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**Testimony by Alice Hamblett, Senior Policy Manager
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Joint Hearing of the New York State Senate Committee on Crime Victims, Crime & Correction and the New York State Senate Judiciary Committee on How the Elder Parole and Fair & Timely Parole Bills Will Improve Parole Release Laws and Public Safety in New York State

Senator Hoylman, Senator Salazar, and other distinguished members of the committees:

Thank you for having me. My name is Alice Hamblett, and I am a Senior Policy Manager at Common Justice. Common Justice is a non-profit organization based in New York City. We are the first alternative to incarceration and victim service program in the United States that addresses violent felonies in adult courts. We have worked with both victims of violence and people who have caused harm via a restorative justice model for over ten years. Recently, we launched our policy and organizing work, which advances safety without incarceration and centers the expressed needs of survivors of violence.

I am here with you today to testify in favor of the passage of both the Elder Parole and Fair & Timely Parole bills. We at Common Justice believe that the problem of violence cannot be solved by incarceration. We also believe that, in order to be effective, parole systems must be implemented actively, thoughtfully, and equitably.

Since its inception, Common Justice has served nearly 300 survivors of violence. We know that survivors' experiences and beliefs are highly individualized. Some want revenge, others want an apology, some seek the incarceration of the person who harmed them, others do not. Simply put, we know that survivors are not a monolith.

But we also know that the vast majority of survivors share a common goal: safety.

In the United States, prevailing narratives tell us that the only way to achieve safety following harm is through extensive incarceration. That we must silo people who cause harm into inhumane conditions for as long as possible to meet the needs of survivors. But the voices of survivors themselves tell a different story about what constitutes a path to safety.

For example, Common Justice's restorative justice program offers survivors the chance to pursue accountability from the people who harmed them without incarceration. 90% of the survivors we approach with this option choose it. Why? Because they do not want what happened to them to happen to them again or to happen to anyone else and they know that extensive prison time won't produce that result.

National data tells a similar story. In 2016, the [Alliance for Safety and Justice](#) released a report detailing the results of a survey of survivors of crime across the country. They found that:

- By a 2 to 1 margin, survivors prefer that the criminal justice system be centered more on rehabilitation than punishment.
- Also, by a 2 to 1 margin, survivors prefer that investments be made in community supervision, like probation and parole, rather than in prisons and jails.



Even if survivors do seek incarceration, there is *no* [evidence](#) that the length of a sentence reduces the symptoms and pain survivors experience because of harm. Instead, long sentences can fracture communities, contribute to cycles of violence, and are [widely understood](#) to be an ineffective mechanism for crime prevention. [As of 2020](#), crime rates do not differ significantly between states with parole and those without.

Despite the overwhelming evidence demonstrating that extensive prison sentences do not produce safety (the very thing that survivors want), New York State continues to operate a punitive, racially inequitable parole system that results in the indefinite incarceration of countless community members.

Under current law, thousands of incarcerated New Yorkers in prison have no pathway to release. Many are serving life without parole or sentences that will exceed their lifetimes. Those who are or who will become eligible for parole release consideration have little to no hope of being approved, as the Board of Parole routinely ignores minimum sentences and repeatedly re-sentences people. At present, release is largely based on something that cannot be changed – the original offense. Despite engagement in transformative programming whilst inside, despite posing no threat to public safety, far too many New Yorkers have no hope of returning to their homes and loved ones. The result? A staggering number of people are suffering inside New York’s prisons.

In addition, New York State’s parole system is characterized by grave racial injustice. Just as is the case in the rest of the country, Black and Brown people are disproportionately policed, arrested and incarcerated in New York. In 2020, the [Albany Times Union](#) investigated parole hearing data. Results of this investigation revealed that the Board of Parole was significantly less likely to release Black and Latinx people than white people. This disparate overincarceration is the cause of financial hardship, collective trauma, and fractured relationships – on both the individual and the community levels. According to the [Albany Times Union](#), at the time of their reporting, 675 incarcerated Black and Latinx people would be home, reunited with their families and communities, if release rates were equalized. Ultimately, thousands of families of color have been harmed by the inequity and racial bias that characterizes New York’s parole system.

