

# Challenges for Prisoner Reentry in New Jersey

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## Scope of the Problem

The New Jersey Department of Corrections (DOC) reported a **recidivism rate of 57%** for the year 2010.

In FY 2003, New Jersey spent approximately **\$46,000 per state inmate**.

The New Jersey DOC estimates that approximately **12,000 individuals will exit state prison on an annual basis**.

New Jersey spends **\$2 billion** – nearly 10% - of its budget on public safety and criminal justice.

### *Individuals leaving prison face many barriers to successful reentry including:*

Housing	The Urban Institute found that at least 10% of people entering prison are homeless and, of those leaving prison, at least 10% and sometimes up to 55% find themselves homeless.
Employment	Studies have shown that having a criminal record lowers an individual's chances of a call back or job offer by nearly 50%. In New Jersey, only 37% of 2005 releasees found employment within two years.
Health	Former prisoners are more likely to have major mental disorders and chronic and infectious diseases but may live in communities with insufficient health care facilities. In New Jersey, 32% of state inmates have at least one diagnosed chronic or communicable physical or mental-health condition.
Substance Abuse	A majority of prisoners have extensive substance abuse histories and most identified drug use as the primary cause of their problems, but less than one-third receive treatment after release. In New Jersey, over 50% of state prisoners are diagnosed or assessed to have a drug or alcohol problem.
Communities	A significant number of prisoners return to small number of communities, many of which are facing high levels of social and economic disadvantage. In New Jersey, \$53 million of the DOC's budget is respectively spent incarcerating people from Newark and Camden.

## Current Policy

### Governor Christie's Initiative on Reentry

Governor Christie introduced his Initiative on Reentry in November of 2011. The Initiative is a cross-departmental effort to expand the Drug Court Program and improve management, coordination and accountability in order to reduce recidivism and help men and women successfully reenter society. The following components were outlined by the Governor:

Expansion of the Drug Court Program	The Governor's Re-entry Task Force will be tasked with working with the judiciary to facilitate a suitable expansion of this program beginning with two vicinages to be determined through this effort.
Governor's Office of Coordinator for Prisoner Reentry	Lisa Puglisi was named Coordinator for Prisoner Re-entry to convey and implement the Governor's vision for an improved prisoner re-entry scheme.
Governor's Task Force for Recidivism Reduction	The Task Force will develop recommendations for the Governor regarding how to ensure the effectiveness and success of New Jersey's efforts towards recidivism reductions, including an initial benchmarking study of existing program effectiveness and performance, and the development and implementation of a system to measure program effectiveness in an ongoing, real-time way.
Ongoing Assessment and Measurement	The Governor's Re-entry Coordinator and Task Force will work to facilitate a professional benchmarking assessment that will evaluate the effectiveness of all re-entry programs offered.
Real-Time Recidivism Database	After the program assessment is complete, that data will be used to populate a database, which will allow the Administration to track outcomes for individuals and trends and levels of effectiveness in programs in a real-time manner.

### State Parole Board

The New Jersey State Parole Board (SPB) works with more than 15,000 offenders statewide to ensure their return to society as law-abiding citizens.

- The SPB partners with multiple federal, state and local law enforcement agencies and task forces.
- The division develops, coordinates and manages community-based programs, community partnerships, grant initiatives and special projects to support the reentry and effective supervision of the offender.

## Access to Education

Higher Education Act of 1967	Eliminates an incarcerated person's right to eligibility for Pell Grants.
Souder Amendment	Eliminates an incarcerated person's right to eligibility for all federal financial aid assistance if convicted of possession of a controlled substance – length of ineligibility depending on specifics of the conviction.

