
Committee Meeting

of

ASSEMBLY REGULATORY OVERSIGHT COMMITTEE

"Testimony concerning the barriers that formerly incarcerated individuals face when trying to reenter New Jersey communities; and testimony on the progress of the Attorney General's stationhouse adjustment mandate"

LOCATION: Committee Room 14
State House Annex
Trenton, New Jersey

DATE: January 22, 2007
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman William D. Payne, Chair
Assemblyman Craig A. Stanley



ALSO PRESENT:

James F. Vari
Office of Legislative Services
Committee Aide

Nicole Brown
Assembly Majority
Committee Aide

Natalie A. Collins
Assembly Republican
Committee Aide

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ASSEMBLYMAN WILLIAM D. PAYNE (Chair): Good morning.

We will begin our hearing -- Regulatory Oversight Committee hearing with the roll call.

MR. VARI (Committee Aide): Assemblyman Stanley.

ASSEMBLYMAN STANLEY: Yes, here.

MR. VARI: Chairman Payne.

ASSEMBLYMAN PAYNE: Here.

Thank you very much for appearing here today. As I mentioned, we have several people that are absent from our Committee today for various reasons, some prior commitments, others unexpected situations.

However, this topic that we are going to have the hearing on today, actually, is one that we've had hearings about in the past. It deals with the entire, I think, criminal justice system here in the State of New Jersey. It deals specifically, today, about those kinds of obstacles that people face for reentry into society. We have, in the State of New Jersey, thousands of people incarcerated.

As a matter of fact, the United States of America has more people incarcerated than any other industrialized nation in the entire world. That doesn't speak too well for this democracy. Something is not going right, when that's the situation.

However, we have many, many people incarcerated, as I say, in the State of New Jersey. We have in excess of 20,000 people incarcerated. And then we do have, obviously, the people who are returning to our society on an annual basis. The people that are returning to society,

obviously, need to have -- should have some preparation for reentry into society. And it's been estimated that over the next five years or so, 70,000 -- mostly African-American adults -- will return to New Jersey communities from State prison. And you can imagine that many of -- the predominant people that are in prison, number one, are African-Americans or Hispanics. And, number two, the majority of people in prisons are without education -- without adequate education -- are unprepared for meaningful roles in society when they go in. And there is no better--

First of all, there is some problem with the disproportionate number of minorities that are in prison. There are a lot of reasons for that. We will look at -- some of which we'll look at today in our report on stationhouse adjustment. But the fact that when people are incarcerated -- that, certainly, there is an excellent opportunity to provide training, provide them with preparation for reentry into society.

One of the things that all of society needs to understand, regardless of where we live -- whether it's urban areas or suburban areas -- that even though the preponderance of people that are arrested and put in prison are African-Americans or minorities -- that this impacts on the entire state. It impacts, in many, many ways, the entire state. And it impacts, certainly -- and the costs of maintaining people in these prisons.

And what we are trying to do is, finally, to get the rest of the State of New Jersey, and those who are not living directly in those areas that are impacted by crime, necessarily -- get them to understand that regardless of where you live, you simply cannot get away from the costs of incarceration, you cannot get away from the costs of antisocial behavior,

simply cannot get away from criminal behavior, simply cannot lock away all of the minorities in the State of New Jersey to get rid of the problem.

The fact is that what we need to do is convince the majority of the State of New Jersey citizens that it's extremely important -- it's much more important and much more -- makes much more sense to make investments on the front end of a person's life -- on the front end. There are those, as we know, who have a lot of criticism about the amounts of moneys that are being expended in certain urban school districts in the State of New Jersey.

There are those who live in the suburban and rural areas who have -- who seem to have some problem with the amount of money that's being spent in the so-called *Abbott* districts. There are those who say that it costs somewhere in the area of \$15,000, \$16,000, or more to educate a child in the *Abbott* districts, and that's too much. However, the very same child that's not educated and sent into our juvenile centers -- it costs \$30,000 or more -- up to \$40,000 a year -- for that same child, the same person.

So it would seem to us that logic would say, let's not deny education on the front end. Let's make the investment on the front end, regardless of what it costs. Because it will be, certainly, much, much cheaper -- less costly -- if we are able to prepare these people -- young people for meaningful roles in society; that we pay \$15,000 a year to educate them, or \$20,000. But, of course, they become contributing members of society. If we do not do that, we spend, as I say, \$30,000 or \$40,000 a year to keep them in prison and don't prepare them. And we know that recidivism is extremely high when that happens.

So the logic would seem to me that, rather than decrying the amount of money that's spent on the front end, that we look at that, and have some common sense. This just makes no sense, whatsoever, for people who, very often -- to willingly authorize and expend the kinds of moneys that we need for new prisons. I mean, there seems not to be very much difficulty or opposition to building a new prison. But there--

As you can see, we've had difficulty building new schools; that we still have, in our urban areas and our rural areas, youngsters who are going to schools that were built in the century of the 1800s -- in the 1800s. We have examples of youngsters going to school in the city of Newark and going in buildings that were built in the 1800s. And then, when it comes time for us to begin to replace those schools, somewhere, something happens -- that the moneys that are set aside, number one, are insufficient moneys. And then, number two, when the moneys are set aside, most of it has gone to suburban areas. And so when it comes time to repair -- build schools that will provide an adequate education to produce positive citizens, there's no more money left. So something is really criminally wrong with that situation.

The other matter that we will talk about, first of all however, here, is the matter of inappropriate incarceration, I think, of young people. We've had studies that show that in our juvenile detention centers on -- during Kevin Ryan's tenure with the human-- When he was the Child Advocate, we found that there were a couple of hundred youngsters who were inappropriately incarcerated in juvenile detention centers. When Peter Harvey was the Attorney General, he announced that there should be stationhouse adjustment -- that when a person is arrested, they should be

brought to the stationhouse and then determined whether or not that crime that they committed, or whatever, was sufficient to imprison that person. And what we found is that disproportionately, again -- that in urban areas, minority areas, that disproportionately, people who are arrested or stopped for an infraction of the law, young people, in many, many cases, are automatically sent to prison without having an evaluation done as to whether or not the action that they committed warrants going to prison.

In the inner cities, a disproportionate number of them are automatically sent, and they get a record starting from a very early age. Other communities, we found -- that the same infraction of the law -- the very same infraction of the law that was committed in, let's say, suburban areas -- that those youngsters were not sent to prison, that those youngsters were taken for pretrial intervention or other kinds of ways to keep them from becoming part of the system.

So in a sense, it's such an obvious disparity. We know that there is something that needs to be done about that. And, therefore, I've asked the Attorney General's Office to have someone come here today. Steve Finkel is here today, to talk about this stationhouse adjustment, to find out how it's working, whether it's working, and where we are with that. And we may have some questions to ask of Mr. Finkel.

But, Stephan, if you're here -- if you can please come and identify yourself. And let's hear you're testimony about this stationhouse adjustment.

A S S T. A T T Y. G E N E R A L B. S T E P H A N F I N K E L:
Thank you, Chairman.

You do give me a little too much credit. I'm Steve Finkel, from the Attorney General's Office. I'm Director of Legislative Affairs. You give me too much credit when you say I can speak about stationhouse adjustment. I leave it to the experts.

I have with me Tom Fiskén, who is a Senior Deputy Attorney General in the Division of Criminal Justice, in the Prosecutors and Police Bureau. Tom was involved in the working group that came up with what ultimately became the stationhouse adjustment directive. And Tom is one of our experts in juvenile dispositions and whatnot. So we often turn to Tom for his expertise and knowledge about matters such as this.

As you summarized, the stationhouse adjustment was born through a directive -- was memorialized through a directive of Peter Harvey. Tom can talk more about the directive, Tom can talk about the history and some of the issues, and answer the questions you're going to have.

S R. D P T Y. A T T Y. G E N. T H O M A S J. F I S K E N:
Thank you, Committee and Chairman.

Just to start out, a little bit about what a stationhouse adjustment--

ASSEMBLYMAN PAYNE: Excuse me, Tom. Give your name, and your title, etc., again, please, for the record.

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: I'm Senior Deputy Attorney General, Thomas Fiskén, F-I-S-K-E-N.

Just to start out, a little bit about what a stationhouse adjustment is: When a juvenile commits a minor offense -- generally, for a stationhouse adjustment, a fourth-degree offense, disorderly persons offense -- the police have the opportunity to resolve that offense in the police

department, through the use of their discretion and through the use of a stationhouse adjustment, without filing actual delinquency charges against the juvenile. That's a large benefit to the juvenile in that it doesn't create a delinquent record, there's no court record, and nothing to follow them through.

This is a voluntary process. We are careful not to create the impression that we're making the police department into a court in any way. This is something that the juvenile has to agree to participate in. The juvenile's parent, or guardian, or mentor -- somebody who can stand in for the juvenile -- has to agree to participate, and so does the victim. The police don't have the authority to decide something if the facts are in dispute. If a juvenile claims that they are innocent, for instance, and they want to have their day in court, they're entitled to that. So that has to be kept in mind as well.

Stationhouse adjustments are not new in New Jersey. It's something that has been used for many years -- certainly throughout my entire career with the State. But what is new is that under former Attorney General Peter Harvey, there was a directive that required it to be made available in every single police department in New Jersey. That directive was signed December 7, 2005. And it was given 90 days until the implementation went into affect. So stationhouse adjustments were required to be offered in departments throughout the state as of March 2006.

And as the Chairman already indicated, a lot of the reasoning behind that were some disparity studies that showed that there were disproportionate minority contacts in the juvenile justice system.

Ultimately, there's been disproportionate minority incarceration in the juvenile justice system. But this is at the very early stages. These are generally not offenses that somebody would be incarcerated for -- although having a record developed, so that at a later stage, if you didn't adjust cases, there might be some impact, later on, if you had a series of court complaints that were filed, rather than adjusted.

A working group was established by Attorney General Harvey. It had very broad representation. There were people from communities, from police departments, from the public defenders' office, from the courts that were involved. And they looked at what happened, and what was going on with stationhouse adjustments currently, and what procedures were in place.

We surveyed 535 police departments in New Jersey. Over 300 of them indicated that they were already performing stationhouse adjustments. But in keeping that there were a large number that still weren't performing stationhouse adjustments -- and that was something that, in the disparity studies that took place on a county basis in 2003-2004, people in the counties had pointed to as possibly leading to some disparity in their town. If you have one town where there are adjustments available, and another town where stationhouse adjustments are not available, clearly that's not fair. And that was really the primary purpose of the directive -- was to make these adjustments available no matter where you live -- regardless of where you live in New Jersey.

There are a lot of advantages that the committee found to stationhouse adjustments. First of all, they save court time, save appearance time for police, victims, juveniles, and their families. The

juveniles -- people are -- often they can be done in the evenings. People don't have to take off of work and go to the county seat. It can be done right in your community. And it's usually faster. Even though the juvenile court operates fairly quickly and has time frames that are shorter than the criminal court, it's still not as fast as having a stationhouse adjustment completed perhaps the same week as a juvenile is accused of an offense.

Probably the biggest advantage to the juvenile for voluntarily participating is the fact that the juvenile does not have an arrest or a court record. The only record that there will be, is that there will be some sort of a file in the police department that shows that a stationhouse adjustment is completed. But other than that, there wouldn't be any record.

One of the things the committee wrestled with was whether or not we should have a statewide database for stationhouse adjustments. And the committee really decided no, that that was the primary benefit to the juvenile. And if we have a statewide database listing every stationhouse adjustment, we would be taking away one of those benefits, and really one of the best benefits for juveniles.

The process allows a police officer to educate a juvenile on the law and often has a positive influence on minor, first-time offenders. We don't have statistics on recidivism. But from talking to police officers who have been doing this for years, they say that they're very successful with this; that often -- and these are usually officers in the town where they know the kids, and they see the kids who they've done the stationhouse adjustments with and that they've completed -- don't often come back with new offenses.

It also demonstrates to the juvenile that his or her parents and the police are partners in disciplining the juvenile, that they're working together, so that they don't feel that their parents and the police are at odds against each other, and that they can play one off against the other.

Again, this is not new in New Jersey. What is new is extending this to every town, to make it an issue of fundamental fairness, that it's available in every police department.

The offenses most commonly considered for stationhouse adjustments are ordinance violations-- I mean, there could be all sorts of ordinances: skateboarding ordinances, things like that, ordinances to do with boardwalks, and things -- petty disorderly persons offenses, disorderly persons offenses. Those are things like simple assaults, harassment. And fourth-degree offenses can also be considered. Again, assaults can be fourth-degree offenses, petty theft, damaging property. A lot of stationhouse adjustments are property crimes, maybe even along with neighbors and things, where perhaps restitution can be agreed to with the victim as part of the stationhouse adjustment.

There are some offenses that are excluded. Although, even with the exclusions, most of those offenses can be adjusted if the police department calls the county prosecutor and gets their clearance first. Those kinds of offenses--

The committee was really interested in making this as broadly available as possible, and trying not to close out juveniles or to close out offenses without that. But some of the things -- in things such as bias offenses, drug offenses -- were felt to be important enough that at least the

police department should call the prosecutor's office and ask for permission before they could adjust those offenses.

A couple of other things that would come into play: Stationhouse adjustments are usually not available if the law enforcement agency is aware that the juvenile already has other charges pending before the court. So if you've got somebody who is waiting to go to trial on something else, and they've committed a new offense, that shouldn't be adjusted. That should go in, and the court should handle those together. Same thing: Offenses usually should not be adjusted when the juvenile is already on probation or parole. In fact-- I mean, at that point, even if delinquency charges aren't appropriate, it may be more appropriate to handle something as a violation of probation or parole, rather than as a stationhouse adjustment.

Police consider factors such as the age of the offender when they're deciding which cases to adjust, prior records for juveniles. The committee thought about whether or not they would have a strict rule that only first offenses could be adjusted. And the committee decided no -- that probably you don't want to adjust offenses for somebody with a lengthy record, but they weren't going to say that you couldn't adjust a second offense, you couldn't have two stationhouse adjustments in your life. Those kinds of things are something that would have to be decided on a case-by-case basis, with a lot of factors taken into play, such as the amount of time between the offenses. If somebody had a stationhouse adjustment, say, this week, and committed another offense next week, I think they'd be less likely to get a stationhouse adjustment the second time than somebody

who, perhaps, committed an offense this week, and then had no more contacts with the law for two or three years, and then had another offense.

One problem with it -- I don't even want to really say problem, but an issue that really needs to be considered when people are doing the adjustments is: You need participation, you need consent from the parents. Somebody has to be willing to step up and take responsibility for the juvenile. The guidelines were written in such a way so that if a parent doesn't feel able to do that, they could designate somebody else to fulfill that role, again to make this as broadly available as possible -- a teacher, a coach, a minister, an uncle. Somebody could be designated by the parent to do that -- some responsible adult.

The one restriction we did place is that we said, "Look, the police department cannot choose that designee for the parent. The parent, at least, has got to be willing to do that." We didn't want a situation where the police were going to say, "Look, we're going to stationhouse adjust this. And if you're parent doesn't want to do it, we're picking a stand-in parent for you." That's really inappropriate.

Law enforcement, for the required process that is gone through for stationhouse adjustments-- Law enforcement, of course, must first notify the juvenile's parents or guardian about the matter. And they must be present or designate somebody else to do it. Stationhouse adjustments can't be done over the phone. You have to have the juvenile there, you have to have a responsible adult there in person. Again, in keeping with the committee's desire to make this broadly available, we did not require that the victim of the offense show up. We didn't want to have stationhouse adjustments not go forward just because a victim did not want to go to the

police station to participate. But what we did say was that they should not go forward if the victim objects. If you have a victim who, perhaps, has had some loss or who has been assaulted, and that victim wants the case to go to court and firmly objects to the stationhouse adjustment, that case would be charged and would go to court. But we don't require the victim to show up, although they are invited to show up and participate in appropriate cases.

The juvenile, as part of the process, agrees not to offend again. There are forms that are filled out. It's really an agreement -- a brief agreement -- with the juvenile, where they agree to stay out of trouble; perhaps to do some other things, like provide restitution, or possibly some local community service. They may just write a letter of apology. There may not be that much that they need to do, other than coming to the department and signing the agreement.

Those are really the basics of how the stationhouse adjustment process operates, now, in New Jersey. It's been required, again, since March 2006, for everywhere. And, anecdotally, we've had some good information that it seems to be working well.

ASSEMBLYMAN PAYNE: Thank you. Thank you very much.

I do have some questions and comments.

First of all, we say that stationhouse adjustments have been in existence for quite some time, even before the mandate -- rather memorialization, or whatever it was -- that Peter Harvey stated while he was Attorney General. Yet, you state that we don't have any records on the recidivism rates, etc., for those who have been -- gone through this process, correct?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: That's correct.

ASSEMBLYMAN PAYNE: Okay. Let me-- Let's put a pin in that.

