

**Mayor's Office of Criminal Justice
Testimony to the New York City Council
Committees on Criminal Justice and Aging
Oversight Hearing
"Justice in Aging – Reentry Issues for Older New Yorkers"
Friday, February 17, 2023**

Good morning, Chair Rivera, Chair Hudson and members of the Committees on Criminal Justice and Aging. My name is David Goldin, General Counsel for the Mayor's Office of Criminal Justice (MOCJ). I am joined today by Sarah Cassel, the Director of Diversion and Reentry Initiatives and Anna Calabrese, the Executive Director of Reentry and Culture Change at MOCJ. Thank you for the opportunity to discuss the reentry services that help returning New Yorkers re-start their lives post-incarceration. Reentry services are a crucial component of our city's public safety continuum, providing the supports that help promote safety for all.

The Mayor's Office of Criminal Justice advises Mayor Adams on criminal justice and public safety policies. MOCJ serves as Mayor Adams' representative to the courts, district attorneys, defenders, state criminal justice agencies, and other system actors. Our office brings together community and institutional stakeholders to address the systemic issues that undermine the safety and stability of our neighborhoods. MOCJ moves the city forward by implementing Mayor Adams' vision for a safe and fair city for all New Yorkers.

MOCJ has revamped and strengthened reentry programming to improve transition and release planning services for those leaving city and state custody. Our reentry programming helps individuals thrive and gives them the necessary resources and opportunities to avoid future criminal justice involvement. By providing these services and addressing the needs of those reentering their communities, we aid in the individuals' post-incarceration success. The city has invested \$30.5 million into this programming, building on the success of the Jail to Jobs reentry services program launched in 2018. During incarceration, individuals work with transition coordinators to create discharge plans for when they are released, and also work with reentry mentors who help facilitate their reentry process on an individualized basis. Reentry mentors develop relationships with released individuals to encourage participation in relevant services and programs. In January 2020, the program was expanded to serve more people and increase the breadth and depth of services offered which included the enhancement of services that begin in jail and continue into the community post-release, expansion of wraparound social services and connections to care, creating additional supports for individuals on the day of release from jail and hiring more staff at contracted non-profit organizations who have lived experience in the criminal justice system to serve as peer mentors.

In January 2022, we expanded our reentry initiatives to also provide holistic reentry services to those returning to NYC from state prisons. Through this expansion, we are now able to provide discharge planning prior to release from prison, transportation from prisons to nonprofit service provider organizations in the community, and an array of vocational, educational, and therapeutic services. This work supports individuals impacted by the criminal justice system, providing them a range of different services and programming to deter reentry into our criminal justice system. We partner with ten (10) nonprofit organizations that work to ensure that they provide key holistic reentry services. This network of nonprofit organizations offers employment services such as: paid transitional employment and internships, job training and job readiness workshops, connections to permanent employment, resume writing and interview prep. They also provide holistic supportive services such as: benefits enrollment, individual and group counseling, legal services, case management, family support and reunification, connections to mental, behavioral, and physical health care, substance use treatment, housing assistance,

and more. This initiative serves approximately 8,000 people per year, of all ages, including older adults. Our reentry initiative is inclusive also providing gender specific/TGNC specific programming.

Effective and appropriate reentry services are necessary for people who are returning from jail or prison. This administration is committed to supporting older adults who are returning, and we are eager to work with the Council to help provide these critical services. Thank you for the opportunity to share some of our reentry work, and we're happy to answer any questions you may have at this time.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL COMMITTEES ON CRIMINAL JUSTICE AND
AGING
FEBRUARY 17, 2023**

Good morning,

My name is Jumaane D. Williams and I am the Public Advocate for the City of New York. I would like to thank Chairs Rivera and Hudson and the members of the Committees on Criminal Justice and Aging for holding this important hearing.

Over the past two decades, New York, like the rest of the United States, has seen a steady increase in the number of older people in our prison population. While the overall prison population and the number of those incarcerated who are under the age of 50 have declined, from 2007 to 2016, the population of those ages 50 and over increased by 46 percent.¹ Due to healthcare expenses, the cost of incarcerating older adults is double that of younger ones, as jails and prisons are poorly equipped to meet the complex physical and mental health needs of an aging population.

Research is clear that those ages 50 and up are far less likely to recidivate: rearrest rates drop to two percent for those ages 50 to 65, and nearly zero percent for those ages 65 and older.² Despite the extremely low likelihood that releasing older adults from prison will result in new crimes, many languish due to lengthy sentences, often for crimes they committed as teenagers. Older adults who are released from prison face all of the same challenges reentering their communities as younger adults, plus the complications that come with aging; however, little is done inside prisons to prepare older adults for release. One study of older adults incarcerated in federal prisons found that approximately 40 percent had a physical disability when they entered prison, and that the rate of those with a disability increased incrementally with their age at sentencing, with two thirds of those 70 and older having a physical disability.³

New York has the second-highest number of people in prison serving a parole-eligible life sentence in the country and is one of five states with more than 10,000 incarcerated older adults.⁴ Many of those older adults incarcerated in New York prisons are prime candidates for

¹ <https://www.osc.state.ny.us/files/reports/special-topics/pdf/health-aging-prison-2017.pdf>

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<https://www.vera.org/downloads/publications/Using-Compassionate-Release-to-Address-the-Growth-of-Aging-and-Infirm-Prison-Populations%E2%80%9494Fact-Sheet.pdf><https://www.vera.org/downloads/publications/Using-Compassionate-Release-to-Address-the-Growth-of-Aging-and-Infirm-Prison-Populations%E2%80%9494Fact-Sheet.pdf>

³ <https://www.ussc.gov/research/research-reports/older-offenders-federal-system>

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<https://thecrimereport.org/2021/02/16/nys-elder-parole-bill-offers-aging-inmates-light-at-the-end-of-the-tunnel/>

compassionate release and parole. As the activist and lawyer Bryan Stevenson said, each of us is more than the worst thing we've ever done. We all deserve compassion and a chance at redemption.

That is why I am proud to sponsor Resolution 0241-2022, which calls on the New York State Legislature to pass, and the Governor to sign, the Fair and Timely Parole Act and Elder Parole Act. The Fair and Timely Parole Act would alter parole reviews, requiring a more holistic view of who a person has become while incarcerated, rather than the crime of which they have been convicted; and the Elder Parole Act would allow for people aged 55 and older and who have already served for 15 or more years of their sentence to receive an evaluation from the New York State Board of Parole. It is important to note that the passage of these laws would not guarantee that a person is released from prison but would instead increase the number of people who appear before the parole board to be considered for release. The New York State Board of Parole would retain its discretion in who is granted parole.

It is also important to note that the state Parole Board has not been fully staffed in many years, even prior to the COVID-19 pandemic. I hope that filling all 19 positions on the board will be a priority for Governor Hochul, and I appreciate that she and the State Legislature have allocated \$7.5 million to fully staff the board in the latest state budget. Ensuring the board has no vacancies will expedite the process and increase the chances those incarcerated have every opportunity to contribute to their communities.

Lastly, I want to emphasize that successful reentry begins in prison. Many older incarcerated New Yorkers have been in prison for a long time, and need extra support in returning to their communities. For those who have spent decades behind bars, the current world looks very different than the one they left. Older adults reentering the community need housing and employment support, including technological education, as well as physical and mental healthcare. We should also be investing in community-based restorative justice models that avoid the destabilizing and disruptive effects of incarceration, both for those serving time and their loved ones.

Thank you.



**TESTIMONY OF CHRISTIAN GONZÁLEZ-RIVERA
OF THE BROOKDALE CENTER FOR HEALTHY AGING, HUNTER COLLEGE
BEFORE THE NEW YORK CITY COUNCIL COMMITTEES ON AGING AND CRIMINAL JUSTICE**

**OVERSIGHT HEARING
"JUSTICE IN AGING – REENTRY ISSUES FOR OLDER NEW YORKERS"**

FEBRUARY 17, 2023

My name is christian gonzález-rivera and I'm the director of strategic policy initiatives at the Brookdale Center for Healthy Aging, a research and policy center based at Hunter College.

Thank you, Chair Hudson for calling this hearing and introducing Resolution 241. In it, you highlight facts that show that elder justice means changing the unfair way the parole process handles the cases of older people who have spent much of their lives in prison. You point out that taxpayers are spending money on perpetuating human suffering with no result in terms of more public safety. And you detail how a systematically unjust system allows systemic racism to fester.

Prison is no place to grow old. The poor nutrition and medical care offered in prison, combined with the physical and emotional stress of prison life result in incarcerated people exhibiting sickness and disability much earlier than people outside. This means that people in their 50s in prison are like people in their 70s and 80s outside in terms of their physical and cognitive health. The average age of death for people in NYS prisons is just 58 years. If NYS prisons were a country, a life expectancy of 58 would rank it near the bottom of all the world's countries. In contrast, New Yorkers not in the prison system have a life expectancy of 81.

Keeping people inside after they have already served long sentences rapidly closes the window of opportunity for individuals to go back to their communities rebuild their lives. As you know, it is already difficult for older people to get a job that will allow them to afford a decent place to live, despite the experience they can bring to a job. For people getting out of prison after they are already older, the job of building a decent life is just that much harder.

By supporting the Elder Parole and Fair & Timely Parole legislation, you are taking the first important step in correcting this injustice. I know you know this, but it bears repeating into the record: these bills would not hand out a "Get out of Prison Free" card. They simply entitle people who have already served 15 or more years and are 55 and above to a fair chance at having the parole board consider their case. We are supporting this legislation because we know that if New York had a fair and humane parole process, there would be many more parents, grandparents, friends, lovers, and active citizens back in the communities that are missing their efforts and energy. People like the ones you heard from in the first public panel.

People end up in prison largely because society failed to take care of them, particularly when they are young. Case in point, one cross-sectional study found that 70 percent of Black high school dropouts ended up in prison

at some point before they turned 30. Failing to give older, incarcerated people a real chance to demonstrate their rehabilitation is just adding more insult to a life that society has already failed in every possible way.

From 2010-2020, 1,278 people died in custody of New York State prisons. That is more than the 1,130 who have ever been executed in New York State. Half of all deaths in prison are among people over 50. Allowing people to age and then die in prison is cruel and unusual punishment that a moral society cannot tolerate.

Thank you also for the opportunity to testify.

Appendices

For additional information on elder parole, please refer to these additional materials. We provide the first two in print form as an appendix to this testimony, as well as in the links to our website, below. The third is a video.

We compiled a factsheet that summarizes the research that shows that these bills are sound policy.

<https://brookdale.org/fact-sheet-elder-parole-is-an-aging-issue/>

Dr. Ruth Finkelstein, our executive director, submitted this written testimony to the NYS Senate for their December 7, 2022 hearing on these bills.

<https://brookdale.org/parole-justice-testimony/>

We hosted a virtual panel on December 14, 2022 in collaboration with the State Society on Aging of New York, LiveOn NY, and RAPP (Release Aging People in Prison), that featured stories of people returning from prison and their family members. More than 100 aging services providers from across the state attended.

<https://brookdale.org/news/panel-highlights-issue-of-older-adults-in-prison/>

Elder Parole is an Aging Issue

The U.S. has a prison problem

- The United States has the second highest prison population of any country in the world, at 1.7 million people, placing it right behind China. ¹
- Out of every 100,000 Americans, 505 are in prison, giving the U.S. the fifth-highest rate of prison incarceration in the world, right behind Cuba. ²
- If New York State were a country, its rate of 350 per 100,000 people in prison would rank it number 14 among more than 200 countries.

While the number of people in New York State prisons has been declining, the number and proportion of older people in prison has been rising

- One in every four incarcerated people in New York State is age 50+, about 7,600 people. This is up from 12 percent in 2008. ³ This makes the prison population older, on average, than the state as a whole.
- There are half as many people in prison in NYS today compared to 2008, dropping from 63,000 to 31,000. At the same time, the number of incarcerated people who are 50+ increased from 7,500 to 7,600. ⁴
- While the overall population of people in prisons in New York State is declining, the proportion who are over 55 is increasing steadily because of long and indeterminate sentences – even more common in the 1980's and 1990's – which leave people still in prison who were convicted decades ago. ⁵
- Almost all people inside who are over 55 have already served 15+ years. Many are already parole-eligible, yet face denial after denial based solely on the one thing they can never change, namely their crime of conviction.
- People are dying behind bars no matter how much they have done to improve themselves and regardless of whether they pose a risk to community safety.

The physical and mental stresses of living in the prison environment have created a health crisis in the prison system, with prisoners in their 50s exhibiting sickness and disability at a rate equal to community-dwelling people in their 70s and 80s. This is called accelerated aging.

- While 31 percent of the community-dwelling population has had a chronic condition (e.g., asthma, hypertension, heart disease, arthritis, liver problems), 44 percent of incarcerated people do. For incarcerated people aged 50 or above that number skyrockets to over 72 percent.⁶
- People in federal and state prisons are much more likely to contract serious infectious diseases like tuberculosis and hepatitis, with a prevalence rate of 21 percent among people in prison compared to 5 percent among community-dwelling people.⁷
- Incarcerated people nationally died of COVID-19 at twice the rate of the general U.S. population, after adjusting for age and sex, in the year between April 2020 and April 2021.⁸
- The prevalence of HIV/AIDS is also three times higher among people in prison compared to those outside.⁹
- Older incarcerated people also experience higher rates of cognitive impairments, depression, anxiety, and trauma.¹⁰
- Due to accelerated aging, the New York State Department of Corrections and Community Supervision recognizes incarcerated people 55 and older as being older.¹¹ This is in line with many other state departments of corrections and the federal corrections system.¹²
- The average age of death for incarcerated people is 58 years. If New York State's prisons were a country, a life expectancy of 58 would rank it among the bottom ten in the world. Each additional year in prison takes two years off a person's life expectancy.¹³

The number of people who are dying in prison is rising

- From 2010-2020, 1,278 people died in custody of New York State prisons. That is more than the 1,130 who were executed in New York State between 1608 and 1972, when this state had the death penalty.¹⁴
- Half of all deaths in prison are among people age 50+.

Prisons are no place to grow older

- Most prisons are not accessible to people using wheelchairs, walkers, and other assistive devices.
- There are few or no accommodations for incarcerated people as their needs change with increasing age
- Prison health care systems are more equipped to address physical trauma rather than the management of chronic conditions associated with older age. As a result, many chronic conditions go untreated.¹⁵
- People experiencing sensory and cognitive decline have a harder time following orders from prison guards, completing work assignments, and navigating the physical environment of a prison
- Isolated from life and relationships outside prison, transitioning back into communities find it more difficult the longer they have spent behind bars.

Older people who have served long sentences pose a negligible risk to community safety

- People who have served longer sentences for violent crimes return to prison at lower rates than those who serve shorter sentences for non-violent crimes.
- In addition, older people released from prison are less likely to commit new crimes than younger ones.
- Less than 2 percent of people 55+ who served prison time for violent crimes return to prison for new crimes.¹⁶

Despite the lower risk, New York State is spending more to incarcerate older people

- New York does not document the differential costs of incarcerating older people in its state prisons, but data from other states indicates that the annual costs for those over 55 are two to four higher than for others – ranging from \$100,000 to \$240,000 per year (as compared to \$60,000 per year for younger people).¹⁷ Much of this additional cost is due to additional medical needs of older incarcerated people.
- Medical costs rose to \$7,600 per person in 2021, up 29 percent from \$5,900 in 2013. In the same time period, the share of people incarcerated in the New York State prison system who are age 55 and above rose from 16 percent to 24 percent.¹⁸
- The growing older adult population in New York State prisons is effectively turning them into the state's only public nursing homes
- Many people in prison are eligible for Medicaid, but since federal law prohibits states from using Medicaid funds to cover people in prison, these costs must be borne entirely by state taxpayers. If released, Medicaid costs would be shared between the federal and state governments.¹⁹

Unfair incarceration and parole practices disadvantage Black and Latinx people and the communities they leave behind

- Black people are overrepresented among the prison population; comprising 48 percent of all incarcerated people in New York State, while comprising just 15 percent of the state's population. A further 24 percent of incarcerated New Yorkers are White (compared to 56 percent of the state's population), 24 percent are Latinx (compared to 19 percent of the state population), and 9 percent are Asian or Pacific Islander (compared to 1 percent of the population). Native American people comprise less than 1 percent of both the prison and general populations in the state.²⁰
- Black people are incarcerated at 7 times the rate of White people.²¹
- According to an analysis by the New York Times 1 in 6 Black or Latinx men are released after their first parole hearing compared to 1 in 4 White men.²²
- Imprisoned Black people are also 30 percent more likely to get a disciplinary action and 65 percent more likely to be sent to solitary confinement. Disciplinary tickets on a person's record make it less likely that they will be granted parole. Yet, investigations have revealed rampant discrimination and capriciousness in the disciplinary system.²³
- Black and Latinx people also receive worse treatment in prisons. Investigations by the New York Times and the state attorney general's office turned up widespread race-based abuse of Black and Latinx imprisoned people.²⁴

Communities benefit when their elders are returned to them from prison

- Upon release, formerly incarcerated older adults often make important contributions to their communities, including by interrupting gun violence, mentoring young people, and ultimately promoting community safety.
- A recent New York Times article detailed the stories of several people returning from prison around the United States who took up careers helping others with the help of social services programs.²⁵
- Programs such as The Osborne Association, The Fortune Society, Bard College Prison Initiative, Stand Together, and others have successfully helped people both during and after incarceration to start new chapters in their lives.

