

Senator Lesniak Remarks – Criminal Justice Reform
News Conference
January 23, 2012

The four bills we are announcing today are designed to reduce waste and inefficiency in our criminal justice system and redirect resources to better protect the public by reducing repeat offenses.

Supporting these bills are: Integrity House; The National Council on Alcoholism and Drug Dependence; The Drug Policy Alliance; The NJ Association on Correction; Union County Prosecutor Ted Romankow; Union County Ex-Offender Re-Entry Task Force; Judge Barnett Hoffman, former Chair, NJ Commission to Review Criminal Sentencing and President, Middlesex County Adult Substance Abuse Program; Pastor Keith Davis, Camden Dream Center; Pastor Steffie Bartley, New Hope Memorial Baptist Church, Elizabeth; Anna W. Daily, NJ State NAACP Prison Committee Chair; Elizabeth Councilwoman Patricia Perkins-Auguste; ACLU-NJ; Women Who Never Give Up; Corporation for Supportive Housing; Volunteers of America Delaware Valley; Elijah's Promise; Latino Action Network; Nehemiah Group;

Senator Cunningham and I have asked Senate President Sweeney, Judiciary Chairman Scutari and Law and Public Safety Chairman Norcross to move these bills prior to our budget break. We have asked Assembly sponsor Joe Cryan and Speaker Oliver to move them as well so we can get on with changing our criminal justice system to make it more cost effective and to provide better safety for our residents.

The four bills are: S-907 Presumptive Parole; S-881 Expansion of Drug Court; S-878 Prohibits automatic disqualification of employment of ex-offender; S-876 Repeal of the ban on ex-offenders working where alcohol is sold.

Presumptive Parole: S-907

As a nation that imprisons more of its residents per capita than any country in the world, we should continually evaluate our penal justice system to determine if our current policies provide protection for the safety of our residents and are cost effective, or if changes to those policies can better protect the safety of our residents and save tax dollars.

The Presumptive Parole Act, will do both.

A 2009 Michigan study by CAPP, Citizens Alliance On Prisons & Spending determined that parole had been routinely denied based on the nature of the offense, although those denied posed a low risk of re-offending and had no serious history of misconduct in prison. It astronomically drove up the cost of imprisonment.

The study revealed that policies like The Presumptive Parole Act would reduce the prison population by 2,300 per year thus saving 2,300 x \$45,000 or \$103 million, less the additional cost of parole supervision.

Under this legislation, the savings would be directed to programs like Focus On The Victim in the Office of Victim Services of the Department of Corrections. One very effective program offered is a face to face meeting of the offender with his or her victim. It has been very successful in helping the prisoner understand the personal hurt he or she has caused and has changed many offenders attitudes towards his or her fellow human beings. Crime victims have found that this dialogue has helped them heal from the trauma caused by the prisoner. It currently has 2,000 prisoners on its waiting list.

Another program that can be expanded is the Chaplaincy Network Program. Through this program, inmates from halfway houses are matched with residents from both faith and

community-based organizations to serve as mentors while they begin to transition from prison to home. The mentors work with their mentees for a specific period of time before their release and post-incarceration. A major component of the work the mentors do is to assist inmates with finding employment, housing, transportation, substance abuse/mental health counseling, emergency clothing, etc.

Pastor Keith Davis, Director of the Camden Dream Center, located in Camden, NJ, and his organization is one of the strongest mentor support groups for the Chaplaincy Network Program. It does significant work in the community regarding prisoner re-entry initiatives.

Also needing a redirection of funding from the Presumptive Parole savings are our Drug and Mental Health Courts. Use of Presumptive Parole will enable Governor Christie and the Legislature to direct those savings to support the expansion of Drug Court's jurisdiction under S-881.

Drug Court Expansion: S-881

Use of Drug Courts to provide mandatory substance abuse treatment for non-violent crimes has been successful in reducing the rate of repeat criminal offenses by drug and alcohol dependent persons.

S-881 will expand eligibility into Drug Court supervision and treatment by giving judges greater discretion in determining eligibility.

Nearly three years ago I woke up at 2 am to see two men standing over my bed. The first words I heard was "shoot him". Notwithstanding the initial threat to shoot me, Brian Kinney and Antoine Neal took my money and left without physically harming me. Kinney was eligible for drug court. Neal was not, because of his prior offenses. Kinney has successfully completed his residential

treatment program. Neal went to prison and has recently been released. The odds are good for Brian Kinney never committing another crime. The odds for Antoine Neal, because of the restrictive eligibility criteria in the current law, are not good. I hope Antoine beats the odds. S-881 would have shifted the odds in his favor and provided more safety to the public.