***New Jersey Higher Education Assistance Authority follows federal guidelines when awarding financial aid – i.e. students with drug convictions are denied state financial aid. It is important to note that only drug convictions trigger federal aid ineligibility.***

Federal/State	Consequence	Offense	Opportunity for Action
Federal	Barred from the HOPE Scholarship Tax Credit	Federal or State felony offense consisting of possession or distribution of a controlled substance.	Meet with New Jersey Congressional delegation to discuss policy.
State	Prohibited from participating in county work release or vocational training release programs.	<ul style="list-style-type: none"> <li>• Any crime involving the manufacture, transportation, sale or possession with intent to sell or distribute a controlled substance or a dangerous controlled substance.</li> <li>• Sexual offenders/child molesters.</li> <li>• Crimes endangering the welfare of children or the incompetent.</li> <li>• Any crime involving the use of force or threat of use of force (i.e. armed robbery, aggravated assault, kidnapping, arson, manslaughter and murder)</li> </ul>	

New Jersey law does not directly address the issue, but federal cases suggest the **standard for denial or revocation of admission is “reasonableness,”** i.e. whether the college’s decision is not arbitrary, unreasonable or capricious.

Some state schools will **not provide State assistance** to students who are on probation or parole.

## Access to Employment

A report by the New Jersey Department of Labor and Workforce Development (LWD) found that misperceptions and lack of first hand knowledge influence employer perceptions of ex-offenders and that restrictions and **barriers exist within many levels of private employment.**

A 2009 report on employment opportunities for ex-offenders found that a **criminal record reduced the likelihood of a callback or job offer by 50%.**

Of individuals released in 2005, **only 37% were employed** by companies covered by Unemployment Insurance at some point during the seven quarters spanning 2006-2007.

It also reported that **60 to 75%** of former inmates **remain jobless** up to a year after their release.

This negative effect was **substantially worse for African American** (60%) than for white individuals (30%).

The highest proportion of releasees (21-22%) was employed by the first and second quarters of 2006. However, **by the final quarter, only 17% of the cohort was employed.**

***New Jersey law systematically bars individuals with criminal convictions from about 18 categories of job (depending on the conviction):***

- Public office holding or employment.
- Aircraft / airport employees.
- Armored car crewmember.
- Bartender, waiter in establishments that serve liquor or worker in Liquor retail, wholesale, manufacture or distribution.
- Municipal police officer, paid firefighter, Municipal parking enforcement officer, Housing Authority Police, housing guard or patrolman or private detective.
- Public school employee, public school bus driver or school crossing guard.
- Bank employee or employee of benefits plan staff for 13 years following conviction or end of imprisonment.
- Racetrack employee or all jobs requiring a Racing Commission license.
- New Jersey Turnpike Authority employee.
- Firearms purchaser.
- Ownership or employment at a childcare center or working with individuals with developmental disabilities.
- Disqualified from licensing as a homemaker / home health aide, nurse's aide, personal care assistant or drug / alcohol counselor.
- Disqualified from licensing to work in state institutions in general.
- Casino employee or casino service employment or Limousine driver.
- Disqualified from licensing as an insurance adjuster or working as a securities broker, agent, or investment advisor.
- Disqualified from licensing for anyone having a "beneficial interest" in the solid waste management business.
- Disqualified from licensing as a real estate appraiser or real estate sales agent.

**The Equal Employment Opportunity Commission (EEOC) updated its guidance on how employers may use criminal background checks in hiring in April of 2012. The new guidelines provide greater protections for individuals with criminal records under Title VII of the Civil Rights Act of 1964.**

The new guidelines make it a violation of Title VII to use an individual's arrest record as grounds for exclusion and mandate that employers must provide evidence to validate "criminal conduct exclusion."

Employers must now demonstrate that they have developed a targeted screen that considers at least the nature of the crime, the time elapsed, and the nature of the job.

***If you feel that you have been discriminated against, contact the New Jersey Division on Civil Rights Trenton Regional Office at PO Box 090 Trenton, NJ 08625-0090 or 609-292-4605, TTY: 609-292-1782. Complaints must be filed with the Division on Civil Rights within 180 days after the alleged act of discrimination.***

#### **Opportunity for Action**

Publicizing this option in reentry community; soliciting involvement of pro bono attorneys.