The older adult advocacy and services community can help support older persons who are returning to communities after many years behind bars in several ways

- Provide key linkages to housing, health, legal, and social services, including Medicare and/or Medicaid benefits
- Connect them to employment programs like SCSEP.
- Provide opportunities for them to both receive needed services and give back to their communities
- Help them manage chronic conditions made worse by poor healthcare in prison.
- Help them navigate an affordable housing market made more difficult by limitations on where people convicted of felonies can live
- Provide support to family and friend caregivers of older, formerly incarcerated individuals
- Braid Older Americans Act funds with other funds to allow older adult center services to be made available to people returning from prison who are at least 50 years old.
- Create multidisciplinary teams to provide services and support for recently released people.²⁶

More info

- The National Association of Area Agencies on Aging found that only 9 percent of AAA had programs designed to help older people returning from prison, yet three out of four were interested in addressing the needs of this population if funding were available.²⁷
- A group of civic leaders, aging organizations, and other activists are advocating for a fair elder parole process in New York State by passing both [Elder Parole](#) (S.2423 Hoylman-Sigal/A.2035 Dávila) and [Fair and Timely Parole](#) (S.307 Salazar/A.0162 Weprin). The two bills together would allow people over 55 who have served at least 15 years to be considered for parole. These bills would not require people to be released, just to have a fair hearing before the parole board.

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About the Brookdale Center for Healthy Aging

The Brookdale Center for Healthy Aging is the City University of New York's (CUNY) aging research and policy institute, located at Hunter College. Since 1974, we have been working to improve the lives of older adults through research, professional development, and advancements in policy and practice. We work to ensure that aging is framed not as a disease, but as another stage in the life course. Our vision is to make it possible for everyone to age as well as anyone can.

**TESTIMONY OF RUTH FINKELSTEIN SCD
BROOKDALE CENTER FOR HEALTHY AGING, HUNTER COLLEGE
BEFORE THE NEW YORK STATE SENATE COMMITTEE ON CRIME VICTIMS, CRIME AND CORRECTION
AND THE SENATE STANDING COMMITTEE ON JUDICIARY**

**JOINT PUBLIC HEARING
"PAROLE JUSTICE: HOW THE ELDER PAROLE AND FAIR & TIMELY PAROLE BILLS WILL IMPROVE PAROLE
RELEASE LAWS AND PUBLIC SAFETY IN NEW YORK STATE"**

DECEMBER 7, 2022

My name is Ruth Finkelstein and I'm the executive director of the Brookdale Center for Healthy Aging, a research and policy center at Hunter College of the City University of New York. I am also a professor of public health. The Brookdale Center conducts research and promotes policy and practice to make it possible for *everyone* to age as well as *anyone* can.

I am here today to testify in strong support for a fair elder parole process in New York State by passing both Elder Parole (S15A/A.3475A) and Fair and Timely Parole (S7514/A.4231A). The two bills together would allow people over 55 who have served at least 15 years to be considered for parole

I am surprised when people ask, "Why is elder parole an aging issue?" Here's why.

One in every four prisoners is an older adult. The physical and mental stresses of living in the prison environment have created a health crisis in the prison system, with prisoners in their 50s exhibiting sickness and disability at a rate equal to community-dwelling people in their 70s and 80s. Nothing about the Correctional Health System is geared for this population. Nor is the living environment, work assignments, or disciplinary structures. Not surprisingly, death rates are rising, with an average of one death every three days even *before* COVID. The average age of death for those over 50 is 58 years. These startling human outcomes show prisons to be an apartheid system within our country. If New York State's prisons were a country, a life expectancy of 58 would rank it among the ten worst countries in the world.

In general, prisons lead to worse health outcomes. While 31% of the community-dwelling population has had a chronic condition (e.g., asthma, hypertension, heart disease, arthritis, liver problems), 44% of incarcerated people do. For incarcerated people aged 50 or above that number skyrockets to over 72%. Along with the physical impacts of incarceration on the older population, mental health issues are an equally urgent concern. Older incarcerated people experience higher rates of cognitive impairments, depression, anxiety, and trauma. Prison is bad for people's physical and mental health and it is REALLY bad for the health of older people. So bad that we call it "accelerated aging" because people in prison have disease and disability equivalent to people 10-15 years older who are community-dwelling. So being 55 in prison is like being 70 on the outside.

Needless to say, prisons are not designed for older people. The physical plant is built for younger people. Expectations of daily routines are designed for younger people. Work assignments are designed for younger people. Healthy food is a challenge for everyone – and those requiring special medical diets encounter extreme difficulty. And the physical and mental health services available are barely adequate for the healthiest, and often sadly lethal for the less so.

To what end are we keeping people locked up? While the overall population of people in prisons in New York State is declining, the proportion who are over 55 is increasing steadily because of long and indeterminate sentences – even more common in the 1980's and 1990's – which leave people still in prison who were convicted decades ago. There is virtually no risk to community safety from release of older prisoners, who have the lowest re-incarceration rate of any age group. Re-incarceration rates for those over 65 in New York State is essentially 0. But there is grave risk to the well-being of those left inside.

Furthermore, the costs to the State of maintaining older people in the prison system is extraordinary. Research shows that annual costs for those over 55 are 2-4 x higher than for others – ranging from \$100,000 to \$240,000 per year (as compared to \$60,000 per year for younger people). And what are we getting for this expenditure? There is no increase to community safety, as there is virtually no risk from people returning home at this age.

Almost all people inside who are over 55 have already served 15+ years. Many are already parole-eligible, yet face denial after denial based solely on the one thing they can never change,

namely their crime of conviction. People are dying behind bars no matter how much they have done to improve themselves and regardless of whether they pose a risk to community safety.

New York State is best served by releasing people while they can care for themselves, find employment and housing, and make positive contributions to their families and communities. Upon release, formerly incarcerated older adults often make important contributions to their communities, including by interrupting gun violence, mentoring young people, and ultimately promoting community safety.

To prevent our state prisons from becoming *de facto* nursing homes, passage of The Elder Parole and Fair & Timely Parole bills is a modest first step. Some people erroneously believe that these bills require people to be released. They do not. What they do require is that people aged 55 or older who have served 15 or more years on their current sentence have the opportunity to make their case for release to the Parole Board.

Too often, people in prison are left out of the conversation, including conversations about “aging issues”, no doubt in part because of racism – and the results are painfully clear. Please support this rational, humane, and fiscally sound policy for elder justice.



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TESTIMONY OF:

Samuel Hamilton, Senior Re-Entry Advocate

BROOKLYN DEFENDER SERVICES

Presented before

The New York City Council

Committees on Criminal Justice and Aging

Oversight Hearing on Justice in Aging and Reentry Issues for Older New Yorkers

February 17, 2023

My name is Samuel Hamilton and I am a Senior Re-Entry Advocate at Brooklyn Defender Services (BDS). BDS is a public defense office whose mission is to provide outstanding representation and advocacy free of cost to people facing loss of freedom, family separation and other serious legal harms by the government. For over 25 years, BDS has worked, in and out of court, to protect and uphold the rights of individuals and to change laws and systems that perpetuate injustice and inequality. Thank you to the Committees on Criminal Justice and Aging for the opportunity to testify today about justice in aging and reentry issues for older New Yorkers.

BDS represents approximately 22,000 people each year who are accused of a crime, facing the removal of their children, or deportation. BDS is fortunate to have the support of the City Council to supplement the services we provide as a public defender office in Brooklyn. Through specialized units of the office, we provide extensive wrap-around services that meet the needs of people with legal system involvement, including civil legal advocacy, assistance with educational needs of our clients or their children, housing and benefits advocacy, as well as immigration advice and representation.

BDS' Re-Entry Team is made up of advocates who provide individualized support for people from pre-entry to re-entry. This means that before a person is incarcerated, our team is available to provide pre-entry support, advice, and mentoring. During incarceration, we work to secure access to essential medical, mental health, safety and education needs through individual

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administrative advocacy. We mentor people in custody on accessing services and education opportunities and preparing for their release. We monitor and document the conditions incarcerated New Yorkers experience and advocate for their rights and well-being. After release from incarceration or completing an alternative to incarceration program, we help people find housing, gainful employment, continuing education, and community based support.

Justice in Aging

While New York's prison population has declined over the last decade, the average age of people in custody has risen. 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 people who are aging, very sick, and dying in our state prisons. One in four incarcerated New Yorkers are over 50 years old.¹ A New Yorker dies in state prison more than once every three days, a crisis that academics have called New York's "new death penalty."²

At the same time, many formerly incarcerated people have returned home and made tremendous contributions to our communities and neighborhoods as mentors, violence interrupters, entrepreneurs, policy advocates, non-profit leaders and more. This is all despite the life-long collateral consequences of a criminal conviction that a person faces upon release from prison.

The first barrier many older New Yorkers face to reentry is the parole board. BDS strongly supports **Res. 241-A (Hudson)**, which calls on the legislature to pass and the governor to sign the Fair and Timely Parole Act (S307/A162) and Elder Parole Act (S2423/A2035). Together, these parole justice bills will allow more older New Yorkers the opportunity to return to their families and communities after serving their sentence. Fair and Timely Parole would provide more meaningful parole reviews for incarcerated people who are already parole-eligible by changing the standard of parole and centering release not on the original crime, but on the person's rehabilitation while incarcerated. At its core, this means that parole commissioners would no longer be able to deny release based solely on the crime for which someone was convicted, and instead would be required to consider their current circumstance. Elder Parole would provide incarcerated people over the age of 55 who have already served 15 more years a chance to go before the Parole Board for a hearing.

Both of these bills represent opportunities for incarcerated people to have fair and equitable parole hearings, reducing the overall number of incarcerated New Yorkers, as well as the number of older adults trapped within the criminal legal system. For many incarcerated New Yorkers,

¹ NYS Comptroller, New York's Prison Population Continues Decline, But Share of Older Adults Keeps Rising, January 2022, Available at <https://www.osc.state.ny.us/press/releases/2022/01/new-yorks-prison-population-continues-decline-share-older-adults-keeps-rising>.

² Columbia Center for Justice, New York State's New Death Penalty: The Death Toll of Mass Incarceration in a Post Execution Era, 2021, Available at <https://centerforjustice.columbia.edu/news/new-yorks-new-death-penalty-report>

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these two bills offer not only opportunities to reunite with family or access life-saving care, but also the chance to live outside of the criminal legal system, where people age at an accelerated rate because of harmful and unhealthy conditions.³

The process of reentry does not just begin once an individual is released; as we outlined above, it begins with the programs that are set in place to ensure their success in the outside world. We believe that a Parole Board that looks at a person's current circumstance, rather than the crime they committed previously, and the amount of time they have served, rather than the amount of time left, does just that.

Supports for Returning Elders

People returning to New York City after incarceration in State Department of Correction and Community Supervision (DOCCS) prisons or City Department of Correction (DOC) jails face many obstacles to successful reintegration into the community. Regardless of age or the amount of time served, people returning home need housing, healthcare, and—in order to access those—an identification card and transportation. With these things, and the assistance of a reentry advocate, case manager, or a peer, outcomes for people coming home can be greatly improved.

With the proper support in place, we see people thrive when they return home. One gentleman we represented, Mr. L, was released from DOCCS custody at age 59, after serving 40 years. At the height of the COVID-19 pandemic, he was released to the overcrowded and unsafe city shelter system. Fortunately, Mr. L was connected to our Re-Entry team and reached out to his advocate. We were able to help him secure a bed in one of the Mayor's Office of Criminal Justice (MOCJ) emergency reentry hotels. The hotel environment provided Mr. L with a safe and supportive place to adjust and navigate the other challenges he faced. He was able to find a job and save money. With the wraparound services in the hotel and our ongoing support, Mr. L was able to secure his own one-bedroom apartment where he lives today, remains employed full time, and has reintegrated into his community.

The City Council should continue to invest in programs and solutions that work to help older adults make the transition home.

Housing

In her State of the State address in January, Governor Hochul declared "Housing is a human right," yet we know far too many New Yorkers face housing insecurity and homelessness. Formerly incarcerated individuals are nearly ten times more likely to experience homelessness

³ Office of the State Comptroller, New York State's Aging Prison Population, 2017, Available at <https://www.osc.state.ny.us/files/reports/special-topics/pdf/health-aging-prison-2017.pdf>.

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than the general public⁴ and fifty percent of people leaving DOCCS custody statewide⁵ are released directly to the DHS shelter system.

The New York City shelter system is loud, chaotic and often violent. People have little privacy or security. For older people and people with medical concerns, congregate settings present a number of challenges to staying healthy. Many shelters are not ADA accessible and are not equipped for older people with chronic health conditions or limited mobility. After enduring the trauma of incarceration, New Yorkers need the space and the resources to decompress and assimilate back into society.

To improve access to housing for returning citizens, we respectfully offer the following recommendations:

1. Fully fund the Mayor’s Office of Criminal Justice (MOCJ) reentry hotel program.

In April 2020, the City of New York partnered with direct service providers to establish the emergency Reentry Hotel Program to provide emergency housing for people transitioning out of incarceration. With co-located wrap-around services including medical care, case management, and housing and vocational support, people returning to the community had a safe, stable place to stay and receive care. This setting has proven to be life-changing for many of the people we serve, many of whom have successfully obtained employment and permanent housing through the program.

In the first two years of the program from March 2020 to 2022, over 2,100 people returning to New York City from prison or jail were served by this program. The current emergency hotel program is scheduled to close on June 30, 2023, with the 530 current residents being moved into transitional housing. This plan, however, fails to serve the goal of using transitional housing to decarcerate Rikers Island. As of February 2, 2023, there are over 375 people on a waitlist for a bed in the emergency hotel program—many of whom are incarcerated only because they do not have stable housing. The Council has a moral imperative to continue to fund this critical program as a step in a continuum of reentry housing.

2. Pass Fair Chance for Housing (Int 2047-2020).

An arrest or conviction should not constitute a permanent barrier to stable housing. Prohibiting housing discrimination on the basis of an arrest or conviction record is an important step towards guaranteeing equal access to stable housing for all New Yorkers.

⁴ Lucius Couloute, Nowhere to Go: Homelessness among formerly incarcerated people, *Prison Policy*, August 2018, Available at <https://www.prisonpolicy.org/reports/housing.html>

⁵ New York State Bar Association. Report of the New York State Bar Association Task Force on the Parole System. June 2020. Available at <https://nysba.org/app/uploads/2020/02/Task-Force-on-Parole-Systems-Report-June-2020-with-amendments-FINAL.pdf>

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3. Reduce barriers to NYCHA Housing

NYCHA has a practice of denying applicants and evicting households based on any contact with the criminal legal system. While NYCHA tenancy requirements are governed by federal law,⁶ NYCHA's own regulations go significantly further than legally required, unnecessarily barring potential tenants with conviction records and in evicting current tenants who have any contact with the criminal legal system. NYCHA's policy is to automatically deny any applicant with a conviction from the past three to six years, depending on the level of conviction. NYCHA also mandates denial based on any illegal drug use within the past three years. These strict eligibility criteria, which are not required by HUD, have the harshest impact on families and communities with minor law enforcement contact who are excluded from public housing. We encourage the City Council to work with the NYCHA's efforts to remove barriers to public housing for New Yorkers with conviction records and to ensure that those with criminal system involvement have access to and can maintain stable housing.

