

# New York Must Rethink Its Parole Release System

Every year in New York, 10,000 to 12,000 people appear before the Board of Parole to make their case for release to community supervision.<sup>1</sup> Parole is intended to build safety inside and outside of prisons by disincentivizing misconduct during incarceration and allowing people who pose minimal safety risk to return home and connect with families, communities, and employers.

Previously, it was challenging to find accurate, up-to-date information regarding the percentage of people who appear before New York’s Board of Parole and are granted release (the parole release rate). To fill this gap, the Vera Institute of Justice developed a new tool, “[New York State Parole Release Rates](#),” calculating the statewide parole release rate using data taken directly from the New York State Department of Corrections and Community Supervision’s (DOCCS) Parole Board Interview Calendar.<sup>2</sup> Researchers combined that data with detailed information about each person appearing before the board, publicly available through the interview calendar. The tool also fills an urgent need for data segmented by key variables including age, race/ethnicity, and charge severity.

Data transparency is the first step toward diagnosing and remedying issues with New York’s parole release process. By shedding light on how sparingly commissioners grant release and how release rates differ based on demographics and other key variables, Vera’s new tool provides a clear list of issues for state leaders to address through legislative and executive action.

## New York’s release rate is low and full of disparities.

Vera’s analysis reveals that parole commissioners deny parole much more frequently than they grant it.<sup>3</sup> From 2017 to 2018, New York’s annual parole release rate rose from 30 percent to 42 percent. In the following two years, it held relatively steady at 40 percent before falling to 36 percent in 2021 and 33 percent in 2022. For the first six months of 2023, it rose to 38 percent. New York’s parole release rate is not the nation’s worst, but some states’ rates have been higher than 60 and 70 percent in recent years.<sup>4</sup>

Deeper analysis of New York’s release rate uncovers troubling disparities, particularly around race/ethnicity and age. In 2022, the release rate for Black parole-seekers was 29 percent, slightly lower than for Latino parole-seekers (31 percent) and substantially lower than for white parole-seekers (40 percent). In terms of age, people under 25 consistently have the lowest release rates, hovering between 20 and 30 percent. Although the release rate for people ages 55 and over is higher—between 37 and 42 percent in the last few years—more older people are denied parole than granted it.

Vera’s tool also shows that in 2022, less than a quarter of people who had been eligible for parole for more than ten years were released.

## New York can safely and humanely improve its release rate.

New York law requires Parole Board commissioners to consider various factors when deciding whether to grant parole, but it allows them to weigh these factors according to their own preferences.<sup>5</sup> This means that commissioners often weigh someone’s original crime—which frequently has little to no bearing on their current public safety risk—more heavily than the factors reflecting who they are at the time of release eligibility, including participation in prison programming, letters of support, an evaluation system known as a “risk and needs assessment,” and confirmed housing and employment.<sup>6</sup>

In a Vera analysis of 168 parole hearing transcripts ending in denial, commissioners justified 60 percent of denials based solely on the original crime, even though 85 percent of the parole-seekers had risk and needs assessment scores indicating readiness for release.<sup>7</sup> In addition, a Correctional Association of New York analysis of parole decisions from 2015 to 2018 found that tens of thousands of people were denied parole “for reasons not linked to public safety or original sentence length.”<sup>8</sup>

Parole denials are incredibly costly. New York spends nearly \$115,000 per incarcerated person annually.<sup>9</sup> For older people, medical costs drive up the price tag.<sup>10</sup> Further, these costs do not account for the substantial economic, psychological, and social tolls incarceration takes on families and broader communities.<sup>11</sup> Releasing people who are ready for community reentry saves taxpayer money and reunites families—worthy goals the Board of Parole should pursue whenever it is safe to do so.

Moving forward, the governor, state legislature, and parole board should all take simple actions to improve the parole release process in New York for the benefit of *all* New Yorkers:

- **The Board of Parole should weigh current public safety risk more heavily than the original crime.** This is permitted under the current law and would allow for more releases without any negative impact on community safety.<sup>12</sup>
- **The legislature should pass the Fair and Timely Parole Act.** This law would compel the Board of Parole to focus only on current public safety risk rather than on repunishing people for their original crimes. It would presume release (i.e., grant parole by default) for eligible people unless commissioners identify a “current and unreasonable risk the individual will violate the law if released and such risk cannot be mitigated by parole supervision.”<sup>13</sup> The law’s more specific release criteria would also minimize room for bias.
- **The legislature should pass the Elder Parole Act.** The Elder Parole Act would allow people ages 55 and older to appear before the Board of Parole after serving 15 years, no matter the sentence length or crime.<sup>14</sup> This law is backed by evidence on public safety: DOCCS data shows that a very small percentage of people ages 50 and older return to custody for new convictions within three years of release from prison.<sup>15</sup> The bill would not mandate release; it would simply provide eligible parole-seekers the opportunity to make their case.
- **The governor and state senate should diversify the board’s expertise.** The current board’s areas of expertise—mostly law enforcement and corrections—may lead to blind spots when it comes to evaluating people’s readiness for release to community supervision. Future appointees should include more people with backgrounds in community-based services like social services or healthcare, and people with expertise in areas like violence prevention and reentry services.
- **The legislature should increase the maximum number of commissioners on the Board of Parole.** The New York State Bar Association has recommended an increase from 19 to 30.<sup>16</sup> This would bring each commissioner’s average caseload in line with many other states, enabling them to give each hearing the time and attention required. For DOCCS, filling the vacant seat and adding eleven more would be a negligible expense given its \$3.4 billion budget, but it would have an enormous and positive impact on the fairness of this crucial process.<sup>17</sup>

## Endnotes

- 1 Benjamin Heller, Cherrell Green, Shirin Purkayastha, et al., *Toward a Fairer Parole Process: Examining Parole Denials in New York State* (New York: Vera Institute of Justice, 2021), [vera.org/publications/toward-a-fairer-parole-process](https://vera.org/publications/toward-a-fairer-parole-process).
- 2 New York State Department of Corrections and Community Supervision (DOCCS), “Parole Board Interview Calendar,” accessed 2022-2023, [publicapps.dccs.ny.gov/ParoleBoardCalendar/default](https://publicapps.dccs.ny.gov/ParoleBoardCalendar/default).
- 3 Vera Institute of Justice, “Parole Hearings in New York State,” [vera.org/new-york-state-parole-release-rates](https://vera.org/new-york-state-parole-release-rates).

