



TESTIMONY SUBMITTED BY

CORNELL WILLIAM BROOKS, ESQ.

**NEW JERSEY INSTITUTE FOR SOCIAL JUSTICE,
PRESIDENT AND CEO**

to the

**NEW JERSEY ASSEMBLY LAW AND PUBLIC
SAFETY COMMITTEE**

on

**“ENSURING EFFECTIVE COMMUNITY
CORRECTIONS”**

July 23, 2012

Introduction

Good morning Chairman Mainor and esteemed Members of the Law and Public Safety Committee. Let me begin with a much-deserved note of appreciation. Thank you for calling this critically important hearing and more broadly for your leadership to ensure New Jersey's criminal justice system promotes public safety, reduces recidivism and reinforces a sense of integrity. I am submitting this testimony on behalf of the New Jersey Institute for Social Justice ("NJISJ") in Newark, NJ. NJISJ, a social justice "think and do tank," has more than a decade of experience as an advocate for a thoughtful and responsive criminal justice system.

As a social justice think and do tank, the Institute has engaged in national and statewide research; advocated with a statewide reentry coalition alongside so many in the legislature and on this committee for evidence-based reform; and finally, provided direct reentry services to hundreds of formerly incarcerated men and women seeking to assume law-abiding lives of work and responsibility.

Alongside the Assembly and members of this committee, we have followed the recent media reports about community corrections in the state. We have grave and serious concerns about both escapes from half way houses that may threaten the public safety of our communities and the personal safety of a vulnerable population of individuals within half way houses – namely those returning to their communities from incarceration seeking responsibility and rehabilitation.

The media's assertions of inadequate fiscal oversight, escapes, security failures, insufficient personnel training and the like are necessarily matters of public concern. The Institute, like those within the legislature, judiciary, executive branch, advocacy community, and certainly among community correction providers must bear these concerns seriously and equally.

Our mission is to serve and advocate for our state's urban residents and urban communities. As such, we take the alleged security and oversight shortcomings with the utmost urgency and gravity.

The primary and most recent source of data on the specifics of those allegations is from the media reports. These reports are deeply concerning although not conclusive. The media reports coupled with relatively recent Comptroller's audit, however, are more than a sufficient basis for a careful examination of the case for oversight and reporting.

It should be noted at the outset that the Institute has served hundreds of people formerly incarcerated, including former residents of the facilities at question in the New York Times series of articles. We have not received reports from our program participants that substantiate or refute these allegations; that said, the Institute has neither surveyed our clients nor conducted research on these particular concerns within community correction facilities. We do not have as a research focus issues related to security procedures for New Jersey community corrections facilities. What we do bring to the table is a deep understanding of reentry and a shared reputation of serving as a voice for quality, thoughtful reentry services.

In that vein, I want to speak briefly about a three issues. Though we all intuitively understand it, I want to briefly touch on the "Purpose and Role of Community Corrections." Next, I will speak briefly about the continued need for a community corrections option in the state of New Jersey; and finally, I will conclude with some thoughts on how to appropriately respond to the types of questions raised by the recent reports in the media.

Purpose of Community Corrections

In New Jersey, community corrections programs are strategically placed statewide in an effort to enhance community partnerships while providing community based alternatives to detention. The community-based alternatives focus on protecting society, addressing the concerns of crime victims and providing supervision to ex-offenders in the community. More specifically, all community corrections programs should be expected to have a coordinated system which provides:

- ✓ A meaningful alternative to incarceration

- ✓ An opportunity for community service to repay the community for inappropriate or unlawful behavior
- ✓ A positive support system for the ex-offender
- ✓ An opportunity to enhance the ex-offender's sense of self worth
- ✓ The potential for future job placement for the ex-offender

The Community Corrections Model is Viable in New Jersey

Community based correctional facilities are located throughout the state. Whether or not these facilities are located in your districts, let me assure you that individuals returning from prison are in most communities. According to a study completed by the Pew Charitable Trusts, one in 35 adults in New Jersey was under correctional supervision in 2009, compared to 1 out of 87 in 1982. New Jersey ranked 17th in the nation in the number of individuals incarcerated in 2007¹ and spent \$1.5 billion on incarceration alone. New Jersey's prison population has recently been recorded at just over 26,000 inmates,² which reflects a concerted effort to utilize a variety of responses to crime other than incarceration. In fact, New Jersey's prison population fell 14.8 percent from 2000 to 2009, according to federal statistics.³ New Jersey is one of only six states whose inmate population decreased over that decade.⁴