Drug and alcohol treatment in place of prison saves lives, provides more safety to the public, and saves tax dollars.

Removing Barriers To Employment For Ex-Offenders: S-878 and S-881

An ex-offender who has the doors to employment closed to his opportunity to earn a living will not be an ex-offender for long. He will be a repeat offender. In New Jersey an ex-offender cannot pick up your garbage or wash dishes in a restaurant. S-878 and S-881 will remove these barriers to employment.

List of Supporters for Criminal Justice Reform Package

Integrity House;

The National Council on Alcoholism and Drug Dependence;
The Drug Policy Alliance;

The NJ Association on Correction;

Union County Prosecutor Ted Romankow;

Union County Ex-Offender Re-Entry Task Force;

Judge Barnett Hoffman, former Chair, NJ Commission to Review Criminal Sentencing and President, Middlesex County Adult Substance Abuse Program;

Pastor Keith Davis, Camden Dream Center;

Pastor Steffie Bartley, New Hope Memorial Baptist Church, Elizabeth;

Anna W. Daily, NJ State NAACP Prison Committee Chair;

Elizabeth Councilwoman Patricia Perkins-Auguste;

ACLU-NJ;

Women Who Never Give Up;

Corporation for Supportive Housing;

Volunteers of America Delaware Valley;

Elijah's Promise;

Latino Action Network;

Nehemiah Group.

**Letter from David Kerr, Founder and President of
Integrity House, on Criminal Justice Reform Bill
Package**

January 20, 2012

Ray,

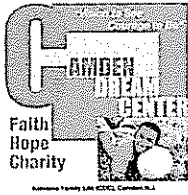
I appreciate your recent and continuing legislative efforts that focus on helping inmates, the majority of whom are addicts, get an earlier and better chance to start their lives again with a positive spirit and much help from the outside community. The prison culture has evolved for survival and is not a normal, healthy, healing community. In fact, prolonged time in prison can and does entrench and lock in negative lifestyles notwithstanding "do the time if you do the crime."

Our "outside culture" offers programs for addicts designed to guide and to coach and to teach. As you know, we have been treating addict inmates, parolees and other legally referred clients for over 40 years and we see their manipulation as well as their magnificence.

Your legislative efforts are an essential first step to bring people back into the community soon and into programs that will be the framework for their own self help and for mutual help and a more durable recovery. The parole officer and other legal supervision works hand in hand with us to assure that the criminal addict gets the help he/she needs. Motivation is essential, external or internal, and we need to create a system that motivates addicts to take the first positive step in the long journey of recovery.

Dave

David H. Kerr
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Criminal Justice Reform Press Conference Statement

In Support of: ***THE PRESUMPTIVE PAROLE ACT***

The time has come to seriously rethink the way in which we provide community prisoner reentry and family reintegration supports to all New Jersey Ex-offenders. It's clear that we can't legislate moral conduct nor arrest our way out of criminogenic behavior, currently 1 out of 3 African American and Latino males between ages 16 to 24 are under some form of custody. The war on drugs has resulted in a serious depletion of human-capital resources in predominately urban neighborhoods across America. The current crime rate in these communities is alarming due in part to the perceived lack of hope and upward mobility.

We support this legislation titled: ***The Presumptive Parole Act*** because it aligns with best-practice methodologies demonstrated and proven in other prisoner reentry models across the country.

-Pastor Keith Davis, President & CEO
The Camden Dream Center
January 22, 12

Statement for January 23, 2012 Press Conference

My name is Candice Singer I am the research analyst at the National Council on Alcoholism and Drug Dependence – New Jersey.

Saving Money, Saving lives, Strengthening Communities-that is what this legislation is about. I want to thank Senator Lesniak for his vision and fortitude in introducing legislation today that not only saves lives and makes our communities safer, but saves millions if not billions of dollars currently used on the consequences of untreated addiction. New Jersey spends 11.7% or \$3.8 billion of its state budget on the consequences of untreated addiction including over 1 billion in Medicaid, over 1 billion in Criminal Justice.

Of the portion of the state budget that goes to address substance misuse, 96 cents of each dollar goes to the consequences of untreated addiction and only 3 cents goes to prevention and treatmentⁱ. As Joseph A. Califano, Jr., CASA President and former Secretary of Health Education and [Child] Welfare says “[Untreated] addiction is the elephant in the living room of state government, creating havoc with service systems, causing illness, injury and death, and consuming increasing amounts of state resources”.