- 4 Tiana Herring, “Parole Boards Approved Fewer Releases in 2020 than in 2019, Despite the Raging Pandemic,” Prison Policy Initiative, February 3, 2021, [perma.cc/M9XK-33EX](https://perma.cc/M9XK-33EX). See also Mariel E. Alper, *By the Numbers: Parole Release and Revocation Across 50 States* (Minneapolis, MN: University of Minnesota, 2016), [perma.cc/53Q2-49UN](https://perma.cc/53Q2-49UN). Each publication uses varying methodologies to calculate release rates, so although these comparisons are useful, they are not precise. For Vera’s methodology, consult the methodology tab on “Parole Hearings in New York State,” [vera.org/new-york-state-parole-release-rates](https://vera.org/new-york-state-parole-release-rates).
- 5 New York Executive Law § 259-i(2)(c)(A), [perma.cc/87RA-2BQY](https://perma.cc/87RA-2BQY).
- 6 Marta Nelson, Samuel Feineh, and Maris Mapolski, *A New Paradigm for Sentencing in the United States* (New York: Vera, 2023), 29, [vera.org/publications/a-new-paradigm-for-sentencing-in-the-united-states](https://vera.org/publications/a-new-paradigm-for-sentencing-in-the-united-states); and James Austin, Vincent N. Schiraldi, and Bruce P. Western, et al., *Reconsidering the “Violent Offender,”* (New York: The Square One Project, 2019), [academiccommons.columbia.edu/doi/10.7916/d8-556r-iv97](https://academiccommons.columbia.edu/doi/10.7916/d8-556r-iv97).
- 7 Heller et al., *Toward a Fairer Parole Process*, 2021.
- 8 Correctional Association of New York (CANY), *Fact Sheet: Systemic Issues with New York’s Parole Release Process* (New York: CANY, 2019), [perma.cc/VL6B-FJR2](https://perma.cc/VL6B-FJR2).
- 9 Benjamin Heller, *An Analysis of the New York State Department of Corrections and Community Supervision’s Budget* (New York: Vera, 2022), 1, [vera.org/downloads/GJNY\\_DOCCS-Budget-Explainer\\_10.25.22.pdf](https://vera.org/downloads/GJNY_DOCCS-Budget-Explainer_10.25.22.pdf).
- 10 Matt McKillop and Alex Boucher, “Aging Prison Populations Drive Up Costs,” Pew Trusts, February 20, 2018, [perma.cc/K9G9-7WHG](https://perma.cc/K9G9-7WHG); Inimai M. Chettiar, William Bunting, and Geoffrey Schotter, *At America’s Expense: The Mass Incarceration of the Elderly* (New York: New York University School of Law, 2012), [ssrn.com/abstract=2120169](https://ssrn.com/abstract=2120169); and Cyrus Ahalt, Robert L. Trestman, Josiah D. Rich, et al., “Paying the Price: The Pressing Need for Quality, Cost and Outcomes Data to Improve Correctional Health for Older Prisoners,” *Journal of the American Geriatrics Society* 61, no. 11 (2013), [doi.org/10.1111/jgs.12510](https://doi.org/10.1111/jgs.12510) (un-paywalled pre-publication version available at [perma.cc/FR6E-F8UA](https://perma.cc/FR6E-F8UA)).
- 11 Eric Martin, “Hidden Consequences: The Impact of Incarceration on Dependent Children,” *National Institute of Justice Journal* 278, 2017, [perma.cc/F4VW-BHEY](https://perma.cc/F4VW-BHEY).
- 12 New York Executive Law § 259-i(2)(c)(A), [perma.cc/87RA-2BQY](https://perma.cc/87RA-2BQY).
- 13 New York State Assembly, Bill A00162/S00307 (2023-2024 legislative session), [perma.cc/C2JR-7R3T](https://perma.cc/C2JR-7R3T).
- 14 New York State Assembly, Bill A8855/S15 (2021-2022 legislative session), [perma.cc/U2TE-YT5K](https://perma.cc/U2TE-YT5K).
- 15 DOCCS, *2018 Releases from Custody: Three Year Post-Release Follow-Up* (Albany, New York: DOCCS, 2023), 19-20, [perma.cc/3YWR-T67N](https://perma.cc/3YWR-T67N); and New York State Office of Budget and Policy Analysis, *New York State’s Aging Prison Population: Share of Older Adults Keeps Rising* (Albany, NY: Office of the New York State Comptroller, 2022), 3, [perma.cc/93PB-QHVY](https://perma.cc/93PB-QHVY).
- 16 New York State Bar Association (NYSBA), *Report of the New York State Bar Association Task Force on the Parole System* (Albany, NY: NYSBA, 2019), 12, [perma.cc/C92Z-WF5C](https://perma.cc/C92Z-WF5C).
- 17 New York State Division of the Budget, “Corrections and Community Supervision, Department of,” accessed April 25, 2023, [perma.cc/3B73-67ZB](https://perma.cc/3B73-67ZB).