

#LessIsMoreNY

Less Mass Supervision = More Safety and Justice



About #LessIsMoreNY and Parole Reform in New York State

On September 17, 2021, the **Less Is More: Community Supervision Revocation Reform Act** was signed into law in New York. It restricts the use of incarceration for breaking noncriminal parole rules (“technical violations”), bolsters due process for people accused of violations, and provides “earned-time” credits to those who follow the rules. The new law also requires the state’s Department of Corrections and Community Supervision (DOCCS) to provide people on parole access to community-based drug treatment and mental health services.

Community groups and legal advocates pushed for the law because for years, New York imprisoned more people than any other state did for noncriminal technical violations of parole—like missing an appointment with a parole officer, being late for curfew, or testing positive for alcohol, marijuana, or other drugs. In 2019, almost 36,000 people were on parole statewide.¹ On a typical day that year, nearly 4,300 people were incarcerated in New York prisons for noncriminal technical violations of parole—approximately 10 percent of the state prison population.² More than 1,700 other people accused of technical parole violations were held in local jails.³

The racial and ethnic disparities have been stark: the Columbia Justice Lab has reported that Black people across the state are five times more likely and Latinx people are 30 percent [more likely to be re-incarcerated](#) for this type of violation than white people are.⁴

Incarceration for a technical violation can disrupt someone’s efforts to reintegrate with their families and into their communities and to rejoin the workforce. This not only harms thousands of people year after year without improving public safety but wastes money as it drives up the population in jails and prisons. New York State taxpayers spent [more than \\$680 million](#) in 2019 to lock up people for these violations.⁵

The Less Is More Act was written to solve these problems. Developed by people on parole, people who are or were incarcerated, family members, and others including [Katal](#), [Unchained](#), [A Little Piece of Light](#), the [Columbia Justice Lab](#), the [Lippman Commission](#), and the [Legal Aid Society](#), the bill was sponsored by former Senator Brian Benjamin ([S.1144A](#))—now the lieutenant governor—and Assemblymember Phara Souffrant Forrest ([A.5576A](#)). These are the law’s major provisions:

- **It restricts the use of incarceration for technical violations.** Incarceration is eliminated as a sanction for many of these noncriminal violations. Certain violations could still result in jail time, with a maximum of 30 days.

- **It eliminates automatic detention.** Instead, people accused of a technical violation remain at liberty after being issued a written notice with a date to appear in court. Someone on parole who is accused of a new criminal offense has a hearing in a local court before being detained and is released on their own recognizance (ROR), unless doing so wouldn't reasonably assure their appearance at future hearings.⁶
- **It bolsters due process, in part by providing faster hearings.** When someone is accused of violating the conditions of their parole, a hearing is provided within 35 days if they are detained and 55 days if they are not (instead of taking up to 105 days). Hearings take place in courthouses and other community settings rather than in jails, as they had prior to Less Is More. The law establishes increased standards of proof at each stage of the violation process and a guaranteed right to counsel.
- **It provides earned-time credits.** People on parole earn a 30-day reduction in their supervision period for every 30 days in which they do not receive a sustained violation. This “30 for 30” approach gives people an incentive to comply with parole rules.

These reforms have worked in other states. After South Carolina made similar reforms, probation and parole revocations associated with technical violations decreased 46 percent and recidivism rates for people under supervision dropped substantially.⁷ Meanwhile, crime rates dropped by at least 20 percent.⁸ Similarly, after Louisiana implemented caps on jail or prison terms for first-time technical violations, the length of incarceration declined by 281 days, and 22 percent fewer people on community supervision were sent back to prison for new crimes.⁹ After Missouri adopted earned-time credits for people on probation and parole, supervision terms decreased by 14 months, the supervised population by 18 percent, and average caseloads by 16 percent, while recidivism rates did not change.¹⁰

New York was spending more than half a billion dollars annually to lock people up for technical violations. Of the [\\$680 million](#) it cost the state in 2019 to incarcerate people for noncriminal technical violations of parole, New York City taxpayers spent about \$273 million and the state's other counties spent more than \$91 million.¹¹ State government spent nearly \$320 million on top of that.¹² The #LessIsMoreNY coalition calls on Governor Hochul and the state legislature to identify and capture the savings that will result from these reforms—and to reinvest those savings in the communities most harmed by crime and mass incarceration.