## Access to Housing

***New Jersey's discrimination laws do not protect against discrimination on the basis of criminal convictions in regards to public housing.***

Federal/State	Consequence	Offense	Opportunity for Action
State	Tenant can be evicted from premises	<ul style="list-style-type: none"> <li>• Conviction, adjudicated delinquent, or pled guilty to an offense under the "Comprehensive Drug Reform Act" involving the use, possession, manufacture, dispensing or distribution of a controlled substance, analog or drug paraphernalia within or upon the lease premises or the buildings or the complex of buildings or land next to the buildings.</li> <li>• Tenant or lessee knowingly allows someone who has been convicted or pled guilty to a drug offense to occupy the premises continuously or intermittently (not including juveniles).</li> </ul>	
Federal	Federally assisted housing denied	<ul style="list-style-type: none"> <li>• Any household member has been convicted of methamphetamine production on the premises of federally funding housing.</li> <li>• Any household with member who is subject to a lifetime registration requirement under a state sex offender registration program.</li> </ul>	
Federal	Housing providers have sole discretion to determine eligibility for three years	<ul style="list-style-type: none"> <li>• Any household member has been evicted from public, federally assisted or Section 8 housing because of drug-related criminal activity of a household member.</li> <li>• Any household member who is abusing alcohol or using another drug illegally and whose use or pattern or abuse / illegal use may threaten the health, safety or right to peaceful enjoyment of the premises by other residents.</li> </ul>	
Federal	Public Housing Authorities permitted to perform criminal background checks & can	<ul style="list-style-type: none"> <li>• Adult applicants have histories of crimes of violence or other criminal acts that could adversely affect other residents.</li> </ul>	

	deny admission		
Federal	Public Housing Authorities can deny admission	<ul style="list-style-type: none"> <li>• Individuals who engage in any drug-related criminal activity.</li> <li>• Individuals who engage in any violent criminal activity; or any other criminal activity that would negatively affect the health, safety or right to peaceful enjoyment of premises if activity occurred a “reasonable” time before applicant seeks admission.</li> </ul>	Speak with local Housing Authorities to amend Administrative Plan (e.g. Trenton bars individuals for up to 5 years after release, to reduce time limit to 3 years.)

## Other Barriers

### Child Support

Bradley Amendment

Eliminates a judge's power to cancel arrears that have accrued before a request for modification of the support order.

*Halliwell v. Halliwell*

Ruled that incarceration *can* be considered “**voluntary unemployment**,” which makes a prisoner ineligible for a downward modification of child support obligations.

***Studies have shown that incarcerated parents owe an average of \$20,000 in child support arrears when they leave prison. In order to avoid arrears while incarcerated, individuals must file a pro se motion. For more information on filing a pro se motion, contact Legal Services of New Jersey, Central Jersey Office at 198 West State Street, Trenton, NJ 08608 or 609-695-6249.***

Federal / State	Penalty	Offense	Opportunity for Action
State	Suspension of driver's, professional or recreational licensing.	<ul style="list-style-type: none"> <li>• Failure to pay child support for six months.</li> <li>• Failure to provide health coverage for a child for six months if ordered by the court.</li> <li>• Failure to submit to a paternity test.</li> </ul>	
State	State can report arrears to credit agencies.	<ul style="list-style-type: none"> <li>• Individual is in arrears of \$1,000.</li> </ul>	
State	Federal income tax check will be intercepted to offset child support arrears.	<ul style="list-style-type: none"> <li>• Individual is in arrears of at least \$150 for public assistance cases and \$500 on non-public assistance cases.</li> </ul>	
Federal	Salary can be garnished at the federal maximum of 65%.	<ul style="list-style-type: none"> <li>• Individual is in arrears for 12 weeks or more.</li> </ul>	
State	State income tax check will be intercepted to offset child support arrears.	<ul style="list-style-type: none"> <li>• Individual is in arrears equal to or more than one month.</li> </ul>	
State	Assets can be seized.	<ul style="list-style-type: none"> <li>• Individual is in arrears for three months.</li> </ul>	
State	Warrant for arrest.	<ul style="list-style-type: none"> <li>• Individual does not appear for an enforcement hearing for not paying support.</li> <li>• Individual disregards the terms of the court order.</li> </ul>	

## Driver's License

There are **400** ways to lose a driver's license in New Jersey.

All restorations an automatic **\$100 fee** and are subject to additional surcharges, if not promptly paid.

