



Racial Inequities in New York Parole Supervision

EXECUTIVE SUMMARY

The scope and conditions of parole supervision in New York have profound impacts for people serving supervision sentences. Numerous conditions are a constraint on their liberty, serve as trip wires to incarceration, and can disrupt the process of community reintegration needed for successful reentry after leaving prison. Parole supervision fuels mass incarceration everywhere, but particularly in New York as New York sends more people back to prison for non-criminal, technical parole violations than any state except Illinois. Nearly six times as many people are reincarcerated in state prisons for technical violations – such as missing an appointment, being out past curfew, or testing positive for alcohol – as were reincarcerated for a new criminal conviction. Moreover, people held on parole violations are now the only population increasing in New York City jails, threatening plans to close the notorious Rikers Island jails complex. Together, incarceration for technical violations costs New York State and localities over \$600 million annually.

Importantly, the harmful impacts of parole policies disproportionately fall on Black and brown communities. Black and Latinx people are significantly more likely than white people to be under supervision, to be jailed pending a violation hearing, and to be incarcerated in New York State prisons for a parole violation. This report examines these racial and ethnic inequities in New York parole supervision and revocation, and offers further context by summarizing existing research on disparities in supervision practices nationally.

Parole in New York

Structural racism² has profound impacts on parole outcomes in New York. As in national analyses, there are three points at which racial and ethnic inequities in parole supervision practices can be easily observed – the

¹ Throughout the brief, we use the term “parole” to describe the condition of being supervised by state parole officials following release from prison. In fact, most people who are supervised after being released from prison in New York State are on “conditional release” – release from prison not by the parole board, but after serving a definite, or determinate, prison sentence minus whatever good time they may have accrued. People released on “parole” in New York State are those released by the state’s parole board after serving an indefinite, or indeterminate, period of imprisonment and being found suitable for release by the board. Since parole is the much more common parlance for those under community supervision following release from imprisonment, we will use that term to describe both those under parole supervision and those on conditional release.

² The term *structural racism* “emphasizes the interaction of multiple institutions in an ongoing process of producing racialized outcomes... A systems approach helps illuminate the ways in which individual and institutional behavior interact across domains and

likelihood of experiencing parole supervision, the likelihood of being charged with a violation, and the likelihood of incarceration for a violation.

Inequities in Supervision, Violations, and Incarceration

Justice Lab analysis of available data indicates that people of color in New York experience disparate burdens at all three points:

- Black and Latinx people are supervised at 6.8 and 2.5 times the rate of white people, respectively – significantly larger disparities than are observed in national parole supervision rates.
- Disparities in supervision rates are worse among men, as Black men are supervised at 7.8 times, and Latino men 2.8 times, the rate of white men.
- Black people are detained for parole violations in New York City jails at a rate 12 times higher than that for white people, and Latinx people are detained for parole violations at roughly 4 times the rate of white people.
- Black people are incarcerated for technical violations in New York State prisons at 5 times the rate of white people, and that Latinx people are 30% more likely than white people to be incarcerated for a technical parole violation.
- As with rates of supervision, disparities for prison incarceration were worse among men – Black men were 5.7 times as likely, and Latino men nearly 40% more likely, to be in New York State prisons for a technical parole violation than their white counterparts.

These figures indicate that the burdens of parole supervision and revocation practices fall much more heavily on Black and brown communities in New York. When considering the impacts of these practices, it is important to remember that the risk of re-incarceration looms large not only for the person under supervision, but also for their family and wider network. Someone struggling with drug addiction may feel unable to seek help because admitting a relapse would lead to a violation. A father may be unable to accept a well-paying night job or take a sick child to the emergency room if it conflicts with curfew. A person may face homelessness because they are not permitted to live with supportive family or friends who have a criminal record or who live in public housing. The whole household or workplace may be disrupted by unannounced visits from parole officers confirming the person's whereabouts. All of these situations can further complicate an already-difficult process of reentering society after prison.

Recommendation: Take Legislative Action on Parole Reform

It is undeniable that the impact of current parole practices in New York falls disproportionately on Black and brown communities – from the experience of supervision, to charging and jail detention, to disposition and

over time to produce unintended consequences with clear racialized effects” (Powell 2008, 791). In other words, it does not require racist actions or intent of individual people, and “even if interpersonal discrimination were completely eliminated, racial inequities would likely remain unchanged due to the persistence of structural racism” (Gee and Ford 2001, 3; Bonilla-Silva 1997; Jones 2000).

prison incarceration. The findings of this research brief indicate that Black and brown people in New York experience disparate outcomes at even higher rates than national averages.

Given that previous research indicates that being on parole longer increasingly disadvantages Black and brown people, and that those people are disproportionately more likely to be charged with violations and to experience harsher punishment for violations, policy changes in these areas are likely to carry positive effects for these communities.

Two separate groups, made up of diverse constituencies, have studied the parole system, and have reached similar conclusions – that New York parole should allow people to earn time off of their supervision sentence, severely limit the use of incarceration as a response to technical violations, and curb the use of jail detention for individuals accused of technical parole violations. A consensus report from the New York State Bar Association Task Force on Parole – which includes judges, prosecutors, and defense attorneys from throughout the state – included such recommendations.

Separately, a broad coalition is advancing currently-pending legislation – the *Less Is More Act* – which would enact these policy recommendations and more. The legislation has received support from six sitting District Attorneys, the New York State Association of Counties, the New York Mayor and City Council, the New York City Bar Association, and a broad coalition of formerly incarcerated and supervised advocates, among others.

In short then, New York has a current, actionable opportunity to reform its parole practices in ways that would directly address sources of racial and ethnic disparities that plague the status quo. Our main recommendation is therefore that the state not squander this opportunity, and instead take legislative action to reform parole before the window to do that closes.

Parole practices impact too many lives – particularly among Black and brown people and already-vulnerable, underserved communities – for reform to not move forward.