

# People's Campaign



## Parole Justice

# KEY FACTS ON PAROLE JUSTICE IN NEW YORK

## NEW YORK'S PRISON POPULATION: AN OVERVIEW

- There are roughly 35,000 people incarcerated in New York state prisons.
- Nearly half the people in New York prisons are Black (47.9%). Comparatively, 24.1% of incarcerated New Yorkers are Latino and 24.7% are white.
- Nearly 1 in 4 (25%) of people in New York prisons are 50 and older.
- The percentage of older New Yorkers in prison continues to grow despite the state's declining prison population. In 2007, for example, roughly 11% of the prison population was 50 or older, and in 2017, that number jumped to 20%. It has now reached 25%.

## AGING PEOPLE IN PRISON

- Decades of national research show that incarcerated people age at an accelerated rate because of the adverse and unhealthy environments of prisons and jails. Incarcerated people aged 55 are more like 65 or 70 years old.
- The Federal Bureau of Prisons and most states define incarcerated people as "older" beginning at age 50. New York classifies a person as "older" when they reach 55.
- In New York, as in many states, it is very costly to incarcerate an older person. New York spends between \$100,000 and \$240,000 annually on this group, compared to \$60,000 for other people in prison.
- Older people, especially those who have been convicted of serious crimes, have the lowest recidivism rates of any age cohort, posing little, if any risk to public safety.

## WHAT IS PAROLE AND WHO QUALIFIES?

- There are two types of prison sentences: determinate (a fixed number of years) and indeterminate (a range of years, for example 1-3 years or 25 years to life).
- Parole is the system by which people serving indeterminate sentences obtain release (not to be confused with parole supervision after a person is released).
- Once those serving indeterminate sentences have reached their minimum sentence (e.g. 25 years on a 25-life sentence), they become eligible for parole. This is not "early release", but instead an opportunity for people to serve the remainder of their sentence at home under parole supervision.
- One (1) in 8 people in prison-- about 4,800--are currently eligible for parole in New York.
- One (1) in 5 people in prison--about 7,500--are eligible for parole within the next year.
- 40% of all people in NY prisons—about 21,000—are serving a parole-eligible sentence.

## PAROLE RELEASE IN NEW YORK

- Before the pandemic, New York's parole release numbers were trending in the right direction and increased from 10-15% to 35-40%. Unfortunately, this upward trend reversed during the peak of the pandemic, and the Parole Board is now reviewing fewer cases and releasing fewer people when they should be accelerating decarceration in the interest of health and safety.
- The Parole Board interviews more than 11,000 people every year—roughly 60 hearings per day—via video conferences that last an average of 15 minutes.
- The Parole Board in New York can be staffed with up to 19 parole commissioners, but as of January 2021, there are only 16 commissioners.
- Parole is highly political. Commissioners are appointed by the Governor and confirmed by the Senate. Candidates contribute to the campaigns of elected officials to secure their appointments, and once appointed, bend to the political pressure of special groups.
- Commissioners cite the nature of a person's crime as the primary reason for denial. By looking only at the facts of the underlying case, freedom is based on events that happened many decades in the past, and on facts that can never change. This has nothing to do with "public safety."
- Racism, white supremacy and other systems of oppression permeate the parole process. As reflected in the larger criminal punishment system, Black people are profoundly and disproportionately impacted, as they are significantly less likely to be granted parole release than their similarly situated white counterparts.
- A front-page story in the Albany Times Union published in November, 2020, found that the Parole Board was far less likely to release Black and Latinx people than white people, including during the pandemic. These racial disparities have worsened over the years and supported by the executive law the Parole Board is guided by which allows for total and absolute discretion.
- The Board acts illegally as a de facto resentencing body and often tacks years or even decades onto peoples' court-imposed minimum sentences simply due to the nature of a person's conviction--the one thing they can't change..
- Repeated parole denials mean that families and communities are deprived of their elders and loved ones, and thousands of people are spending decades behind prison walls.
- A lack of meaningful opportunities for parole release is a major contributing factor to mass incarceration in New York State and across the country.