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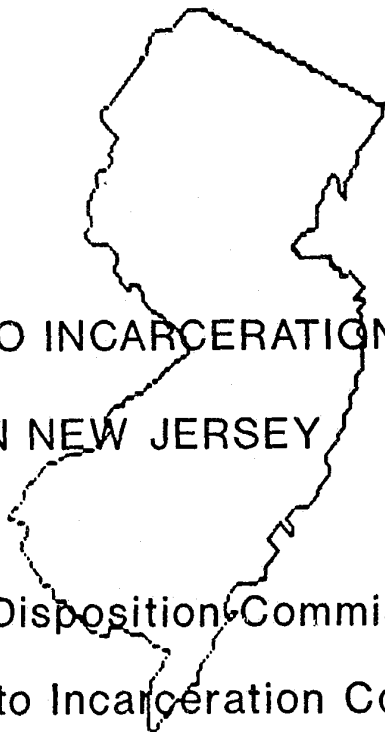
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**ALTERNATIVES TO INCARCERATION PROGRAMS  
IN NEW JERSEY**

Criminal Disposition Commission

Alternatives to Incarceration Committee

PREPARED BY:

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STATE OF NEW JERSEY  
CRIMINAL DISPOSITION COMMISSION  
ALTERNATIVES TO INCARCERATION COMMITTEE

ALTERNATIVES TO INCARCERATION PROGRAMS  
IN NEW JERSEY

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## EXECUTIVE SUMMARY

In 1985, the Alternatives to Incarceration Committee of the Criminal Disposition Commission prepared a report for the Assembly Subcommittee on Prison Overcrowding. In that report, the Committee recommended that policy makers continue to explore the feasibility of specific short term strategies to reduce prison and jail overcrowding in New Jersey.

### A.. Strategies to Reduce Jail Crowding

#### 1. SUPERVISED PRETRIAL RELEASE

The Alternatives Committee suggested that county governments continue to explore the viability of Supervised Pretrial Release (SPTR) programs as one possible strategy to reduce the number of defendants held pretrial at the county jails. Two counties (Essex and Middlesex) have adopted such an approach.

Data from the Middlesex County program, and from national surveys, indicate that SPTR programs appear to be quite successful. As of April, 1989, 1,326 people were accepted to participate in the Middlesex County program, 616 successfully completed the SPTR requirements and only 161 returned to the county jail for non-compliance with program conditions (6.4% for new arrests and 5.7% for technical violations). These figures are well within the range of national estimates. Middlesex reports savings of over one million dollars per year in revenues by releasing a select group of defendants to the SPTR program.

Essex County currently supervises approximately 150 pretrial defendants on SPTR. Other data on program outcome were not available.

#### 2. LOCAL INTENSIVE SUPERVISION PROGRAMS

The Alternatives Committee also recommended examining whether local Intensive Supervision Programs could be adopted for inmates sentenced to the county jail.

Some counties have established ISP programs and a few others are currently in the process of developing them. Generally, the programs are modeled after the State ISP program and accept inmates who are serving between 90 and 364 days and who can develop a feasible case plan. The programs currently operate on a limited scale due to the size of the supervision staff and the restricted pool of inmates at the facilities (i.e. nature of the offense, telephone and residence restrictions).

Middlesex County reports that of the 44 people released to the program to date, 37% have successfully completed the program while 48% were returned to the county jail for non-compliance. It should be noted, however, that only 3 (6.8%) of those released to the program were returned for new arrests while under supervision.

Essex County reports accepting 103 participants into the ECLIPSE program to date and currently supervises a caseload of 45 clients. Program administrators responding to the current survey report cost savings of \$60.00 per day per participant given that the program costs approximately \$15.00 per deay per participant compared to \$75.00 per day to house an inmate at the Jail Annex. ECLIPSE participants also maintain an 80% full time employment rate and have completed approximately \$26,000 worth of community service work at the County Courts Building through 1987 in addition to other community service projects.

### 3. GROUP COMMUNITY SERVICE

Community service orders have become a popular sentencing option. Created in 1982 with an initial appropriation of \$600,000 from the Legislature, Community Service Programs currently operate in each county probation department supervising over 25,000 participants. Many counties responding to this survey indicated that transportation and site placement present some obstacles in program operation.

The Alternatives Committee proposed developing group community work sites under the supervision of local probation departments to alleviate some of the problems created by individual work sites and placement. Cape May County has adopted such an approach and serves as a sound model for other jurisdictions.

OPERATION BUSHWACKER is a highly visible, regimented program operated through the cooperative efforts of the Cape May County Probation, Sheriff, and Road departments. The program employs 8-10 participants to remove litter from roadways, beaches, and parks as well as other projects 15 hours each weekend until the offenders' hourly requirement is satisfied. Operation Bushwacker reports that it has reduced non-compliance from 34% to 10% supervising 120 persons per year completing over 15,000 man hours of community service since 1984. Operation Bushwacker is a highly visible program (i.e. Sheriff Department vehicles, bright colored uniforms, etc.) that reportedly leaves a lasting impression upon the offender and the public that community service can be a viable alternative to jail.

## B. Strategies to Reduce Prison Crowding

### 1. STATE INTENSIVE SUPERVISION PROGRAMS (ISP)

New Jersey's ISP program was created in 1983 as a intermediate sanction to give a select group of offenders an opportunity to obtain rehabilitation services outside the custodial environment without jeopardizing public safety. It was designed to serve as an intermediate form of punishment and to improve the use of correctional resources by making more prison beds available for more serious, violent, offenders. In 1985, the Alternatives Committee recommended expanding ISP.

Since 1983, ISP has received over 10,000 applications for participation. The intensive screening process has limited the eligibility pool and only 1,943 inmates have been accepted as of January 26, 1990. ISP officers supervise caseloads of approximately 20 clients per officer and maintain frequent contact with each one having made over 661,000 field contacts since 1984. ISP requires full time employment, curfew, substance abuse counseling, and abstinence from drugs and alcohol. Since 1985, ISP participants have earned approximately \$26 million and have contributed over \$3 million in federal and state taxes. Participants have also paid over \$500,000 in restitution, \$269,607 in child-support, \$572,644 in court imposed obligations (i.e. fines, DEDR), \$96,246 in VCCB penalties, and \$248,653 to offset the cost of their supervision. They have also performed 322,156 hours of community service work for government and non-profit organizations.

A recent ISP Progress Report indicates that the state currently spends \$5,722 per participant for ISP supervision, however, the participant contributes an estimated \$3,315 to taxes thus putting the net cost of supervision at \$2,407 per participant. This represents a considerable savings when compared to the costs of traditional incarceration. ISP has been demonstrated to be a cost-effective supervision/sanction strategy. As of March 23, 1990, 33.75% of those admitted to the program were returned to prison for non-compliance, mostly for technical violations (75.91%), 39.6% have completed the program, and 25.97% are currently under supervision. The relatively high rate of return for technical violations has been attributed to the intensive level of surveillance as well as the "no-nonsense" attitude of ISP officers and program administrators. ISP has also been quite successful in deterring recidivism. Only 2.7% of ISP graduates have been reconvicted of a new indictable offense.

## 2. RESIDENTIAL DRUG TREATMENT

Governor Kean's Blue Print for a Drug Free New Jersey established a two prong approach to fighting drug abuse in this state. The Governor signed into law bills that mandated lengthy prison terms for offenders to reduce the drug supply and created sentencing alternatives focusing on treatment for "drug dependent" offenders to reduce demand. In 1989, the Chief Probation Officer Committee on Residential Drug Treatment Facilities surveyed existing residential treatment programs and found a serious deficiency in the number of available beds for "drug dependent" offenders, particularly when the defendants were indigent.

The Presiding Judges of the Criminal Division of the Superior Court also identified this problem as a major concern to members of the Criminal Disposition Commission. Little progress has been made since 1985 when the Alternatives Committee recommended creating more treatment bed space so that judges will have this sentencing option for drug dependent offenders available to them. Additional bed space would also permit the Parole Board some degree of certainty that parolees can obtain badly needed rehabilitative services to break the well established link between substance abuse and criminality.

### 3. INTENSIVE SUPERVISION AND SURVEILLANCE PROGRAM (ISSP)

Created in 1986, the ISSP program is modeled after the Administrative Office of the Courts' ISP program and operates within the Bureau of Parole. ISSP officers supervise caseloads of approximately 20 parolees rather than 70 typically under traditional parole supervision. The Alternatives Committee recommended that ISSP be expanded from one officer per parole district (12) to 60 officers thus increasing program capacity from 320 to 1,200 parolees. The recommendation to expand the program was based upon parole eligible population projections as well as a desire to have a firmly established "emergency release" mechanism should prison populations reach unmanageable and dangerous levels.

