

Justice Brief

Jail: State Parolees



The City of New York
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NYC

Criminal Justice
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Jail: State Parolees

Summary

- 1) 16% of the city's jail population is charged with a state parole violation.
- 2) The number of people detained on technical parole violations (allegedly broke a parole condition, but not charged with a new crime) is increasing (up 15% since 2014), while the size of all other jail populations is decreasing.
- 3) People charged with parole violations stay in custody longer than other people, occupying 1400 to 1600 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



How State Parole Works

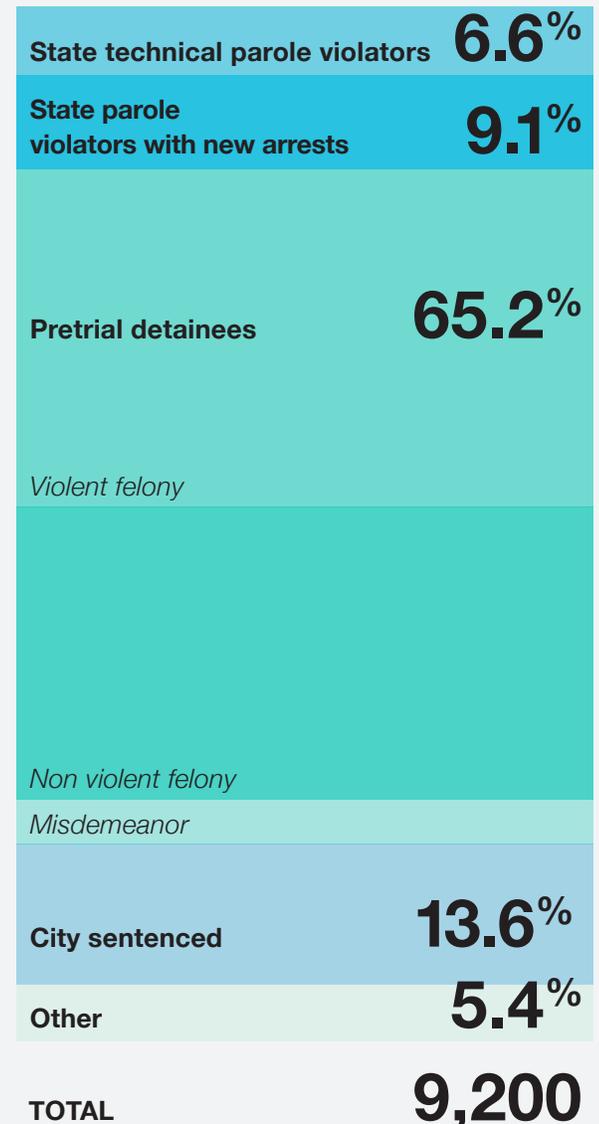
What is parole?

- ✦ New York State prisons incarcerate individuals who were convicted of a crime and originally sentenced to more than one year in a correctional facility. When someone is released from state prison, the State Department of Corrections and Community Supervision (DOCCS) may require that they comply with a general set of conditions established by the Board of Parole (See Appendix A). They may also be required to comply with a number of 'special conditions' ordered by the Board of Parole or by their parole officer.
- ✦ This period of supervision is commonly referred to as "parole" and each person on parole has a state parole officer who meets regularly to ensure that the individual is following the rules of their release and has the supports needed to re-enter society.

What is a parole violation?

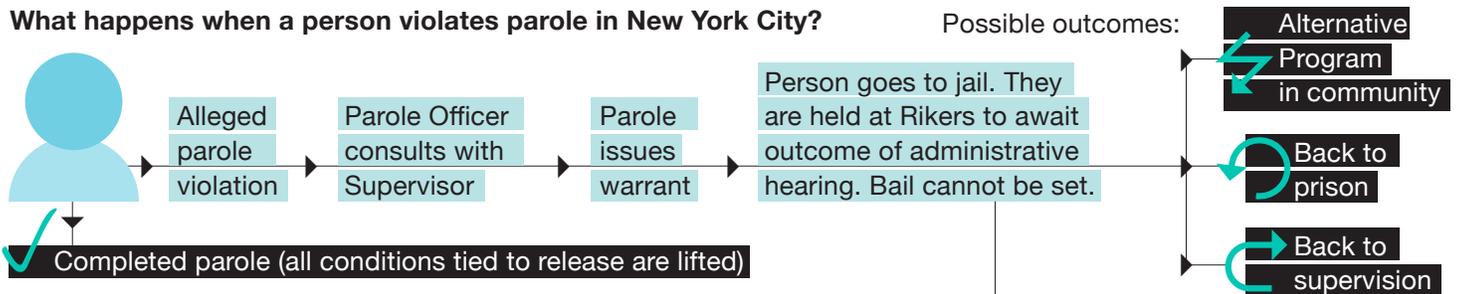
- ✦ A person violates parole when one of the following happens:
 - 1. Technical violation:** They break one or more of the rules in the conditions of release but they do not commit a new crime.
 - One type of technical violation is absconding. An absconder is defined as someone under parole supervision who has stopped reporting to their parole office, moved residences without permission, and whose whereabouts are unknown.
 - 2. New arrest:** They are arrested and charged with committing a new crime.
- ✦ If a person breaks the rules of their release and a warrant is issued, state law requires that they be held in a local jail, pending the outcome of a hearing process.
 - Though jails primarily hold individuals awaiting trial or serving a jail sentence of less than one year, those charged with a state parole violation are also housed in local jails.

