EXPANDING EARNED TIME IN NEW YORK PRISONS

The Earned Time Act, S342 (Cooney) / A1085 (Kelles) will expand time credit incentive programs in New York prisons for following facility rules and participating in programming while incarcerated. Currently, New York lags far behind states like Oklahoma and Alabama in providing Good Time credit incentives, and over 73% of people in New York's prisons cannot access Merit Time (time credits for participation in educational and vocational programming) at all. By expanding earned time credit programs, **the Earned Time Act will 1) save New York taxpayers millions of dollars, 2) reduce recidivism, and 3) make corrections officers and staff working in New York prisons safer.** It will also reduce the staff-to-incarcerated-person ratio in DOCCS facilities.

The Earned Time Act is a ***constructive*** response to the current crisis in New York's prisons and it enjoys broad support in the Legislature, with 30 co-sponsors in the Senate and 54 co-sponsors in the Assembly as of March 2025, as well as among labor leaders, business, legal experts, and civil rights, faith-based, and racial justice organizations.

EXPANDING EARNED TIME WILL SAVE TAXPAYER DOLLARS

Expanding earned time credits is a proven way to save the State millions of dollars every year while giving a boost to the workforce and without compromising public safety. According to the Department of Corrections and Community Supervision's (DOCCS) own analysis:

New York's current Merit Time Program alone saved taxpayers an estimated $384 million in under 10 years, from 1997 to 2006.

As a DOCCS official testified in February 2023: "I can tell you, we've saved billions of dollars in prison cost avoidance with programs like SHOCK incarceration, Merit Time, and Limited Credit Time."[2]

- Across the country, earned time laws reduce incarceration and lower prison-related costs. States such as **Oregon**,[3] **Minnesota**,[4] and **Washington**[5] saw millions of dollars in savings. New York currently pays nearly $115,000 per person in prison per year.[6] Expanding earned time credits will undoubtedly save additional millions of taxpayer dollars every year, while still prioritizing public safety.

THE EARNED TIME ACT WILL HELP REDUCE RECIDIVISM

DOCCS data also shows that between 1997 and 2006, people receiving Merit Time releases had recidivism rates that were 7 percentage points lower within one year of release and 8 percentage points lower within two and three years of release compared to all other released individuals.[7]

Multiple studies from across the country have reached the same conclusion:

- A study in **Washington** found that an increase in the earned time credit allowance to 50% of a person's sentence led to a 3.5% decrease in the felony recidivism rate among people released under the new law.[8]
- One comprehensive study found that earned time incentive programs have helped reduce recidivism in multiple states: **Kansas's incentive program** saw a 35% decrease in new crimes committed by people who completed the program and a 45% decrease in parole revocations; **Minnesota's incentive structure** resulted in participants being 17% less likely to go back to prison and nearly twice as likely to find work after being released; in **Pennsylvania**, the recidivism rate of participants who completed their incentive program was 17% lower; and in **Maryland**, the recidivism rate was reduced by about a third.[9]

STRENGTHENING EARNED TIME WILL HELP KEEP CORRECTIONS STAFF SAFE BY DECREASING STAFF-TO-INCARCERATED-PERSON RATIOS AND REDUCING MISCONDUCT AND VIOLENCE IN PRISONS

The Earned Time Act will safely reduce the prison population and help make prisons safer for staff and incarcerated people. The incidence of violence in New York prisons continues to be a pressing concern for prison staff and incarcerated people alike. The Earned Time Act includes data-driven solutions that can help reduce violence in prisons. Indeed, studies consistently show that when people have limited opportunities for earned time credits, misconduct—serious misconduct, in particular—increases:[10]

- In **Florida**, new sentencing laws reducing time credits for good behavior led to a significant increase in misconduct: people sentenced under the new law were 91.1% more likely to commit an infraction and 56.3% more likely to commit what was defined as a violent infraction.[11]
- In **North Carolina,** when a new system significantly reduced good time, there was a nearly 20% increase in disciplinary conviction rates among people sentenced under the new policy.[12]

The Earned Time Act expands eligibility for Merit Time and increases Good Time And Merit Time, which will save New York taxpayers millions of dollars, make prisons safer, and reduce recidivism. New York policymakers should prioritize passing the Earned Time Act in the 2025 session.

ENDNOTES

1. NY Department of Correctional Services, Merit Time Program Summary October 1997 - December 2006, August 2007, available at https://doccs.ny.gov/system/files/documents/2019/09/Merit_Time_Through_2006.pdf.
2. Anthony Annucci, Acting DOCCS Commissioner, Public Protection - New York State Budget Public Hearing, February 7, 2023, available at https://www.youtube.com/watch?v=iJBkSHQVCzo.
3. Oregon's good time credit system led to an average of about 80 fewer days in prison, and savings of at least $25 million to the state. National Conference of State Legislatures, Principles of Effective State Sentencing and Corrections Policy, August 2011, available at https://www.ncsl.org/civil-and-criminal-justice/principles-of-effective-state-sentencing-and-corrections-policy.
4. A study of Minnesota's incentive structures for work and employment in prison (called "productivity credits") found that the program saved the state $1.25 million. Gary Mohr and Gary Maynard, Alliance for Safety and Justice, The Case for Productivity Credits in Michigan, 8-9, 2021, available at https://allianceforsafetyandjustice.org/wp-content/uploads/2021/04/ProductivityCreditsBrief.April2021.pdf.
5. A Washington State law that increased the allowance of earned time credit to 50% of an individual's sentence generated an estimated $15,359 per person in benefits to the state through reduced recidivism, prison cost avoidance, and increased labor market earnings. E.K. Drake, R. Barnoski, and S. Aos, Washington State Institute for Public Policy, Increased Earned Release From Prison: Impacts of a 2003 Law on Recidivism and Crime Costs, Revised, 2009, available at https://www.wsipp.wa.gov/ReportFile/1039/Wsipp_Increased-Earned-Release-From-Prison-Impacts-of-a-2003-Law-on-Recidivism-and-Crime-Costs-Revised_Full-Report.pdf.
6. Jullian Harris-Calvin, et al., Vera Institute of Justice, The Cost of Incarceration in New York State, October 2022, available at https://www.vera.org/the-cost-of-incarceration-in-new-york-state
7. NY Department of Correctional Services, supra note 1.
8. Drake, et al., supra note 5
9. Mohr and Maynard, supra note 4.
10. William D. Bales and Courtenay H. Miller, The Impact of Determinate Sentencing on Prisoner Misconduct, J. of Crim. J., June 2012, available at https://www.sciencedirect.com/science/article/abs/pii/S0047235212000839.
11. Ibid
12. John M. Memory, et al., Comparing Disciplinary Infraction Rates of North Carolina Fair Sentencing and Structured Sentencing Inmates: A Natural Experiment, Prison Journal, March 1999, available at https://citeseerx.ist.psu.edu/