



SPENDING TRENDS ON CORRECTIONS IN NEW JERSEY

A New Jersey Policy Perspective Analysis

Prepared for the New Jersey Institute For Social Justice

October 2003

INTRODUCTION

The state budget is a yearly statement of how much money will be spent on all the various programs of state government. Occurring at the intersection of policy and politics, the budget is also an expression of priorities. And in recent years spending in New Jersey on the Department of Corrections and related criminal justice functions has been a high priority. Consider that:

- The number of state prison inmates tripled over 20 years.
- Corrections spending has, by far, been the fastest growing component of the New Jersey state budget; it has been estimated that by 2005 New Jersey will spend more on corrections-related functions than all 50 states, combined, spent in 1975.
- By the end of the 1990s, New Jersey corrections facilities were operating at 40 percent over capacity-the sixth highest rate of overcrowding in the nation.
- Just over one-third of New Jersey correctional inmates are incarcerated for violations of drug laws-the nation's highest rate.

And all of this has happened at a time when crime rates have been declining. As a report by The Sentencing Project observed, "Changes in sentencing law and policy, not increases in crime rates, explain most of the six-fold increase in the national prison population since the early 1970s."

Many experts believe a change is taking place-that policy makers are rethinking the trend toward tougher sentences, driven at least in part by the high financial cost of tougher sentencing. Cost was cited as one reason behind a major revamping of drug laws in Michigan that took effect in March 2003. According to the Detroit News, the state stands to save \$41 million this year alone from earlier parole, discharging offenders from lifetime probation and allowing judges to employ sentencing guidelines that provide more leeway to take into account an individual's particular situation.

But sweeping change will not come overnight. For the foreseeable future, New Jersey must deal with laws and sentencing policies now on the books-and the financial cost they bring. This paper will examine decisions and trends with regard to how New Jersey has appropriated funds for corrections, in an effort to stimulate discussion about potentially more cost-effective ways to spend the money while at the same time guaranteeing public safety.

THE CORRECTIONS DEPARTMENT

New Jersey's Department of Corrections (DOC) is responsible for the custody, care, discipline, training and treatment of individuals committed to state correctional institutions as well as persons under community supervision or on parole. The department's stated mission is to ensure that those who have broken the law are committed to the state's correctional facilities at a level of custody appropriate both to protect the public and to prepare prisoners for their eventual reintegration into the community.

The DOC operates 14 facilities: nine housing adult male offenders, one of which is dedicated to the treatment and rehabilitation of male sex offenders; one housing adult female offenders; three housing juvenile male offenders; and one central reception and intake facility (see appendix for an overview of these 14 facilities). The Department also contracts with halfway houses to provide services for state-sentenced offenders who are transitioning back into the community.

Additionally, the Department is responsible for housing offenders who have completed their term of incarceration but who have been classified as sexually violent predators. Considered a danger to the public, they have been involuntarily committed to a state-operated facility. Although the Department of Corrections is responsible for housing and providing security for these persons, the Department of Human Services is responsible for treatment services. Because the individuals placed in these facilities are no longer considered inmates of the Department of Corrections, but patients of the Department of Human Services, the population is not included in the Department of Corrections' population count.

In addition to direct expenditures within the Department of Corrections, this analysis includes expenditures of the State Parole Board, the Juvenile Justice Commission and the Administrative Office of the Court's Probation Services unit. Although they have different functions, they each play an important supervisory role within the criminal justice system and their costs have grown over the years.

In 2001, the State Parole Board assumed the responsibilities of the Department of Corrections' Bureau of Parole. Prior to this consolidation, the Bureau of Parole was responsible for monitoring persons placed on parole by the State Parole Board which determined when and under what conditions inmates were released on parole or returned to prison in the case of parole violations. In 2001, state law was changed 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. For organizational purposes the State Parole Board is included in the annual budget as part of the Department of Corrections but it operates independently of the Department.

The Juvenile Justice Commission was created in 1995 to unify programs for juvenile offenders who had previously been the responsibility of the Department of Corrections and the Department of Human Services. This commission is included as part of the Department of Law and Public Safety for organizational purposes but operates independently.

Probation Services within the Judiciary branch is a third important part of the criminal justice system. Probation is a sentencing alternative that provides selected offenders the opportunity to serve their sentences in the community under the supervision of a probation

officer.

BASIC TRENDS

The majority of state-sentenced prison inmates are housed according to their custody security status, i.e. maximum, medium and minimum security. During the 1980s, when the number of state-sentenced inmates rose dramatically, the Department of Corrections started placing inmates in county jails based on agreements set with each county for a certain number of beds annually. The agreement required the state to reimburse the county after the 15th day of incarceration or, if the inmate is a parole violator, from day one. The actual number of inmates placed in county jails depends on the number of admissions processed each month offset by the number of releases and paroles granted from state facilities.

