

**New Jersey Community
and Corrections
Working Summit:**

Impacting Communities of Color

2003 Summit Report

Sponsoring Partners

**Hispanic Directors Association of New Jersey
New Jersey Black Issues Convention
New Jersey Department of Corrections
New Jersey State Parole Board**

**Final Summit Report Compiled and Authored by
Elaine G. Selan, RN, MSN**

May 17, 2004

“When spider webs unite, they can tie up a lion.”

African Proverb

Keynote Speech

Guillermo Beytagh- Maldonado, Chairperson, Hispanic Directors Association of New Jersey

Appendix C

In 2002, when the Hispanic Directors Association first met with recently elected Governor McGreevey, we asked him to help us set-up some meetings with key departments of the State. Departments that had a direct influence on our community. The fact that the governor was asking for these meetings would give the commissioners and their staff a more serious sense of urgency in terms of dealing with our issues.

His response was positive and we eventually began to meet with different commissioners. Shortly after that meeting, Cuqui, my adopted sister, and I had to go to Puerto Rico to deal with some family matters. During that trip, we spent a lot of time in a car traveling to our meetings and we were discussing the strategy of the Hispanic Directors in meeting with these commissioners.

Cuqui, as always, argued with me that we needed to deal with the Department of Corrections. That this was our opportunity to work with a system where our community was highly overrepresented and that much needed to be accomplished to deal successfully with this sector of our community.

She told me that the scarcity of education, health care, drug prevention & treatment programs throughout our state awaited ex-offenders as they leave prison to reenter our communities and that through her experience, efforts to reintegrate offenders into the society are almost invisible. I remembered an essay by Marx that I read while studying community development and Puerto Rican Studies here, at Livingston College, my alma mater, on how difficult it is for the criminal justice and corrections system to become successful. Marx argued that if the system worked, people that run it would lose their jobs, so they really did not have an incentive to do so.

In addition, I had, back in the early nineties led an effort to try to save the then very successful Office of Hispanic Services within the Department of Corrections, which the Whitman administration had decided to eliminate. It really did not take much to convince me that we had to deal with this department and the agencies that provide supplemental services to the offender population.

Honestly, the first couple of meetings with Commissioner Brown and some of the top administrators of the department were a bit strained. We noticed that Commissioner Brown had been meeting with different community and advocacy groups and that he and his staff was being bombarded with criticism on the conditions of the department and its programs. Nevertheless, we decided to move on and, to his credit, the Commissioner agreed to hold this summit, as long as the expense to the department was minimal.

We met with many people within Corrections, Parole and other entities. Moreover, we learned that there are many conscientious individuals within these institutions.

Individuals that not only are ready to help improve the situation of people of color within the offender population, but also individuals that are very aware of the problems confronting these institutions. And had their own ideas on how to resolve some of the issues that will be discussed here today. I learned and will address some of them.

Why did we need this summit? Plainly, it is so because leaders within the African American and Latino communities are extremely concerned with the overrepresentation of our communities within the system, and we have decided that enough is enough. We cannot be silent any longer. We can not just sit back anymore and continue to observe a system that is failing our community. A system that is hard to change, for political, social and economic reasons. A system that is in many ways, paramilitary in nature. And a system that receives very little attention from the mainstream citizens of New Jersey with their newly found sentiment of put them away and throw away the key.

Pressure form our communities of color is very much needed. But lets get immediately to the root of some of the problems we face and the things we need to change.

What is holding back change? What does it take to reduce costs, reduce recidivism, and get this situation under control?

First of all:

1. Candidates for political office in New Jersey have to stop trying to get votes by pandering to voters' fears that are enlarged by media crime hype.
2. Elected officials have to reform the mandatory minimum laws.
3. Our government has to shift resources, to restoration and rehabilitation of offenders - instead of pursuing its single-minded solution of only punishment and more and more prisons.
4. We have to substantially expand the funding for alcohol and drug treatment and the community-based alternatives to incarceration, which through countless studies have shown to be less expensive, and more effective, and
5. We have to expand and raise the quality of correctional education and vocational training for a holistic approach and a maximum payoff.

