A Preview of the Release Aging People in Prison/RAPP Interview Project

By Ariane Davisson
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Aging in Prison: A Brief Preview of the Release Aging People in Prison/RAPP Interview Project

The following accounts are condensed versions of the first-hand experiences of people who have dealt with problems affecting aging people in prison including parole denials, long prison sentences, and various issues relating to release and re-entry from New York state prisons. Such experiences have been collected by the Release Aging People from Prison (RAPP) Campaign as part of an interview project, the aim of which is to spread awareness about the broad and varied affects of long prison sentences and parole abuses on communities, family structures, and people in and outside of prison.

This project focuses most explicitly on a significant group within the prison population: older people who are currently serving a long sentence—and who have already served many years—for a violent offense that was committed decades ago. Many such people have changed considerably while incarcerated, attaining numerous educational degrees, acquiring new skills, and working consistently to rehabilitate themselves—essentially becoming different people than they were when they entered the system. Yet people within this population, despite documented evidence of rehabilitation and low scores on their risk assessment profiles, continue to be denied—often repeatedly—at parole hearings. Currently, the parole release rate for people in New York over age 50 hovers at around 19%.

If implemented properly and in accordance with its purported goals, parole should both assist with the transition of incarcerated people back into the community and accurately detect the presence of the potential for future criminal behavior. The RAPP Campaign maintains that the New York Parole system falls short of accomplishing either of these objectives. As it stands now, when making release decisions, the parole system prolongs imprisonment unnecessarily by focusing on the crime of conviction rather than the progress of rehabilitation.

The RAPP Campaign contends that rehabilitated older people in prison who have developed new skills and who pose little risk to the safety of the public can make meaningful contributions to the New York community and should have the opportunity to do so. Further, a truly ethical and comprehensive justice system should encompass not only the management and prevention of crime, but also the spirit of reform and rehabilitation; it should support and honor the efforts of

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1 The interviews in this project also work in conjunction with research currently being performed for a Master’s Thesis in American Studies at Columbia University; the scope of the research, conducted by Ariane Davisson, focuses on aging in prison. The interviews were conducted in person and by telephone with the support of the RAPP Campaign and the Correctional Association of New York. RAPPCampaign.com; mfarid@correctionalassociation.org; 212-254-5700 ext. 317

2 State of New York Department of Corrections and Community Supervision. 2009 Inmate Releases: Three Year Post Release Follow-up, 4.
incarcerated people to change their lives. The ultimate goal of the RAPP Campaign is to effect policy change in favor of releasing more such older people from prison.

**Mark Shervington** is a 48-year-old man currently incarcerated in Otisville Correctional Facility, a medium-security prison in upstate New York. Shervington has been in prison for 28 years, serving a sentence of for a murder, a crime that was committed in 1986 when he was 20 years old. Though this was Shervington’s first offense, he has served 13 years beyond his minimum sentence, despite a record of exceptionally good behavior in prison and a low score on his risk assessment profile, which indicates that he is unlikely to reoffend. Shervington has been denied parole nine times; most parole denials constitute an additional two years in prison.

Shervington has successfully completed all programming mandated by the New York Department of Corrections and Community Supervision in accordance with his particular conviction. He works in the law library as a paralegal and legal research specialist. Additionally, Shervington co-founded and directed a prison literacy program, worked in AIDS counseling and education, and has participated in numerous courses that focus on such topics as the development of parenting skills, violence prevention, and grief and forgiveness. Shervington has also contributed written work to the Columbia University Human Rights Law Review and has accumulated numerous educational accreditations. In every way that he can, Shervington has striven to rehabilitate himself and to insure that he is no longer the person that he was when the crime was committed.

Shervington’s wife was killed in a car accident since he has been in prison, which makes his role as a parent more complicated and his precarious position in prison—that of serving what has begun to feel like a never-ending sentence—more stressful. In a recorded interview he described the difficulty of trying to balance the needs of his family with managing his growing discouragement. He relayed, “I’m at the point now where I’m just numb. I don’t know what to expect but I don’t expect anything good. I’ve done everything they’ve asked of me and then some, but it’s like nothing is ever good enough.” Complicating Shervington’s situation further is the fact that there have been other confessions to the same murder for which he is currently serving time; his court-appointed lawyer, who was aware of the confessions before Shervington’s trial, has discouraged him from appealing the conviction. Shervington’s next parole hearing is in June of 2015

**Barbara Thompson Inniss** works in prison ministry, visiting and sending packages to people in prison who have few resources or connections to the outside world. On one of her many prison visits she recognized a man who had grown up in the same neighborhood as she
had in Queens, New York. Kenneth Inniss, whom Barbara later married, served a sentence for a murder that he maintains he did not commit. He recently made parole at his third board, after serving 27 years. Kenneth is 53 years old. Barbara described his situation of having been denied parole as the “innocent man’s dilemma,” as he was unable to properly express insight and remorse—especially to the degree that the parole board expects it—for a crime he did not commit.