2017 Average Daily Jail Population



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What happens when a person violates parole in New York City?



Role of a State DOCCS Parole Officer

- Deliver services
- Report on parolee progress
- Motivate parolees
- Identify alternatives to incarceration where appropriate

Hearing process:

If probable cause is found, person is arraigned. At arraignment: Administrative Law Judge and defense lawyer are assigned and the final hearing process begins.

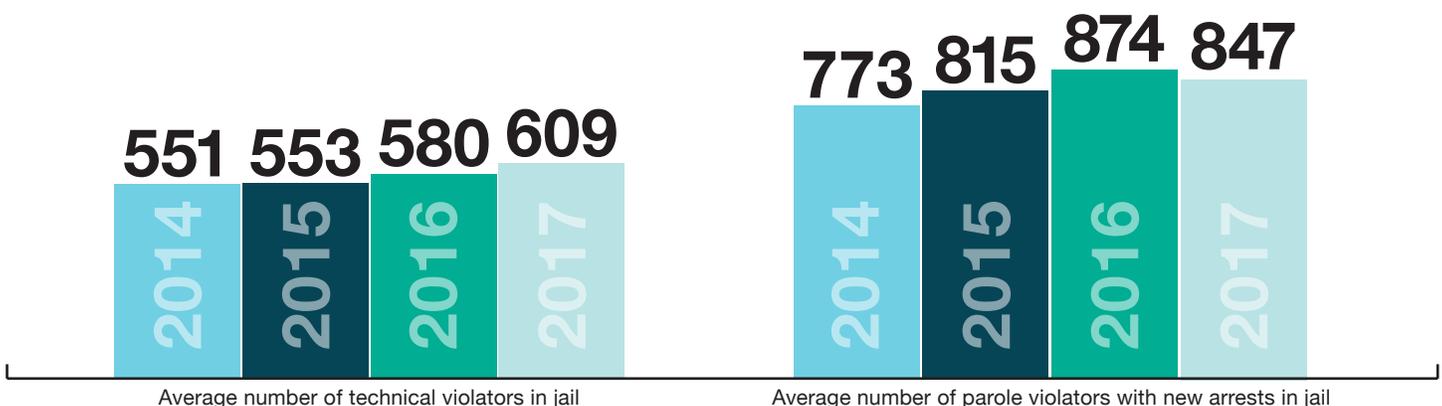
- ✦ State law requires incarceration without bail when a parole violation warrant is issued.
- ✦ State law requires hearings be held locally. In New York City, these are held on Rikers Island. The City houses these individuals and pays for their detention.
- ✦ Unlike criminal proceedings where the standard 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 Administrative Law Judge who works for the state Board of Parole.

State Parolees in NYC Jails: By the Numbers

On any given day, there are 1,400-1,600 people with state parole violations in New York City jails. Approximately 40% are technical violators; the remaining violated their parole by being arrested for a new crime.

- ✦ The number of **technical violators** in custody on any given day has been increasing over the past four years and is the only population that is increasing in size, while the rest of the DOC population has been steadily decreasing. They have grown from 5.1% of the average daily population in 2014 to 6.6% in 2017.
- ✦ The number of **parole violators with new arrests** in custody on any given day has been fluctuating over the past few years, but their proportion within the overall population has been increasing. They have grown from 7.1% of the average daily population in 2014 to 9.1% in 2017.

The number of people detained on technical parole violations has been increasing since 2014; the number detained on parole violations and new arrests varies by year.