Federal / State	Penalty	Offense	Opportunity for Action
State	License suspended for 1-10 years.	<ul style="list-style-type: none"> <li>• Auto theft (depending on first time or repeat offender).</li> <li>• Driving while intoxicated (depending on first tie or repeat offender).</li> <li>• Adjudication of delinquency related to an act of graffiti.</li> <li>• Whenever a driver has had 3 suspensions during a 3-year period.</li> </ul>	Education
State	License suspended for 6 months to 2 years.	<ul style="list-style-type: none"> <li>• Individuals convicted of a crime or an adjudication of delinquency related to a controlled substance.</li> <li>• Adjudication of delinquency related to raising a false public alarm about a fire.</li> <li>• Using motor vehicle or boat to elude law enforcement.</li> <li>• Using motor vehicle to engage in or promote prostitution.</li> <li>• Conviction of a crime, disorderly persons offense or petty disorderly persons offense if a motor vehicle is involved.</li> <li>• Failure to carry liability insurance.</li> <li>• Driving while intoxicated (if first offense).</li> <li>• Points on license.</li> </ul>	Education
State	Undefined time – usually court discretion	<ul style="list-style-type: none"> <li>• Failure to pay court-ordered financial penalty without “good cause.”</li> <li>• Driving while suspended or without a license.</li> </ul>	Education

- Failure to appear in municipal court for traffic summons, a local ordinance violation or any other proceeding.
- Failure to pay child support for six months, or to provide health coverage for child for six months if ordered by the court or failure to submit to paternity test.
- Failure to pay insurance surcharges.
- Failure to pay parking tickets.
- Failure to pay fines imposed by municipal or superior court.

# Some Solutions

## Expungement

Expungement is defined as the “extraction and isolation of records on file within any court, detention or correctional facility, law enforcement or criminal justice agency concerning a person’s detection, apprehension, arrest, detention, trial or disposition of an offense within the criminal justice system.

This includes: complaints, warrants, arrests, commitments, processing records, fingerprints, photographs, index cards, “rap sheets” and judicial docket records.

### ***Eligible for expungement if the following requirements are met:***

- Not convicted of any prior or subsequent crime.
- Not adjudged a disorderly or petty disorderly person on more than two occasions within 10 years of the date of conviction.
- Paid all fine.

### ***Ineligible for expungement if:***

- Convicted of murder, manslaughter, treason, anarchy, kidnapping, rape, forcible sodomy, arson, perjury, false swearing, robbery, embracery and conspiracy to attempt or aiding & assisting in these crimes.
- Convicted of luring or enticing human trafficking, aggravated sexual assault, aggravated criminal sexual assault, criminal sexual contact, criminal restraint, false imprisonment, endangering the welfare of a child, causing or permitting a child to engage in a prohibited sexual act, and more.
- Individuals convicted of any crime who hold public office, position or employment, elective or appointive, within NJ government if the crime involved or touched their office, position or employment.

### ***Opportunity for Action:***

- Educating ex-offenders about expungement process

- Satisfactorily completed probation, parole or were released from incarceration (whichever is later).
- Presented a duly verified petition to have record expunged to the Superior Court in the county where the conviction was entered.
- Convicted of crimes related to the sale or distribution of a controlled substance or possession with intent to sell.
  - Exceptions:
    - Marijuana under 25 grams.
    - Hashish under 5 grams.
    - Any conviction of 3<sup>rd</sup> or 4<sup>th</sup> degree where the court finds that expungement is consistent with public interest “giving due consideration to the nature of the offense and the petitioner’s character and conduct since...”

## Mentoring

***Mentoring is an important component in successfully returning to the community and can be provided by nonprofit, faith-based and community-based organizations. Programs that change behaviors are more likely to reduce recidivism. Reinforcements throughout the program; both positive praise/awards and consequences for inappropriate behavior are also helpful. Research shows that some of the most effective programs are those that combine in-prison programming with aftercare in the community.***

Participants of the Ready4Work Program who met with a mentor at least once were **twice as likely to obtain a job** as those who were not mentored.

Compared with participants who did not have a mentor, mentored participants were **35% less likely to have recidivated** within a year of being released.

Behavioral programs targets **present circumstances** and **current risk factors** that are responsible for the behavior of the person who offends.

