

Impact of Community Corrections in New Jersey: Reducing Prison Population, Incarceration Costs, and Recidivism

by Kevin McHugh*

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 their initial beginning as a response to prison overcrowding to a highly successful and cost-effective prisoner reentry and public safety strategy.

New Jersey Prison System in Crisis, 1980–1999

New Jersey's prison population grew by 359% from 1980 to 1999, increasing from fewer than 7,000 inmates to a 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 period, when New Jersey's corrections budget grew from \$92.3 million to \$845.7 million (New Jersey Judicial Council, 2002) (Figure 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: The Graves Act required a mandatory minimum sentence for offenses committed with a firearm;
- 1986: The 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;

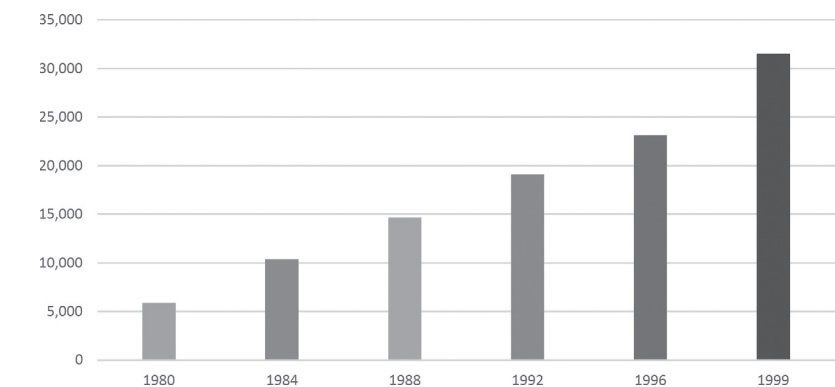
- 1987: Minimum sentences were mandated for drug offenses that occur within 1,000 feet of school property;
- 1990: Mandatory minimum sentences were imposed for crimes during which an assault weapon or a machine gun is used;
- 1993: Mandatory minimum offenses were required if a person causes bodily injury while eluding capture;
- 1995: The Persistent Offender Accountability Act ("Three Strikes") provides

for life imprisonment without parole for repeat offenders;

- 1997: The No Early Release Act requires offenders to serve 85% of their sentence before becoming eligible for parole.

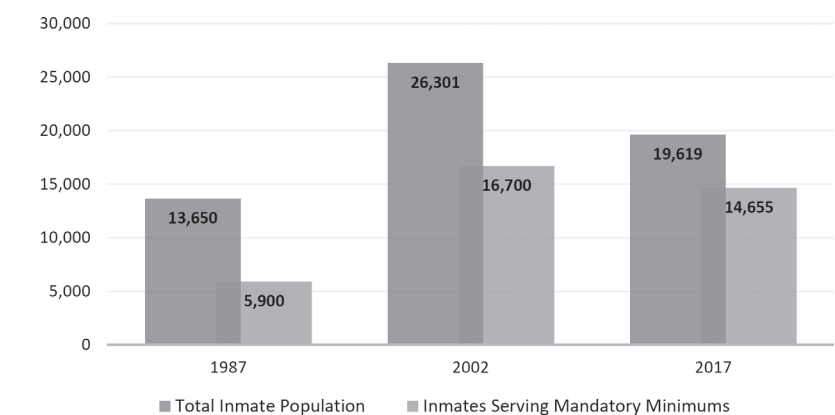
As a result of these laws, prison admissions rose from under 4,000 in 1980 to more than 15,000 in 2000, and New Jersey prisons filled beyond their mandated capacities. By 1987, the number of inmates serving mandatory minimum sentences had increased almost seven-fold to about 5,900 inmates. In 2002, the number subject to mandatory minimum sentences had increased to more than 16,700 (Travis et al., 2003) (Figure 2).

Figure 1: New Jersey Inmates in Custody: 1980–1999



Source: Data retrieved from U.S. Bureau of Justice Statistics.

Figure 2: New Jersey Inmates Serving Mandatory Minimums Compared to Total in Custody: 1987, 2002, and 2017



Source: Data retrieved from U.S. Bureau of Justice Statistics.

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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% of admissions to New Jersey's prisons were for parole violations. In 1998, parole revocations accounted for 41% of all prison admissions (Travis et al., 2003). Many of these 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 1980s and 1990s, 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; and
- In 1997, South Woods State Prison (3,188 beds) was 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 prisoner growth. In 1981, then-Governor Brendan T. Byrne issued Executive Order 106 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. In 1999, during the peak of New Jersey's prisoner 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.