Currently, 350 parolees participate in the ISSP program. Statewide, 16 officers supervise caseloads not to exceed 25 clients with 5 of those individuals participating in the electronic surveillance program that was created in September 1989. ISSP officials estimate that about 35% of the parolees under ISSP supervision violate the conditions of release and are subsequently returned to custody, however, the majority of those returning are for technical violations rather than new criminal activity.

#### C. Long Term System Building Strategies

##### 1. ENHANCING PROBATION SUPERVISION

The Alternatives Committee recognized the importance of additional funding for traditional probation supervision. The Committee reported that probation suffers from a "fuzzy" image where offenders are not ordinarily held accountable for their actions. Limited funding and rapidly growing caseloads hamper effective supervision and thus probation is often not viewed as a viable sentencing strategy. The Committee carefully pointed out, however, that the basic technology of probation is sound, citing the ISP program's success, and recommended that probation receive the necessary levels of funding required to monitor clients' behavior and refer them to treatment services based upon differentially determined levels of risk and need.



Today, probation continues to be the most commonly imposed sentencing option having increased from 42,246 adult and juvenile offenders under probation supervision in 1980 to 72,370 in October, 1989. Although the probation population has almost doubled in the last ten years, appropriations to the supervision process have not kept pace with this growing demand for surveillance and services.

## 2. SPECIALIZED OFFENDER CASE PLANS

Individualized case plans which provide sentencing judges with reliable information to match the offender with the appropriate rehabilitative, punitive, and deterrent sanction have been developed on a very limited basis. Using a social service approach, the individualized case plan attempts to balance the offender's need for treatment with sensitivity for victim loss and the need for community safety. These plans ordinarily stipulate substance abuse treatment as a sentencing condition.

This approach is available, on a limited basis, in the private sector through retained defense counsel. The Mercer County Public Defender's Office has experimented with this approach for its clients in their Social Service Unit. Continued expansion of this approach was recommended by the Committee in 1985 so that additional system savings could be realized by providing judges with detailed information to enable them to sentence offenders to the most appropriate, least restrictive, forms of criminal sanctions that facilitate offender rehabilitation, victim recovery, and community protection.

## RECOMMENDATIONS

- (1) Local county governments should continue to explore the viability of supervised pretrial release programs to relieve jail crowding by releasing, under supervision, a select group of defendants unable to post cash bail or satisfy Release on Recognizance requirements.
- (2) Policy makers need to develop programs where offenders sentenced to less than 364 days in jail for less serious offenses can be released, under supervision, so that they can remain in the workforce, satisfy their financial obligations, and attend to their treatment needs in community based programs.
- (3) Group community service sites should continue to be developed under the auspices of local probation departments. Operation Bushwacker in Cape May County provides a sound model for other jurisdictions.
- (4) The state Intensive Supervision Program should be expanded to permit inmates, currently eligible under existing program criteria, to be released under supervision.
- (5) New Jersey must consider expanding the capacity for residential and out patient drug treatment programs.
- (6) The Intensive Supervision and Surveillance Program (ISSP), under the Bureau of Parole, should be expanded so that appropriate inmates, with established eligibility dates, can be released to the community under close supervision.
- (7) Enhancing traditional probation and parole supervision is a cornerstone in the alternatives development process. Probation and parole supervision occupy an important place on the punishment/control continuum and should receive adequate funding.
- (8) Other programs like Pretrial Intervention, Conditional Discharge, Work Release, and Electronic Surveillance all provide opportunities to divert offenders from traditional criminal justice processing and from incarceration. The development, implementation, and expansion of these alternatives as well as those identified above and throughout this report represent a solid opportunity to create a graded penalty scale. These programs, like others, require continued careful evaluation.

## INTRODUCTION

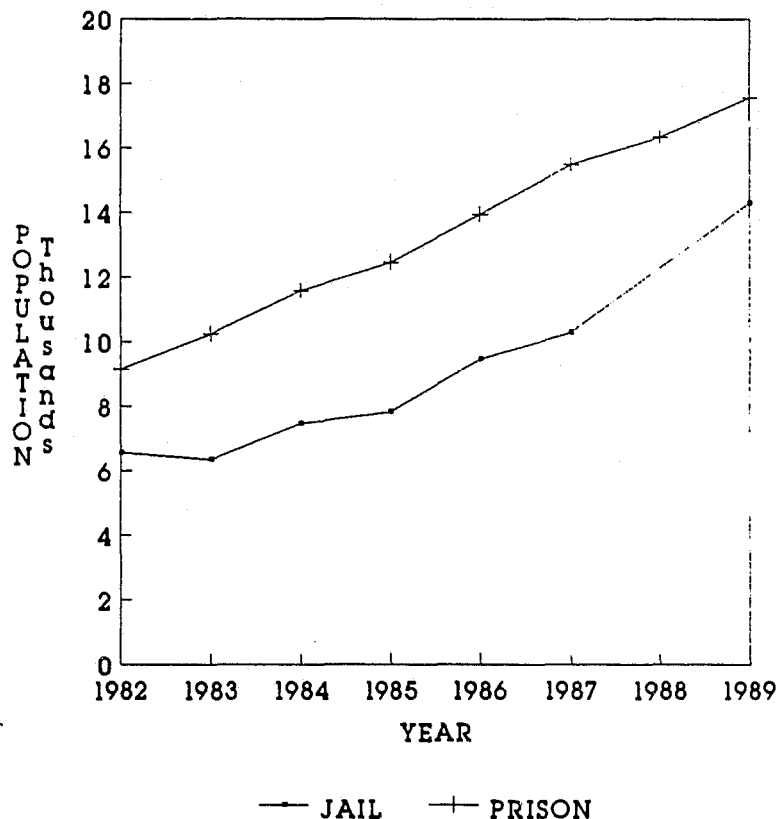
Prison and jail populations in New Jersey have experienced considerable growth since 1982 (See Figure 1). In 1985, the Alternatives to Incarceration Committee of the New Jersey Criminal Disposition Commission prepared a report for the Assembly Subcommittee on Prison Overcrowding. This report served as the foundation for the 1986 report of the Alternatives Subcommittee of the Governor's Task Force on Prison Overcrowding. In that report, the Committee recognized that, although some progress had been made in developing alternative sentencing strategies, New Jersey's response to crime and criminal offenders has mainly focussed on either prison or probation. The Alternatives to Incarceration Committee identified six short term (six months) strategies to relieve jail and prison crowding:

- (1) Supervised Pretrial Release (SPTR)
- (2) County Intensive Supervision Programs
- (3) Supervised Group Community Service
- (4) State Intensive Supervision Program (ISP)
- (5) Residential Drug and Alcohol Treatment
- (6) Intensive Supervision and Surveillance Program

Some progress has been made developing or expanding these six strategies. This report updates the 1985 Committee Report to the Assembly Subcommittee and presents some descriptive data about alternative programs in New Jersey.

**Figure 1**

**N.J. Prison and Jail Population**



**METHODOLOGY**

A survey was mailed to all Vicinage Chief Probation Officers, Criminal Case Managers, and County Jail Wardens asking for information about alternative programs currently operating or proposed in their respective jurisdictions. They were asked to describe program operations, eligibility criteria, current program statistics, evaluation data and any other information they thought would be useful to this report. Approximately 67% of the surveys were returned with some usable information. Other statistics were provided by the component agencies of the Criminal Disposition Commission.

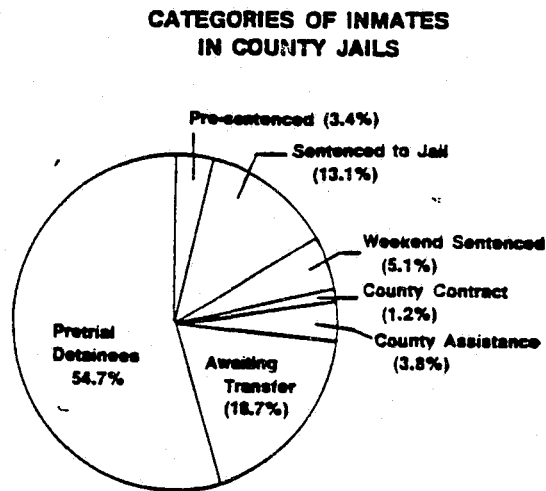
## STRATEGIES TO REDUCE JAIL CROWDING

The Alternatives Committee of the CDC identified three short term (six months) strategies to reduce jail overcrowding. These strategies provide diversion for less serious offenders and for those awaiting the disposition of their criminal charges. Jails are generally considered to be confinement facilities that hold persons awaiting adjudication in lieu of cash bail or own recognition release and those serving a term of 364 days or less. As illustrated in Figure 2, jails in New Jersey currently house people for many different reasons at an annual operating cost of 130 million dollars <sup>1</sup> funded by county governments. Some of the programs described below operate on a statewide basis while others are limited to the specific county jurisdiction.

