



Jail Population Reduction Working Group Meeting #4

February 9, 2018

Justice Implementation Task Force

Agenda

1. **Meeting goals and work plan**
2. Risk assessment tool recommendations and next steps
3. Parole violations
4. Group discussion
5. Closing and next steps

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Risk assessment tool recommendations and next steps

Proposed strategies

- Establish a judges committee
- Frame the tool in a new way
 - Reframe and/or rename the FTA tool as a release assessment and measure “likelihood to appear” instead of “failure-to-appear.”
- Use a monthly scorecard to track outcomes of the tool. Examples might include:
 - Distribution of recommendations, including ROR rate
 - Appearance rate

Follow-up survey assignment

- What are your ideas for renaming the FTA tool?
- What outcomes would you like to see tracked on a regular basis?

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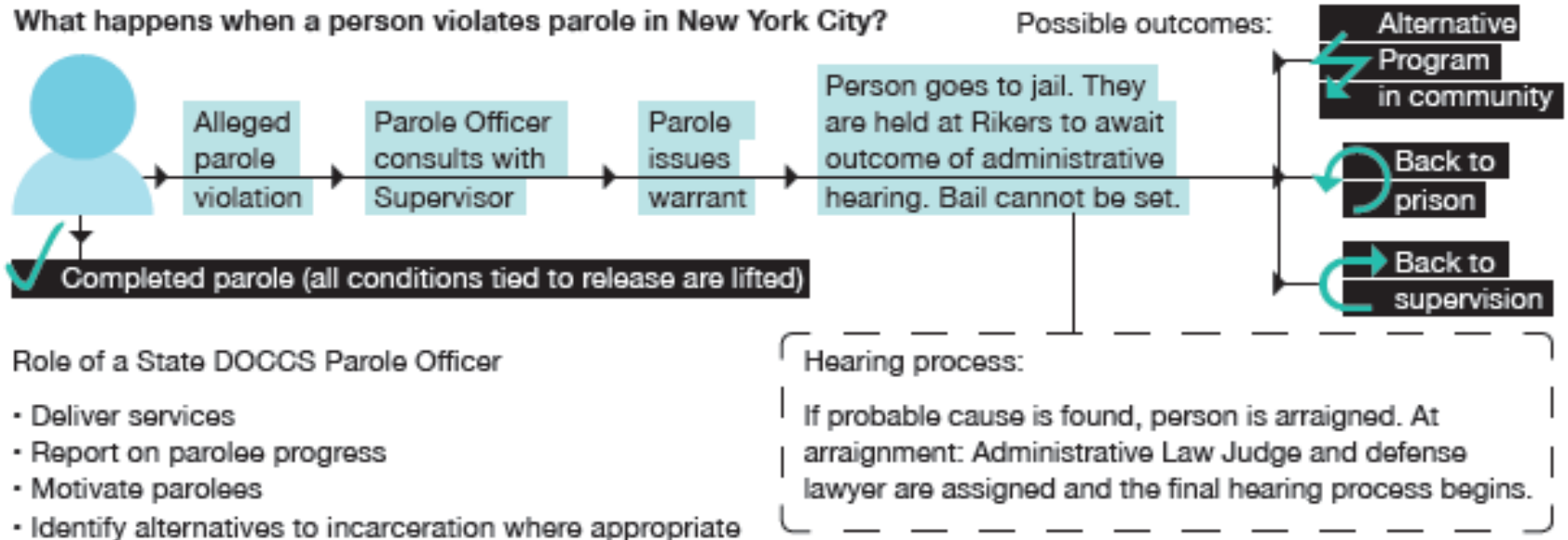
1. Meeting goals and work plan
2. Risk assessment tool recommendations and next steps
3. **Parole violations**
 - a) **Parole process and population overview**
 - b) **City legislative strategies**
 - c) **Recommendations on parole reform**
4. Group discussion
5. Closing and next steps

Parole violations: process and population overview

Overview

- State law requires incarceration without bail when a parole violation warrant is issued.
- State law requires hearings to be held locally. In New York City, these are held on Rikers Island. The City houses these individuals and pays for their detention.
- Unlike criminal proceedings where the standard of proof is beyond a reasonable doubt, the standard of proof for final parole violation hearings is a preponderance of the evidence. The final determination is made by an Administration Law Judge who works for the state Board of Parole.

Parole violations: process and population overview



Parole violations: process and population overview

- 16% of the city's jail population is charged with a state parole violation.
- The number of people detained on technical parole violations is increasing (up 15% since 2014), while the size of all other jail populations is decreasing.
- People charged with parole violations stay in custody longer than other people, occupying 1,400 to 1,600 jail beds every day. They are unable to leave custody until the state parole charge is resolved, which typically takes 50-60 days.