You know, societies should be judged by their treatment of offenders. Clearly, incarceration is punishment and societies should not contrive punishments that are amenable, but the range of what is tolerated in this country as lawful punishment is dangerously broad. Consequently, the convicted felon (regardless of whether he or she is actually innocent) is at the mercy of the creativity of his/her jailers.

If they develop a method of incarceration, he or she must suffer it. Within the current system, the felon who is incarcerated must expect that cruel punishment is usual until proven otherwise.

The Department of Correction in New Jersey has approximately 28,000 prison inmates. In the United States, we now imprison at least six to ten times as many people as most civilized countries. The length of our sentences is two to three times those in England.

A report just released last Thursday by the Drug Policy Alliance stated that New Jersey leads the nation in warehousing nonviolent drug offenders. The report found that this is so as a result of punitive, inflexible laws that are burdensome to taxpayers and ineffective in curbing drug abuse.

36 percent of New Jersey's 28,000 prison inmates are serving sentences for drug crimes, compared with the national average of only 20 percent. New Jersey's drug sentencing laws were last amended in 1986.

One factor cited by the report was New Jersey's law requiring that convicts serve 85 percent of their sentences, regardless of the nature of their crime or their behavior behind bars. New Jersey policies put into place 10 and 15 years ago, including school-zone mandatory minimums, have resulted in the warehousing of drug offenders.

The Alliance estimates that the state's drug-related inmate population costs \$266 million a year; more than what a third of all states spend on their entire prison populations. Among other criticisms, the report said the state's drug incarceration laws had a disproportionate impact on minorities.

The account on African Americans and Hispanics in prison is disgraceful. By FBI studies, people that are not of color consume most of the drugs, and more than half of the dealers are not minorities.

In New Jersey, African Americans and Hispanics make up about 81% of the prison population, though they represent only 27% of the state's population. That is 3 times the proportional rate! I have been around, and I know! That we, as a community, are not three times more delinquent than others.

Much of the suburban drug activity is behind closed doors. However, much of the drug trade in low-income minority neighborhoods is done in the streets. There, it is much easier to sweep us up.

Often, society blames the problems of minorities on the disintegration of our families. But, what is happening to the families of those incarcerated? We are destroying Black and Latino families at a great rate.

The children of incarcerated parents suffer the most. They often get shuffled among relatives or foster care families. And as we all are very well aware, in New Jersey, that can become very, very dangerous.

These children will be the next generation in prison. You know:

1. 70% of youths in state institutions are from fatherless homes.
2. 75% of adolescent patients in substance abuse centers are from fatherless homes.

And what an industry we have created! Really on the backs of the minority community! Not only are we constantly studying in institutions of higher learning the criminal justice and corrections system but in many cases communities compete for the construction of prisons within their area in order to develop jobs and the economy. Across the country, there has been a prison building boom as a way to create jobs.

Do you have an idea what all this costs? The annual operating budget for New Jersey's Department of Corrections increased this year by \$20 million to \$918 million.

Meanwhile, to fund all that prison growth, a lot of education, health services, and infrastructure all suffer, because the money is taken from them. Although the Department of Corrections increased their budget by \$20 million this year, higher education in New Jersey was cut by \$26 million.

Throughout the nation, states spend more on corrections than on higher education.

I truly believe that what is driving so many members of our communities of color into prisons are drugs and irrational drug laws. For example, there are about 10,100 drug offenders locked up in New Jersey prisons. It cost the state almost \$1 billion to construct the prisons to house those people. And the operating expense for confining them comes to over \$300 million each year.

Today's mandatory minimum laws tie the judge's hands, and prevent him or her from taking into account the circumstances and context of the crime, the individual's character and background, and the relative position of the offender in the drug traffic hierarchy. Today many minor offenders, who may possess a small amount or sell a small amount to feed their addiction, get huge sentences, as much as many murderers.

What we do not hear is that the much-maligned "repeat drug offenders" are often sick addicts who must regularly sell small amounts to simply feed their expensive habit. Let us remember that substance abuse is an illness, not bad behavior.

