



Less is More in New York City: An Examination of the Impact of State Parole Violations on Prison and Jail Populations

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EXECUTIVE SUMMARY

As state and city leaders agree that the jail complex on Rikers Island should be closed, efforts have increased to reduce the New York City jail population. The population of New York City's jails dipped below 9,000 recently for the first time in 35 years, as crime in the city has continued to decline, allowing the City to announce the closure of one of Rikers Island's nine jails.

But as the number of persons incarcerated pretrial for misdemeanors, non-violent felonies and violent felonies, as well as the city sentenced population, have declined by double-digits over the past four years, only one population in the jail has increased – persons held in city jails for state parole violations.

This research brief examines this issue in greater detail, focusing on its impact on New York City's jail population at this critical time. It concludes with recommendations to reduce unnecessary incarceration of persons on parole as well as to shrink the overall parole population and focus parole supervision and supports on those who need it the most.

Shrinking *prisons* while increasing the incarcerated parole population

Over the past two decades, New York State has been a leader in reducing incarceration and closing prisons, driven by a sharp decline in state prison commitments from New York City. Between 1999 and 2017, there has been a 31% reduction in the number of people in state prisons, allowing the state to close 13 correctional facilities, eliminate 6,000 prison beds, and save over \$160 million annually. But while the overall prison population has been shrinking, the population of people in New York State prisons for parole violations has been growing:

- From 2015 to 2016, prison admissions for parole violations increased by 21%
- For every ten successful parole completions in New York in 2015, there were nine people who were reincarcerated while on parole, ranking New York State 9th nationally in parole failure
- Nearly half (47%) of all parole exits in New York State were to incarceration, substantially higher than the national average failure rate of 28%

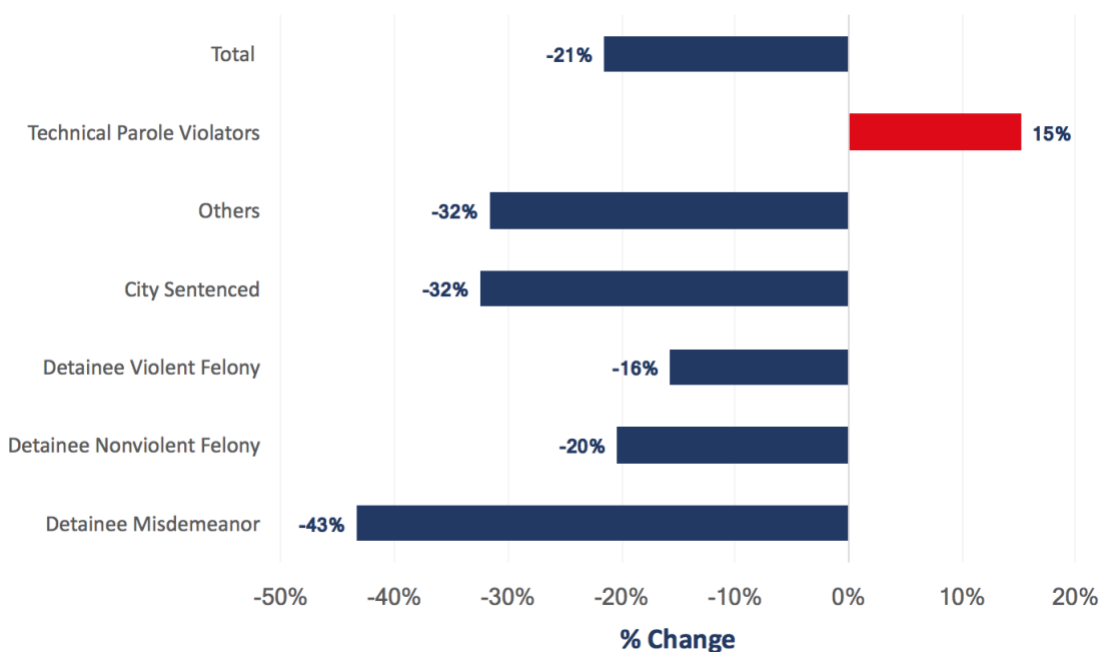
- Persons incarcerated for technical violations accounted for 29% of admissions to New York State prisons in 2016
- In 2015, 15 out of every 100 parolees at risk of reincarceration in New York State were incarcerated, compared to only 9 out of every 100 parolees at risk of reincarceration nationally
- Of the 9,372 people released on parole from New York State prisons in 2012, half returned to prison within three years. Of those who were reincarcerated, 84% went back in for violating the conditions of their parole, while only 16% returned because they committed a new crime

Shrinking jails while increasing the incarcerated parole population

As with New York State’s prison population, the number of people incarcerated in locally run jails throughout the state has been declining, with the decline disproportionately emanating from New York City. From November 2016 to November 2017, the number of people in jails was reduced by 3% statewide, with New York City’s jail population declining by 5%, while the non-New York City jails only experienced a 2% population reduction.

New York City reduced its jail population by 21% from 2014 to 2018. While overall jail populations were decreasing both in the city and statewide, between 2016 and 2017 the average daily population (ADP) of persons incarcerated in jails throughout New York State for technical parole violations increased by 10%. This was driven by New York City numbers – the ADP for technical violations in non-NYC jails increased by only 5%, whereas New York City jails experienced a 20% increase. The population of persons incarcerated in the City’s jails for parole violations was the only population that increased over the last four years.

Figure 1: Percent Change in New York City Snapshot Jail Population, by subgroups: January 1, 2014 vs. January 1, 2018



Not only is the number of people held on parole violations in the city's jails increasing, but it does not appear to be a population incarcerated on particularly serious offenses, leaving the door open to policy and programmatic options to divert them from incarceration. On November 16, 2017, 16% of those in New York City's jails (1,460 out of 9,165) were there for state parole violations. Of those, 701 (48%) were detained for technical violations; 205 (14%) for misdemeanors; 282 (19%) for non-violent felony arrests; and only 272 (19%) for violent felony charges.

Recommendations

City and State leaders agree that Rikers Island should be closed. They also agree that more needs to be done to address parole violations. And 81% of those detained in city jails for parole violations are either in for technical violations, or misdemeanor or non-violent felony arrests. This is an opportune time to safely and effectively reduce the number of persons detained for violating parole, both at the state level and in jails throughout New York. Toward those ends, we suggest the following policy approaches, many of which have been successful in other states:

- **Shorten parole terms and incentivize good behavior by allowing people to earn accelerated discharge**
- **Require a hearing before a judicial officer prior to jailing someone accused of a technical violation**
- **Create a high legal threshold for jailing people on parole for less serious offenses and expedite their hearings**
- **Cap violation terms**
- **Require the use of graduated sanctions and rewards prior to revoking people under supervision to incarceration**
- **Reallocate savings to community programs**