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

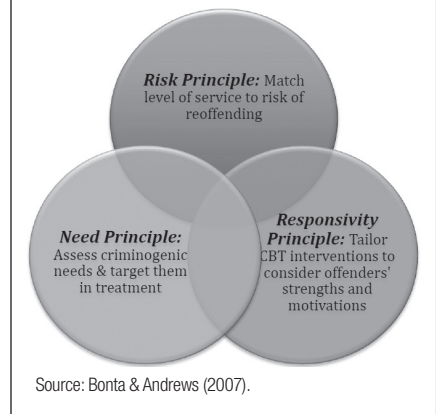
offenders, the program began serving New Jersey State inmates not long after the New Jersey Department of Corrections (NJDOC) was established in 1977. By 1988, the NJDOC had approximately 300 halfway house beds contracted with private community provider agencies. By 2006, the number of community corrections beds used by both the 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 Delaware Valley, and the New Jersey Association on Correction 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 1990s, 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 more than 30 years of research that has been conducted by numerous scholars in North America and Europe (e.g., Don Andrews, James Bonta, Paul Gendreau). 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 by 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 (Figure 3).

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

Figure 3: The Risk-Need-Responsivity Principles



the Regional Assessment Center to undergo comprehensive risk/needs assessment (e.g., via the Level of Service Inventory-Revised [LSI-R] tool) and the initial development of a treatment plan.

In 1997, the newly created Division of Parole and Community Programs within the NJDOC made a very astute decision to use \$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 the VOI/TIS funds to add or upgrade prison beds for violent offenders (U.S. Department of Justice, 2012).

In 1998, the Division of Parole and Community Programs opened eight Day Reporting Centers with 400 slots for technical parole violators. The plan was to divert technical parole violators—who at the time constituted 41% of prison admissions—from returning to prison.

In 2001, New Jersey 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 within the 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.

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In November 2001, the New Jersey 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 (U.S. Department of Justice, 2004).

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 (Figure 4).

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:

New Jersey Department of Corrections. The NJDOC administers Residential Community Release Programs (RCRPs), which consist of:

- Assessment and Treatment Centers (Talbot Hall and Bo Robinson);
- Special Needs Programs;
- Correctional Treatment Programs;
- Work Release Programs; and the
- Mutual Agreement Program (MAP).

State Parole Board. The State Parole Board administers programs that include the:

- Stages to Enhance Parolee Supervision (STEPS), a halfway back program;
- Reentry Substance Abuse Program (RESAP), for residential treatment;
- Mutual Agreement Program (MAP), for substance abuse treatment;
- P.R.O.M.I.S.E., for special needs mental health treatment;

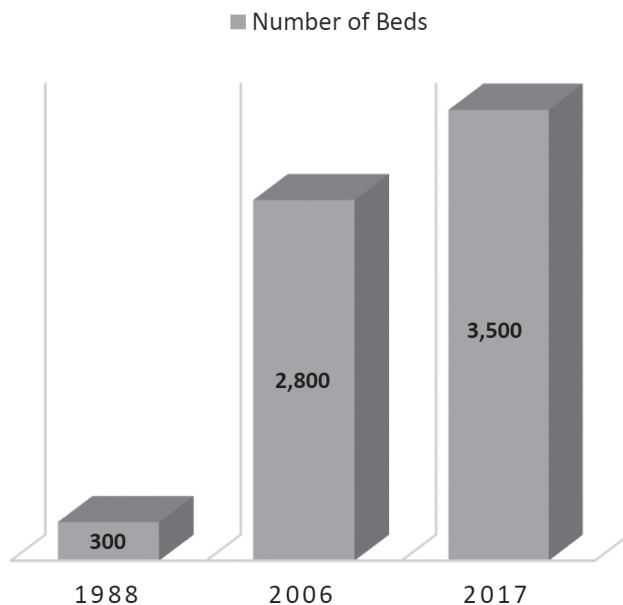
- PATH, for special needs and homeless services;
- Community Resource Centers (CRCs, formerly Day Reporting Centers); the State Parole Board also contracts with community providers for 570 slots in 10 CRCs (formerly Day Reporting Centers) that serve both as transitional programs and as alternative sanction programs for parolees).