The question I have is: If stationhouse adjustments have been in existence for quite some time, and it's obvious that it's not being equally carried out in all precincts, or all counties, etc.--

Just a case in point: The juvenile detention centers in our counties -- certainly in Essex County and, I guess, other counties -- are predominantly housed of -- inmates are predominantly African-American or Hispanic. Essex County Detention Center -- I think 99.9 percent of the people there are African-American or Hispanic. Essex County has, I think, 22 municipalities -- I believe. And within every one of those municipalities, there are teenagers who have done kinds of -- what is it you say -- fourth-degree kinds of offenses -- who have committed certain kinds of offenses, in every single one of those towns. Yet, the only detention center we have is -- there's one in Essex County. But for some reason, we don't seem to be able to trace youngsters who live in suburban areas, or predominantly white areas. They don't seem to end up in the youth house.

There are PTI programs, and other intervention programs, supposedly, that exist in every municipality -- supposedly. Can you-- Who monitors, who oversees this? Is it mandatory that every municipality -- or every precinct stationhouse have this process within their precincts? Is it mandatory?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Yes, every department has to have a stationhouse adjustment program since last

March. There are quarterly reports that get filed with the county prosecutor's office, primarily to indicate that the department is using the program and is using it appropriately. There have only been-- I guess since it only went into affect last March, there would have only been three of those reports filed.

But I mean, the issue of detention is really separate. I mean, generally, people would not be put in juvenile detention for the offenses that would be stationhouse adjusted. They would usually be--

ASSEMBLYMAN PAYNE: That's just the point.

Let me stop you there.

That's just the point: that the fact that you have a detention center in a county -- Essex County, or Camden, or whatever. And within those counties, you have 21 other municipalities where teenagers there -- and for some reason, not a single one of them -- not a single one of these other counties produced youngsters -- other municipalities, rather, produced youngsters who end up in the juvenile detention center.

Now, it's whether or not the stationhouse adjustment is more effective in Livingston, or Short Hills, or South Orange than it is in Newark, I don't know. But it just-- From empirical data, it just seems as though something is not quite right. Maybe it's not being carried out within these towns that we're talking about. But it just doesn't-- It's not very logical to think that there are not youngsters, for instance in, let's say, Livingston -- the Mall, where I think some of the offenses that some kinds get picked up for -- maybe rowdiness, I don't know what it is. And if that's done in the city of Newark, or Irvington, or whatever, they're immediately sent to the

youth house, they immediately get a record. At 14 years old, they get records.

I can't believe that these same kinds of things don't exist in these other areas. However, there is something that intervenes -- that there's an intervention there that protects these youngsters from having to go there.

You mentioned before that parents have to agree, that parents have to participate -- or at least a parent has to designate someone to participate for them, right?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Yes.

ASSEMBLYMAN PAYNE: All right. And we know, also, that within many of the urban -- the inner cities, the urban areas, dysfunctional families -- that the youngster may not have a responsible adult who can come with them and say, "Well, appoint so and so." I mean, is that taken into consideration? Because we do know that sometimes we have repeated kinds of behaviors, patterns, within certain kinds of communities. And, therefore, there may not be a responsible parent. The youngster may have committed a minor kind of offense, but if a parent has not designed someone to come there, then does that youngster automatically end up going into -- I mean not going through this process -- or not?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Yes. If the parent won't designate somebody to participate, there would usually be filed charges with the court. And, again, the committee wrestled with that. And the whole issue of where-- There was some suggestion that perhaps the police department could designate somebody to be a mentor for that juvenile. But the feeling was, at that point, if a juvenile doesn't have a

parent who is even willing to just say, "I want this other person to serve as my designee," that maybe that person needed to be in front of the court, and maybe that needed to be called to the judge's attention so that the court would be able to do what juvenile courts were designed to do, and provide some sort of supervision and oversight.

ASSEMBLYMAN PAYNE: The fact that-- You mentioned March of '06. But then you also say that this has been in existence for quite some time, right?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Yes. Not in every police department, but in many.

ASSEMBLYMAN PAYNE: Is there a way-- You said there are reports. By now, they should start getting reports on the progress, or at least the operations of this. By now they should be getting reports.

Reports are submitted to whom, and what do we look for? What is it in the reports that they have to report on?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Well, the reports collect-- They don't collect any information about the name or any identifying information about the juvenile. They do collect information about the race, sex of the juvenile--

ASSEMBLYMAN PAYNE: Right.

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: --what the offense was that was adjusted. And, in fact, they also ask that if there are some offenses that were considered appropriate for adjustment, but they were refused -- perhaps by a victim or by a parent who said, "I don't want to participate in that" -- that there is -- that information is also collected, as

well. Those reports get filed, by the police department, with the county prosecutor in each county.

ASSEMBLYMAN PAYNE: Is it mandatory that every police department have the -- this program? Is it mandatory.

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Yes.

ASSEMBLYMAN PAYNE: It is mandatory.

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Yes.

ASSEMBLYMAN PAYNE: And it's monitored by the Attorney General's Office? Who monitors each of these programs to see whether or not they are, in fact, being carried out?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Well, the first line of monitoring would be the county prosecutor's office. The county prosecutor is the chief law enforcement officer in each county. There's still, in place, committees and youth service commissions in each county, which have still been working on the area of disproportionate minority contacts -- at least in some places I know -- that they've looked at some of this information, as well.

ASSEMBLYMAN PAYNE: This committee was-- You said that there was a committee that studied this area. Made up of whom? And when was that committee in power, and when did it do its work?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: That committee began in May of 2004. The working group had members from our office, of course -- from the Department of Law and Public Safety -- from the Juvenile Justice Commission, several municipal police departments, county prosecutors' offices, the Office of the Public Defender, the New Jersey State Association of Chiefs of Police, the State Police, a

representative from the New Jersey State Juvenile Officers Association. And also, as nonvoting members, there were people who came just to act as a resource from the Administrative Office of the Courts.

ASSEMBLYMAN PAYNE: What's your role with this, now? Are you responsible, overall? What is your role with this committee?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Well, my role is with working with the Prosecutors and Police Bureau -- I'm the Deputy Attorney General who usually deals with juvenile issues. I have periodic meetings with the assistant prosecutors throughout the state that handle juvenile issues. And our Bureau provides both assistance and oversight to county prosecutors on these and other issues.

ASSEMBLYMAN PAYNE: Let me just--

And I know Assemblyman Stanley has some questions to ask.

But let me tell you how disturbed I am with what's happening now. I use an example of Essex County Detention Center -- Youth Detention Center. I use that as an example, where 99 percent -- or maybe 100 percent -- of the youngsters there are either black or Hispanic. All right? And then I point out that within that same county, there are about -- I think it was 22 municipalities. And I say that the fact is, that there either seems as though only youngsters who are African-American or Hispanic commit crimes and end up there, or this stationhouse adjustment is not being enforced in municipalities such as Irvington, or in Newark, or in Orange, etc.

And if, in fact, we end up with an all minority detention center of youths -- when we know full well that there has to be-- You know, logic tells me that there must be some crimes being committed by other

youngsters. Then I ask whether or not there is an empirical data -- any empirical data that tells us whether or not there is recidivism among youngsters who have gone through this. And we don't have any data there.

The question I have is: Who does the training? For instance, who makes sure that this is going to happen in the precincts of the Newark and the-- Who makes sure that this is going to happen? If, in fact, it's a voluntary thing, or nobody is enforcing it to see whether or not these youngsters -- who are picked up down on Broad and Market, in the city of Newark, for whatever it is -- go through this process, then it's not working. If there is no data that says that we have evaluated -- or we're evaluating the number -- how effective this is-- We don't have that data.

Who does the training, for instance? I guess how it works -- I'm not sure. And I ask you. In each precinct -- or police department-- I don't know whether it's each precinct, but it's certainly police headquarters, I suppose. This is where this section is. Is it in the police headquarters? Where does--

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Yes, it's in the police headquarters.

ASSEMBLYMAN PAYNE: Police headquarters, which there are usually, in large cities like Newark -- there are about five or six different precincts.

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Right.

ASSEMBLYMAN PAYNE: Youngsters are arrested. Does each precinct have a team of officers who have been trained to evaluate whether or not these youngsters go forth, or is it a downtown-- How does it work?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Well, I can't answer for a specific town. But I mean, each-- Since 1993, each department has had to have at least one designated juvenile officer. The structure as to how a particular department -- how many people they assign to juvenile cases, and how they break that up, is really up to the department. That's a resource issue based on their patrol needs, and other issues like that.

In most places, there's a juvenile unit which is a certain proportion of the department. And in most places, it would be-- For instance, if somebody from a patrol unit took a juvenile into custody, they would usually then, at that point, turn the juvenile over to somebody in the juvenile unit, who might then either decide to charge them or to do a stationhouse adjustment, based on the circumstances and the juvenile, in that kind of case.

ASSEMBLYMAN PAYNE: They might decide, may not decide, etc.

In other words, I'm trying to find out whether or not there is a -- some kind of uniform program -- protocol -- that's not left up to individuals, or individual towns, or individual police precincts -- a protocol that says, "This is how we do it so that we don't continue to have--" You mentioned that since 1999 (*sic*) this has been going on. And we still see-- Since 1999 and even before that. But we still have situations where, I suspect, youngsters who are arrested -- picked up in these areas that I talk about -- almost automatically end up in a youth house, almost automatically end up with a record. The rest of their lives are impacted by these things.

And I think what the stationhouse adjustment is supposed to do is try to prevent that. And if, in fact, we do not have a protocol that says, "This is how you do it," and it's mandated for every town, then we're obviously going to continue to perpetuate what we have here now. I mean, I don't know how much more graphic it can be, when you look at a youth house -- a detention center -- that is peopled by 100 percent minorities, when you have a county where the minorities represent maybe one-third or one-quarter. So therefore, there is something that is lacking there.

I ask: Who trains the people? Who makes sure that it happens? Who is responsible for it? If it's kind of, like, loosely done and that kind of business, we will never get at it.

One of the things that this working group found out -- "Well, it saves time." One of the things is it really saves time -- for one thing -- which kind of gets it through expeditiously. The most important thing is whether or not a child's life is destroyed from the very beginning, not whether it takes time, or saves time, or that kind of business -- but whether or not we're able to keep these youngsters from being tagged the rest of their lives -- that these minority youngsters are being tagged for the rest of their lives, as the kids of Livingston are not. You see?

And what we have to do-- We have to come up with something that says, "This is the prototype. This is how it's done. And this is how we're going to deal with it." And I'm trying to find out who is responsible for that. Who can, in fact, make sure that such a protocol does exist, not just -- and carried out -- not just in the Livingstons of the state, but throughout?

And the other part of that, that I think we have to look at very seriously, is whether or not -- this business about whether or not a parent has to get involved. If a parent doesn't care that much about their child, then, to do it -- I mean, that tells me that there's a lack of understanding of what's happening within many of our cities. You know, lack of understanding -- that you may have a child who can, in fact, be saved, if in fact somebody takes up-- They may not -- the parent may not be involved at all.

But for us to say that we -- the only way that this could happen is that -- for a parent to designate somebody else, that the police department can't do that -- maybe we should allow the police department-- Maybe we should allow somebody else to do it. I think we have to relook at this and find out what we need to do to tweak this so it works. We can't just have programs on the -- programs that are out there.

I know, for a fact, that they're not -- it's not being implemented in places like the city of Newark, and places like that. Otherwise, you wouldn't have what we have there. And we just can't let it keep going.

My concern-- This hearing is not just an academic exercise. This hearing is to try to find out where -- what's lacking and how we do it. And I'm not-- And you're-- I'm trying to find out who is the person that I'm going to -- not go after, but work with to develop this so that it, in fact, becomes an effective kind of program. We have too many youngsters whose lives have been destroyed because they were running down the street and got caught by a cop, because maybe they threw a brick somewhere, or whatever it is. They end up in jail in Newark. The same kid runs down the street doing something like that, he gets slapped on the behind, he's taken

home, he's never-- "Don't let me catch you doing this again." And what we have to do-- We simply cannot continue to have this disproportionate treatment given to youngsters who happen to live in deprived areas.

And I think we have to really go back and look at what -- and how do we do this? Who is responsible for seeing that it's done? To make it mandatory, we have to find -- make it mandatory on everyone -- not up to everyone -- have a reporting period. How many youngsters have been-- How many youngsters have come through this? How many have been arrested? How many were referred to this program, etc.? We need to have some empirical data. We can't have this thing and say, "Well, I don't quite know."

No, it's not good enough. Only because some of the youngsters are being destroyed because of maybe some mishap, something they did while they were a kid. I'm not talking about a kid doing some serious crime. But I'm talking about a youngster-- Treat the same crime the same way in Newark as we would in Short Hills.

That's all I'm saying. And until we're able to put down some protocols of who does the training-- We can't leave it to-- Who does the training? Does every stationhouse have this unit? If not, why not? Let's do it. You see, that's what we have to do. Otherwise, we're going to continue producing youngsters who go -- who people our prisons, and things like that. So we have to put a stop to it. And this is one way, I think, we can do that.

I don't know whether you have any thoughts on this. I'm going to--

You may want to respond to what I had to say.

And then I'll let Mr. Stanley have a question.

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: No, no, I welcome your comments.

I mean, this is very important. The problem of disproportionate minority contacts has been troubling over the years. And any additional training, resources, things like that, that can help, would be useful.

One thing, for instance, that the committee was suggesting was that-- Some towns have said that they are not able to use community service in stationhouse adjustments, because their towns have told them, "That's a liability issue. And we're not going to let police tell the kid to do community service, because we might get sued if he gets hurt doing it." I mean, perhaps some legislation on the issue of some sort of tort immunity for community service, and those things, would be helpful.

Again, the detention issue has been very troubling. Usually, you would not be in detention for anything other than, for instance, probably a first- or second-degree crime -- things that are not eligible for stationhouse adjustment. But, you're right, the proportions are very disturbing.

The State has been very successful in having a Juvenile Detention Alternatives Initiative that has been working and has really been very successful -- reduced the number of juveniles detained in -- by a large part, including in Essex County, where they've closed a wing. But it hasn't changed the percentages much. You still have the same kind of problem with-- You may have half as many minorities in detention as you used to, but you still have primarily minorities in detention.

Any other questions from Assemblyman Stanley?

ASSEMBLYMAN STANLEY: Thank you, Mr. Chairman.

I think the points that you raise are very important and very salient to, of course, my district as well, which consists of Irvington, and Newark, and Belleville, and Bloomfield.

I wanted to know how it is determined. Are there any specific, I guess, regulations set forth -- maybe not official regulations? But is there any blueprint, in terms of how it's determined whether a young person would qualify for the alternative to the actual, I guess, consequences, or actually being adjudicated through the system? The stationhouse adjustment is offered to everybody, but I guess it's not necessarily determined that someone would qualify for an alternative route, so to speak. Is that correct?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Well, we do have guidelines. There is a directive that was issued by Attorney General Harvey. And that sets forth what you need to do and what kinds of offenses would qualify. Primarily, it's based on, first of all, what the offense is. And it's more minor offenses that qualify for a stationhouse adjustment.

The police department-- The directive expresses a preference for diverting these cases and for handling them without court action, if at all possible. So the police should pretty much always consider whether or not-- When they have an offense that's, say, a fourth-degree, or a disorderly persons offense, they should always consider whether or not they can do that with a stationhouse adjustment.

Now, there are things, then, that could knock you out of participating in the program. Maybe you'd have, again, prior records. You might already be on probation. A parent might refuse to participate. Those kinds of things could knock you out of it. But the standards and the guidelines are all set forth in the directive that was issued in December 2005.

ASSEMBLYMAN STANLEY: Thank you.

Now, do the quarterly reports -- through you, Mr. Chairman -- are they -- do they show us any trends, in terms of how many people have taken part in this program? And I think there is a problem if parents don't designate someone to be a surrogate parent. If that's going to automatically disqualify a young person from having this adjustment, that is an issue. It's a problem, because one of the issues we see is that there is -- there may not be enough structure in the child's life in the first place. Then what happens is, if they're not allowed to take part in an adjustment of sorts, it's another demerit for them. Not only do they have a parent who won't come and speak on their behalf, but now they're adjudicated in the system, as well. And that creates another negative for them.

But what do some of the statistics show, with respect to areas? And which areas have been taking part-- Do we know who had these programs, or were implementing these programs before and after? Do we have any information like that? Do you have any information you could share with the Committee right now?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Well, I don't have the survey data with me. I mean, that only was "yes/no" questions, essentially, to the departments: "Do you offer stationhouse

adjustments? Don't you?" We do not have data on the numbers of stationhouse adjustments at a State level. We have not been able to-- We haven't collected the county data. We really don't have the staff right now. It would be a fairly large resource issue for us to do that. But if that's available in other ways--

I believe that we handed out the actual guidelines. And if you have them there, the quarterly report should be at the end of the guidelines that people can look at. What it does is, it asks the police to fill out one line of data, actually -- essentially for each stationhouse adjustment. So it's a large number of pieces of paper, if you've got 500 police departments sending those in and filling out a line of data on each one. And, right now, we have not collected that. So I couldn't tell you on a statewide basis.