Corrections Population - State Sentenced

| Fiscal Year | Average Daily Population in State Facilities In NJ | Average Number of State Inmates in NJ County Penal Facilities | Average Number of Incarcerated in NJ |
|--------------------|---|--|---|
| 1983 | 8,012 | NA | 8,012 |
| 1984 | 9,311 | 800 | 10,111 |
| 1985 | 10,040 | 1,235 | 11,275 |
| 1986 | 11,163 | 1,587 | 12,750 |
| 1987 | 11,924 | 2,334 | 14,258 |
| 1988 | 13,179 | 2,547 | 15,726 |
| 1989 | 14,172 | 2,916 | 17,088 |
| 1990 | 15,253 | 3,625 | 18,878 |
| 1991 | 17,316 | 3,657 | 20,973 |
| 1992 | 17,954 | 4,111 | 22,065 |
| 1993 | 17,162 | 3,859 | 21,021 |
| 1994 | 18,528 | 4,400 | 22,928 |
| 1995 | 19,331 | 4,494 | 23,825 |
| 1996 | 20,212 | 5,508 | 25,720 |
| 1997 | 20,535 | 5,453 | 25,988 |
| 1998 | 22,531 | 3,844 | 26,375 |
| 1999 | 23,729 | 3,992 | 27,721 |
| 2000 | 23,679 | 3,695 | 27,374 |
| 2001 | 23,109 | 2,863 | 25,972 |
| 2002 | 22,561 | 1,944 | 24,505 |
| 2003 | 23,093 | 1,449 | 24,542 |
| 2004 | 23,340 | 975 | 24,315 |

Source: State of New Jersey Budget, various years.

During the 1980s, New Jersey prisons were functioning at about their design capacity. But that changed as the result of changes in sentencing policy, the impact of which began to be sharply felt in the early 1990s.

Number of Beds

| | Design Capacity | Average Daily Population | % of Capacity |
|------|-----------------|--------------------------|---------------|
| 1983 | 8,409 | 8,012 | 95% |
| 1984 | 9,417 | 9,311 | 99% |
| 1985 | 9,909 | 10,040 | 101% |
| 1986 | 10,889 | 11,163 | 103% |
| 1987 | 11,999 | 11,924 | 99% |
| 1988 | 12,522 | 13,179 | 105% |
| 1989 | 12,902 | 14,172 | 110% |
| 1990 | 14,017 | 15,253 | 109% |
| 1991 | 14,934 | 17,316 | 116% |
| 1992 | 14,474 | 17,954 | 124% |
| 1993 | 13,898 | 17,162 | 123% |
| 1994 | 13,889 | 18,528 | 133% |
| 1995 | 13,871 | 19,331 | 139% |
| 1996 | 13,681 | 20,212 | 148% |
| 1997 | 17,763 | 20,535 | 116% |
| 1998 | 17,158 | 22,531 | 131% |
| 1999 | 17,383 | 23,729 | 137% |
| 2000 | 17,383 | 23,679 | 136% |
| 2001 | 17,382 | 23,109 | 133% |
| 2002 | 17,092 | 22,561 | 132% |
| 2003 | 17,092 | 23,093 | 135% |

Source: State of New Jersey Budget, various years.

When the crush came, New Jersey responded to the need for additional corrections bed spaces not only by placing inmates in county jails, but also with double-bunking, moving inmates into what had been common spaces at state prison facilities, expanding existing institutions, building new prisons and creating more alternatives to incarceration. The table below is a 20-year overview of state facilities and their design capacity. It should be noted that in addition to these correctional facilities, the New Jersey Training School for Boys houses 300 youths 19 years of age and under.

Between 1983 and 2003, the state opened Vroom Central Reception, South Woods State Prison, Riverfront State Prison and Northern State Prison—more than doubling system-wide bed space capacity from 8,409 to 17,092.

Design Capacity of Correctional Facilities

| | FY 1983 | FY 1993 | FY 2003 |
|---|---------|---------|---------|
| New Jersey State Prison | 2,078 | 2,092 | 1,811 |
| Vroom Central Reception | 0 | 0 | 631 |
| East Jersey State Prison | 1,388 | 1,931 | 1,735 |
| South Woods State Prison | 0 | 0 | 3,188 |
| Bayside State Prison | 1,103 | 1,442 | 1,465 |
| Southern State Correctional Facility | 0 | 1,080 | 1,080 |
| Mid-State Correctional Facility | 500 | 533 | 604 |
| Riverfront State Prison | 0 | 631 | 631 |
| Edna Mahan Correctional Facility | 336 | 510 | 694 |
| Northern State Prison | 0 | 1,641 | 1,690 |
| Adult Diagnostic & Treatment Center | 180 | 594 | 512 |
| Garden State Youth Facility | 968 | 1,355 | 1,168 |
| Albert C. Wagner | 820 | 1,138 | 1,080 |
| Mountainview Correctional Facility | 1,036 | 951 | 803 |
| Design Capacity-State Correctional Facilities | 8,409 | 13,898 | 17,092 |

Source: State of New Jersey Budget, various years.

As would be expected, the huge growth in incarcerated individuals led to a corresponding increase in the number of employees needed to staff and manage the state prison system and to supervise parolees. The table below includes employees of the Department of Corrections, the State Parole Board, Law and Public Safety's Juvenile Services units and Probation Services which is part of the Administrative Office of the Courts in the Judiciary.

In Fiscal Year 2003, 13,685 men and women were employed at the state level in corrections-related functions. If all of these people worked in the same department of state government, it would be second in staff size in New Jersey only to the Department of Human Services.

Although the increase in staff needed to run the prisons is dramatic, the most dramatic increase is in the number of men and women needed to administer and supervise both those on parole and supervised by the State Parole Board and those on probation and supervised by Probations Services. In 1983, 9,376 parolees were under the supervision of 132 parole officers with an average caseload of 71 parolees. By 2003, a total of 13,234 persons were under supervision for parole. Although the FY 2004 budget does not differentiate actual parole officers, it does indicate that approximately 480 individuals perform either administrative or supervisory parole functions in FY 2003.

In the same year, 119,135 persons-97,601 adults and 21,534 juveniles-were on probation and were supervised by Probation Services. In FY 2003, the Administrative Office of the Courts employed approximately 2,400 probation officers. Most of the parole and probations staff listed in the table below in 2003 work in probations.

