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## PUBLIC SAFETY & JUSTICE

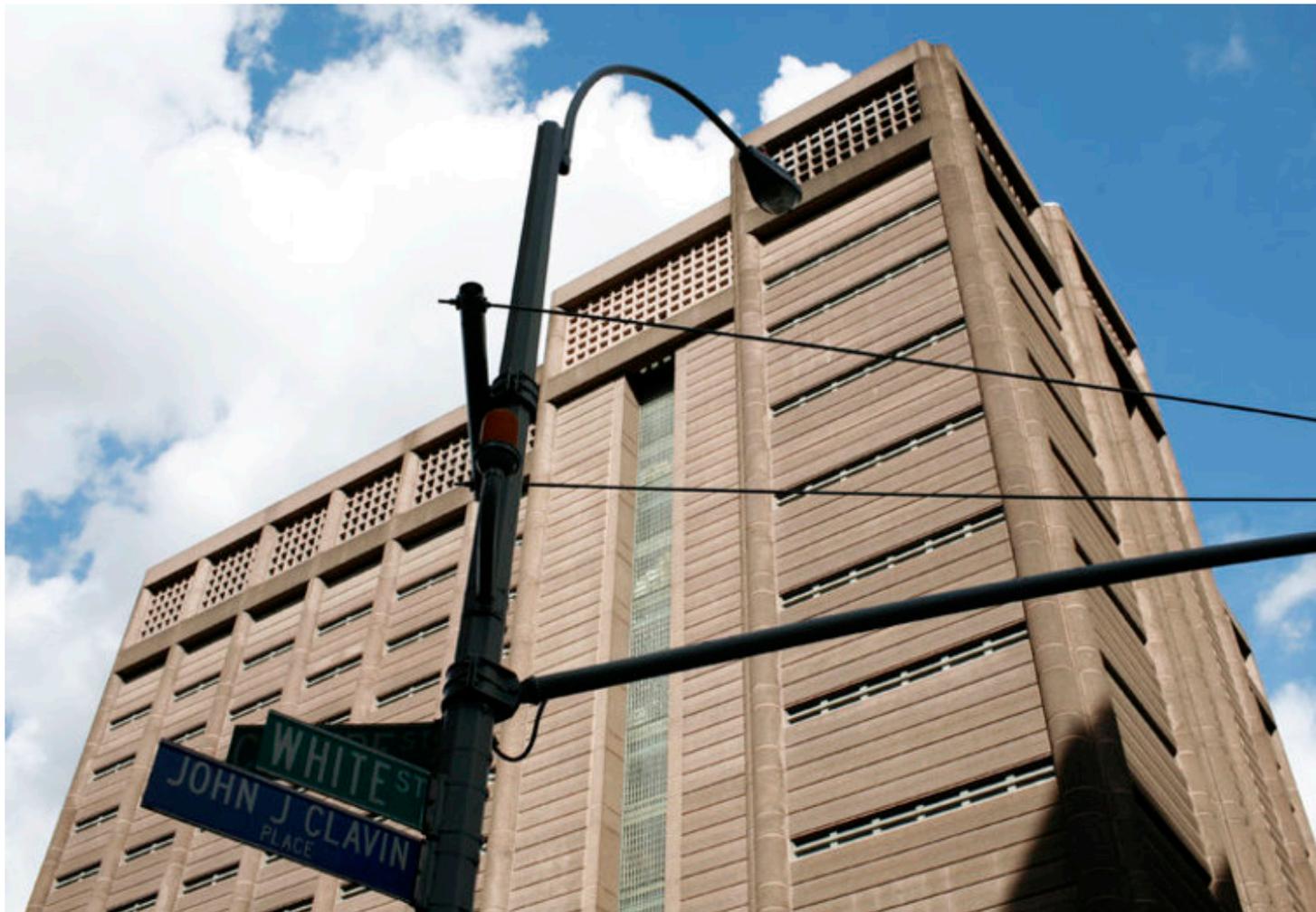
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# To Reduce Recidivism, New York City Tries a Bold New Approach

The city is eliminating short-term jail sentences for low-level misdemeanors. Other cities will undoubtedly be watching the impact.

BY J. BRIAN CHARLES ([HTTP://WWW.GOVERNING.COM/AUTHORS/J-BRIAN-CHARLES.HTML](http://www.governing.com/authors/j-brian-charles.html)) | NOVEMBER 2, 2017



The Manhattan Detention Complex, also known as the Tombs. (AP/Yanina Manolova)

Like many other cities, New York wants to reduce its jail population and repeated lock-ups of low-level offenders. The city's latest attempt to address that goal centers around a bold idea that could be modeled nationwide: Do away with all jail sentences of less than a month.

