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DURING PANDEMIC, NEW YORK STATE FAILS TO FOLLOW THROUGH ON PLAN TO RELEASE PEOPLE JAILED FOR TECHNICAL PAROLE VIOLATIONS

As people jailed for technical violations are released, state parole is rapidly replacing them

New York – In a [report](#) released today, the Columbia Justice Lab assesses the impact of a March 27, 2020 announcement from the New York State Department of Corrections and Community Supervision (DOCCS), indicating that it would release up to 1,100 people jailed in county facilities for accusations of technical parole violations in response to the COVID-19 pandemic.

Infectious disease spreads easily and quickly in congregate settings such as jails and prisons. New York State incarcerates more people for non-criminal, technical parole violations than every state except Illinois, and the first two incarcerated people to die of COVID-19 in the Rikers Island jail complex - Michael Tyson and Raymond Rivera - were held there for technical parole violations for missing appointments and failing a drug program. Over 1500 staff and 400 people currently incarcerated in the Rikers Island jail complex have tested positive for COVID-19. As with the pandemic, technical state parole violations disproportionately affect Black and Latinx people.

The report concludes that the **state released around three-quarters of those originally anticipated** by the NYS Department of Corrections and Community Supervision.

It additionally finds that in the two months since the directive was issued, **approximately 170 people accused of technical parole violations were newly sent to the Rikers jails**. This number appears to be accelerating **and is projected to surpass the number of people released by June or early July**.

In response to the limited and waning effect of the March release order, the report recommends immediate steps for both the NYS Department of Corrections and Community Supervision and state policymakers:

- Unless an individual poses a demonstrable and imminent public safety risk, **all people held in jails and prisons for technical parole violations be released**
- **DOCCS cease issuing new warrants for technical violations** until the pandemic subsides
- **State policymakers enact legislative reforms** such as ending automatic pre-hearing incarceration for people facing technical violations; eliminating incarceration for less serious technical violations; capping incarceration terms for technical violations; and incentivizing parole compliance through grants of “merit time” for following the rules

New York’s Legislature is currently convened in a special session focused on COVID-19.

Comments on [Two months later: Outcomes of the March 27th order to release people jailed for technical violations during the pandemic](#):

Vincent Schiraldi, *Two months later* author, co-director of the Columbia Justice Lab and former New York City Probation Commissioner: "Locking people up for non-criminal, technical parole violations - like New York does more than all but one state - wasn't such hot public policy before the pandemic. But since the pandemic, it is life threatening. The state has removed no one held in state prisons for technical violations and a disappointing number from county and city jails. Worse, state parole is rapidly replacing them with new people locked up for missing appointments and staying out past curfew. This is madness, and the legislature and governor should act to stop state corrections from jeopardizing people's lives for minor missteps."

Manhattan District Attorney Cy Vance, Jr.: "Although hundreds of New Yorkers once incarcerated on technical parole violations have been released thanks to the work of the State in partnership with local governments and district attorneys, legislative action is the surest way to protect our fellow citizens in the months and years ahead. Even in the best of times, non-criminal, technical parole violations are major catalysts of unnecessary re-incarceration statewide that disproportionately impact New Yorkers of color. Today's crisis further underscores New York's urgent need for a forward-looking, evidence-based overhaul of our parole system. As such, I strongly encourage state lawmakers convening this week to pass legislation designed to reduce technical violations; allow people accused of technical violations to be released before trial while their cases are pending; and release people in jails and prisons currently held for technical violations unless they present a clear risk to public safety."

Brooklyn District Attorney Eric Gonzalez: "COVID-19 has changed the calculus by which we determine who should be confined in our jails and prisons. I support legislation to reduce the number of people being jailed for technical parole violations that do not involve new arrests."

Lorraine McEvilley, Director of the Parole Revocation Defense Unit with the Criminal Defense Practice at The Legal Aid Society: "This report sheds more light on Governor Cuomo and DOCCS' failure to protect incarcerated New Yorkers from COVID-19 and mitigate the spread of the virus in carceral settings. And now with the Legislature back in session, it is imperative that lawmakers pass the Less Is More Act to fundamentally overhaul our broken parole system that continues to drive mass incarceration across New York State."

Tyler Nims, Executive Director of the Independent Commission on NYC Criminal Justice & Incarceration Reform: "The Justice Lab's new report confirms the urgent need for legislative changes to New York's broken parole supervision system, both to stop the spread of COVID-19 behind bars and to stop the revolving door that sends so many people back to jail and prison for non-criminal technical violations. The State's decision, two months ago, to release several hundred people accused of technical violations is proof that we don't need to incarcerate people for technical violations to keep our city and state safe. But as the Justice Lab's report demonstrates, without a legislative fix, the awful jails on Rikers Island will soon be filling back up with people accused only of technical violations. Let's pass the Less Is More Act as soon as possible to help people succeed when they return home from prison, permanently close the dysfunctional Rikers jails, and save hundreds of millions in state and local spending that is being wasted on incarceration."

Donna Lieberman, Executive Director, New York Civil Liberties Union: “This report documents the failure of DOCCS to do the right thing to protect the health and safety of all of us, including people on parole. There is no justification to put people in jail for months in the middle of this pandemic merely because they are accused of a technical violation of parole, like missing an appointment or a curfew violation. This practice is inconsistent with the Governor’s own proclamations and must stop.”

Lorenzo Jones, Co-Executive Director, Katal Center for Health, Equity, and Justice: “This report underscores Governor Cuomo’s duplicity when it comes to people incarcerated in New York prisons and local jails. On March 27 he said he’d release up to 1,100 people from jails as a response to COVID-19, which is the right thing to do, yet his agencies dragged their feet on making those releases and even as they made them, they’re busily putting more and more people, mostly Black and Latinx people, back into those very same jail facilities. This is outrageous enough, but to do this in the height of this deadly pandemic, while refusing to take any further action to release more people and save more lives, is disgusting and inhumane. This is easy – release people. Quickly and immediately. Pass the #LessIsMoreNY Act and other lifesaving measures to reform parole and end solitary confinement. Save lives. Treat people humanely. That Governor Cuomo refuses to do so only underscores how utterly contemptible his record is when it comes to the lives of the tens of thousands of people imprisoned in New York, their families, and their communities.”

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