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Date: December 5th, 2022

Re: Elder Parole (S.15-Hoylman) and Fair & Timely Parole (A.8855-Davila)

Position: SUPPORT

To: New York State Senate Committee on Crime Victims, Crime, and  
Correction

Dear Legislators,

Thank you for the opportunity to testify in support of the Elder and Fair & Timely Parole bills (S.15-Hoylman / A.8855-Davila). I urge the New York Legislature to call a vote on these urgently needed bills. Continuing to imprison elderly persons who have served at least fifteen years does not aid in rehabilitating them, nor does it make the people of New York safer.

I am testifying as a representative of the Law Enforcement Action Partnership (LEAP), a nonprofit group of police, prosecutors, judges, and other criminal justice professionals who speak from firsthand experience. Our mission is to make communities safer by focusing law enforcement resources on the greatest threats to public safety and addressing the root causes of crime.

Despite an overall decline in the state's prison population, New York has experienced an increase in the percentage of aging prisoners in the past few decades. This has resulted in ever-increasing fiscal and moral costs, including sickness and death, among older prisoners. Often these citizens have to endure terminal illnesses in the harsh conditions of prison.

The purpose of prison is to reduce the level of crime in our society. Often, elderly prisoners have taken advantage of their time to better themselves. Many have accepted accountability for their past actions and have become model citizens within the prison setting. Because of their age, they have lost the [impulsivity of youth, which often led to the decisions that resulted in their incarceration](#). These individuals often exemplify the definition of rehabilitation. Parole boards do not take age into consideration, which often leaves these people to languish in prison long after they have been rehabilitated.

This injustice does not impact all New Yorkers equally. Black and Latinx

people are disproportionately affected by this practice. In 2020, the Albany Times Union conducted a review of parole hearing data and found the Board of Parole was significantly less likely to release Black and Latinx people relative to their white counterparts. White people were eight percentage points more than likely than Black people and seven percentage points higher than Latinx people to be paroled by the board. According to the Times Union's analysis, 675 currently incarcerated Black and Latinx people would be home, reunited with their families and communities, if release rates were equalized.

Because of decades of needlessly harsh sentencing and a racially-biased parole system that values punishment above redemption and safety, New York State is facing a crisis of aging and dying in prisons. Even as the state's overall prison population has declined, the percentage of incarcerated people who are older adults has dramatically increased. One in four is 50 years old or older. However, research has shown that by 50 most people have outlived the age in which they were likely to commit crimes. The United States Sentencing Commission found ["older offenders were substantially less likely than younger offenders to recidivate following release."](#) Another report found ["arrest rates drop to just over 2 percent at age 50 and are almost nil at age 65."](#) According to another study published in the International Journal of Offender Therapy and Comparative Criminology, this "population is unlikely to return to crime." In other words, there is no great benefit to the continued incarceration of elderly prisoners.

The continued, unjust imprisonment of rehabilitated elderly citizens also has collateral damage. Tens of thousands of families across the state are missing one or more loved ones: children, parents, partners, grandparents. And the taxpayers of New York are the ones shouldering the expense of keeping these individuals in prison. Keeping elderly people imprisoned requires taxpayers to spend as much as \$240,000 annually per person, as compared to \$60,000 annually to incarcerate an adult offender. This is a waste of resources that we should instead be investing into programs that deliver real community health and safety.

New York can ensure that elderly people have a fair and meaningful opportunity to demonstrate their rehabilitation and be released by passing the Elder Parole and Fair & Timely Parole Bill (S.15/A.8855). If enacted, this would allow older adults in prison who have served at least 15 consecutive years of their current sentence to become eligible for individualized parole consideration. It is not a "blanket release" policy, nor does it guarantee release for anyone based solely on their age. The bill would not take away parole commissioners' discretion, and it would still require that the Board consider the nature of someone's crime, as well as victim impact statements, in their release decisions.

S.15/A.8855 will merely bring the statute in line with the original purpose of parole, which is to identify a person's readiness for release. The greatest benefit of this bill is that it would give elderly people who have been rehabilitated the opportunity to be released and to live out their final years with dignity. Furthermore, passage of this bill would be a meaningful step towards ensuring fairer parole hearings, increasing New York's low parole release rate, and reducing the number of New Yorkers behind bars.

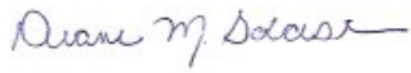
As law enforcement professionals, we support the Elder Parole and Fair & Timely Parole bills. Holding elderly individuals that have been rehabilitated does not make the communities we protect and serve any safer. Prison sentences that don't allow for meaningful opportunities for release harm our families and communities and waste taxpayer money incarcerating people unlikely to reoffend. It's time for New York to do the right thing and realign its parole system to be as fair and effective as it can be.

Thank you for the opportunity to share our perspective in support of this bill.

**LawEnforcementActionPartnership.org**

*Formerly known as Law Enforcement Against Prohibition*

Respectfully,

A handwritten signature in blue ink that reads "Diane M. Goldstein". The signature is written in a cursive style with a horizontal line at the end.

Lt. Diane Goldstein (Ret.)  
Executive Director  
Law Enforcement Action Partnership