On the other hand, most say that the drug war is being won. We have been enjoying a big drop in crime for years. But in reality, the drug war has been ineffective. After spending almost half a trillion dollars on it, drugs are as plentiful and as cheap as ever.

It is argued that incarceration has little effect on drug activity because of the "replacement" phenomena. For every dealer locked up, there are many others ready to move in and reap the big rewards.

More and more experts now agree that the drug laws must change because mandatory sentencing ties the hands of judges too tightly and prevents them from exercising discretion and good judgment.

So what are the alternatives?

It is apparent that each year thousands of persons who present no, or a minimal threat to public safety are being committed to state prison. And this is being done despite the exorbitant costs involved and despite the fact that community-based programs may well be as effective, or appreciably more effective in rehabilitating these offenders.

And I do not mean only drug treatment programs. Although drugs are a big part of it – Columbia University reports that 80% of our prisoners have alcohol or drug problems. There is more violence from alcohol than from drugs. And the greatest scandal is that less than 20% of those prisoners needing treatment get any treatment at all, and much of that is inadequate.

As our prison population grows, our in-prison alcohol and drug treatment programs have not kept pace. We all know that.

And drug treatment does work. But like so many things, it has to be done well to have good results. A Rand study found that drug treatment reduces serious crime 15 times more than mandatory minimum laws, and 10 times more than conventional sentences. Arizona now mandates all drug addicts to treatment rather than prison and claims a 75% success rate. It pays to give addiction treatment and education/training to prisoners.

Casa, the Columbia University group, estimates that if we successfully treat and train only 10% of the 1.2 million inmates who need it, the nation would benefit more than \$8 billion for each year

those released inmates remain employed and drug-and-crime free. One study showed that by paying for some education and training As well as addiction treatment, we as a nation could save hundreds of million of dollars per year from:

1. Reduced crime costs;
2. Reduced arrest and prosecution costs;
3. Reduced incarceration costs;
4. Reduced substance abuse costs; and,
5. By earnings benefits as these people are put back to work.

Other alternatives to incarceration have also had great success. Especially, holistic, culturally sensitive, community-based approaches to offender problems.

The problem of an offender may, for example, be a combination of some addiction, lack of education or job training, and bad attitudes. We need education and job training that enables a person to hold a job that pays living wage. These are obviously prerequisites to a stable, non-criminal life.

Yet, a majority of prisoners have no high school diploma. An estimated 40% of them cannot read. And the data indicates that education alone, ranging from literacy, adult basic education, GED, vocational, and post-secondary have consistently reduced recidivism. And although we might have to redirect some resources to education and training, it is a good investment. It more than pays for itself in the long run. There is little doubt that prisoner education pays.

Now a days, when a prisoner does come out, after years of sub-human treatment, with no practice of socialization and decision-making, still addicted, and without job skills, a returning inmate is lost. Without help, he or she is likely to despair and end back in prison. Two thirds do.

In the process of preparing for this summit, some of us visited prisons and searched out for inmate-run and religious programs. These are also very important for reintegration success. You see Cuqui; I have been listening to you!

The way a prisoner thinks is perhaps the most crucial factor in whether a prisoner succeeds or fails upon release from prison. Many prisoners blame prison administrators for not offering enough programs to help them develop skills that will lead to employment.

Those prisoners wither away years at a time watching television, playing table games, or immersing themselves in the loser's trap of prison culture. Conversely, a much smaller group refuses to wait for administrators to open opportunities. In fact, they recognize that the prison system itself dehumanizes them.

The prison system is geared to emphasize security and custody, and through that emphasis, it frequently erects obstacles that block an individual's efforts to develop. The committed prisoner and his or her peers, however, navigate his way around those obstacles. He is singularly focused on success, and expects administrators and society will place barriers before him.

The committed prisoner passes every day in an all-consuming effort to prepare himself for the challenges he knows that he will encounter, both in prison and upon release. Prisoners who succeed do not reach their success by accident. They know exactly what they want. They implement strategies and exercise discipline to overcome the obstacles wrought by confinement.

They emulate the behavior and living patterns of leaders, many times of religious leaders, and they never offer excuses for their own failures.

