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Contact:

Redmond Haskins
Director of Media Relations
rhaskins@legal-aid.org
929.441.2384

*****FOR IMMEDIATE RELEASE*****

***Legal Aid Statement on the First Day of Implementation of the Less Is More Act,
Critical Statewide Legislation that Overhauls New York’s Punitive Technical
Parole Violation Practices***

(NEW YORK, NY) – Tina Luongo, Attorney-In-Charge of the Criminal Defense Practice at The Legal Aid Society, issued the following statement on the first day of implementation of the Less Is More Act:

“For decades, thousands of Black and Latinx New Yorkers were sent back to prison for technical parole violations, non-criminal matters, although they posed no risk to public safety. Their lives were upended, their families torn apart and, during the pandemic, they faced serious risk of contracting COVID-19 in prison, all because they did not appear for an office report, missed a curfew or tested positive for marijuana or other substances.

Today is historic, but Less Is More will never live up to its promise if the Hochul Administration and the New York State Department of Corrections and Community Supervision (DOCCS) fail to fully implement every provision of the new law, especially those ensuring that parole hearings are adjudicated in public at borough court houses, as opposed to behind closed doors in secrecy at Rikers Island.

In the coming hours, days, weeks and months, our Parole Revocation Defense Unit, which has long provided representation to thousands of New Yorkers violated on parole and helped draft this critical legislation, will monitor implementation to ensure that our clients are afforded the justice provided by this new law.”

Background

On September 17, 2021, Governor Kathy Hochul [signed](#) into law Less is More, a landmark act that restructures New York’s parole revocation process. Among its many transformative features, Less Is More establishes a recognizance hearing for release at the beginning of the process, thereby eliminating mandatory incarceration during the pendency of parole revocation proceedings.

Less Is More also increases burdens of proof at preliminary and final hearings, and, perhaps most significantly, dramatically reduces the potential punishment for technical violations of parole, entirely eliminating incarceration for very minor violations. To give DOCCS time to implement the many new changes required by the law, the legislature set March 1, 2022, as the effective date for almost all the provisions of Less Is More.

Until recently, New York State incarcerated more people for technical parole violations than any other state, except for Illinois.

These violations often included missing curfew, failing to report to a parole officer, failing to update contact information with parole, and testing positive for substance use, among other non-criminal acts.

Unlike in the criminal court context, where bail or recognizance release is available following arrest, when someone was charged with committing a technical parole violation, their incarceration was mandatory and they were held in jail - often for months at a time - for the pendency of the revocation case. The entire violation hearing process also took place in makeshift jailhouse courtrooms shielded from the public eye.

This often left people incarcerated for weeks and months in the absence of any finding that they had even violated any condition of their release.

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The Legal Aid Society exists for one simple yet powerful reason: to ensure that New Yorkers are not denied their right to equal justice because of poverty. For 145 years, we have protected, defended, and advocated for those who have struggled in silence for far too long. Every day, in every borough, The Legal Aid Society changes the lives of our clients and helps improve our communities. www.legalaidnyc.org