Aside from that, it is only the first year of mandatory operation -- was this year. There hasn't even been a full year of operation yet on that.

ASSEMBLYMAN STANLEY: Through you, Mr. Chairman, I think it's-- You know, we have a number of programs in the State of New Jersey that are great ideas and would be fantastic if they were implemented. But, unfortunately, a lot of them sit-- People are doing the minimum that would put them in compliance. But we don't see any change in outcomes, because it's not really being implemented the way it needs to be implemented.

And I would think that the only way we could really tell whether it's being implemented or not is to have some sort of database that shows us how many young people are being offered, how many young people are-- All of these-- All of this information that you have here, by ethnicity, etc., we need to have. To me, that's critical if we're going to

assess how well the program is working. As a matter of fact, it doesn't even make sense to have a program unless you can evaluate how well the program is working and if we're changing outcomes. I mean, as Assemblyman Payne said, we have to-- The focal point ought to be changing outcomes and lives of young people.

Now, I don't doubt that it's better to state that you have to have a program or you're in noncompliance. But it's even better to have programs implemented, and making sure that they are being properly administered, and also getting some feedback in terms of how well we're doing with them.

Thank you, Mr. Chairman.

ASSEMBLYMAN PAYNE: Thank you, Assemblyman.

Let me just--

We have another hearing.

Steve, do you have anything that you want to add to this part?

ASSISTANT ATTORNEY GENERAL FINKEL: Very briefly, Mr. Chairman.

I just want to reiterate. And I don't think it should be taken out of context. When Tom did go over the reasons why this working-house (*sic*) adjustment group made this recommendation, it was guided by the interest in keeping kids on the right path and not having them ruin their lives by being unnecessarily injected into the system. I mean, that was the overriding, overarching theory. And that's what we tried to do.

I think there's more that can be done. But this really is only a small part of a much larger problem. And we can't lose sight of that fact either. I think we will go back and internally look at some of the things we

need to do. And maybe we'll talk about them more in the Criminal Disposition Commission. But we also have to look at the larger issues, as well.

ASSEMBLYMAN PAYNE: Oh, sure. And larger issues-- My God, we need to change the urban areas. We need to provide jobs, we need to provide better schools, we need to provide all these other kinds of things; we need better health, etc. I mean, my God, if we really want to get into broader issues, we can do that.

But since we're focusing on this, and I think that since there is a program there that should be more than just a feel-good type of program-- We have something there. Let's make this work. And what I'd like to ask for is a report, really. This is fine, etc. And I don't know whether you have staff. Do you have staff to carry out the functions, or do you see yourself as the person responsible, statewide, for this whole -- this initiative of (indiscernible)?

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: No, we don't have any other staff other than I. In fact, this is not-- I mean, I have many other responsibilities, as well.

ASSEMBLYMAN PAYNE: Sure, sure.

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: This is not my only job. I mean, that's one thing Steve and I talked about in connection with the Criminal Disposition Commission -- is whether or not there might be a researcher, or some research capacity there so that if we collected these reports, there would be some ability to try and generate reports at a statewide level about the data. Because the data should be out there. The quarterly reports should be at the county level. But it's labor-

intensive to collect all of that, and enter it all into computers, and produce reports from it.

ASSEMBLYMAN PAYNE: In the broader picture, it's labor-intensive to keep all these kids in jail when they shouldn't be there, too. And that's one of the things I was talking about before. The broader picture of this -- that people, regardless of where they are in the State of New Jersey, have to understand that they're a part of this. They have to understand that it impacts on everybody. And I really would like to get to the point-- And the Criminal Disposition-- Steve mentioned the Criminal Disposition Commission, which is a Commission that is looking at all of the aspects of the criminal justice system in the State of New Jersey, from the point of contact with police officers, right on through sentencing, etc.

And the reason I asked if you have staff is, we have a program there, and there's nobody with any money. We can't do anything about it. I mean, the fact that we continue going on, and on, and on, and it still impacts the same way that it did, as it has done for years. We need to find out and ask questions about whether or not it's mandatory in every police precinct. It is, but who monitors? Who oversees? Who is looking at it? I think we need to develop a structure here on this thing. Because we simply cannot, as Assemblyman Stanley says, throw these things out. The outcomes are the same, etc. And this is just one component of it. But let's keep that one component there, and let's make that work. And I think we'll certainly deal with it -- we are dealing with it -- within the Criminal Disposition Commission. But we cannot continue saying that we come up with these ideas and nobody follows up.

I'm curious: Who do these people feel they must respond-- If they don't have an effective -- and operating in, let's say, Belleville, or whatever, who says that you should do it? I mean, who monitors that empirical data? Who determines-- Who trains these people, you know, to say, "Well, this is a--"

So there's a lot that's missing here. And I don't know what -- to whom-- I was going to ask for a report from you or whomever is responsible for the status of this since then; status meaning, answering some of the questions that were raised during this hearing. I don't know whether you can do that, or who can do it. But somebody should be able to give us some information as to the number of youngsters that have gone through it, the number of municipalities that, in fact, have this initiative working. We don't know. And that's not good enough. I mean, we have to find out why, what's going on. It's just a terrible situation that we have here. And, certainly, we want to refine it.

Steve, I'm sure you'll bring it up at the next Criminal Disposition Commission meeting. But I don't know whether or not there is anyone that I can ask, right now, for a report -- status report -- on this initiative.

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Well, right now, we do not have the data at the State level that would be required to be collected, nor a researcher assigned to take care of it.

ASSEMBLYMAN PAYNE: And you say prosecutors in each county are the ones that are--

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: They receive the quarterly reports.

ASSEMBLYMAN PAYNE: They receive the quarterly reports.

But who tells the municipalities what to do, when to do it? I mean, who is overseeing them -- seeing to it that this is happening? Who is overseeing to make sure that kids in Livingston don't get a better shot than the kids in Newark? I mean, who is doing it? Nobody. I mean, what-- You can visit a youth house and see the results of this. And I'm sure that some of the kids who are inappropriately held at youth houses anyway -- many of them have mental problems and shouldn't be there to begin with. We know that.

But then there are some that if they live, like I said -- and I keep picking on Livingston, because that stands out -- but lived in Roseland, or someplace else like that -- in Belleville -- they wouldn't even be in the youth house. I mean, this is absolutely--

Well, anyway, we have to get some direction as to where we go from this and make some changes, bring it about, strengthen it.

And, Steve, when we have the Criminal Disposition Commission meeting, we're certainly going to bring this up again.

Thank you very much.

I mean, it's just raised my level of frustration. (laughter) But we certainly have to do something about it.

Thank you very much for being here. You're going to hear from us again. Somebody is.

Thank you.

SENIOR DEPUTY ATTORNEY GENERAL FISKEN: Thank you.

ASSEMBLYMAN PAYNE: All right, thank you very much.

I guess, if I had more time or whatever, I would probably let you really know how I feel about that topic. (laughter) I guess I shouldn't wear my feelings on my sleeve, or whatever it is. But I'm not going to change. I've always been-- I have to change, and only change until I see -- when I see some improvements -- see some change in this stuff. I mean, that's what it's all about. I mean, government -- we're not supposed to be just sitting here to listen to stuff, and coming up with great ideas, and then don't impact on-- This makes no sense whatsoever to me. And I don't want to put anybody in the hot seat. Well, let me take that back, yes I do. I fully intend to keep people in the hot seat.

All right. The other area that we're going to be talking about today-- Again, we have, as I said earlier, we -- the United States of America -- has more people incarcerated than any other country in the world. It makes very little sense -- none whatsoever. And then we obviously do not utilize our resources to -- for prevention, number one.

There's an awful lot that can be done in the area of prevention -- one of which you heard a little while ago -- for juveniles, to prevent them from becoming part of the criminal justice system. That's one of the tools that can happen there, you see. And we simply don't do enough on prevention.

The other areas, of course-- We want to talk about the broader picture -- the other areas, as we mentioned earlier -- is that youngsters in many of these deprived areas are going to -- don't have any adequate schools; inadequate training, inadequate everything else. And then there's no jobs in these communities either. All right? So what happens, of course, is that we have people that are almost destined to end up in our system.

We have to find ways to keep people out of the system, etc. But once they're there--

And let me just make a very brief comment. The Criminal Disposition Commission, of which I'm a member, as I said before, looks at every single area, every single aspect of our criminal justice system from *A* to *Z*. *A* meaning, when a youngster or somebody is stopped by a police officer for doing something, that's the beginning -- before they become arrested, before they are incarcerated, etc.

What we're trying to do is find out how we can reduce the number of people who end up in these systems unnecessarily, particularly young people. And especially when we see such glaring examples of racism, discrimination -- what else can you call it? And we see that there are things that we can do about changing that.

But once they're in our system, what we're concerned about is whether or not there's fair sentencing, whether or not people are sentenced the same, etc. But beyond that, we're wondering what can be done to invest in people, once they're there, prepare them for reentry into society, training them, etc. Too often we release people to the streets without any training, without anything to go back to. I mean, there's some weaknesses in our system. But while we--

We know that we had a Corrections' Commissioner before, Devon Brown, who had introduced a number of very, very advanced programs to deal with the Corrections Department and to deal with those who are incarcerated; some very advanced programs which were beginning to do a fantastic job here. Unfortunately, Commissioner Brown left for other pastures, which I think was a great loss to us. However, there were

programs that were started within our Corrections Department to deal with preparing people for reentry. And that's what we're here to talk about today: How do we do that? How do we concern ourselves with the approximately 14,000 or so people that are going to be released from our institutions in the next couple of years? What are we going to do with them? We're turning them back into society. Seventy thousand will be back into our society in the next several years or so. Are they coming back prepared to enter society? Are they coming back with a job? Do they have GEDs? We have an excellent opportunity to provide that for them while they're there.

And so, today, we're going to talk about what's going on as far as preparation for reentry, the barriers for reentry, etc. And we have a number of folks here that are going to talk about that. We have-- I note that we have the Mayor of -- his Honor, Douglas Palmer here to testify, I suppose, in this area.

Are you--

MAYOR DOUGLAS H. PALMER: Yes, whenever you're ready.

ASSEMBLYMAN PAYNE: Okay.

But we also have--

If you have a moment or so, Mr. Mayor, I would like to hear from--

It depends on what your-- I'll defer to you if, in fact--

MAYOR PALMER: I'm at your disposal.

ASSEMBLYMAN PAYNE: Okay. Fine then.

Let's hear then, if we can, from Patty Friend, Acting Assistant Commissioner of the New Jersey Department of Corrections, on this whole topic of preparation of inmates for reentry into society.

If you'll give your name and your title for the record, please.

A C T I N G A S S T. C O M M. P A T T Y F R I E N D: Good morning.

A S S E M B L Y M A N P A Y N E: Is the red light on? (referring to PA microphone)

A C T I N G A S S I S T A N T C O M M I S S I O N E R F R I E N D: Yes.

Good morning, Assemblyman Chairman Payne and members of the Assembly Regulatory Oversight Committee.

My name is Patty Friend. My official title is Director of Educational Services for the Department of Corrections. However, I'm also serving in the capacity of Acting Assistant Commissioner of the Division of Programs and Community Service for the Department of Corrections.

I'm here this morning on behalf of Department of Corrections Commissioner George Hayman, who is unable to be here at this time. I thank you for the opportunity to present, before the Committee, barriers that formerly incarcerated individuals face upon reentry into New Jersey communities.

With me today is Assistant Director -- who is now also the Acting Director -- of the Office of Transitional Services, Darcella Sessomes. I also have with me, for any questions that you may have, division Director, office of drug programs, James Wojtowicz; and the Office of Community Programs, Director Anthony Falcone.

Addressing the enormity and importance of offender transition from incarceration to society calls for a comprehensive and coordinated system-wide strategy. We're aware that reentry is a paramount focus of our Governor. It is also a paramount focus of our Commissioner of Corrections, George Hayman.

Mr. Hayman has directed the Division of Programs and Community Services to lead the reentry effort for the State through the identification of offender needs, the development and implementation of targeted programming, and to work collaboratively with government and private stakeholders to address those system areas that act contrary to the offender's ability to remain crime free post-incarceration.

The strategy has two primary elements. The Department must first identify, prioritize, and address those offender-specific areas that limit reentry success, such as addiction, education, vocational training, mental health issues, among others. The programming approach must be progressive and connective as the offender travels through the period of incarceration. The hand-off to agencies with subsequent responsibility for assisting the offender with reentry must reflect programmatic efforts and successes to date, in order to maximize the ongoing reentry process.

The New Jersey Department of Corrections must also aid the offender in navigating the systems of society in order to successfully reenter their community. The Department also works with its reentry partners toward removing those external barriers that -- although the implementing, logic, and support appear sound, in actuality they act to limit ex-offender societal success.

We have started many reentry initiatives within the Department. And I'd like the Assistant Director/Acting Director Darcella Sessomes to address some of those barriers that we've tried to face -- we've tried to address, I'm sorry. And we were before you in June, and we put closure to some of those barriers to help the offender as he reenters our neighborhoods.

DARCELLA SESSOMES: Good morning, Mr. Chairman.

Good morning.

ASSEMBLYMAN PAYNE: Is your red light on? (referring to PA microphone)

MS. SESSOMES: Yes, it is.

Good morning, members of the Committee.

As Ms. Friend said, my name is Darcella Sessomes, and I'm the Assistant Director for the Office of Transitional Services. The Office of Transitional Services is responsible for the social service departments that are in our 14 correctional institutions. Clearly, the Department recognizes that without coordinated and comprehensive assessment, reentry planning, and programming that targets the area of reentry the probability of successful community reentry is low, and the risk of the reoffense and relapse is high.

When the offender's release is eminent, there are specific steps that we take to assist him or her in making a successful transition to the community. While all correctional facilities offer discharge planning and reentry preparation, interviews, discharge -- intensive discharge planning, and case management, it may range, depending upon the institution.

Some of the institutions conduct one-on-one reentry interviews, as well as intensive case management. In addition, offenders are assisted with obtaining identification, including birth certificates, drivers' abstracts, and Social Security number cards. The Department has established a memorandum of understanding with the Social Security Administration that allows for the offenders to apply for their replacement -- or duplicate -- Social Security cards six months prior to release. And that six-month limit was set by the feds. They didn't want them to apply any earlier.

The second memorandum of agreement that was established by the Office of Transitional Services was a memorandum of agreement to establish Social Security Administration benefits for those who are eligible, the mentally ill and physically disabled individuals, to ensure that Title 19 Medicaid benefits are established as quickly as possible upon release. This agreement also addresses Title 2 benefits and the reinstatement of suspended benefits, as well. In that agreement, the offender cannot apply more than six months prior to his release. Again, that time limit was set by the feds, as well. They did not want any applications prior to six months of his release.

The Department is also proud to announce that the feds are actually coming to the Department of Corrections on Wednesday to do a training for all our social workers who will be a part of this initiative.

The Office of Transitional Services-- This is probably one of the most -- our newest project, one that I'm most proud of -- that we have developed a 12-week reentry preparation course for offenders who are leaving custody. And they can participate when they are down to their last year. In establishing this program, it was determined that the commercially

produced course materials -- they sell for \$15 to \$25 a book. This book was self-developed by myself as well as another member of the Department of Corrections' staff. We researched the other 50 states, as well as Canada, to see what they were doing in terms of reentry preparation courses. And we looked at all their models, and then we self-developed one that fits specific New Jersey offender reentry needs. So everything in our book is tailored specifically to New Jersey, specifically to all the counties that we serve.

ASSEMBLYMAN PAYNE: Excuse me.

If you don't mind, there are a couple of things I'd like to -- if I may, stop you -- from some points that--

MS. SESSOMES: Sure.

ASSEMBLYMAN PAYNE: You said there's a 12-week reentry course.

MS. SESSOMES: Yes, sir.

ASSEMBLYMAN PAYNE: What is involved with the reentry course? What happens during that course? You said we prepared a book. What goes on in that course?

MS. SESSOMES: Okay. There are 14 chapters. And the chapters range from housing, employment, money management, family reunification, stress management, relapse prevention, health, and community-based services. The course is 12 weeks. The inmate participates twice a week, two hours each course. So we're talking about over 48 hours of actual curriculum participation.

ASSEMBLYMAN PAYNE: This is the earliest-- Is this -- could be categorized as a reentry program?

MS. SESSOMES: Yes, sir.

ASSEMBLYMAN PAYNE: And you said that it may range, depending on the institution. Explain that again. What variances are there? You said there are 14 institutions, I believe.

MS. SESSOMES: Correct.

ASSEMBLYMAN PAYNE: And the programs, or what have you, for reentry may range, depending on the institution. I think you said something along those lines.

MS. SESSOMES: Their participation in the reentry program -- which is actually called STARS, it stands for Successful Transition and Reentry Series -- there is no variance. Every inmate participates the same. They have to do the 12 weeks, twice a week, two hours a week.

What I was talking about, which may vary, is the level of the amount of contacts they may have with the social worker prior to discharge. Because that would be determined based on need.

