

REENTRY COALITION OF NEW JERSEY

IMPACT OF COMMUNITY CORRECTIONS IN NEW JERSEY

REDUCING PRISON POPULATION, INCARCERATION COSTS &
RECIDIVISM

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INTRODUCTION

Over the past two decades, community corrections programs have played a vital role in reducing the prison population and the costs of incarceration in New Jersey. At the same time, they have contributed to a marked improvement in public safety as evidenced by significant reductions in offender recidivism rates and dramatically lower crime rates. This report chronicles the evolution of New Jersey's community-based programs from a response to prison overcrowding to a highly successful and cost effective prisoner re-entry and public safety strategy.

NEW JERSEY PRISON SYSTEM IN CRISIS 1980 – 1999

New Jersey's prison population grew by 359 percent from 1980 to 1999 increasing from less than 7,000 inmates to its peak of 31,493 inmates in 1999. The rapid growth of New Jersey's prison population was accompanied by a corresponding explosion in state spending on corrections. During this same period NJ Corrections budget grew from \$92.3 million to \$845.7 million.¹

Reflecting a national trend, New Jersey's prison population growth was fueled by the 'get tough on crime' philosophy and the institution of mandatory minimum sentences for select crimes, including violent and drug crimes.

Major changes in New Jersey's sentencing laws that contributed to prison population growth included:

- ❖ 1981, Graves Act required a mandatory minimum sentence for offenses committed with a firearm.
- ❖ 1986, Comprehensive Drug Reform Act set mandatory minimum sentences for offenders who manufacture, distribute, dispense or possess controlled dangerous substances or employ a juvenile in a drug distribution scheme.
- ❖ 1987, minimum sentences mandated for drug offenses that occur within 1,000 feet of school property.
- ❖ 1990, mandatory minimum sentences imposed for crimes during which an assault weapon or a machine gun is used.
- ❖ 1993, mandatory minimum offenses required if a person causes bodily injury while eluding capture.
- ❖ 1995, Persistent Offender Accountability Act ("Three Strikes") provides for life imprisonment without parole for repeat offenders.
- ❖ 1997, No Early Release Act requires offenders to serve 85 percent of their sentence imposed before becoming eligible for parole.

¹ Manual for the Operation of Adult Drug Courts in New Jersey, July22, 2002

As a result prison admissions rose from under 4,000 in 1980 to over 15,000 in 2000 and NJ prisons filled beyond their mandated capacities. By 1987, the number of inmates serving mandatory minimums had increased almost seven-fold to about 5,900 inmates. In 2002, the number subject to mandatory minimum sentences had increased to over 16,700.²

Also contributing to the prison population growth was the Department of Correction's Bureau of Parole which was returning large numbers of parolees back to prison for parole violations. In 1980, 30 percent of admissions to New Jersey's prisons were for parole violations. In 1998, parole revocations comprised 41 percent of all prison admissions.³ Many were technical violations such as continued drug use and failing to report to parole officers.

NEW JERSEY'S RESPONSE TO PRISON OVERCROWDING

As the DOC's prison population grew during the 1980's and 1990's, the department faced the task of acquiring secure housing to meet its mandate to house the State's convicted offenders. In response three new prisons were planned and constructed.

- ❖ In 1985, Riverfront State Prison (400 beds) was opened in Camden at a cost of \$38 million.
- ❖ In 1987, Northern State Prison (1,530 beds) was opened in Newark at a cost of \$83 million.
- ❖ In 1997, South Woods State Prison (3,188 beds) opened at a cost of \$264 million.

Despite the construction of three new prisons, the New Jersey Department of Corrections could not keep pace with skyrocketing prison growth. In 1981, then-Gov. Brendan T. Byrne issued an executive order declaring a statewide emergency due to overcrowding in state prisons. The order, which has been renewed continuously, authorized the state corrections commissioner to allocate state prisoners among county jails at his discretion.⁴ In 1999, during the peak of NJ's prison population approximately 5,000 state inmates were housed in county jails at a cost of \$100 million annually.