Corrections, Parole and Probation Staffing

| Fiscal Year | Corrections | Parole & Probation | Total Employees |
|-------------------|-------------|--------------------|-----------------|
| 1983 | 4,961 | 400 | 5,361 |
| 1993 | 8,843 | 684 | 9,527 |
| 2003 | 10,582 | 3,103 | 13,685 |
| Growth since 1983 | 213.3% | 775.8% | 255.3% |

Source: State of New Jersey Budget, various years.

FUNDING

The sizeable growth in the number of state-sentenced inmates, and the more than doubling of state correctional bed spaces and staff needed to manage the system over the last 20 years has required New Jersey to devote more and more of its resources to correctional functions. Since 1983, the amount of state money appropriated for the custody, care, treatment and training of inmates has grown 555 percent, from \$203.5 million to \$1.1 billion.

By drawing on various budget lines in the relevant departments and agencies of state government, this analysis attempts to capture the costs of operating the penal system in New Jersey over the 20-year period from 1983 to 2003. The table below includes appropriations to the Department of Corrections as well as appropriations for juvenile facilities and for parole and probation in the Department of Law and Public Safety and in the Judiciary Branch. The latter are included in the column "Total Non-DOC Funding." The difficulty in locating every budget line item, scattered across various jurisdictions, that relates to corrections functions means that, if anything, this analysis understates the amount of money being spent.

Appropriations - Department of Corrections & Related Programs (in thousands of dollars)

| Fiscal Year | Department of Corrections | | | | Total Non DOC funding | Total DOC Funding | Total Approp. All State Funds | % of Budget | % Increase over Prev. Year |
|----------------------|---------------------------|---------------|----------------|--------------|-----------------------|-------------------|-------------------------------|-------------|----------------------------|
| | Direct State Services | Grants in Aid | Capital Const. | Debt Service | | | | | |
| 2004 P.L. 2003, c122 | 829,125 | 87,113 | 10,858 | | 207,351 | 1,134,447 | 24,738,658 | 4.6% | 0.4% |
| 2003 Adj App | 834,128 | 82,630 | 2,900 | | 210,501 | 1,130,159 | 24,042,768 | 4.7% | 0.7% |
| 2002 | 780,787 | 104,059 | 16,413 | | 221,140 | 1,122,399 | 22,495,603 | 5.0% | 0.8% |
| 2001 | 788,269 | 115,254 | 19,015 | | 191,031 | 1,113,569 | 21,279,359 | 5.2% | 3.5% |
| 2000 | 744,873 | 147,857 | 10,002 | | 173,135 | 1,075,867 | 19,920,688 | 5.4% | 4.1% |
| 1999 | 719,428 | 134,862 | 9,283 | | 169,936 | 1,033,509 | 18,498,999 | 5.6% | 7.5% |
| 1998 | 691,980 | 106,169 | 3,384 | | 160,238 | 961,771 | 17,189,368 | 5.6% | 5.4% |
| 1997 | 627,281 | 127,902 | 14,672 | | 142,503 | 912,358 | 16,304,466 | 5.6% | 9.8% |
| 1996 | 573,662 | 120,786 | 9,114 | | 127,479 | 831,041 | 16,230,524 | 5.1% | 6.1% |
| 1995 | 580,511 | 102,937 | 9,031 | | 90,438 | 782,917 | 15,365,404 | 5.1% | 18.8% |
| 1994 | 564,853 | 72,261 | 1 | | 21,824 | 658,939 | 14,963,742 | 4.4% | 7.8% |
| 1993 | 530,234 | 73,400 | 896 | | 6,671 | 611,201 | 14,651,711 | 4.2% | -0.1% |
| 1992 | 496,643 | 68,821 | 2,432 | | 43,871 | 611,767 | 15,143,526 | 4.0% | -1.5% |
| 1991 | 491,420 | 76,352 | 4,081 | 44,869 | 4,352 | 621,074 | 12,562,308 | 4.9% | 13.8% |
| 1990 | 444,075 | 47,800 | 10,035 | 39,429 | 4,244 | 545,583 | 12,151,108 | 4.5% | 13.3% |
| 1989 | 391,574 | 45,236 | 4,912 | 35,412 | 4,228 | 481,362 | 11,860,452 | 4.1% | 2.4% |
| 1988 | 386,606 | | 44,222 | 34,770 | 4,553 | 470,151 | 10,577,391 | 4.4% | 20.8% |
| 1987 | 329,741 | | 27,734 | 27,734 | 4,114 | 389,323 | 9,443,772 | 4.1% | 22.1% |
| 1986 | 275,911 | | 12,135 | 26,899 | 4,012 | 318,957 | 8,652,619 | 3.7% | 24.7% |
| 1985 | 241,438 | | 5,486 | 5,486 | 3,425 | 255,835 | 7,869,676 | 3.3% | 10.5% |
| 1984 | 207,687 | | 1,277 | 19,197 | 3,376 | 231,537 | 6,860,672 | 3.4% | 13.8% |
| 1983 | 174,466 | | 13,894 | 12,857 | 2,299 | 203,516 | 6,262,471 | 3.2% | |

Source: State of New Jersey Budget, various years.

The movement of inmates in and out of the penal system is fluid, varying from day to day, and is what determines exactly how many bed spaces are needed at any given time. Obviously, however, statutes that prescribe the penalties for specific crimes and the sentences handed down by judges play an overriding role in what these numbers will be. Also important in determining the number of bed spaces needed is the Parole Board's decisions about if and when an inmate should be released from prison.