ASSEMBLYMAN PAYNE: So you say that it ranges depending-- Now, you said from institution to institution, and there are 14 institutions. The contact with the social worker -- is that the only thing that varies? The contact with a social worker in these various institutions may range depending, you said, on need.

MS. SESSOMES: As it relates to their discharge planning. Some offenders -- the social worker may meet with him, do the assessment, and may only need to meet with him twice in order to prepare his discharge plan. However, offenders where the need -- the risk is high for recidivism -- they're going to have to meet with him a lot more intensively. The purpose of the assessment is to determine what is the need, and how often the social worker should be making contact with the offender. Because we want to

spend our resources having the social workers make contact with the high-risk offenders. That contact should be very intense.

ASSEMBLYMAN PAYNE: You can-- You determine, I guess through these contacts, a high-risk offender, someone who is going to enter society. It may or may not be a high-risk person going--

MS. SESSOMES: We make that determination based on the LSIR, the Level of Service Inventory-Revised. That is our risk assessment. That assessment is a 54-question assessment which was sanctioned by the Department. And the results of that assessment gives us a probability of the likelihood for recidivism. And based on that assessment, that is how one should determine what programs are appropriate for the offender, versus just making a determination: "Oh, he should take this."

ASSEMBLYMAN PAYNE: So in time, you may determine a person is high-risk. However, they're nearing the end of their release -- their time. They're ready to be released, and you have -- even though they may or may not be a high-risk individual, correct? I mean, you can't hold them. You do an assessment as to whether or not-- And if it's a high-risk person, they see the social worker -- they have more consultations than others do, correct?

MS. SESSOMES: Correct.

ASSEMBLYMAN PAYNE: However, it may very well be determined that the person is still a high-risk person when they leave the institution, correct?

MS. SESSOMES: Correct.

ASSEMBLYMAN PAYNE: Do you want to continue? I'm sorry.

MS. SESSOMES: Sure.

Going back to the development of the STARS curriculum, we're most proud of -- again, going back to the fact that those that are commercially produced are \$15 and \$25 per person. And these are workbooks that the State would actually have to purchase for each inmate. We were able to develop it in-house for a fraction of that cost, therefore creating a great savings to the State, when resources are extremely limited.

We are currently seeking funds to fully implement this curriculum throughout all 14 of our institutions. However, we have begun piloting it in most of our institutions. And we're hoping to be full-fledged in all institutions by March 1.

Prior to the offender's release, the staff in the Office of Transitional Services will sit with the inmate to do a discharge plan. And in that discharge plan, we will make community referrals, we will assist the inmate in identifying post-release housing, and instruct them on how to contact the New Jersey employment services, and the One-Stop shops. The offenders transportation needs are even met. If they need to purchase a discount bus ticket so that they can get home, that service is also provided through the Office of Transitional Services.

In 2005, the Office of Transitional Services opened a reentry preparation housing unit at one of our correctional facilities, Southern State Correctional Facility. The name of that program is called CREATE, which stands for Correctional Reentry and Transitional Environment. It reflects the best practices for transitioning offenders. The purpose of this reentry unit is to afford intensive case management and discharge services to 130 medium-custody offenders who are within their last 12 months of release,

but are ineligible for placement in the residential community release programs, i.e., the DOC halfway houses. They're ineligible for placement there, so we created something in-house to somewhat mimic the experience they would get in the halfway houses.

An individual discharge plan is developed for the offender. And he meets with the multidisciplinary team, which consists of social workers, our chaplains, teachers; we even have custody staff there on occasion, and mental health staff there to review the progress of each inmate who is in this specialized housing. We want to monitor and review, to make sure that they have begun progress towards their goal.

The offenders are given incentives for accomplishing their goals that target the obstacles commonly associated with reintegration. For example, a lot of them will work on their detainers. They'll begin to work on obtaining their Social Security card, and all the IDs, and all the paperwork that they need to go back home to the communities. They'll start reaching out to their families more. Again, we want to start the process, really in an intense way, while they're in our custody, to build that bridge.

The program focuses on self-sufficiency, long-term planning for sustained community release. Offenders who are released at their maximum expiration date are offered assistance with our voter registration. All inmates leave who are maxing out, we provide them with voter registration information -- the packets. They also can watch the video which was prepared for them.

Inmates returning to Essex County receive a copy of our *Essex County Smart Book*, which is a resource guide. It's a pocket-slim resource

guide which has the list of all social service agencies that are in the Essex County area. This is good for -- if they don't have access to njsuccess.org, they have it all in a slim-pocket book. And the Department recently secured funding for a Camden County version. And then after we publish the Camden County version, our third largest county of sending is Passaic County. We're going to attempt to secure funding to do a Passaic County pocket-slim version, as well.

Mental Health Unit services addresses the discharge needs for those offenders designated as special needs or mentally ill. These individuals are given follow-up community mental health appointments and a two-week supply of medication.

Our Office of Chaplaincy Services also offers a mentor program in which they link the offender with a community-based -- I'm sorry, a faith-based mentor, approximately six months prior to him getting out. The faith-based mentor comes into our correctional facilities, begins to meet with this offender, build a rapport, so that when he leaves he already has someone positive that he has identified, going back into his community, that can be a stepping stone to getting linked up to pro-social persons.

That's a majority of the social service department. You may have questions about addiction and other services. But that is the piece of which my office is responsible for, sir.

ASSEMBLYMAN PAYNE: Thank you very much.

ACTING ASSISTANT COMMISSIONER FRIEND: And I'd just like to add that we've expanded in the education area. We've continued all of the initiatives that were started under the previous administration. We have continued those, and they are successful. We

have coordinated with our Project Inside, which is a Federal program. And it's a college program. We're contracted with Mercer County College and Union County College for those inmates that are eligible to participate in college programming. The criteria is: under 25 years old, within five years of parole, and having your high school diploma or a GED. We have over 700 inmates involved in that program. The college courses are taken at the various facilities. We have 11 facilities that are participating with eligible candidates.

ASSEMBLYMAN PAYNE: Project what?

ACTING ASSISTANT COMMISSIONER FRIEND: Project Inside. It's Inmates Networking in Skills to Develop Education.

ASSEMBLYMAN PAYNE: Who comes up with all these?
(laughter)

ACTING ASSISTANT COMMISSIONER FRIEND: A lot of acronyms.

ASSEMBLYMAN PAYNE: That's a profession in itself. You can make a lot of money doing that stuff.

ACTING ASSISTANT COMMISSIONER FRIEND: And we've been very fortunate with Project Inside -- the college program -- to pair up with some Rutgers professors who have taken some of the college students, from the college programs that are going to the halfway houses, to continue their education at Rutgers, funded through Rutgers. So that's free tuition. Selected candidates have been able to continue their education.

We've also expanded in registering apprenticeship trades within our vocational programs with the U.S. Department of Labor, so that when the inmate completes vocational programming, he can get a journeyman's

certificate that would aid him as he reenters his community. We have certificates in painting, graphic arts, upholstery, culinary arts, our Blue Seal/Black Seal license with the power house, electrical, carpentry, horticulture, among many others.

We're also, in education, trying to-- We have an annual job fair at each facility, where employers from the community come in to recruit inmates that are soon to be paroled. That has been very successful. I know, in North Jersey, there is a family owned ShopRite who has employed many of our offenders. And we try to encourage-- We're trying to get a link with the unemployment specialists in the various communities to come in and speak with us, so that we can have a direction to point the inmate to, once he is released, to receive a job through the unemployment office.

ASSEMBLYMAN PAYNE: Thank you very much.

I was going to ask you about the training and job connection for inmates coming out. Do you have any contacts with unions, and trade unions, etc.?

ACTING ASSISTANT COMMISSIONER FRIEND: Yes, we do.

ASSEMBLYMAN PAYNE: You do.

And this has been going-- How long has this particular program -- Project Inside, that's the college-level program, right?

ACTING ASSISTANT COMMISSIONER FRIEND: Yes.

ASSEMBLYMAN PAYNE: But the other programs you mentioned about--

ACTING ASSISTANT COMMISSIONER FRIEND: Project Inside is federally funded. We apply for the grant every three years. This is probably our ninth year. So we've been able to secure the grant. This is our ninth year in that program.

ASSEMBLYMAN PAYNE: And I suppose you probably have data, as a result, that now you can determine the effectiveness of the other programs you mentioned, job fairs and the employment thing. And you say you have people that are getting seals--

ACTING ASSISTANT COMMISSIONER FRIEND: Journeymen certificates.

ASSEMBLYMAN PAYNE: --journeymen certificates, etc.

You probably have data on how many have been able to receive the journeyman certification, what have you. Do you have that kind of information?

ACTING ASSISTANT COMMISSIONER FRIEND: I can get that data. I don't have it with me today.

ASSEMBLYMAN PAYNE: Sure.

ACTING ASSISTANT COMMISSIONER FRIEND: But we're also working with our Policy and Planning unit to do some research on the recidivism for those offenders that have participated in programming -- any educational programming. We're working with them now.

ASSEMBLYMAN PAYNE: Good. That would be very interesting. And if you could-- Once you get that report, if you could let us have a copy of it, I'd like to be able to see it.

ACTING ASSISTANT COMMISSIONER FRIEND: Yes.

ASSEMBLYMAN PAYNE: I want to thank you.

I don't know, Mr. Stanley, do you have any questions of--

ASSEMBLYMAN STANLEY: No. Maybe we could hear from--

ASSEMBLYMAN PAYNE: All right. Very good.

Thank you very much.

And thank Commissioner Hayman for participating in this hearing, through you.

ACTING ASSISTANT COMMISSIONER FRIEND: Thank you.

MS. SESSOMES: Thank you.

ASSEMBLYMAN PAYNE: Thank you.

By the way, can we have a copy of your book -- your curriculum? You mentioned that you had created an in-house book. Could a copy of that be sent to us, please?

MS SESSOMES: Yes. It will be sent through you, Chair.

ASSEMBLYMAN PAYNE: Thank you.

I'm going to ask, if it's all right, if Mayor Palmer would testify. And then we also have our Chairman of the Parole Board, Judge D'Amico; and we also have with us the Public Defender, waiting to testify as well.

So we'll see if Mr. Palmer--

I don't know what--

Mr. Palmer, would you identify yourself?

MAYOR PALMER: Yes. Douglas Palmer, Mayor of Trenton, New Jersey, the State Capital.

Thank you, Mr. Chairman and members of the Committee. And thank you for sort of taking me out of order.

And I want to thank these individuals, who certainly have been here longer than I have been here today, for letting me sort of jump the line. I really appreciate that. And I'll try and be as brief as possible.

I'm glad that we're having this hearing. It's very important.

I first want to commend this Committee, and members of the Committee, as well as Assemblywoman Bonnie Watson Coleman, Senator Turner, Senators Rice and Gill, and all those legislators who, about eight months ago, came with one of the most comprehensive anti-gang initiatives, in terms of legislation, in the entire United States of America. And I know, as President of the United States Council of Mayors, that mayors all over the country are looking at what's happening, in terms of legislation. And it's very comprehensive in nature -- looking at what New Jersey is doing.

I think today is very important, because as we understand that we have a rising problem with gangs, guns, and drugs in our cities and suburban areas, we need a measured response, and a coordinated response, and, quite frankly, a comprehensive approach. We're not going to lock our way out of the gang and gun problem, and drug problem, as you know. It takes a comprehensive approach. And my city is taking the lead, quite frankly, in working with Judge D'Amico on parole and probation, and others, to do just that.

And with all deference and due respect to the ladies that were speaking-- And I know that they work hard. I know what Commissioner Hayman does. And let's face it, recidivism is very tough when you're talking about people incarcerated and coming out. It is very, very tough work. And I applaud them for doing that. But I can just tell you -- and I can speak for cities all across New Jersey -- those programs--

And, Mr. Chairman, you were frustrated because you want to see results, accountability -- "Show me." All I can tell you is, if those programs that were just talked about actually were given the support that they need, and monitored, I wouldn't see, every day in the newspaper, people are shooting somebody, or getting shot, or murdered -- and you catch them, and their records are a mile long, and they've been in jail. I mean, this is not working.

And that's why I think it's important that you look at barriers to those people that are incarcerated that want to change their lives. Some individuals don't want to change their lives. Some people like to shoot people, and some people like to sell drugs and are going to do that. But I think that we can't give up on a majority of inmates that want to turn their lives around. But we need to make sure that they have choices.

I didn't want to bring this up, but I do know -- and I think it's important that this Committee finds out where we are, because it's been seven months now since the Governor said that they were going to assess programs like Life Skills Academy, which was taken off the drawing board, which I know was successful -- Emmanuel. I think things happened there. But I think that they said that they were going to assess life skills programs in these institutions. And I've yet to see what's happened as a result of that. And I'd like to see what they think is important, and turning to Life Skills in order to help.

The other thing I think is critically important when you look at inmates that are incarcerated and the things that they're doing before they get out-- They need real life skills, they need education, they need drug testing before they get out. I've always been fascinated that you can have a

person go in jail and they're not on drugs, and then when they're incarcerated -- and then when they're getting out, they're addicted to drugs. I think you really need to look at how that is happening. And before anybody is released, they need to be doing drug testing.

Also, I was interested to hear that people who have mental problems, that are getting incarcerated -- they get two weeks of meds. Well, unless they're going back in the system right after two weeks-- I think that it's important that these individuals continue their treatment. Because we know that a lot of these individuals get out and they go right back to this life, because they are having mental problems. And I think that they need continued medical attention.

The other thing that we do know is that there are people that want to work. We've been working with Judge D'Amico on a reentry and a comprehensive program, looking at truancy, and having counselors meet with the parents when we pick up truants each and every day. And we have counselors and the parents talk about what's going on. We have something that the Attorney General is looking at now, that we call Youth Stat, that Barry Colicelli, my anti-gang specialist, was working on -- where we identified about 300 at-risk youth: youth that are in gangs, are about to be in gangs, or have problems. We bring together DYFS, juvenile parole, probation, the school system, the faith-based community, and go over each and every one of these individuals every week to see what they're doing. We got waivers -- and I think it's important -- we got waivers from the courts to allow DYFS, and the education system, and others to share information about these individuals. And we're seeing tremendous success.

We're also working on--

ASSEMBLYMAN PAYNE: What's the name of that program?

MAYOR PALMER: It's called Youth Stat.

ASSEMBLYMAN PAYNE: Youth Stat.

MAYOR PALMER: Barry Colicelli is a former captain in Newark. He's working with it. He's from Newark. So he calls it Youth Stat. (indicating pronunciation) But it's Youth Stat. (indicating pronunciation) (laughter)

ASSEMBLYMAN PAYNE: Thank you, Mayor.

MAYOR PALMER: Also--

ASSEMBLYMAN PAYNE: You are always making fun of Newarkers. (laughter)

MAYOR PALMER: I know. He calls it Youth Stat. (indicating pronunciation)

And it has been successful.

Working with Labor, as was talked about; working with employers that will bond -- Labor will bond the employers so that they hire people that were ex-offenders; that, if something were to happen, they make up for any loss of property or those kinds of things. I think that's important. And that's a program that needs to be expanded, as well as looking at the accountability and how successful it is.

I'm here today to talk about this set of bills, which I think are very important. And, quickly, I support all of them, as it relates to expunging records and those things. We see that a lot of people have done things many, many years ago. They're still barriers to them getting a job. I think the bills really speak to something that's automatic, so that a person doesn't have to go apply. Let's face it, it's tough enough in today's society

to exist if you don't have a record, not to mention the frustration that an incarcerated person is going through.

And I think Judge D'Amico can tell you this as a fact: Racism certainly plays a major part in this. There are studies that show that an African-American male who has no criminal record would find it harder to get a job than a white, formerly incarcerated person getting a job. So we see how hard it is.

So ways in which we can bring down those barriers are important. Expungement, all those things, are helpful; the certificate that Assemblywoman Bonnie Watson Coleman -- is helpful.

I would like to ask that Assemblyman Cryan's bill, which talks about a committee made up of vocational schools, and mayors, and others, be expanded not to just have populations over 100,000; because there are many more cities that would need this kind of council to work with vocational schools and others, as it relates to reentry. And I would just add that, since the Governor's initiative about a cease-fire named about 16 cities, many of which are under 100,000, that you look at the cease-fire municipalities that he named -- I know Irvington is in there, Elizabeth, Trenton, Asbury Park, Atlantic City, Camden -- so that we can also use resources that we can help people turn their lives around.

The last thing I want to say is: This Committee is so very, very important. Let me tell you, we have dangerous people in this city and other cities that need to be locked up, that need to go to jail, and they need to go to jail for a long, long, long time. Okay? But we have the majority of people that want to get out and want to have the kinds of choices for a good life.

There's a gentleman here today. I'm not going to call on him -- I don't want to embarrass him. But he certainly is an individual that paid his debt to society for over 20 years. He made the crime when he was early in his life. But he's had so many barriers to him getting a job. God blessed him with a wonderful wife that believes in him, that's by his side. I've been working with him to do some things. But he loses job after job because of his past criminal record. But I will tell you, unequivocally, I would trust this man with my 4-year-old daughter, I would trust this man with my life. He talks to young people each and every day. He communicates with people about turning their lives around. And unfortunately, because -- and I understand, you have to be very careful who you have in certain positions.