During this period, the department also opened several satellite camps for minimum custody inmates on the grounds of state psychiatric hospitals (Marlboro, Ancora). In 1989, a temporary inmate "Tent City" was even set up in Secaucus to house state inmates during construction at the Hudson County jail.

² A Portrait of Prisoner Reentry in New Jersey, Research Report, Urban Institute, Justice Policy Center, Travis, Jeremy et al, November 2003

³ A Portrait of Prisoner Reentry in New Jersey, Research Report, Urban Institute, Justice Policy Center, Travis, Jeremy et al, November 2003

⁴ Executive Order No. 106, Disaster Control Act, Governor Brendan Byrne, June 1981

THE ROLE OF COMMUNITY CORRECTIONS IN RESPONDING TO NEW JERSEY'S PRISON CRISIS

One of New Jersey's first halfway houses for offenders, Clinton House, was opened by the New Jersey Association on Correction in 1966. Initially serving federal offenders, the program began serving NJ state inmates not long after the New Jersey Department of Corrections was established in 1977. By 1988, NJDOC had approximately 300 halfway house beds contracted with private community provider agencies. By 2006 the number of community corrections beds used by both NJDOC and later by the State Parole Board expanded by 2,800 beds. This expansion was driven by the department's need for additional beds to alleviate overcrowding.

New Jersey's expansion of community program beds during this period was primarily due to the efforts of several privately-held provider agencies. Education and Health Centers of America, The Kintock Group, Volunteers of America, New Jersey Association on Correction and more recently, the GEO Group and Urban Renewal Corporation, aggressively pursued program expansion to meet the needs of offenders in New Jersey. These agencies were successful in acquiring and developing facilities and in securing the necessary zoning approvals, community support, and capital to build and operate their programs. Unlike prisons, the community program expansion was funded with private investment capital (approximately \$102 million) and the state's costs for these programs were based on a contract per diem rate on a fee for service basis.

In the early 1990's, the community providers began to incorporate evidence-based practices into their community correctional programs. Often referred to as "What Works", these practices were rooted in a body of knowledge based on over thirty years of research that has been conducted by numerous scholars in North America and Europe (Paul Gendreau, Don Andrews, James Bonta). The What Works movement demonstrated empirically that theoretically sound, well-designed programs that meet certain conditions can appreciably reduce recidivism rates for offenders. The programs adopted these evidence-based principles to guide their programs incorporating risk/needs assessment and various cognitive behavioral interventions that focus on criminogenic factors and substance abuse related issues. All of the programs emphasize reducing chemical dependency, shifting attitudes toward criminal behavior and promoting relapse prevention and skill maintenance.

In 1998, Talbot Hall, a 400 bed secure community correctional facility operated by Education and Health Centers of America, was opened in Kearny as a Regional Assessment Center. Prior to placement in a Residential Community Release Program (Halfway House), inmates were first processed through the Regional Assessment Center to undergo comprehensive risk/needs assessment (LSI-R) and the initial development of a treatment plan.

In 1997, the newly created Division of Parole and Community Programs within the New Jersey Department of Corrections (NJDOC) made a very astute decision to utilize \$10 million in federal Violent Offender/Truth in Sentencing (VOI/TIS) annual dollars to fund community-based

alternatives for technical parole violators rather than to expand prison capacity. Most states used VOI/TIS funds to add or upgrade prison beds for violent offenders.⁵

In 1998, Division opened 8 Day Reporting Centers with 400 slots for technical parole violators. The plan was to divert technical parole violators from returning to prison which at the time comprised 41% of prison admissions.

In 2001, NJ state law (Senate Bill 2026) was changed to transfer the Bureau of Parole from the Department of Corrections to the State Parole Board to provide for more coordination between the two parole agencies, particularly with regard to notification of the appropriate authorities when an inmate is scheduled for release. As an operational unit under NJDOC, the Bureau of Parole was under the Division of Policy and Planning. Few resources were allocated for parolees in the community and little effort was made to reform parole practices that were having a significant impact on prison admissions. The Bureau of Parole became the Division of Parole under the State Parole Board and is responsible for the supervision of offenders on parole in the community.

