

Jennifer Harrison
Founder
Victims Rights NY
P.O. Box 461
Moriches, NY 11955

First I would like to make a note that this hearing was scheduled during Survivors of Homicide Victims Awareness Month and at a time when many NYers are missing their loved ones during the holidays, the Chairwoman of the Crime Victims Committee and Chairman of Judiciary brought everyone here to discuss the early release of their killers which is disgraceful.

Elder Parole, in its current form, compromises public safety and minimizes the serious violent offenses committed by those who have been convicted and sentenced by the state of NY. By arbitrarily choosing an age at which to release a violent offender from prison, it denies the thorough, vetted process of experts in each individual case such as a judge, district attorney and sometimes attorney deciding an appropriate sentence. Elder Parole is nothing more than a blanket release mandate and missed opportunity to make positive changes to a broken criminal justice system. This ill conceived law would set violent offenders free, regardless of the crime they committed. It is another slap in the face to victims, depreciates the seriousness of some of the crimes committed by these felons and completely circumvents the judicial process. How are NYS Legislators even considering passing this when there are so many new victims at the hands of what this bill calls elderly parolees?

Have we forgotten that a 61 year old parolee, who this bill classifies as too elderly to commit violent crime, pushed 40 year old Michelle Go in front of a train and killed her. And 61 year old parolee Darryl Phelps was rearrested for allegedly raping a woman. What about 83 year old parolee and serial killer Harvey Marcelin who allegedly kept the severed leg of her latest victim after being released? Many lives have been destroyed just in these few cases, by recidivists that never should have been enabled to cause such harm in the first place. And under Elder Parole, Michael Valva who was convicted of killing his own 8 year old little boy would be eligible for early release. Is this the kind of society we want to live in? A society that condones the beating, torturing and finally freezing to death of an 8 year old autistic child?

Age alone does not take into account propensity for violence, mental stability, carceral behavioral record and other factors that bear directly on whether an individual will re-commit a crime (recidivism). In fact, many examples of violent, sexual offenders have recently been in national news- all committed by people who would be eligible for unsupervised release under this new law. The criteria should always be stringent for parole including likelihood of recommitting an offense, dangerousness, as well as mental stability, carceral behavioral record and remorse.

The cost of caring for elder inmates is the auspices of this poorly written initiative. Understandably elderly inmates may cost more to house and care for as they require doctors visits, and various treatments. However, left out of this reasoning is the amount of parolees that

are released as homeless and into the shelter system causing their burden of care to remain with the taxpayer. Additionally, the State of New York, in passing this type of legislation fails to take into account the “cost” of the life of a victim of crime and his/her family. Having lived with it for 18 years now I can attest that the pain caused by rapists and murderers never “ages out” and those that commit heinous and violent crimes should be required to serve out the sentence given to them by a Judge.

Cost to house, treat, and care a person living in a correctional facility should not be prioritized over the public safety of the community. In 2018, Coalition for Homeless found that 54% of parolees ended up in the NYC Department of Homeless Services shelter system. Many suffer from mental illness and chemical addiction. The current budget for DHS is \$3 Billion and growing. Clearly, the association of the prison to shelter pipeline has caused significant public safety concerns in communities, and NY state has not addressed the needs of the vulnerable population leaving the correctional facilities. Therefore, the logical conclusion is that the economic is as well as social, public safety and other costs are significantly higher when releasing people without ensuring supportive housing, mental health and drug treatment, as well as jobs.

This Bill, which addresses none of the deficiencies in our correctional system, should be withdrawn. In its current form it is completely unacceptable as it places the safety of both the public at large as well as the prison communities at significant risk. This is being pushed through without adequate research and resources committed to ensuring the success of those individuals leaving NY State correctional facilities, while also failing to ensure the safety of every community and circumventing the entire judicial process.