Each year, more than 8,000 offenders participate in residential community release programs between the 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 CRCs across the state serve more than 3,000 clients annually and have served more than 50,000 parole clients since their inception in 1998.

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Figure 4: Growth of Community Corrections Beds in New Jersey: 1988, 2006, and 2017



New Jersey Community Programs Are Reducing the 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 has experienced a 10% growth in state prison populations (Sentencing Project, 2014), New Jersey’s prison population has decreased by nearly 38% from its peak of 31,493 inmates in 1999 to 19,619 inmates on January 3, 2017. At the time of this report, there were only 100 state inmates housed in county jails (NJDOC, 2015; Figures 5a and 5b).

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.

As a result of these initiatives, technical parole violations went from 4,049 in 2000 to 1,545 in 2016, a decrease of nearly 62%. During the same period, New Jersey’s parole population increased from 12,673 in 2000 to 15,649 in 2016 (New Jersey State Parole Board, 2015).

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.

New Jersey Community Programs Are Reducing Costs

New Jersey’s prison population grew by 359% from 1980 to 1999, an average annual growth rate of approximately 18%. Without the expansion and use of community programs, and assuming an annual prisoner 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 period (1980 to 1999), New Jersey’s corrections budget grew from \$92.3 million to \$845.7 million, an increase of 816%, or an average growth rate of 44% per year over that 19-year period (New Jersey Judicial Council, 2002).

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 (2014), 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 period. 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 reduction 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, and 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 the 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 for occupancy of a prison bed. It is estimated that 8,000 offenders are placed and transitioned through community corrections beds (NJDOC and Parole) each year. As a result, the cost per participant is actually much lower because the beds are turned over multiple times in a year. Unlike prison costs, which are fixed, community corrections beds are reimbursed on a “fee for service” basis, meaning costs are incurred only when a bed is filled (Figure 6).

The average annual budgeted cost of a CRC (DRC) slot is \$20,317, with an average per diem cost of \$55.66 (State of New Jersey, 2014). Each year, it is estimated that 3,000 offenders are placed in the CRCs. Because 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 incurred only when a slot is filled.

New Jersey Becomes a National Leader in Recidivism Reduction

A Bureau of Justice Statistics outcome study conducted on inmates released from New Jersey prisons in 1994 found that 67.5% were rearrested within three years of release, 46.9% were convicted of a new crime within three years of release, and 51.8% were reincarcerated within three years.

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

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Figure 5a: United States Inmate Population: 2000–2015

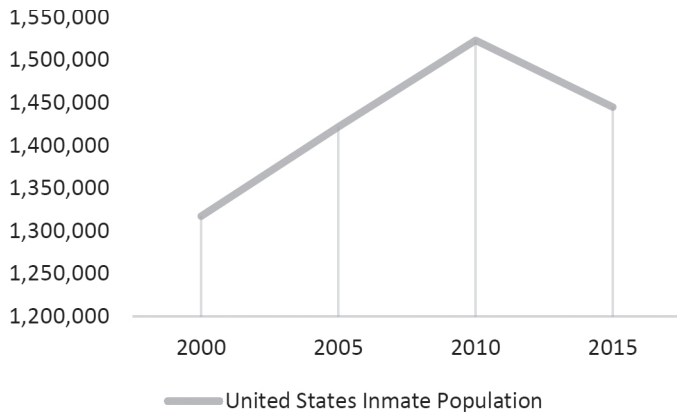
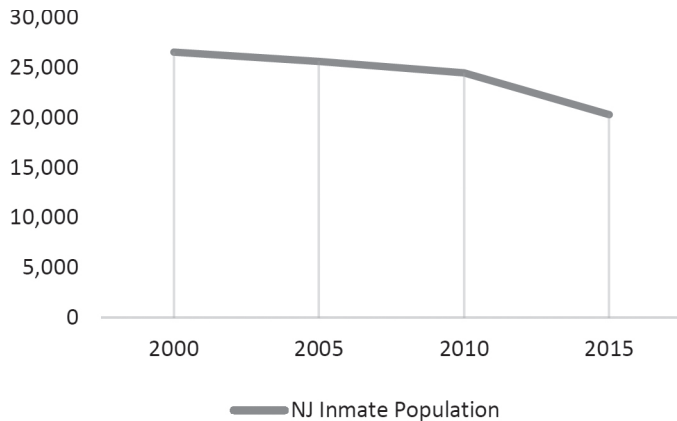


Figure 5b: New Jersey Inmate Population: 2000–2015



According to the NJDOC’s outcome study of the most recent (2013) released cohort followed for three years post release, 52% of the cohort were rearrested, 38% of the cohort were reconvicted, and 30% of the cohort were reincarcerated. A comparison of reincarceration rates of the 1994 cohort (51.8%) and the 2013 cohort (30%) shows that New Jersey experienced a 42% decrease in reincarceration of released offenders in the 20 years from 1994 to 2013 (Figure 7).