Action oriented vs. talk oriented: **doing something** about difficulties versus **talking about it**, i.e. teach offenders new pro-social skills to replace the antisocial ones

Program	Description	Evaluation
Chaplaincy Network Program – DOC	The Chaplaincy Network Program within the DOC had developed a faith-based mentor program offered to inmates within eight to 12 months of their max or parole date. The goal is to have trained mentors agree to remain faithfully involved with the inmates in one-on-one relationships for at least two years.	The program has trained over 250 mentors and successfully matched over 150 inmates who have experienced a 90% success rate for the first 3 months the match is made.
<b>Opportunity for Action</b>		
Remove barriers to ex-offenders becoming mentors; mobilize ex-offender community to take on tasks of mentoring.		

## Model Programs

\*National programs that have been evaluated and New Jersey programs that hold promise.

**Boaz & Ruth** is a nonprofit organization that integrates ex-offenders back into the community, providing the opportunity for safe housing, decent employment and health relationships through mentoring.

Based in Highland Park, VA Boaz & Ruth is deeply invested in revitalizing the distressed neighborhood; consequently, the organization's reentry process is deeply centered in the community.

In 2008, Boaz & Ruth had a **6% recidivism rate** for program participants.

A study of training program graduates between 2003 and 2010 revealed that **72% had obtained employment** outside of B&R within six months of graduation and 19% were hired by B&R.

**Prison Entrepreneurship Program (PEP)** is a Houston-based nonprofit organization dedicated to stimulant positive life transformation for executives and inmates, uniting them through entrepreneurial passion, education and mentoring.

PEP links top business and academic talent with program participants through an MBA-level curriculum, mentor relationships and straight up entrepreneurial passion. PEP also offers rigorous in-prison business programming and essential life-skills training.

As of March 2012, PEP has had over 700 individuals graduate from its program and claims a **recidivism rate of less than 10%**. According to the organization's website, 106 PEP graduates own their own businesses.

**Newark Prisoner Reentry Initiative (NPRI)** created a system in the City of Newark that obliges the numerous agencies playing a role in the lives of ex-offenders to work together.

The NPRI has relied, in part, on Opportunity Reconnect, a first stop for those on probation or newly-released from jail or prison. This one-stop service "portal" maintains a data base with information about those asking for help and directs job-seekers to one of five inter-connected nonprofit organizations that provide hands-on assistance and case management

Between 2008 and 2010, NPRI served 1,300 individuals with a **70% job retention rate**.

**Fewer than 10%** of participants have **returned to prison** to date.

**Ready4Work** was an ex-prisoner, community and faith initiative of Public/Private Ventures (P/PV) and funded by the US Departments of Labor and Justice along with the Annie E. Casey Foundation and Ford Foundation.

The three-year national demonstration project was implemented in 17, in which programs were developed to help local community- and faith-based organizations support the reentry and reintegration of ex-prisoners (both adults and juveniles) into their communities.

Across the 17 sites, nearly **5,000 individuals** participated in the program. Recidivism rates for program participants were **17.5%** in the first year and **33.23%** in the second year – **34-50% below the national average**.

# Key Organizations

## National

### *Government:*

- United State Department of Justice
  - Bureau of Justice Assistance
  - Bureau of Justice Statistics
  - National Institute of Corrections
  - National Institute of Justice
  - Office of Justice Programs
- National Reentry Resource Center

### *Nonprofit and Foundation:*

- Annie E. Casey Foundation
- Corporation for Supportive Housing
- Joyce Foundation
- National H.I.R.E. Network
- Prison Fellowship
- Project Return, Inc.
- The Urban Institute
  - The Reentry Roundtable
- Vera Institute of Justice

## New Jersey

### *Government:*

- Department of Corrections
  - Office of Transitional Services
  - Office of Community Programs
- Department of Labor and Workforce Development
  - One-Stop Career Centers
- Office of the Attorney General
  - Wanda Moore, Assistant Attorney General & Director of Reentry
- Office of the Governor
  - Governor's Re-entry Task Force
    - Lisa Puglisi, Coordinator for Reentry
- State Parole Board
- Division of Community Programs

### *Nonprofit and Foundation:*

- Legal Services of New Jersey
- New Jersey Institute for Social Justice
  - Integrated Justice Alliance
  - New Jersey Reentry Roundtable
- New Jersey Public Policy Research Institute
- Robert Wood Johnson Foundation
- Rutgers Camden School of Law
- Federal Prisoner Reentry Pro Bono Project