### 1. SUPERVISED PRETRIAL RELEASE (SPTR)

In 1986, the Alternatives to Incarceration Committee recommended that counties explore the feasibility of Supervised Pretrial Release programs to relieve crowding at the county jail facilities. Supervised Pretrial Release refers to a program where defendants, who can not make cash bail or satisfy ROR requirements, are released pretrial in exchange for adherence to a set of conditions and restrictions (i.e. scheduled contacts, curfew, urine monitoring, and rehabilitation program participation).

Figure 2



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Source: New Jersey County and Municipal Government Study Commission. (1989), p. 45

Currently, two counties operate supervised pretrial release programs.

Supervised Pretrial Release programs were developed in Essex and Middlesex Counties to reduce jail overcrowding by allowing some eligible defendants to remain in the community rather than in custody while awaiting the disposition of their charges. Program administrators identified several general goals of SPTR:

(1) To provide an alternative to the traditional cash bail system;

(2) To provide for community protection through personal supervision and electronic surveillance;

(3) To provide structure and support for the defendant as he goes through the court process;

(4) To enable the defendant to remain in the workforce to contribute to his own defense and satisfy his family and other financial obligations;

(5) To preserve the family unit;

(6) To provide an effective non-custodial alternative for the Judiciary to use with more risky defendants; and

(7) To facilitate the defendant's rehabilitation through participation in treatment which addresses the "crime producing" conditions.

Each county has developed specific eligibility criteria for participation in the respective programs, <sup>2</sup> however, some general criteria are worth noting. To be eligible for SPTR, defendants must generally be charged with third or fourth degree, lesser drug offenses, have a stable residence with a telephone, live in the specific jurisdiction, have gainful employment prospects, and an adequate community sponsor. <sup>3</sup>

The two SPTR programs now operating in New Jersey are funded by the county governments and administered by the local county probation departments. Probation officers are assigned to SPTR and provide the supervision and monitoring functions. Once a defendant is selected by the court to participate in the program, a judge imposes a variety of conditions that are geared to structure the defendant's life through curfew, employment, and substance abuse counseling. Compliance with the conditions are monitored by the probation department through electronic monitoring, urine testing, and face-to-face contacts. Those failing to comply with the conditions or those getting rearrested or failing to appear as sched-

uled are quickly returned as violators and ordinarily returned to the county jail.

To date, Supervised Pretrial Release programs appear to be quite successful. Recent studies indicate that, nationwide, supervised pretrial release programs have had considerable success in assuring appearance at trial and controlling future criminality by program participants. <sup>4</sup> Middlesex County reports that, as of April, 1989, 1,326 people were accepted to participate in the program, 616 persons successfully completed the program and only 161 returned to the county jail for non-compliance with imposed conditions (6.4% revoked for new arrests and 5.7% for technical violations). Middlesex County estimates that the SPTR program saves over one million dollars per year in costs by releasing a selected group of pretrial inmates from the county jail for community supervision. Essex County operates a somewhat smaller program and has not been able to realize savings on this scale, however, officials consider the program worthwhile and anticipate expansion in the future.

Supervised Pretrial Release programs appear to be a viable alternative to pretrial detention for some defendants, however, policy makers must carefully examine the appropriateness of these programs for their respective jurisdictions. A descriptive analysis of the Essex and Middlesex County programs conducted by Rutgers University



and sponsored by the Criminal Disposition Commission offers the following recommendations: 5

(1) Empirical evaluations of existing, as well as planned programs are essential;

(2) Resources should continue to be used to develop and implement SPTR programs in New Jersey;

(3) Program goals should be specific, reflect a particular philosophy of SPTR, and be directed at predefined levels of success;

(4) Program planners and staff need to be sensitized to issues that can undermine the intent and approach of the SPTR program (i.e. disparity);

(5) Programs should reflect the local jurisdiction in which it is located. A local leader, someone in the criminal justice system with an articulable presence who has authority and power, is ideal for inculcating support and obtaining resources for program efforts; and

(6) Jurisdiction-specific criteria for selecting defendants for the program should be developed and used. Planners should also consider expanding the target population.

While the programs described above tend to offer examples of creative and innovative program development to deal with an urgent jail crowding problem, policy makers should carefully consider the utility of adopting such a strategy. Continued expansion of SPTR programs throughout the state is recommended, however, policy makers are encouraged to first clarify prospective program goals and objectives, consider the potential and utility for widening the net of social control, and recognize the need for the continued empirical evaluation of these programs. A recent NCCD study cautions that emphasis placed primarily on the immediate pressures to reduce jail overcrowding

may backfire (i.e. Dade County, Florida) and suggests that policy makers develop SPTR programs as one of the options to reduce the pretrial population regularly held at the jail throughout the year.<sup>6</sup> This note of guidance from NCCD is worth serious consideration.

## 2. COUNTY INTENSIVE SUPERVISION PROGRAMS (ISP)

The Alternatives Committee also identified local Intensive Supervision Programs as viable strategies to reduce jail crowding for county sentenced inmates. Three counties have operational local Intensive Supervision Programs (Middlesex, Essex, and Union) and one county (Atlantic) has developed a proposal to create one. All the programs target county sentenced inmates for early release in exchange for adherence to a set of conditions and restrictions.

### A. PRISM - Probationary Release on Intensive Supervision in Middlesex

The Middlesex County PRISM program was created in November, 1987 as a direct response to the overcrowding problem at the Middlesex County Adult Corrections Center (MCACC). The program specifically targets offenders who have not been amenable to ordinary probation supervision but who would be likely to respond to a highly structured supervision experience. To be eligible for PRISM, an

offender must: (1) be sentenced to at least 90 days for a non-violent offense with no mandatory minimum term; (2) live in Middlesex or a nearby county; and (3) develop a viable case plan consisting of employment or job training, community service, and rehabilitation counseling.

The Resentencing Judge imposes a variety of conditions and restrictions that include curfew, weekly contact with the network team, performance of at least 20 hours of community service, a diary, random drug and alcohol testing, participation in treatment programs, and random searches by probation staff.

The PRISM program is currently staffed by one full-time Senior Probation Officer who screens cases and supervises a caseload of six offenders. To date, 160 applications have been screened and 44 have been released to the program. Approximately 37% of those accepted (16) have successfully completed the requirements and 48% (21) have been returned to the MCACC as violators. It should be noted that only 3 of the 16 offenders who completed the program were rearrested for new offenses within 9 months of discharge. The PRISM program anticipates expansion when it begins to accept offenders serving a split probation sentence at the County Jail.

B. ECLIPSE - Essex County Local Intensive Probation Supervision Effort

The Essex County ISP program (ECLIPSE) was created in November, 1985 by the Essex County Probation Department to reduce costly overcrowding at the Jail Annex and to demonstrate that probation can be an effective deterrent and rehabilitative tool by helping offenders establish "new life patterns." Offenders sentenced to at least 90 days but not more than 364 days in the Annex can apply for ECLIPSE if they live in Essex County, have no open or pending charges, and do not have any history of violent behavior.

An ECLIPSE Officer first completes an in-depth investigation of each applicant which includes an examination of the problems current incarceration has caused the inmate. A plan is developed to address these concerns. Family members, friends, and employers are also contacted by the investigator to determine whether the applicant represents a reasonable risk. That report is subsequently submitted to the ECLIPSE screening board and the Court. An Essex County Superior Court Judge, with authority to accept or reject each application, determines the conditions with which the offender must comply while under supervision. These conditions include curfew, urine testing, community service, and counseling program participation.

The ECLIPSE program currently maintains a caseload of approximately 45 offenders. The program reports that it has been quite successful having accepted 103 participants since its inception. They attribute the success of the program to the quality of supervision staff, strictness of supervision schedules (face-to-face, telephone call backs, and electronic monitoring) and the importance of counseling program participation. Program administrators report cost savings of at least \$60.00 per day per participant given that the County allocates approximately \$75.00 per day to house inmates at the Jail Annex. Also, ECLIPSE participants maintain a monthly employment rate of 80% and have completed approximately \$26,000 worth of community service work at the County Courts Building through 1987 in addition to other projects.