But I think we need to look at ways in which it's not just a death sentence if a person has been convicted of a serious crime, that turns their life around. There has to be ways in which they can get a second chance. And I know it's very touchy. But it can't just be, "No, you can never work."

I know in the city of Trenton, as well as cities all across America, you can't tell an individual that's in jail, that gets out, "Don't sell any drugs, don't shoot anybody." When nobody will hire you, when you can't take care of your family, what is a person going to do? Now, I'm not excusing it, but I can understand it.

And so that's why this Committee is important. That's why more life-skills education, drug testing, drug treatment, jobs, counseling is all important -- so that you can give these individuals who have made mistakes-- And all but for the grace of God, I would have been in jail, too, back in the '70s, if I didn't have somebody. God tapped me on the

shoulder and said, "No, I've got something better for you to do." Because we all could be somewhere else right now.

And so it's very important that we are serious, that we hold people accountable to the things that they say they are doing, to make sure they're studied, that they're looked at. And if they don't work, try something else. Because we have to give individuals -- that, number one, want to change their life choices, other than, "You're out here, you have nowhere to live, your family don't want you, and I'm not hiring you."

And you have -- last thing-- We're looking at, in Trenton -- which they've done in San Francisco and other places -- it's called *leave out the box*. You know the box: "Have you ever been convicted of a crime?" You mark yes, tell the truth -- throw that out. If you don't mark it -- come in for an interview -- "Well, we found out you lied." That's out. Looking at ways in which we don't have any box on there, so that a person can get past the initial interview-- And then, if you're interested in this person, bring them back for a second interview. Then you can really go into more of those kinds of things so that they're not just discriminated against from the very beginning.

Look, it's tough for a person that doesn't commit a crime, that hasn't gone to jail, to get a job. And that's something that we all have to work on. But it's triply more difficult for people who are incarcerated. And I ask that this Committee -- and I'm so proud of all these bills and what you're doing -- that we really do God's work, and work as hard as we can to help those individuals that want help, need help, and need a second or third chance to become productive members of society so that we can make our cities more livable, so that we can reduce the amount of money that we are

spending incarcerating everybody, and that we can give people the chance and opportunity that they need to take care of themselves and their families.

So that was my speech.

ASSEMBLYMAN PAYNE: Thank you, Mayor.

MAYOR PALMER: Don't ask me to give it again, because I don't remember what I just said. (laughter)

ASSEMBLYMAN PAYNE: Thank you very much.

The reason why, of course, we had this hearing is because of the problems that many people who are entering society -- reentering society have so many barriers placed in front of them. We have to identify ways to remove them. One of the things that you mentioned is, we need to make sure that people have the right to vote again, make sure they go out and vote.

And the expungement of their record is so key, as you said. "Leave out the box." You're right. Once an employer -- potential employer -- sees that -- even at these job fairs, for that matter -- sees that, they just automatically eliminate the person. So there's a lot of work that needs to be done to correct these things and remove these -- so many barriers.

There are people that can't get their driver's licenses back. I ran into a guy the other day who is working part-time saying, "I can't get my driver's license back because I owe money on some kind of surcharges." And he said, "They want me to pay \$8,000 at one clip. I've been trying to pay it -- make out a payment plan, and they won't let me do this."

MAYOR PALMER: Oh, Assemblyman, I forgot that point. That's a very good point that you brought up. And I believe there's a

commission or something that's looking at motor vehicle stuff. There's a lot of people, because of surcharges, that can't get jobs, can't get their licenses back. And, quite frankly, the State makes about \$24 million a year on surcharges. So you might have to fight with the Treasurer on that one. But I think it's pennywise, dollar foolish. Because if they can get these people back, it will help the economy.

And there's one person I want to say-- We were talking about-- I can never remember his name.

But, Judge, you remember his name.

He's a car-- He hires -- Rich Liebler. You need to bring him in. He's excellent. He has hired and trained ex-offenders doing the computer repairs on automobiles. He's been very successful. He is a model across this state and across this country. And he could really give you some insight on ways in which you can have ex-offenders working in productive jobs that pay a living wage.

ASSEMBLYMAN PAYNE: Thank you, Mayor.

Assemblyman.

ASSEMBLYMAN STANLEY: No, Chairman. I have no questions.

Thank you, Mr. Mayor.

MAYOR PALMER: Thank you.

ASSEMBLYMAN PAYNE: Let me ask Judge D'Amico--

And would the Public Defender want to come up and sit at the table, as well, at this time?

JUDGE JOHN D'AMICO: Thank you.

Good morning, Mr. Chairman, if it's still morning.

Oh, good afternoon.

I want to just review very -- three very significant developments in the area of reentry that the Parole Board has initiated, that I think will change a lot of things that are happening in this state.

First, we have -- we will be launching, on March 1, a new Evidence-Based Practices Supervision Program. This will be a far-reaching reform that's been developed with the help of parole officers and the National Institute of Corrections. At the core of it will be a Case Plan Agreement, signed by a parole officer and a parolee, that will establish short- and long-term goals for the parolees to strive toward, in terms of overcoming substance abuse problems, getting a GED, completing job training, securing employment, and addressing family reunification and all of the other critical reentry considerations for a parolee.

Coupled with that will be a Behavior Response Matrix, which will be a series of graduated, and specific, and proportional responses, not only to violations short of reincarceration -- programs, other interventions; but also a series of positive responses and rewards for achievement toward these goals that will be established in the Case Plan Agreement. So that's number one, the Evidence-Based Practices Program.

Secondly, we have undertaken, starting on November 1, a major reform of our county parole procedures. We are now offering each inmate the option of waiving an initial hearing and proceeding directly to a final hearing, in reference to a county sentence. You know, county sentences are already short, and sometimes you can't get to them before the sentence expires. This reform, eliminating that waiting period, which is typically four weeks that pass between initial and final parole -- county

parole hearings -- will enable us to release substantially more persons, to have substantially more hearings. And the numbers coming in already, in this regard, are very encouraging. And what these reforms in the county procedures will do is save county taxpayers money. But, more importantly, they will allow a period of community supervision, and adjustment, and transitional support to be provided for county offenders.

And then third -- and then I'm--

ASSEMBLYMAN PAYNE: Let me stop you there.

JUDGE D'AMICO: Yes.

ASSEMBLYMAN PAYNE: County-based parole hearings deal with what kinds of offenders?

JUDGE D'AMICO: Well, these are people sentenced to 364 days or less.

ASSEMBLYMAN PAYNE: Okay.

JUDGE D'AMICO: But if there is at least 60 days on a sentence, they are eligible for county parole.

ASSEMBLYMAN PAYNE: Okay. If they've served 60 days.

JUDGE D'AMICO: Yes. And so what happened in the past -- because of that two-hearing system, we weren't able to parole as many people as we can under the new system, because of that passage of time -- the period of time between the initial hearing and the final hearing. We've eliminated that 30-day period. And so now we're reaching a lot more people, more paroles -- more people will be released from county facilities, saving county taxpayers money.

ASSEMBLYMAN PAYNE: There were two hearings necessary before the present?

JUDGE D'AMICO: Yes, previously. And we condensed that to one. And it was just-- All it required was to give the inmate the opportunity and the right to waive that initial hearing and proceed directly to the final. And just about every-- In fact, every county inmate that we've given that opportunity to, so far, has opted for that. And we have been able to increase the number of cases handled on a timely basis, and also to expedite, by one month, parole release for county inmates. So this is a major step forward, just by using our heads and simplifying the procedures.

The third thing I wanted to tell you is that we just got initial results from a recently concluded study on recidivism, comparing persons released on parole with those released at the completion of their sentence on a max-out basis -- those who come out without parole.

We found that 73 percent of prisoners who maxed out -- that is, completed their sentences without parole supervision -- were rearrested within two years, compared to 51 percent of parolees. We found that prisoners who maxed out were reconvicted at a rate of 56 percent within two years, versus 34 percent for parolees. And we found that the reincarceration rate for max-outs was 45 percent in two years, versus 23 percent for parolees. And the bottom line here, Mr. Chairman, is that parole is fostering the rehabilitation of ex-prisoners and promoting public safety, to a greater degree, for people that are under supervision, than for people who are not under supervision.

ASSEMBLYMAN PAYNE: People who max out do not have--

JUDGE D'AMICO: Don't get any help.

ASSEMBLYMAN PAYNE: They don't have to have any supervision, correct?

JUDGE D'AMICO: Exactly.

ASSEMBLYMAN PAYNE: I mean, if they max out, that's it. And they're out there on their own.

JUDGE D'AMICO: Exactly.

ASSEMBLYMAN PAYNE: So how would we change that? If a person has served their time, what would happen--

JUDGE D'AMICO: Well, there are two options for policy makers. One would be to carve out of existing sentences a mandatory period of parole supervision. But that would involve early release. And that, you know, is one approach. The other would be to add, for future sentences -- you couldn't add it to anyone already serving a sentence, but for future sentences -- a period of mandatory parole supervision.

We have about 4,400 inmates each year coming out without any supervision, without any program assistance, and without any parole guidance or supervision. And therefore, you know, the statistics that I gave you are showing that these people are committing crimes at a much higher rate. This is a major flaw in our criminal justice system that needs to be addressed by this Committee.

And the other thing that I was going to suggest to the Committee has to do with the drug problem. We have found -- not we, but nationally -- researchers and academics have found that the resort to incarceration for drug offenders is much overdone. And if you-- You know, for a great majority of prisoners -- persons convicted of property and drug crimes -- and they're often related. Criminal justice experts throughout the country have concluded that increasing the length of stay in prisons beyond certain levels does not produce increased public safety but, on the other

hand, has a huge impact on cost. And as you pointed out, the annual cost of incarcerating someone in our prisons is about \$33,000 a day (*sic*), versus -- oh, a year, or \$90 a day; versus, for parole, about \$7,000 a year, or \$17 a day.

And beyond that, the use of prison as a principal response to drug offenses -- and we're talking about the school zone laws, and mandatory prison terms, and so forth, and mandatory minimums -- is that it hasn't succeeded, because if you pull a salesman off the street, but you don't reduce the number of customers, or the demand for the product, that salesman will simply be replaced. And that's what's happening in our urban centers. And that's why the gang problem is so intractable in the State of New Jersey -- because the gangs are making so much money on the drug trade.

And so what we really need to be considering, Mr. Chairman, is diversion of people into drug court and out of the system, as you've mentioned, at the front end. But then, also, at the back end -- an expansion of various programs providing treatment. And I've mentioned those on Pages 6 and 7 of my statement. I won't read all of that.

I'll just point out that our residential and a reporting service -- just to give you one example -- do provide intensive drug treatment, relapse prevention, life skills development, anger and aggression management, job readiness skills, employment counseling and academic assistance, money management, and housing and transitional support planning. And so what we need to do is think in terms of these expansions.

And let me just give you one final bottom line. I think this is important. And people don't talk about the impact of crime on our society

and the cost factor related to it. Expansion of Parole Board program capacity, as well as Department of Corrections program capacity -- because they need the money to do that discharge planning, as well -- would have a substantial impact based on reduced recidivism. There would be fewer crimes; there would be fewer crime victims; there would be a significant result -- reduction in the cost of crime, including physical- and mental-health related costs, lost productivity from both paid employment and unpaid household work, lost jobs, lower direct expenditures for police protection, less demand for judicial and legal services, and reduced State compensation program payments. Nationally, those costs that I just described range in the hundreds of billions of dollars. And if we start reducing that recidivism rate, and addressing people with programs, that money will avoid those costs.

There would also be less pain, less suffering, and less loss of quality of life experienced by crime victims and their families, not to mention similar losses experienced by the families of perpetrators of crime.

So there's a lot that we can talk about here. But I think that the State, with the guidance of Governor Corzine -- who has emphasized the importance of reentry as part of criminal justice planning -- that we are moving in the right direction.

ASSEMBLYMAN PAYNE: Thank you very much, Judge.

You know, the elephant in the room here-- We talked about the -- drugs being at the core of the majority of crimes, certainly in certain areas. We talked about the extraordinary amount of money that's made in dealing drugs, etc. We said, at the core of this is turf wars, etc., etc., etc. And as long as-- And we keep chipping around the edges. The fact is: As

long as drugs are illegal, then we're going to continue to have this exorbitant amount of profit made into it, which is tied in with the violence, etc. The fact that we have drugs that are illegal has not stopped anybody from getting the use of drugs, etc.-- It's asinine, it's foolish to keep doing the same thing over, and over, and over again and expect a different outcome. All right?

Now, I have talked in the past about at least beginning to explore the possibility of decriminalizing certain drugs. I'm very careful about how I say that, because if you say it any other way, people are going to say, "This guy is in favor of drugs," etc.

But it's asinine to say that if you decriminalize certain drugs, more people, number one, are going to use them; and, number two, everybody is going to be able to get them. Right now, everybody can get them anyway. And what you have here is violence, killings, etc. Therefore, it's time for us to look seriously at taking out the profit from this, and thereby taking out the violence, taking out the turf wars, etc. But nobody wants to talk about that.

We're going to have a hearing. I want to propose, under our previous administration here in the Assembly -- I wanted to propose at least to begin the discussion of the ramifications of decriminalizing certain drugs. Because it's related directly to the majority of our violent crimes that exist in our society. And it's absolutely stupid for us to keep ignoring the elephant that's in the room. I mean, this is asinine. And someone has to step up to it and say, "At least begin to look at the possibility of doing this." People say, "Oh, my God, everybody is going to start using drugs." Well anybody right now-- Anybody who wants drugs can get them. I mean, it's

stupid, it's asinine. And what happens, of course, is that people are killing each other over them.

JUDGE D'AMICO: There's no question, we need a serious discussion of that issue.

ASSEMBLYMAN PAYNE: Serious discussion, right. Exactly.

Thank you very much for your testimony.

I want to follow up, and let's move on some of these things that have been suggested.

Public Defender, Ms. Segars.

YVONNE SMITH SEGARS: Good morning.

ASSEMBLYMAN PAYNE: Good morning.

MS. SMITH SEGARS: As you know--

ASSEMBLYMAN PAYNE: Identify yourself.

MS. SMITH SEGARS: I'm sorry, Yvonne Smith Segars, Public Defender for the State of New Jersey.

As you know, the OPD -- we represent a majority of those in the criminal justice system. Many look at reentry on the exit side of a State prison. Those are the individuals -- when they leave -- that we do not represent, for the most part. Our clients, of course, are on the front side.

Judge D'Amico talked about the county sentences. And so I guess, first, I'd like to say that when we talk about reentry, we should really broaden our definition of what we mean by reentry; that it is not just those prisoners that are coming out of prison -- and that is a good, substantial number of those individuals, of course, that are coming out of State prisons. But the truth is that there are thousands of people that come out of county jails, and are more likely to be in your local community and returning to the

community on a regular basis, than are coming out of State prisons. And so I would like to include in that definition, as we speak of reentry, the -- and like to call them *pre-entry*, because those county-- People that are coming out of the county, local jails, that recidivate eventually work their way to State prison. And then they become those that are on the reentry side of the State prison system.

So we should really look at the individuals, particularly-- And if you step one place back, then you're talking about those individuals sentenced to probation. So whether you're talking about individuals who have been convicted and are serving a probationary term-- Because if they fail, they will go to State prison, or they'll go to county jail -- they'll go to county jail first; and then if they're certain it's not the proper services, if they don't reintegrate successfully, they'll then go to State prison. And once they finish their time there, once they fall back out, and they fail to get the proper support and services there, they'll come back out and recidivate.

So whether we're talking about a probationer trying to reenter or reintegrate successfully, and not -- and the alternative to incarceration is probation -- or whether we're talking about the individuals in the county level that are coming out of prison, and then they still have a probation sentence left, a parole sentence; or the State -- they're all in need of the same services at some level. And the question is whether or not we have the number, the amount -- the capacity in our communities to service them; whether that be through social services, or nonprofits, private-sector services, faith-based initiatives that are there to service the individuals.

What we clearly need are the services that support individuals -- whether it be education, housing, health care.

We don't have sufficient services. As I listened to the women speak that represented DOC this morning-- They went through their programs. The reality is: I think we -- 60 percent of those people that come out of State prisons recidivate. So there is something flawed in how we deliver the services to them, or something about what it is that we're not connecting with.

What I can tell you is that programs like ISP, Intensive Supervision Program -- which is a State program-- Offenders in prison, if they have certain charges, are allowed to apply through the courts to come into a program called ISP. It's an Intensive Supervision Program. Now, the individuals successfully completing ISP-- And I think the recidivism rate is something like 8 percent. It's very, very, very low. We see the same kinds of statistics when we talk about people that come through drug court.