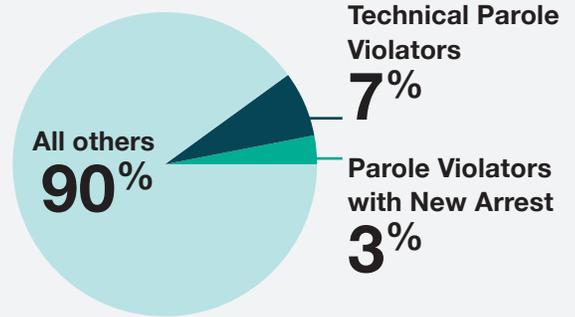
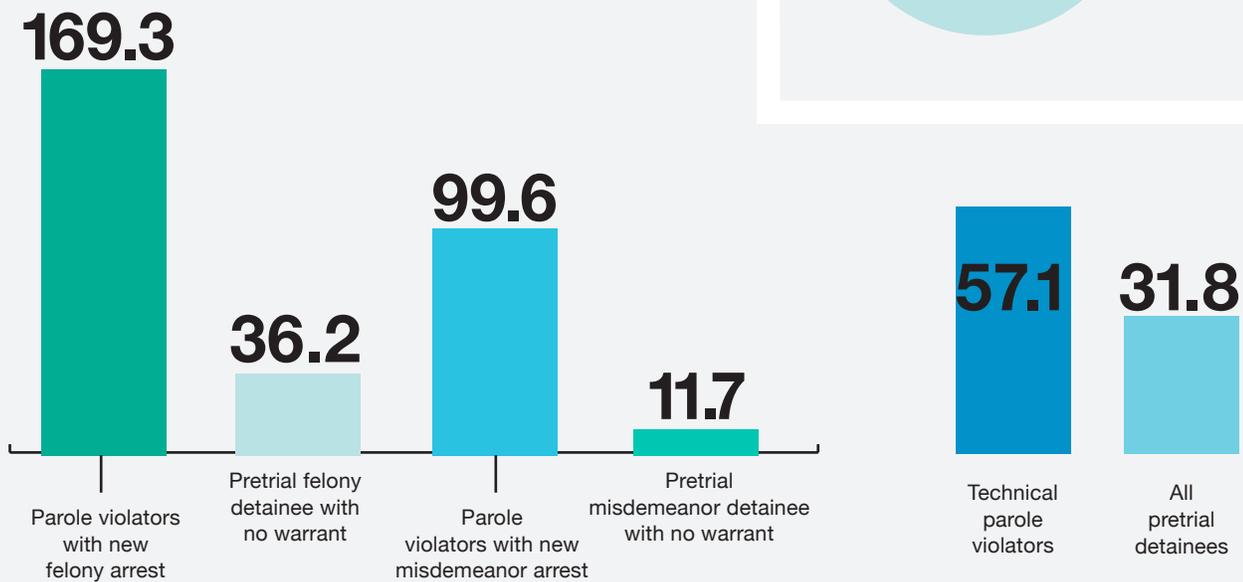
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State parolees are 10% of annual admissions

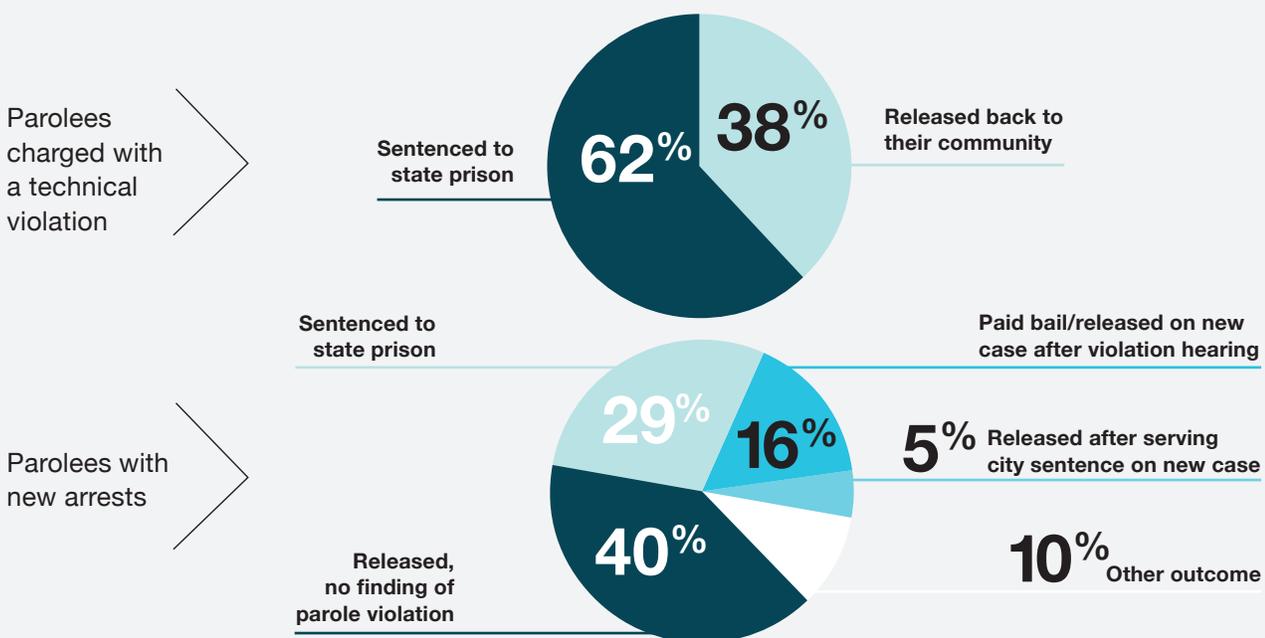
10% of admissions are connected to a parole violation

