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Testimony before the NYS Legislature
NYS Public Protection Budget Hearing
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My name is Michelle Lind and I'm a resident of the Hudson Valley and a leader with the People's Campaign for Parole Justice. Thank you for the opportunity to testify today at this Public Protection Budget Hearing. Attached to my written submission is testimony by Jose Saldana, Director of the Release Aging People in Prison Campaign, which helped launch the campaign.

A few years ago, New York State gave incarcerated person Robert Lind an official commendation. At the age of 71, he managed to restrain a man trying to attack a teacher. You've probably never heard of him, but he could have been a tabloid hero. In fact, this act of courage was just another of his many accomplishments. Robert created life-saving programs to stop community violence and help incarcerated people re-enter society that are now used by prison administrators across the state. He also mentored countless people who have gone on to do great things, too.

But Robert, who is my husband, is a quiet man and doesn't want the recognition. Instead, he simply wants the most basic of accommodations: to be released from prison to live out his final years in the comfort of our home.

Right now, New York State is warehousing Robert, an old and sick man who poses no threat to anyone whatsoever, in Sullivan Prison. His friends in prison literally call him Grandpa. He's a cancer survivor. He nearly died of an H-pylori infection caused by dirty food or water in the facility. And he barely beat COVID-19, though the effects linger. He does not have many years left, and yet the state insists on incarcerating him, at a cost to New Yorkers of between \$110,000 to \$240,000 per year.

Keeping a man like Robert in prison at any time would be wrong and unjust, but now it's especially bad. Because of COVID-19, the prisons are locked down. He's only allowed out of his cell for one hour a day, and family visits and classes and other programs are suspended. He can't get to the phone to call me much now. I haven't been able to see or hug my husband in over a year. The state has left him to rot in there.

It's hard to express in words the feeling of never knowing if the next phone call will be prison officials saying he has passed. I'm getting older, too, and my own health is failing. All of his family has died, and I'm also on my own. It's just him and I.

There's no question that Robert is a completely different person than the man who was convicted of attempted murder 37 years ago. The problem is that the state fails to recognize this change in people, even after decades and decades in prison.

To be clear, Governor Cuomo has the legal authority to grant clemency and release people from prison. He even launched a program to connect clemency applicants with attorneys, but nearly all of the applications have gone nowhere. Robert's application has been sitting on a desk somewhere for nearly five years. More than a 1,000 people have already died in prison under Governor Cuomo -- husbands, wives, mothers, fathers, grandparents and great-grandparents -- and many more will soon meet the same fate without a change.

That is why the Legislature must act, and quickly. The Elder Parole bill would make people in prison who are 55 and older eligible for parole consideration after serving at least 15 years. For Robert and many others, this means a shot at parole release, as opposed to near certain death in prison. It does not, however, amount to a get-out-of-jail free card. The Parole Board would still have complete discretion to evaluate him and make its own decision. At the same time, we want to make sure the Board's decisions are grounded in values we all share: justice, redemption, and safety. The Fair & Timely Parole bill would change parole hearings to focus on who a person is today, what they did (or did not do) to change themselves while incarcerated, and whether they pose a risk to community safety. It would make the parole process more fair and less political.

These are moderate yet critical reforms to help stop an urgent crisis for families like mine. Please act fast to bring parole justice to the Hudson Valley and New Yorkers this year.