Snapshot of the Daily Jail Population, January 1, 2014 vs. January 1, 2018

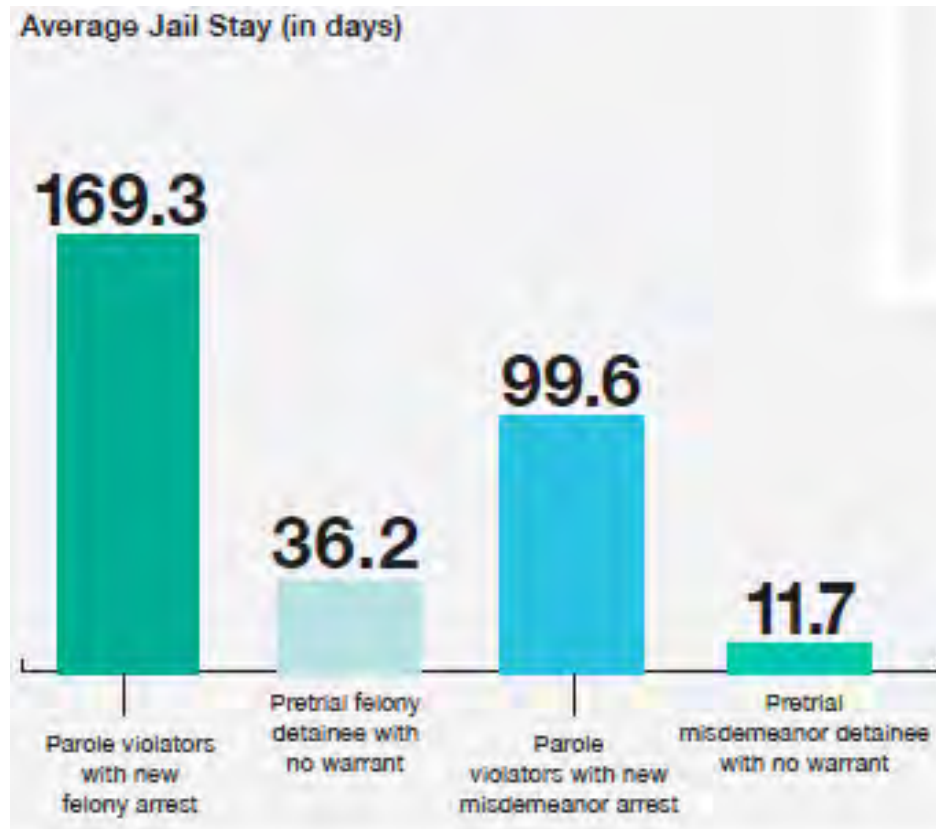


*Parole violations: process and population overview**Breakdown by race and ethnicity from CY 2017 admissions*

| | Not Hispanic | Hispanic | Total (N) | Total (%) |
|-----------------|---------------------|-----------------|------------------|------------------|
| Asian | 37 | 0 | 37 | 1% |
| Black | 2352 | 67 | 2419 | 61% |
| American Indian | 5 | 2 | 7 | 0% |
| Other | 94 | 1044 | 1138 | 29% |
| Unknown | 23 | 16 | 39 | 1% |
| White | 228 | 83 | 311 | 8% |
| (blank) | 40 | 0 | 40 | 1% |
| Total | 2779 | 1212 | 3991 | 100% |

