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

***Legal Aid Secures Release Hearings for Incarcerated Clients Who Were Denied Due Process Rights Under the Less Is More Act, Newly Effective Legislation that Overhauls New York’s Punitive Parole Practices***

(NEW YORK, NY) - The Legal Aid Society lauded a court [ruling](#) which ensures that New Yorkers incarcerated on a parole violation before March 1, 2022, the effective date of the Less Is More legislation, are immediately [entitled](#) to a release hearing before a criminal court judge.

Earlier this month, Legal Aid [filed](#) a [lawsuit](#) on behalf of 91 incarcerated New Yorkers - clients who the New York State Department of Corrections and Community Supervision (DOCCS) had unlawfully denied a release hearing as guaranteed by the [Less Is More Act](#), a transformative piece of legislation that overhauls New York’s outmoded and punitive parole practices.

“The law is clear: these New Yorkers were entitled to a release hearing as of March 1, 2022 and DOCCS had no legal authority to deny them this relief,” said **Lorraine Mc Evilly, Director of the Parole Revocation Defense Unit at The Legal Aid Society**. “Legal Aid lauds this ruling, which upholds the explicit intent of Less Is More to facilitate the decarceration of local jails, and we call on DOCCS to immediately schedule and conduct these hearings as prescribed by the law.”

**Lawsuit Background**

Under the Less Is More Act, DOCCS is required to ensure that every New Yorker held at Rikers Island on a parole warrant has a hearing within 24 hours to determine whether an individual should be released. DOCCS has agreed to hold such hearings on all new cases commencing March 1, 2022, and beyond but has refused to hold these hearings for pending cases, depriving incarcerated New Yorkers an opportunity for release and ignoring the Legislature’s intent to end mandatory detention.

Less Is More also explicitly requires that all of these parole violation hearings must now occur in community courthouses, as opposed to behind closed doors in secrecy at Rikers Island. As of March 22, 2022, DOCCS is still not holding all of their parole revocation hearings in community courthouses, as required by the statute.

Prior to Less Is More, a parole warrant automatically resulted in mandatory detention, resulting in unnecessary and arbitrary incarceration for thousands of New Yorkers every year, including for people accused of violating

technical parole rules like missing a meeting or failing to report a change in address. Now, incarceration is permissible only if DOCCS establishes at a hearing that an individual is unlikely to appear at future parole proceedings. The legislation contemplates that, in most cases, the accused person will be released on their own recognizance back to their family and community.

## **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. To date, even after the signing of Less Is More, hundreds of people are still detained at Rikers on alleged parole violation charges.

These violations often included technical charges, like missing curfew, failing to report to a parole officer, and testing positive for substance use. An arrest on criminal charges, even minor ones, could also trigger an automatic parole violation warrant and could keep someone detained even when they are not held on any bail. Unlike in the criminal court context, where bail or release on recognizance is available following arrest, when someone was charged with committing a parole violation, their incarceration was mandatory and they were held in jail 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](http://www.legalaidnyc.org)*