Over the past 20 years there have been significant changes with regard to criminal penalties in New Jersey, reflecting the national trend of longer sentences and less discretion being allowed to judges. The impact of these changes on the growth of the prison population cannot be overstated.

For example, Title 2C of the New Jersey Statutes, known as the criminal code, initiated mandatory minimum sentences for various offenses more than 20 years ago. Under such a sentence, an inmate must serve a specified minimum amount of time in prison before becoming eligible for parole and these sentences cannot be reduced by earned credits.

Before enactment of these laws, convicted offenders usually served only one-third to one-half of the sentence imposed due to a combination of time and work credits earned while incarcerated.

A primary concern was the use of controlled dangerous substances and the spin-off of criminal activity generated by this use. In response to this, the Legislature enacted various drug enforcement statutes imposing mandatory minimum sentences on individuals convicted of offenses involving the manufacture, use and sale of drugs.

Major changes in sentencing include:

- 1981, Graves Act required a mandatory minimum sentence for offenses committed with a firearm.
- 1986, Comprehensive Drug Reform Act set mandatory minimum sentence 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.

As a result of these changes, the drug offender population began to grow at a more rapid rate than the population of other types of offenders within the correctional system and the number of inmates serving mandatory minimum terms has continued to grow. In 1986, the drug offender inmate population was 11 percent of the total prison population; by 1998 it was three times that percentage. Likewise, in 1986, about 42 percent of the state's total adult population was serving mandatory minimum terms; by 1996, this number had increased to 51 percent of the total population. The Department of Corrections estimates that 35 percent of the inmate population was convicted of a drug-related offense- generally sale and distribution, rather than possession-as of January 2003.

As of January 2003, 60 percent of all adult offenders were serving mandatory minimum sentences, with 15 percent of that total having been sentenced to 15 years or more. The median mandatory minimum sentence in New Jersey is four years. According to the New Jersey Department of Corrections Strategic Planning Document Issue Summary, which was issued October 30, 2002, inmates with mandatory minimum sentences serve approximately twice as much time as inmates without mandatory minimums.

At the same time that the need for more bed spaces created by changes in sentencing laws was rising, so too was the cost of each bed space. The following table illustrates for each correctional facility the cost at 10-year intervals of incarcerating an individual. In FY 2003 it cost almost \$36,000 to house one person at the Adult Diagnostic and Treatment Center in

Avenel, highest in the New Jersey system. The average cost of one year's incarceration at a state facility in New Jersey is about \$28,000—just under what it costs an in-state student for two years' tuition, fees, room and board at Rutgers University.

Annual Per Inmate Cost of Incarceration by Institution

| | FY 1983 | FY 1993 | FY 2003 |
|--|----------|----------|----------|
| New Jersey State Prison | \$17,933 | \$31,718 | \$32,810 |
| Vroom Central Reception | NA | NA | \$32,107 |
| East Jersey State Prison | \$12,860 | \$21,850 | \$29,327 |
| South Woods State Prison | NA | NA | \$24,745 |
| Bayside State Prison | \$12,094 | \$20,779 | \$22,328 |
| Southern State Correctional Facility | NA | \$25,548 | \$26,468 |
| Mid-State Correctional Facility | \$17,470 | \$28,958 | \$31,835 |
| Riverfront State Prison | NA | \$27,033 | \$29,142 |
| Edna Mahan Correctional Facility | \$23,989 | \$28,007 | \$29,333 |
| Northern State Prison | NA | \$21,803 | \$26,735 |
| Adult Diagnostic & Treatment Center | \$17,069 | \$28,540 | \$35,753 |
| Garden State Youth Correctional Facility | \$13,151 | \$22,596 | \$23,299 |
| Albert C. Wagner Youth Correctional Facility | \$12,436 | \$22,937 | \$29,645 |
| Mountainview Youth Correctional Facility | \$11,720 | \$20,939 | \$27,432 |

Source: State of New Jersey Budget, various years.

Because the state has needed increasing numbers of bed spaces and each bed space in a correctional facility is expensive, the amount of money appropriated in the New Jersey state budget for corrections-related functions has grown at a very rapid rate. Indeed, it has grown at a rate far surpassing the growth in appropriations over the past 20 years for state funding of K-12 education, higher education or municipal aid.

The table below shows that while the growth in the total state budget over the past 20 years was a seemingly dramatic 384 percent, the amount spent on corrections functions grew by a staggering 555 percent during that period. Meanwhile, money appropriated to K-12 funding grew by 385 percent, aid to New Jersey's colleges and universities grew by a "mere" 224 percent and state aid to municipalities by just 185 percent.

Comparisons of Budget Growth (in thousands of dollars)