Kenneth acquired numerous educational degrees while in prison and scored low on his COMPAS risk assessment profile, an indication of his readiness for release. His behavior was so good in prison, in fact, that his first parole board, one in which he was denied parole, was scheduled six months before he was technically eligible for it.

Barbara described the challenges she faced with a husband in prison. Though nothing diminished her love or commitment to him, she found it hard to maintain a real connection, given the many limitations posed by imprisonment. She described the experience of his being denied paroles as heartbreaking, explaining that she struggled to balance her own sadness and disappointment with providing support to Kenneth. When asked how she remained optimistic despite the emotionally and psychologically taxing roles of both a wife to an incarcerated man and a prison minister, she explained, “This is real. This is what I have to do.”

One of the ways Barbara tried to help her husband was by speaking to former commissioners about what he could do to increase his odds of being granted parole. She was told to pray that he got “a good board.” Barbara explained that though the advice she received was not particularly helpful, it made sense, given the realities of current parole procedures. “Between now and the next board, nothing is going to change,” she explained. Kenneth had already completed all the rehabilitative work he had been required to do and then some. She described the parole board as a “re-sentencing agency.” She went on to say, “The nature of the crime is not going to change, but those men have changed. They do change and they’re going to continue to change but they keep getting hit with the nature of the crime.”

Barbara maintains that prayer, advocacy work, and letters in support of Kenneth’s release ultimately made a difference at his most recent board. Though she and their families are looking forward to reuniting with Kenneth, Barbara worries that Kenneth’s mother, who suffers from dementia, may not recognize him. She explains, “I am

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3 COMPAS Risk & Need Assessment System, created by Northpointe, Inc., is an actuarial tool used by many correctional systems. See
http://dpca.state.ny.us/pdfs/whatiscompas.pdf
happy that this part of our lives is over and I look forward to seeing what lies ahead. But right now my mother-in-law is going downhill dealing with dementia, she might not even recognize him. She is already unable to hold a conversation with him. Our hearts’ ache that only God can heal.”

Charles Ransom is 50 years old. He has been in prison for 31 years, serving a sentence for second-degree murder. His victim was a woman with whom he was involved, and Ransom is still unable to talk about the crime without becoming noticeably distraught. He explains, “I have to keep focused. And I say that because this is real for me. It’s not a game. I’m not trying to play. Some people they go through the motions and I’m not trying to go through the motions. I want to feel every nuance that I’m supposed to feel. I need it to spur me on to be a better person.”

Ransom has attained numerous degrees in prison and works with the Lifers Group at Otisville Correctional Facility. He also volunteers, participating in such activities as creating food drives to benefit domestic violence shelters, and he teaches rehabilitative courses in prison. In his spare time, he reads philosophy texts, particularly Hegel. He explained that his education has helped him to become a free thinker and to better understand the world.

At the time of the crime, Ransom was 19, working as a bouncer in a club. He grew up in New York City, moving frequently from one household to another, but never living with his parents or understanding what it means to have his own space or belongings, or to be part of a family. While he believes that recalling his childhood experiences with forgiveness is a component of his rehabilitation, he still finds some of his memories painful, particularly the ones relating to the abuse he was subjected to by his mother’s boyfriend and an older relative who was sometimes at the house where he was staying. Because he was unable to defend himself from such abuse, he ran away, becoming what he describes as, “a broken vessel,” someone who was, “surviving more than living.” Though he does not make excuses for the crime, he is able to talk authentically about the context in which it occurred. As to his programming and rehabilitative work, he struggles to forgive and understand his younger self.