C. UCLISP - Union County Local Intensive Supervision Program

In October, 1988, the Union County Probation Department established a local ISP program to free bed space in the overcrowded Union County Jail for certain defendants considered "too risky" for traditional probation supervision. This program was seen as an opportunity to reduce costs to the taxpayer without jeopardizing public safety by providing a "middle ground" form of punishment for those offenders considered to likely benefit from a

highly structured supervision process. To be eligible for participation in UCLISP, an offender must be serving between 90 and 364 days either as a direct sentence or as a split sentence combined with a specified probation term. Non-violent offenders who have no history of violence, an adequate community sponsor, and have satisfied all their obligations before the Court may submit an application to the UCLISP screening board for consideration. The application is then submitted to a Superior Court Judge for resentencing consideration. If accepted by the Judge, an offender is released on recognizance to his community sponsor for 30 days. If the participant successfully completes this thirty day period, the Judge will vacate the original sentence and resentence the offender to a probation term up to five years with a stipulation that at least one year to be subject to the conditions determined by the county ISP program.

The UCLISP program appears to be at the developmental stages of operation. The program is designed to accommodate 10-18 participants under the supervision of one Senior Probation Officer with anticipated expansion to allow for 30 participants. To date, only two people have been placed in the UCLISP program due to the limited pool of inmates at the jail. It is reported that only those who have long criminal records or have committed serious, or violent, crimes are being sentenced to the county jail

because of the overcrowding problem thus program eligibility criteria exclude most of the inmates at the facility.

### 3. COMMUNITY SERVICE PROGRAMS

The enactment of the Code of Criminal Justice in 1979 statutorily authorized community service as a disposition as a direct sentence for certain offenders (N.J.S.A. 2C:43-2b(5)) or as a condition of probation (N.J.S.A. 2C:45-1b). In 1982, an amendment to N.J.S.A. 39:4-50 providing for harsher penalties for persons convicted of driving under the influence of alcohol or drugs included community service as an alternative to incarceration for second and subsequent offenses. In 1983, municipal courts were subsequently permitted to convert fines into community service hours for indigent offenders (NJSA 2A:8-31.1). Additionally, a new law mandating 30 days of community service for those convicted of driving without motor vehicle liability insurance on second and subsequent occasions was implemented (NJSA 39:6B-2).

Community service programs were established in each county probation department in 1982 with a 600,000 dollar appropriation from the New Jersey Legislature.<sup>7</sup> The programs have grown considerably since then. Today, 27,205 individuals are under a court order to complete 681,916 hours of community service. These programs are

administered by probation departments in each vicinage under the coordination of the N.J. Administrative Office of the Courts. The goals of the community service program address both offender and community by:

(1) Providing a cost effective alternative to incarceration thus relieving some jail crowding;

(2) Holding offenders accountable to the community for their actions by imposing time and freedom restrictions;

(3) Promoting community confidence in the criminal justice system by providing a highly visible program that leaves a lasting impression on the defendant and the public that community service is a viable sentencing alternative (i.e. Operation Bushwacker in Cape May County);

(4) Providing needed services for public and private non-profit organizations; and

(5) Instilling positive qualities and a work ethic in the offender.

Community service orders are imposed in the Superior and Municipal Courts as a direct sentence, a condition of probation, and as a modification of sentence for indigent offenders. Approximately 35% of those performing community service were sentenced for DUI, 18% as a condition of probation in Superior Court, 28% sentenced for motor vehicle (14%) and disorderly persons (14%) offenses, and 7% as a condition of Pretrial Intervention.

Some counties indicated that inadequate mass transportation systems limited their ability to place offenders at job sites especially with respect to the large percentage of people without driving privileges due to their



DUI conviction. Some offenders exhibit poor work habits and often frustrate non-probation supervision staff at work sites causing tension and making the satisfaction of the monthly mandatory minimum hours problematic. One county pointed out that some participants would rather serve a jail term than perform the community service work completely and satisfactorily.

In 1985, the Alternatives to Incarceration Committee recommended that Group Community Service sites, under the supervision of probation personnel, be developed to address some of these problems. Some counties have adopted such an approach and serve as a model for other counties.

Cape May County instituted "Operation Bushwacker" in 1984. This cooperative effort between the Probation, Sheriff, and County Road Departments offers an alternative to jail incarceration for "hard to place" offenders and compensates for the absence of alternative individual work sites. The program reports that it has reduced its non-compliance rate to less than 10% particularly for DUI offenders whose prior non-compliance rate of 34% was not acceptable to the policy makers. Operation Bushwacker provides explicit instructions about the work assignment, strict supervision and monitoring of attendance, and strong penalties for non-compliance with the cooperation of the Court. Eight to ten offenders remove litter from

roadways, beaches, and parks as well as work on other projects 15 hours each weekend until their hourly requirement is satisfied. This program supervises approximately 120 persons each year totaling over 15,000 man hours since 1984. Operation Bushwacker is a highly visible program designed to leave a lasting impression upon the defendant and the public that community service is a viable alternative to jail incarceration.

Hudson County has also adopted an approach similar to Cape May's Operation Bushwacker. Hudson County Probation's "Work Gang" program was created in 1986 to relieve jail overcrowding and to provide the judge with an option to order an offender's participation as a condition of probation thus strengthening probation's viability as an appropriate disposition for certain offenders.

The "Work Gang" program targets those offenders in reasonably good health who are not employed full time. Participants must report for either the day (9:00am-3:00pm) or night (4:00pm-10:00pm) shift to work with the Hudson County Maintenance Department performing various duties at the County Administration Building. Participants are expected to report on time, as scheduled, every day until the specified number of ordered days have been completed. Offenders who do not comply with the conditions of the program are referred to their supervising

Probation Officer and often a Violation is filed with the Court. As of 9/30/89, 23 people participate in the program on both shifts (16 Day/7 Night).

Group Community Service programs like the ones described above appear to compensate for the problems encountered in the traditional community service models and to be a worthwhile strategy to reduce crowding at the local jails. The Alternatives to Incarceration Committee recommended developing Group Community Service programs in 1985 citing the success the Vera Institute of Justice has enjoyed in New York City over several years. The Committee continues to support this option and considers it appropriate for selected offenders sentenced to serve less than 90 days in jail and offers the following program model for the development, or expansion, of group community service programs in New Jersey.

An offender will be considered appropriate for participation if he has (1) a verifiable local address within the respective county for at least three months; (2) no physical, substance, or emotional problems making work improbable; (3) no history of violent behavior; and (4) no outstanding warrants.

Individuals sentenced to the County Jail for less than 90 days will be interviewed by a staff member within three days. Those who meet the above criteria, after verification by the staff, will be referred to the resentencing judge. If the judge approves of the application, the inmate would be given a suspended sentence with the

condition to successfully complete community service. The offender will be instructed to report to the Probation Department the next work day to receive instructions and an orientation.

Work groups of ten inmates will be supervised by probation staff who will pick up the group at a prearranged location and transport them to the work site. At the site, they will perform such functions as roadway and beach litter patrol, park cleanups, and other suitable projects. All participants must work full time, each day until their court obligation is satisfied. Those serving weekend sentences will be permitted to work on weekends.

#### STRATEGIES TO REDUCE PRISON CROWDING

The Alternatives Committee of the CDC also identified three short term (six months) strategies to reduce prison overcrowding. These strategies provide diversion for more serious offenders serving a sentence of more than 364 days. Prison populations have tripled since the implementation of Title 2C in 1979. New Jersey Code of Criminal Justice (Title 2C) created presumptive sentencing schemes for various types of offenses and offenders (See Figure 3).

Figure 3

2C Sentencing Provisions

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DEGREE	RANGE	PRESUMPTIVE TERM	FINE
FIRST	10 - 20 YRS.	15 YRS.	\$100,000
SECOND	5 - 10 YRS.	7 YRS.	\$100,000
THIRD	3 - 5 YRS.	4 YRS.	\$ 7,500
FOURTH	NOT MORE THAN 18 MOS.	9 MOS.	\$ 7,500
DISORDERLY PERSONS	6 MOS.		\$ 1,000
PETTY DISORDERLY PERSONS	30 DAYS		\$ 500

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A presumption of incarceration exists for first and second degree offenders convicted of committing serious, and often violent, crimes. Incarceration is an appropriate response for these types of offenders. However, a large proportion of state prison inmates are serving sentences for third degree crimes where there is a presumption against incarceration for certain offenders. This group of offenders often have lengthy criminal histories or have demonstrated an inability to remain crime free or adhere to the conditions while under traditional community supervision. Some may be serving time for committing one of the drug offenses now under the purview of Title 2C. This group of offenders, "too

risky" for traditional probation due to the nature of their acts or their inability to adhere to traditional probation requirements, are the target group for the following strategies identified by the Alternatives Committee.

