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RE: Parole Justice 12/7 Senate Hearing

Date: November 30, 2022

Thank you to the New York State Senate Committee on Crime Victims, Crime, and Correction, and in particular Chair Julia Salazar, for the opportunity to present testimony today on the Elder Parole (S.15A-Hoylman) and Fair & Timely Parole (S.7514-Salazar) bills. Together, these two parole justice measures will reunite families, improve community safety, and save the state massive sums of money that could be reallocated toward urgent community needs. As a Systems impacted Director of Queers for Justice with The Newburgh LGBTQ+ Center, I submit this testimony in support of both bills and respectfully urge the Legislature to finally call a vote on them.

From 2007-2017 I was incarcerated in New York State prisons in all Male facilities as Transgender Woman. To the State, that did not matter; the only thing that mattered was my DIN number: 08A1011. It was the only thing that I have known to be true. I was instructed by the police that if I told the truth, I would not go to prison, but they lied. I was instructed by my lawyer to plead guilty so that I could go home with my family, but he lied. I was instructed by the Judge that if I behaved I would see the parole board in less than five years, and that if I followed the rules would be allowed to go home. He lied. I was told by the correctional consular that if I behaved and did my programs the parole board would let me go. They lied too. I went to the parole board five times, and each time was denied for the “nature of the crime,”—property damage. My fellow prisoner told me not to give up hope. Sadly I did after the second time the parole board told me that I was not good enough. Even now, after all these years, the same fellow prisoners who told me not to give up hope are still inside and they have not given hope, despite being denied by the parole board, being judged for something that happened in the past, and despite the moves toward redemption these prisoners have shown. The parole board still says they are not good enough.

The parole board is wrong, but it was not until I came home that someone told me that I am enough and worthy of redemption. I am worthy of Love. That person is the Executive Director of The Newburgh LGBTQ Center, Rae Leiner. They provided me with the resources and tools to bring my family home from prison. To push the effort so that our loved ones are not given up hope and there is a community on the outside supporting their release. Pushing our elected officials to do the right thing and bring our People. Rae knew all about my past and how have grown gave me chance and recommend me for a position of leadership with the Newburgh LGBTQ+ center to run The Queers for Justice Division. If Rae can believe in me then why could not the parole board believe me or the thousands of people in prison that all people are worth of love.

Under current law, thousands of people in prison have no pathway whatsoever to even be considered for release, regardless of their transformation behind bars and whether they present any public safety risk. These include people who are serving life without parole sentences or sentences that exceed their natural lifetimes. Thousands more are, or will become, eligible for parole release consideration, yet current Board of Parole practices leave them little to no hope of getting approved. Specifically, the Board routinely denies release to people based on the one thing they can never change, namely the nature of the offense for which they were convicted however many years and decades ago. People in prison often completely transform themselves, accepting responsibility for their past actions, taking advantage of every opportunity for growth provided to them within the prison setting and even creating new ones, all *before* being repeatedly rejected by the Board. In effect, the Board is acting outside its original purpose of evaluating people's rehabilitation and readiness for release, ignoring people's minimum sentences and re-sentencing them two years at a time with each denial.

Let us be clear: This is a racial justice issue. The vast majority of people in prison are Black and Latinx people as a result of systemic racism in our country. Furthermore, a comprehensive 2020 *Albany Times Union* investigation of parole hearing data found the Board of Parole was significantly less likely to release Black and Latinx people relative to their white counterparts. This is one part of a long line of racially disparate treatment in the criminal legal system, from school discipline and policing to parole supervision, yet it is an important one. The Times Union's investigation found that the Board released white people eight percentage points more than Black people and seven percentage points higher than Latinx people. According to their

analysis, 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. Over time, that amounts to thousands of families separated by racially biased parole denials.

The grave injustice of mass incarceration extends beyond the harm inflicted on individual people in prison. Tens of thousands of families across our state are missing one or more loved ones: children, parents, grandparents and great-grandparents. Furthermore, 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. This is money that should instead be invested in resources that deliver real community health and safety.

Ultimately, we support these bills because we value the worth and dignity of all people. We believe no one is disposable, nor should anyone be defined by the worst thing they have ever done. Further, no one should die in prison. We believe in redemption and transformation. We believe in families, communities, and collective care.

We are pleased to be joined in our support for the bills by Gov. Hochul's key advisor Dr. Hazel Dukes (President, NYS NAACP), the Rev. Al Sharpton (President, National Action Network), Assembly Majority Leader Crystal Peoples-Stokes and Deputy Senate Leader Michael Gianaris, Brooklyn DA Eric Gonzalez and Manhattan DA Alvin Bragg, many of the state's largest crime victim & survivor advocacy groups, the Working Families Party, SEIU 1199, CWA District 1, Citizen Action of New York, and over 350 other organizations from Long Island to Buffalo.

2023 must be the year for parole justice. Again, we respectfully ask that you pass the Elder Parole and Fair & Timely Parole bills this session.

Thank you for considering our comments.