Ransom met and married a woman while he has been incarcerated. He chose not to have children with her, as he wanted to break the cycle he had experienced of needing love and support from parents who were unable to provide it to him. He speaks fondly of his stepmother, who did what she could to make him feel loved. Both his stepmother and his wife, as well as other relatives, have passed away since he has been imprisoned.

Ransom has been denied parole three times, despite a low COMPAS score, good behavior in prison, and a commitment to both
bettering himself and learning from his past mistakes. He describes each parole board as being punitive and anxiety inducing, driven by power dynamics that make it difficult for him to present his case. Though he finds his current position discouraging, he tries to focus on continuing to become a better person. He explains, “I don’t do this for parole. If I don’t ever get out of here and I die in prison, as long as I can help somebody change their life around then I did a good thing.”

Karen Ely has been in prison at Taconic Correctional Facility in New York for 32 years, serving a sentence of 25 years to life. She was convicted of second-degree murder for killing her estranged husband, who physically, sexually, and emotionally abused her. Ely has been denied parole four times, despite a low COMPAS score and a record of good behavior in prison. She described being treated combatively at one parole hearing and was accused of something she had never done at another. At one point she spoke to her counselor about ways she might increase her odds of being granted parole and took him up on all of his suggestions but was still denied at her third hearing.

Ely received a Bachelor’s degree in 1969 from New York State University at Oneonta, New York. She worked as a teacher from 1969 until 1982, when she went to prison. Throughout this period she also held another full-time position. Her mother had cancer (she has since passed away) and Ely struggled to cover her medical expenses while raising her young son. During her incarceration Ely became certified as an HIV/AIDS counselor and completed a Legal Research course; she currently works in the Law Library. In her spare time she reads and makes crafts to donate to survivors of domestic abuse.

Ely has developed serious health problems while in prison including esophageal reflux disease, gallstones, the onset of deafness, and progressive osteoarthritis. In 1990 she was involved in an accident at Bedford Hills Prison, which crushed her legs and feet; she has had several surgeries to address the damage the accident caused. She is now crippled and requires a cane to walk. In 1998 she had a lump removed from her breast; in 2007 she had her gallbladder removed; and in 2013 she had her knee replaced. She recently fell and broke her wrist, sustaining another injury that eventually required surgery. After each of Ely’s surgeries she returned immediately to prison. Ely has requested eyeglasses, as she now has trouble seeing, as well as medical footwear and a new hearing aid, and has been denied all three requests.

Ely expressed profound remorse for her crime, an incident she is unable to think about without re-experiencing both the trauma of her abuser’s threats and violence and her eventual reaction to them. She described being punched, kicked, burned, raped, and threatened regularly, something her neighbors also witnessed. One woman wrote
a letter to the parole board explaining that she frequently saw Ely with black eyes and red marks on her neck, and that she saw Ely's estranged husband hit his young son, who was about three at the time, knocking him off the porch. Karen's estranged husband also threatened to harm her sick mother and to kidnap their son; his threats increased when she attempted to stand up to him. Ely took out a restraining order, moved to another city, then another state, and attempted to leave the country—all to escape the violence; her estranged husband managed to find her in each of those instances at which point he would continue to abuse her. Ely speaks at length about the constant terror in which she was living but wishes that she had handled the situation differently, that she could have found support and safety, and that she could have protected herself and her son. She hopes to someday work with victims of domestic abuse, to help them to develop plans to safely and non-violently leave their abusers and to begin to repair the damage caused by the trauma of domestic violence. Though her mobility is impaired, Karen tries to stay active in the prison community, offering support, friendship, and guidance to other women.

The 1982 second-degree murder is Ely's only crime. She will be up for parole for the fifth time in June of 2015.

**Alejo Rodriguez** is 51 years old. He has been in prison for 29 years, serving a sentence for a double-homicide and a robbery, both of which occurred when he was 23. Though he does not excuse his past actions, he relayed that drugs played a major role in his crime, which he struggled with intermittently. Rodriguez now considers himself to be a very different person than he was when the crimes were committed, but he finds it difficult to convey that to a parole board. He explained, “I wish I understood then that I had alternatives. But I didn’t. I was young and that was the way things were then.”