An unusual coalition won passage of #LessIsMoreNY—and our work isn't done.

#LessIsMoreNY is a statewide coalition of community groups, service providers, and public safety experts who worked together to develop and pass the #LessIsMoreNY Act. Restricting the use of incarceration for technical parole violations and giving people incentives to comply with parole conditions will support them as they reenter their communities; reduce jail, prison, and supervised populations responsibly; promote safety and justice for families and communities; and save taxpayers money. The coalition is working to implement the new law fully and effectively. The #LessIsMoreNY campaign is led by the [Katal Center](#) for Equity, Health, and Justice, [Unchained](#), and [A Little Piece of Light](#). For more information, visit www.lessismoreny.org.

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- ¹ New York State Department Corrections and Community Supervision (DOCCS). *Community Supervision Legislative Report 2020*. Albany, New York: DOCCS, 2020. “Table 4: Community Supervision Population Allocation” at 6. doccs.ny.gov/system/files/documents/2021/08/community-supervision-legislative-report-2020-final.pdf.
- ² Tyler Nims, Kendra Bradner, Johnna Margalotti, Zachary Katznelson, and Vincent Schiraldi. *The Enormous Cost of Parole Violations in New York*. New York: A More Just NYC and Columbia Justice Lab. 2021. 6. justicelab.columbia.edu/sites/default/files/content/Cost_Parole_Violations_in_New_York.pdf.
- ³ Nims, Bradner, Margalotti, et al. *The Enormous Cost of Parole Violations*. 2021, 3.
- ⁴ Kendra Bradner and Vincent Schiraldi. *Racial Inequities in New York Parole Supervision*. New York: Columbia University Justice Lab, 2020, 10. justicelab.columbia.edu/sites/default/files/content/NY%20Parole%20Racial%20Inequities.pdf.
- ⁵ Nims et al. *The Enormous Cost of Parole Violations*. 2021, 5.
- ⁶ *Release on recognizance* means “a release, without the requirement of . . . posting bail, based on a written promise by the defendant to appear in court when required to do so.” Cornell Law School Legal Information Institute. [law.cornell.edu/wex/own_recognizance_\(or\)](https://www.law.cornell.edu/wex/own_recognizance_(or)).
- ⁷ A More Just NYC. *Parole Reform: Conservative States Leave New York Behind*. New York: Independent Commission on New York City Criminal Justice and Incarceration Reform. 2021. 5. static1.squarespace.com/static/5b6de4731aef1de914f43628/t/60a3cbe6862b67754b916d2a/1621347302580/Red+States+Parole+Report+Final.pdf.
- ⁸ Jake Horowitz, Connie Utada, Monica Fuhrmann, Adam Gelb, Juliene James, Amy Solomon, and Brian Elderbroom. *Probation and Parole Systems Marked by High Stakes, Missed Opportunities*. Washington, DC: The Pew Charitable Trusts, 2017. 14. [pewtrusts.org/-/media/assets/2018/09/probation_and_parole_systems_marked_by_high_stakes_missed_opportunities_pew.pdf](https://www.pewtrusts.org/-/media/assets/2018/09/probation_and_parole_systems_marked_by_high_stakes_missed_opportunities_pew.pdf).
- ⁹ The Pew Charitable Trusts. *Reducing Incarceration for Technical Violations in Louisiana*. Washington, DC: The Pew Charitable Trusts, 2014. 1. [pewtrusts.org/-/media/assets/2014/11/psppreducingincarcerationfortechnicalviolationsinlouisiana.pdf](https://www.pewtrusts.org/-/media/assets/2014/11/psppreducingincarcerationfortechnicalviolationsinlouisiana.pdf).
- ¹⁰ Horowitz, Utada, Fuhrmann, et al. *Probation and Parole Systems Marked by High Stakes*, 2017, 15.
- ¹¹ Nims et al., *The Enormous Cost of Parole Violations*, 2021, 2.
- ¹² Nims et al., *The Enormous Cost of Parole Violations*, 2021, 2.