This is why these inmate-run and religious programs are so important. If run and supervised effectively, they can prepare prisoners to overcome the obstacles they expect to encounter upon release. If we pay attention today and are able to make changes then millions of dollars and most importantly many members of our communities of color can be saved.

We must change our whole approach to our corrections system. We must:

1. Return judicial discretion to judges.
2. Reduce the excessive lengths of sentences.
3. Make the new laws somewhat retroactive.
4. Make appropriate assessment of risk. Insure that the right people are in the right programs.
5. Offenders must be given a validated risk assessment instrument.
6. We must not only increase programs that target crime-producing behaviors such as substance abuse, but also those that deal with criminal values, anti-social peers, poor problem solving, and relapse. These programs must use structured cognitive-behavioral curricula that target anti-social thinking and other factors related to criminality, for example impulsivity, poor problem solving skills, lack of considerations, consequences, and so forth.
7. We must also emphasize education and training.
8. Make alternatives to incarceration and restorative justice the norm.
9. We must create a sensible re-integration policy. A re-integration policy must include the departments of corrections, parole, human services, community affairs, labor, labor unions, and culturally competent community-based agencies. Then, and only then, we will be able to create and ensure implementation of successful re-entry programs.

We must also take advantage of some of the opportunities we presently have in New Jersey. New Jersey will be engaging in one of the largest construction programs since the new deal. Given the positive impact of livable wage employment on reduction in recidivism, job preparedness and career development programs in construction designed for early participation on the part of inmates are important. A tie-in to construction industries could prove meaningful.

Vocational education, work in collaboration with the labor communities and private agencies with employment support experience to develop apprenticeship programs that reflect the need for construction workers in these endeavors is very time-appropriate.

Let us not forget a recent Human Rights Watch study that found that as many as one in five of American prison inmates are seriously mentally ill, and that prison systems have become default mental health systems. Offender focused intensive case management models should be implemented initially, immediately after sentencing, during incarceration, during the transitional center stage, and continued at least, through the first year post release.

In addition, given the finding that so many prisoners suffer from mental illness, the establishment of separate housing facilities and access to therapeutic counseling and other treatments are more than warranted in this state.

It is now generally known and accepted that female prisoners have different rehabilitative programming and service needs than their male counterparts. Therefore, there is an increasing need for instituting community-based gender-based programs and alternative sentencing strategies.

I would argue that Latino prisoners also have different rehabilitative programming and service needs than their counterparts. The re-establishing of the Office of Hispanic Services within the Department of Corrections is also warranted and needed.

Given how important family reunification is to successful transitioning and community re-entry and its impact on recidivism, more programs and support services are sorely needed in this area. I also recommend alternative sentencing strategies designed to facilitate optimum support and contact with children for both men and women.

Also, in order to help facilitate successful family reunification and community re-entry, we must provide funding to expand intensive case management models that bring offenders, families and communities together to reduce the pain and increase the prospects for a brighter collective future. Currently there is no institution really designed to provide the myriad of programs and support services that are truly needed.

Partnerships are necessary. The department of corrections and the other fore-mentioned government agencies must join forces with culturally competent, community based and faith based agencies. These partnerships, must be real partnerships. All partners must be viewed as valuable and necessary.

I can go on forever. But it is up to you, the participants of this conference to further discuss the alternatives that exist to reduce the overrepresentation and the soaring recidivism rates of communities of color in the correctional system.

Lastly, I must acknowledge not only the co-sponsors and funders of this summit. But also, the tireless labor of love put forward by the planning committee and specifically Cuqui. We did it!

And we all deserve a nice round of applause and appreciation for those that helped and are helping us.

For our community's sake, let us move forward and do the right thing.

Thank you!

Keynote Speech — Devon Brown, Commissioner, Department of Corrections

Appendix C

Thank you Mr. Silva for that kind introduction.

Good morning and indeed it is a good morning for we, as friends, family, and concerned citizens, have gathered to constructively address aspects of our nations and our states criminal justice policies as they affect people of color.

