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**Memorandum in Support**  
**S.2144 (Hoylman) / A.4319 (Weprin): Elder Parole**

*Relates to parole eligibility for certain inmates age fifty-five*

UNH supports S.2144 (Hoylman) / A.4319 (Weprin), which 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 prison sentence. This “elder parole” legislation is a compassionate measure that would support some of New York’s most vulnerable residents by giving them the opportunity to receive a parole hearing and potentially return home to their communities, where UNH’s settlement house members offer supportive programs and services that foster community connection.

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, approximately 20% of people incarcerated in state prisons are age 50 or over (the widely-accepted definition of an older adult in prison). This is in part a legacy of criminal justice policies with mandatory long sentences.

<i>Year</i>	<i>Overall NY prison population</i>	<i>Older adult NY prison population</i>
2000	71,466	4,706
2017	50,300	10,337

*Source: DOCCS*

**Elder Parole Meeting Challenges**

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

- **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.<sup>1</sup> New York could save money by shifting these costs to the individual and insurance companies including Medicaid. The prison health care system has faced criticism for low quality of care, so older adults are likely to receive better and more specialized care on the outside.
- **Low Public Safety Risk** – Older adults have been shown to have the lowest recidivism rate of any age cohort in the U.S.,<sup>2</sup> offering a strong public safety argument in favor of this legislation.
- **Longer Lives** – Older adults in prison tend to experience “accelerated aging” due to the struggles of prison life. They could experience longer, healthier lives on the outside.

**Other Jurisdictions**

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

<sup>1</sup> Comptroller Tom DiNapoli’s 2017 report, “New York’s Aging Prison Population.” <https://osc.state.ny.us/reports/aging-inmates.pdf>: “While data detailing health care costs by age groups are not readily available for New York, overall health care costs for inmates in our State prisons have increased in recent years.”

<sup>2</sup> Osborne Association’s 2018 report, “The High Costs of Low Risk: The Crisis of America’s Aging Prison Population.” <http://www.osborneny.org/resources/the-high-costs-of-low-risk/the-high-cost-of-low-risk/>

are not widely used – New York’s Medical Parole program released just 13 people in 2016. 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 Justice<sup>3</sup> 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.

### **Legislation**

This bill would require consideration of parole release through a parole hearing when a person who has been in prison for a minimum of 15 consecutive years reaches age 55, with no exceptions or preferences for the type of original crime, medical status, etc. The proposal makes no changes to the current parole hearing process, allowing parole commissioners to continue to wield wide discretion over their release decisions, including the consideration of crime victims and their family members.

### **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 older adults 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 older adults into 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. Older adults deserve more of a 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.

*United Neighborhood Houses (UNH) is the 100-year old membership organization of New York’s settlement houses. We mobilize our members and their communities to advocate for good public policies, and we promote strong organizations and practices that keep neighborhoods resilient and thriving for all New Yorkers. Today, UNH’s membership includes 40 settlement houses in New York City and two in upstate New York. UNH’s work strengthens the capacity of more than 30,000 employees and volunteers working across 680 locations to continue providing necessary services and quality of life enrichments for over 765,000 New Yorkers who come to settlement houses each year.*

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<sup>3</sup> <https://www.vera.org/publications/compassionate-release-aging-infirm-prison-populations>