Identification Documents

Photo identification is needed to participate fully in society. New Yorkers are asked for photo identification in many situations: picking up a child from school, obtaining groceries from a food bank, checking in to medical appointments, or accessing social services or programs like Access-A-Ride, HASA and more. Lack of a government-issued ID can create a barrier to other critical resources, such as accessing rent relief, economic relief under the Excluded Workers Fund, health insurance, and Fair Fares. Having a photo ID also empowers New Yorkers to move freely and safely around the city without fear of being penalized or apprehended by police for lack of ID.

New Yorkers are regularly released from DOCCS and DOC custody without proper identification. In many cases, documents they had before incarceration may have been confiscated at arrest or lost. While people in DOCCS custody are supposed to get access to a social security card and birth certificate before release, they must then go to the DMV to access a photo ID.

We encourage the City Council to work with partners in Albany to ensure all New Yorkers leaving DOCCS have government issued photo ID, pass legislation to increase access to IDNYC for people leaving city jails, and expand documents accepted for IDNYC proof of identity. While both the City and State have taken steps to reduce barriers to getting an ID, required documentation can be impossible to provide for residents who are excluded from services. Lowering barriers to obtaining IDNYC will in turn remove barriers from other services.

⁶ Federal law only requires housing authorities to deny applicants who have been evicted from public housing for drug-related criminal activity, convicted of methamphetamine production, or are subject to a lifetime sex offender registration.

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Care Management

With the funding of the City Council and state legislature, our office is able to provide wraparound pre-entry to re-entry support for clients throughout and after their incarceration. Developing relationships with our clients and their loved ones, we are able to create individualized care plans to meet people's needs during and after incarceration. We can help prepare people both for their time in DOCCS and for their return home.

For older New Yorkers, support through the transition home is critical. Advances in technology and communication mean many older adults are returning from periods of incarceration to a landscape they no longer recognize. Digital literacy is a requirement for everything from accessing medical care, housing and benefits to applying for a job. Elders may have health needs and need immediate assistance finding accessible housing, medication refills, and supports. Traditional senior centers and aging service providers are often not prepared to meet the needs of older adults who have experienced incarceration or are experiencing barriers due to a criminal record. Reentry programs that are versed in the needs of people returning home, across the life course, are critical to ensuring the success of returning older adults.

Transportation

It is universally understood that many New York City residents cannot afford to pay for public transportation, yet they rely on it every day, often multiple times a day. For New Yorkers returning from prison or jail, access to transportation is critical to go to the parole office, set up public benefits, look for permanent housing and employment. More needs to be done to not only make public transportation affordable to low-income New Yorkers, but to ensure access to critical benefits. Programs are needed to educate NYC residents and assist them in applying for the Fair Fares and Reduced Fare programs. New Yorkers should leave prison or jail with a Metrocard, at a minimum, and should receive comprehensive information on enrolling in Fair Fares or Reduced Fares when applying for any other means tested public benefits, like SNAP.

Conclusion

At Brooklyn Defenders, we work every day to ensure the people we serve have the resources they need to address the complex challenges they face upon release from prison and jails. We thank the Council for your attention on this topic and urge you to work with the Mayor's Office to ensure continued funding for critical support for older adults returning home. Thank you again not only for your support that allows us to do such important work, but also for your time. If you have any questions, please feel free to contact Kathleen McKenna, Senior Policy Social Worker, at kmckenna@bds.org.



Making New York a better place to age

New York City Council

Committee on Aging

Chair, Council Member Hudson

Committee on Criminal Justice

Chair, Council Member Rivera

February 17, 2023

Oversight - Justice in Aging – Reentry Issues for Older New Yorkers

My name is Brianna Paden-Williams and I am the Communications and Policy Associate at LiveOn NY. Thank you for the opportunity to testify.

LiveOn NY's members include more than 110 community-based nonprofits that provide core services which allow all New Yorkers to thrive in our communities as we age, such as older adult centers, home-delivered meals, affordable senior housing, NORCs, and home care. LiveOn NY is also home to the Reframing Aging NYC Initiative, part of the national Reframing Aging Initiative aimed to counteract ageism and improve the way policymakers, stakeholders, and the public think about aging and older people. With our members, we work to make New York a better place to age.

Background

The number of people in New York State prisons has been declining, however, the proportion of older people in prison continues to rise with one in every four incarcerated people in prison 50 and older. Unfortunately, when formerly incarcerated older adults are released from prison and re-enter into the community, they are often faced with unique challenges being released in their later years. It's evident that people in prison age at an accelerated rate because of harmful and unhealthy prison conditions, including stress, separation from loved ones, poor nutrition, substandard and inaccessible health care, staff brutality, disabling environments, and more.

New York has a moral and fiscal crisis of aging and dying in prisons due to decades of extremely harsh sentencing and a racially biased parole system that does not adequately create space for redemption, personal transformation, healing, and safety. 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.

Approximately 1,000 people have already died in New York prisons in the last decade and another 1,000 are likely to die behind bars in the coming years with no hope of release, no matter how much they have done to improve themselves and regardless of whether they pose a risk to public safety.



It's time for the City to address elder parole as an aging issue with an older adult population re-entering into community, looking to move forward in their lives. At LiveOn NY, we believe no one is disposable, nor should anyone be defined by the worst thing they've done. Further, we believe in redemption and transformation. We believe in families, communities, and collective care.

To address the issues of elder parole, LiveOn NY is proud to offer the following recommendations:

Recommendations

The City should look to broaden and fund collaboration with community-based organizations such as the Osborne Association that have the expertise and programming to provide resources and tools to individuals, families and communities impacted by the criminal justice system.

Remove barriers to access affordable housing for formerly incarcerated older adults. The housing crisis in New York City is particularly acute for older adults as many rely on fixed incomes, making it difficult to afford the rent while other costs rise. For formerly incarcerated older adults, finding affordable and accessible housing is an added challenge with many landlords discriminating against older adults on parole or have previous arrest through routine background.

Work with HPD to make older adult affordable housing a key priority to relieve the over 200,000 waitlist for older adults seeking affordable housing. LiveOn NY's own research has found that there are more than 200,000 older adults languishing on waiting lists for affordable housing through the HUD 202 program, each waiting for 7-10 years on average for a unit to become available. This challenge is mirrored by the thousands of applications that come flooding in each and every time a new affordable senior housing lottery opens on Housing Connect. To address this, LiveOn NY recommends the City increase capacity of affordable older adult housing that would relieve one of the largest hurdles for older adults returning to community after incarceration.

Create space through support for community building and cure violence programs for formerly incarcerated older adults to contribute to their communities. Upon release, formerly incarcerated older adults often make important contributions to their communities, including by interrupting gun violence, mentoring young people, and ultimately promoting community safety. In addition, LiveOn NY also recommends **the City expand competent mental health and social services for formerly incarcerated older adults, especially for individuals who have experienced long-term incarceration.**

Furthermore, LiveOn NY strongly supports the passage of Resolution 241-A, which calls for the passage of the Fair and Timely Parole Act (S307/A162) and Elder Parole Act (S2423/A2035).

First, LiveOn NY shares our deep appreciation to Council Member Hudson, Chair of the Committee on Aging, for her leadership in introducing Council Resolution 241-A. In addition, we thank Chair Rivera for her support of in holding this hearing, and we thank the 17 Council co-sponsors who have called for



Making New York a better place to age

the State to pass the Fair and Timely Parole Act (S307/A162) and Elder Parole Act (S2423/A2035) and joined in making this Resolution a priority.

It is time that New York reformed its parole system to provide hope for families across this state by passing Elder Parole (S2423/A2035). If passed, this bill would make eligible for individualized parole consideration people in prison aged 55 or older who have served at least 15 years. It is not a “blanket release” policy. Rather, it gives older individuals who have transformed themselves an opportunity to demonstrate their moral character before 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.

Secondly, we encourage the City Council to support the passage of the Fair & Timely Parole Act (S2423/A2035) to ensure that individuals 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 altering 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. 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.

Thank you for the opportunity to testify.

Testimony provided by Brianna Paden-Williams, Communications and Policy Associate at LiveOn NY For questions, please email bpaden-williams@liveon-ny.org

LiveOn NY’s members provide the core, community-based services that allow older adults to thrive in their communities. With a base of more than 100 community-based organizations serving at least 300,000 older New Yorkers annually. Our members provide services ranging from senior centers, congregate and home-delivered meals, affordable senior housing with services, elder abuse prevention services, caregiver supports, case management, transportation, and NORCs. LiveOn NY advocates for increased funding for these vital services to improve both the solvency of the system and the overall capacity of community-based service providers.

LiveOn NY also administers a citywide outreach program and staffs a hotline that educates, screens and helps with benefit enrollment including SNAP, SCRIE and others, and also administers the Rights and Information for Senior Empowerment (RISE) program to bring critical information directly to seniors on important topics to help them age well in their communities.



Testimony of
Raji Edayathumangalam¹
Forensic Social Worker
New York County Defender Services

Before the
New York City
Committee on Aging
&
Committee on Criminal Justice

Joint Public Hearing
Justice in Aging – Reentry Issues for Older New Yorkers
Res. 241: Resolution calling upon the New York State Legislature to pass, and the Governor to sign [Parole Justice Bills], Fair and Timely Parole Act (S7514/A4231A) and Elderly Parole Act (S15A/A8855)

February 17, 2022

Good afternoon. My name is Raji Edayathumangalam. I am a Forensic Social Worker at New York County Defender Services. Thank you to the New York City Committee on Aging and Committee on Criminal Justice—especially Chair Hudson—for the opportunity to present testimony today on the crucial re-entry issues for older New Yorkers, and to strongly support and urge City Council to pass Resolution 241.

Today, I testify to how deeply broken the parole and the inadequate re-entry systems are for our justice-involved elders, and what their vital and urgent needs are, even more so after Covid-19 has wiped out a staggering number of older adults. Our elders have always served as living witnesses to our nation’s history and to our sense of continuity day-to-day as human beings. If we are truly invested in improving community safety, it comes with the moral imperative to do the right thing by reuniting families and reallocating crucial resources toward urgent community needs and goals, including those for older adults.

¹ The testimony was written together with Catherine Perrone (Law Graduate), Heidi Welty (Forensic Social Worker), and Kirsten Spencer (Supervising Forensic Social Worker).

I. SOCIAL WORK ADVOCACY FOR OLDER ADULTS

My testimony comes from a place of extensive professional experience and advocacy in the areas of older adults and re-entry issues that are specific to them. First, I worked with older adults at a senior center funded by the Department for The Aging (DFTA) in a NYCHA housing development in Brownsville, Brooklyn. The community was made of almost entirely African-American, Afro-Caribbean, and Latin-Caribbean elders. I learned firsthand from many of them how generations were scarred by legal involvement and the legal systems. In Brownsville, I met the oldest human being that I know. She was 103 years old when I met her and I know she would have so much to say about today's topics of discussion. Second, I am a licensed clinical social worker and practicing psychotherapist. I have worked with older adults in a community clinic in East Harlem, again another neighborhood with a concentration of older adults particularly impacted by the legal systems. Finally, in my role as a Forensic Social Worker at New York County Defender Services, I have learned in depth about the vast challenges experienced by older adults trapped in cycles of disenfranchisement, legal involvement, and futile cycles of no real resources and no real help.

II. CLIENT STORY

Our existing parole system bars elders from humane and timely release, and then trips them up constantly at every step when they ultimately return to the community. Take, for instance, the story of an elder client whom I will refer to as Mr. Jones. We have changed his name to protect his confidentiality. There's the part of his story before the emergency re-entry hotels ("hotels") were an option and the part after the "hotels" became an option, and you will hear the difference. My wonderful colleague and attorney Catherine Perrone and I currently work with Mr. Jones. Please bear in mind that he is 82 years old.

Mr. Jones was released on lifetime parole in 2019 at the age of 79 after well over four decades in state prison. If he was convicted today, his sentencing range minimum would have been 15-Life; the range on his RAP sheet from the 1970s reads "3 to Life." When Mr. Jones was released from state prison, the devastating Covid-19 pandemic was lurking just around the corner. He also returned to a New York that was an entirely new universe than he remembered—a dysphoric universe with cell phones and MetroCards instead of phone booths and subway tokens. His family in New York had dwindled away over the years and, while incarcerated, he also developed Alzheimer's disease and a host of other health conditions that are often accelerated in prison.

Mr. Jones was never permitted to have his case go before the parole board, and in 2019, he was finally released to parole with no re-entry plan to meaningfully integrate into his community at the age of 79. He was left to the elements with little to no family or financial support in New York. He was not connected to any elder re-entry initiatives, such as that at Osborne Association. Family from out of state came and tried to get him settled in an apartment. Eventually, Mr. Jones was arrested on a parole warrant in early 2022. He was remanded on that warrant and incarcerated at Rikers Island for failure to maintain appointments with parole. Picture the tragedy and absurdity of expecting an elder with dementia with no appropriate supports whatsoever, and an elder who never heard of a cell phone or a computer in his growing years to track his parole appointments!

While remanded at Rikers for failure to keep his parole appointments, Mr. Jones waited for his parole hearing date that never came. They changed his parole hearing date several times. One day, he became so ill that he fainted and was brought to Bellevue Hospital for emergency care where they diagnosed that he had contracted sepsis. Mr. Jones, an elder with the highest risk to die from complications of Covid was allowed to languish in Rikers by a failed parole system and he could have died. A writ was filed and denied, in spite of his very old age, in spite of his risks for Covid complications, and in spite of his near-death experience while on the Island.

Ultimately, Mr. Jones was released to parole again in early 2022 and he was able to return to the community. However, he has no place to live and no supports he knew of in the city. Thanks to the option of MOCJ emergency re-entry hotels with its low barrier to access (with the need for housing being the criteria for housing), Mr. Jones was able to get a hotel room in one of the MOCJ emergency hotels. There, Mr. Jones was able to begin to stabilize after decades of incarceration and instability. He was able to get a private room with some peace and quiet so he could sleep at night amidst his dementia and health issues. He was able to use a private bathroom without fear of being assaulted. He was able to get a hot meal three times a day. He was able to have clean laundry. He was able to get a medical treatment plan. He was able to get his first cell phone. He was able to learn how to use his cell phone.

Without the emergency re-entry hotel option, an elder like Mr. Jones would have yet again been cast away by our society and he would have been without a home upon his return to the community, this time from Rikers. Moreover, without his emergency re-entry hotel room, Mr. Jones could have been immediately violated on his parole as he would not have had a reportable address.

III. THE FAIR & TIMELY PAROLE ACT

Mr. Jones' story points to the critical changes that are long overdue in our parole systems. We must begin by passing the Fair & Timely Parole Act (S.307-Salazar/A.162-Weprin) to ensure that people have a meaningful opportunity to demonstrate their rehabilitation and be released. This bill will restore the Parole Board to its original purpose of evaluating people's readiness for release, changing the standard of parole release to primarily consider the person's rehabilitation while incarcerated and their current risk of violating the law. In other words, parole commissioners will no longer be able to perpetually deny people release based solely on the one fact that they can never change.

The current practice relies on judging people solely based on the past actions that resulted in their incarceration, while wholly ignoring the person that they are today. While incarcerated, people engage in critical self-reflection that allows them to develop insight into the underlying factors that led to their involvement in the criminal legal system. These essential efforts should be acknowledged and honored, as they are the basis for true reform and healing. For many people, their criminal behavior is directly linked to a lack of fair access to basic resources (such as stable and secure housing, food, education, and healthcare); to their health, mental health, and substance use issues; to lack of quality and timely treatment, and to their unresolved past and ongoing trauma (including incarceration trauma). During their incarceration, people come to understand their actions and behaviors in a more meaningful way through programming and reflection, making

them more open and willing to seek appropriate support and treatment in the community. This bill would give people the reasonable opportunity to prove their growth and readiness to be released.

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. This bill would simply allow for a more comprehensive assessment that includes acknowledgement of a person's transformation while incarcerated.