| Fiscal Year | Dept of Education | Dept of Corrections & Related Programs | Dept of Higher Education | Municipal Aid | Total Approp. All State Funds |
|--------------------|-------------------|--|--------------------------|---------------|-------------------------------|
| 1983 | 2,025,018 | 203,516 | 611,701 | 915,922 | 6,262,471 |
| 1984 | 2,201,295 | 231,537 | 653,013 | 982,917 | 6,860,672 |
| 1985 | 2,414,648 | 255,835 | 727,443 | 1,032,780 | 7,869,676 |
| 1986 | 2,720,003 | 318,957 | 758,310 | 1,066,946 | 8,652,619 |
| 1987 | 2,957,327 | 389,323 | 832,604 | 1,033,140 | 9,443,772 |
| 1988 | 3,182,904 | 470,151 | 955,724 | 1,107,615 | 10,577,391 |
| 1989 | 3,485,490 | 481,362 | 1,026,899 | 1,162,013 | 11,860,452 |
| 1990 | 3,620,182 | 545,583 | 1,034,027 | 1,085,358 | 12,151,108 |
| 1991 | 3,722,752 | 621,074 | 934,418 | 1,088,733 | 12,562,308 |
| 1992 | 4,502,118 | 611,767 | 967,133 | 1,522,560 | 15,143,526 |
| 1993 | 3,953,518 | 611,201 | 950,520 | 1,558,452 | 14,651,711 |
| 1994 | 4,803,012 | 658,939 | 1,067,844 | 1,574,912 | 14,963,742 |
| 1995 | 4,432,344 | 782,917 | 1,066,294 | 1,239,492 | 15,365,404 |
| 1996 | 4,772,655 | 831,041 | 1,195,500 | 1,503,000 | 16,230,524 |
| 1997 | 4,850,702 | 912,358 | 1,350,670 | 1,563,100 | 16,304,466 |
| 1998 | 5,335,258 | 961,771 | 1,130,058 | 1,591,052 | 17,189,368 |
| 1999 | 5,923,339 | 1,033,509 | 1,199,772 | 1,593,719 | 18,498,999 |
| 2000 | 6,178,623 | 1,075,867 | 1,277,336 | 1,629,558 | 19,920,688 |
| 2001 | 6,750,967 | 1,113,569 | 1,327,813 | 1,595,758 | 21,279,359 |
| 2002 | 7,202,036 | 1,122,399 | 1,301,859 | 1,633,812 | 22,495,603 |
| 2003 | 7,794,503 | 1,130,159 | 1,370,471 | 1,697,277 | 24,042,768 |
| Increase from 1983 | 384.9% | 555.3% | 224.0% | 185.3% | 383.9% |

Source: State of New Jersey Budget, various years.

When viewed as a percentage of the total state budget, appropriations to the Department of Corrections and related programs peaked at 5.6 percent of the budget in the late 1990s. What once took up 3.2 percent of state funds now gets 4.6 percent. And as appropriations to corrections have increased, those to the Department of Higher Education and municipal aid have been squeezed.

Annual Appropriations to Various Programs As a % of State Appropriations

| Fiscal Year | Dept of Education | Dept of Corrections & Related Programs | Dept of Higher Education | Municipal Aid | Total Approp. All State Funds |
|-------------|-------------------|--|--------------------------|---------------|-------------------------------|
| 1983 | 32% | 3% | 10% | 15% | \$6,262,471 |
| 1984 | 32% | 3% | 10% | 14% | 6,860,672 |
| 1985 | 31% | 3% | 9% | 13% | 7,869,676 |
| 1986 | 31% | 4% | 9% | 12% | 8,652,619 |
| 1987 | 31% | 4% | 9% | 11% | 9,443,772 |
| 1988 | 30% | 4% | 9% | 10% | 10,577,391 |
| 1989 | 29% | 4% | 9% | 10% | 11,860,452 |
| 1990 | 30% | 4% | 9% | 9% | 12,151,108 |
| 1991 | 30% | 5% | 7% | 9% | 12,562,308 |
| 1992 | 30% | 4% | 6% | 10% | 15,143,526 |
| 1993 | 27% | 4% | 6% | 11% | 14,651,711 |
| 1994 | 32% | 4% | 7% | 11% | 14,963,742 |
| 1995 | 29% | 5% | 7% | 8% | 15,365,404 |
| 1996 | 29% | 5% | 7% | 9% | 16,230,524 |
| 1997 | 30% | 6% | 8% | 10% | 16,304,466 |
| 1998 | 31% | 6% | 7% | 9% | 17,189,368 |
| 1999 | 32% | 6% | 6% | 9% | 18,498,999 |
| 2000 | 31% | 5% | 6% | 8% | 19,920,688 |
| 2001 | 32% | 5% | 6% | 7% | 21,279,359 |
| 2002 | 32% | 5% | 6% | 7% | 22,495,603 |
| 2003 | 32% | 5% | 6% | 7% | 24,042,768 |

Source: State of New Jersey Budget, various years.

HALFWAY HOUSES AND ALTERNATIVES TO INCARCERATION

Stiffer, longer sentences led to a penal system in crisis by the mid 1990s. According to the FY 1993 *Budget in Brief*, "the growth in the Corrections budget is the largest increase of our operating departments, due primarily to the increase in inmate population. In order to temper the growth in inmate costs, investments are being made in less expensive forms of supervision, including electronic monitoring and intensive parole and probation programs."

Since then the state has initiated more pilot projects as alternatives to incarceration in either a state or county facility. The number of such programs has tripled and the number of persons participating in them grown almost seven-fold. This growth reflects the fact that for many inmates, a drug offense-with no convictions for violent crimes-is their most serious charge.

The information below includes halfway houses, which are not considered alternatives to

incarceration. They are included because they provide a useful fiscal comparison to other alternative programs.

