

# NYS can make its parole laws more just



*The Elder Parole Act would make those in prison age 55 or older who have served at least 15 years eligible for parole consideration. Credit: Getty Images/Chanin Wardkhian  
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As a former prosecutor, I faced many people who needed to be incarcerated to protect public safety. However, over the past several years, I have become increasingly frustrated to see prison resources focused instead on people who no longer need to be behind bars. Our legislators are now prioritizing true public safety threats by considering two bills that would help realign criminal justice resources: the Elder Parole Act and the Fair & Timely Parole Act.

I began my career as a prosecutor in the Suffolk County District Attorney's Office, and worked in the Domestic Violence Unit. Many victims and witnesses had little trust in our justice system because the system moved too slowly. We had limited resources, and we did our best to focus on the greatest threats to public safety.

One major drain on prison resources is incarcerating people who currently pose little public safety risk. According to FBI Uniform Crime Reports, people in their 30s and 40s are much less likely to commit crimes. Nationally, the recidivism rate for people over 50 is just 2%, and it's near zero for people over 65. In New York, 96% of people over 65 released from prison stay out of trouble.

We incarcerate many people long after they are likely to reoffend because they are serving long sentences with no possibility of parole. In 2016, the state comptroller's office found that even as the overall prison population has declined, the percentage of incarcerated people who are older adults has increased. More than 20% of incarcerated New Yorkers are over 50 years old.

Incarcerating older adults is also more expensive. New York spends between \$100,000 and \$240,000 every year for each older adult in prison.

The Elder Parole Act would make people in prison age 55 or older who have served at least 15 years eligible for individualized parole consideration. The bill would only allow their release if the parole board determined it would not endanger the public. The board would also be allowed to consider evidence that a person has transformed. It would not create a "blanket release policy."

Another problem with the parole system is that for any parole candidate, the board focuses on the person's original crime — the one thing they cannot change — rather than considering their present-day risk of reoffending. Partly because of this, New York has the second highest number of people, 9,260, in prison on parole-eligible life sentences.

To address this problem, legislators have proposed the Fair & Timely Parole Act. It would change the standard of parole to center on the person's rehabilitation and current risk of violating the law. This bill would simply bring the parole hearing process in line with the system's original purpose of identifying the person's readiness for release.

These bills would allow formerly incarcerated people to have a positive impact in our communities. Many individuals are currently assisting others through prison mentorship, classes and other leadership roles. Having served long prison terms, they would bring unique credibility to teach future generations. It's time to ensure that our system gets its priorities straight, so we can more effectively reduce future crime. By passing these bills, we can pursue a path that keeps families together while building a stronger and more just New York.

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