

# Strengthening New York's Workforce Through Sentencing Reform

Despite recent reductions, New York has one of the largest prison populations in the country, and one of the most expensive. Research has shown that incarceration is one of the most costly and least effective tools to advance public safety. This unnecessary and ineffective system separates families and undermines our state's workforce while costing taxpayers billions of dollars.

Businesses across the Empire State require a dependable workforce to thrive. New York's economy is suffering from a labor shortage exacerbated by people who are locked out of the workforce by incarceration and its collateral consequences. New York's economy and workforce will never reach their full potential unless we advance common sense sentencing reforms that will safely reduce the prison population and strengthen the state's workforce, while also protecting public safety.

## New York's Current Sentencing Laws Don't Advance Public Safety

- New York makes it especially difficult for people to earn time off their sentences, and is significantly behind other states, including traditionally conservative states, in allowing incarcerated people to earn time off their sentences. For example, Oklahoma allows some people to earn more than 50% good time, in addition to up to 200 days of time for completing education or treatment programs. Incarcerated people in New York, however, can earn only up to 33% in good time credit, and for many, earned good time credit is capped at 17%, if it is available at all.
- New York's mandatory minimum sentences limit judges' ability to tailor sentences to the specific circumstances of a case, and, instead, force them to impose excessive sentences that are wasteful, counterproductive, and undermine effective and data-driven approaches to public safety.
- New York's long sentences means we spend significantly more to incarcerate people, especially as the prison population ages. Nearly 15% of New York's prison population is over the age of 55, despite the clear data that as people get older their risk of recidivism decreases significantly. Not only does this group of people pose little risk to public safety, the cost to incarcerate someone over the age of 55 is double the cost for a younger person due to health care expenses.
- People incarcerated in New York rarely have an opportunity to have their case reviewed once incarcerated. Some of the common sense policies that are being considered like the Second Look Act would give people a meaningful opportunity to demonstrate their rehabilitation to earn release, expanding incentives and reducing recidivism.

## Sentencing Reform Can Strengthen New York's Workforce and Communities

- The sentencing reforms proposed are carefully tailored to decrease recidivism, increase participation in the workforce, and make communities safer.
- **The Earned Time Act (Cooney - S.774 / Kelles - A.1128)** would expand opportunities in prison to earn good time and merit time. People participating in programs while incarcerated gain many of the necessary trade and educational skills to be successful in the workplace. Yet there are few incentives for participation in these sorts of programs. Expanding incentives and opportunities for release for those who have already worked to improve themselves is a win-win, leading to more safety, fewer costs to the state, and more people entering the workforce prepared to succeed.
- **The Eliminating Mandatory Minimums Act (Myrie - S6471/ Meeks - A2036A)** would give judges more discretion to consider individual circumstances when determining the appropriate sentence, rather than being bound by mandatory sentences that don't make our communities safer. Business leaders know that one-size-fits-all solutions are rarely the right answer, and judges must have the same flexibility.
- **The Second Look Act (Salazar - S.321/Walker - A.531)** would give judges the ability to revisit old sentences to determine if the sentences handed down ten or twenty years ago are the right sentences for today. As people age and are still able to contribute to the workforce, they deserve a chance to show that instead of sitting behind bars at a high cost to taxpayers and no public safety benefit, they could be in the community working, taking care of their families and paying taxes.
- People who are returning home can be valuable and loyal employees. Research shows that retention rates are higher and turnover rates are lower among people with criminal records. Advancing common sense policies to reduce the prison population and bring people home sooner would strengthen the state's economy and workforce without compromising public safety.