1. STATE INTENSIVE SUPERVISION PROGRAM (ISP)

In its 1985 report to the Assembly Subcommittee on Prison Overcrowding, the Alternatives to Incarceration Committee recognized the achievements of New Jersey's Intensive Supervision Program (ISP) and recommended that the program be expanded to include more program eligible inmates currently in state prison. New Jersey's Intensive Supervision Program was established in 1983 as an intermediate sanction to reduce prison populations, improve the use of correctional resources by making more beds available for violent offenders, and to test whether offenders could be effectively supervised in the community. The program was created to give offenders sentenced to state prison an opportunity to obtain rehabilitation services outside the correctional facility without jeopardizing public safety. It was designed to serve as an intermediate form of punishment between traditional probation and incarceration. An offender is permitted to apply for ISP after serving a brief period of incarceration. Applicants are required to serve at least 60 days

before being considered for eligibility and typically serve between 4 and 10 months of their sentence depending upon the degree of their offenses.

ISP requires that all participants adhere to the following conditions of release:

(1) Curfew beginning at 6pm - 10pm to 6am depending on employment status;

(2) Full-time employment;

(3) Abstinence from drug and alcohol use and random urine screens;

(4) Satisfaction of all financial obligations including restitution, child support, VCCB penalties, fines, DEDR assessments, and cost of supervision;

(5) Sixteen hours of community service per month;

(6) Random searches not requiring a warrant by ISP staff; and

(7) Participation in all treatment programs specified in the applicant's case plan.

The application process for ISP is as intensive as its supervision. The program has received over 10,000 applications and only 1,979 have been accepted into the program as of March 23, 1990. All applications are thoroughly reviewed and investigated by the ISP staff who interview the inmate at the facility, verify residence and community sponsor arrangements, conduct criminal history checks on network team members, and develop a case plan for the potential participants. In-depth assessment reports are then prepared by an ISP Officer and submitted to the Screening Board for review. Those

considered to meet the eligibility criteria are scheduled for a panel session with the ISP Screening Board at the facility where the Board considers the applicant's likelihood and sincerity to complete the program and case plan, the nature of the instant offense, and the need to provide the necessary level of deterrent and punitive response through the incarceration experience. Acceptable applications are then forwarded to the Resentencing Panel for final consideration. The Resentencing Panel is made up of a panel of three Superior Court Judges who have the responsibility for determining an applicant's suitability for ISP participation. The hearings are held in open court and victims, prosecutors, and the applicant's support staff are invited to attend to offer input for the judges' final decision. Applicants can be returned to the facility as unsuitable for the program to serve their imposed terms of incarceration, required to serve a longer portion of their sentence in custody before being eligible, or released to the program to meet the ISP officer to review and sign an agreement listing the conditions. Those released from the court are required to immediately begin the supervision experience and adhere to the conditions.

The supervision process has been evaluated and officers are maintaining a very high level of contact with, and supervision of, participants.<sup>8</sup> For example, ISP



officers supervise an average caseload of 20 offenders and have made over 661,000 field contacts since 1984. Officers, equipped with pagers and official state vehicles, have the capacity for 24 hour surveillance through telephone contacts, curfew checks, and random "on demand" tests for substance abuse using new technology and breathalyzer scanning devices.

The program appears to be quite successful in achieving results. Since 1985, ISP participants have earned approximately \$26 million and have contributed over \$3 million in federal and state income taxes. ISP clients have also paid \$534,925 in restitution, \$269,607 in child support payments, \$572,644 in court imposed obligations, \$96,246 in VCCB penalties, and \$248,653 to offset the cost of their own supervision. They have also performed 322,156 hours of community service for government and non-profit organizations. A recent ISP Progress Report indicates that New Jersey currently spends \$5,722 per participant for ISP supervision, however, the offender contributes \$3,315 to taxes thus putting the net cost of supervision at \$2,407 per participant. This cost represents a considerable savings when compared to traditional incarceration.

In addition to cost savings, ISP has also been quite successful in monitoring compliance and deterring future criminality. Pearson and Toby studied the New Jersey

program and found that ISP graduates had one-half the recidivism rate of a similar matched comparison group of prison releases.<sup>9</sup> To date, 2.7% of ISP graduates have been reconvicted of a new indictable offense. Not everyone succeeds on ISP however, and as of 3/23/90, 33.75% of all participants released to the program were returned to custody mostly for failing to comply with program conditions (75.91%). The high rate of return for technical violations has been attributed to the intense level of supervision and surveillance as well as the "no nonsense" attitude among ISP administrators and officers.

The Intensive Supervision Program in New Jersey has demonstrated its ability to be a viable, cost-effective intermediate sanction for certain groups of offenders. The program should be expanded to permit inmates currently eligible under existing program criteria to be considered and, upon review, admitted to the program.

## 2. RESIDENTIAL DRUG AND ALCOHOL TREATMENT CENTERS

In 1986, Governor Kean proposed a long-term strategy to combat drugs in his Blueprint for a Drug-Free New Jersey. This strategy targeted both supply and demand reduction. To reduce supply, law enforcement efforts were enhanced and penalties for Controlled Dangerous Substance offenses were now in the realm of the Code of Criminal Justice under Chapter 35 by virtue of the Comprehensive Drug

Reform Act of 1986. Realizing that reduction in the supply side alone would not adequately address the problem, Chapter 35 included a provision allowing for some "drug dependent persons" convicted of violating one of the provisions in Chapter 35 of Title 2C to be sentenced to probation with the condition to participate in a drug treatment program rather than serve an ordinary term of incarceration in state prison (N.J.S.A. 2C:35-14). That same year, the Alternatives Committee supported the Governor's proposal to create residential treatment beds for drug dependent offenders.

The Rehabilitation Program for Drug Dependent Persons (NJSA 2C:35-14) states that, notwithstanding the presumption of incarceration, the court may, upon motion of the defendant and notification to the prosecutor, place an offender on probation for five years and require him to participate in an approved drug treatment program as a condition of probation if it is determined that the defendant does not pose a danger to the community and that placement will benefit the defendant by serving to correct his drug dependency. First degree offenders are excluded from consideration under this sentencing provision and those convicted of a second degree offense must remain in a residential treatment facility for a minimum of six months. Repeat drug offenders (NJSA 2C:35) require the joint application to the court from the defendant and the prosecutor.

Those probationers sentenced under NJSA 2C:35-14 must participate in urine testing while under supervision and those who violate the conditions can be returned to the court for imposition of the custodial term appropriate for the original offense. Participants who leave a certified treatment facility without permission are considered to have committed an Escape (NJSA 2C:29-5) and are thereby considered ineligible for consideration for the Intensive Supervision Program when they are resented to state prison.

In 1989, the Chief Probation Officer Committee on Residential Drug Treatment Facilities conducted a survey of approved residential facilities in New Jersey and found a serious deficiency in the number of available programs in the state.<sup>10</sup> They reported that, as of January 1989, there were 11 drug programs operating in New Jersey with a licensed bedspace capacity of 676. The Chief Probation Officer Committee further indicated that most of these facilities were filled to capacity and that many had waiting lists of at least six months.

In its 1989 Annual Report to the Governor and Legislature, the Criminal Disposition Commission reported that the Presiding Judges of the Criminal Division of the Superior Court expressed concern that there was little or no bedspace at residential treatment programs for the rehabilitation of drug offenders. The Presiding Judges

recommended that a strong commitment be made to increase the number of beds in treatment programs so that NJSA 2C:35-14 could be a viable sentencing option.

The lack of sufficient treatment bed space impacts two specific groups of offenders. First, it affects the number of defendants who could be diverted from incarceration. Second, it also affects some inmates who could be released at first eligibility but are not due to insufficient programs to address substance abuse problems. The Alternatives to Incarceration Committee of the Criminal Disposition Commission recognized that there is a group of state prison inmates with drug and alcohol problems that are not released at first eligibility by the Parole Board because of their abuse problems. The Committee noted that the link between substance abuse and crime is well established and that the Parole Board is reasonably unwilling to release inmates without some assurance that the inmate will have treatment services available to them. The Committee recommended that funds be dedicated to create additional beds at existing treatment facilities to provide community based residential drug treatment for inmates with existing parole eligibility dates.

The Alternatives Committee pointed out in 1985 that the Parole Board's Mutual Agreement Program for Alcohol Rehabilitation could serve as a practical model to develop drug rehabilitation programs at an estimated cost of

\$16,800 per bed per year. Each bed in the facility could accommodate two parolees a year at an annual cost of \$8,400. Enrolling pre-release inmates as well as those paroled to the program in lieu of continued incarceration would save scarce prison bed space by removing these offenders from the institutions to address their specific "crime producing" condition. Ultimately, reducing the likelihood of recidivism will have a cost savings impact upon the system.

