

## **Release Aging People in Prison/RAPP: Challenging the Punishment Paradigm** —by Mujahid Farid and Laura Whitehorn

### *The Crisis:*

- *The number of aging people in New York State prisons is skyrocketing, confining thousands of seniors to cruel and degrading conditions.*
- *The number of incarcerated people ages 50+ in New York increased by more than 64% between 2000 and 2010, even as the total number of people locked up fell by 21% during the same period.*

### *What Needs to Change:*

- NY routinely denies parole and compassionate release to aging people in prison – even people who pose no risk to public safety and are prepared to successfully re-enter and contribute to society.*
- *Elders pose the lowest risk to public safety if released. While overall recidivism rates hover near 40% in New York State, people over 50 have a recidivism rate of 5.2%, and for those over 65 it falls to less than 1%.*
- *The recidivism rate of people who have served long sentences for serious felonies is 1.3% - lower than any other category of those released.*

### *Our Campaign:*

- *RAPP is mobilizing advocates, legislators, formerly incarcerated people, men and women inside, family members, and concerned citizens to demand that New York release incarcerated elders who have already served considerable time and who pose no threat to public safety.*
- Release Aging People in Prison/RAPP flyer and petition, 2013

By 2012, when years of work by thousands of social activists, together with Michelle Alexander's book, "The New Jim Crow," had made the term mass incarceration popular, the U.S. prison population of more than 2.4 million was already beginning to decline. Whether one thought the prison system was broken or operating as planned for the marginalization and control of Black and Latino/a people, it had become clear that the current situation was not viable.

Strange bedfellows of progressive and conservative groups and individuals were pushing for various forms of decarceration and reform. While the conservatives and many politicians were motivated largely by financial constraints, rather than by concern for social justice, the impact was clear. In New York State, for example, the prison population fell by 23% between 2000 and 2013, a result of things like modest reforms to the Rockefeller-era drug laws that had filled the state's prisons and jails to overflowing.

But some activists noticed a problem in the new reforms. Language like "low-level, non-violent" was creeping into the discussion, and only one national reform (a Supreme Court case barring the use of life without parole sentences for juveniles) seemed likely to undermine a primary pillar of mass incarceration: the system's commitment to permanent

punishment and revenge against people convicted of crimes that were not “victimless”—and even some that were.

Meanwhile, many journalists and public officials also noted the escalating population of people in prison over the age of 50 (an age chosen because evidence shows that incarceration accelerates aging, adding about 10 years to a person’s age). In major newspapers around the country, articles described the situation of a rising population of elderly people in prison. Attention was being paid—but it was being paid to creating geriatric prison wards, hospices and other ways to accommodate elders behind bars.

Release Aging People in Prison/RAPP was created by formerly incarcerated people in New York to meet these two issues head on.

RAPP advocates for releasing elders, especially long termers convicted of serious violent crimes. Our approach is rational, based on reams of evidence relating to public safety, prison populations and recidivism. It also allows us to attack two pillars of mass incarceration, both rooted in racism. RAPP’s strategy tackles the ideology of permanent punishment and the thinking that people convicted of violence should spend their entire lives in prison. These two foundations of mass incarceration grow from and perpetuate the criminalization of Black and Latino/a people.

Noting that people over 50 pose extremely low risk of recidivism (returning to prison for a violation of parole or for committing a new offense), we argue, “if the risk is low, let them go.” The way to address the problem of increasing numbers of elders behind bars is not to make prison more elder-friendly, we maintain, but to release older people. If we can make a dent in the reliance on permanent punishment for that group, we hope, we can advance the push for decarceration on a broader scale as well.

RAPP was designed specifically to embrace a large segment of people in prison who are often ignored or excluded from policies and laws implemented to reduce mass incarceration—longtermers convicted of serious crimes, including murder—people who constitute the bulk of the over-50 prison population. As formerly incarcerated people ourselves, we are perhaps uniquely aware that many of these human beings have taken responsibility for their actions, have transformed their lives, and have developed skills and abilities they lacked before incarceration, and could be released from prison with no threat to public safety. In fact, the current movement for prison reform receives much of its impetus and vigor from the leadership and participation of formerly incarcerated people, who serve as experts not only on what the problems are but also on how to solve them.

RAPP argues that accelerated release mechanisms for aging incarcerated people must be created; or where they already exist, be utilized. Because we are based in New York, this approach immediately brought us face to face with the parole board, which releases only about a quarter of all people who apply for parole, no matter their age or risk to public safety. The board consistently fails to rely on rational standards that measure a person’s

readiness for release, turning instead again and again to the “nature of the offense”—the crime for which a person was incarcerated, and something that will never change.

The work of RAPP combines public education, direct policy proposals, and evidence-based advocacy to promote the release of aging men and women—including those seeking compassionate medical release—in New York State. We work together with other groups and advocates challenging the New York parole process and arguing for the board to adopt and rely on proven risk assessment tools to guide release decisions. Although legislation is not our primary focus, we work with people who advocate for a bill called the Safe and Fair Evaluations (SAFE) Parole Act (A.4108/S.1128). The legislative sponsors say the bill is needed because:

*Under current law, the Parole Board may deny an inmate parole simply due to the nature of his or her crime. Under this criteria, an inmate may never become eligible for parole - no matter how successful he or she has been in rehabilitative and educational programs.*

RAPP also works in coalition with groups and agencies who provide reentry services for people released from New York’s prisons. With others, we initiated an Aging Reentry Task Force of government and private organizations and agencies, some providing services for the aging population and others providing services for formerly incarcerated people. The task force will create what we think is the country’s first pilot project for discharge planning and reentry (better called reunification) services for aging people released from prison.

The roots of mass incarceration are so diverse that no one initiative could address the full scope. This project focuses on “back end” methodologies to reduce New York State’s prison population. It concentrates on removing impediments to release for aging people in prison, highlighting the fact that this makes fiscal sense (in New York State the average annual cost to incarcerate one person over age 50 rises to \$120,000-\$240,000, compared with about \$60,000 for those under age 50) as well as moral and social sense. We emphasize the human right to grow old with dignity, and we urge communities to take back control over the way we deal with and heal from violence, ending the reliance on police and prisons and moving toward making our society safe and healthy.

Release Aging People in Prison/RAPP arises from the commitment and belief that whatever reforms are instituted in this period will either weaken the stranglehold of this ideology of punishment—and therefore move us toward a more healthy system—or will pretty up the system as it exists and render it even more impervious to change. By focusing on long termers and by arguing for an end to the paradigm of perpetual punishment, we hope to contribute to a real advance in social justice.

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