NEW YORK CITY BAR ASSOCIATION

Fair and Timely Parole

A proposal to presume release for all parole eligible individuals and require the Board of Parole to make more holistic and transparent parole review decisions.

The Problem

In 2020, only 41% of the people who appeared before the parole board were granted parole. To determine why so many people were being denied parole, the Vera Institute of Justice analyzed 168 parole transcripts that resulted in denials. Most of the individuals denied parole posed a low risk to public safety on risk assessments and had demonstrated significant growth. Denials were mostly based on the original crime for which the person was sentenced, not on public safety grounds.

People who appear before the parole board have already served the minimum sentence ordered by a judge. By allowing parole commissioners to base denials solely on the crime of conviction—concerns already accounted for by a judge during sentencing—parole review fails to accurately reflect release readiness or encourage rehabilitation. As it stands, parole review is effectively an opportunity for further punishment. This is not—or at least should not be—the purpose of parole.

Impact on Public Safety

Fair and Timely Parole **will not negatively impact public safety**. Parole boards can still deny parole where "there is a current and unreasonable risk the individual will violate the law if released and such risk cannot be mitigated by parole supervision."

The Solution

Fair and Timely Parole would appropriately refocus the parole board on who a person is after they have served the minimum sentence a judge ordered. Release would be presumed for all parole eligible individuals, unless their parole record demonstrated they were a current and unreasonable risk to the public. New York would not be the first state to implement presumptive parole: Hawaii, Michigan, New Jersey, and Mississippi have already implemented some form of presumptive parole.

The parole board would not be allowed to deny parole solely because of the crime for which the person was sentenced, as they often do now. Parole commissioners would be required to more carefully weigh evidence of rehabilitation and reform, including participation in programming, vocational education, and statements of support. It would encourage rehabilitative efforts by giving those eligible for parole hope that their efforts would be recognized by the parole board, which all too often is not the case today. It would also save billions of dollars; researchers at Columbia University estimate Fair and Timely Parole would result in cost savings of $3 billion over nine years.

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