IV. ELDER PAROLE

New York must provide hope for families across this state by passing Elder Parole (S.2423-Hoylman-Sigal/A.2035-Davila). If enacted, this bill will allow older adults in prison who have served at least 15 consecutive years of their current sentence to be eligible for individualized parole consideration. Such a bill would benefit people like Mr. Jones who never had the opportunity to go before the Parole Board. The bill is not a "blanket release" policy, nor does it guarantee release for anyone based on their age. Rather, it will give people who have transformed themselves an opportunity to be heard by the Board, and subject to the Board's discretion, to be released to their families and communities to live their final years with dignity. Importantly, as stated before, it is well known that reincarceration rates for older adults are vanishingly small.

The age of eligibility in the bill is 55 for two critical reasons. First, 55 years is the age at which the Department of Correction and Community Supervision, like many other prison authors, classifies people as older adults, in line with the reality of accelerated aging behind bars. Second, the average age of death by so-called natural causes in New York State prisons is only 58. Sadly, the cumulative stressors of the prison environment and separation from one's family when compounded by the systemic malnourishment, unclean water, and other harms endemic to incarceration, contribute to premature deaths. Research shows that older adults are much less likely to commit crimes, and the cost of incarcerating aging adults significantly outweighs the actual risk that they pose to society. According to a 2012 report by the ACLU, "*the rates of crime decline dramatically after age 55, while the costs of care for older adults greatly exceed care costs for younger adults.*"² Considering the health risks associated with elder incarceration and the low recidivism rates among the elder population, we believe that the Elder Parole bill both supports public safety and promotes justice.

V. CONCLUSION

In conclusion, older adults are national treasures, and even more so during this devastating Covid-19 pandemic when mortality among people 65 and older in the US was at 75% of the total Covid-19 mortality through the end of last year.³ In this regard, we at New York County Defender Services strongly support and urge the City Council to pass Resolution 241.

² https://www.aclu.org/sites/default/files/field_document/elderlyprisonreport_20120613_1.pdf

³ <https://www.kff.org/coronavirus-covid-19/issue-brief/deaths-among-older-adults-due-to-covid-19-jumped-during-the-summer-of-2022-before-falling-somewhat-in-september/>

For elders returning home from jails and prisons, a group of people who little to no risk for re-arrest or safety risk upon release, we ask that our city and state ensure that they have a robust re-entry plan. We strenuously ask for expanded access to Senior Living Programs (SLPs), such as those at Ulster Correctional Facility, but throughout the period of incarceration for older adults. Presently, elders are only offered SLPs toward the end of their sentence. We ask that our city and state protect and expand on the low barrier emergency re-entry hotel model, which has been a lifesaver for so many New Yorkers, like other members of the public testified today and as Council Member Restler highlighted. We ask that all older adults also have supportive housing and access to elder re-entry initiatives even as they prepare for their return home. Furthermore, we urge that elders have coordinated programming and services in the community (not services in silos) that are specific to their needs, including on-site healthcare, technology assistance, education, employment, prosocial services, and wraparound services. I also want to highlight the testimony from earlier today strongly urging our city and state to provide disability assistance and services to elder New Yorkers in need.

We also strongly support and urge the City Council to pass Resolution 156-2022 in support of the Treatment Not Jail Act to grant judges the authority to divert elders who become entangled in the criminal legal system because of underlying mental health or substance use concerns out of our jails and prisons and into community-based treatment options.

We believe that thriving families and communities with fair access to resources, and our collective care for all, especially our elderly, are our only path to community safety.

Thank you again for this opportunity to testify. Please do not hesitate to contact me with any questions about this testimony at redayath@nycds.org.

Testimony before the NYC City Council
Committees on Aging and Criminal Justice

Oversight- Justice in Aging-
Reentry Issues for Older New Yorkers

February 17, 2023

Tanya Krupat
Vice President for Policy and Advocacy
Osborne Center for Justice Across Generations

Christina Green
Director, Marcus Garvey Supportive Housing

Osborne Association
www.osborneny.org



Thank you for the opportunity to speak with you today. My name is Tanya Krupat, and I am the Vice President of Policy and Advocacy at the Osborne Association. I am joined by my colleague Christina Green, Director of Marcus Garvey Supportive Houses, Osborne's first permanent supportive reentry housing program for older adults. For nine decades, our organization has been committed to transforming lives, communities, and the criminal legal system, including focusing on the needs of older people in prison and jail, and offering reentry services that begin inside. We also serve people in the context of their families and recognize how critically important relationships, connectedness, and belonging are, yet how many of the policies and practices within the criminal legal system (including reentry) break, limit, and shrink these.

Thank you for holding this hearing today to address this intersectional, urgent issue, hidden in plain sight. As a City and a society, we are ignoring the needs of older people in prisons and jails, and those returning to our communities at an enormous cost, in dollars, lives, well-being, and lost wisdom and contributions to society. Today, close to one in 4 people in NY State prisons is over age 50¹; as of this week, 802 older people (50+) are incarcerated on Rikers Island.² The NYC Comptroller calculated that one year on Rikers for one person costs \$556,539,³ an astounding and deeply concerning figure considering what people- and all of us- are "getting" for this amount of money. With this figure, we are currently spending more than \$446 MILLION to keep older people on Rikers. This is close to NYC Aging's entire budget (which in FY23 was \$459.7 million⁴) and this does not include what we are spending to keep NYC residents incarcerated in prisons for 30 or 40 years, decades past their minimum sentence (Brooklyn has the highest number of residents serving life sentences, more than other boroughs or counties in the State).⁵

¹ As per DOCCS January 2023 [Custody Report](#), 7,273 people in their custody are age 50 and over, 23.4% of the total incarcerated population.

² Due to a phenomenon of "accelerated aging," 50 is the age that we use to define someone incarcerated as "older"- the trauma that preceded incarceration plus the trauma of incarceration (including decades of unhealthy food, lack of exercise, lack of age-appropriate healthcare, disconnection from family, and perpetual stress and anxiety) age a person beyond their years.

³ See NYC Comptroller's report [HERE](#).

⁴ "The Department for the Aging (DFTA) has a Fiscal 2023 Preliminary Budget of \$459.7 million, which represents less than one-half of one percent of the City's \$98.5 billion budget. DFTA's budget decreases by \$27.5 million from the Fiscal 2022 Adopted Budget of \$487.2 million." Mar 23, 2022

<https://council.nyc.gov/budget/wp-content/uploads/sites/54/2022/03/DFTA.pdf>

⁵ <https://brooklyneagle.com/articles/2019/08/29/elder-parole-brooklyn-life-sentences/>

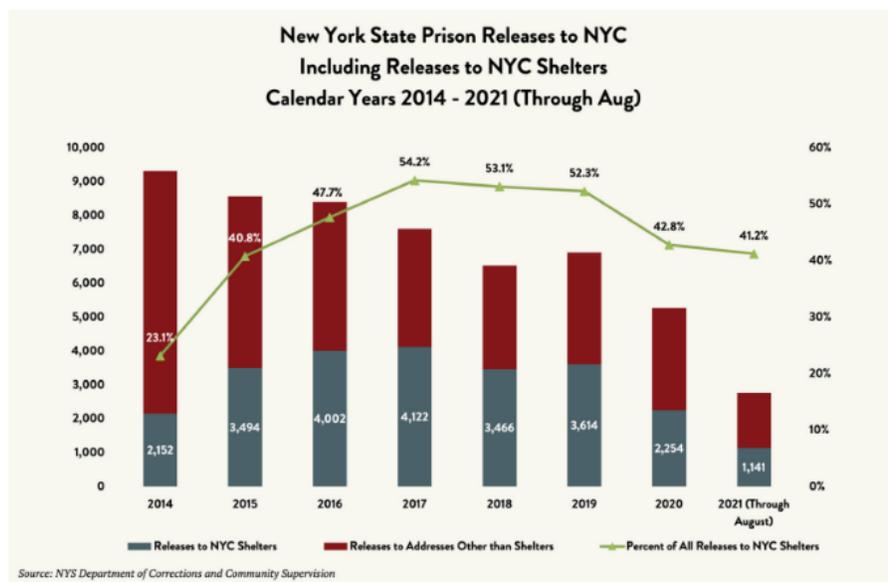
We refer to being released as “coming home,” but far too often this term masks a scary, unstable, and confusing reentry experience. To add to the costs of incarceration, thousands of people are discharged from prison directly to NYC homeless shelters, which cost up to \$300/ day (that’s \$9,000 per month!), and includes rules like being locked out all day, which can increase the likelihood of rearrest generally or for parole violations.⁶

From Prison to a Shelter: Coming “Home”?



– Each year since 2015, more than 40 percent of people released from State prisons to New York City were released directly to shelters.

– From 2017-2019, 1 in every 2 releases from NYS prisons to NYC was to a shelter (2021, 41% of such releases were to a shelter).



The resources and money we are spending on ineffective institutional downstream responses are important to consider because they not only take away resources from effective upstream solutions, they are making things worse (and more costly). Earlier today you heard from some of the residents of Osborne’s Marcus Garvey Supportive Housing. One resident there served more than 40 years. In this time, his health worsened, he was misdiagnosed and learned to not trust prison medical providers (based on his own and others’ experiences), and he didn’t prepare for reentry because he truly came to believe he would never be let out. When he finally returned home, he faced medical issues and trauma that were entirely preventable.

⁶ <https://www.prisonlegalnews.org/news/2018/nov/6/new-yorks-prison-shelter-pipeline-poor-option-parolees/>

The resources we are “investing” in keeping older people locked up are hurting them and us. We could almost double NYC Aging’s budget (as it should be) by decarcerating. This would achieve more public safety than endless incarceration or criminalizing addiction, mental illness, and poverty.⁷ And simply bringing **two people** off Rikers who are there for one year would fund an entire specialized unit within NYC Aging (at \$1 million) to focus on justice-impacted older adults. We recommend creating such a unit, as well as investing in community-based programs, accessible housing, peer support models, and more. The money to do all of this IS there. It’s just currently being spent on punitive institutions instead of on people and communities.

In preparation for this hearing, we held a discussion with 16 Osborne staff and residents of Marcus Garvey. Importantly, the staff at Marcus Garvey are formerly incarcerated, and the supportive community staff and residents have built there can be felt in the air when you walk in. Many who were part of this discussion had served decades and all of them were released over the age of 50. Together, these 16 people represented 322 years of incarceration; all except one were people of color, a reflection of the systemic racism baked into every point of our criminal legal system. Among the many challenges mentioned were loss (of family members and children; of time; of opportunities to give back, contribute, and be productive); trauma, frustration, and pain (cumulative exposure to inhumane conditions, randomly applied rules, racism, violence, abuse, and substandard, even unethical medical care). But we also heard incredible courage, fierce determination, hope, and self-advocacy. Against systems that had tried to break these, they persisted.

Out of this discussion emerged many areas in need of improvement, including:

- Being released without medical records, without ID or documentation. According to one resident, DOCCS charges 25 cents per page for someone released to receive their medical records. This would have cost him \$1,600! However, DOCCS will send your medical records for free to your doctor.

⁷ A recent [report](#) by the Vera Institute of Justice (Feb 2023) and an [initiative](#) launched by the Sentencing Project are calling on us to re-examine lengthy and life sentences, and to rethink this costly and ineffective paradigm of mass incarceration.

- Having to pay fees by banks and JPay, who holds the contract for the debit card people receive upon release from prison.
- Lack of adequate pre-release planning. This should include ways to orient and train people in using technology and preparing for the fast-paced world that awaits them.
- The need for a one-stop reentry center specifically for older people.

Additionally, Osborne's years of experience providing release and parole preparation and reentry case management specifically tailored to older adults leads us to offer the following recommendations (this is a sampling of the many, many changes that should be made to meet the needs of older people in jail and prison, release them, and support them when they return):

Healthcare

- Adapted geriatric assessments should be done inside when anyone turns age 50.
- Older people on Rikers need access to consistent medical care. There are countless missed medical appointments where there are no escorts provided to take people to the clinic, and no accountability when this happens. There should be an assigned unit of Officers with a Captain/Deputy Warden that can ensure that people have access to receive medical care that meets their needs. This includes oversight of needed medication, which people are not receiving in a timely manner.
- Dedicated housing should be established on Rikers so older adults are housed together. With a current population of around 800, it may be possible to house this group in a single facility with an enhanced medical presence to meet their needs.
- Training for medical and mental health providers in the community should include screening for incarceration, and being able to sensitively respond to the trauma and physical and mental health issues related to incarceration.
- NYC Aging's budget should be increased to allow the agency to lower the age of eligibility to 50 for those who are formerly incarcerated.

Housing & Program Models

- Investments should also be made in diverse forms of reentry housing.

- City Council should pass the Fair Chance for Housing bill, ending discrimination against the 750,000 New Yorkers with a prior conviction.
- Investments should be made in paid peers to provide counseling and support and intergenerational models (assist with technology and mutually beneficial)

Along with many others, including NYC Aging, we worked during 2022 on these and other recommendations as part of the Compassion and Assistance for Returning Elders (CARE) Task Force. We would like to see the City Council re-establish an interagency task force on elder reentry, with NYC Aging oversight, and this time invest in funding a staff person to coordinate it and require a report and progress benchmarks within one year.

In order to ensure people have a pathway out of prison before decades pass and more damage is done, we ask you to vote for Reso 241-A calling on the State legislature to pass the Elder Parole and Fair & Timely Parole bills. Osborne is a proud member of the People's Campaign for Parole Justice (PCPJ). Detailed information about both bills can be found on the PCPJ [website](#). We unequivocally believe in the urgency of these bills.

Lastly, as we look at the impact of mass incarceration on older New Yorkers, and as Chair Hudson pointed out in her constituent email this week, today is National Caregivers Day. Older New Yorkers include family members who are welcoming loved ones home from incarceration without additional resources to do so, and include grandparents and other family members caring for children whose parents are incarcerated. While Osborne is addressing both respectively, with our Kinship Reentry Program (monthly subsidies for families welcoming someone into their home from incarceration) and by coordinating our statewide NY Initiative for Children with Incarcerated Parents (NYC Aging's Grandparent Resource Center is a member), both of these efforts need additional funding and cannot meet the existing need.

We hope this hearing will be a beginning and not an end. We look forward to working with the Committees on Aging and Criminal Justice to improve the reentry experience for older New Yorkers. We also urge you to ensure that any next

steps continue to be guided by and include those who are formerly incarcerated and living “elder reentry” every day.

Thank you.

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Christina Green, cgreen@osborneny.org



**TESTIMONY BY JOSE SALDANA,
DIRECTOR OF RELEASE AGING PEOPLE IN PRISON,
BEFORE THE NEW YORK CITY COUNCIL
HEARING ON JUSTICE IN AGING – REENTRY ISSUES FOR NEW YORKERS**

Chairs Hudson and Rivera and New York City Council Members, thank you for the opportunity to testify today. My name is Jose Saldana. I was released from a New York State prison in 2018, after nearly four decades of incarceration. I was released at 66-years old. During my incarceration, I earned a college degree. More importantly, in my humble opinion, I helped develop one of the most effective therapeutic programs to address criminal thinking, behavior, and attitudes in New York State, “A Challenge to Change (C2C): A Comprehensive Approach to Addressing Criminal Thinking, Behavior, and Attitudes,” and co-authored the “A Challenge to Change Handbook” and “A Challenge to Change Training Manual.” When I was released, “A Challenge to Change” was being facilitated in five maximum security prisons. I also organized and facilitated numerous self-empowerment workshops, including Victim Awareness workshops, Anti-Violence Workshops, Restorative Justice Workshops, and helped develop “Community Restorative Project: An Alternative to Incarceration. I am not unique. The topic of this hearing – reentry – only exists because people in prison developed the concept. The reentry process begins when a person is committed to serve a prison sentence and these and other programs developed by incarcerated men, women and non-binary people are essential first steps toward a successful reintegration back to the community as civic-minded returning citizens. To that end, expanding opportunities for release – the other subject of this hearing – will bring home more innovative and effective program leaders to fill gaps in resources and services. That is one reason why I am testifying today in support of Resolution 241-A, sponsored by Chair Hudson, which calls on the state to pass the Elder Parole and Fair & Timely Parole bills.