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 18.9 in 2015, representing a 42% 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 in 2013, crime in New Jersey had dropped 66% from its height in 1980 compared to an approximate 50% drop in the national crime rate. The report further indicated that the crime rate in New Jersey is about 22% lower than the national average (Roeder, Eisen & Bowling, 2015). An excerpt from the Brennan Report states that:

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

Several conclusions are apparent from these data.

Community Programs Save Tax Payers Dollars. New Jersey has defied the national trend and reduced the number of persons in state prisons by expanding community programs. The expansion and use 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. A comparison of costs based on FY 2015 budget data show that:

- The average daily per inmate cost of incarceration (prison) in New Jersey is \$110.00;
- The average daily per diem cost of a Community Residential Program is \$68.00;
- The average daily per diem cost of a Community Resource Center is \$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 include a “maintenance fee” that 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 and paid; and
- \$1,200,000 in maintenance fees are paid.

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Figure 6: Average Cost per Bed, Prison vs. Community Corrections

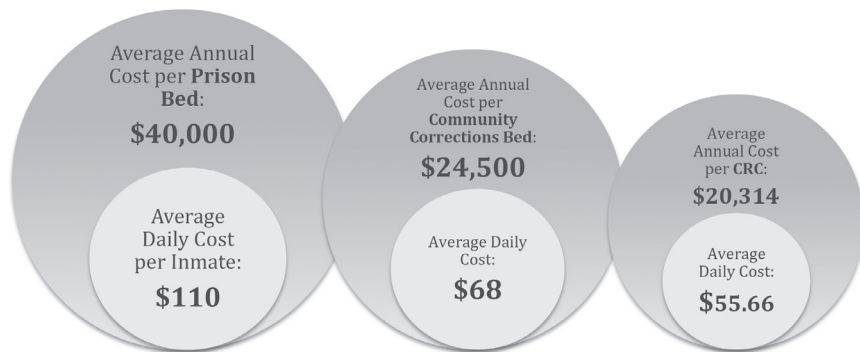
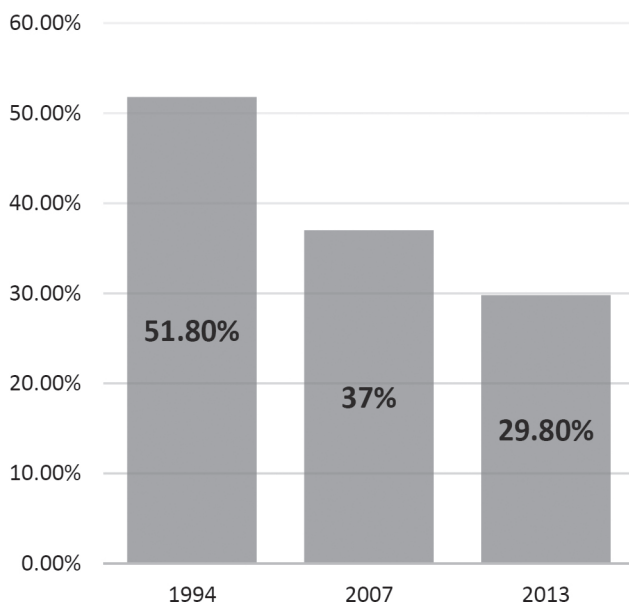


Figure 7: New Jersey Rate of Reincarceration by Year of Cohort Release



Source: Data retrieved from State of New Jersey Release Outcome Report.

Community Corrections Providers Deliver Positive Results and Promote Public Safety. New Jersey’s Community Corrections Providers introduced evidence-based practices into

their programs in the mid-1990s. 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 reincarceration 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% lower than the national average (Roeder, Eisen & Bowling, 2015).

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