Rodriguez grew up in the Bronx in New York and Los Angeles, California. Throughout much of his childhood, he moved back and forth between the two cities. He has acquired both undergraduate and graduate degrees in prison. He also became proficient in sign language—with 12 years of experience—and he volunteers at a prison facility that houses deaf people. He has no record of violent or drug-related infractions in prison; his last violation was in 1992 when he was punished for having a can top in his cell, which he used to cut onions. He spent 60 days in solitary confinement for the infraction. As to the severity of the punishment, he explains that it was understandable. “I can't just dismiss it as being nonsensical because there have been individuals who have utilized can tops to cut people. That was a ticket that I had to hold. It was my negligence and it bit me.”
While generally healthy, Rodriguez has begun to experience the manifestations of chronic stress. He developed vertigo after the death of his mother, with whom he planned to live when he was released from prison, a few months in advance of a parole hearing. He described feeling as if he was under water. Later he experienced what felt like a heart attack. He explained, “It was just me overthinking things. I’m having real-life anxiety about being in a prison for so long. I think it’s just natural to feel that way. This here is unnatural. Prison is unnatural. Going home would be natural.” More difficult for Rodriguez is his struggle, especially in the last few years, to resist becoming apathetic. He explained, “Perpetual denials make people become apathetic to life and to the world. It feels like no one sees what you do. They tell you to do the right thing and at the same time... you get easily punished for doing the wrong thing but you have to practically save the President’s life to get acknowledged for doing things right. Living with that for so long causes some people to say ‘Why even bother?’ and then the apathy sets in and after so long that’s probably been one of my biggest struggles since I started going to parole boards. Before that it was about making it the first board.”

Rodriguez got married, fathered a daughter, and got divorced during his incarceration. His relationship with his daughter, who is currently enrolled in her first year of college, is very important to him. He described starting to talk to her on the phone beginning when she was about two years old. He reasoned that if he was going to be the father to her that he wanted to be, he should start building a strong relationship with her as a child. Most of his early conversations with her entailed listening to her talk about her toys. He laughingly described hearing her descriptions, saying, “I figured I should start with that. Soon she’ll need to talk about boys and school and other things and I want her to feel comfortable telling me about those things.” Rodriguez is particularly protective of this relationship as he understands how difficult it is to maintain real connections with people outside of prison. He said, “This place tears families up in one way or another.”

Rodriguez’s poetry has been published in The Outlaw Bible of American Poetry and he won a Pen Prison Writing Award for an essay. Currently, he works in the Law Library and is in talks to participate in a radio show that addresses criminal justice issues. He is appealing his fifth and most recent parole denial.

Gloria Rubero is 64 years old and has been out of prison for about 8 years; she spent the previous 26 years in various correctional facilities in upstate New York. She was convicted of second-degree murder and received a sentence of 20-to-life. She made parole on her fifth try after making two appeals to the parole board.
Rubero speaks candidly and with emotion about her experiences in prison, and of those of her family. She describes feeling fortunate because her parents visited her regularly throughout her sentence, something that was uncommon among the women she was incarcerated with. Her father is still living and is in his nineties but her mother has since passed away. Throughout her prison term, Rubero was also able to remain close to her wife, who had been her co-defendant. Rubero’s wife too has since passed away, succumbing to cancer shortly after her own release from prison. Rubero also speaks at length about health and medical services in prison, and about the complications of aging while incarcerated.

Rubero’s wife had children from a previous marriage, and Rubero grew close to them. She described the happiness she felt when they visited and the bittersweet excitement of watching them grow up, knowing that they would be navigating formative and complicated years without their mother. Rubero and many women she was incarcerated with struggled to find ways to be available to the children in their lives. Rubero’s wife’s oldest child, a fifteen-year-old girl, was murdered while Rubero and her mother were in prison. Rubero describes experiencing intense depression and anxiety as a result of her death, struggling to balance her feelings of powerlessness and grief while providing support for her wife. Throughout her incarceration Rubero remained acutely aware of the system’s effect on families, particularly women and children.

One of the most striking things about Rubero’s recollections of her incarceration is the degree to which she feels the pain of having been rendered invisible by a system to which she devoted almost half of her life. She speaks with pride about the work she did in prison—various maintenance, construction, and custodial projects—as well as the rehabilitative work that she undertook personally through extracurricular activities, such as gardening and attaining a college education. Rubero became most visibly upset, and sometimes tearful, when talking about her dedication to her work and the various positions and jobs she held in prison, all of which indicate that she was both intellectually and manually competent, and that she was valued and trust by staff. One of the assumptions she developed while locked in what she describes as a “time warp,” was that the hopes and dreams she’d conceived of—steady employment upon release, the ability to travel, acclimation to life outside—might be attainable at the completion of her sentence. The realization that such things were actually unattainable for most people after being released from prison Rubero found profoundly difficult.

