



RAPP

*RELEASE OF AGING PEOPLE
IN PRISON PROJECT*

TALKING POINTS

Listed below are examples of what people in the community, as well as legislators and policymakers, may say as you try to convince them to support the release of people aging and dying in prisons. Following the examples are responses which we all should learn so we will have a coherent and united campaign and speak with *one voice*. Where appropriate, with your responses, be aware of and prepared to cite current supporting statistics.

What you may hear:

“Low-level drug offenders are one thing, but you’re talking about letting violent offenders back out on the streets, and that’s a whole different story. I don’t want that! My family doesn’t want it. No sensible person wants it! (Or my constituents don’t want that).”

What you can say:

“I understand your concerns. I really do. I have a family too. And I really don’t want to see violent people released to wreak havoc on the community. But the fact that I have a family makes me sensitive to giving people a chance to redeem themselves while they’re in prison. The bottom line is that most people we’re talking about will eventually get out. The question is whether we want to give these people a *real* chance to make something of themselves when they are still productive and not a health burden on the prison system, or on society. The fact of the matter is that

these violent offenders, who after having already served a considerable amount of time in prison, are consistently shown to be *significantly* the least likely to re-offend upon release. We only say that these people should be released after evidence-based assessments show they are low-risk for re-offending.”

What you may hear:

“Whoa! You are talking about releasing rapists, sex offenders, and some of the most violent and crazy people anyone can imagine! What about ‘Son of Sam,’ what about cop killers and serial killers???”

What you can say:

“We are **NOT** talking about releasing any **specific** person! We are talking about having people’s cases considered on the merits of the case and whether the person has been rehabilitated. The parole board maintains its discretion to grant or deny parole. What we want is for the parole board to stop rubber-stamping denials because it is the safe thing to do politically. It is well-documented that parole is being blanket-denied to a whole **class** of people based on crime classification. We want the parole board to do a “scientific-based” risk analysis on each person, and make a reasoned determination whether the person is low-risk for committing another offense. When a person has served their time and is no longer a risk, then it is wrong and immoral to continue denying their release simply because others in our society cannot get beyond the urge to perpetually punish. Giving each person a fair and reasoned review is the right thing to do.”

What you may hear:

“What about when one of these people is released and then kill someone else? How do you explain your policy creating the possibility for that atrocity? What will you say then?”

What you can say:

“I would say then what I say now. No system is perfect. No one can expect perfection. Sometime things do happen. But you can’t ‘throw the baby out with the bathwater!’ Just because once in while a rogue cop commits an atrocious crime, you don’t hear anyone advocating getting rid of the entire police department! That’s an unreasonable approach for a system that is used for a greater good. Do you realize that the people we are advocating releasing have the lowest recidivism rate than any other group of people confined?! While the rate of recidivism of the general prison population is somewhere around 40-50%, the rate of recidivism for these elderly people is about 3%. And even then, when they recidivate, it is not usually for committing another crime, but for something like not following a parole restriction.”

What you may hear:

“Yeah, but the reason the recidivism rate is so low for these guys is because the parole board is doing the right thing in screening them and not letting them out wholesale. This only shows that the parole board’s process is working! The process screens out those least likely to commit another crime and denies most of them because they are still dangerous. We don’t need to change that.

What you can say:

“It’s not true that the parole board has a careful screening process that weeds out and denies the people likely to re-offend. If that were the case then we wouldn’t see the high levels of recidivism for those under the age of 50. As a matter of fact, the parole process doesn’t even permit sufficient time for the minimum number of commissioners available to conduct full, fair, and complete hearings. The decisions of the hearings are mostly pre-decided and there is a propensity to deny those with serious offenses. One real reason for low recidivism is age. It has been consistently shown that when a person ages, there is less likelihood to commit a crime. People mature and become more socially responsible as they age. That is a fact that has nothing to do with how the parole board makes its decisions at the moment.

What you may hear:

“Your campaign seems to not care about putting the law-abiding public in jeopardy, compromising our safety!”

What you can say:

“I have a family too, and I feel deeply that every life is precious. The reality is that keeping so many people in prison for so long does not make the public safer. Other countries have achieved much lower rates of violence and crime with a lot fewer people in prison. Having so many adults taken out of the community leads to family stresses and economic hardships proven to generate crime. One especially important consideration is how children living in poverty and without a parent are far more likely to grow up to commit crimes. We need to see that mass incarceration actually perpetuated crime, and we need to put a stop to the vicious cycle.”

What you may hear:

“According to the RAPP proposal even people who have rebelled and taken up arms against the government might be seriously considered for release, do you really expect something like that to happen?”

What you can say:

“Sure, we expect that to happen if the person being considered for release is no longer a threat to public safety and is no longer prepared to pick up arms against the government. Do you realize that, in the past, when there was no indication that such people would ever be released otherwise, Presidents of this nation have granted them clemency. Even Bill Clinton, who played a major role ushering in the “tough-on-crime” era, pardoned quite a few ‘1960s radicals.” “All of us need to understand and incorporate the ability to forgive.”

What you may hear:

“Do you people have any consideration at all for the victims? What about the victim’s feelings about releasing these people?”