While the decrease in incarceration is a promising occurrence and hopefully a trend for the future, individuals who are being released from incarceration— or who receive sentences that do not include incarceration— still require services in their community. These services are an integral part of an efficacious, cost-effective and response criminal justice system. For instance, the “halfway back program⁵” is estimated to have saved New Jersey \$2.2 million in FY2009 and \$14 million in FY2010.⁶ Moreover, eighteen months after completing this program, “Halfway Back” participants experienced lower recidivism rates than similarly situated parole violators

¹ http://www.prisonary.com/wiki/State_Prison_Systems_Ranked_by_Number_of_Prisoners,_2007

² http://www.sentencingproject.org/template/state.cfm?state_id=NJ

³ http://www.sentencingproject.org/template/state.cfm?state_id=NJ

⁴ http://www.sentencingproject.org/template/state.cfm?state_id=NJ

⁵ Halfway Back (HWB) is a highly structured program that serves as an alternative to incarceration for technical parole violators or as a special condition of parole on release from prison in New Jersey. HWB programs are run at nine different secure residential facilities in the State and provide parolees with an environment that is halfway between prison and ordinary parole release.

⁶ (http://www.justicepolicy.org/images/upload/09_05_REP_PruningPrisons_AC_PS.pdf)

who were not in the program.⁷ This is an example of smart, fiscally sound government but also a policy shift that makes communities safer. Dealing with the reality of the need for community corrections is unavoidable considering the fact that 46% of inmates in NJ DOC are serving sentences between 1 and 5 years⁸ and will return to their communities of origin in a relatively short time span.

We know from research data that halfway houses and community-based correctional facilities play an important role in reducing recidivism among offenders. For example, in Ohio an offender participating in the state's most successful programs is 50 percent less likely to engage in criminal activity in the two-year period following release vs. offenders who receive no guidance or services.⁹ In contrast, Ohio found that the least successful of these programs actually increased the chances of criminal recidivism.¹⁰ This type of data indicates that community corrections is an important piece of the appropriate response to crime... but cautions us that the model is not fool-proof and therefore cannot be implemented without attention to detail.

Thoughtful Responses Are Needed

As mentioned before, NJISJ cannot speak to the veracity of the claims made in recent news articles related to New Jersey community corrections. What we can speak to is the inherent need for thoughtful system wide DOC reform. Specifically, we note three areas that are in need of administrative or legislative review. First, we should note that a substantial number of states¹¹ have an Ombudsman/Public Advocate, Legislative Committee or Citizen Board that is tasked specifically with corrections oversight.¹² Such oversight entities provide taxpayers with

⁷ <http://www.cecintl.com/pdf/research/Halfway%20Back%20paper%20for%20CJPR.pdf>

⁸ http://www.state.nj.us/corrections/pages/offender_stats.html

⁹ Testimony by Debra D. Buccilla of Ohio Community Corrections Association Presented to the Senate Judiciary Committee of the Ohio State Legislature on June 10, 2009.

¹⁰ Testimony by Debra D. Buccilla of Ohio Community Corrections Association Presented to the Senate Judiciary Committee of the Ohio State Legislature on June 10, 2009.

¹¹ Ombudsperson: 7; Inspector General: 2; Legislative Committee with Inspection Responsibilities: 2; and Citizens Board or Advisory Committee: 5

¹² Michele Deitch, *Independent Correctional Oversight Mechanisms Across the United States: A 50-State Inventory*, 30 PACE L. REV. 1754 (2010).

critical vehicles through which to strengthen accountability and transparency, both in terms of fiscal performance and service delivery effectiveness.

Second, in January of 2010 this very body passed a monumental set of reentry bills that were intended to provide support and direction to individuals reentering their communities from incarceration and to give them a realistic opportunity to become productive citizens. To date, though we have engaged in extensive effort to do so, NJISJ has not been able to verify whether several important mandates from this legislation are currently being executed as directed by the New Jersey State Legislature. Finally, as many of you are aware, the abolition of the Office of the Public Advocate has created a hardship in New Jersey as it relates to oversight and accountability of government agencies. There are several other issues that we could point to but it is our assessment that these are three of the most pressing issues that justify today's hearing to ascertain the truth about what is happening in our community corrections facilities.

