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**JUSTICE
STRATEGIES**

***Better by Half: The New York City Story of Winning
Large-Scale Decarceration while Increasing Public Safety***
By Judith A. Greene and Vincent Schiraldi

Executive Summary

New York City's sustained and dramatic reductions in incarceration and crime rates point to strategies to safely and significantly cut imprisoned populations in other cities and states, according to a new publication by Judith Greene and Vincent Schiraldi, entitled *Better by Half: The New York City Story of Winning Large-Scale Decarceration While Increasing Public Safety*. Although the city once struggled with overflowing jail populations and high rates of violent crime, New York City cut its combined jail and prison incarceration rate by 55 percent between 1996-2014, while serious (index) crime fell by 58 percent. By contrast, the national incarceration rate grew by 12 percent during the same time period, and was accompanied by a more modest decrease in serious crime of 42 percent. By 2014, New York City earned the distinction of having the lowest crime rate of the nation's 20 largest cities, and the second lowest jail incarceration rate.

Reductions in the incarcerated population allowed entire prisons to be closed and annexes to be shuttered, saving millions of dollars and making prisons safer for staff and the people imprisoned. The New York State Department of Corrections and Community Supervision estimates that closing facilities saved the state approximately \$52 million in the two years after the enactment of legislative changes to Rockefeller Drug laws in 2009. By 2014, 13 state prison facilities had been closed and \$24 million in economic development money had been allocated to assist local communities affected by prison closures. All of the decline in New York State prison population was attributable to New York City, as the number of individuals incarcerated in the rest of New York State rose over the last two decades.

New York City's reversal on incarceration, combined with insights from California and New Jersey, offers lessons on how cities and states can substantially reduce incarceration while promoting safety. Notably, research suggests that New York City's dramatic transformation was made possible in part through vigorous advocacy and organizing campaigns calling for repealing and reversing the laws and policies that were generated during the tough on crime era and the War on Drugs. Advocates educated police officials, local and state policy makers, judges, prosecutors, corrections staff, and the general public about the effective use of more humane policies and programs. Responding to "grassroots" pressure, both state and city officials made strategic investments in a wide array of "alternative to incarceration" (ATI) programs.

New York City was able to cut its incarcerated population by half through a host of decentralized changes. The New York Police Department reduced felony drug arrests by 66 percent between 1998 and 2015. New York's judges, prosecutors, and probation officials made less use of prison,

jail, and probation, while increasing the use of pretrial release, dismissals, fines, and conditional and unconditional discharges. The number of people sentenced to probation declined by two-thirds from 1996-2014, and probation violations fell 45 percent between 2009-2013. Hard-won legislation finally passed in 2009 rolled back the impact of the Rockefeller Drug Laws. Increased judicial discretion, targeted diversion efforts, and shifts in drug enforcement worked together to greatly reduce the number of people in jails or prison, particularly for drug offenses.

Two other states—New Jersey, and California— have joined New York in producing the nation’s largest percentage declines in prison populations. Each engaged a variety of diverse decarceration strategies such as litigation, legislative and parole reform, drug policy changes, and more. The large reductions in prison populations in all three states – as is also true with the large reduction in New York City’s jail population – have been driven by vigorous grassroots advocacy and public education efforts. They stand in marked contrast to other states where more “top-down” technocratic, elite-consensus reform approaches have produced much more limited results.

The report offers a handful of lessons from the New York experience, including:

1. **A 50 percent reduction in incarceration is a realistic goal (and advocates can help to get us there):** New York’s experience points out that advocacy-driven decarceration efforts are more likely to seek and win audacious goals—like 50 percent reduction in incarceration—than are technocratically driven approaches.
2. **Less is more when it comes to incarceration and supervision.** During this period of sharply declining crime and incarceration in New York City, New York’s judges, prosecutors, and probation officials made less use of prison, jail, and probation, while increasing their use of pretrial release, dismissals, adjournments in contemplation of dismissal, conditional and unconditional discharges, and fines.

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Better by Half: The New York City Story of Winning Large-Scale Decarceration while Increasing Public Safety is published in the Federal Sentencing Reporter, Vol. 29, No. 1. You can find it at www.hks.harvard.edu/criminaljustice and www.justicestrategies.net