

**Testimony By: DARRELL POWELL**

**Before: THE NEW YORK STATE SENATE  
COMMITTEE ON CRIME VICTIMS, CRIME & CORRECTION HEARING ON  
HOW THE ELDER PAROLE AND FAIR & TIMELY PAROLE BILLS WILL  
IMPROVE PAROLE RELEASE LAWS AND PUBLIC SAFETY IN NEW YORK STATE**

Good Morning,

I would first like to say thank you to Senate Chairperson Julia Salazar for championing the cause for fairness and moral decency. I also want to thank the rest of the Senate and Assembly. I hope this letter finds you well, physically and mentally in light of all the atrocities in the world today. We may be, 'all of us in it together, ' but I am acutely aware that the geographical state we are in, our environment, our current overall health and even our racial background all play a major role in just how vulnerable we might be.

I begin this discussion by acknowledging the urgency of the hour. The principal causation of New York State's accelerated elderly prison population is intrinsically attached to harsh sentencing policies, the underutilization of release mechanisms (via, parole, clemency, and medical releases), and legislative exclusions for violent crime types as a policy.

In 1999, the New York State prison population reached its highest level, with the overall figures climbing above 72,000. While in the past two decades, the New York State prison population has decreased by more than 40%, the prison population of those 50 and older has risen by more than 46%. The New York State Comptroller, Thomas P. DiNapoli pointedly stressed the gravity of the situation, when he stated, this trend “poses issues that the State must address.” New York has spiraled into a tailspin that is fiscally, morally, and structurally unsustainable. Prisons are costly. Financially, New York State has the highest cost per incarcerated person, and has the second-highest prison budget in the country (a whopping \$3.38 billion in 2020).

However, the average cost of incarcerating someone in New York State can scarcely be compared to the staggering yearly cost of \$100,000 to \$240,000 to keep an Elderly person in prison. If the Elder Parole bill was enacted into law today, approximately 1,100 people would become eligible to participate in an interview for parole.

Structurally, correctional institutions are poorly equipped to provide adequate care for elders who are now fragile or seriously ill. Passing the Elder Parole bill will immediately free up money that can be diverted to community supportive services to assist individuals upon their release from prison. In March 2021 a report by the Columbia University Center for Justice, "Unlocking Billions," showed that New York State would save a total of \$522 million annually if Elder

Parole and Fair & Timely Parole were passed. Many New Yorkers believe excessive sentences are overtly discriminatory, and are generally mortified to learn that their state has the country's second-largest percent of people serving life sentences (1 in 4 people in prison).

Moreover, we know that the safest communities have the most resources, not the highest incarceration rates. Formerly incarcerated people are key to addressing safety concerns, serving fundamental roles in mentorship, anti-violence organizations, drug counseling, and more.

The Elder Parole bill is a data-driven approach to New York's elderly prison population crisis. This bill will improve public safety, curb corrections costs, improve outcomes, reinvest the savings, intercept racial discrimination, and create a fair parole system. We have sought to show there is no sound reason for letting oppositional indifference hinder this bill from passing. It is unconscionable and morally evil to hold that leaving people to die in prison needlessly is okay.

**Elder Parole Act (S.15-A, Hoylman/A 8855, Davila)**: This bill would make a person eligible for a parole board hearing if they are at least 55 years old and have served at least 15 consecutive years in prison, regardless of whether their minimum sentence has been completed. This DOES NOT mean that a person will be released. The board can, and may, still deny parole. I'm now 57 years old, with 25 plus years in prison and was sentenced to a life without parole sentence, otherwise referred to as death by incarceration. I implore you to pass this bill so I can display redemption by being a productive member of society.

**Fair and Timely Parole Act (S7514, Salazar/A4231, Weprin)**: The bill provides a more meaningful parole review process for incarcerated people who are already parole eligible and ensures that people are evaluated for release based on who they are today, including their rehabilitation, personal transformation and their current risk of violating the law.

I have yet to have been given the opportunity to go before the Parole board. However, I've worked side by side with a couple of ex-parole commissioners, Robert Dennison and Thomas Grant. I can tell you from my experience working with them, that The Parole Board is a set-up for failure. Taking away all hope an incarcerated individual has to return to society. In addition to the Elder Parole bill, I employ you to pass this bill.

The Fair & Timely Parole Act would eliminate parts of the current statute, often cited in denial decisions, that emphasize the severity of the crime for which applicants were sentenced, and it would add language forcing commissioners to consider "evidence of rehabilitation and reform" in their decision.

On behalf of myself and my family, I urge you to please pass these two bills this legislative session.

Respectfully Submitted,  
Darrell Powell  
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