

RAPP statement on Attorney General Eric Holder's speech, "Smart on Crime."

By Mujahid Farid

Release Aging People in Prison (**RAPP**) applauds the direction charted by U.S. Attorney General Eric Holder in "Smart on Crime," his speech to the American Bar Association. We join other prison justice advocates in enthusiastically welcoming the steps he outlined to reduce the country's over-reliance on incarceration. We particularly applaud reforms to the system of punishment of drug-related offenses.

RAPP's objective is to reduce the prison population in New York State by encouraging policy makers and correctional officials to employ mechanisms, such as parole and compassionate release; already existing but drastically underutilized. We encourage use of such mechanisms based on actual risk to public safety. In other words, we advocate for the release of incarcerated people who are over the age of 50, have already served long terms of incarceration, and who pose no risk to public safety.

In that regard, we urge the Attorney General to modify one proposal in his plan: the expansion of compassionate release. The federal Bureau of Prison's use of compassionate release, the Attorney General said, will be expanded for "elderly inmates who did not commit violent crimes and have served significant portions of their sentences." If we are to succeed in reducing the prison population, this category must not be limited to those who did not commit violent crimes.

Today, a significant percent of the older population of incarcerated people consists of people convicted for violent crimes. In New York State, for example, more than 63% of incarcerated people over the age of 50 have convictions for violent offenses. We feel certain the proportion is even more pronounced in the federal system. And as reforms continue to reduce the number of people in prison systems, the proportion of elderly people convicted of violent crimes will continue to grow.

Excluding these people from compassionate release will work against the overall goal of sustained reduction of prison populations. It will also fail to further the key purpose of incarceration—safeguarding public safety. Numerous studies of recidivism, including an extensive investigation by the New York State Department of Corrections, concludes that the very lowest rates of recidivism occur among older people incarcerated for long terms for violent crimes. In fact, the very lowest recidivism risk occurs among those convicted of murder.

In order to achieve the important efforts Attorney General Holder's speech outlines, we urge him to remove the bar to compassionate release for older people convicted of violent crimes. As a human value and a human right, compassion should be available to all.

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