Drug court, as you know -- you're familiar with drug court. I believe you both are familiar with drug court; you are familiar that you can plead guilty to certain drug offenses. And at the -- in lieu of going to prison, you will go through an intensive treatment program. And that treatment planning has everything to do with individual counseling, substance abuse counseling, urine monitoring. But it also includes health care, and it also includes education, and support services, and housing, and mental health care along the continuum.

Substance abuse treatment means all of that. It's just not sitting around group, sharing your feelings about your substance abuse. It's also about whether or not you can get a job, and whether or not you can

hold down a job, and pay your fines. But we also know that-- And you can go onto the State Web page of the Judiciary. You'll see the statistics for both -- ISP and for the drug court. You'll see recidivism rates are very low. I think our drug courts -- 70 percent of our people who go through drug court stay successfully -- haven't been rearrested. I think it's a 25 or 30 percent rate of recidivism, if it's that high. It might even be lower than that -- I don't want to misquote, I don't have those statistics here -- but it's very low.

So what we do need to do is to look at the evidence-based practices that are successful and that work in order to reduce the number of people that recidivate. And that is having those resources available to the individuals at every level, hopefully to avoid the fact that they'll even become a State prisoner. But it certainly -- we know that the intensive supervision does work.

And if it works for the ISP client, and if the ISP-- These are the same people coming out of State prison with very similar charges. What's the difference between those who go into ISP, and the rate of recidivism is only 8 percent; versus those who come out of State prison and go through the regular discharge plan, and the rate of recidivism is 60 percent?

ASSEMBLYMAN PAYNE: How many people are in the ISP program? Do we have any idea how many have been exposed to it?

MS. SMITH SEGARS: Oh, I looked at that number last night. I don't know it offhand. And I meant to drive--

ASSEMBLYMAN PAYNE: Is it in the hundreds, or in the tens?

MS. SMITH SEGARS: It's in the thousands.

ASSEMBLYMAN PAYNE: The thousands.

MS. SMITH SEGARS: Yes. And I believe I saw--

ASSEMBLYMAN PAYNE: You didn't know I was going to ask?

MS. SMITH SEGARS: I think 10,000 people have gone through the program, up-to-date, since 1983.

ASSEMBLYMAN PAYNE: You didn't know I was going to ask you this question?

MS. SMITH SEGARS: I'm sorry.

ASSEMBLYMAN PAYNE: You didn't know I was going to ask you that?

MS. SMITH SEGARS: Oh, yes I did. But I left my note. I did. But I will get that statistic for you.

So I hope that--

And, also, we have something called reentry courts, which we don't have in New Jersey. But it's something that we can look at. They're very similar -- they're modeled after drug courts. And it is, again, releasing individuals, like ISP, from a sentence into a structured program.

ASSEMBLYMAN STANLEY: Excuse me for one second.

Chairman Payne said I could interrupt you.

MS. SMITH SEGARS: Oh, please. I don't mind.

ASSEMBLYMAN STANLEY: I won't say what I was going to say. (laughter)

Who determines whether somebody gets ISP, as opposed to not getting ISP? And why doesn't everybody get ISP?

MS. SMITH SEGARS: You have to apply for ISP. There are certain charges-- Your criminal background has to-- Certain charges aren't admissible. First degree and homicide -- I don't think they're admissible at all. I think it's first and second -- yes, first and second degree crimes. And they have to be approved by a panel of judges. And you apply to ISP. And it's statutory -- the guidelines are, I think. I'm pretty sure. So you have to apply to ISP.

ASSEMBLYMAN STANLEY: But if the outcomes are so much better with ISP, as opposed to without ISP, wouldn't it be better if ISP were extended to a greater range of people?

MS. SMITH SEGARS: Yes, that's the point. It should be. Of course, extending it will mean that you'll have to have-- Because it's intensively supervised, they have to have probation officers that work with them. And they have a very limited load. Oversight, I'm sure-- It's much more intensive. There's curfew. It's monitoring, like, 24/7. It's much more intensive -- labor intensive. So you'd have to, of course, up your staff and up the capacity in order to -- if you're going to increase the amount of people that come into ISP.

ASSEMBLYMAN STANLEY: What's the cost per inmate for ISP?

MS. SMITH SEGARS: I understand that it's four times-- It's a quarter of what it costs to incarcerate someone. So \$8,000. So, roughly, if \$30,000 is the number that it costs to incarcerate someone for the year--

JUDGE D'AMICO: Thirty-three.

MS. SMITH SEGARS: --\$33,000 -- a fourth of that is probably what it costs to administer ISP.

ASSEMBLYMAN STANLEY: So it would seem cost-effective to administer ISP--

MS. SMITH SEGARS: Oh, absolutely.

ASSEMBLYMAN STANLEY: --to a greater universe of inmates. Because the amount of money that you would save, on an annual basis, would--

MS. SMITH SEGARS: You would. And maybe one of the representatives from DOC will know how many people apply. I don't know if they know.

Do you know, in terms of-- Anybody? Do you have any idea?

UNIDENTIFIED SPEAKER FROM AUDIENCE: Small.

MS. SMITH SEGARS: Small -- it's a very small percentage.

My point is that if it were broadened, you might, I believe -- would have better statistics, overall. And so the question that maybe should be examined -- why we don't broaden that number.

JUDGE D'AMICO: Expansion of drug courts.

MS. SMITH SEGARS: Whether it's expansion of drug courts and the expansion of ISP. But expansion of drug courts is another huge barrier. And I think that the capacity of our drug courts needs to be broadened. And the numbers of people, right now, has to do with the capacity of the DAS, Division of Addiction Services, being able to supply beds for those individuals who would need the substance abuse treatment here in the community.

ASSEMBLYMAN PAYNE: Madam Advocate, you bring these things out. And we know that if, in fact, they were expanded, that it would certainly be beneficial for the population -- or the general citizens of the

State of New Jersey. There's no question about it. The recommendations that you're making, they cost money. However, as I've said earlier, if we can let the general public know that it's much cheaper to do the investment on the front end than on the other, we'll have more acceptability. I'm trying to think of a venue or a forum whereby these things, not only here, can be-- It costs money to do this. And I certainly would support it, obviously, because, as I say, it costs less on the other end.

But, soon, the budget hearings will be coming up, as you know. And I suppose you, and Judge D'Amico, and the rest of you will be coming before that Committee, of which I am the Vice Chairman of. And I know we're going to be talking about the need to save money, etc., etc., etc. And if it can be placed in such a way that you can make it clear to those on the Committee, and elsewhere, that by investing here that we will save down the line, that may, somehow, be able to get this message out to the right people who are at the place where something can be done about it.

We're not going to, obviously, be able to (indiscernible). But we need -- ISP is something that's effective. The drug courts are effective, etc. Drug courts are fairly new. They've just been around a short period of time. But we do know that those who are sentenced to -- or assigned to drug courts -- it's a very effective, but intensive, program.

And I think the sooner we in the State of New Jersey begin to accept the fact that these problems are not going to go away by themselves, and that it's shortsighted to think in terms of not spending very much money in these areas -- then we are all going to keep drowning in the sea of violence, and all the rest of it, until we are able to convince people at every

level that we expend the money on programs like this and others so that we can, in fact, begin to turn this around.

Part of it has to do with, I'm afraid, with racism. Part of it has to do with the fact that the people who are most impacted by this -- the ones that -- if you look at our prisons or whatnot -- they don't -- they're not people that look like people in suburbia, etc. And I think that, maybe, that may be one of the reasons why we can't seem to be able to get past this thing. Nobody wants to talk about it until they begin to realize that -- the scourge of gangs, drugs, etc., are beginning to enter into every corner of the State of New Jersey. Then people in those places begin to get serious about it.

But we're here today. We're talking about the impediments and the barriers to that. And I want to get moving to some of the other folks who are here.

If you could just kind of summarize. Or if you have, that would be great. Just leave us with some direction, maybe.

MS. SMITH SEGARS: Well, I guess in general, my point is that we need to broaden the programs that we know work, that are effective; to utilize evidence-based practices to increase the outcomes and reduce the probability that these individuals will recidivate. We need to invest in the infrastructure in our communities -- that is, to those entities that are providing the services. And those services should be community-based. They should be in the community, close to where people are going to return to. When people return from prison, they go to the places that they grew up. They're not going someplace else. They're coming home. And when they come home, they need a place that they-- They need to

have the skills that are going to be effective for them to -- for themselves when they get home. I mean, those that are going -- to be able to get jobs that are going to be useful, not jobs that they are able to just make, barely, minimum wage.

And we also need to look -- one last thing -- at the sanctions. And I know Nancy Fishman is here, and she'll probably speak to some of the sanctions -- some of the boundaries to integrating into society -- whether or not you can't get a license; or whether you can't get a barber's license, because you have a felony conviction; whether or not there are certain jobs you just can't apply for, because if you have a felony record you just can't get certain positions. And to really look at those impediments and to examine them closely. And maybe the Legislature can come up with a package of ways to remove those kinds of impediments from those that are returning.

ASSEMBLYMAN PAYNE: It would be helpful for us if you would summarize, bullet point, those five or six recommendations that you made, and get it to us so that we can-- I know that it's probably in your testimony -- various parts of it. If you could summarize and (indiscernible) what you just told us, that would be very helpful for us.

MS. SMITH SEGARS: I'll forward it to you.

Thank you.

JUDGE D'AMICO: Thank you.

ASSEMBLYMAN PAYNE: Thank you.

Thank you very much.

ASSEMBLYMAN STANLEY: Mr. Chairman, I apologize. I have to leave. I have to go to a Committee meeting. The Education Committee meeting will be starting soon. We have a pre-meeting--

And one of the issues that you're dealing with is recidivism, and also with respect to less money being paid on the back end, as opposed to the front end. So we've got some very important issues that we're going to be taking up in the Education Committee concerning school funding. And I have to excuse myself at this time.

But I certainly appreciate all the testimony. And this is something that we should be working on, including education availability in the correctional institutions.

ASSEMBLYMAN PAYNE: Thank you very much.

We're going to take a two-minute break and then be right back.

And the next person we'll hear from is Nancy Fishman, followed by Henry Condit.

Did everyone sign-- Did everyone here-- I only have two folks here.

(RECESS)

AFTER RECESS:

ASSEMBLYMAN PAYNE: Thank you very much.

I'm sorry, two minutes lasted a little bit longer than that.

I'm going to ask Ms. Nancy Fishman, New Jersey Institute for Social Justice, to please come forward and testify.

NANCY FISHMAN, ESQ.: Good afternoon, I guess I should say now.

I want to thank Chairman Payne and others for the invitation to address you here today on this very important topic.

My name is Nancy Fishman, and I'm Senior Law and Policy Analyst at the New Jersey Institute for Social Justice. We're a Newark-based, urban advocacy and research organization established in 1999. NJISJ works to promote the economic vitality of urban communities and to challenge policies and practices that prevent urban residents and communities in New Jersey from achieving their full potential.

Our former Executive Director, Ken Zimmerman, had the opportunity to address this Committee in one of your prior hearings on reentry. And I'm pleased to be able to supplement his earlier testimony.

Over the past four years, the Institute has focused substantial attention on reentry, and support for efforts to address how the State responds to the issue of prisoner reentry. Among other activities, we co-convened the New Jersey Reentry Roundtable, which was chaired by John Farmer and Stanley Van Ness, which commissioned research and analysis on the reentering population and their challenges. The Roundtable, which included participation from many of the people you heard testify this morning -- as well as researchers and community leaders -- released a final report, *Coming Home for Good: Meeting the Challenge of Prisoner Reentry in New Jersey*, which has provided a blueprint for those in the state working on these issues. And we've included copies of this with our testimony.

I want to jump forward. We focused a lot on different aspects of reentry and the challenge of recidivism -- and the high recidivism rates

that have been cited earlier in this hearing. And our efforts, in collaboration with public agencies, community- and faith-based groups, has been designed to figure out how we can keep all those people from going back into prison.

I want to talk today more specifically about the issue of legal barriers to reentry, which have been touched on by other speakers. Since we last appeared before this Committee, we have released a series of fact sheets detailing the specific legal and regulatory barriers faced by individuals returning home from prison and jail; many of which will also affect those who are simply on probation, but who have criminal convictions. And we've included those in the packet that we provided.

To my knowledge, this is the only such catalogue of these restrictions in New Jersey, which are found throughout the code. And I would venture to guess that few participants in the criminal justice system, be they judges, prosecutors, defense attorneys, or defendants, have any idea of the scope of civil consequences of criminal convictions.

I'm going to quickly review some of the primary restrictions. But if there's a key point I'd like to leave you with today, it's that these legal barriers are cumulative. They reach every aspect of an individual's life and, most importantly, directly affect their ability to do what we expect them to do upon reentry: work, stay out of trouble, support their families, become contributing members to our communities.

For example, in the employment context, which is so important to successful reentry, there are about 22 categories of jobs that are subject to permanent lifetime bars on individuals with certain kinds of convictions -- primarily those that constitute crimes of moral turpitude, which is a

phrase that is undefined in the legal system. It means a lot of things to different people.

There are an expanding category of jobs that have mandatory background checks. Unlike some other states, such as New York, New Jersey does not have any protection against employment discrimination solely on the basis of a criminal record, except, in a small way, in the licensing context. Expungement is an extremely limited remedy under New Jersey law, and is only available 10 years post-release or post-completion of parole, for someone with a qualifying offense.

ASSEMBLYMAN PAYNE: Let me stop you for a moment.

MS. FISHMAN: Yes, sure.

ASSEMBLYMAN PAYNE: One, very quickly. You say that crimes of moral turpitude have no--

MS. FISHMAN: It's a phrase that has been defined differently, but depending on the judge that you happen to be in front of-- And there's no single definition for crimes of moral turpitude.

ASSEMBLYMAN PAYNE: Yet it is used a lot.

MS. FISHMAN: It's used-- You'll see it throughout all of these statutes. It says, "Anyone convicted for a crime of moral turpitude is barred from participation in this profession." And I think the fact that it's not defined is actually -- makes it difficult. Because I think, initially, it was intended to be things like perjury, lying, those sorts of crimes. But there are judges who have said -- if you look at the case law -- "Well, drug-selling is a crime of-- If selling drugs isn't a crime of moral turpitude, I don't know what is. Or if hurting somebody violently isn't a crime of moral turpitude--" So it's a pretty fluid category.

ASSEMBLYMAN PAYNE: Right. And it's just accepted. It's used.

MS. FISHMAN: Right. I mean, some of the statutes actually pertain to specific kinds of convictions, and they'll catalogue the specific ones that are impacted.

In employment, as in a lot of other areas -- as I'll mention briefly -- drug convictions seem to hold -- appear more frequently. And certainly no one is going to deny that drugs and selling drugs is, obviously, a serious problems for cities.

ASSEMBLYMAN PAYNE: A crime of moral turpitude.

MS. FISHMAN: A crime of moral turpitude, if you will.

But it tends to get singled out in a lot of contexts. For example-- I was going to talk a bit about housing. And certainly in the housing -- both public and private housing context, if you allow somebody who is just released from prison for a drug offense to stay with you -- and research shows that family support can be the key to reentry success -- that can be grounds for eviction from private housing, under New Jersey law. And landlords are allowed to exclude people solely on the basis of a criminal record. There's no antidiscrimination protection.

ASSEMBLYMAN PAYNE: Private element.

MS. FISHMAN: Private landlords.

And public housing authorities, which are governed by Federal law, can exclude or evict individuals with criminal convictions. And they can also actually evict people from public housing if they believe criminal activity is going on; there doesn't actually have to be a conviction. There's, I guess, a preponderance-of-the-evidence standard, which is a much -- which

is a lower standard than beyond a reasonable doubt, which is required in criminal courts.

In the public assistance category, as well, New Jersey has chosen to continue to exclude individuals with drug convictions, but not other kinds of convictions, from receiving Work First TANF, GA, and food stamps, although Federal law doesn't require it. States have the ability to opt out of what's called -- what's been referred to as the Felony Drug Ban. New York, for example, doesn't exclude people.

New Jersey allows those with possession offenses to receive benefits and food stamps if they've completed a licensed residential treatment program. And those with distribution offenses can receive food stamps under the same circumstances, but can never get cash benefits. And while nobody expects people to live on public assistance, or -- and wants to encourage dependency on it, it can provide a little bit of economic stability, particularly during the crucial first weeks post-release, which are when people are at highest risk for recidivism. It's a resource, frankly, for parole officers who are trying to help stabilize someone while they look for a job, or while they try and get into drug treatment, if they haven't been able to get one of the limited beds that are available inside the correctional system.

I can speak in further detail about these or in other areas -- education, child support, driver's licenses, voting rights, parental rights -- if the Committee is interested. The scope and details of the specific barriers in each of these areas, along with any existing remedies, are in those -- are in each of those fact sheets that are included with the testimony.

And we've also included a briefing paper we did on legal barriers, which highlights some of the possible remedies that the State could

undertake, beginning, I should say, with a thorough assessment of which of these restrictions are reasonable approaches to ensuring public safety, and which are immediately -- are ultimately counterproductive to that important goal.

