



NYSACDL
NEW YORK STATE ASSOCIATION
OF CRIMINAL DEFENSE LAWYERS



Memo Of Support “Less Is More” Criminal Justice Reform

As the leaders of organizations that advocate for defense programs and individual attorneys that serve poor people and communities of color, we have read with dismay the articles in the media outlining the misinformation campaign directed towards Less is More. Once again, vital criminal justice reform is being mischaracterized by police officers, political candidates, and governmental officials in an attempt to scare our fellow citizens into supporting efforts to rollback needed reforms to our deeply flawed criminal justice system. Sadly, some in the media are all too willing to provide a forum for these actors, instead of offering an objective analysis of Less is More. The inaccurate, biased media coverage (largely parroting police talking points) has resulted in the public having an uninformed view of criminal justice reform, has led to pressure on the judiciary to incarcerate defendants (many of whom are People of Color), and contributed to the over-incarceration at Rikers Island.

Less is More remedied a parole system that imposed harsh and unnecessary punishment for minor violations of parole conditions (known as “technical violations”) unrelated to criminal conduct. Prior to the passage of Less is More, New York lead the nation in reincarcerating individuals for minor parole violations. Indeed, in 2019 of people on parole whom New York sent back to prison, over 85% were incarcerated for technical parole violations. A disproportionate number of these were People of Color; Black people are 5 times more likely and Latinx people are 30% more likely to be re-imprisoned for a technical parole violation than whites.

This needless incarceration not only harms individual lives and families without any proven public safety gains, but also drives up the population in state prisons and local jails, at significant cost. New York taxpayers spend more than \$680 million annually to incarcerate people for technical parole violations.

Following the lead of dozens of other states that reformed their parole systems (including “red” states like Louisiana, Missouri, and South Carolina) a unique coalition of New York district attorneys, sheriffs, current and former corrections and law enforcement officials, faith communities, and nearly 300 community, faith, labor, and advocacy groups around the state developed Less is More to reduce incarceration while enhancing public safety.

Unfortunately, some are attempting to mischaracterize Less is More in an attempt to score political points, or push for the rollback of the criminal justice reforms that have begun to address systemic injustices in New York. They argue that Less is More will result in violent criminals being released from custody and imply that Less is More has resulted in the release of individuals accused of committing violent crimes. These arguments and implications are lies.

Despite what the public is being told by those who wish to return to our system of over-incarceration, Less is More will enhance public safety. Less is More does not release from custody any person who is accused of committing a crime. Less is More does not prevent people on parole for being punished for violating parole rules. Less is More still allows persons on parole who commit minor violations of their parole to be punished- but that punishment must now be proportional to the violation. Thanks to Less is More, we will no longer incarcerate people on parole for lengthy prison sentences for missing an appointment, or being late for their curfew, or other minor parole violations.

Instead, Less is More incentivizes successful completion of parole by providing “good time credit” to persons on parole who follow the rules. These times credits reduce their time of parole supervision. If they violate the rules, they may lose this good time credit, and for repeated violations they may be jailed for short periods of time. Importantly, Less is More does not interrupt a person’s attempts at successful reintegration by imposing draconian prison sentences for minor, non-criminal violation of parole rules. Thus, those who violate minor rules are still able to maintain employment, or attend educational or treatment programs, ensuring their successful reentry.

For decades New York enacted criminal justice policies that resulted in over-incarceration that has decimated poor communities and People of Color. Our parole system was replete with policies that contributed to this needless incarceration instead of providing the support needed by the formerly incarcerated to resume their lives as productive members of society. Thanks to Less is More, parole will no longer be a system designed to reincarcerate, but instead will advance its original mission to support the formerly incarcerated as they rejoin their communities.



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