Halfway Houses & Alternatives to Incarceration - Individuals Served

| | 1993 | 1994 | 1995 | 1996 | 1997 | 1998 | 1999 | 2000 | 2001 | 2002 | 2003 |
|--|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|--------------|
| Halfway Houses | 336 | 365 | 562 | 765 | 1,038 | 1,161 | 2,238 | 2,541 | 2,740 | 2,530 | 2,700 |
| Intensive Supervision (ISP) | 646 | 675 | 768 | 834 | 839 | 987 | 1,215 | 1,217 | 1,202 | 1,220 | 1,217 |
| Juvenile Intensive Supervision (JISP) | 0 | 0 | 130 | 5 | 186 | 200 | 250 | 360 | 360 | 284 | 300 |
| Electronic Monitoring | 125 | 0 | 0 | 0 | 200 | 284 | 400 | 193 | 349 | 302 | 320 |
| Intensive Supervision/ Surveillance (ISSP) | 325 | 325 | 325 | 550 | 703 | 770 | 1,425 | 1,117 | 1,494 | 1,465 | 1,520 |
| High Impact Diversion | 0 | 0 | 0 | 0 | 279 | 281 | 700 | 606 | 647 | 585 | 650 |
| Parolee Drug Treatment | 0 | 0 | 0 | 0 | 0 | 298 | 0 | 307 | 337 | 357 | 360 |
| Day Reporting Centers | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 374 | 292 | 346 | 350 |
| Mutual Agreement Program | 0 | 0 | 0 | 0 | 0 | 177 | 0 | 0 | 0 | 0 | 148 |
| Halfway Back | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 139 | 337 |
| Total Participants | 1,432 | 1,365 | 1,785 | 2,154 | 3,245 | 4,158 | 6,228 | 6,715 | 7,421 | 7,228 | 7,902 |

Source: State of New Jersey Budget, various years.

Note: The Intensive Supervision Program (ISP) and the Juvenile Intensive Supervision Program (JISP) are programs of the Administrative Office of the Court in the Judiciary Branch. All others are programs of either the Department of Corrections or the New Jersey State Parole Board.

Halfway Houses: Halfway houses and treatment facilities provide community-based residential treatment programs for offenders under supervision. The Department of Corrections contracts with private and non-profit providers throughout the state for this service. Inmates who are classified as minimum security and are within 18 months of their parole eligibility date or expired maximum sentence date are allowed to participate in this program.

The community transition piece provided by halfway houses and treatment facilities appears to be an essential component to successful transition into the community at large. Since a huge percentage of inmates suffer from some type of alcohol or drug abuse problem, treatment facilities are an essential component. In FY 2003, the state spent approximately \$51 million to provide 2,700 alternative bed spaces-an average cost of \$52 a day-for prospective pre-release inmates in 26 community-based facilities.

Intensive Supervision Program: The Intensive Supervision Program (ISP) is a 20-year-old program, operated by the Judiciary and administered by the courts. It places carefully selected state-sentenced, non-violent offenders in alternative, strictly supervised community programs after two months of incarceration. Participants are required to maintain full-time employment, participate in community service, maintain a budget and diary, pay all court-ordered financial obligations and make payments toward child support and the cost of the program. To be eligible for the program, an offender must serve at least 30 days of incarceration before submitting an application for program entry.

In FY 2003, \$10.4 million was appropriated for the purposes of this program. Approximately 1,217 individuals participated at an average annual cost of approximately \$8,500 per person. According to the FY 2004 budget analysis written by the Office of Legislative Services, of the 1,217 individuals who participated in this program in FY 2003, 29 percent or 357, have been returned to prison for various infractions of the ISP regulations.

In FY 2003, \$2.05 million was appropriated for the Juvenile Intensive Supervision Program (JISP). This program is structured to provide Family Court judges with an alternative to incarceration. The FY 2003 appropriation supported 300 selected program participants at an average annual cost of just under \$7,000 per participant.

Intensive Supervision/Surveillance Program (ISSP): The Intensive Supervision/Surveillance Program (ISSP) is another alternative to returning a parole violator to prison. Inmates who are within six months of their parole date or hearing participate in this program in lieu of serving their state sentence in an institution or halfway house. It is designed to allow certain offenders who would otherwise not be appropriate for release a chance for parole under a particularly intensive level of supervision.

In FY 2003, \$5.1 million was appropriated for this program. Approximately 1,520 individuals participated in this program at an average annual cost of just over \$3,300 per person.

Electronic Monitoring/Home Confinement: Electronic Monitoring/Home Confinement is a fourth program which has been used in New Jersey for a number of years. It addresses the need to provide a transition from prison to the community for two types of offenders: parole violators and inmates in halfway houses or institutions who are within six months of their parole date or hearing date.

Participants in this program are classified as minimum security. They are released to their homes, where they must remain, and fitted with an electronic bracelet that monitors their whereabouts and alerts a central monitoring station if the parolee leaves the designated area of confinement. Participants may leave their homes only to report to work, attend school or conduct a job search. They must adhere to written daily schedules approved in advance by their parole officers and are subject to daily curfews. Parole violators participate in this program for approximately six to eight months and are then assigned to the Intensive Supervision/Surveillance Program (ISSP).

In FY 2003, \$4.542 million was appropriated for this program. This level of funding supported 320 individuals at an average annual cost of approximately \$13,000 per person.

Each of these programs provides an immediate savings to the state. The per person annual cost of the four programs discussed above are significantly less in each case than the \$28,000 average annual cost of incarceration.

SOME OPTIONS FOR CHANGE

In 1994, 62 percent-or 8,680-of the 14,000 people entering prison in New Jersey were released within three years prior to their readmission. If the state recidivism rate were reduced by 25 percent over the next three years, and the reduction were evenly distributed over that period, 723 fewer inmates would be admitted to state correctional facilities annually. At an average cost of \$28,000 a year the state could save approximately \$20 million each year, or \$60 million over three years.

If more recent numbers were available, the estimate might change. But the point is there is money to be saved by implementing a long-term strategy to reduce recidivism. In the short run, however, the following might be considered:

1) Reduce the amount of time that parole violators could be imprisoned from 12 months to six or four months.