I will speak to each of these three main concerns briefly.

Meaningful Department of Corrections Oversight

Let me speak for a moment about the importance of meaningful DOC oversight. For examples of jurisdictions that recognize the need for Department of Corrections oversight, we need only look across the river to New York. New York has THREE correctional oversight organizations (two statewide and one New York City based): the Correctional Association of New York, a non-profit which “inspect[s] prisons and report[s] its findings and recommendations to the legislature, the public and the press”; the New York State Commission of Correction, which is a three member body with the purpose of making recommendations to improve the administration of correctional facilities and promulgate rules and regulations to establish minimum standards of care; and the New York City Board of Correction, which is a City agency separate from the City's Department of Corrections that inspects the City's jails and prisons and establishes standards “for the care, custody, correction, treatment, supervision, and discipline” of all individuals held under the jurisdiction of the New York City DOC.

As we think about New Jersey's need for oversight in DOC facilities, we believe a regular and indeed quarterly reporting requirement should be imposed on the Commissioner of Corrections to address the following:

1. the steps taken to protect residents of halfway houses that are convicted of non-violent offenses from the ones who have a known history of violent offenses
2. the disciplinary actions taken against inmates accused of committing violence while serving at the halfway house
3. the measures used to prevent violent behavior from occurring

Given the recent reports that have created serious concern for all of us, we believe that— at a minimum— the more regular reporting requirement can be valuable predicate for informed, data-driven and reasonable reform that responds to the articulated needs of the legislature, the executive branch, advocates and the community. Indeed, such data makes it less likely that such reform would be administratively burdensome.

For today’s conversation, it is not as relevant to get into what type of oversight should be considered... be it legislative committee, a commission, reinstatement of the Office of Public Advocate or a citizen board. What should not be lost in the back and forth of today’s discussion is that we are now starkly aware of the need for serious Department of Corrections oversight that should span all facilities— including community corrections. And as advocates, government officials and legislators, we have a duty to respond to the need for meaningful oversight.

Revisiting the Abolition of the Public Advocate

As I am sure you are aware, we have pivoted back and forth from one administration to another on the need for an Office of the Public Advocate. In its last incarnation from the Public Advocate Restoration Act of 2005, a Corrections Ombudsperson within the Division of Citizen Relations in the Department of the Public Advocate was created. That person absorbed all the authority of the Ombudsperson in the DOC and had the power to redress issues concerning the conditions of confinement brought to its attention by (or on behalf of) individuals sentenced to a correctional facility for more than 364 days. With the attention that has been directed to community corrections over the past few months, this is the time to revisit the need for a Corrections Ombudsperson with the authority to investigate and resolve issues related to DOC facilities before they reach the levels that have been reported over the last few weeks.

Focused Implementation of the 2010 Reentry Bills

Several years ago, a coalition of legislators, legal and policy advocacy groups and grassroots organizations joined efforts in the Second Chance Campaign of New Jersey to

successfully pass three statutes that addressed the issue of reentry. These bills, signed into law in January 2010 by Governor Corzine, provide for a number of services and programs, including prisoner education, the release of medical information and personal documents to recently released prisoners, and the formation of task forces to study recidivism. NJISJ recently looked into the enforcement of these statutes and determined that the status of many of their mandates is unclear. To our knowledge, the only mandate that has clearly been implemented is the formation of the Prisoner Reentry Commission. While this advisory commission has been formed, it has neither convened nor more importantly issued any annual reports that under its broad advisory mandate could at least begin to address some the issues that are the subject of these hearings.

NJISJ, in partnership with our NGO and legislator partners, are continuing to learn more about this implementation gap and intend to advocate for swift and comprehensive implementation of these critically important laws. Every day that we fail to fully implement the law is another day of unnecessary human hardship and fiscal inefficiency, neither of which can be tolerated. We welcome the help of all who are committed to upholding the letter of our laws and the cause of social justice – which we believe, in the guiding words of our founder, Alan Lowenstein, are the underlying goal of all humanity.