

May 13, 2020

Dear Members of the House Corrections and Institutions Committee,

I am writing today to emphasize the ACLU of Vermont's support for section six of S.338 as passed the Senate. This provision would allow people over the age of 65 to apply for parole if they have served five years of their sentence and have met programing requirements. This provision does not presume that the person would be paroled if they meet the conditions laid out in the bill, but simply gives them the ability to be considered by the Parole Board. We testified in support of this provision on April 3rd and would like to provide some supplemental information.



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We know from social science research that people age out of crime. In their 2017 report "The Effects of Aging on Recidivism Among Federal Offenders" The United States Sentencing Commission found "Older offenders were substantially less likely than younger offenders to recidivate following release. Over an eight-year follow-up period, 13.4 percent of offenders age 65 or older at the time of release were rearrested compared to 67.6 percent of offenders younger than age 21 at the time of release. The pattern was consistent across age groupings, and recidivism measured by rearrest, reconviction, and reincarceration declined as age increased." https://www.ussc.gov/sites/default/files/pdf/research-and-publications/research-publications/2017/20171207_Recidivism-Age.pdf.

We also know that older people are more expensive to incarcerate and present more complex needs than younger people. This was illustrated in a report by the Office of Inspector General for the U.S. Department of Justice that found "Aging inmates are more costly to incarcerate, primarily due to their medical needs" and "Aging inmates could be viable candidates for early release, resulting in significant cost savings". <https://oig.justice.gov/reports/2015/e1505.pdf>

The provisions in section six recognize the reduced threat to public safety posed by older people and the increased costs of incarcerating them while still maintaining protections for the public by allowing the Parole Board discretion to deny any applications.

If the committee is looking to make any changes to this section, we suggest adding language to address the issue of programing requirements raised by the Department of Corrections in their testimony earlier this week. In particular, we would suggest adding language that would allow people to begin to receive programing in advance of eligibility for Parole if requested.

Thank you for your work on S.338 and I would be happy to talk with your committee if you have any questions you would like me to answer.

Sincerely,

Falko Schilling
Advocacy Director
ACLU of Vermont