State parolees stay in jail longer than other groups

Average Jail Stay (in days)



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



Jail: State Parolees

Options for reducing the number of state parolees in the city's jails:

Immediate changes:

1. The State can reduce the number of parole violators it puts in Rikers by:
 - ✦ Issuing fewer warrants for technical violations and use graduated sanctions instead.
 - Upon issuance of a warrant, state law requires that upon arrest, the individual be put in Rikers. In 2017, 38% of people with technical violations returned to their communities after their jail stay.
2. 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.
 - By reducing the amount of time a parole violation case takes by 10% (5.7 days), the average daily population incarcerated at Rikers would fall by 62.

Legislative changes:

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.
 - If existing alternatives to jail were used to divert an additional 20% of technical state parole violators, the average daily population incarcerated at Rikers would fall by 125.
 - The goal should be to reserve detention only for those who pose a real risk to the community.

Public Data Sources and Reports on New York State Parolees

Dataset: NYC Open Data: [Daily Inmates in Custody](#)

Public can track daily numbers of people jailed on alleged parole violations (updated daily)

Dataset: New York State Open Data: [Parolees Under Community Supervision: 2008-2017](#) (updated annually).

Public can examine historical trends in parole supervision by region.

Data in PDF format: [Parolee/Probationer Arrests by County, 2007-2016](#)

10-year trend data on total arrests by county and the percent that parolees and probationers comprise. (updated annually).

Report: [Less is More in New York: An Examination of the Impact of State Parole Violations on Prison and Jail Populations.](#)

A recent report examining the impact of parole on local and state correctional populations.

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Appendix A: General Conditions of Parole Release:

NYS Department of Corrections and Community Supervision

dohcs.ny.gov

New York State Parole Handbook Questions and Answers Concerning Parole Release and Supervision.

The general conditions of release are:

1. I will proceed directly to the area to which I have been released and, within twenty-four hours of my release, make my arrival report to that office of the Division of Parole unless other instructions are designated on my release agreement.
 2. I will make office and/or written reports as directed.
 3. I will not leave the State of New York or any other state to which I am released or transferred, or any area defined in writing by my Parole Officer without permission.
 4. I will permit my Parole Officer to visit me at my residence and/or place of employment and I will permit the search and inspection of my person, residence, and property. I will discuss any proposed changes in my residence, employment, or program status with my Parole Officer. I understand that I have an immediate and continuing duty to notify my Parole Officer of any changes in my residence, employment, or program status when circumstances beyond my control make prior discussion impossible.
 5. I will reply promptly, fully, and truthfully to any inquiry of, or communication by, my Parole Officer or other representative of the Division of Parole.
 6. I will notify my Parole Officer immediately any time I am in contact with, or arrested by, any law enforcement agency. I understand that I have a continuing duty to notify my Parole Officer of such contact or arrest.
 7. I will not be in the company of, or fraternize with any person I know to have a criminal record or whom I know to have been adjudicated a Youthful Offender, except for accidental encounters in public places, work, school, or in any other instance with the permission of my Parole Officer.
 8. I will not behave in such manner as to violate the provisions of any law to which I am subject, which provides for a penalty of imprisonment, nor will my behavior threaten the safety or well-being of myself or others.
 9. I will not own, possess, or purchase any shotgun, rifle, or firearm of any type without the written permission of my Parole Officer. I will not own, possess, or purchase any deadly weapon as defined in the Penal Law or any dangerous knife, dirk, razor, stiletto, or imitation pistol. In addition, I will not own, possess or purchase any instrument readily capable of causing physical injury without a satisfactory explanation for ownership, possession or purchase.
 10. In the event that I leave the jurisdiction of the State of New York, I hereby waive my right to resist extradition to the State of New York from any state in the Union and from any territory or country outside the United States. This waiver shall be in full force and effect until I am discharged from Parole or Conditional Release. I fully understand that I have the right under the Constitution of the United States and under law to contest any effort to extradite me from another state and return me to New York, and I freely and knowingly waive this right as a condition of my Parole or Conditional Release.
 11. I will not use or possess any drug paraphernalia or use or possess any controlled substance without proper medical authorization.
 12. Special Conditions: (as specified by the Board of Parole, Parole Officer or other authorized representative).
 13. I will fully comply with the instructions of my Parole Officer and obey such special additional written conditions as he/she, a member of the Board of Parole, or an authorized representative of the Division of Parole, may impose.
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