I believe that all of us will agree that this summit is well overdue for it affords us the opportunity to explore the devastating consequences of this country's race to incarcerate and to forge strategies that are based upon sound logic, reason, and compassion. This summit is highly unique for it represents the first occasion in this state and perhaps the nation in which those who are most affected by our rapidly expanding correctional industry, Hispanics and African-Americans, have united to convey our perspectives on this all consuming crisis.

As we do so, it is important that we understand what this summit is not about.

1. It is not about speaking in codes. We have had far too much of that from those who seek to conceal the true nature of the problem. Candor and open dialogue should be the rule of the day.
2. The summit is not about complacency for we are amidst a national catastrophe, one which imperils the most important, the most cherished entity in our lives, our children.
3. This summit is not about unbridled carping or about casting blame. As a behavioral scientist, I know the virtues of introspection that is, the necessity that we look inwardly before we displace responsibility for a problem onto others. As one who is legally trained, I understand the truth of the principle that he who seeks justice must do so with clean hands. Yes, the system may well have failed us but perhaps that has occurred in large part because we have failed ourselves.

Today, we stand at a bitterly contested crossroads where race relations intersect with the rules that govern the apprehension, trial, and punishment of those who have violated our laws. The direction that we take will have major political, social, and economic ramifications. It is a direction that must be determined by objective debate and yes, justice, two entities which have thus far been woefully lacking.

Ironically, while the proliferation of our criminal justice system has caused corrections to become one of the country's few growth industries, it has become the bane of governmental budgets and fiscal stability.

As I speak, 2.1 million people are behind bars in this country. One in every thirty-two individuals is incarcerated or has a history of incarceration in this land where freedom is considered the most basic of rights. For those who mistakenly equate sheer volume and size with prosperity, the current state may foolishly be viewed as positive. But for those of us who understand what the criminal justice system [particularly as it relates to prisons and jails] really means about the health of society, there is reason for great alarm.

I ask at this point that you envision a situation wherein you, a pregnant mother, are at your first meeting of a childbirth class in Camden, Newark, Plainville or any town in “inner city” U.S.A. All ten members of the class are African-American women who, coincidentally, are expecting boys. After a general overview regarding what to expect of pregnancy and childbirth, the teacher tells you that she also has some news regarding the future of your children three out of ten of your boys will spend time behind prison walls. While she can’t predict which of your sons will be there, national statistics suggest that this is how their lives will turn out.

This is a rather bleak scenario, of course, and one that is not generally incorporated into child birth classes but it is accurate nonetheless. My question to you today is: would America permit these circumstances to continue if the odds were three in ten for boys from other racial and ethnic groups? The answer should be obvious.

Today, as during the close of the twentieth century, race, crime, and the criminal justice system are inextricably linked. A walk through nearly any courtroom or prison in the United States will reveal a sea of black and brown faces at the defendants table and in the prison yard. The sad reality is that half of all prison inmates are now African-American and another 17 percent are Hispanic percentages far out of proportion to our members in the national general population or New Jersey.

With these figures in mind, there are those who with some degree of justification have proclaimed our prisons as being America’s new plantations for not since slavery has our country promoted policies which have visited such enormous economic and human calamity on the black community.

It is an unfortunate and unacceptable truism that this state and nation has lost a generation of young African-Americans and Hispanics, both male and female, to the criminal justice juggernaut. It is equally clear and shocking that a profound number of today’s black infants now have a heritage of having a parent, father and/or mother, who was in prison or under some form of criminal justice control. The harsh gravity of this finding will have far reaching implications for it is likely to perpetuate further social, economic, and psychological imperilments for future generations of Americans including those living in New Jersey.

As a career correctional professional, I have come to know that the number and occupancy rate of correctional facilities are in fact the true barometer of a society's health. Based upon the present circumstances, our state and country may well be approaching a condition far more grave than we choose to acknowledge. It is critical that we re-examine our criminal justice policies and laws. It is imperative that you ensure that what is in essence, search and destroy, drive by legislation that has had the effect of targeting selected populations be reviewed.

Now, there are those, the unenlightened and adversaries of progress, who may question the Commissioner of Corrections maintaining such views. But to them I respond I am without apology!

I proudly believe that we are one nation under god indivisible with liberty and justice for all.

Thank you for your continued support.

I am your native son.

