

# #LessIsMoreNY

Less Mass Supervision = More Safety and Justice



## Less Is More NY: Advancing Solutions to the Problem of Re-incarceration for Technical Violations of Parole

New York imprisons more people for non-criminal “technical” violations of parole like missing an appointment with a parole officer, being late for curfew, or testing positive for alcohol and other drugs than any state in the country except Illinois.<sup>i</sup> Of people on parole whom New York sent back to prison in 2016, over 6,300 or 65% were reincarcerated for technical parole violations.<sup>ii</sup> **That’s five times the national average.** Nearly 1/3 of the new admissions to state prisons are due to people reincarcerated for technical violations of parole. Only 14% of people on parole who were reincarcerated were returned to prison because they were convicted of a new crime.<sup>iii</sup> The racial disparity is stark: Black people are incarcerated in New York City jails for technical parole violations at more than 12 times the rate of whites.<sup>iv</sup>

There are approximately 35,000 people under active parole supervision in New York State who at almost any time can see their efforts to successfully rejoin the workforce and reintegrate into their families and their communities disrupted by reincarceration for a technical violation.<sup>v</sup> This not only harms individual lives and families without commensurate public safety gains, but also drives up the population in the state prisons and local jails, wasting taxpayer money.

The **Less is More: Community Supervision Revocation Reform Act** would fix this problem. Developed by people on parole, people currently incarcerated, family members, Katal, Unchained, Justice Lab at Columbia, Legal Aid, and more, the bill is sponsored by Sen. Brian Benjamin (S.1343a). Asm. Walter Mosley (number forthcoming). Its provisions include:

- **Providing earned time credits.** People under community supervision would be eligible to earn a 30-day “earned time credits” reduction in their community supervision period for every 30-day period in which they do not violate a condition of supervision.
- **Bolstering due process.** Persons under community supervision shall be afforded a recognizance hearing in a local criminal court before they are detained, pending adjudication of an alleged violation of their conditions of release, whether a technical violation or a new criminal charge is alleged.
- **Providing speedy hearings.** Persons under community supervision shall be afforded a speedy adjudicatory hearing upon an alleged violation of their conditions of release.
- **Restricting the use of incarceration for technical violations.** Incarceration would be eliminated as a sanction for most technical violations. Certain technical violations could still result in jail time, but it would be capped at a maximum of 30 days.

Many other states have already implemented reforms similar to those proposed here, reducing community supervision populations and curbing violations (Arkansas, Arizona, Georgia, Idaho, Kentucky, Louisiana, Mississippi, South Carolina and Utah). According to research on the federal Bureau of Justice Assistance Justice Reinvestment Initiative (“JRI”) published by the Pew Charitable Trusts, in eighteen JRI states, people on parole can shorten their supervision periods by up to 30 days for 30 days of compliance.<sup>vi</sup> Further, 16 JRI states have put caps or guidelines on how long individuals can serve for a technical violation of supervision conditions.<sup>vii</sup>

**These reforms have worked.** After South Carolina adopted graduated sanctions, compliance revocations decreased 46 percent, and recidivism rates for people under supervision dropped by a third.<sup>viii</sup> Meanwhile, crime rates dropped by over 20 percent.<sup>ix</sup>

Similarly, after Louisiana implemented caps on jail or prison terms for first-time technical violations, length of incarceration declined by 281 days and 22% fewer people under community supervision were sent back to prison for new crimes.<sup>x</sup> After Missouri adopted earned time credits for people on probation and parole, supervision terms dropped by 14 months, the supervised population fell 18 percent, average caseloads decreased 16 percent, and recidivism rates did not change.<sup>xi</sup>

**Budget and Savings:** In addition to the reforms included in the *Less is More Act*, the #LessIsMoreNY campaign calls on the Governor and Legislature to pass the legislation, identify and capture the savings that will result from these reforms, and reinvest those savings back into the communities most harmed by mass incarceration and crime.

**About the Campaign:** #LessIsMoreNY is a statewide coalition of community groups, service providers, and public safety experts working together to pass the Less Is More: Community Supervision Revocation Reform Act (S.1343A—Benjamin/Assm. Same-As # pending, Mosley). Permitting New Yorkers to earn accelerated discharge off community supervision will responsibly reduce jail and prison populations; support people who are subject to community supervision/parole in the reentry process; promote safety and justice for families and communities; and save taxpayers money. The coalition calls on the Governor and Legislature to pass this bill, capture the savings that will result from reform, and reinvest those savings back into the communities most harmed by mass incarceration and crime.

