NEW YORK CITY BAR ASSOCIATION

Elder Parole

A proposal to permit individuals over the age of 55 who have served more than 15 years of their sentence to be interviewed by the Parole Board.

The Problem

Despite a downward trend in the overall prison population, the number of individuals aged 50 or over in New York prisons has steadily risen since 2007, and people over 50 make up nearly 25% of the State's overall prison population. In New York, the percentage of individuals over 50 in prison more than doubled between 2008 and 2021 alone.

New York needs new ways to combat prison overcrowding and reverse this trend. Keeping older adults incarcerated is particularly dangerous for them, as incarceration itself accelerates aging: incarcerated individuals face more chronic and life-threatening illnesses earlier than outside of prison. For example, around 40% of older individuals in prison demonstrate cognitive impairment—far higher rates than in the population at large. Older incarcerated adults also demonstrate higher rates of depression, anxiety, trauma, and stress. And beyond that, incarcerating individuals who need extensive medical care is expensive for New Yorkers.

Decades of "tough on crime" policies contributed to this aging prison population crisis. Many individuals are serving lengthy sentences that would never be imposed today, have demonstrated significant rehabilitation and pose no threat to public safety. Yet still they languish in prison.

Impact on Public Safety

Elder Parole **will not negatively impact public safety**. Scientific research demonstrates that those 55 and older have the lowest rates of recidivism– about 2% for those age 50-65, and virtually zero for those 65 and older. As release is not automatic, in those cases where the parole board finds a safety risk, parole can be denied.

The Solution

Elder Parole offers a commonsense plan to save lives, reunite families, and promote racial justice. It would also significantly reduce spending: researchers at Columbia University estimated the act would save the state $1.7 billion over nine years. The Elder Parole legislation would simplify the process of seeking parole for people who are 55 or older and who have served at least 15 years of their sentence by giving them the opportunity to interview with the Parole Board and be considered for release to community supervision when they reach both of these milestones. The legislation does not provide for automatic release, but offers some of New York's most medically vulnerable and lowest-risk incarcerated adults, who have already served a significant portion of their sentences, an earlier opportunity for meaningful review and evaluation by the Parole Board.

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