What you can say:

“Yes, we do have great concern for victims. There are many people in our movement with family members who were victimized, and some were victims themselves—deeply traumatized. So we do understand and consider the victims. By our approach, the parole board will continue to consider victims’ input in deciding release decisions. But, the victim’s input should **never** automatically outweigh all other factors that **must** be considered. While the victim’s pain and suffering is vitally important, it cannot be the driving force for the good of the greater society. Otherwise, we will be creating a society where “an eye for an eye and a tooth for a tooth” is the order of the day! Our great leader Dr. Martin Luther King Jr. once warned such an approach creates a society where **EVERYONE** will be “blind and toothless!”

[Jesus said “LET HE (SHE) WHO IS WITHOUT SIN CAST THE FIRST STONE!”]

What you may hear:

“I mean why bother? Most of those people have been in cages for decades and rendered useless. Releasing them would put an added burden on society. Why have these people out here now?”

What you can say:

“Did you know that people who have been confined for long terms are consistently the most productive and rehabilitated people in the prison system? They are often the people who are role models for the younger people and they facilitate most of the positive prison programs. And in many cases they design peer programs which receive high acclaim from prison administrators. They even continue along that mode when released. People released after serving long terms are out here in the community—right now—

doing extraordinary work serving their communities; trying to give back; working on the front lines; bringing about positive change and improvements.”

What you may hear:

“What about housing? Many of these people were gone a long time and don’t have family outside in the community or anywhere to go. That will be a serious problem, you know the deal with shelters—they are already full and have bad conditions. How do you address that problem if they are released?”

What you can say:

“We recognize that what you say is true. And just like we are working on getting these people released, we have other groups and partners working with us to address the housing and jobs situation that these people will confront upon release. Just as much energy is being spent building these support mechanisms as we are putting in getting them out.”

What you may hear:

“Who and what will be these peoples’ support system upon release?”

What you may say:

“There is a sophisticated support system being built to provide most levels of human support for the aging prison population upon their release. In the last few years there are quite a few national reports about this issue, and many groups and organizations have risen to the occasion to build support systems for this aging prison population. The one thing that has not been comprehensively addressed is building a project to ‘get them out!’ That is the job of our project, and that is what we hope to get your support with.”

What you may hear:

“You are talking about giving criminals a second chance. My brother was shot and killed—and he will never have a second chance. Why should the guy who killed him have one?”

What you can say:

“We are very sorry for the loss of your brother and can only imagine how painful it was and continues to be to have lost him, and we hope that you and your family are able to continue to heal. We need to work as a society to reduce the amount of violence in our communities. At the same time, we have to stop our state institutions from carrying out violence against our community members as well. Unfortunately, no amount of time served by the women and men we are talking about will bring your brother back. But these women and men are also people’s parents and children and siblings, and we should not allow our state institutions to take away these people’s lives either. Also, our current criminal justice system and prison system does not do enough to help support people who have been harmed by violence. We need to move toward a restorative justice model that provides opportunities for the voices of those harmed to be heard and for mechanisms of healing to take place. We also believe that no person should be defined by her/his worst act, and that people change and grow. A nineteen year old who was running the streets is not the same person as the forty-five year old who has spent the last nearly three decades in prison. S/he can be a powerful role model in our communities and can help to reduce violence of the kind that took your brother.”

What you may hear:

“These people are animals. Why should we even care about them? Let them rot in prison.”

What you can say:

“People who are incarcerated are human beings. People who commit violent acts are human beings. They are someone’s brother or sister, mother or

child. Think of your own brother or sister, mother or child, and imagine that s/he committed an act of violence. And imagine that s/he has now spent decades in an abusive, racist, unsupportive system. Would you want to define your family member by their worst act? Or would you want to remember the positive things s/he did before being incarcerated, the positive things s/he did while incarcerated, the amount which s/he has grown, and the promise of the person s/he could be? We must end the ‘other-ness’ of people—whether it be people of color, different ethnic background, or people of a different socio-economic status. We must recognize that people who have been incarcerated can serve as important role models and leaders for others in our communities.”

What you may hear:

“If we downsize the prisons by letting out the elderly en masse, the upstate communities where the prisons are centrally located will lose jobs and cause a major disruption with their economic stability. This downsizing you propose will make things much worse, probably even elevated crime.”

What you can say:

“We are very concerned about these communities. That’s why we would support any plan by Republicans or Democrats to invest in upstate communities so that the people in these communities can earn decent wages. But their livelihood should not depend on keeping people in prison when it is not necessary, nor should they depend on keeping prisons open when closing them could save millions of dollars that could be re-invested in both upstate and downstate communities. And you should see that there are some very elemental “moral” concerns here. We should promote the well-being and rights of all people in general.”

What you may hear:

“I thought there was already some laws in place for the parole board to properly review all convicts appearing before it. Wasn’t there legislation enacted a few years back providing for them to get reviewed on the basis of risk-assessment?”

What you can say:

“You are absolutely correct. There was a risk-assessment law put in place within New York’s Executive Law. But many parole board commissioners totally ignore the law. They actively resist doing what the legislative has already determined is the right thing to do. Some of them have openly expressed contempt for the law. And it is important to note that the law, which is a state statute, still has not been translated or put into the parole board *guidelines*. The guidelines and administrative regulations are what the board commissioners are most familiar with and follow on a daily basis. What we are mentioning is already part of state statute, and we need to demand that the people in government ensure it is followed.”