### 3. STATE INTENSIVE SURVEILLANCE AND SUPERVISION

#### PROGRAM (ISSP) - INTENSIVE PAROLE

The New Jersey Bureau of Parole's ISSP program was created in 1986. Modeled after the Administrative Office of the Courts Intensive Supervision Program (ISP), this program is designed to provide highly structured, close supervision for parolees who would be at risk of being denied release. ISSP uses intensive monitoring, surveillance, and services to assist parolees in their reintegration into the community and to protect public safety by detecting poor parole performance at its earliest stages. Caseloads are limited to 20, rather than 70 in traditional parole supervision, thus assuring a high degree of contact with, and supervision of, parole releases.

In 1985, the Alternatives to Incarceration Committee suggested that ISSP be used as an emergency measure where

prisoners with parole dates could be released earlier than scheduled when facility populations reach dangerous levels. It is estimated that, at any one time, there are at least 200 inmates with established parole dates waiting for release from custody. In addition to providing supervision for a "risky" release population, ISSP could provide a release mechanism when prison populations grow unmanageable without putting the public into serious jeopardy.

ISSP currently has 16 officers throughout the state supervising approximately 350 participants at an estimated cost of 12-15 dollars per day per participant. Officers maintain caseloads not exceeding 25 clients with 5 of those clients assigned to newly created electronic surveillance program which was added to ISSP in September 1989. Ordinarily, parolees remain on the program between 9 months and one year, however, those exhibiting adjustment problems are continued under supervision until their sentence expires. Approximately 35% of ISSP participants are reportedly returned to custody mostly for technical violations.

#### OTHER ALTERNATIVE PROGRAMS

Although no specific recommendations were made by the Alternatives Committee about the following programs in 1985, they are included here for review because they

involve a significant number of defendants and appear to be viable alternative options to traditional criminal justice processing and incarceration. Pretrial Intervention (PTI) and Conditional Discharge programs operate on a statewide basis and divert offenders from traditional processing. Work release programs provide a population reduction mechanism by permitting offenders an opportunity to shorten their length of stay through acceptable program performance. Electronic monitoring allows policy makers to change the place of confinement for a select group of offenders and maintain close surveillance to protect community safety while permitting offenders to work and contribute to the tax base. These strategies are worth serious review and consideration as viable methods to reduce populations in the custodial settings.

#### 1. DIVERSION - SUPERVISORY TREATMENT PROGRAMS - CONDITIONAL DISCHARGE AND PRETRIAL INTERVENTION

Conditional Discharge is a statewide program created by statute (NJSA 2C:36A) to divert first offenders charged with disorderly persons and petty disorderly persons drug possession and use offenses from traditional criminal justice system processing. The court, upon notice to the prosecutor, may upon motion by the defendant or court grant a conditional discharge to the defendant after a State Bureau of Identification record check. The terms



and conditions of supervisory treatment while under conditional discharge are structured to protect public safety and benefit the defendant by serving to correct the defendant's chemical dependence.

To be eligible for Conditional Discharge, the court must determine that the continued presence of the defendant in the community or treatment facility will not present a threat to public safety. The applicant is required to pay a \$45.00 fee to the court which is sent to the county treasury to offset the cost of juror compensation. Indigent defendants can file a waiver within the guidelines of New Jersey Court Rules. The charges against the defendant are dismissed by the court once the conditions are satisfied.

More serious first offenders are offered an opportunity to avoid traditional criminal prosecution by receiving early rehabilitative services and supervision in the statewide Pretrial Intervention (PTI) program. Defendants are considered for PTI based upon their amenability to correction, responsiveness to rehabilitation, and the nature of the offense. A judge may postpone the criminal proceedings against a defendant prior to trial, with the consent of the prosecutor and written recommendation of the program director, and refer him to a program of supervisory treatment for a period of time not to exceed three years. The defendant's charges are held "inactive"

during supervisory treatment and are dismissed "with prejudice" when the conditions of release are satisfied.

As of October 1989, 7,550 people were participating in the Pretrial Intervention Program, a 26.3% increase from the previous year. During this same time period, Conditional Discharges declined 1.6 percent. This trend may be indicative of the impact of incorporating the Comprehensive Drug Reform Act into the Code of Criminal Justice.

## 2. WORK RELEASE

Work release refers to a program where county sentenced inmates can leave the institution to go to work or attend vocational training and then return to the facility at night. The programs operating in all counties throughout the state are designed to provide inmates with an opportunity to maintain full time employment or participate in vocational skills training, maintain constructive ties with family and community, develop and strengthen good work habits, defray the cost of incarceration, and satisfy financial obligations (i.e. court ordered and family responsibilities). It is also intended to reduce jail crowding by permitting a participant to reduce his sentence by one-quarter if he complies with all the conditions of the program.

An offender can be placed in the program by the original sentencing court or the Assignment Judge if he satisfies the following criteria:

- (1) Minimal prior criminal history;
- (2) Acceptable prior work history;
- (3) No involvement in organized criminal activity;
- (4) No pending charges or detainers;
- (5) No history of violence;
- (6) No history of violating the public trust;
- (7) No serious psychological or physical health problems;
- (8) No history of sale or distribution of CDS for purely economic gain;
- (9) The instant offense can not be of public notoriety where the deterrent effect of incarceration would be minimized if released; and
- (10) No current sex or arson convictions or any history of prior sex or arson offenses.

Those accepted into the program must adhere to a stringent set of conditions and restrictions that limit the participant's mobility and freedom. Work-release requires all inmates to refrain from using drugs or alcohol, carrying correspondence to or from the respective institutions, contacting family or friends without permission, leaving the job site or training center, operating or accepting a ride in an unauthorized vehicle, or making unauthorized phone calls. All participants must satisfy all their financial obligations including child support, fines, restitution, and other legitimate debts.

This is a very important condition in that one county reports that approximately 95% of work release inmates have dependent children. They must also pay room and board to offset the cost of their incarceration.

Program administrators collect the pay from the inmates and disburse the money accordingly. The balance is put into an account for the inmate's future to be used upon his release. Administrators are also charged with reviewing applications and ascertaining whether the prospective employer satisfies certain criteria (i.e. verification of employment, credibility of employer, acceptable working conditions, adequate compensation for the position, available transportation, and verification of Workman's Compensation coverage).

Current work release programs have demonstrated that they can be efficient, cost-effective alternatives to short term jail incarceration. All 21 counties operate a work release program for eligible offenders sentenced to the county jail by the Municipal and Superior courts. Programs are supervised by the Department of Corrections which is charged with preparing and enforcing work release regulations. In 1988, 1,528 inmates were assigned to work release programs of which 97.25% were removed from the program during the calendar year. Of those inmates removed from the program in 1988, 78.8% completed their sentence and only 12.7% were excluded to due pro-

gram rule infractions. Less than one percent (10 inmates) escaped from program supervision.

Work release participants earned \$1,477,652.56 in 1988 in which \$391,812.57 were contributed to support, \$193,434.23 paid by inmates to offset jail room and board costs, and \$211,966.55 applied against other financial obligations incurred by the inmates.

Work release inmates worked an average of 36 days in 1988 and calculations estimate that 13,709 jail days were saved by the program given the formula for one day credit for every 4 "good days" of work.

There are some problems with current work release programs that warrant some attention. Some counties responding to the present survey indicated that program enrollments are limited and could be expanded to allow more inmates to participate. For example, Hudson County reports that only 9 people sentenced by the Municipal Courts participated in the program yet 258 are serving terms at the jail. Another obstacle reported by Hudson County is the inability to obtain the requisite information from inmates in a timely fashion. Some potential employers also do not have the necessary Workman's Compensation coverage to allow work release inmates to occupy available positions.

The Department of Corrections reports that present jail overcrowding limits the ability to house work release

inmates separately from ordinary prisoners which is a condition that is considered to be an important part of program success. Counties responding to the present survey report that individuals continue to be housed in separate sections at the facility but that this has become increasingly difficult in recent years.

Some program administrators indicated that the programs tend to be favorably reviewed by the Courts, however, they did express some concern that the programs are underused by sentencing judges particularly for female inmates. This alternative sentencing option could probably benefit local county jurisdictions if gradually expanded to increase the size of the caseload. Selection and supervision will continue to be an essential part of the work release process to assure community safety and it is quite likely that additional staff will be required. The contributions made by the participants to offset the cost of confinement and the satisfaction of personally incurred debts (i.e. child support, fines) may offset the cost of additional staff. Work release may provide the balance between deterrence/punishment (restricted movement, nights in jail) and rehabilitation (employment, vocational training) in a cost effective way for a certain group of offenders.

### 3. ELECTRONICALLY MONITORED HOME CONFINEMENT PROGRAM

Electronic monitoring was established by the Department of Corrections to provide the Parole Board and the Bureau of Parole with another intensive supervision option. The program attempts to serve as a close equivalent to imprisonment that enhances the "parolability" of a select group of inmates, reduce parole recidivism, and protect public safety. Home confinement with electronic monitoring of compliance can be established as a condition of release by the Parole Board or the Bureau of Parole for a period of time not to exceed 180 days in addition to the conditions ordinarily imposed by Parole.