Rubero talks matter-of-factly about the way she thought about her time in prison while she was there. She described understanding how much time she had to serve and that she learned quite early on how to make the best of it. Similar to the way she approached her prison
sentence, she seems to conceptualize the barriers people face when released from prison pragmatically. She relays both the problems with the current system and possible solutions, such as finding ways to establish credit and apply for social security before people are released and on their own. What stand out about Rubero’s descriptions is her frankness and practicality, and her drive to continue to grow as a person. Though she was uneasy about describing the particulars of her crime, partly because of her desire to move past the entire experience, she spoke honestly about her sense of self and about the unique effects prison sentences have on women, especially as they grow older.

Tony Singh is 44 years old. He has spent over half of his life in prison for a murder that was committed when he was 18 years old. Singh has been denied parole twice, experiences he describes as being discouraging. He explained that because of the way he learned to approach his incarceration and his dedication to his work—including programming, accruing numerous academic degrees, and participating in a range of volunteer activities—he had assumed that his efforts at rehabilitation would be recognized at his parole hearing. He remains hopeful and optimistic about making parole at his third board.

Singh hopes to work in gang prevention or a related public health field when he is eventually released. His coursework at the Bard Prison Initiative made him aware of notable figures like Marie Curie, who, along with Bill Gates, he describes as heroic, “a gift to the human family.” Along with coursework through Bard, he has taken classes through Boricua College and Adams State College, developing skills in website design, carpentry, braille translation, food service, and HIV/AIDS counseling and education.

Singh’s parents immigrated to the United States from Guyana when he was a child. He grew up in Queens, New York and describes being subjected to racist violence in school. He explained that he had to learn quickly how to handle such violence, noting that, when he was young, it seemed that his survival depended on his ability to defend himself. Singh began to reconsider the way he thought about his relationship to violence in prison, which he attributes to educational resources, age, and the self-reflection that occurs with rehabilitation. Now he makes a point to try to help out younger men in prison. He explains that he recognizes aspects of his younger self in them and hopes to provide them with the friendship and support that he could have used as a younger man.

Singh describes, “getting a good feeling from working and helping.” He explains, “I love to see the results of good work. But knowing the pain that I caused a few people is a driving force toward
contributing to make the world a better place." Singh’s next parole hearing is in November of 2014.

Unnecessary and irrational parole denials are one of the ways our system generates a cycle of perpetual punishment and exacerbates an already unsustainable prison population. In many respects, the current scheme is failing to achieve its purported goals—those of deterrence, retribution, incapacitation, and reform. It is not only ineffective in addressing and preventing crime, but it also serves to break down natural barriers within communities that should function as antidotes to social problems.

The ongoing project to win release for incarcerated older people, though certainly sensitive to the realities facing men and women in prison, is not an attempt to excuse bad behavior or to obscure the facts about the very real damage caused by crime. RAPP does, however, challenge the notion that there is only one way to think about people who have transgressed. In a truly just society, the human dignity of all people—including people who have committed crimes—should be respected. This includes recognizing the capacity within all people to change and to forgive. By releasing older people from prison, vital resources—both the older people themselves and the money that would have been used to keep them in prison—could be redirected to the areas that need it most, places that struggle with social problems such as the damage caused by crime, community neglect, and impoverishment.

The current parole system operates in a way that subverts the intention of the original legislation, which sought rehabilitation, recognized it when it was presented, and attempted to reward good behavior. Now people in prison who are eligible for parole are caught in a maddening paradox: after serving the sentence that was meted out to them, they are told repeatedly that the nature of their crime of conviction outweighs the years of work they have devoted to their rehabilitation and personal growth. The parole board systematically refuses to operate in a way that could effectively and justly determine readiness for release. Its practice of repeated denials both misuses public resources and disregards the needs of families and communities, while exacerbating an already costly and growing prison population.

The crisis of older people in prison, among other issues relating to imprisonment, is in dire need of real and effective change. Releasing aging people in prison would be a good first step in beginning to repair the damage caused by excessive imprisonment.

For more information and for ways to become involved in advocacy to release aging people in prison, contact:

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