New York’s extremely lengthy prison sentences and lack of meaningful parole release opportunities have led to a stark increase in the number of older people in prison. From 2007 to 2020, the percent of older New Yorkers in state prisons more than doubled. Now, people aged 55 and over – the age at which DOCCS categorizes people as older adults, due to accelerated aging behind bars – make up roughly 15% (4,700 people) of the prison population. State prisons are effectively becoming substandard nursing homes, rife with abuse and neglect, and without

more meaningful opportunities for release, this problem will continue to worsen, costing the state billions of dollars, and continue permanently separate tens of thousands of families in Black, Brown, and poor communities. Elder Parole ([S.2423/A.2035](#)) and Fair & Timely Parole ([S.307/A.162](#)) will begin to solve this crisis by expanding parole opportunities for older New Yorkers while improving community safety.

Medical and correctional experts agree that incarcerated people who are 55 and older are considered geriatric and medically vulnerable – and prison negatively impacts health and accelerates the aging process.

Some lawmakers have made flippant comments to us about this age classification, such as “I’m in my 50s and I don’t feel old.” For those who live relatively comfortable lives, with quality health care, nutritious food and, most importantly, the company of family and other loved ones, this age might not be old. Many people in prison are sent to literal veterinarians for health care. (The longest-serving woman in New York State prisons, Val Gaiter, died a few years ago when the prison doctors misdiagnosed her cancer as acid reflux.) The prison environment presents stressors that may be unimaginable in the community; at any moment, an officer may brutalize you, or call you racial slurs, or throw you in solitary confinement, or deprive you of food, or all the above. On top of that, the physical separation from families causes perhaps the most damage, as you constantly worry about their safety and well-being and struggle to support them and maintain relationships from behind bars. (When my wife came to visit me, she drove a van full of people so they could visit their loved ones, too, but not everyone can do that.)

For every one year served in prison, a person’s life expectancy decreases by two years. ([Source: American Journal of Public Health](#)) Also, because prisons are not built to accommodate elderly people, many health problems associated with old age (e.g., mobility, eyesight and hearing issues, and cognitive decline) are worsened by the physical and mental stress of incarceration. ([Source: Pew Trusts](#)) Moreover, prison rules, arbitrary and often cruel, often result in denial of basic accommodations. In general, prisons lead to worse health outcomes. While 31% of the general population has had a chronic condition (e.g., asthma, hypertension, heart disease, arthritis, liver problems), **44% of incarcerated people have had a chronic condition and for incarcerated people aged 50 or above that number skyrockets to over 72%.** ([Source: United States Department of Justice](#))

At least 20 state correctional departments and the National Commission of Correctional Health Care consider incarcerated people geriatric by age 55 ([Source: National Institutes on Health](#)). The Department of Justice defines incarcerated people as “older” beginning at age 50. The Department’s Bureau of Prisons recognizes the harm incarceration has on older people and mandates increased access to medical exams for incarcerated people 50 and older (Sources: [Department of Justice, Bureau of Justice Statistics](#); [Federal Bureau of Prisons](#)). New York classifies a person as “older” when they reach 55 ([Source: Office of the New York State Comptroller](#)).

According to a leading health care provider for Texas prisons, “The norm in prisons is to use 55-and-older as the metric associated with older prisoners primarily because the consensus is that our population is 10 years ahead [of non-incarcerated people] clinically” ([Source: Pew Trusts](#)). In New York specifically, the Department of Corrections and Community Supervision Active Commissioner Anthony Annucci stated during a hearing that “[People] 65 and older in a community translates to 55 and older in prison” ([Source: Joint Legislative Public Hearing on 2021 Executive Budget Proposal: Public Protection](#)).

Incarcerating older New Yorkers costs far more than incarcerating a younger person.

Because older people in prison are more likely to suffer from chronic conditions or poor health, states must spend more to take care of them. Prisons are generally ill-equipped to address the needs of older people, which tends to exacerbate health-related problems that could be better addressed outside of prisons. Custodial costs also add to the costs of medical care behind bars.

According to some estimates, **older incarcerated people cost two to four times as much to incarcerate as younger people**, largely due to increased health care needs. **New York spends between \$100,000 and \$240,000 per elderly incarcerated person** (Sources: [National Institutes of Health, Osborne Association](#)). In addition, elders in prison often require expensive structural adaptations such as wheelchair ramps, cells with non-bunked beds, shower handles to prevent falls, and other special housing ([Source: Pew Trusts](#)). As more incarcerated people age, states will have to spend more money to retrofit facilities or build new prisons to properly house and care for elderly incarcerated people. Offering meaningful release opportunities to older incarcerated people will free up taxpayer funds that could be better spent on resources that are known to increase safety and reduce incarceration, like employment, education, and health care ([Source: Center for American Progress](#)).

Many of New York’s leading crime victim and survivor advocacy groups support Elder Parole and Fair & Timely Parole.

The Elder Parole and Fair & Timely Parole bills are supported by Common Justice, Crime Victims Treatment Center, Kings Against Violence Initiative, A Little Piece of Light, Neighborhood Benches, Inc., New Alternatives for Homeless LGBTQ YOUTH, New Hour for Women & Children, New Yorkers Against Gun Violence, New York State Coalition Against Sexual Assault, Not Another Child, Inc., Restorative Action Alliance, Violence Intervention Program, Youth Over Guns and other leading crime victim and survivor advocacy groups.

Everyone wants safety. There is a common misconception that criminal justice reform and serving the needs of crime victims and survivors are mutually exclusive, but surveys show most survivors prioritize rehabilitation and healing over punishment (source: [Alliance for Safety and Justice](#)). Violence often occurs in cycles: People who are victims and survivors are often criminalized, whether for actions taken while defending themselves or because of untreated

trauma, and the criminal legal system only inflicts more violence, especially within prisons and jails, where racialized and gender-based abuse by staff are rampant.

For decades, lawmakers have only paid attention to the voices of victims who share their politics to enact the policies of mass incarceration that have caused tremendous harm to marginalized people and communities. As a result, we have a system of extreme punishment, in which thousands of people endlessly languish behind bars as they age, get sick, and often die without any real chance to be fairly considered for release, no matter how much they have transformed. At the same time, the needs of crime victims and survivors have largely been ignored, as lawmakers focused on perpetuating rather than preventing or healing harm. Many survivors need financial relief in order to heal, to cover expenses resulting from the crime, and/or to help keep themselves safe. They can receive funds via New York State's victim compensation program, yet often face insurmountable systemic barriers when attempting to do so. For example, survivors must report their harm to police in order to be eligible to receive compensation—a barrier for people who have suffered trauma at the hands of police and/or have good reason to fear interactions with them, as well as people who attempt to report but are turned away. Lawmakers have long promised that they would prioritize the needs of victims and survivors and be accountable to Black and Latinx communities. The current system fails everybody, but it especially fails people of color.

Part of the solution lies in meeting the needs of people who have been harmed and bringing home people who have transformed and committed to uplifting their community as mentors, non-profit leaders, artists, peer-counselors, and more. The Fair Access to Victim Compensation (S.214-Myrie/A.2105-Meeks) bill removes this police reporting requirement and provides alternative forms of evidence that victims can use to show that they have been harmed to receive compensation. It also extends the filing time limit for victim compensation from one year to three years and, for those who choose to report their harm to police, the law enforcement reporting time limit from one week to a reasonable amount of time considering the circumstances, making the application process more trauma informed. This bill, coupled with our parole justice measures, will help stop cycles of violence, redirect state funds from inflicting harm to supporting healing and safety, and give New Yorkers reason to hope.

Elder Parole ([S.2423/A.2035](#)) and Fair & Timely Parole ([S.307/A.162](#)) would help solve the state prison system's aging crisis.

- In New York, there are more than 1,100 people over the age of 55 who have served 15 years in prison and are not yet eligible for release. Collectively, they have served upwards of 16,500 years in prison.
- New Yorkers in prison above the age of 55 are most vulnerable to illness, least likely to recidivate, and cost the state significantly more to house and provide healthcare.
- Elder Parole ([S.2423/A.2035](#)) allows people in prison aged 55 or older and who have already served 15 years in prison an opportunity to appear before the Parole Board for consideration of whether they can be released on parole. It does not guarantee

release. This bill is critical to address the worsening aging crisis, save taxpayer dollars, and bring our elders home.

- Fair & Timely Parole ([S.307/A.162](#)) will make the parole process fairer, centering release determinations on who a person is today and whether they pose a risk to community safety. This is critical to ensuring that elders and all people appearing before the Parole Board get a fair evaluation.

If passed, Elder Parole could result in nearly 2,000 fewer people in New York prisons by 2030 and allow the state to save \$1.7 billion (\$170M annually). Passage of the Fair & Timely Parole Act ([S.307/A.162](#)), which would make the parole process fairer and more meaningful, is required to fully realize the potential Elder Parole. Combined, the two bills could save the state \$5.22 billion by 2030 (\$522M annually) ([Source: Columbia University - Center for Justice](#)). A portion of this money can be used to effectively develop urgently needed housing and reentry services designed for the released elderly and disabled men, women and non-binary people returning to the community, after decades of incarceration. As U.S. Senate Majority Leader Charles Schumer said to my face, “the bills are reasonable, common-sense policy that would benefit everyone.” Indeed, they would impact families, marginalized communities, and society at large.

Thank you for your consideration of my comments. I respectfully urge you to pass Resolution 241-A as soon as possible.

New York State's New Death Penalty

Prior to 1972, when the US Supreme Court outlawed the death penalty, New York ranked second in most executions of any state in the country, executing 1130 people over a 300 year period. Since the state began collecting data in 1976 on people dying in custody, 7,504 people have died inside New York State prisons. This is seven times the number of deaths of those who were executed by the state. Those who have died behind bars during this time have been disproportionately Black, older, with sentences of 15 years or more.

1 in 2 Roughly 1 in 2 New Yorkers who die behind bars is Black despite making up a small minority of NYS residents

In the last decade...

56%

of deaths behind bars were of people 55 and older

1 in 3

people who died behind bars had served at least 15 years in prison

1,278

people died in NYS prisons. This is more than the number killed by the death penalty

Every 3 Days someone dies inside an NYS prison. This is a large increase from 1 every 12 days at the start of the data collection in 1976.

Recommendations

- ▶ Address aging in prison through the Elder Parole bill, that will give people 55 and older who have already served 15 years a chance for parole
- ▶ Address long sentences through the Fair & Timely Parole bill and changing the composition of the Parole Board to assess who people are today
- ▶ Use clemency to protect incarcerated people during the Covid-19 pandemic and as a means to reduce the overall prison population
- ▶ Reunite and support families by creating more opportunities for release

**The Bronx
Defenders**

**Redefining
public
defense**

New York City Council Hearing

Committee on Aging Jointly with the Committee on Criminal Justice

Oversight- Justice in Aging: Reentry Issues for Older New Yorkers, Res. 241-A

Written Testimony of The Bronx Defenders

By Julia Solomons

Good afternoon, Chair Hudson and Committee members, my name is Julia Solomons and I'm a senior policy social worker at the Bronx Defenders. Thank you all for the opportunity to speak today, and for highlighting this important and often under resourced issue.

First, The Bronx Defenders is in full support of Res. 241-A regarding the passage of the Fair and Timely Parole Act (S307/A162) and Elder Parole Act (S2423/A2035). Passage and implementation of these bills is long overdue as we see far too many people actively decomensating in prison because our state legislature has been afraid to act.

The Fair and Timely Parole and Elder Parole bills are both clear and obvious ways to decrease the prison population. In addition to passing this resolution, we propose additional actions for the City to take regarding pre-trial older adults languishing in jails, and the reentry support we need the City to fund that would improve their chances of release.

Justice-involved older adults face higher barriers to accessing housing resources and to receiving non-carceral case resolutions

Justice-involved New Yorkers generally face significant barriers to entry into traditional housing spaces, and for older adults, these barriers only multiply. For older people, especially those suffering from chronic substance use or mental health disorders, they have had more time to accumulate a lengthier RAP sheet, often including non-violent drug charges related to the outdated Rockefeller Drug Laws. Even when these individuals have never had a chance to receive help and address root causes of justice involvement, their RAP sheet and time spent in prison regularly deters district attorneys and judges from releasing them or offering them favorable dispositions, such as a resolution involving treatment. Every day we see the ways that the court system is biased against them before they have ever had a chance to change.

This group also often faces a larger myriad of health issues, an issue directly related to longer justice-involvement as we know that more time in a carceral setting actively shortens a person's lifespan and deteriorates their physical wellness¹. And yet, that intersection of complicated

¹ Retrieved from https://www.prisonpolicy.org/blog/2017/06/26/life_expectancy/

medical needs and justice-involvement makes it nearly impossible for people to access safe and stable housing. For example, nursing homes, which offer one of the only residential options for older adults with complex medical needs, often discriminate against our clients based on their justice involvement. Programs geared towards justice-involved individuals, however, such as residential drug treatment programs, will often reject older clients with more complicated medical needs because they do not have the resources to adequately support them.

Additionally, for those who have at any point been convicted of a sex offense that made them a registerable sex offender, finding housing is basically impossible. Not only that, but we have had several clients who are held past their promised release date from prison upstate because they do not have a place to go that is SARA compliant. To be SARA compliant means being a certain distance from specific locations like schools and daycare, which is extremely difficult given the crowdedness and proximity of buildings in New York City.

Luckily, the City already created a solution to this problem. At the start of the pandemic, Mayor's Office of Criminal Justice ("MOCJ"), created the Emergency Reentry Hotel program as a way to reduce both the shelter and jail population. It was unlike any reentry resource that had ever existed in New York City, and suddenly, advocates had an immediate, barrier-free housing option to offer people in jail and prison who otherwise had no other place to go. Admission was fast and easy. Advocates sent over basic information about client needs and demographics, and MOCJ confirmed an available room. As advocates, we then were able to use this confirmation of a place our client could go to successfully convince district attorneys and judges to release our client. This advocacy tool was especially critical in cases where someone was struggling with mental health or substance use needs. Not only did they have a place to go, but they also received wraparound services in the form of case management, on-site medical and mental health support, and transportation directly from jail to the hotel. The difference between referring people to this resource and sending people to the DHS shelter system was night and day, and the court system recognized that. Judges and prosecutors who were not willing to release someone to shelter were willing to release someone into a reentry hotel. Notably, one of the MOCJ hotels, the Holiday Inn in Corona, Queens, is SARA compliant. This hotel's existence has directly resulted in the releases of people being held upstate past their promised release date due to lack of SARA compliant housing.

City Council must permanently fund the Emergency Reentry Hotel program in addition to the 950 transitional housing beds set to come online this year

As of now, however, the hotels have been at capacity and unable to accept new residents for a year or more. What started as six hotel sites with a capacity of over 800 people was halved in the fall of this year to three sites, with one additional site coming online at the end of the year, leaving a total of four. Many residents were forced to double up in rooms in order to accommodate this reduction in beds while keeping people housed. MOCJ explained on the record during this hearing that they plan to transition the program in June of this year into transitional housing, intending to maintain current residents at the remaining four sites. However, the waitlist for the hotel program remains nearly 400 people long, with many more people in jail who haven't been added because advocates do not want to give them false hope. The transitional housing beds are not enough because:

- They will be filled up almost immediately by existing hotel residents and people waiting on other transitional housing waiting lists
- The transitional model creates more barriers to entry in terms of application process and eligibility criteria that will bar many of the most vulnerable justice-involved New Yorkers from entry.²
- The Emergency Reentry model was successful in getting people out of jail and preventing people from languishing due to lack of housing. We need this model in addition to the transitional model in order to meaningfully and sustainably decarcerate

We ask the Council to permanently fund the MOCJ Emergency Reentry Hotels, emergency housing that provides barrier-free, holistic social and support services, including humane medical care, and offer residents access to vocational and educational opportunities and pathways to permanent housing. This program, previously run by Exodus Transitional Community and now overseen by Housing Works, along with the medical and mental health services provided on-site by Housing Works, has been life-changing for so many of the people we represent. This safe, stable, and immediate housing avenue addressed an unmet need that had persisted long before the pandemic began.

