

People's Campaign



Parole Justice

PAROLE JUSTICE: FREQUENTLY ASKED QUESTIONS

ELDER PAROLE (S.15/A.3475)

Why focus on people aged 55 and older?

- People in prison age at an accelerated rate because of harmful and unhealthy prison conditions.
- DOCCS classifies incarcerated people as older once they reach 55 years of age.
- Most people in prison die of age-related illnesses, such as heart disease, in their mid-late fifties.

Are you talking about all older people in prison or just people convicted of non-violent offenses?

- Yes, all older people who have served 15 or more years in prison are included in the bill.
- Roughly 2/3 of people in NYS prisons have been convicted of a violent crime. We can't end mass incarceration in NY unless we develop responses to violence other than permanent punishment.
- We value principles of redemption and mercy. We believe all people can and do change.
- Older people convicted of violent crimes are the least likely to return to prison after release.
- Older people and people who have served long sentences are leaders in our communities.

What about people serving life without parole? Shouldn't life mean life in prison?

- There are roughly 1,000 people in NY State prisons who are sentenced to die in prison either by way of a life without parole (LWOP) or virtual life without parole (e.x. 75-life) sentence. No one should die in prison.
- Decades of research shows life without parole doesn't make communities safer or deter crime.
- LWOP and virtual LWOP sentences are the latest iteration of the death penalty.

What happens to older people after they're released?

- In 2015, RAPP & the Osborne Association created NY's first reentry program for older adults.
- The cost savings associated with releasing older people should be diverted into new resources.
- It costs roughly \$120,000-\$240,000 to house an incarcerated older person in NYS prison.
- Many incarcerated older people have family members and loved ones to return home to.

With this bill, thousands of people will get out of prison.

- No one will be automatically released. The Board still has discretion to grant or deny parole.

Judges and juries sentenced people to these long sentences. Isn't this reversing their decision?

- This bill is remedying excessive sentences that were given out at the height of mass incarceration.
- The legislature has already reduced and altered sentences through merit time and medical parole.

FAIR AND TIMELY PAROLE (S.1415/A.4231)

How would the Parole Board assess whether someone is a current, unreasonable risk?

- The Parole Board would be required to consider many factors, like accomplishments in prison and reentry plans. They may also consider the nature of a person's crime.
- Commissioners with therapeutic backgrounds are able to evaluate someone's transformation and risk.

If parole is granted presumptively, does that mean everyone is automatically released?

- No, the Parole Board would still have the discretion to deny someone parole release if they prove that the person poses a current, unreasonable risk of violating the law.

Does the bill take away the Parole Board's discretion? Can they still consider the nature of a person's crime?

- The Board maintains discretion and they can still consider the nature of a person's crime, as well as their risk of violating the law should they be released. This is a moderate bill that is merely bringing the statute in line with the original purpose of parole.

OTHER GENERAL QUESTIONS

Passing these bills without some exclusions based on crime is politically impractical:

- New York should be a national leader in the struggle against mass incarceration. We need to tackle long sentences and humanize people convicted of violent crimes.
- Roughly 2/3 of people in NYS prisons have been convicted of a violent crime and more than 1 in 5 people (20%) are serving a life sentence. We can't end mass incarceration in NY unless we develop responses to violence other than permanent punishment.

What about people who commit violence against police? Are they excluded?

- No, there are no exclusions in our bill because we value the lives of all New Yorkers equally and don't think that the lives of police officers should be valued more than the lives of teachers, nurses, restaurant workers, or anyone else.

Democrats just took power in the State Senate, we don't want to lose it next election by being radical:

- NYS Republicans ran their most recent electoral campaigns using "tough on crime" messaging, with millions of dollars of help from police unions and a New York City billionaire. The response in November shows that New Yorkers no longer support this strategy; they voted for the first-ever Democratic supermajority in the State Senate and kept the Democratic supermajority in the Assembly.

What about victims and survivors of crime?

- Research shows that many victims of crime don't find healing in permanent punishment. They prefer shorter sentences, alternatives to incarceration and rehabilitation over punishment.
- We also have the support of several groups across the state whose mission is to advocate for survivors and their families. For example, the Downstate Coalition for Crime Victims, the Crime Victims Treatment Center and the New York State Coalition Against Sexual Assault.

Look at recent bail reform efforts. Legislators are getting slammed in the media for reducing cash bail. Won't that happen again if we take on something even more controversial like Elder Parole?

- Elder parole and bail are very different issues. Bail is a pre-trial issue and applies to people not yet convicted of anything. Elder parole is about people who have already pled guilty or been convicted at trial, and people who have served their time and pose very little, if any, risk to our communities. In fact, the release of elders from prison enhances community safety.
- Elder parole also does not mean automatic release. People must still go before the Parole Board and make their case for free. The Board still has discretion to deny people release.

What about serial killers and people likes Charles Manson or David Berkowitz? Will these bills release those kinds of people?

- The types of crimes that these individuals were convicted of represent a tiny percentage of all crimes.
- Many people don't realize that David Berkowitz, for example, is already parole-eligible and has been seeing the Parole Board for years.
- The Board will always maintain discretion, and can (and likely will) continue to deny people who fall into these categories.