**For more information, and to get involved with #LessIsMoreNY, please contact:**

- **NYC + Long Island + Westchester:** Donna Hylton, Katal: [dhylton@katalcenter.org](mailto:dhylton@katalcenter.org) | (424) 272.1724
- **Capitol Region + Hudson Valley + North Country:** Cedric Fulton, Katal: [cfulton@katalcenter.org](mailto:cfulton@katalcenter.org) | (518) 406-8226
- **Upstate + Southern Tier + Western NY:** Emily NaPier Singletary, Unchained: [emily@weareunchained.org](mailto:emily@weareunchained.org) | (315) 243-5135

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<sup>i</sup> United States Department of Justice, Bureau of Justice Statistics, *Probation and Parole in the United States, 2016* (Apr. 2018), Appendix Table 7, available at [www.bjs.gov/content/pub/pdf/ppus16.pdf#page=22](http://www.bjs.gov/content/pub/pdf/ppus16.pdf#page=22).

<sup>ii</sup> *Id.*

<sup>iii</sup> *Id.* The rest were almost all reincarcerated to receive treatment.

<sup>iv</sup> Vincent Schiraldi and Jennifer L. Arzu. *Less is More in New York: An Examination of the Impact of State Parole Violations on Prison and Jail Populations*. (2018), available: <https://academiccommons.columbia.edu/doi/10.7916/D8RZoQo6>

<sup>v</sup> NYS Department of Corrections and Community Supervision, *Community Supervision Staffing Legislative Report*, available at [www.doccs.ny.gov/Research/Reports/2018/Community-Supervision-Staffing-Report-2018.pdf](http://www.doccs.ny.gov/Research/Reports/2018/Community-Supervision-Staffing-Report-2018.pdf).

<sup>vi</sup> These states are AK, AR, AZ, DE, GA, ID, KS, KY, LA, MD, MO, MS, MT, NH, OR, SC, SD, UT.

<sup>vii</sup> These state are AK, AL, AR, GA, HI, ID, KS, LA, MD, MO, MS, MT, NC, OK, PA, UT. See Adam Gelb and Connie Utada, *For Better Results, Cut Correctional Populations*. Washington, DC: The Pew Charitable Trusts (2017), available:

[www.pewtrusts.org/en/research-and-analysis/articles/2017/08/25/for-better-results-cut-correctional-populations](http://www.pewtrusts.org/en/research-and-analysis/articles/2017/08/25/for-better-results-cut-correctional-populations)

<sup>viii</sup> Elizabeth Pelletier, Bryce Peterson, and Ryan King, *Assessing the Impact of South Carolina's Parole and Probation Reforms*. Washington, DC: The Urban Institute (2017), available:

[www.urban.org/sites/default/files/publication/89871/south\\_carolina\\_jri\\_policy\\_assessment\\_final\\_1.pdf](http://www.urban.org/sites/default/files/publication/89871/south_carolina_jri_policy_assessment_final_1.pdf).

<sup>ix</sup> *Probation and Parole Systems Marked by High Stakes, Missed Opportunities*. Washington, DC: The Pew Charitable Trusts (2017), available: [www.pewtrusts.org/-/media/assets/2018/09/probation\\_and\\_parole\\_systems\\_marked\\_by\\_high\\_stakes\\_missed\\_opportunities\\_pew.pdf](http://www.pewtrusts.org/-/media/assets/2018/09/probation_and_parole_systems_marked_by_high_stakes_missed_opportunities_pew.pdf).

<sup>x</sup> *Reducing Incarceration for Technical Violations in Louisiana*. Washington, DC: The Pew Charitable Trusts (2014), available: [www.pewtrusts.org/~media/assets/2014/11/psppreducingincarcerationfortechnicalviolationsinlouisiana.pdf](http://www.pewtrusts.org/~media/assets/2014/11/psppreducingincarcerationfortechnicalviolationsinlouisiana.pdf).

<sup>xi</sup> *Probation and Parole Systems Marked by High Stakes, Missed Opportunities*.