The current need for safe, reliable, barrier-free housing is all the greater given how jail populations have risen to pre-pandemic levels, and how carceral facilities are overcrowded and deadly. This is a resource that not only decarcerates by providing immediate access to housing, but also provides people struggling with mental health and substance use with wraparound, onsite support. We hope to achieve a commitment to fully fund—and baseline in the City budget—the over 800 emergency reentry housing beds that existed when the program began and wraparound reentry support for New Yorkers being released from city and state custody. We also hope to be able to address the stagnant wait list for this crucial service and collaborate to find a way to house the nearly 400 people currently waiting for a bed, many of whom are currently at risk of imminent harm on Rikers.

Conclusion

The MOCJ Emergency Reentry Hotel program is part of a housing continuum that allows justice-involved New Yorkers to achieve stability and breaks cycles of incarceration. The emergency model allows for quick turnaround and a safe place to land and receive support directly from incarceration. Ideally a person would then move into the transitional model- the 950 beds already committed to by MOCJ- which allows for a longer stay, more intentional, goal-focused support and case management that guides people on a path to permanent, long-term housing. Permanent housing may look different for different people- some require supportive housing with ongoing support on site while others may qualify for a voucher or subsidized independent housing. The critical point here is that New Yorkers reentering the community from jail and prison need an immediate, safe, and dignified place to land to then work towards accessing longer term housing options. The MOCJ Emergency Reentry hotels showed us how

² MOCJ stated on record during the hearing that the eligibility criteria would remain the same as the program transitions but in our experience, admittance into transitional housing is much more time intensive than the emergency model.

this model can be successful not only in decarcerating, but also intervening in chronic homelessness and providing people with support and stability that they may never have had before. It is critical that the Council fight to preserve this resource.

CENTER FOR EMPLOYMENT OPPORTUNITIES

FY24 Preliminary Budget Hearing Committee on Aging jointly with Criminal Justice

February 17, 2023

My name is Derick Bowers, and I'm the Regional Director of Social Enterprise in New York City for The Center for Employment Opportunities (CEO). Thank you to Chair Hudson and Chair Rivera, as well as the members of the Committees. I appreciate the opportunity to submit testimony about our program model and work across New York City, and how innovative initiatives on aging and criminal justice intersect with our work in the reentry space.

CEO's mission is to provide immediate, effective, and comprehensive employment services to individuals recently returning home from incarceration. As the largest provider of reentry employment services in New York, we serve individuals on parole and probation supervision, with an intentional focus on serving individuals facing the most significant barriers to remaining free from incarceration and the criminal legal system while also returning \$3.30 for every \$1 of public investment. CEO's partnership with the Department of Corrections and Community Supervision (DOCCS) and Division of Criminal Justice Services (DCJS) has been critical to our work throughout the state, helping provide pipelines of participants and supporting the cost of our program. But in order for us to continue to provide these essential services, maintaining these resources in the budget is crucial.

Background on CEO

Our program focuses on providing transitional employment, advanced leadership and coaching opportunities to help formerly incarcerated individuals get and maintain jobs that can sustain themselves and their families. CEO operates work crews that provide daily pay and daily training to participants. Access to immediate work on these transitional work crews help our participants gain stability and motivation as they work with a dedicated team of staff to attain long-term employment outside of CEO and support them with navigating any potential obstacles to employment.

Funding Priority: Justice in Aging

We want to see a targeted investment in reentry program services for older New Yorkers - specifically around Funding for Direct Cash Assistance. CEO has piloted and evaluated the employment impacts of providing financial assistance upon reentry through the [Returning Citizen Stimulus Program](#). The RCS program helped individuals meet employment milestones, find, secure, and maintain employment, and increase their financial stability. CEO and our local partners distributed \$4.1M in reentry cash assistance to over 1,600 formerly incarcerated individuals in New York City as they engaged in vocational training during the COVID-19

pandemic. Early evidence suggests that financial assistance upon release from incarceration does improve recidivism outcomes and may help stabilize formerly incarcerated individuals as they transition back into their communities.

CEO encourages the committee to provide funding for direct cash assistance for reentry program participants, which would specifically assist aging formerly incarcerated New Yorkers coming home. Finding meaningful work after incarceration proves to be arduous, especially for older adults, many of whom have difficulty engaging in physical activities or do not have the technological skills necessary for non-physical jobs. These individuals report challenges during the reentry process to include securing safe and stable housing and obtaining employment¹, places that we believe cash assistance would be pivotal during their journey reintegrating back into their communities.

These are sound investments the city can and should adopt through the budget. At CEO, we don't just put individuals to work; we help keep them out of prisons and jails.

Thank you for your consideration of these recommendations.

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¹ <https://www.tandfonline.com/doi/abs/10.1080/10509674.2022.2081647>



**TESTIMONY OF
THE FORTUNE SOCIETY**

**THE NEW YORK CITY COUNCIL
COMMITTEE ON AGING & COMMITTEE ON CRIMINAL JUSTICE**

City Hall,
New York, NY

Friday, February 17, 2023

SUBJECT: Justice in Aging – Reentry Issues for Older New Yorkers

PURPOSE: To address Justice in Aging and Reentry Challenges for Older New Yorkers

Presented by

Andre Ward
Associate Vice President,
David Rothenberg Center for Public Policy

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Thank you to Chair Hudson and Chair Rivera for convening this very important hearing. As Associate Vice President of the David Rothenberg Center for Public Policy at the Fortune Society, and as someone who served sixteen years in New York state prisons, I submit this testimony in support of both bills and respectfully urge the Council to pass Resolution 0241-2022 in support of two critical pieces of state legislation, the Elder Parole Act and Fair and Timely Parole Acts. While we are discussing state legislation today, it is important to note that the first person to die on Rikers Island this year was 65-year-old Marvin Pines. Mr. Pines, who suffered from seizures, was held in the North Infirmary Command, a unit for people with acute medical conditions and disabilities.¹ He had accepted responsibility by pleading guilty in a non-violent case that was directly tied to his addiction.² His death while in custody at Rikers Island is a sobering reminder of the dangers that incarceration poses to our seniors.

The Fortune Society is a 55-year-old organization that supports successful reentry from incarceration and promotes alternatives to incarceration, thus strengthening the fabric of our communities. We do this by believing in the power of people to change; building lives through service programs shaped by the experiences of our participants; and changing minds through education and advocacy to promote the creation of a fair, humane, and truly rehabilitative justice system. Every year, we serve roughly 9,000 people across our programs and in our continuum of housing models. Last year, Fortune was part of the CARE Task Force, which served as the only interagency Task Force focusing on elder reentry in the country that was established by City Council. The Task Force developed detailed recommendations that may require an interagency body to ensure progress is made.

Many of the people we serve were incarcerated for decades and released as senior citizens. The numbers of aging people in New York state prisons have climbed steadily over decades even as the overall prison population has fallen,³ due to harsh sentencing laws and a parole process that focuses entirely on peoples' past actions, as opposed to their current state of rehabilitation and remorse.⁴ Yet people in prison often completely transform themselves, accepting responsibility for their past actions, taking advantage of opportunities for growth provided within the prison setting and even creating new ones, and mentoring their younger peers to do the same. We see such transformed individuals among our Fortune participants, every day.

We have also seen firsthand the challenges that our older participants face when they come to us, usually because they no longer have family to turn to after such long periods of incarceration: physical health issues that might be less severe if treated properly sooner; unaddressed trauma, greatly exacerbated by incarceration; lack of financial resources; and homelessness.⁵ While people over age 55 make up less than 20% of all Fortune participants, they are nearly half of the participants we serve via our continuum of housing. They also comprise over 30% of the people

¹ Bocanegra, Michelle and Samantha Max (2023, Feb. 4) "Rikers reports first death in 2023 of person in custody, after deadliest year in quarter century." *Gothamist*. <https://gothamist.com/news/rikers-reports-first-death-in-2023-of-person-in-custody-after-deadliest-year-in-quarter-century>.

² *Id.*

³ Office of the New York State Comptroller (2017). *New York State's Aging Prison Population*. <https://www.osc.state.ny.us/files/reports/special-topics/pdf/health-aging-prison-2017.pdf>.

⁴ The Osborne Association, 12-17.

⁵ See, e.g., The Osborne Association (2018). *The High Costs of Low Risk: The Crisis of America's Aging Prison Population*.

we serve through our care management division, helping people with chronic health needs navigate the medical and mental health care systems. The poor medical care and other substandard living conditions inside prisons contribute to findings that older people in prison tend to be medically ten years older than their chronological ages.⁶ Furthermore, experts have determined that “(b)ecause of the disadvantages affecting people in prison prior to their incarceration and the health-suppressing effects of imprisonment, incarcerated people are considered elderly from the age of 50.”⁷ While Fortune’s housing supply is limited, we prioritize providing supportive housing to this older population of people who have served significant prison sentences because their needs are so dire. The alternative for them is all too often the streets or shelter, which can quickly prove fatal given their ages and medical conditions. In light of this pressing need, we developed and recently opened a new housing program, Mandaela Community, to provide supportive housing to people aged 62 and over who have been held in our state prisons as well as our city jails, and who would otherwise be homeless.⁸

Supporting bills like Elder Parole and Fair and Timely Parole Acts would be humane and would also make common sense. These bills would codify what has long been recognized by numerous studies, that older people who have served significant periods of time, for violent offenses that occurred far in the past, are not a significant risk to public safety.⁹ In addition, neither of these bills would remove the discretion of the Board of Parole to deny parole in specific cases. Nobody is guaranteed release under these bills. They are not radical. The Board will still have the authority to conduct individualized review of each older person before them. Moreover, passing both parole justice measures is estimated to save the state \$522 million per year, some of which could and should be reallocated to re-entry services¹⁰ which would ensure people are better supported upon their return to New York City.

For all of these reasons, we urge you to take action and pass the Resolution in support of these two important bills. Thank you for considering my testimony on behalf of the Fortune Society.

⁶ Fischer, Brian (2015). “Older Adults in the New York State Prison System.” *Aging in Prison: Reducing Elder Incarceration and Promoting Public Safety*. <https://www.issuelab.org/resources/22902/22902.pdf>.

⁷ Ashley Nellis (2022). *Nothing But Time: Elderly Americans Serving Life Without Parole*. <https://www.sentencingproject.org/reports/nothing-but-time-elderly-americans-serving-life-without-parole/#footnote-ref-2>.

⁸ The Official Website of New York State (2022). “Governor Hochul and Mayor Adams announce completion of \$84 million affordable housing development for seniors in the Bronx”. Retrieved December 2, 2022, from <https://hcr.ny.gov/news/governor-hochul-and-mayor-adams-announce-completion-84-million-affordable-housing-development>.

⁹ See, e.g., Fischer, Brian (2015). “Older Adults in the New York State Prison System.” *Aging in Prison: Reducing Elder Incarceration and Promoting Public Safety*. <https://www.issuelab.org/resources/22902/22902.pdf>.

¹⁰ Columbia University Center for Justice (2021). *Unlocking Justice: A Fiscal Analysis of Pending Justice Reforms in New York State*. <https://centerforjustice.columbia.edu/news/new-report-unlocking-billions-fiscal-analysis-pending-justice-reforms-new-york-state>.



New York City Council Committee on Aging
Jointly with the Committee on Criminal Justice

February 17, 2023
10:00 a.m.

Oversight: Justice in Aging – Reentry Issues for Older New Yorkers
Res 0241-2022: Resolution calling upon the New York State Legislature to pass, and the
Governor to sign, the Fair and Timely Parole Act (S307/A162) and Elder Parole Act
(S2423/A2035)

Testimony of
The Legal Aid Society
Criminal Defense Practice

Presented by:

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Good morning. My name is Rebekah Almanzar, and I am a forensic social work supervisor at the Legal Aid Society. Thank you to the Chairs for giving me the opportunity to comment on this very important issue.

The New York State Parole Board systematically sentences aging people to die in prison. Even though these same older New Yorkers were guaranteed a chance at release and not sentenced for their crimes to life without parole, the length of time until they can first see the Parole Board and the repeated denials thereafter amount to a life sentence. The continued denial of release to so many elders in our prison system sends a clear message: the New York State Parole system does not believe that change is possible in the institutions that they demand people to change in. Our fellow New Yorkers are left to age well past their minimum sentence, losing community connections exponentially as their family and friends age right alongside them.

Let me tell you the story of Edgar so you can understand what this looks like. Edgar is a 72-year-old man who has been incarcerated for about 30 years. He was first eligible for parole in 2014 after serving 20 years; he was 63 years old then. Edgar has been denied release SIX TIMES, adding 9 years to his incarceration. He has participated in every program, had only a single disciplinary ticket in two decades, and had a comprehensive re-entry plan filled with community and family support. Yet the Board still denied the change he had undergone in prison. Nine years for a man of Edgar's age is the difference between a re-entry plan where he would be employed and able to support himself to now having to rely on a fixed income and emergency housing because his community ties have started to age and pass away. Had Edgar been either considered for parole after 15 years rather than 20 years, and, if the presumption would be release for someone with his institutional record, Edgar would have been supported by living family, friends, and religious leaders. Instead, he now works to access the already overburdened public service system and disappearing emergency housing that is not designed for his needs, all while trying to ward off the very real possibility that he could die in prison.

Getting our aging New Yorkers to the Parole Board sooner with a presumption of release allows for more successful re-integration. According to DOCCS' statistics, only 6.6% of individuals released on parole between the ages of 50 and 64 are returned for new commitment based on new conviction, which is all the more reason the presumption should be release. Especially for elders who may be starting to show signs of more complex needs while incarcerated, releasing them at a time where they still have capacity to engage and meaningfully contribute to their care is crucial to long-term stability in the community. Antonio's story highlights what can go terribly wrong when the release comes too late.

Antonio is a 77-year-old man who had been incarcerated for 42 years at the time of his release from prison in 2011. He was eligible to see the parole board starting in 1990, after serving 19 years of his sentence. Antonio was incarcerated for another 22 years because of repeated parole denials. When he was finally released in 2012, Antonio was sent to live at a shelter in the Bronx with no identifying documents. A shelter case manager quickly recognized that Antonio had serious memory issues, was struggling to take care of his daily needs, and other signs of what looked like dementia. This incredible case manager worked tirelessly and far outside of her role to care for Antonio in an environment that was not suited for his needs as well as ensure that he stayed in compliance with his parole mandates. What ensued after being dumped in the shelter system because NYS DOCCS no longer wanted to pay for his increasingly expensive dementia care in custody was a technical parole violation after his shelter closed and he was transferred to a new, unfamiliar shelter without his case manager.

After spending months at Rikers, terrified, and not understanding what was happening, every nursing home rejecting him because of his criminal record, and being unable to receive a formal diagnosis for dementia by Correctional Health Services, the Administrative Law Judge in the parole violation case, a former Parole Board Commissioner herself, sent Antonio back to prison during a tearful final hearing at Rikers Island where he asked to “go home”. She stated that she felt she had no other option and that because of his severe limitations in caring for himself and lack of acceptance to a nursing facility, he would be safer in prison than on the streets of New York, knowing also that DOCCS would also not adapt his parole mandates to his limitations.

Antonio’s story shows how the Elder Parole Bill and the Fair and Timely Bill are both critically important. Because Antonio was under 55 when he first went before the Board, he does not fall within the Elder Parole Bill. But, despite his interview date being scheduled for when he was 44 years old, Antonio was denied for 22 years beyond that eligibility date and was 65 years old when released. The earlier *eligibility* for parole that the Elder Parole Bill would accomplish must be accompanied by the *presumption* of older adults who pose no risk to public safety being fit for release, so they don’t suffer a series of denials that keep them incarcerated indefinitely. His ability to provide information, connect with medical care for proper evaluations and treatment planning, and reconnect with family or friends who could have provided support as his dementia progressed might not have been lost. But it was lost. His release came so late that the only place, the only memory he had, was that of prison.

Supporting the resolution calling for the pass of the Fair and Timely Bill as well as the Elder Parole Bill will be a step in the right direction to prevent what has happened to both Edgar and Antonio and numerous other aging New Yorkers trying to make it back home. It acknowledges and supports the people in New York State prisons who have served the most time and have created the most change in themselves and their incarcerated community.

Supporting Resolution 241 is one step, and you all at City Council can also take more. You can advocate for organizational funding fairness to ensure that we have the attorneys, social workers, paralegals and support staff at public defenders’ offices to support our elders going before the Parole Board and their re-integration and connection to community care upon release.