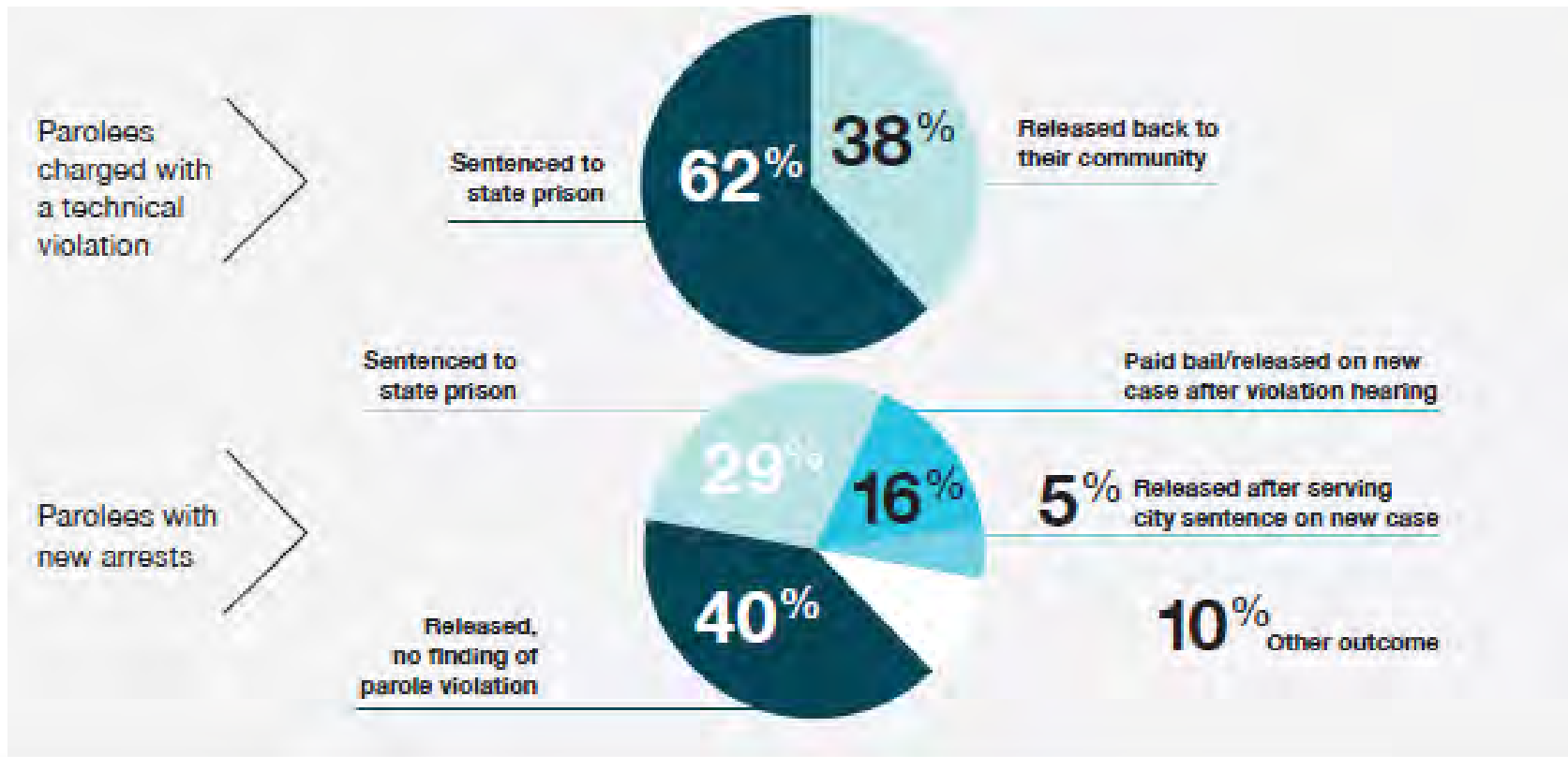
Parole violations: process and population overview

State parolees stay in jail longer than other groups.