We've also suggested some specific policies that would at least mitigate the impact of these restrictions, and to encourage and reward responsible law-abiding behavior. For instance, in the employment context, these would include the New Jersey certificate -- create a certificate of rehabilitation. Bonnie Watson Coleman has a piece of legislation to this effect. These are official documents that recognize that an individual has been rehabilitated or that a certain kind of -- certain benefits or rights are needed to help with their rehabilitation. It restores rights or lifts restrictions on licenses and benefits. They can be awarded by a sentencing court or a parole board, and can provide relief from, for example, employment restrictions on individuals in a chosen field. New York, Illinois, California, Arizona, and Nevada are a few of the states that have these provisions. New Jersey's current Rehabilitation of Convicted Offenders Act could be modified to extend the current certificate of rehabilitation. The current certificate has a very limited scope.

ASSEMBLYMAN PAYNE: Is there any in legislation now pending to change that?

MS. FISHMAN: Well, there's-- I think Bonnie Watson Coleman's bill creates a New Jersey certificate of rehabilitation. I don't believe it's framed as modifying the existing certificate. I believe it creates something else. But I think it--

ASSEMBLYMAN PAYNE: It's something I think we ought to look into.

MS. FISHMAN: You should look into-- I mean, there are a number of ways of approaching it. But it's something that, if the tool were available, could really be used directly, frankly, by probation and parole officers, in a targeted way, to help people get into chosen fields.

For example, the health field is one in which there are a number -- there are jobs available. But most people with criminal convictions -- particularly those with drug offenses -- are barred from even the lowest level. And something that would allow someone who wants to train for a job in that field to be able to do so, and know that they'd be able to get a job at the end of that, would be -- could be very important.

A couple of other things: Mayor Palmer, of Trenton, mentioned the "ban the box" campaign. We've always framed this in the context of modeling, in public employment, a fair and reasonable approach to criminal convictions for all employers. A number of cities in the state of Florida have taken the lead, as employers, in revamping how they take into account a criminal background, under the general principle that decisions should be made on an individual basis.

The box on the application that asks about criminal convictions is eliminated, and the background check is only done if it is necessary, once an individual has been shown to be otherwise qualified. Job applicants are then given the opportunity to provide -- to correct their record and provide evidence of rehabilitation. If the State were to take on this kind of approach, it would be in a better position to encourage private employers to give New Jersey residents with a criminal record a second chance.

And another thing I would mention, that we've talked about before in this forum, is the restricted-use driver's license. So many people coming out of prison have suspended driver's licenses. And when we looked at this issue globally -- not just for this population -- we found that more than half of all suspensions in the state are for financial reasons, not for dangerous driving. Only 3 percent of the 900,000 or so suspensions were for drunken-driving, for example. And a driver's license is really crucial to getting a job and really functioning in this state.

And a recent study, according to -- the Motor Vehicle Commission's Affordability and Fairness Task Force reinforced this, and found that those kinds of suspensions occur most frequently in poor, minority neighborhoods. It's a major barrier to employment. And more than half the states have instituted some form of limited-use driver's license to permit those under suspension to drive for work, job training, education, or health reasons while they're paying off outstanding fines and fees.

These are short-term measures that would begin to expand the opportunities for successful residents -- for New Jersey residents. I'd be happy to talk about any of the others; for example, ways in which we could modify the current expungement law without giving away the store, that would allow it to serve more as a tool for helping people reintegrate safely and successfully.

ASSEMBLYMAN PAYNE: Thank you.

You know, I'd like to undertake to craft some legislation, where necessary, to try to address some of these problems. I'd like to work with you on that.

MS. FISHMAN: We'd be happy to do that.

ASSEMBLYMAN PAYNE: There are some pieces of legislation in now that are under consideration. But I would like to meet with you, Tom Brown, and I. We can meet and come up with some of these things that might be addressed.

I mean, one of which is kind of asinine is that -- the prohibition of food stamps, TANF relief, etc., etc., for people who have been convicted of -- have drug convictions.

MS. FISHMAN: Drug convictions.

ASSEMBLYMAN PAYNE: That women who have children, etc., who have been convicted of drug -- cannot get food stamps, cannot get TANF. I mean, it's just asinine, it's draconian, it's something-- And the question I have is: Since this seems to be so clear to many of us in the room -- that it's asinine -- who or what--

MS. FISHMAN: Who's against it?

ASSEMBLYMAN PAYNE: Who is the motivating force behind these kinds of things? Or is it just that these pieces of legislation and restrictions come up in a disjointed fashion, that one doesn't know the impact on others, etc.? I mean, the fact that if a woman cannot get food stamps, or TANF, etc., therefore cannot have her children back, therefore, therefore, therefore-- There has to be some way whereby there is some overarching, or whatever -- a coordinating body that looks at these things and sees how it impacts on it. Some of it just seems so asinine and so--

MS. FISHMAN: I think, as you say, some of it is. Each one of these, individually, might seem reasonable, or limited, as an approach to dealing with a perceived risk, even if we might disagree on the appropriateness of it. It's the cumulative effect -- that it's not-- It's that

every door seems to be closed exactly at the point when we're telling people to walk the straight and narrow, and not go back to prison.

I mean, in terms of the drug -- the Felony Drug Ban-- The history there is that it was added to the Welfare Reform Act in 1996, at the Federal level, after literally one minute of debate. Somebody suggested, "We shouldn't let anybody with a drug conviction get public -- get welfare." And everyone said, "Okay. We'll throw that in there." And there it was. But states are given the opportunity. They can either accept it, opt out, or modify the ban. And New Jersey modified the ban. And it could modify it in another way, or it could opt out entirely.

One of the things I've heard from drug treatment providers is that when somebody who is receiving public assistance is admitted into a residential program, some of their grant goes to support room and board for that treatment program. And it's actually a source of funds that helps them provide more beds to low-income people in treatment programs. And with this restriction on, they have limited access to those funds.

ASSEMBLYMAN PAYNE: Thank you very much.

As I pointed out, there are so many things that seem to be illogical, make no -- have no rhyme or reason for them and impact in such a negative way, that hopefully we'll be able to review these things, find out what we can do -- the restricted use of a driver's license, for instance.

I ran into a fellow who works for an agency -- E-ZPass, as a matter of fact -- on a part-time basis -- doesn't have a driver's license. Can't get his driver's license back, because he owes a surcharge. And he wants to work. "How do I get my driver's license back?" And the restricted one would help. He'd be able to get a job to pay the surcharge. If he doesn't

have the money, and is not earning money, how is he going to pay the surcharge?

MS. FISHMAN: Yes.

ASSEMBLYMAN PAYNE: But anyway, thank you very much for your--

MS. FISHMAN: Thank you.

ASSEMBLYMAN PAYNE: And I'll be looking forward to working with your organization.

MS. FISHMAN: Likewise.

ASSEMBLYMAN PAYNE: Thank you.

Mr. Henry Condit.

HENRY CONDIT: Good morning.

My name is Henry Condit, and I'm an ex-convict.

I want to thank you for giving me an opportunity to address this Committee this morning.

Actually, I've been a strong advocate of the recommendation that Judge D'Amico has presented to the Committee.

I went to prison when I was 17 years old. I got out of prison when I was 41 -- 23 years. I went to prison for robbery and murder.

A lot of this actually ties into what we were talking about at the very beginning of this Committee meeting, in dealing with juveniles and intervention programs for juveniles.

I had this whole thing written out that I was going to tell you guys. But I don't really do too good reading from a paper. I like to speak directly from my heart.

ASSEMBLYMAN PAYNE: You've been here before, haven't you? I think you look familiar. Were you at one of our hearings once before?

MR. CONDIT: Excuse me?

ASSEMBLYMAN PAYNE: Have I met you before, either here or elsewhere?

MR. CONDIT: I don't know. I go to a lot of committee meetings, because the subject of reentry is very important and very personal to me.

I am also the young gentleman that Mayor Palmer was talking about earlier. And I have no problem with Mayor Palmer saying my name anyway.

I have actually been struggling with a lot of the things that we talked about this morning for the last, going on, 10 years. I was on parole for eight-and-a-half-years. I never missed a parole date, never had a dirty urine, never had a violation of any kind. If I had a curfew, I met every curfew. Everything that was given to me as a condition by a parole officer, I met them all to the letter.

Personally, I had a personal resolve before I ever left prison that if I was ever blessed-- If God ever gave me an opportunity to get out of prison, there was no way on this earth I would allow anyone to ever put me in a cage again.

At the time I went to prison, I was actually the youngest individual in the entire adult prison system in the State of New Jersey. At 17 years old, they put me in Trenton State Prison.

My wife -- she told me earlier-- She said, "Try not to sound angry." And I'm really trying to do that. But this is really personal, because I've actually sat here this morning and listened to a lot of people talk about me. And it's just amazing that a lot of people-- They come up with programs.

Today, *reentry* is a trigger word. It's a trigger word -- grant money; gangs: trigger word, grant money; juvenile intervention: it's a big trigger word, grant money. I think the biggest thing that I heard today -- and I heard it come from you -- was that we actually have to have accountability. It doesn't-- You can come up with all the programs that you want, but if you don't have the people in place to make sure that these programs are effective and implemented the way that they should be, then the programs aren't worth the paper that they're written on.

I personally had parole officers -- and I was blessed. God has really blessed me to have parole officers who sincerely took an interest in my reentry process. My last parole officer -- before I was discharged from parole -- he used to come to my house, not -- two or three times a week. But when he came to my house, he came, and we sat down, and we talked. He didn't come to search my house, he didn't come to see if he smelled marijuana in there. He actually came because he was an individual who had a genuine concern for the individuals on his caseload. And not only would he sit down and talk with me for hours, but he would also pray with me. And that meant a lot.

I hear all these different programs. I'm somewhat of a scriptural and biblical type of individual. And in the Bible, it talks about the body of Christ. And it talks about the body of Christ being composed

of different components. But no component is more important than the other one. And they work together to make the body of Christ work.

There's a lot of programs in place. But every one of us feel as though our program is the program, and such is not the case. Because you can't take individuals coming out of prison and just place them into a blanket category. They're individuals. We send them to prison individually, they come out individually. You can't categorize human beings. We have to learn to take an individual and actually take the time to find out what makes that individual tick.

My parole officers saw the sincerity in me, and they took the time. One of my parole officers made it mandatory that I go to marriage counseling. At first, I thought she was just giving me a hard time. But in afterthought, it was really good for me. And she saw a need of it, and I went, and I did it, and I benefited from it. I never had a problem complying to anything that parole officer gave me, never.

What I really want the Committee, maybe, to consider is, when we talk about programs that are going to help reduce recidivism-- We sat in here today, and we talked about people coming out of prison. And we talked about them, but we didn't talk to them. And I don't think anyone can help you with this problem more than ex-offenders. You can ask them. We can help you.

I recently had a job. I worked at a juvenile residential treatment program. This program is a private program, but they're contracted with the department of Youth and Family Services. It's for juveniles who have severe behavioral problems. The director knew me from-- I cut hair for the program for about seven or eight years. So he

finally gave me an opportunity to come on. He knew my background. He hired me, did the background check. My background came back red-flagged. They said-- They still hired me. They sent a request to the department of Youth and Family Services. They sent a letter back and said, "Well, he can't have any direct contact with the residents, pending our approval of him being able to work." People have written letters for me. Judge D'Amico, Mayor Palmer, a couple of judges have written letters of recommendation. These are people that I've worked with since I've been out of prison.

My case, right now, is actually in the hands of the Attorney General. They're not even concerned with the fact that I had a homicide. They're not concerned with the fact that I had a robbery. They're concerned with the fact that, during my incarceration, I had a drug problem. I've been home, now, for nine years. I haven't had one dirty urine. I have not had any involvement with drug activity, whatsoever. I have actually proven myself worthy to do the job that I do.

Before I came out of prison, I worked for 17 years with the Scared Straight program. I was the President of the program for seven years. I authored and implemented, directed and ran a family based -- a prison-based family counseling program inside of the prison.

I work with juveniles. And I think, over the years, it has been tried, tested, and proven that ex-offenders that come out and actually turn their lives around, and live law-abiding and productive lives are really effective in working with juveniles that are at-risk and juvenile offenders.

One thing about an ex-offender, such as myself, when you deal with juveniles, they respect me. They respect me, because I've actually walked in the path that they're walking in now.

The program that I was working at-- Every resident in this program that the other counselors and clinicians couldn't handle, I took under my wing. And every one of them, when I took them under my wing, had a positive change in their behavior and in their attitude. Since I left the program-- There was a total of five of them that I dealt with, who would do things for me that nobody else could get them to do. They couldn't get them to mop a floor. I'd just look at them, "What's the problem with mopping the floor?" "Mr. Henry, I'll do it for you." There were five of them in the program. Since I've been away from the program, four of them have been kicked out of the program. As soon as I left the program, their behaviors went back to what they were before I started working with these kids.

What I'm trying to say is that everything that everybody said here today is really good. I personally-- When I went for my parole discharge hearing, and I spoke -- and I didn't even know at the time that Judge D'Amico had put anything like this together. But everything that I said should take place for ex-offenders when they come out-- I'm a strong advocate that if you serve anywhere over five years, it should be mandatory that you be involved in some type of community correction before parole. And then after being paroled, there should be some type of mandatory-- I have it right here. I hate reading these things.

But there should be programs designed specifically to work with supervision. Supervision in and of itself isn't going to do anything. It's not

going to change an individual, it's not going to correct an individual, and it's not going to stop them from going back to prison.

Mayor Palmer said it before -- that there are some people that come out -- I don't care what you have in place for them -- they're going back to prison. I have actually seen people come out and go back, while I was in prison, three and four times before I even got out once. There are some people, in my opinion, more than not, who, when they get out, they really want to do the right thing. They really do. But the system, as it is, is designed to make them go back. Understand, prison is a big business today. It's a big business. It's a big, money-making business. We've all agreed here, this morning, that it costs more to incarcerate an individual than it does to educate an individual. So if I'm going to make more money incarcerating you than educating you, why am I going to educate you? I'm going to make more money to put you in prison. And that's the way the system is designed now. It's a self-perpetuating system. But I know for a fact that most people that come out of prison, they want to do the right thing.

For the last 10 years, I have been struggling to get decent employment. I've worked since I've been out of prison, but the majority of the time that I worked -- it has always been under-the-table-paying jobs. When I came out of prison, I knew nothing about filing taxes, nothing whatsoever. Until the last couple of years, I didn't know that if I didn't have a job, I still had to file taxes. I didn't know that. So I was able, with the help of my wife now -- and God has blessed me with a wonderful woman, who has supported me -- I've learned about filing taxes.

When I came out of prison, the whole world had changed. When I went to prison, in 1974, they didn't have microwave ovens, they didn't have CD players. They had 8-track cassette players, they didn't even have cassettes. They didn't have fax machines. We didn't have desktop computers. We didn't have cell phones. When I went to prison, if you got on the bus to go from one end of the town, there was a rope that ran from the back of the bus to the front. And you would pull it, and a buzzer would sound to get off the bus. When I came out of prison, I didn't know how to get off the bus. And a lady saw me and said, "Son, are you trying to get off the bus?" And I said, "Yes, ma'am." She said, "That little yellow strip right there -- you push it." And I didn't know.

A lot of people that come out of prison, after serving time like I served time -- and there's a lot of people serving that kind of time today -- they're not reeducated on the changes that take place in society when they come out here. I sat in the window at the Clinton House for three days, when I first got to a halfway house, and just watched a traffic light change from yellow, to red, to green -- for three days. The director came-- The director of the halfway house was an ex-convict, and he knew me. He said, "Henry, here is \$5. Go downtown, get a cup of coffee and a newspaper, come right back, and come to my office." When I got to the gate of the backyard, I literally froze. I could not walk out of the gate. I had a panic attack. I started shaking and sweating like I had just gotten out of a pool of water. Someone had to take me, and put me in a van, and drive me around town for three days.

When I rode around town, the first time I saw a homeless woman with no shoes on her feet -- and she was dirty -- and I started crying.

And the guy looked at me. He started getting kind of shaky. He was like, “What’s wrong with you?” And I’m like, “What’s wrong with me? What’s wrong with you? How can you watch that and not be affected by it?” When I went to prison, that was rare. You didn’t see people like that. When I came out, that totally messed me up.

We have actually got to begin to educate the public on the need to really give individuals coming out of prison-- We’ve got to remember, they’re human beings, just like us. And they’re still American citizens, just like us. We actually have to become compassionate enough to give individuals that want to make a sincere change every opportunity available to make that change.

ASSEMBLYMAN PAYNE: Mr. Condit, you are living witness to the experiences you had. As you said before, “If you haven’t walked in my shoes, then you really don’t know what my life is like.” And you’ve been a-- You’re the person we’ve been talking about all morning -- about the barriers to reentry, about the things that need to be done.

We’ve identified a lot of-- You’ve identified a lot of problems. You point out that you followed all the conditions of parole, that everything you were asked to do you went forward with. However, you are still unable to get-- You said the Attorney General currently has your case to be reviewed.