In 1998, 41 percent of admissions to New Jersey prisons were people who had violated the terms of their parole, but had not necessarily been convicted of a new crime. Many of these return admissions are based on "technical violations" of parole, meaning a violation of the terms of parole rather than a violation of the law. People "violated back" into prison are, under law, permitted to remain for a maximum of 12 months, and actually remain for an average of 10.5 months.

The New Jersey Department of Corrections estimates that 14,000 inmates are committed annually to Department of Corrections' institutions. According to the above statistic, approximately 5,700 of those admitted annually are admitted because of technical violations.

The Department of Corrections further estimates that the average cost of incarcerating someone is about \$77 a day. If an alternative program were utilized, the Department of Corrections would not recoup 100 percent of the savings because the violator would appropriately be enrolled in an alternative program. A January 2003 study, Building Bridges from Conviction to Employment by Herbert Welte Hall for the Council of State Governments estimates that in Connecticut the cost of incarceration is roughly equivalent to that in New Jersey. He estimated that Connecticut could save approximately \$50 a day by using alternatives to incarceration. If one assumes that the population of violators is 5,700 and the state limits the 12-month maximum term for technical violations to six months, effectively reducing the amount of time these inmates serve by half (to five months), the state could save approximately \$42.5 million annually.

If the state were to limit the maximum term to four months, the savings might reach \$59.5 million annually.

2) Reduce the average length of sentence an inmate serves from six years to five.

Currently, the median term for New Jersey Department of Corrections inmates is six years. If the state's laws and practices were to change so as to reduce this average to five years, New Jersey could save between \$255.5 million and \$392 million annually, based on the average cost of incarceration per prisoner and placement alternatives.

This would have the significant additional benefit of providing prison administrators greater leeway for the award of sentence-reducing good time—a "carrot" with which to give prisoners an incentive to abide by the rules of the institution and engage in such productive activities as education and job training to increase the chances for success upon release.

3) Everyone leaving prison should spend some time in a halfway house as a condition of release.

The Department of Corrections estimates that 14,000 inmates are released from prison annually. The state currently spends approximately \$51 million to provide 2,700 spaces in halfway houses and treatment facilities. In FY 2003 there were 26 community-based facilities.

If the state required every eligible person leaving prison to spend some time in a halfway house instead of going directly from secure detention (prison) to the community, the state would have to greatly expand the number of halfway house beds. Based on a cost of \$20,000 a year for a halfway house bed and assuming the need for approximately 11,000 new bed spaces, it would cost the state \$220 million annually to expand this program. This cost, however, could be offset by the reduced costs of recidivism and of having inmates released from prison at an earlier date. The offsetting savings based on the difference between the \$28,000 per year per inmate and the \$20,000 per year per halfway house resident could be as much as \$88 million annually.

Appendix I

Institutions in the New Jersey State Corrections System

Vroom Central Reception and Assignment Facility in Trenton serves as a central processing unit for all adult males sentenced to the Department of Corrections. It is responsible for classifying all state inmates and providing all intake examinations and evaluations. Associated with it is the Jones Farm Minimum Security Unit in Ewing, which serves as a work camp for non-violent inmates serving short-term sentences. In FY 2002, it housed 1,068 inmates in a facility designed to house 631. In the same year, 74 inmates participated in an educational program. Its annual per inmate cost in FY 2002 was \$31,273 or \$85.68 per day.

New Jersey State Prison is a maximum-security facility in Trenton which houses the state's only capital sentencing unit. In FY 2002, 1,889 inmates were incarcerated there—78

more than the prison was designed to hold. Five State Use Industries shops operate within the prison to provide work opportunities. In FY 2002, 272 inmates participated in some sort of educational program, including adult basic education, general educational development or vocational education. At a per inmate cost of \$31,973 a year, New Jersey State Prison was the third most expensive prison to operate in FY 2002.

East Jersey State Prison, in Rahway, provides maximum-, medium- and minimum-security programs for male adult offenders. In FY 2002, 1,946 inmates were incarcerated there-211 more than the prison was designed to hold. In the same year 460 of these inmates participated in some sort of educational program. The annual per inmate cost of incarceration at this prison in FY 2002 was \$29,657.

South Woods State Prison, in Bridgeton, provides medium- and minimum-security programs and a long-term care facility. This prison was built in 1997 and in FY 2002 had an average daily population of 3,321-133 more inmates than it was designed to hold. In the same year 2,016 inmates participated in an educational program. The annual per inmate cost of incarceration at this prison in FY 2002 was \$23,718.

Bayside State Prison, in Leesburg, provides minimum- and medium-security programs. Work opportunities are offered for minimum-security inmates in farm operations. Other work is provided through the auto license plate and clothing industries and the regional bakery. In FY 2002, this prison had an average daily population of 2,433-968 over what it was designed to hold. In the same year, 837 inmates participated in an educational program. At an annual per inmate cost of \$21,298 in FY 2002, Bayside was the least expensive prison to operate.

Southern State Correctional Facility, which opened in July 1983 and is adjacent to Bayside State Prison, is a medium-security facility consisting entirely of modular buildings. In FY 2002, it had an average daily population of 1,613-533 more inmates than it was designed to hold. In the same year, 742 inmates participated in an education program. Its annual per inmate cost in FY 2002 was \$27,488.

Mid State Correctional Facility, which opened in May 1982, is on federal property in Burlington County. There are no programs involving work release, furloughs or community activities. All inmates are assigned to work details. In FY 2002, Mid State had an average daily population of 618, 14 more inmates than it was designed to hold. In the same year, 409 inmates participated in an educational program. Its annual per inmate cost in FY 2002 was \$32,100.

