**TESTIMONY BY BARBARA RIO-GLICK**

**BEFORE THE NEW YORK STATE SENATE**

**COMMITTEE ON CRIME VICTIMS, CRIME & CORRECTION HEARING ON HOW THE ELDER PAROLE AND FAIR & TIMELY PAROLE BILLS WILL IMPROVE PAROLE RELEASE LAWS AND PUBLIC SAFETY IN NEW YORK STATE**

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 social worker and activist with VOCAL-NY, I submit this testimony in support of both bills and respectfully urge the Legislature to finally call a vote on them.

**BACKGROUND**

For decades New York State has handed down extremely harsh sentences and denied parole based more on vengeance and punishment than a belief in redemption, personal transformation, healing, and safety. As a result incarcerated persons are aging, sick, and often dying in prisons. A New Yorker dies in state prison more than once every three days, a crisis that has been likened to the death penalty. Although the state’s overall prison population has declined, the percentage of older adults in prison has dramatically increased

Through my work with VOCAL-NY I have met many formerly incarcerated people who have returned home and contributed greatly to their communities as mentors, policy advocates, non-profit leaders and more. They are the people leading the work to create meaningful release opportunities for their elders, who helped them transform while incarcerated.

***The Elder Parole and Fair & Timely Parole bills will help to improve community safety*** by (1) reorienting parole release policies to value personal transformation and safety, rather than vengeance for the original crime, (2) returning mentors to work in their struggling communities, and (3) saving the state an estimated $522 million per year that could be better spent on housing, healthcare, drug treatment, mental healthcare, material support for crime victims and survivors, and more.

**THE PROBLEM**

Under current law, thousands of people in prison have no pathway 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. The Board routinely denies release to people based on the one thing they can never change, the nature of the offense for which they were convicted however many years and decades ago. People in prison who have completely transformed themselves, accepting responsibility for their past actions and taken advantage of every opportunity for growth provided to them within the prison setting and even creating new ones, are being repeatedly rejected by the Board. By doing this, 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.

This is not only a moral issue, but also 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. A thorough 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. 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 FAIR & TIMELY PAROLE ACT**

New York must reform its parole system by passing the Fair & Timely Parole Act (S.7514-Salazar/A.4231A-Weprin) to ensure that people have a meaningful opportunity to demonstrate their rehabilitation and be released. This was the original purpose for the Parole Board and one that I and many others believed was still being adhered to, that is onsidering the person’s rehabilitation while incarcerated and their current risk of violating the law. Parole commissioners would no longer be able to perpetually deny people release based solely on the one fact that they can never change - their original crime, often committed decades earlier.

Passage of this bill **will** be a meaningful step towards ensuring fair parole hearings, increasing New York’s dismally low parole release rate, and reducing the number of New Yorkers languishing behind bars. This bill **will not** take away parole commissioners’ discretion and it still requires that the Board consider the nature of someone’s crime and any victim impact statements in their release decisions.

**ELDER PAROLE**

New York must reform its parole system to provide hope for families across this state by passing Elder Parole (S.15A-Hoylman/A.8855-Davila). If enacted, this bill would make older adults in prison who have served at least 15 consecutive years of their current sentence eligible for individualized parole consideration. It would **not** guarantee release for anyone based on their age. Rather, it would give people who have transformed themselves an opportunity to be heard by the Board of Parole and, subject to the Board’s discretion, to be released to their families and communities to live out their final years with dignity.  Older adults are those who are least likely to be reincarcerated. The age of eligibility in the bill is 55 for two important reasons: (1) People who are incarcerated age at a much quicker rate than those on the outside. The Department of Correction and Community Supervision and many other prison authors, classify people as older adults at age 55.. (2) The average age of death by so-called natural causes in New York State prisons is only 58 - decades younger than the average New Yorker. These early deaths result from the constant stress of the prison environment - separation from one’s family, systemic malnourishment, unclean water, and other harms endemic to incarceration.

**CONCLUSION**

I support these bills because I value the worth and dignity of all people. I 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. I believe in redemption and transformation. I believe in families, communities, and collective care.

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

Thank you for considering my comments.