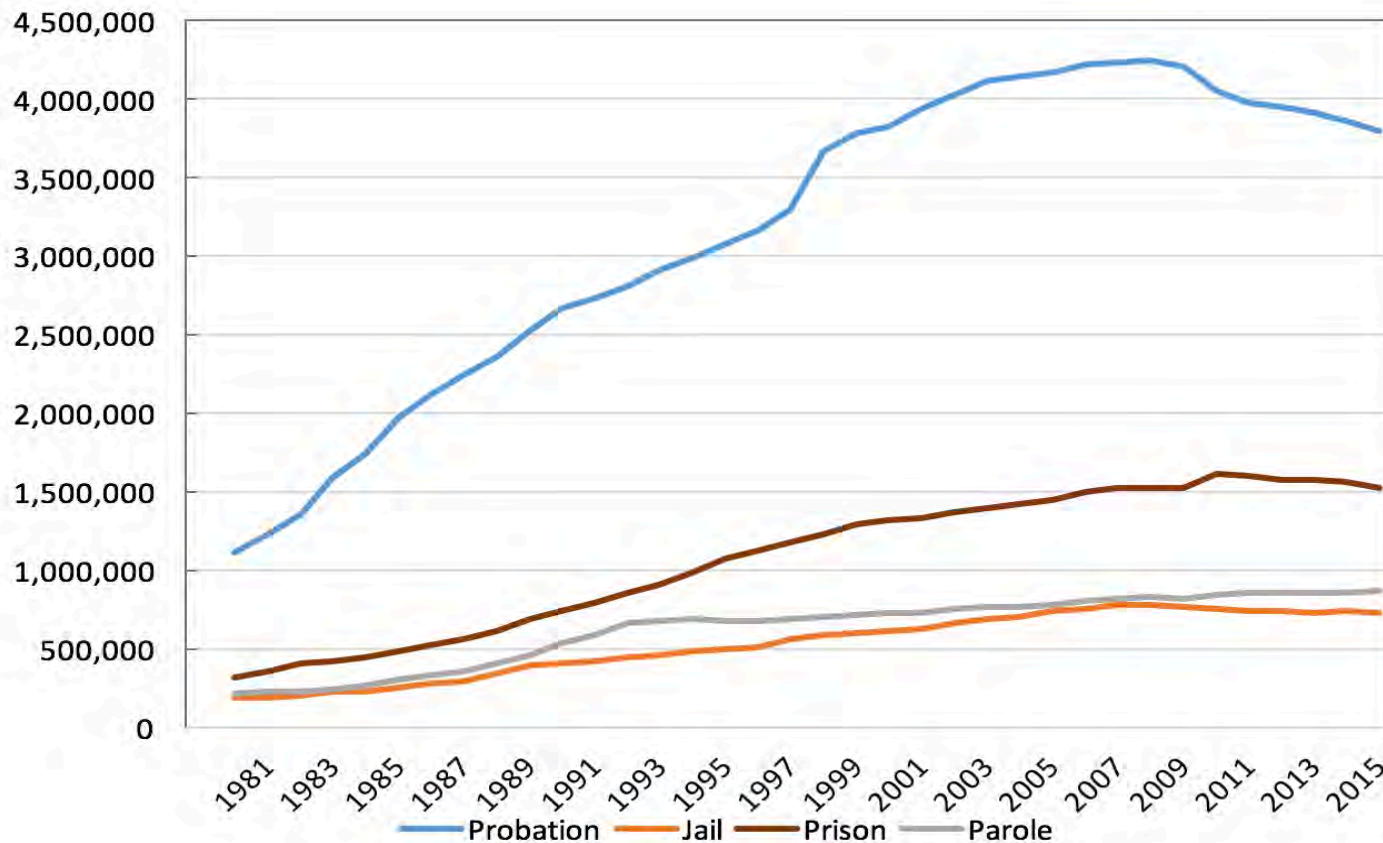
Parole violations: process and population overview

Almost half of all state parolees return to state prison, while the other half return to their community.



Parole violations: process and population overview

The growth of community corrections is a national problem.



Parole violations: momentum around this issue

“Let’s do the fair thing and allow community supervision when appropriate, while detaining only the high-risk people who have violated parole in one of the three state facilities right here in the five boroughs.”

*Mayor de Blasio, Op-Ed,
Daily News, January 5, 2018*



Research Brief

Less is More in New York: An Examination of the Impact of State Parole Violations on Prison and Jail Populations¹

January 29, 2018

OPINION

Close Rikers sooner by reforming parole

Minor parole violations shouldn't automatically trigger jail time.

By JONATHAN LIPPMAN | FEBRUARY 5, 2018

Discussion questions

City Legislative Strategies and Other Recommendations

- Which of these recommendations and proposed solutions would be most impactful? Which are most feasible?
- What other ideas do working group members have?
- How can this group most effectively support strategies to reduce the population of parole violators in New York City jails?

Parole violations: recommendations

Legislative Strategies

- The State can reduce the number of parole violators it puts in Rikers by:
 - Issuing fewer warrants for technical violations and using graduated sanctions instead.
- The State can speed up the time a parole violator spends on Rikers by:
 - Assigning more state court judges to handle the hearings.
 - Scheduling more parole violation hearings per day.
 - Extending the hearing hours and speeding up the hearing process.
- State law can be changed to end mandatory jail for parole violators.
 - If judges were able to consider a person's risk in making a release decision, lower-risk technical parole violators could be placed into Alternatives to Jail and lower-risk parole violators charged with a new crime would be eligible for pretrial release.

Parole violations: recommendations

Judge Jonathan Lippman, Op-Ed, City and State New York, February 5, 2018

1. Ensure that only paroled people who pose a risk to public safety or of fleeing are jailed while they await the determination whether they will be sent back to state prison. There should be a hearing before an Administrative Law Judge to determine whether interim detention is warranted during this period.
2. New York should pass legislation shortening parole terms, and permit people on parole to earn credit for good behavior, allowing them to exit parole sooner.
3. There should be a graduated set of responses, so that minor violations do not result in jail stays or prison terms.
4. Ensure that intrusive conditions of parole are carefully crafted and imposed only when necessary.

Parole violations: recommendations

Recommendations from “Less is More in New York” report:

- Shorten parole terms and incentivize good behavior.
- Require a hearing before jailing someone for a technical violation.
- Create a high legal threshold for jailing people on parole; expedite hearings.
- Problem-solving hearings with social services available.
- Require graduated responses.
- Cap violation terms.
- Reallocate savings to community programs.

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