In November 2001, the NJ State Parole Board was awarded a technical assistance grant from the National Institute of Corrections (NIC) to participate in a technical assistance project to develop policy-driven responses to parole violations. As a result the Parole Board adopted a number of recommendations to restructure its responses to technical parole violations through the application of community-based alternatives.⁶

Between 2001 and 2006, the State Parole Board contracted for approximately 650 beds with the privately operated community corrections facilities to operate the Halfway Back Program. Like the Day Reporting Centers, the Halfway Back Program targeted technical parole violators and also higher risk parolees as a condition of release.

NEW JERSEY'S COMMUNITY CORRECTIONS PROGRAMS

Today, New Jersey has approximately 3,500 community residential beds and 570 slots for both inmates and parolees in 40 facilities located throughout the state. These programs operate under contracts with the Department of Corrections and the State Parole Board and include the following;

NJDOC

- ❖ Residential Community Release Programs (RCRPs) which are comprised of the following;
- ❖ Assessment and Treatment Centers (Talbot Hall & Bo Robinson)
- ❖ Special Needs Programs

⁵ Report to Congress, Violent Offender Incarceration and Truth-in-Sentencing Formula Grant Program, February 2012

⁶ Parole Violations Revisited, US Department of Justice, National Institute of Corrections, Center For Effective Public Policy, Peggy B. Burke, Principal, November 2004

- ❖ Correctional Treatment Programs
- ❖ Work Release Programs
- ❖ Mutual Agreement Program (MAP)

STATE PAROLE BOARD

- ❖ Stages to Enhance Parolee Supervision (STEPS) – Halfway Back Program
- ❖ Re-entry Substance Abuse Program (RESAP) – Residential Treatment
- ❖ Mutual Agreement Program (MAP) – Substance Abuse Treatment
- ❖ P.R.O.M.I.S.E. – Special Needs Mental Health Treatment
- ❖ PATH – Special Needs – Homeless Services
- ❖ Community Resource Centers (CRC) – Formerly Day Reporting Centers *

*The State Parole Board also contracts with community providers for 570 slots in ten (10) Community Resource Centers (formerly Day Reporting Centers) that serve both as transitional programs and as alternative sanction programs for parolees.

Each year, over 8,000 offenders participate in residential community release programs between Department of Corrections and the State Parole Board in New Jersey. Since 1999, it is estimated that more than 120,000 offenders have been released to the community from New Jersey prisons through these transitional programs.

On average, the Community Resource Centers (CRCs) across the state serve more than 3,000 clients annually and in fact have served more than 50,000 parole clients since their inception in 1998.

NJ COMMUNITY PROGRAMS REDUCING PRISON POPULATION

With the emphasis on rehabilitation, New Jersey's community corrections programs have played a major role in reducing New Jersey's prison population while much of the rest of the nation experienced a 10% growth⁷ in state prison populations. New Jersey's prison population **decreased more than 31%** from its peak of 31,493 inmates in 1999 to 21,486 inmates on January 2, 2015. At the time of this report there were only 100 state inmates housed in county jails.⁸

The success of the State Parole Board's day reporting centers and halfway back programs was heralded in May 2006 when the Philadelphia Inquirer reported that New Jersey's 14% drop in prison population defied the national trend and that it must be attributed to a sharp reduction in the number of parole violators being sent back to prison.

⁷ The Sentencing Project, Policy Brief: Fewer Prisoners Less Crime, July 2014

⁸ New Jersey Department of Corrections, Offender Statistics, January 2, 2015

As a result of these initiatives, technical parole violations went from 4,049 in 2000 to 1,726 in 2013, a **decrease of 57%**. During the same time period, New Jersey's parole population increased from 12,673 (2000) to 15,364 (2013).⁹

As a direct result of New Jersey's prison population decline, Riverfront State Prison in Camden was closed in June 2009 at a projected cost savings to the Department of Corrections of \$43 million annually.

