

New York State Department of Corrections and Community Supervision Expedites Less is More Act Releases Ahead of September Deadline

8,000 Parolees to be Discharged from Supervision by March 31, Recognizance Hearings Underway

The New York State Department of Corrections and Community Supervision announced today that approximately 8,000 parolees will be discharged from DOCCS supervision by the end of the month under a good faith measure of the Less is More (LIM) legislation, [signed into law](#) by Governor Kathy Hochul on September 17, 2021, to improve justice and safety in city jails, as well as ensure DOCCS focuses its resources on helping people successfully complete community supervision and avoid a future return to DOCCS custody or supervision.

“When the Governor signed Less Is More into law she transformed the parole system in New York State. In the spirit of the law, DOCCS staff immediately went to work implementing some provisions long before the law took effect,” DOCCS Acting Commissioner Anthony J. Annucci said. “I want to thank my staff for the hard work and the hours it took to prepare the Department, as well as work with many law enforcement agencies and legal entities to ensure our compliance with the law on March 1st of this year. Parole Officers will continue to play a vital role in keeping our communities safe, while leveraging a variety of resources to ensure successful outcomes for formerly incarcerated individuals.”

The law created a “30 for 30” provision wherein a releasee can earn 30 days’ credit off their sentence (supervision release balance) for every 30 days they are not in violation status. Although the retroactive application of this section of the law gives the Department until September 1, 2022, to apply the “30 for 30” credits to individuals, DOCCS has expedited this provision of the law. More than 5,400 individuals have been discharged from supervision to date, with an estimated 8,000 total to be released by March 31.

Under the direction of Governor Kathy Hochul, DOCCS has been proactive in applying the spirit of the law as it pertains to new technical warrants and absconder dispositions to qualified parole violators currently in custody. As of March 25, 2022, a total of 1,076 warrants were lifted via Board action for Upstate/Long Island parole violators, resulting in a total of 469 parolees being released from local custody, as well as, a total of 600 warrants lifted via Board action for New York City cases, resulting in a total of 488 parolees being released from Rikers Island.

Additionally, since October 2021, the Board of Parole has imposed the sanctions and the new burdens of proof as per Less is More. While LIM provides DOCCS 10 months from the effective date of the law to identify all individuals incarcerated for a sustained

violation and recalculate such individuals' time assessment in accordance with LIM, the Department completed this prior to the law becoming effective under the Governor's direction, and as a result, released 573 individuals who were Returned Parole Violators without new sentences that were in DOCCS custody.

As of March 25, 2022, there are 25,949 parolees under Community Supervision in NYS, compared to 31,019 on February 28, 2022.

LIM transforms the parole warrant issuance and administrative violation hearing process — more strictly defining behaviors that may be considered violations of parole, as well as including additional due process requirements wherein any releasee for whom a parole warrant is executed must be presented within 24 hours, to a court of appropriate jurisdiction for a recognizance hearing. If such court is not open, then the releasee must be presented the next day the court is open. At such hearing, the judge can either remand the releasee to jail to appear at a parole revocation hearing outside of the jail or release the individual to reappear at an out-of-court administrative parole revocation hearing in the community.

Months before the enactment of the law, DOCCS initiated regularly scheduled high-level internal meetings to begin planning for the implementation of this major overhaul of the parole revocation process. Since that time, the Department has worked diligently alongside the NYS Office of Court Administration (OCA) and public defenders on the logistical requirements of calendaring parole violator cases throughout New York State and the evidence to be presented for a hearing officer to make a remand determination.

Over that past several months, OCA and the Department have worked together to secure courtroom space for the revocation hearings. OCA was able to secure courtroom space in seven judicial districts and in New York City. The Department has coordinated with several Sheriffs' offices to secure courtroom space for counties where space was not available and to ensure the transportation of individuals in their custody to their revocation hearings.

LIM allows the Department until September 1, 2022, to complete the earned time credit retroactive calculation. DOCCS' Office for Sentencing Review has been working on this for months and anticipates having all earned time credit calculations completed by June 15, 2022. Based on these calculations, the Department has issued 5,733 discharges from supervision certificates as of March 25, 2022, and it is expected that an estimated 2,267 more discharges will be issued by the end of March. This process of earned time credit review and discharge will be a continuous process for individuals on supervision.

For months, DOCCS staff have worked tirelessly in preparation for the launch of LIM. The Department developed training, trained staff involved in this new mandated hearing process, as well as the transformed violation process, and developed processes for automation and significant computer system changes. DOCCS began rolling out training statewide to all Community Supervision staff starting in February. Once the law was

passed and the policy was set, staff, regardless of geography, began implementing the policy as prescribed.

The Department will also be focusing on obtaining better outcomes for higher risk individuals, as well as increased stable housing and employment. The partnership with the Division of Criminal Justice Services on training re-entry managers and parole officers on a workforce development curriculum that assists justice-involved individuals in seeking employment will greatly benefit parolees working hard to successfully re-enter the community.

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