That's the idea behind newSTART (<https://www.cases.org/newstart/>), a jail diversion program launched in New York last month. It keeps defendants who have committed low-level misdemeanors -- things like petty larceny or possession of small amounts of illegal drugs -- from entering jail. It would also apply to people convicted of thefts of service, such as jumping a subway turnstile or exiting a taxi without paying.

Instead, in exchange for a guilty plea, misdemeanor defendants can opt for one or more social service programs, including drug treatment, job training and mental health counseling.

“We are hopeful that the program will stop the return to jail and [create] a virtuous circle,” says Elizabeth Glazer, director of the Mayor’s Office of Criminal Justice.

Right now, the program is limited to defendants who have been sentenced to up to 10 days in jail. If it's successful, it will be expanded to those convicted of crimes carrying sentences up to 30 days.

But not all defendants who fit that time frame will be eligible.

The program specifically targets defendants in need of social services and those who have been repeatedly arrested for similar crimes. Almost three-quarters of those facing short-term sentences are unemployed, and more than 40 percent are homeless, according to the Mayor’s Office of Criminal Justice.

NewSTART is seen as an improvement from previous jail diversion programs. In the past, defendants who opted for jail diversion ran the risk of serving more time than their initial sentence if they failed to complete the diversion program. For example, a person could escape a five-day jail sentence by opting for a diversion program -- but then end up sentenced to 30 days in jail if they failed to complete that diversion program.

That undermined the point of the diversion program, says Jennifer Scaife, executive director of Prevention, Diversion, & Reintegration for the Mayor's Office of Criminal Justice. “People were opting for jail instead of services, which didn’t stop the cycle of going to jail repeatedly.”

Under the new plan, the city will recommend that those who fail to complete the program be sentenced to no longer than 15 days in jail. Final discretion for sentencing, however, remains with judges.

Proponents of sentencing reform have pointed to the economic and social disruptions that even a short stay in jail can impose on poor and at-risk populations.

“Since the individuals who qualify for this programming are not major threats to public safety, it is far more productive to engage them in constructive programming than to impose punishment,” says Marc Mauer, executive director of The Sentencing Project, a group that advocates for corrections reform. “Certainly, not everyone who goes through the program will succeed. But even a modest success rate will often be more beneficial than warehousing [inmates] in jail for a week.”

At its core, the program is designed to rely on the expertise of job counselors, drug treatment specialists and mental health providers to break the cycle of incarceration, says Glazer from the city's criminal justice office.

"All these providers know how to change the behavior of the people they serve so they don't go back to jail. They use strategies that teach people to make better decisions," she says. "It's not the same old, same old."

Executing the plan has also required buy-in from both prosecutors and judges --complicated somewhat by the fact that New York actually has five separate borough court systems, each with its own judges and district attorneys. So far, the effort is in place in Manhattan, Brooklyn and the Bronx.

“NewSTART is a promising way to hold offenders accountable in a constructive and humane fashion which may also help decrease recidivism,” says acting Brooklyn District Attorney Eric Gonzalez.

The plan is part of the city's broader effort to reduce its jail population, which has already been cut in half over the last 20 years (<http://www1.nyc.gov/office-of-the-mayor/news/171-17/mayor-de-blasio-18-drop-city-jail-population-since-taking-office>) when you include people awaiting court dates, according to the mayor's office.

In 2016, Mayor Bill de Blasio committed \$17.8 million to roll out a citywide bail alternative program (<http://www1.nyc.gov/office-of-the-mayor/news/336-16/mayor-de-blasio-citywide-rollout-17-8-million-bail-alternative-program>). Building on pilot programs started in Queens and Manhattan during former Mayor Michael Bloomberg's administration, the program allows low-level offenders to remain at home under court supervision while they await

trial. De Blasio also committed \$89 million to address what had been a rise in the number of mentally ill inmates in city jails. The city is also on pace to close its notorious Rikers Island facility in the next 10 years (<https://www.usatoday.com/story/news/2017/03/31/nyc-close-notorious-rikers-jail-complex/99886116/>). That jail has been plagued by gang violence inmate abuse by guards and a 2015 incident in which inmates fell ill after consuming meatloaf containing rat poison.

Thanks to New York's sheer size and prominence, other cities will undoubtedly be watching as it tests this new approach.

“There are efforts around the country to reduce jail time,” says Adam Mansky, director of operations at the Center for Court Innovation, which has partnered with New York to connect defendants with social workers. “New York has shown leadership in this area with supporting expanded use of alternatives to jail.”

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