We recognize all these problems that exist. We recognize that there are programs that do work. Apparently, there is a disconnect from a lot of the different agencies that are working on it -- disconnect -- a lot of not talking to each other -- what’s going on. If a person, in fact, lives up to all the things that are expected of them, and still ends up in a situation

where it's difficult, if not impossible, to get the kind of opportunities that should be available there--

I think what you're saying is that inmates need life skills. I mean, a person who is locked up for *X* period of time -- before they come back out into society, obviously, needs to be trained in life skills. I think one of the things that the representatives from the Department of Corrections talked about -- some of the -- the 12-week program, let's say, of preparing people to get back into society -- it's not enough. One of the recommendations that the Parole -- that Judge D'Amico made was that people who are nearing parole be regarded -- required, rather, to be in programs while in prison -- more than a 12 -- more than a program that enables them to learn how to get the kinds of services, etc., when they get out. It takes more than that. We need to have supervision.

The fact is that there is no supervision. In many instances, a person maxes out -- even though they've had this 12-week program -- they max out, they're out, they're on their own, and they're going to do whatever it is they want to do. There is something to be given -- some consideration to be given to the possibility of allowing certain people to be paroled early, but be under supervision during that period of time. I think that's something that really, really deserves some consideration. Because there are some who choose to max out so they will not be under anybody's supervision.

And I see that the director of the Department of Corrections is here, back in the room, again. And I just pointed out that there are programs going on, etc. And I think Mayor Palmer mentioned, when he was here, that programs are going on, but the rate of recidivism is extremely

high -- 60 percent, or whatever it is. So the programs that we're operating are not working. So we have to come up with something that cuts down the recidivism.

If a person has gone through various kinds of programs and still the rate of recidivism is high -- 60 percent, or whatever it is, or more -- then, obviously, we need to do something more with that, while people are in our custody. Something needs to be done there.

And then, of course, the bridge -- the transitional programs need to be strengthened. There are some that we've identified that work, perhaps -- are not broad enough, not enough people are exposed to them, not enough people have the opportunity to take part in them. The drug courts are certainly one of the areas that we hear is an area that works, because they provide treatment, etc., etc., etc., monitoring, etc.

And we know in our society what works. We know what works. But then there doesn't seem to be the will -- the will, or maybe even the knowledge of how to put it all together. Because we do know various programs that do, in fact, work. And we also know how stupid, asinine it is, to penalize people further, once they get out. For instance, people -- women who have been involved with drug related crimes -- to penalize them further and say, "No, you don't get any food stamps, no support, etc.," makes no sense, whatsoever. To penalize a person who is looking for a job and can't get his driver's license back, because they owe too much in surcharges, makes no sense.

There are programs that recognize this. I know OAR, up in North Jersey, recognizes that some of their people -- their clients -- don't have the money to pay for their surcharges and, therefore, provide that for

them -- provide a way for them to get to Trenton to pay it, so they can become productive members of society.

Some of it is just so stupid that you wonder how on earth it's gotten this far. It just makes no sense. "No, we're not going to let you get a driver's license, because you owe some surcharges." And you're not going to be able to pay your surcharge if you can't get a job. So something is a little backwards here.

I appreciate your coming in, your testimony.

And we have Bishop Brittingham after you. If you have something you'd like to say, just to conclude -- maybe some specific suggestions on where we need to go from here would be helpful.

MR. CONDIT: Well, I think one of the biggest things we could do is to actually begin to make ex-convicts a part of the process. Those that have come out, turned their lives around, successfully reintegrated themselves; that have walked the walk, talked the talk, lived the life -- make them a part of the process. A lot of people that come out of prison have -- they just have a distrust for parole officers because of the stories that they hear. People that are in positions of authority, they just have a natural distrust for. And they believe that their whole purpose is actually to send them back to prison. So if they have people--

ASSEMBLYMAN PAYNE: Trail them, nail them, and jail them. That's what the saying -- a lot of people. Trail them, nail them, and jail them. That's what a lot of parole officers are--

MR. CONDIT: But if they have people in place when they come out-- If they go to a parole office, and they see an ex-convict that

they knew was in prison with them, and they've seen them in prison with them, and they're in place, and they -- like a counseling type of thing.

I do volunteer work for the Mayor of Trenton in the M.O.E.T. program. When they get ex-convicts that come in and have a distrust, he calls me, and I talk to them.

But I just hope, from an ex-convict's point of view, I was able to shed some type of light on what we go through. And, also, to offer my services-- If there is anything that I can do that will make life better for the next man coming from behind that wall, then I'll do it.

ASSEMBLYMAN PAYNE: Thank you very much.

And I know that Doug Palmer, the Mayor -- I think he's the Mayor -- the President of the National League of Mayors, or that organization. Certainly, I would think that I would work with Doug, also. Because if, in fact, he's been able to work with not only you, but others, to be involved in-- He said you have to involve ex-offenders in the program. We have to know how to do that, when to do that, etc. And I think there are some areas where ex-offenders are being used in programs. And we need to make a prototype of that and increase that kind of effort.

Thank you for your testimony. And, believe me, I heard you loud and clear. And, obviously, we need to find ways to utilize your life's experiences to help other people, to prevent other people from getting involved.

You know, when I first -- before I came to the State Assembly, I was a director of a program called -- a mentoring program -- One to One New Jersey, in which I was able to recruit 300 people to serve as mentors

for kids in elementary school and high school. And one of the things we found, most of all, is that many of the youngsters--

For instance, we talked earlier -- by the person who was responsible for the stationhouse adjustment program -- that if parents don't recommend or work with the kids, then they don't get into the program. Many of these youngsters come from homes where there is no responsible adult. And I mean, if, in fact, we're going to wait for somebody to come and say, "Yes I want my child there," it's just not going to happen. So the mentoring program is what worked. And that's the kind of thing we need.

When I came here to the State of New Jersey, I had legislation passed with \$750,000 to establish school-based mentoring programs for youngsters where they were able to be identified in the school as youngsters close to -- either at risk of going to jail, at risk of dropping out of school, at risk of teenage pregnancy. They were identified, and they were put in this mentoring program and matched one-to-one with people. That's something that works very, very effectively. And that's something that we want to pursue further.

But thank you for your testimony.

MR. CONDIT: Thank you.

ASSEMBLYMAN PAYNE: We'll see if we can follow up.

We wish you all the luck in the world and commend you -- commend your wife, rather -- one of you -- for doing such a great job.
(laughter)

MR. CONDIT: She's a wonderful woman, trust me.

ASSEMBLYMAN PAYNE: Therefore you are blessed.

Bishop Brittingham, please come up and identify yourself and your organization, etc.

BISHOP EDWARD BRITTINGHAM SR.: Yes.

ASSEMBLYMAN PAYNE: You have the patience of Job, I guess. But then again, being a man of the cloth, you have the--

BISHOP BRITTINGHAM: Very patient.

Thank you, Mr. Chairman.

I'm Bishop Edward Brittingham, the Founder and Creator of Agape Comprehensive Community Services Incorporated. It is a program that has been designed for first-time adult offenders of nonviolent crimes.

We found out such a large percentage of people coming out of prison, as well as those being sentenced every day, are first-time offenders. I found that, in the State of New Jersey, there are not a great many programs that are geared specifically for first-time offenders. The Federal government has a paper that says that if you can get a first-time offender possibly between the first six to nine months of incarceration, they are more likely to be rehabilitated than at any other time.

What we have done is, we've put together a conceptual proposal here that deals with the seven primary aspects that the government is saying -- the State of New Jersey and the Federal government is saying are very vital if you're going to deal with rehabilitation. Guaranteed employment, which is a lot different than just employment; substance abuse counseling; which addresses the dual diagnosis concept; individual counseling, family counseling; basic education literacy, because the literacy level in prisons are so low; housing; and spiritual awareness.

And I'm not going to try to give all the details on every program. That's too time consuming, and the day is well-spent. But I will give a brief summation on each one, the best that I can here.

One of the primary things that -- is the guaranteed employment. Now, one of the primary needs of a defendant -- it's been said today, more than once, about employment. And unfortunately, when they come out of institutions, basically they're sort of subjected to get whatever job they can and to be satisfied with it. Unfortunately, that does not work. When you have someone who has responsibilities, whether by the State -- like I heard them mention earlier about a surcharge -- or whether they're coming home and they have support -- back support payments, or family -- whatever the case may be -- some of the meaningless jobs they give them are what encourages them to go back to crime.

I found out that the State of New Jersey has a couple of programs -- one of them in which I know -- that they will supplement an employer's income 50 percent if they hire an individual. I don't-- I'm really kind of baffled as to why this has not been implemented across the state. Because this is going to be a very strong asset in getting offenders decent, meaningful jobs, whereby the money aspect is not going to be the thing that turns them back to crime.

Another thing that we've done in proposing this is, we've designed a program which -- it's concept is to umbrella everything under one roof. One of the things we also find out-- There's a great spirit of frustration that comes to an offender when he or she has to go to all of these different places in the course of a day, or a few days, to get done whatever the laws and the courts say is mandated for them to get done.

Usually, at the end of the day, they wind up having nothing but frustration. This is a key unit in them -- they're in the street, anyway, now -- it's a key unit in them going back into crime, back into drugs.

Another phase of the program is to house the offender -- the first-time offender -- to house them for a 90-day orientation in a facility. Now, one of the things that we found out-- The State of New Jersey, right now, is paying approximately \$72.6 million for 2,200 inmates -- just to house them, feed them, and clothe them. It's a phenomenal figure. What we propose to do is to set up 11 centers throughout the State of New Jersey, in the 10 largest counties in the state -- Essex County being the county to have two centers, because they almost have double the inmate population of any other county.

In doing this, we propose -- in the process of having them in the 90-day orientation -- to do the educational literacy process for those that are -- need it. Everyone is to be employed before they leave the program. Individual family counseling is a necessity. The substance abuse counseling program is a necessity. I don't know what progress the State of New Jersey is at, at this particular point, but at one time they were talking about hiring a dual diagnosis director. And I don't know where that progress has gone. But we are considering and designing this to work directly with the institutions, with the institutional team, as well as the dual diagnosis director -- if they get one on board -- in working with our clients, in terms of better enabling them to fit back into the mainstream of society.

One of the things we found out-- We also made -- and it may sound, sort of, far-fetched -- but we've written it up so that family counseling becomes mandatory. The reason we want to make it mandatory

-- not in the sense that they're breaking the law or anything if they don't go. But we want to make it mandatory, Assemblyman Payne, simply because we find out that unfortunately, because of a lack of knowledge or awareness of a change in an offender, that many times the family seems to be the worst culprit, because they have a tendency to deal with this individual based on how he or she was when they last saw them, before they were incarcerated. Many times, they do not allow the freedom that this individual has gone into an institution, the impact of being incarcerated has had a dramatic thing on his mentality, and he or she has made up their mind not to deal with crime. So they don't want to come back out and go right back to partying, go right back to the same groups, go right back to the same corners. A lot of them don't want to do that. And, unfortunately, with a lot of families, all they do is remember when. They don't have anything to prepare them, or equip them, for the realistic change that may happen in an individual.

Housing is another concern that we have. New Jersey is pretty bad on housing, but I won't go into all of that. But one of the things in housing is, we found out we don't want to give a person a place to stay, we want to give them housing. There's a big difference. We want to give them the kinds of places -- if they're not going back with families -- the kinds of places they can comfortably constitute a home. Because you can go to a shelter, and it can be a place to lay your head. If you're forced, it's home. But that's not considered home in the true sense of the word. So we want to try to give them those kinds of things.

Meanwhile, we also have an after care. We're set up with an after-care program. Unfortunately, I found out that some of the programs

in the State of New Jersey-- Once a person is out of the program, they really don't have access to the use of that program unless they get in trouble again. To me, that's really far-fetched and foolish. Because they say that if a person comes out of an institution -- the first six months, he or she is going to need help. What happens is, you're out of the program, they write you off, they close your case, they file it. You need a job again, or you're having problems with the family again, and there's nobody you can turn to that has the time because your case is closed.

We have-- We're set up with a nine-month follow-up, which basically is on a 45-day interval, or as needed. So basically, for an entire year, he or she is still a part of our program -- continually a part of our program.

Four phases of the program that are very important, even for the State of New Jersey: first, is to save lives; second, is to save the State of New Jersey -- the program is designed to save the State of New Jersey approximately \$40 million in taxpayer money a year; have a great impact on the recidivism rate; and also the overcrowding.

We have many charts and many details. And at the appropriate time, I'd be glad to present them to whomever is interested and would like to see them. I don't want to spend-- I have a pretty heavy book here. So I don't want to spend a lot of time.

We also have a completed budget, so you can see the figures, everything. We also-- The program, with the figure -- I'm going to use a general figure here of \$36 million a year -- it's to run 11 centers, totally, for a whole year; hire 450 people, while servicing 2,200 people.

ASSEMBLYMAN PAYNE: Bishop Brittingham, your proposal is very, very comprehensive. There's no question about it. It deals with a lot of the areas that are -- that, obviously, need to be dealt with. I don't know-- And we've talked about this for a year now, I suppose, at least. You have-- We've talked about -- back and forth.

The fact of the matter is that your proposal -- and I know you've visited many places. I don't know what departments are funding departments -- Department of Community Affairs, and others -- that, in fact, would be able to fund a program like this, or even an aspect of the program. It has to be--

You've read in the papers -- we both have -- about the interest on the part of the government wanting to save money; number two, how to cut down the recidivism, and things like that -- that there's an interest in all these areas. However, when the rubber hits the road, there doesn't seem to be any traction -- not been able to get any traction on this. I don't know what kind of progress you've made so far.

Your comprehensive outline of what it is that you're proposing to do -- this Committee is hearing it, and has heard it. But this Committee does not have any jurisdiction on making any kind of recommendations, or what have you. As you know, there's application processes that go -- would go to the department. There are grant programs as, by know, I'm sure you're familiar with. The fact that you said that you could save the State \$36 million, or what have you--

Sometimes I wonder whether or not saving the money in certain areas is what is being sought after. I sometimes wonder. But what

you've suggested-- And it's obvious you spent a lot of time putting this together.

But I, frankly, don't-- Well, frankly, this Committee -- we've heard you. And it's gone out over the Internet, and everybody else who -- that this gave you an opportunity. And one reason for being here is that what you've testified to has now been heard, is on every-- Anybody who has their computer on, listening to what's going on, has heard about your program, etc.

Where we go -- where you go from here, I'm not quite sure. I know you've knocked on a number of doors. I don't know whether you've been to the Department of Community Affairs -- have you -- with your proposal?

BISHOP BRITTINGHAM: No, we've just been here.

ASSEMBLYMAN PAYNE: Okay. Well, let me make some suggestions then. Identify those departments that do have funds for the kinds of programs we're talking about. You're talking about the ex-offender population. There are organizations, currently, that are big-business, that are doing these kinds of things, training people. I know there are some organizations that -- which names I can't remember. But there are some organizations that are doing rehab, and they're running centers all over the state, and all over the country for that matter. And what you're talking about is-- I can't remember the name of the organization, but there's a fellow by the name of John Clancy, who is responsible for providing these kinds of programs that you're talking about.

And it has to be evaluated by those who evaluate these kinds of things. It has to be -- the department that has the funds for dealing with

this. And I would-- I don't suppose the Department of Corrections would be the place to go with this kind of thing, because you'd be in competition with them, I suppose. But the funding agencies -- or the Department of Community Affairs, which is primarily one of the areas where you might make that presentation, or submit the application for it.

I read in the papers today, however, that there is a lot of pressure now to stop making grants available to a lot of different kinds of organizations, because there's been some criticism about the manner in which it has been done in the past.

But there's a need for what you're talking about. Where you go with it, I really don't know. The fact that you talk about the housing-- You described the problem very, very clearly. But where do you go with that now, I'm not quite sure. The fellow, Henry Condit, talked about some of the same kinds of things that you talked about -- the needs that are out there.

And I don't know, you know, whether or not the church-based organizations are able to get-- That might be another area to go. That's another area that we need to go to that might be able to fund it. I don't know whether or not your faith-based organizations have funds to try to support something like that. That may be a direction to go. But I'm sure that you're continuing to explore avenues.

I appreciate your presentation. I'm sure that someone who may have heard you over the Internet -- I guess people listen to this over the Internet -- might be able to get in touch with you.

BISHOP BRITTINGHAM: I just want direction. I'll be fine. I don't mind knocking on doors, at all.

ASSEMBLYMAN PAYNE: Very well.

Well, thank you very much for coming. Thank you for providing us with your proposal, again. And let's hope that something will come out of here.

BISHOP BRITTINGHAM: It will.

ASSEMBLYMAN PAYNE: But my suggestion would be that you contact the Department of Community Affairs. Susan Bass Levin is the Commissioner of that Department. If you haven't been there yet, I would suggest that you do contact the Department. They have grants for various kinds of things. That might be a place to start.

Thank you very much.

Seeing no other testifiers, this hearing is adjourned.

Thank you.

(MEETING CONCLUDED)