NJ COMMUNITY PROGRAMS REDUCING COSTS

New Jersey's prison population grew by 359 percent from 1980 to 1999 which averages out to an annual growth rate of approximately 18%. Without the expansion and use of community programs, assuming an annual prison growth rate of 5% just half of the national average, New Jersey's prison population could have been as high as 57,000 today.

During the same time period (1980 to 1999), New Jersey's corrections budget grew from \$92.3 million to \$845.7 million,¹⁰ an increase of 816% which averages to a growth rate of 44% per year over that 19 year period.

Based on the 1997 construction costs of NJDOC's South Woods State Prison of approximately \$82,810 per bed, New Jersey would have been required to spend more than \$2 billion in new prison construction to meet the housing needs of the growing prison population.

According to the National Association of State Budget Officers (NASBO), average state spending on corrections grew by 31.5% between FY 2004 and FY 2013. In contrast, New Jersey's corrections budget grew by 16.8% for the same time period.¹¹ In fact, since FY 2013, New Jersey's corrections budget has decreased from \$1.145 billion in FY 2013 to \$1.141 billion in FY 2015, a **decrease of 3.7%**.

Based on the Department of Correction's FY 2015 budget, the average annual operating cost of a prison bed in New Jersey is **\$40,150**. The average daily cost per inmate is **\$110.00**.

In comparison, the average annual FY 2015 cost of a community corrections bed in New Jersey is **\$24,500** with the average per diem cost of **\$68.00**. Although these rates do not include the cost of NJDOC's regional institutional support services to the programs including medical treatment, it should be noted that an offender's length of stay (LOS) in a community corrections bed is much shorter and the turnover rate is much higher than that of a prison bed. It is estimated that 8,000 offenders are placed and transitioned through community corrections beds (DOC & Parole) each year. As a result the cost per participant is actually much lower since the beds are turned over multiple times in a year. Unlike prison costs which are fixed,

⁹ Statistics from the New Jersey State Parole Board, March 2015

¹⁰ Manual for the Operation of Adult Drug Courts in New Jersey, July 22, 2002

¹¹ National Association of State Budget Officers, Brian Sigritz, November 13, 2014

community corrections beds are reimbursed on a “fee for service” basis meaning costs are only incurred when a bed is filled.

The average annual budgeted cost of a Community Resource Center (Day Reporting Center) slot is **\$20,317** with an average per diem cost of **\$55.66**.¹² Each year, it is estimated that 3,000 offenders are placed in the CRCs. Since the CRC slots are turned over multiple times in a year, the actual per participant cost is much lower than the average per diem rate. Like the residential programs CRC slots are reimbursed on a “fee for service” basis meaning costs are only incurred when a slot is filled.

NEW JERSEY BECOMES A NATIONAL LEADER IN RECIDIVISM REDUCTION

A Bureau of Justice Statistics (BJS) outcome study conducted on inmates released from NJ prisons in 1994 found that 67.5% were rearrested within 3 years of release, 46.9% were convicted of a new crime within 3 years of release and **51.8% were re-incarcerated** within 3 years.

In April 2011, The Pew Center on the States’ State of Recidivism report, “The Revolving Door of America’s Prisons,” identified **New Jersey’s 11 percent recidivism decline** as among the steepest declines for any state during the report’s study period, from 1999-2002 and 2004-2007. Since 1999, New Jersey’s prison population has declined more than 31 percent.

According to the NJ Department of Corrections outcome study of the most recent 2009 released cohort followed for three years post release; 53.1% of the cohort was rearrested representing a 1.85% decrease from the previous cohort, 38.8% of the cohort was reconvicted representing a 7.14% decrease from the previous cohort, and **32.4% of the cohort** was re-incarcerated representing a 8.57% decrease from the previous cohort.

If you compare re-incarceration rates of the 1994 cohort (51.8%) and the 2009 cohort (32.4%), New Jersey experienced a **19.4% decrease** in re-incarceration of released offenders over a 15 year period.

