



May 3, 2021

### **Memo of Support**

Fair & Timely Parole  
(S.1415/A.4231)

NYCD16 Indivisible supports the Fair & Timely Parole act (S.1415-Rivera / A.4231-Weprin) and urges the legislature to pass, and the Governor to sign, this bill. NYCD16's mission is to fight for justice and social change, serving as an organizing home and operational base for its over 1000 members. Parole reform in NY State is an important part of the justice we seek.

### **BACKGROUND**

Under current law, the Board of Parole 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.

This injustice does not impact all New Yorkers equally. 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 racial 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, 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 extremely harsh sentencing and a racially-biased parole system that values vengeance and endless punishment above redemption, personal transformation, healing, and safety, New York State has a moral and fiscal 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 are 50 or older.

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.

### **The Fair & Timely Parole Act**

New York must reform its parole system by passing the Fair & Timely Parole Act (S.1415/A.4231) to ensure that people have a fair and meaningful opportunity to demonstrate their rehabilitation and be released. This bill would provide more meaningful parole reviews for incarcerated people who are already parole eligible by changing the standard of parole to center release determinations not on the original crime but on the person's rehabilitation while incarcerated and their current risk of violating the law. In other words, parole commissioners would no longer be able to perpetually deny people release based solely on the one fact that they can never change.

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 behind bars. This bill will not take away parole commissioners discretion and still requires that the Board consider the nature of someone's crime and victim impact statements in their release decisions. Instead, it will merely bring the statute in line with the original purpose of parole, which is to identify a person's readiness for release.

Ultimately, we support this bill 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've ever done. Further, no one, regardless of the harm they have caused, should die in prison. We believe in redemption and transformation. We believe in families, communities, and collective care. We also recognize that prison sentences that don't allow for meaningful opportunities for release don't keep us safe.

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On behalf of the Steering Committee of NYCD16 Indivisible

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