The Home Confinement Program is a mechanism for the release of "more risky" inmates with established parole dates as well as a punitive measure for parolees who commit technical violations. Parolees released to the home confinement program are supervised by ISSP officers with caseloads that do not exceed 25 clients. The participant is required to remain in his "approved" residence unless given permission to be outside to work and attend treatment programs. All "outside" movement is highly structured and compliance strictly monitored. Participants must also abstain from illegal drug use and submit to random urine monitoring. They also must obtain, or continue to actively seek, employment while on ISSP.

To be eligible for the program, inmates with established parole dates not contingent upon the successful completion of an institutional or community based treatment program and can apply to the program if they are within 60 days of the established date. Eligibility standards also require that applicants be classified with "full minimum" status for at least 30 days, have good overall institutional adjustment, and have psychological and medical clearance to participate.

Inmates submit an application to Home Confinement program for review. Program administrators forward acceptable applications to the Institution Classification Committee for consideration. Those considered appropriate are referred to the Bureau of Parole which conducts a home site investigation. If the application is approved, the ISSP officer assigned to the case will arrange to receive the parole certificate and subsequently receive the parolee.

Due to the relative short period of time the Home Confinement program has been in operation, no evaluation data is available. The best indicators of program success, however, can be found in the ISSP evaluation data since both programs are interdependent and operate in the same agency. (Note: That data is provided above).

The comments from program administrators indicate that the development of Home Confinement coupled with ISSP



appears to be progressing well. The program may represent a viable alternative for the supervision of "more risky" release candidates and for those headed back to prison for technical parole violations. Home confinement represents a "middle ground" experience that incorporates the need for a punitive response to crime and rule violations and public safety while preserving custodial resources and allowing the participant to address his treatment needs in community based programs. The viability of continued program development and expansion should be examined. Also, the appropriateness of the Home Confinement as a sentencing option should also be explored so that a continuum of intermediate, community based correctional alternatives can be developed.

#### LONG TERM SYSTEM BUILDING STRATEGIES

In addition to developing intermediate sanctions and predispositional non-custodial alternatives, traditional alternatives need to be strengthened so that a graded continuum of viable sanctions can be provided for judges to use when sentencing different offenders. The Alternatives Committee continues to recommend that resources be dedicated to establish alternatives to prison and jail custody that are designed to be accountable to the public. Accountability requires that the alternatives be

tested using reliable and valid data collection and analysis techniques. The continued assessment and accountability of these options will eventually lead to greater confidence in them as viable alternatives to assure that they will more likely be used at sentencing.

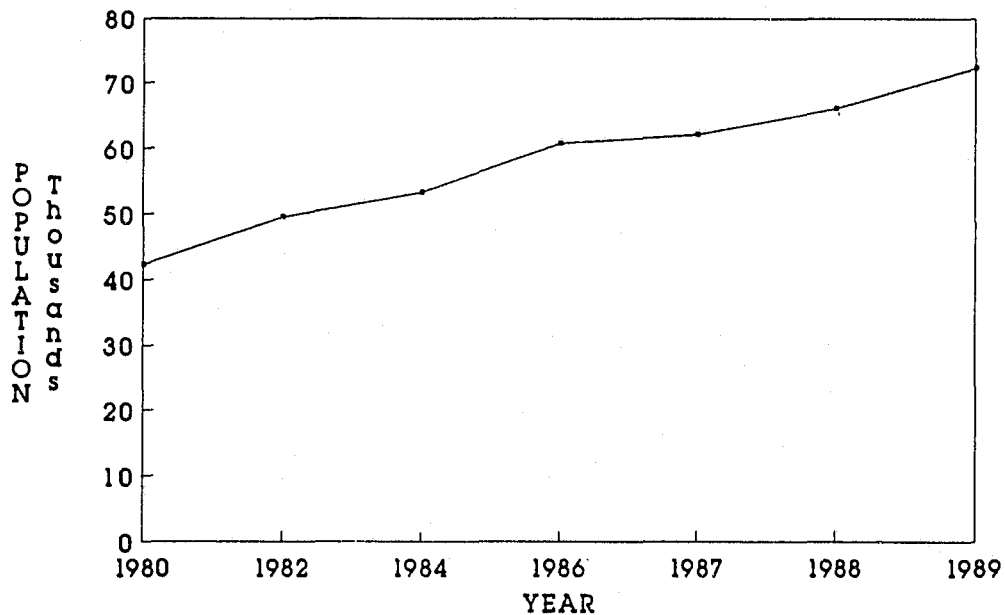
Accountability is an essential component of viability. The system must respond to crime and criminals in an efficient, cost-effective, and humane manner to protect public safety. This requires that, in addition to the alternatives presented above, traditional probation services and the ability to do individualized case planning for offenders must be strengthened. This section addresses these concerns.

#### 1. ENHANCING PROBATION SUPERVISION

Probation has suffered from a "fuzzy image" in terms of accountability and effectiveness. Despite this "fuzzy image," probation continues to be the most commonly imposed sentencing option used by judges. Probation populations have steadily increased since 1980 (See Figure 4).

Probation's poor image is the product of these growing caseloads and inadequate funding. Caseloads currently exceed 160 probationers per officer. Large caseloads prohibit the proper supervision and surveillance of

**Figure 4**      **Persons Under Probation Supervision**



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Source: New Jersey. (1988). Crime and Criminal Justice in New Jersey. Newark, NJ: Criminal Disposition Commission, p. 27; New Jersey. (1989). Probation Services Statistical Summary. Trenton, NJ: Administrative Office of the Courts.

offenders thereby adversely affecting confidence in probation's ability to control crime and hold offenders accountable for their actions. Large caseloads also hamper service provision and treatment referral efforts that often address the offender's "crime producing" condition.

It is generally recognized that probation caseloads should not exceed 100 cases per officer in order to adequately provide the necessary level of supervision and service referrals. Caseload size should decline as the

level of required supervision and services increases. The Committee recommended a classification and case management model to enhance probation services using different contact levels based upon an assessment of individual client risk and need. In this model, probation caseloads are classified into Maximum, Medium, and Minimum supervision categories.

In addition to increased physical contact with officers, state of the art technology would greatly enhance probation's ability to effectively monitor compliance and hold clients accountable for their actions. Electronic monitoring and urine testing could become an intricate part of the supervision experience.

These proposals, like other programs have a cost and, although the estimates appear costly at first, it should be noted that probation supervision continues to be the least costly supervised criminal disposition available for the majority of offenders. It is considerably less expensive than incarceration both in human and fiscal terms. Enhancing probation supervision will make this disposition a viable sentencing option considered to protect society and hold offenders accountable for their actions. Improving the viability of probation as a criminal disposition will eventually reduce total system costs in the future.

## 2. DEVELOPING ALTERNATIVE INDIVIDUALIZED CASE PLANS

The importance of accurate and detailed information about the offense, offender, and available sentencing options in making a sentencing decision can not be understated. Current probation workloads create some obstacles for achieving this objective, however, the individualized case plan is a fairly new approach which attempts to develop very thorough and complete assessments of the defendants and the available, appropriate alternative sanctions.

This individualized case plan is ordinarily developed at the request of the defendant or his attorney through a private sector enterprise. The case plan tends to use a social service approach to develop an individualized sanction plan that balances the offender's need for treatment with sensitivity for the victim's loss as well as the concern for community safety. These plans often stipulate substance abuse counseling and mental health services as a condition to participate in the least restrictive environment deemed suitable by the judge to satisfy the need for a punitive response to criminal activity. Case plans also include a range of alternative sanctions that are available so that the sentencing judge can fashion the most "appropriate" sentence. One of the most important aspects of the plan includes a contingency clause which clearly articulates the sanc-

tions for non-compliance with the alternative plan.

The large segment of individualized case planning is conducted by the private sector charging defendants several hundred dollars per plan, however, the Mercer County Public Defender's Office has experimented with this approach on a limited basis for some of its clients. In Mercer County, investigators and attorneys identify appropriate clients based upon the nature of the offense and client needs. The Social Service Unit of the Public Defender's Office interviews and evaluates each client and develops a case plan that focuses on specific treatment needs and arranges for monitoring compliance with the plan. The plan is submitted to the sentencing judge who can accept, modify, or reject the application and recommendation.

The individualized case plan and sentence recommendation provides some benefits that, even if rejected by the sentencing judge who then imposes a custodial term, the case plan provides valuable, detailed information for the sentencing decision and for determining the conditions of aftercare upon parole release.