So, what can be done?

First, the Fair & Timely Parole Act (S.7514-Salazar/A.4231A-Weprin) would change the standard of parole release to consider more substantially peoples’ rehabilitation and achievements whilst incarcerated. New Yorkers would no longer be denied parole solely and due to the nature of their initial conviction. Instead, people who are incarcerated would have a meaningful chance to be released, one that is grounded in who they have become. The passage of this bill would be a crucial step towards increasing New York’s shamefully low parole release rate and reducing the number of people who are incarcerated in our state.

In conjunction with the Fair & Timely Parole Act, we urge lawmakers to pass Elder Parole (S.15A-Hoylman/A.8855-Davila). If enacted, this bill would allow older adults in prison who have served at least 15 consecutive years of their sentence to be eligible for individualized parole consideration. To be clear, this is not a “blanket release” policy. With the passage of Elder Parole, older adults, many of whom are parents, grandparents, and leaders, would have the opportunity to be released to their families and communities and to continue to age in safe, humane, and supportive environments. Importantly, [data shows](#) that reincarceration and recidivism rates for older adults are negligible. Meanwhile, the average age of



death by “natural causes” in New York State prisons is [57 years old](#). It is even [estimated](#) that, for each year spent in prison, one’s life expectancy is reduced by two years.

We cannot turn our backs on New Yorkers behind the walls. Legislators must pass the Fair & Timely and Elder Parole bills, both of which are survivor centered and would help foster safety in communities.

For many who are incarcerated, the possibility of parole encourages transformation. This is particularly true when eligibility for parole is determined by behavioral shifts, self-reflection, and accomplishments achieved whilst incarcerated. In this, the passage of the Elder Parole and Fair & Timely Parole bills would incentivize positive change in those who have caused harm. For many survivors, this positive change is more impactful and contributes more to safety and healing than continued incarceration.

Regarding making communities safer, the four core drivers of violence -- shame, isolation, exposure to violence, and an inability to meet one’s economic needs – are fostered in prisons and jails. Parole, instead, allows people who have been incarcerated to reconnect with friends and loved ones and to contribute financially to their families, resulting in the reduction of violence and the strengthening of communities.

In addition, the harm inflicted upon individuals who are incarcerated and their communities is compounded by fiscal damage. New York spends an average of \$60,000 annually to incarcerate just one person, and between \$100,000 and \$240,000 annually to incarcerate just one older adult. We must ask ourselves how safe, how healthy, communities, particularly Black and Brown communities, would be if they were provided even a fraction of the financial resources spent on incarceration?

Rather than viewing reforming New York State’s parole system as a threat to the safety of survivors, we encourage lawmakers to consider Fair and Timely Parole and Elder Parole as opportunities. First, to provide survivors with the option to heal via the betterment of those who have harmed them. But also, to welcome those who have caused harm and moved through transformation and healing back into communities where they can be assets, leaders, contributors, because when we strengthen communities, we reduce violence.

Passing the Fair & Timely and Elder Parole bills will create a parole system that is more just, holistic, and focused on who someone has become, rather than who they once were. And with such a parole system will come stronger neighborhoods, meaningful paths forward for survivors of violence, and the reduction of the racial inequities that currently characterize New York’s Criminal Legal System.

I will close by reiterating what we at Common Justice, as practitioners of restorative justice and victim service providers, know to be true: survivors want safety – for themselves and for others.

If we push past prison’s broken promise to produce safety, if we recognize that, for many survivors, safety means the successful rehabilitation and eventual release of the person who hurt them, we arrive at a vital part of the solution to the problems of both violence and overincarceration: parole reform.

Thank you so much for your time.