

NY State Bar Association to Focus on Why Parolees End Up Back Behind Bars

New York reincarcerates the second-most defendants in the nation for technical violations of parole such as missing a meeting with a parole officer.

By **Susan DeSantis** | July 08, 2019 at 04:54 PM

With no action taken on revamping the parole system during the just-completed session of the state legislature, the New York State Bar Association is about to announce that it's launching a task force that it hopes will spur reform.

The New York Department of Corrections and Community Supervision reported that 29% of those who went to prison in 2016 were locked up because of technical violations such as missing a meeting with a parole officer, drinking, being in the company of a felon or being late for a curfew. The state incarcerates the second-most defendants in the nation for such technical violations of parole, according to the U.S. Department of Justice.

"It's the only population at Rikers Island that's going up," said Seymour W. James Jr., a partner at Barket Epstein Kearon Aldea & LoTurco who will co-chair the task force. "If you're charged with violating parole you're

automatically remanded and you have to wait weeks if not months pending the resolution of that violation.

“Rather than counsel the person and work to correct the behavior, we seem to focus on reincarcerating,” said James, a longtime criminal defense attorney.

The task force has appointed four subcommittees to look at the process for granting parole, revoking parole, appealing and reviewing parole board decisions and supervising parolees.

The subcommittee on supervising parolees will examine whether parole officers are supervising too many former inmates. The hope is that with fewer individuals under their supervision parole officers would be able to concentrate on helping them find housing and employment.

Bills that would have limited the number of parolees held on technical violations and reduced the amount of time they spend in prison failed in the last legislative session. But James hopes that legislators might be more willing to pass such legislation if it was recommended by task force and approved by the state bar association’s house of delegates.

One of the bills, sponsored by State Sen. Brian Benjamin, D-Manhattan, and Assemblyman Walter Mosley, D-Brooklyn, would have removed the option for judges to send parolees back to jail for technical violations in most cases.

The bill had the support of former Chief Judge Jonathan Lippman and defense attorney organizations such as the Legal Aid Society. But opposition came from the Public Employees Federation, a union that represents parole officers.

In addition to James, William T. Russell Jr., a partner at Simpson Thacher & Bartlett, will co-chair the task force.