NEW JERSEY’S CRIME RATE DECLINES

According to the New Jersey State Police Uniform Crime Report, the UCR Index Crime Rate per 1,000 inhabitants decreased from **32.5 in 2001** to **21.8 in 2013** representing a **33% decrease** in New Jersey’s crime rate.

In a February 2015 report, the Brennan Center for Justice at New York University Law School reported that crime in New Jersey **dropped 66%** from its height in 1980 to 2013 while the

¹² Governor’s FY 2015 Detailed Budget, Office of Management and Budget February 25, 2014

national crime rate was cut in half. The report further indicated that the crime rate in New Jersey is about **22 percent lower** than the national average.¹³

Excerpt from the Brennan Report:

*“Increased incarceration had some effect, likely somewhere around 0-10 percent, on reducing crime from 1990 to 2000. Since 2000, however, increased incarceration had an almost zero effect on crime. Further, a number of states, including California, Michigan, **New Jersey**, New York, and Texas, have successfully reduced imprisonment while crime continued to fall.”.....“In essence, adding more and more people to prison is no longer producing the expected crime control benefits. As state budgets grow tighter, government should invest in policies that achieve their intended goals. Prioritizing modern, evidence-based criminal justice policies with a record of success over costly and ineffective over-incarceration seems to be the best way forward **in New Jersey** and nationwide. “*

CONCLUSIONS

Community Programs save tax payers dollars. NJ has defied the national trend and reduced the number of people in State prisons by expanding community programs. The expansion and utilization of community –based corrections programs over the past two decades has paid significant dividends to the State of New Jersey by saving billions of dollars in new prison construction and operating costs. Below is a comparison of costs based on FY2015 budget data.

- ❖ Average daily per inmate cost of incarceration (prison) in NJ - **\$110.00**
- ❖ Average daily per diem cost of a Community Residential Program - **\$68.00**
- ❖ Average daily per diem cost of a Community Resource Center - **\$55.66**

Community Programs provide additional cost benefits to the state. Offenders who are placed in residential community corrections programs are required to seek and attain employment, pay fines, penalties, restitution, child support, and maintenance fees. Program participants are required to pay 30% of their net wages to meet financial obligations which includes a “maintenance fee” which is used to offset the cost of their stay in the program. Each year, on average;

- ❖ \$5,000,000 in wages are earned by program clients;
- ❖ \$500,000 in federal and state taxes are paid;
- ❖ \$400,000 in fines, penalties and restitution are collected and paid;
- ❖ \$150,000 in child support payments are collected paid; and
- ❖ \$1,200,000 in maintenance fees are paid

Community Corrections Providers deliver positive results and promote public safety. New Jersey’s Community Corrections Providers introduced evidence-based practices into their

¹³ New Jersey Fact Sheet: What Caused the Crime Decline?, The Brennan Center For Justice at the NYU School of Law, Bowling, Julia, Brooke-Elsen, Lauren, February 2015

programs in the mid 1990's. Since 1999, the prison population in New Jersey has shrunk approximately 31% due to the successful community corrections strategies. New Jersey has experienced a **37%** decrease in re-incarceration rates of released offenders since 1994. Between 1999 and 2013, when New Jersey dramatically reduced its prison population, crime in New Jersey **dropped 66%** while the national crime rate was cut in half. New Jersey's crime rate is about **22 percent lower** than the national average.¹⁴

REENTRY COALITION OF NEW JERSEY – AFFILIATED MEMBERS

Community Solutions, Inc.

Education and Health Centers of America, Inc.

GEO Group/B.I.

Kintock

New Jersey Association on Correction

Opportunities For All, Inc.

Urban Renewal, Inc.

Volunteers of America Delaware Valley, Inc.

¹⁴ New Jersey Fact Sheet: What Caused the Crime Decline?, The Brennan Center For Justice at the NYU School of Law, Bowling, Julia, Brooke-Elsen, Lauren, February 2015