Additionally, you can continue to support investment in emergency re-entry housing options for people upon release from prison to increase the likelihood of a successful and humane re-integration process. The MOCJ re-entry hotels have been a critical resource for LAS clients who otherwise would not have housing. Our clients require safe, private living spaces upon release from jail or prison. Housing has a stabilizing effect on our clients, enabling them to address other urgent needs such as health care, which is especially a priority for our returning older New Yorkers. Additionally, the Department for the Aging (DFTA) can do more to increase access for older adults to their services, specifically their home sharing network, to allow for stable housing and a network of support. Outreaching returning older adults rather than waiting for them to reach out for services through their Older Adult Centers recognizes the limitations some aging individuals may have accessing services as well as embracing a proactive approach to message to formerly incarcerated older adults that they are welcome in DFTA’s spaces and services.

Lastly, increasing access to the housing and residential medical resources already in existence for older New Yorkers can change the landscape of re-entering as an aging individual. For example, in order to be housed at Valley Lodge, a transitional residence for seniors run by the West Side Federation for Senior

and Supportive Housing, requires an intake and stay at a Department of Homeless Services (DHS) Intake Shelter. Any amount of time in an intake shelter can be challenging; those difficulties can be dangerous and intolerable for an aging person just returning to New York City after decades removed. Allowing seniors to go directly to Valley Lodge and bypassing an intake shelter would greatly increase their stability and safety in returning to their community.

Relatedly, requiring nursing home and assisted living facilities to accept people into their care with criminal convictions can transform the lives of elders re-entering New York City who require a high level of medical care and need support in attending to their daily needs when they may no longer have any living relatives to care for them. There are 613 nursing homes in all of New York State according to the New York State Department of Health Profiles Website (https://profiles.health.ny.gov/nursing_home/bed_type/Total+number+of+beds). While working with infirmed seniors at Rikers Island held on parole violations, I witnessed the passive discrimination that nursing homes would engage in when any referral came through to them that had Correctional Health Services letterhead on top. They consistently denied seniors for their vacancies and left very ill New Yorkers lingering at Rikers without an appropriate place to go. In the ten years I have been doing this kind of work, only two people in need of a nursing care was able to access it after many months of advocacy.

Holding nursing homes and assisted living facilities accountable to admitting older folks based on their medical need, regardless of criminal conviction, and keeping them there as long the need is present is an immediate move that could open appropriate living environments for re-entering seniors. Just recently I was contacted by an attorney in our office about another client facing discrimination by a nursing home because of his criminal conviction. This client had been admitted to a locked dementia care ward after his illness had progressed to a point where his wife could no longer care for him in their home. He had been convicted of a crime that requires him to register his address every 90 days. When the office that monitors his registration sent him mail at the nursing home, the nursing home staff used that notification to start the process of discharging him even though his medical needs had not changed. Educating nursing home staff and administration on the needs that older adults coming home from prison have can reduce the medical care decisions made based in fear. Building compassion within those same staff members about how formerly incarcerated people are no different than those already under their care is essential to increasing access and reducing discrimination for our returning aging adults.

As a social worker at the Legal Aid Society, I have supported and will continue to support older people coming home from decades incarcerated. There are incredible resources available in New York City that can provide the services that our fellow New Yorkers need coming back to our communities. I am asking to have more of those resources, increased access to those resources, and the ability to get aging New Yorkers connected to them sooner so they don't miss out on the second chance they have worked towards and deserve.

Testimony before the NYC City Council
Committees on Aging and Criminal Justice

Oversight- Justice in Aging-
Reentry Issues for Older New Yorkers

February 17, 2023

Laura Roan
Program Director
Elder Reentry Initiative

Osborne Association
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Thank you for the opportunity to speak today. I'm Laura Roan and I'm here speaking to you from two perspectives. The first is in my professional capacity as a service provider at the Osborne Association – someone who has worked with hundreds of older adults coming home from prison. I've been side-by-side with reentering elders as they went through the tumult of reentry, picking them up from prison and providing case management.

Prison is an inhumane place for most older adults. Imagine you are a typical incarcerated 60-year-old, which means your body is more like that of a 75-year-old. You've got arthritis in your knees, which makes walking and stairs painful. You have poor eyesight and hearing. Your cell is on the third floor, but meals, medication, programs, and showers are located on the first floor. Officers' orders can be impossible to hear over the din of the 499 other men who lock in the cell block with you. Sometimes the officers are physically rough with you because you don't hear their orders. Sleep can also be impossible, between the music, yelling, and pain. Prison staff won't give out anything beyond Tylenol. Though you'd like to go to programs, meals, and showers, sometimes you just can't face the walking and the stairs. The showers are especially challenging, with no grab bars and slippery floors. With 70 men showering at once, the sound is deafening; you can't wear your glasses; it's foggy; and the one officer in there can't see or hear anything. If you fell or if someone hurt you, no one would notice. So you decide, most days, to skip it. And when you skip a shower days in a row, other incarcerated people bully you and prison staff assume you have mental health or cognitive issues, or shame you.

Some people hear those kinds of scenarios and say, *but couldn't I just request a move to the first floor?* Maybe. Sometimes that works. But eventually you'd get moved to a new prison and you'd have to keep requesting a move over and over, and sometimes the requests are denied. Sometimes the programs are on the third floor, or the cafeteria is. Or the whole prison is built on a hill.

My point is that you don't make accommodations for these folks because it's not accommodation that they truly need; what they need is to go home. We must stop solving our problems with incarceration. The U.S. is the most-incarcerated nation in the world, ahead of Russia, South Africa, El Salvador, Rwanda. Americans aren't such awful people that we all need to be locked up – it somehow became trendy to lock everyone up in the 80s, like it was cool to wear fingerless lace gloves and side ponytails. Somehow we came to our senses on the fashion side, but not on the justice side.

We also incarcerate longer. And it is those additional years that result in people being released sicker, more isolated, and farther behind on things like technology. Each extra year behind bars costs them dearly, with zero public benefit. I'd call each year outright public harm.

I said at the beginning of my testimony that I'm here to speak to you from two perspectives, I'm not just speaking to you as someone who helps people reenter our communities. I'm also here speaking to you as a survivor of violence. Despite the fact that the person who hurt me could have spent their lifetime behind bars, I don't want that for him, for me, or for our community. I want a system that recognizes rehabilitation, remorse, and responsibility. So I urge you to speak up for those who cannot speak for themselves. Older adults in prison are right this minute leading classes, building furniture, mentoring others, cleaning floors, being victimized, suffering, and dying when they could be here with us today. Instead, they are locked away, discarded, and forgotten. Most people choose to look away; I urge you to hold fast. Demand reform and eliminate mass incarceration and its metastases. We created this crisis; we can stop it.

Thank you.

Contact: Laura Roan, lroan@osborneny.org



**UNITED
NEIGHBORHOOD
HOUSES**

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**Testimony of United Neighborhood Houses
To the New York City Council Committees on Aging and Criminal Justice**

**Council Member Crystal Hudson, Chair, Aging
Council Member Carlina Rivera, Chair, Criminal Justice**

**Justice in Aging – Reentry Issues for Older New Yorkers and
Resolution 241A - Fair and Timely Parole Act (S.307/A.162) and Elder Parole Act (S.2423/A.2035)**

**Submitted by Tara Klein, Deputy Director of Policy & Advocacy
February 17, 2023**

Thank you for the opportunity to submit testimony on Reentry Issues for Older New Yorkers, and in support of Council Member Hudson’s Resolution 241A calling on New York State to pass the Parole Justice legislative package, which includes Fair and Timely Parole (S.307/A.162) and Elder Parole (S.2423/A.2035). United Neighborhood Houses (UNH) is a policy and social change organization representing 46 neighborhood settlement houses, including 40 in New York City, that reach over 765,000 New Yorkers from all walks of life at 770 locations each year.

A progressive leader for more than 100 years, UNH is stewarding a new era for New York’s settlement house movement. We mobilize our members and their communities to advocate for good public policies and promote strong organizations and practices that keep neighborhoods resilient and thriving for all New Yorkers. UNH leads advocacy and partners with our members on a broad range of issues including civic and community engagement, neighborhood affordability, healthy aging, early childhood education, adult literacy, and youth development. We also provide customized professional development and peer learning to build the skills and leadership capabilities of settlement house staff at all levels.

UNH and our settlement house members strongly support both Parole Justice bills, which serve as compassionate measures that would support some of New York’s most vulnerable residents. These bills would reorient parole release policies to value personal transformation and safety, rather than simply punishment. They would give incarcerated individuals the opportunity to receive a fair parole hearing and potentially return home to their communities, where UNH’s settlement house members offer supportive programs and services that foster community connection. Everyone has worth and dignity, and no one should be defined by the worst thing they have ever done. These bills will give people the opportunity to return home and build stronger communities.

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. Rather, this money could be reinvested in community-based services that provide resources and strengthen overall community health and safety. It is estimated that the Parole Justice bills together would save the State \$522 million per

year.¹ As an idea of what this could support in communities, this is greater than the entire budget of the New York City Department for the Aging, which supports hundreds of thousands of older adults through contracted services such as over 300 senior centers, home delivered meals, case management, and other home- and community-based services.

Elder Parole

S.2423 (Hoylman) / A.2035 (Davila) would require consideration of parole release for all incarcerated older adults who are age 55 or older and have served at least 15 years of a consecutive prison sentence. Importantly, this “elder parole” legislation offers no exceptions or preferences for the type of original crime, medical status, etc. The bill also includes reporting requirements.

The number of older adults in state prisons is rising at an alarming rate, even as the overall prison population has been decreasing. In New York, nearly 1/4 of people incarcerated in state prisons are age 50 or over (the widely-accepted definition of an older adult in prison), while this rate was 7% in 2000 and 11% in 2007. This is in part a legacy of criminal justice policies with mandatory long sentences. At the same time, older people in New York prisons comprise 56% of all deaths behind bars, while this rate was just 8% in the 1980s.²

Year	Overall NY prison population	Older adult NY prison population	Percent older adults in NY prisons³
2000	71,466	4,706	6.6%
2019	47,459	9,896	20.1%
2021	31,262	7,586	24.3%

Older adults in prison face unique challenges that can be met by shifting them back into their communities:

- **Low Public Safety Risk** – Older adults have been shown to have the lowest recidivism rate of any age cohort in the U.S.,⁴ offering a strong public safety argument in favor of this legislation.
- **Lower Medical Costs** – Older adults in prison have high medical needs (including mental health, physical and cognitive disabilities, chronic conditions, etc.), which add high costs to prison health care delivery, which is 100% covered by the State via DOCCS.⁵ New York could save money by shifting these costs to the individual and insurance companies including Medicaid.
- **Longer Lives** – Older adults in prison tend to experience “accelerated aging” due to the struggles of prison life. The prison health care system has also faced criticism for low quality of care, particularly throughout the COVID-19 pandemic. Today, someone dies in a New York

¹<https://centerforjustice.columbia.edu/news/new-report-unlocking-billions-fiscal-analysis-pending-justice-reforms-new-york-state>

²centerforjustice.columbia.edu/sites/default/files/content/New%20York's%20New%20Death%20Penalty%20Report.pdf

³ DOCCS and Comptroller DiNapoli audit:

osc.state.ny.us/press/releases/2022/01/new-yorks-prison-population-continues-decline-share-older-adults-keeps-rising

⁴ <http://www.osborneny.org/resources/the-high-costs-of-risk/the-high-cost-of-low-risk/>

⁵ <https://osc.state.ny.us/reports/aging-inmates.pdf>

State prison once every three days, and more than half of those deaths represent older adults.⁶ Incarcerated older adults could experience longer, healthier lives on the outside where they can receive better and more specialized healthcare.

Most states, including New York, have some type of compassionate release or medical parole program that releases incarcerated persons once they become extremely infirm or near-death. However, these programs are not widely used – New York’s Medical Parole program released just 13 people in 2016, and during the pandemic in 2020 just 9 people were released out of 1,049 applicants.⁷ Of states that boast stronger elder parole programs (most which were enacted in the last few years), most limit qualification to exclude individuals who committed serious or violent crimes. Many older adults who are serving long sentences are doing so because they committed serious crimes, so the eligibility pool for these policies ends up being small. A report by the Vera Institute of Justice⁸ evaluated programs in South Carolina and Mississippi for effectiveness and recommended expanding the eligibility pool and making parole hearings automatic after a certain age, which aligns with New York’s proposed legislation.

Fair and Timely Parole

Fair and Timely Parole S.307 (Salazar) / A.162 (Weprin) would ensure the parole release process is based primarily on who incarcerated individuals are today, rather than solely based on their original crime of conviction. This “Fair and Timely Parole” legislation would provide more meaningful parole reviews for incarcerated people who are already parole eligible. The bill would require New York’s parole commissioners adhere to a standard whereby a person who is being considered for parole release is released, unless the Parole Board can demonstrate there is a current and unreasonable risk that the person will violate the law, and that risk cannot be mitigated by parole supervision. This simple statutory change will maintain the Parole Board’s discretion in using a variety of factors in determining parole release, but will shift the current practice of denying parole release based solely on the original crime of conviction while failing to consider who the person is today and how they may have changed during their period of incarceration. This is a meaningful step towards ensuring fair parole hearings, increasing New York’s dismally low and racially-biased parole release rate, and reducing the number of New Yorkers behind bars.

Currently, New York’s 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. Commissioners have several factors they may look at to determine release, but often will cite the nature of a person’s original crime as the primary reason for denial. By looking only at the underlying case, freedom is based on events that may have happened decades in the past and on facts that can never change. By failing to consider what a person has accomplished while in prison and how they may have changed, this practice fails to adhere to the guiding principle of maintaining public safety. This leads to a lack of meaningful opportunities for parole release and is a major contributing factor to mass incarceration in New York State.

Further, 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,

⁶ centerforjustice.columbia.edu/sites/default/files/content/New%20York's%20New%20Death%20Penalty%20Report.pdf

⁷ gothamist.com/news/sick-and-frail-covid-19-looms-medical-parole-still-rare-new-york-state

⁸ www.vera.org/publications/compassionate-release-aging-infirm-prison-populations

including during the pandemic: from October 2018 through October 2020, the Parole Board granted parole release to 41% of white people, 34% of black people, and 33% of Latinx people; and if black and Latinx people were paroled at the same rates as white people in this time frame there would be 675 fewer people behind bars.⁹ These racial disparities have worsened over the years and are supported by the statute that guides the Parole Board and allows for total discretion.

Settlement Houses Providing Supports

Formerly incarcerated individuals often need a high level of institutional supports in order to succeed after leaving prison, especially for older adults who have been incarcerated for long periods of time and may lack familial support systems on the outside. Though these cases are not tracked, settlement houses are already serving previously-incarcerated individuals with some of these supportive programs and services – fostering their reintroduction to the community and ensuring they feel connected. Settlement houses provide case management services to help access and navigate government benefits, provide nurses and mental health professionals to support physical and behavioral health needs in community-based settings, and welcome all into their community centers and senior centers, which provide essential daily meals, activities, and socialization opportunities.

Settlement houses believe that a community thrives when all its residents are lifted up and supported. Individuals who are incarcerated deserve a fair chance to return to their communities where they can rebuild meaningful, rehabilitated lives. This is why we strongly support Council Member Hudson's Resolution 241A in support of the Parole Justice legislation.

At the same time, should this legislation advance, UNH hopes New York State and City governments will invest in the successful return of these individuals by bolstering necessary programs and services. For example, should additional case managers be needed at settlement houses or reentry organizations to support a higher number of released individuals, government contracts that fund these services must increase funding to allow nonprofits to hire additional staff.

Thank you for your time. To follow up, please contact me at tklein@unhny.org.

⁹ <https://www.timesunion.com/news/article/A-broken-parole-process-Data-show-widening-15739596.php>

February 17, 2023

Testimony to City Council Committees on Aging and Criminal Justice

Submitted by Sarita Daftary, Co-Director, Freedom Agenda

Chairs Hudson and Rivera,

Thank you for holding an oversight hearing on Justice in Aging and Re-Entry Issues for Older New Yorkers.

Freedom Agenda strongly supports Resolution 241-A calling upon the New York State Legislature to pass, and the Governor to sign, the Fair and Timely Parole Act (S307/A162) and Elder Parole Act (S2423/A2035). These bills would enable our fellow New Yorkers who have transformed their lives to come home to join and contribute to our communities.