29% of New Jersey’s prisoners are incarcerated due to a base offense involving drugs and 81% have an addictionⁱⁱ. Too many families have lost loved ones due to drug/alcohol use because they were not given the opportunity to be treated. This must stop.

Governor Christie has spoken about diverting individuals from the Criminal Justice System to treatment instead of incarceration. He proposed expanding Drug Court by taking choice out of it and ordering people to participate. This is a good beginning. But what about all of the people who are prevented from participating in Drug Court due to laws that makes them ineligible without regard to the circumstances and facts related to their crime, and despite the fact that they could benefit from Drug Court and would not recidivate if given the proper treatment and opportunities, These laws have no bearing on who will succeed. Allowing them to participate will not only benefit them but it will benefit our communities and benefit our state. As Governor Christie stated in his state of the state address:

“let us reclaim the lives of those drug offenders who have not committed a violent crime. By investing time and money in drug treatment – rather than putting them in prison.

Experience has shown that treating non-violent drug offenders is two-thirds less expensive than housing them in prison. And more importantly - no life is disposable.

I am not satisfied to have this as merely a pilot project; I am calling for a transformation of the way we deal with drug abuse and incarceration in every corner of New Jersey.

I propose mandatory treatment for every non-violent offender with a drug abuse problem in New Jersey, not just a select few. It will send a clear message to those who have fallen victim to the disease of drug abuse – we want to help you, not throw you away. We will require you to get treatment. Your life has value. Every one of God's creations can be redeemed. Everyone deserves a second chance.”

So today I ask this Legislature and the Chief Justice to join me in this commitment that no life is disposable.

The Governor has a strong partner in Senator Lesniak, who through this legislation is able to implement the words of the Governor to save real lives and real money.

Most individuals who are sentenced to prison will be released in less than 5 years. So they will be back in our community. The choice is release them without the treatment needed to address their addiction or divert them from prison and provide treatment which will enable them to participate in their community in a productive manner.

The eligibility criteria for Drug court has long needed to be expanded. The recidivism rates for Drug court are very low, particularly in comparison to the recidivism rates for people coming out of prison. 8% v. 67%. Studies show that treatment can cut addiction in half, reduce criminal activity by up to 80%, reduce arrests up to 64%, reduce recidivism by 53% and reclaim thousands of individuals to live as responsible, parents, hard working taxpayers, and law abiding citizensⁱⁱⁱ.

The revolving prison door caused by untreated addiction is extremely expensive, not only in repeated court and prison costs but also in poor health, splintered families, and lost productivity.

Once treated these individuals need an opportunity to participate in the community, to take care of their families and give back to their communities. Placing barriers on employment opportunities drives a significant number of New Jersey residents back to crime as a means of support. Laws that prohibit individuals with criminal records from obtaining employment are becoming increasingly ubiquitous in New Jersey.

The potentially lasting effect of criminal records is a common concern among many governmental and legal entities that have a say in this issue. Such entities include the U.S. Equal Employment Opportunity Commission (EEOC), which is concerned about discrimination based on criminal records because those with criminal records are disproportionately racial/ethnic minorities. Even Eric Holden, the Attorney General encouraged states to reexamine their collateral consequences and ease the burden on families and communities by ensuring that those who paid their debt to society are able to live and work productively.

Public safety requires that we carefully tailor policies to genuine risk while reducing or eliminating those that impede successful reentry. Prohibiting employment opportunities impede successful re-entry and have no benefit on risk.

Numerous studies have shown that recidivism probability declines with time; the age-crime curve demonstrates a steady decline in criminal activity after a peak in the late teens and young-adult period. In many circumstances those with criminal records are no more likely to reoffend than the general population. It is well established that a stable employment is a powerful predictor of remaining crime free.

7.5 percent of the population, and 33.4 percent of the black adult male population have a criminal record that would prevent them from employment opportunities. Yet there is little to no relationship between the crime and the employment.

By addressing the substance use disorders and employment issues of New Jersey residents we save billions of dollars in reduced crime, reduced recidivism, reduced health burdens, and reduced social and child welfare costs. Recovering individuals take care of their mental health, work, pay taxes, take care of their families, and give back to the community. The choice is either continue depleting the state budget with the consequences of untreated addiction, or save lives and resources by treating addiction and giving New Jersey residents an opportunity to succeed.

ⁱ Id.

ⁱⁱ Travis, The Urban Institute, A Portrait of Prisoner Reentry in New Jersey, 12/8/03.

ⁱⁱⁱ Id.