

#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

On September 17, 2021, Governor Kathy Hochul signed the Less is More: Community Supervision Revocation Reform Act (S.1144A – Benjamin / A.5576A – Forrest) into law. New York State 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. Of people on parole who New York sent back to prison in 2018, nearly 7,500 or 85% were reincarcerated for technical parole violations.ⁱ This is 6 times the national average.ⁱⁱ In 2019, 40% of people admitted to state prisons were locked up not for a new felony conviction but for a non-criminal technical violation of parole.ⁱⁱⁱ The racial disparity is stark: across the state, Black people are 5 times more likely and Latinx people are 30% more likely to be reincarcerated for a technical parole violation than whites.^{iv}

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.^v 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 money. New York taxpayers spend more than \$680 million annually to reincarcerate people for technical parole violations.^{vi}

Fully implementing 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 Former Senator Brian Benjamin (S.1144A) and Assm. Phara Forrest (A.5576A). The bill’s effective start date is March 1, 2022, but there is clause that allows for the immediate and full implementation of #LessIsMoreNY. We are calling on the Governor to fully implement #LessIsMoreNY now and begin advancing solutions that promote public safety and support for individuals returning home from incarceration and our communities.

Its provisions include:

- **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.
- **Bolstering due process.** Rather than being automatically detained in local jails, people accused of a technical violation would be issued a written notice of violation with a date to appear in court and would remain at liberty for any hearings. People on parole accused of a new criminal offense would be afforded a recognizance hearing in a local criminal court before they are detained, and the standards of the bail reform statute would apply.
- **Providing speedy hearings.** Persons under community supervision shall be afforded a speedy adjudicatory hearing upon an alleged violation of their conditions of release. Hearings would be conducted within 30 days rather than taking up to 105 days.

- **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.

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.^{vii} Further, 16 JRI states have put caps or guidelines on how long individuals can serve for a technical violation of supervision conditions.^{viii}

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.^{ix} Meanwhile, crime rates dropped by over 20 percent.^x 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.^{xi} 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.^{xii}

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.1144A—Benjamin/ A.5576A—Forrest). Restricting the use of incarceration for technical violations of parole will support people in reentering their community after incarceration; responsibly reduce jail and prison populations; 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.

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ⁱ United States Department of Justice, Bureau of Justice Statistics, *Probation and Parole in the United States, 2017-2018* (Aug. 2020), Appendix Table 7. Available: https://www.bjs.gov/content/pub/pdf/ppus1718.pdf?utm_content=ppus1718&utm_medium=email&utm_source=govdelivery.

ⁱⁱ Council of State Governments Justice Center. 2019. Confined and Costly, at 1. Available: <https://csjjusticecenter.org/wp-content/uploads/2020/01/confined-and-costly.pdf>.

ⁱⁱⁱ NY State Assembly, Standing Committee on Correction. 2019. 2019 Annual Report, at 1. Available: https://nyassembly.gov/write/upload/postings/2020/pdfs/20201110_0094293.pdf.

^{iv} Bradner, Kendra, and Vincent Schiraldi. 2020. *Racial Inequities in New York Parole Supervision*. New York, NY. Columbia Justice Lab. Available: <https://justicelab.columbia.edu/ny-parole-racial-disparities>.

^v 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.

^{vi} Nims, Tyler, Kendra Bradner, Johnna Margalotti, Zachary Katznelson, and Vincent Schiraldi. 2021. *The Enormous Cost of Parole Violations in New York*. A More Just NYC and Columbia Justice Lab. Available: https://justicelab.columbia.edu/sites/default/files/content/Cost_Parole_Violations_in_New_York.pdf.

^{vii} These states are AK, AR, AZ, DE, GA, ID, KS, KY, LA, MD, MO, MS, MT, NH, OR, SC, SD, UT.

^{viii} These states 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

^{ix} 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.

^x *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.

^{xi} *Reducing Incarceration for Technical Violations in Louisiana*. Washington, DC: The Pew Charitable Trusts (2014), available:

www.pewtrusts.org/-/media/assets/2014/11/psppreducingincarcerationfortechnicalviolationsinlouisiana.pdf.

^{xii} *Probation and Parole Systems Marked by High Stakes, Missed Opportunities*.