In addition to passing this resolution, our city has further work to do to divert older adults from our jails, and to ensure adequate care when they are there.

First, we urge the administration and the City Council to work together to maintain funding for MOCJ Reentry Hotels as a crucial resource in the continuum of emergency and transitional housing that can create a pathway to permanent housing, and accelerate efforts to create and preserve access to deeply affordable housing. While MOCJ's development of 950 transitional housing beds is positive, it is simply not sufficient to meet the need. The gap in capacity will result in older adults (and others) waiting longer in jail, upstate prisons, or shelters, which are all more expensive options that simultaneously provide less of the crucial services needed.

Second, we urge the administration and the City Council to work together to fund and establish a city-wide Jail Population Review Initiative, as outlined in Intro 806, operating in all five boroughs, to quickly move people into effective alternatives. Along with this effort, the city should increase funding for supervised release with a focus on providing more robust support for individuals with higher levels of need, including many older adults. Additionally, the Council and the administration should firmly reject NIMBYism, racism, and fearmongering and move swiftly to approve the [Just Home Initiative](#), which would allow for 70 formerly incarcerated individuals with acute care needs to reside in supportive housing units on the Jacobi Hospital campus.

Even if all of these investments in diversion are made, there will still be some older adults ordered into DOC custody by the courts, and many of them have complex medical needs. As part of the plan to Close Rikers, capital funding has been committed for nearly 400 outposted therapeutic housing units at

Bellevue, Woodhull, and North Central Bronx hospitals to move people in DOC custody with the most acute care needs to a hospital setting instead. But these units have been delayed indefinitely because DOC has insisted on non-essential design changes to include more lockers and vending machines for officers. Meanwhile, DOC's documented inability to provide medical care continues, and people continue to die in their custody, including 65-year-old Marvin Pines. The Council should insist that DOC and CHS work together to bring these units online urgently and move people with the greatest care needs into them and off Rikers Island.

Thank you,

Sarita Daftary

Sdaftary@urbanjustice.org



VOCAL-NY Testimony Re: New York City Council Oversight hearing on Reentry Issues for Older New Yorkers

February 17, 2023

And

Testimony in support of Resolution No. 241-A calling upon the New York State Legislature to pass, and the Governor to sign, the Fair and Timely Parole Act (S307/A162) and Elder Parole Act (S2423/A2035)

The single most important thing that we can do for older adults incarcerated in either City jails or State prisons is to bring them home. While it is certainly true that the government has not adequately provided services and support for older adults returning from incarceration, the resources available inside are even more scarce. Currently families, friends and communities do tremendous work to support people coming home and also provide support for loved ones still in prison. These ties remain the best indicators for success after incarceration, and yet communities and families face incredible barriers to staying in contact with loved ones due to distance and cost among other factors.

In addition to providing greater support to older adults returning home from prison and jail, the City should also do more to support families that are currently supporting loved ones both inside prison and upon their release. Due to the failure of the City to provide for formerly incarcerated older adults, many experience homelessness upon release, sometimes immediately upon release. This is unacceptable.

To be clear, leaving people in prison while we collectively work to improve the re-entry landscape is not a fair or viable option. But the status quo must change.

Voices of Community Activists and Leaders (VOCAL-NY) is a statewide grassroots membership organization that builds power among low-income people directly impacted by HIV/AIDS, the drug war, mass incarceration, and homelessness. We accomplish this through community organizing, leadership development, advocacy, direct services, and direct action.

Through our work we have seen firsthand the valuable role that formerly incarcerated people, and older adults specifically, are able to have in society. It is a travesty that we allow such an incredible amount of talent to languish behind bars for decades and make it so difficult for those that come home to thrive.

It is astonishing to know that more than 700 people aged over 50 years old are currently held in our City jails, along with other vulnerable people. That daily population represents an even greater number of older adults cycling through our jails. The City should have a policy goal to reduce the number of older adults in the jail to zero. Only once this goal is articulated can work begin to execute it.

We thank the Committee Chairs for shining a light on this particular issue and call on the City to create a robust response.

SUPPORT FOR RESOLUTION No.241-A

New York State has a moral and fiscal crisis of aging, sickness and death in prisons because of decades of harsh sentencing and a racially-biased parole system that values vengeance and perpetual punishment above personal transformation, accountability, and safety. With roughly 6,000 New Yorkers serving life sentences, our state is among the harshest in the nation, ahead of states like Texas and Georgia.

3,500 New Yorkers in state prisons have already served 20 years. Some were as young as 15 when they went to prison. Roughly one-in-four is now 50 or older and, shamefully, the average age of death of New Yorkers in prison is only 58 years old. Many are already parole-eligible, yet face denial after denial based solely on the one thing they can never change, namely their crime of conviction. People are dying behind bars no matter how much they have done to improve themselves and regardless of whether they pose a risk to community safety.

Older adults are aging in prison without dignity in unsafe conditions – at enormous costs. Studies show they pose little-to-no risk upon release. Many have become teachers, mentors, and non-profit leaders. The Elder Parole (S2423/A2035) bill provides for parole release consideration, on a case-by-case basis, for people classified by DOCCS as older adults who have served at least 15 years. The Fair & Timely Parole (S307/A162) bill restores the Parole Board to its original purpose of evaluating people's readiness for release, rather than denying people based solely on their conviction.

Endless punishment does nothing to keep our communities safe & costs a fortune. New York State spends up to \$240,000/year to lock up each older adult, money that could be spent on improving community health & safety: good jobs, vibrant schools, quality health care (including mental health care), stable housing & so much more. These bills will reunite families, make our communities safer & save \$522 million annually.

Leading crime victim advocates support parole reform in general, and these bills specifically. Surveys show most victims want more spending on violence prevention & rehabilitation programs, not endless incarceration. 95% of women and many men and non-binary people in prison, themselves, are crime victims and survivors of violence.

Furthermore, people aged 50 and older pose the least risk to public safety across all age categories. Giving people a chance at release in their 50s allows formerly

incarcerated people more time to benefit the outside world and more opportunity to provide for themselves and their families. Nationally, the recidivism rate for people over 50 is just 2%, and it's near zero for people over 65. Upon release, formerly incarcerated older adults often make important contributions to the communities they once harmed, including by interrupting gun violence, mentoring young people, and ultimately promoting community safety.

Together, the Elder Parole and Fair & Timely Parole bills will simply ensure that people in prison have opportunities to demonstrate their personal transformation before the Parole Board and earn release based on their rehabilitation and readiness to return to the community.

We urge the City Council to pass Resolution 241-A and for the State Legislature to pass Elder Parole (S2423/A2035) and Fair & Timely Parole (S307/A162) and for the Governor to sign the two bills.

We are happy to answer any additional questions or concerns. If interested please contact Nick: nick@vocal-ny.org

The Life
Author
Imani Mckinnon

I was Born as a C5 Quadriplegic in Brooklyn Hospital. When My accident Happened in 1979. That's when it all beginnings. Or saw I thought anyways, Never did understand how this was going to be like this.

Its been very hard since mine accident happened 40 years ago and more. NOW I do have My ups and Down days just like everyones Else, But when ever I haves mine Down days The way that Ive Delta with this is when You Think about what really happened and why.

Now I'm not saying that mine accident is not all that bad things at all. But some of its good. And The reasons for that is because of mine Mothers support and sister lots of Friends & Family also.

But how ever Group are not always helpful nether when come Two Group and The Disabled peoples we have problems with each others sometime does, When your in an Groups they don't really like You for You and that's ours biggest problem in the World Today's.

Ive always been loved being by myself always have and always well. loved being by myself, some Friends are good Two have if you know how Two picked them right.

Time for a change of planes it's a new day for me & No more of these bad people that's not you're Fiends anymore in mine Life.

Sometimes mine back hurts form Time too Time but I don't say anythings about mine back hurting me just keeps going and don't Stop.

Everybody gets angry even me, I've just know how to hold in mine anger so for a very Long Time & never let it go of it's always have been like this even now.

Now I know what you are going two say that's not good for you or for anybody's with peoples that has a Disables just like mine But Differently.

When I was in The Hospital back in the late 200 Ive got very sick and end up Back into the hospital and we're I almost Lost mine Life more then two Times, ones When I was having surgery's on my back and mine hips also, a cold that was in mine lunges. You see after all of the things that Ive been threw in mine Life I'm still going Two keep on moving with mine Life and never Stop going Time for a New change.

I'm not that little kid anymore that kid was in the Hospital thinking mine Life was going to be over, even when I do get sick now its not that bad anymore.

But I still have Health issue sores and back hurting me still But not like before, maybe from all The surgery Ive have been

doing for all of mine Life.

Now I still have a Health problems like a scores almost everywhere on mine body that sometimes makes me Stop working and also makes mine Life or so feels like its over when its

really not over.

Mine mother Jacqui helped me out a lot with everything that's had been going on in mine Life from scores, and having Surgery's, and everything Else had and always we'll be there When something is wrong.

But now Life has hit me once's again with mine Grandmother has been sick for a Long Time and mine mother Jacqui cant take care of both of us.

And also mine mother Jacqui is not feeling good because mine mother has lots of back problem.

And now another problems had came up again But not just mines Life everybody's Life as well, But this one is really scaring Me because you don't know what is going Too happened next.

Now mine own mother Jacqui can't really take care of me not the way she use too anyway.

As time goes on I know that I had too get somewhat take care of myself as I got older somehow and someway.

But one thing about Life is that sometimes can be funny's
At Time.

When I was a little kid I really didn't like mine Life At all,
it was just very hard for me, Ive had Two fight every Time for
mine Life all The Time in School and out of School And even
until now.

When I was in The Hospital, back into the late 200 Ive got very
sick and end up into the hospital and we're I almost Lost mine
Life more then Two Times, ones When I was having surgery's on
my back and mine hips also, a cold that was in mine lunges.

You see after all of the things that Ive been threw in mine Life
I'm still going Two keep on moving with mine Life and never
Stop going Time for a New change.

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But not like before, maybe from all The surgery Ive have been
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Now I still have a Health problems like a scores almost
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been sick for a Long Time and mine mother Jacqui cant take care
of both of us.

And also mine mother Jacqui is not feeling good because mine
mother has lots of back problem.

And now another problems had came up again But not just mines
Life everybody's Life as well, But this one is really scaring Me
because you don't know what is going Two happened next.

My Grandmother passed away and I didn't get to go and say goodbye Because of the covid, and my health wasn't so good myself.

However my mother Jacqui had to go and make sure that everything was good with my Grandmother even with the Covid.

We still have Covid and once again My life just turned for the worse. I just find out that the same thing that happened to my Grandmother is happen too my Uncle and I'm not going to be able too go and see him When he pass away. But I know that my Grandmother is going to be right there for him.

And Jacqui my mother she is going to be down there making sure that everything is going to be well and yet again I'm not going to be because of the Covid. But I'm still going too have my Memories of him and my Grandmother.

However my Goddaughter is not even going too know what's happen too her own father, because she massed up her own Life and her Daughter life as Will. But my Goddaughter didn't think about the mess of how she hurt my family.

When you did all that you never thought about my Grandmother or the time that you are going too get or your freedom or loosing your only Daughter you didn't think about that Guess not doing time is better then taken care of our family or your daughter.

I Wish you knew Grandmother the way we all did but you never did between you and your boyfriend you used her and took everything that she had, But you didn't think about that or didn't think too call me or anybody for that matter now you even don't have a Life anymore. I'm not going too miss you at all.

They said too forgive and forget but I can't forgive or forget and never well.

But thanks too the groups that helped me and my friends that are in my Life right now I think that is a great thing for me Sometimes in Life you have too learn pičk your friends like how you pick your fruits.

But when you pičk friends it's not always easy because most friends are not always there for you when you have your ups and down days that's just for everybody not just for Disabled People.

When your friends are gone you were friends are not with you are down my life was not good Like the time when my Grandmother passed away nobody ever took the time out and asked me or how am I doing or if I was feeling fine or okay but got nothing like that.

But some of my family asked about me and thought about me well the fake onces that is. But most of them were there for me and my family and my Grandmother friends some of them were not Really truly my Grandmother friends they were always fake too her and she knew that but I didn't understand that and still don't Maybe it's just me.

I'm never going to be able too understand that but what do I understand is that my Grandmother is always we'll be Loved and never be forgotten.

Ive have been told that my Grandmother is with me. But not in the Physical Senses its more Spiritual then ever not the way you think not like you see it on the Television shows nothing like that at all.

In fact it's very comforting too know that my Grandmother is still

It's funny how Life works sometimes and very Interesting indeed
How people come into your life when you less Excepted so fast
just like that.

And acting like nothing ever happened one minutes they here
and the next minute they gone just like that for No reasons.
When he was gone because you didn't think about me just the
same way that I did.

But you left with out saying anything we just went our own
separated ways as we got older the love was gone, But we still
talk from time too time but as friends and nothing more then
just that.

But I had that feeling going too coming back into life never
thought in a Millons years in mine Life after all we were not
talking as much but that's Life. and you were my EX thats all
nothing else then that.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 241A

in favor in opposition

Date: 2/17/23

(PLEASE PRINT)

Name: Tanya Krupat

Address: 175 Remer St.

I represent: Osborne

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/17/23

(PLEASE PRINT)

Name: Anna Calabrese, Executive Director of Reentry and culture change

Address: 1 Centre St, NY, NY

I represent: Mayor's Office of criminal justice

Address: 1 Centre St, NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: RAJI EDAYATHUMANGALAM

Address: _____

I represent: NEW YORK COUNTY DEFENDER SERVICES

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. 241

in favor in opposition

Date: 2/17/23

(PLEASE PRINT)

Name: Roslyn Smith

Address: _____

I represent: myself, ~~XXXX~~

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. 241

in favor in opposition

Date: 2/17/23

(PLEASE PRINT)

Name: Awilda Lopez

Address: _____

I represent: myself

Address: Brooklyn

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. 241-A

in favor in opposition

Date: 2/17/23

(PLEASE PRINT)

Name: Jose Vega

Address: Marcus Garvey

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 241

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Paris Steward

Address: _____

I represent: myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 241

in favor in opposition

Date: 2/17/23

(PLEASE PRINT)

Name: Jose Saldana

Address: BT, NY 10467

I represent: Release Aging People in Prison

Address: 125 West 20th St. Suite 401, NY 10011

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/17/23

(PLEASE PRINT)

Name: David Goldin, General Counsel

Address: 1 Centre St, NY, NY

I represent: Mayor's Office of Criminal Justice

Address: 1 Centre St, NY, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/17/23

(PLEASE PRINT)

Name: Jocelyn Groden

Address: _____

I represent: NYC Dept. for the Aging

Address: 2 Lafayette

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 241

in favor in opposition

Date: 2/17/2023

(PLEASE PRINT)

Name: Rebekah Almanzar

Address: 199 Water Street, NY, NY 10038

I represent: The Legal Aid Society

Address: 199 Water Street, NY, NY 10038

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 244

in favor in opposition

Date: 2/17/2023

(PLEASE PRINT)

Name: CHRISTIAN GONZÁLEZ-RIVERA

Address: BROOKLYN 11206

I represent: BROOKDALE CTR. FOR HEALTHY AGING, HUNTER

Address: 2180 3RD AV, 8TH FL, NYC 10035 COLLEGE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Tara Klein (PLEASE PRINT)

Address: _____

I represent: UNH

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 2/17/23

Name: Sarah Cassel, Director of Division and Reentry Initiative (PLEASE PRINT)

Address: 1 Centre St, NY, NY

I represent: Mayor's Office of Criminal Justice

Address: 1 Centre St, NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: ARIELLE BASCIT (PLEASE PRINT)

Address: 247 W 37 ST., NYC

I represent: JASA

Address: 247 W. 37 ST., NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Brianne Peden-Williams

Address: _____

I represent: Live On NY

Address: 49 W 45th Street, New York, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Samuel Hamilton

Address: _____

I represent: BROOKLYN Defender Services

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Frederick Robinson

Address: 461 Chester ST. BKlyn, NY 11212

I represent: OSBOARNE / MARCUS GARVEY HOUSING

Address: 461 Chester ST. BKlyn, NY 11212

Please complete this card and return to the Sergeant-at-Arms