

**Written Testimony of Felicia Henry, Director of Research and Policy**  
**Correctional Association of New York**  
**Senate Standing Committee On Crime Victims, Crime, and Corrections**  
**Senate Standing Judiciary Committee**  
**Parole Justice Public Hearing**  
**Wednesday, December 7<sup>th</sup>, 2022**

Thank you to the New York State Senate Committee on Crime Victims, Crime, and Corrections, and in particular Chair Julia Salazar, for the opportunity to submit written testimony for the important and necessary hearing on the Elder Parole (S.15A-Hoylman) and Fair & Timely Parole (S.7514-Salazar) bills.

For more than 175 years, CANY has worked to provide independent oversight of prisons in New York State; promote transparency and accountability; safeguard the human and civil rights of incarcerated people; eliminate harmful practices and policies; and decrease the use of incarceration in New York. We are the only independent organization in NYS to monitor and oversee prisons across the state and report our findings to the legislature and the broader public. CANY has a rich history in the legacy of parole in NYS, advocating for reforms that introduced new models of release, as well as amplifying discrepancies in their application, dating back to 1817. It is this deep knowledge and expertise, in conjunction with CANY's current monitoring work, which includes on-site monitoring visits, correspondence with incarcerated people and their families, surveys, and reports from community partners, that serves as the foundation of support for the parole bills discussed in this hearing.

In the Fall and Winter of 2019-2020, CANY distributed surveys about the parole process to 1,994 incarcerated people across 49 New York State prisons. All 1,994 incarcerated people who received a survey were selected for this survey because they had gone before a parole board and been denied parole at least one time previously, according to data received from DOCCS. CANY received a 15% response rate (n=313) with findings in four major areas: Pre-Parole Board Experience and Preparation; Parole Process and Experience with the Parole Board; Parole Board Denial and Impact; and Potential Changes to the Parole Process. The first area of findings revealed that the majority of survey respondents were 45 and older, with a large percentage of those 55 and older. Many of them were first incarcerated as young as 25; on average, this meant individuals had spent more than 20 years in prison and were still not released on parole. Individuals significantly focused on activities that would bolster their parole applications, with most respondents reporting completion of all of their required programs, as well as participation in vocational, academic, and voluntary programs. More than half the respondents held leadership positions in peer-led programs. Many respondents reported preparing their application materials by themselves; 65% had never participated in a parole preparation program through DOCCS and relied heavily on their peers or voluntary services. Individuals talked at length about the impact of COMPAS scores, primarily surrounding incorrect criminal history, and subsequent inability to change the reports.

The second area of findings related to the experiences with the parole board, which were overwhelmingly negative. Respondents described having no agency or voice in the process. Other respondents reported feeling as though the parole board had already made up their minds before their hearing. Still, others reported that the hearing felt "cold, indifferent, just went [through] the motions, mechanics." Overall, for many respondents, especially those who had experienced multiple hearings, the parole hearings focused on their past, with little consideration for what they had accomplished

during their incarceration—essentially little consideration for whom they had become instead of who they were at the time of their conviction. Racial discrimination was also widely discussed; 23% of respondents stated that they believe they experienced incidences of racially biased decision-making at their parole board while 39% of respondents believe their race or ethnicity had an impact on their parole board decision. Troublingly, 43 respondents (14%) reported hearing racially charged comments from commissioners.

The third area of findings illuminated that most respondents faced the parole board multiple times. One respondent reported having seen the board over 20 times without being granted release. While reasons for denial can vary, 222 of the 313 respondents cited the seriousness of the offense, colloquially called “nature of the crime,” as the reason for their parole denial. The second most cited reason for denial was “Public Safety,” which again refers back to the crime of conviction. Yet, the majority of respondents (85%) had not been convicted on new charges while in prison, and many of them had been reclassified to lower security classifications. Experiencing multiple denials, sixty-five percent of respondents stated that they felt feelings of hopelessness about being released after they were denied, with reports of family perceptions of hopelessness trailing behind at 62% of respondents. Fifty-eight percent of respondents (N=184) reported filing an appeal after a denial but for many, this process was not successful, as only 11% (N=35) had successfully appealed and were granted a de novo interview.

Lastly, individuals discussed their ideas for potential changes to the parole process. Incarcerated respondents advanced the recommendation that commissioners focus on the strides, growth, and accomplishments of those up for parole, rather than focusing on the nature of the crime. Many also asked for improvements surrounding access and preparation— more resources to help prepare for boards, considerations for those with mental illnesses, and transparency in the decision-making process. The overwhelming majority of respondents believe that the process can be improved by allowing legal representation for parole candidates and allowing for the submission of additional materials that demonstrate personal growth. Additionally, respondents suggested changes in the composition of the board to reflect the communities that individuals were coming from.

While not as prominent as the data collected through the survey, correspondence with incarcerated people and their families through intake also uncover experiences with parole and/or desires for parole options. Many people write to or call CANY to detail issues with the processing of parole applications while in DOCCS custody or unfair and arbitrary disciplinary actions that impact their parole application process; to find out more information about the status of legislation regarding parole; and to request to be connected to organizations that help prepare parole applications. While direct referrals are made for these individuals to appropriate organizations that can assist with the parole process, ultimately, the passage of the Elder Parole and Fair & Timely Parole Bills will provide meaningful and fair mechanisms for these individuals, and incarcerated people across the NYS system to pursue parole release more broadly. CANY acknowledges and supports these incremental steps in opening up the pathways for release and continued reentry for incarcerated individuals under parole.