### 3. HALFWAY HOUSES IN CONJUNCTION WITH ISP

The ISP program in New Jersey has been quite successful to date yet a number of offenders are denied admission to the program because of the lack of a feasible case plan

or are returned to prison as program violators for continued substance abuse problems. It appears that both conditions are closely interrelated. For example, suitable applicants may be rejected from the program admission because of a very unstable residence arrangement (i.e. substance abusing family members) or because applicants lack a place to live. These problems are also often considered factors that lead to the unsatisfactory performance of those who are permitted into the program.

The ISP program has prepared a proposal to establish three regional "half-way" houses to provide temporary living quarters for suitable applicants that do not have "conducive" living arrangements while seeking employment or working to save enough money to find suitable arrangements of their own. The half-way houses would also provide an intermediate step before a return to prison for those that do not appear to be adhering to the conditions of release similar to ISSP home confinement program.

Expanding ISP and reducing program failures are important to reduce prison crowding in New Jersey. The half-way house concept appears to be an innovative attempt at achieving these ends and thus these types of initiatives should be fully explored as correctional alternatives. The Director of ISP prepared a proposal describing the half-way house program and includes cost estimates for

developing and maintaining these types of programs. Interested readers are directed to the Appendix for the proposal prepared by the ISP Director Richard Talty. The "half-way" house concept used in conjunction with the Intensive Supervision Program process is worthy of serious consideration by policy makers.

#### SUMMARY AND CONCLUSIONS

This report presents information about various strategies to reduce prison and jail overcrowding. It provides information that can be used to construct a continuum of supervision practices and criminal sanctions both at the pre- and post- dispositional stages of the criminal adjudication process. The "IN/OUT" decision is no longer the only important decision in the sentencing of offenders. Alternative programs do exist and are currently used in some jurisdictions attempting to grapple with the custodial crowding problem. Other alternative programs are proposed and some long term strategies are identified. The development of these programs, and their subsequent expansion, depends upon the commitment of policy makers and the ability to allocate resources so that these programs become true, viable alternatives to incarceration.

Some progress has been made in New Jersey in a few of the areas identified above, however, the further develop-



ment and enhancement of these programs in the sanctioning continuum is essential to seriously address the costly custodial crowding problem. In conclusion, the Alternatives to Incarceration Committee identified specific areas of concern addressing the crowding problem in custodial facilities throughout the state. These "areas of concern" are directly addressed by the specific recommendations presented in the beginning of this report.

- (1) New Jersey. (1989). Corrections Policy for the 90's. Trenton, NJ: County and Municipal Government Study Commission, p. xiii.
- (2) Interested readers are directed to the Criminal Disposition Commission's briefing report on SPTR in New Jersey.
- (3) A community sponsor is ordinarily a family member or other responsible member of the community (i.e. local minister, employer, etc.) who accepts the responsibility of assuring the defendant's compliance with the imposed conditions thus providing an added level of supervision.
- (4) Austin, J., Krisberg, B., and Litsky, P. (1984). Evaluation of the Field Test of Supervised Pretrial Release: Final Report. San Francisco, CA: National Council on Crime and Delinquency; Peterson, K. (1979). Pretrial Release: Delivery System Analysis of Pima County (Tucson) Arizona. Washington, D.C.: Lazar Institute; Peterson, K. (1979). Pretrial Release: Delivery System Analysis of Santa Clara County, California. Washington, D.C.: Lazar Institute; Pryor, D.E. (1982). Practices of Pretrial Release Programs: Review and Analysis of the Data. Washington, D.C.: Pretrial Services Resource Center.
- (5) Chayett, E.F., Coyle, E.J., and Shapiro, C. (1988). A descriptive evaluation of supervised pretrial release programs in New Jersey: Middlesex and Essex Counties. Unpublished report, Rutgers University Program Resource Center; Coyle, E.J. (1989). Supervised Pretrial Release. Newark, NJ: N.J. Criminal Disposition Commission.
- (6) See Austin, et.al., cited at Note 4.
- (7) Burrell, W.D., Goldstein, K.L., Manning, L. (n.d.). Standards for Community Service Programs in New Jersey. Trenton, NJ: Administrative Office of the Courts.
- (8) Pearson, F. and Toby, J. (1987). Evaluation of the ISP program in New Jersey. New Brunswick, NJ: Rutgers Institute of Criminological Research.
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Appendix A

ISP HALFWAY HOUSE PROPOSAL

Prepared and Submitted by:

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State of New Jersey  
Intensive Supervision Program  
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## INTENSIVE SUPERVISION PROGRAM

### Residential Center Expansion

ISP occasionally rejects applicants who would otherwise be acceptable to the program for lack of appropriate residential arrangements. The program also returns a substantial number of participants to prison who might have been able to succeed in the program if provided with greater structure and control. ISP proposes to establish three residential centers to address these problems. In addition to permitting more applicants to be admitted into the program, the centers will allow ISP to reduce the number of participants returned to prison, thereby saving the state both prison beds and money.

Placement in the centers will be both punitive and rehabilitative. ISP staff will be able to closely monitor and control the movements of participants who are experiencing difficulty in adjusting to the program. Intensive counseling and drug treatment will also be provided. Each residential center will house 20 participants with an average stay of 90 days. Approximately 240 participants will utilize these residential centers during the course of a year.

A first year's budget has been estimated at \$1,172,876. Of this, \$616,276 is for salaries and the remaining \$556,600 for leased bed and office space, equipment, and services. During this start-up year, staff will be hired and trained. Once staff are on-board, bed space will be leased from private sector residential facilities. This will allow the program to function while the three sites to be run by ISP are located and equipped. Approximately 120 participants will be served in this first year. The average cost per participant during this first year of operation would be \$16,000. The high program cost is due to the fact that it would require six months to locate leased bed space and hire and train staff. Therefore only two cohorts of 60 participants would be in the program during this start-up period. A detailed budget follows.

A budget for the fully operational ISP run residential centers is also attached. This will cost \$1,507,599 of which \$139,500 are non-reoccurring costs involved in furnishing and equipping the three residential sites. Salaries for the fully operational program have been estimated at \$945,649. The remaining \$561,950 will cover furniture, food, various services, and leased space for the centers. Once the centers are operational, the average annual cost per participant is estimated at \$8,000 - \$10,000. This includes 90 days in a residential center plus the remaining 275 in the normal ISP program. The attached budget includes costs for the full participant year -- residential and non-residential. Therefore, once the residential centers are operating at full capacity, it should cost only an additional \$2,000 - \$4,000 over the normal ISP program cost to house a participant for 90 days.

ISP plans to offset some future costs by requiring participants housed in the residential centers to contribute to the cost of their room and board on a sliding scale based on economic capacity with a maximum of \$10 per day.

ISP RESIDENTIAL CENTER - FY 1990

FIRST YEAR BUDGET

BUDGET SUMMARY

NON-PERSONNEL	\$556,600
PERSONNEL	\$616,276
GRAND TOTAL	\$1,172,876

1 DIRECTOR	G-35	\$53,819	\$53,319
3 SUPV. ISPO	G-31	44,280	132,839
6 ISPO	G-29	40,161	240,969
1 ADMIN ASST.	G-29	40,161	40,161
1 RESEARCH ANALYST	G-24	31,417	31,417
1 SECR. III	G-15	20,265	20,265
1 PRIN-DATA HD	G-14	19,286	19,286
2 PRIN. CL STEN	G-13	18,373	36,730
6 GRAD INTERNS	HOURLY	6,795	40,770
TOTAL PERSONNEL			\$616,276

SERVICES OTHER THAN PERSONNEL

PURCHASE OF SERVICES	\$15,000
TRAVEL	\$2,500
TELEPHONE	10,000
POSTAGE	1,000
CONSULTANTS-PURCHASE OF SERVICES	5,000
URINE MONITORING	22,500
TRAINING	5,000
INSURANCE*	1,000
SUB-TOTAL	\$ 57,000

MATERIALS & SUPPLIES

COPY MACHINE RENTAL	\$10,000
SUPPLIES	3,000
CAR SERVICES/GAS & OIL	5,000
VEHICULAR OTHER	1,000
BOTTLED WATER	600
SUB-TOTAL	\$19,600

MAINTENANCE & FIXED CHARGES

10 PAGERS		\$3,000
LEASED BEDS	\$40/DAY	324,000
LEASED OFFICE SPACE		24,000
VEHICLE MAINTENANCE		1,000
SUB-TOTAL		\$352,000

**CAPITAL CONSTRUCTION**

DP HARDWARE	\$8,000
OTHER EQUIP	10,000
11 NEW VEHICLES	110,000
SUB-TOTAL	\$128,000

\* According to the Bureau of Risk Management, the State self-insures liability insurance. Only volunteer accidental injury coverage and property insurance would have to be maintained.