Riverfront State Prison is a medium security institution in Camden. In FY 2002, Riverfront had an average daily population of 1,136-505 above what it was designed to hold. In the same year 526 inmates participated in an educational program. The annual per inmate cost in FY 2002 was \$28,211.

Northern State Prison is a medium-security institution in Newark which opened in 1987. For inmates classified in minimum-security status, its programs provide work release, furloughs and community service activities. In FY 2002, it had an average daily population of 2,389, or 854 more inmates than it was designed to hold. In the same year, 526 inmates

participated in an educational program. Its annual per inmate cost in FY 2002 was \$28,115 or \$77.03 per day.

Edna Mahan Correctional Facility for Women is the state's only women's prison. Located in Clinton, it provides medium, minimum and maximum custody for females 16 years of age and older. In FY 2002, Edna Mahan had an average daily population of 1,136-442 more inmates than it was designed to hold. In the same year, 1,080 inmates participated in an educational program. Its annual per inmate cost in FY 2002 was \$28,944 or \$79.30 per day.

Adult Diagnostic and Treatment Center, in Avenel, provides for custody and treatment for adult male sex offenders. In FY 2002, Avenel had an average daily population of 624-112 more than it was designed to hold. In FY 2000 and 2001, two facilities-the Kearny Unit and Rahway Camp-were converted to serve as temporary facilities for housing the civilly committed. In the same year, 122 inmates participated in an educational program. At \$37,087 annually or \$101.61 daily, Avenel has the highest per inmate cost of any of the state's correctional facilities.

Garden State Youth Correctional Facility, in Yardville, is part of the state's youth correctional institution complex. It consists of eight housing units. Its average daily population was 1,726 in FY 2002-558 more than it was designed to hold. The annual per inmate cost in FY 2002 was \$22,403 or \$61.38 per day.

Albert C. Wagner Youth Correctional Facility, a medium-security facility in Bordentown, consists of a main institution, a close custody unit, modular units and boot camps. It housed 1,403 inmates in a facility designed to house 1,080 with an annual per inmate cost in FY 2002 of \$29,716 or \$81.41 per day.

Mountainview Youth Correctional Facility is a medium-security cottage-type facility in Annandale. It houses 1,259 inmates in a facility designed to house 803 and had an annual inmate cost in FY 2002 of \$27,044 or \$74.09 per day.

Appendix II

New Jersey Crime Rates Per 1,000 Inhabitants

| | Murder | Rape | Robbery | Assault | Break- ing & Entering | Larceny- Theft | Auto Theft |
|------|---------------|-------------|----------------|----------------|--|---------------------------|-----------------------|
| 1981 | 0.1 | 0.3 | 3.4 | 2.6 | 17.4 | 31.5 | 6.9 |
| 1982 | 0.1 | 0.3 | 3.1 | 2.7 | 14.4 | 30.3 | 6.3 |
| 1983 | 0.1 | 0.3 | 2.7 | 2.5 | 12.4 | 27.8 | 6.1 |
| 1984 | 0.1 | 0.3 | 2.4 | 2.5 | 10.7 | 27.0 | 5.8 |
| 1985 | 0.1 | 0.3 | 2.6 | 2.5 | 10.6 | 28.5 | 6.7 |
| 1986 | 0.1 | 0.3 | 2.7 | 2.7 | 10.7 | 28.5 | 7.7 |
| 1987 | * | 0.3 | 2.3 | 2.7 | 10.1 | 28.8 | 8.5 |
| 1988 | * | 0.3 | 2.5 | 3.0 | 9.9 | 28.5 | 9.0 |
| 1989 | 0.1 | 0.3 | 2.7 | 3.0 | 9.8 | 27.7 | 9.2 |
| 1990 | 0.1 | 0.3 | 3.0 | 3.1 | 10.2 | 28.4 | 9.4 |
| 1991 | 0.1 | 0.3 | 2.9 | 3.1 | 10.2 | 28.7 | 9.3 |
| 1992 | 0.1 | 0.3 | 2.9 | 3.1 | 9.8 | 26.7 | 8.2 |
| 1993 | 0.1 | 0.3 | 3.0 | 3.0 | 9.9 | 25.3 | 7.3 |
| 1994 | 0.1 | 0.3 | 2.9 | 3.0 | 9.3 | 25.3 | 6.7 |
| 1995 | 0.1 | 0.2 | 2.8 | 2.9 | 8.8 | 26.1 | 6.3 |
| 1996 | * | 0.2 | 2.4 | 2.7 | 8.0 | 24.6 | 5.9 |
| 1997 | * | 0.2 | 2.1 | 2.6 | 7.6 | 23.2 | 5.2 |
| 1998 | * | 0.2 | 1.9 | 2.3 | 6.8 | 21.4 | 4.4 |
| 1999 | * | 0.2 | 1.8 | 2.2 | 5.8 | 19.9 | 4.4 |
| 2000 | * | 0.2 | 1.6 | 2.0 | 5.2 | 18.5 | 4.1 |
| 2001 | * | 0.2 | 1.7 | 2.1 | 5.6 | 18.5 | 4.5 |

* Less than one-tenth of one percent

SOURCE: New Jersey Uniform Crime Report, 1981-2001

New Jersey Policy Perspective is a nonpartisan, nonprofit organization established in 1997 to conduct research and analysis on state issues to broaden and inform debate. Our goal is a state where everyone can achieve to his or her full potential in an economy that offers a widely shared, rising standard of living.

NJPP wishes to thank Aditya Madhusudhan, whose research during his time as a summer intern made a large contribution to this report. We appreciate the opportunity provided by the New Jersey Institute for Social Justice to delve into an important and too little studied area of state policy.

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