

# A MORE JUST NYC

## Testimony of Zachary Katznelson, Policy Director, Independent Commission on New York City Criminal Justice and Incarceration Reform

May 1, 2019

I am Zachary Katznelson, Policy Director at the Independent Commission on New York City Criminal Justice and Incarceration Reform, sometimes known as the Lippman Commission after our chairperson Judge Jonathan Lippman. Thank you for the opportunity to testify.

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The number of people who are jailed in New York City because of parole warrants is a major obstacle to the efforts to put an end to the dysfunctional jail complex on Rikers Island.

**Today, roughly 630 people are locked up on Rikers Island because they have been accused of a technical parole violation.<sup>1</sup> 89% are people of color.<sup>2</sup>** In the past two and a half years, the overall number of people in New York City jails has dropped by 22%, a remarkable achievement. But during that time **the number of people in jail accused of technical parole violations has increased 9%.<sup>3</sup>**

More than 500 other people in City jails stand charged with misdemeanors and non-violent felonies, but are ineligible for bail or other form of release because they are also accused of a parole violation.<sup>4</sup> Under the new bail law, most of these people would be ineligible for

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<sup>1</sup> New York City Department of Correction data via NYC Open Data (visited April 30, 2019).

<sup>2</sup> New York City Department of Correction data via NYC Open Data (visited April 30, 2019).

<sup>3</sup> Lippman, Jonathan et al. (April 2017) *A More Just New York City*, available at <https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5b96c6f81ae6cf5e9c5f186d/1536607993842/Lippman%2BCommission%2BReport%2BFINAL%2BSingles.pdf>; New York City Department of Correction data via NYC Open Data (visited April 30, 2019; 628 people incarcerated for technical parole violations).

<sup>4</sup> Lippman, Jonathan et al. (December 2018) *A More Just New York City Progress Report and Legislative Agenda*, available at

detention at all based on the crimes with which they are charged. Yet, because of the parole warrants, they would remain incarcerated, ineligible even for bail.

Combined, 20% of the people jailed in New York City are there because of alleged parole violations, automatically locked up for weeks and months no matter how minor the allegation.

**This is the only population at Rikers that is growing.**

People on parole, already faced with enormous challenges when they leave prison, are being locked up in almost unparalleled numbers across New York State. In 2016, the most recent data available, New York State returned over 6,300 people on parole to prison for technical parole violations, 29% of all admissions to New York State prisons.<sup>5</sup> Another 2,000 people were returned to prison for treatment programs. Added together, nearly 40 percent of new admissions to New York State prisons in 2016 were for non-criminal parole violations. In contrast, just over 1,300 people on parole were returned to prison that year for new criminal convictions.<sup>6</sup>

These numbers are a warning sign that New York's parole system is failing in many critical respects. The allegations published yesterday in *Gothamist* suggest that parole officers and administrative law judges face pressure to jail people for technical parole violations. There is scant evidence that incarcerating people for such violations increases public safety. But there

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<https://static1.squarespace.com/static/5b6de4731aef1de914f43628/t/5c198f9af950b7863cd60bac/1545179066057/Progress+Report.pdf>.

<sup>5</sup> U.S. Department of Justice, Bureau of Justice Statistics, *Probation and Parole in the United States*, 2016, 22, available at <https://www.bjs.gov/content/pub/pdf/ppus16.pdf>; New York State Department of Corrections and Community Supervision, *Admissions and Releases Calendar Year 2016*, available at

[http://www.doccs.ny.gov/Research/Reports/2017/Admissions\\_and\\_Releases\\_2016.pdf](http://www.doccs.ny.gov/Research/Reports/2017/Admissions_and_Releases_2016.pdf).

<sup>6</sup> NYS DOCCS, *Admissions and Releases Calendar Year 2016*.

is clear evidence that incarcerating for technical violations ruptures the very connections that are key to success.

Furthermore, jailing people on parole warrants has tremendous fiscal costs. New York City pays over \$350 million per year to jail people accused of technical parole violations and people on parole charged with misdemeanors and non-violent felonies who but for parole warrants would likely be released.<sup>7</sup>

Our Commission has outlined straightforward, common-sense principles for transformative parole reform: good time credits to reduce the number of people on parole and incentive positive behavior, an end to automatic detention on parole warrants, and strict caps on the amount of time someone can be imprisoned for a parole violation. States throughout the country have adopted these steps with success, resulting in fewer violations, fewer revocations, and no rise in recidivism.

Each of these reform principles are part of the *Less Is More Act* sponsored by Senator Benjamin and Assemblyman Mosley. Chair Powers, as you have recognized, now is the time to make sure people on parole are supported in their efforts when they come home, and the *Less Is More Act* would do just that. Parole reform, including passage of the *Less Is More Act*, would also result in many fewer people in NYC jails, bringing the City closer to the goal of closing Rikers.

Thank you for your attention to this crucial issue.

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<sup>7</sup> New York City Comptroller, Press Release, *Comptroller Stringer: Despite a Decline in Incarceration, Correction Spending, Violence, and Use of Force Continued to Rise in FY 2018* (Jan. 22, 2019), available at <https://comptroller.nyc.gov/newsroom/comptroller-stringer-despite-a-decline-in-incarceration-correction-spending-violence-and-use-of-force-continued-to-rise-in-fy-2018/> (finding NYC DOC spends \$828 per incarcerated person per day); New York City Department of Correction data via NYC Open Data (visited Feb. 20, 2019).