the eligibility pool and making parole hearings automatic after a certain age, which aligns with New York’s proposed legislation.

Fair and Timely Parole

S.7514 (Salazar) / A.4231A (Weprin) would ensure the parole release process is based primarily on who incarcerated individuals are today, rather than solely based on their original crime of conviction. This “Fair and Timely Parole” legislation would provide more meaningful parole reviews for incarcerated people who are already parole eligible. The bill would require New York’s parole commissioners adhere to a standard whereby a person who is being considered for parole release is released, unless the Parole Board can demonstrate there is a current and unreasonable risk that the person will violate the law, and that risk cannot be mitigated by parole supervision. This simple statutory change will maintain the Parole Board’s discretion in using a variety of factors in determining parole release, but will shift the current practice of denying parole release based solely on the original crime of conviction while failing to consider who the person is today and how they may have changed during their period of incarceration. This is a meaningful step towards ensuring fair parole hearings, increasing New York’s dismally low and racially-biased parole release rate, and reducing the number of New Yorkers behind bars.

Currently, New York’s Parole Board interviews more than 11,000 people every year—roughly 60 hearings per day—via video conferences that last an average of 15 minutes. Commissioners have several factors they may look at to determine release, but often will cite the nature of a person’s original crime as the primary reason for denial. By looking only at the underlying case, freedom is based on events that may have happened decades in the past and on facts that can never change. By failing to consider what a person has accomplished while in prison and how they may have changed, this practice fails to adhere to the guiding principle of maintaining public safety. This leads to a lack of meaningful opportunities for parole release and is a major contributing factor to mass incarceration in New York State.

Further, racism, white supremacy, and other systems of oppression permeate the parole process. As reflected in the larger criminal punishment system, black people are profoundly and disproportionately impacted, as they are significantly less likely to be granted parole release than their similarly situated white counterparts. A front-page story in the Albany Times Union published in November 2020 found that the Parole Board was far less likely to release black and Latinx people than white people, including during the pandemic: from October 2018 through October 2020, the Parole Board granted parole release to 41% of white people, 34% of black people, and 33% of Latinx people; and if black and Latinx people were paroled at the same rates as white people in this time frame there would be 675

⁷ gothamist.com/news/sick-and-frail-covid-19-looms-medical-parole-still-rare-new-york-state

⁸ www.vera.org/publications/compassionate-release-aging-infirm-prison-populations

fewer people behind bars.⁹ These racial disparities have worsened over the years and are supported by the statute that guides the Parole Board and allows for total discretion.

Settlement Houses Providing Supports

Formerly incarcerated individuals often need a high level of institutional supports in order to succeed after leaving prison, especially for older adults who have been incarcerated for long periods of time and may lack familial support systems on the outside. Though these cases are not tracked, settlement houses are already serving previously-incarcerated individuals with some of these supportive programs and services – fostering their reintroduction to the community and ensuring they feel connected. Settlement houses provide case management services to help access and navigate government benefits, provide nurses and mental health professionals to support physical and behavioral health needs in community-based settings, and welcome all into their community centers and senior centers, which provide essential daily meals, activities, and socialization opportunities.

Settlement houses believe that a community thrives when all its residents are lifted up and supported. Individuals who are incarcerated deserve a fair chance to return to their communities where they can rebuild meaningful, rehabilitated lives.

At the same time, should this legislation advance, UNH hopes New York State and City governments will invest in the successful return of these individuals by bolstering necessary programs and services. For example, should additional case managers be needed at settlement houses or reentry organizations to support a higher number of released individuals, government contracts that fund these services must increase funding to allow nonprofits to hire additional staff.

Thank you for your time. To follow up, please contact me at tklein@unhny.org.

⁹ <https://www.timesunion.com/news/article/A-broken-parole-process-Data-show-widening-15739596.php>