
Public Hearing

before

SENATE JUDICIARY COMMITTEE

SENATE BILL No. 2026

*(Transfers the Bureau of Parole in the
Department of Corrections to the State Parole Board)*

LOCATION: Committee Room 4
State House Annex
Trenton, New Jersey

DATE: January 29, 2001
10:00 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator William L. Gormley, Chairman
Senator James S. Cafiero, Vice-Chairman
Senator John O. Bennett
Senator John J. Matheussen
Senator Norman M. Robertson
Senator John A. Girgenti
Senator Raymond J. Zane



ALSO PRESENT:

John J. Tumulty
*Office of Legislative Services
Committee Aide*

Christopher Jones
*Senate Democratic
Committee Aide*

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TABLE OF CONTENTS

	<u>Page</u>
Assemblywoman Mary T. Previte District 6	2
Mario A. Paparozzi, Ph.D. Chairman New Jersey State Parole Board	8
Loretta O'Sullivan Legislative Liaison New Jersey Department of Corrections	18
Jeffrey J. Burns Assistant Commissioner Division of Operations New Jersey Department of Corrections	19
Diane M. Zompa, Ph.D. Director Community Programs Division of Parole and Community Programs New Jersey Department of Corrections	21
Carrie Johnson Assistant Commissioner Division of Parole and Community Programs New Jersey Department of Corrections	25
William F. Plantier Director Division of Operations New Jersey Department of Corrections	49
Richard J. Williams, J.A.D. Administrative Director Administrative Office of the Courts	65
Arthur N. D'Italia, A.J.S.C. Assignment Judge Vicinage 6 Hudson	68

TABLE OF CONTENTS (continued)

	<u>Page</u>
Richard B. Talty Assistant Director Probation Services Administrative Office of the Courts	87
Napoleon B. Johnson President Coalition of Community Corrections Providers of New Jersey	89
David Kerr Chief Executive Officer Integrity, Inc.	92
Daniel L. Lombardo President, and Chief Executive Officer Volunteers of America Delaware Valley	96
John E. Pinkard Chief Executive Officer The Center for Urban Education	99
Vernon A. Long Treasurer American Correctional Association New Jersey Chapter, and Chief Executive Officer Opportunities for All	101
Georgre P. Christie President The Probation Association of New Jersey	102
APPENDIX:	
Charts and statistics submitted by Carrie Johnson	1x

TABLE OF CONTENTS (continued)

APPENDIX (continued):

	<u>Page</u>
Testimony submitted by Richard J. Williams, J.A.D.	10x
Testimony submitted by Arthur N. D'Italia, A.J.S.C.	19x
Facts submitted by George P. Christie	28x
Letter addressed to Senator William L. Gormley et al. from James A. Hemm Executive Director New Jersey Association on Correction	32x
Letter addressed to Senator William L. Gormley et al. from William H. Thomas	33x
rs:1-53 lmb:54-104	

SENATOR WILLIAM L. GORMLEY (Chairman): Before we begin the hearing, there is a resolution that I move, and it authorizes special counsel to the Judiciary Committee. Michael Chertoff and his aides and associates has deemed advisable to take testimony and interview such persons and gather such documents and further this Committee's investigation inquiry into the issue of racial profiling and the circumstances pertaining thereto. And it's resolved, the Committee delegates to Mr. Chertoff, and his aides and associates, the authority to administer oaths on behalf of the Committee to obtain sworn testimony, as he shall deem advisable to do every other act and thing necessary to fulfill the responsibility of the Committee's charge.

SENATOR CAFIERO: Second.

SENATOR GORMLEY: So what we'll do is, we'll vote with the members that are here right now. As other members come in, they can sign off on this.

Roll call.

MR. TUMULTY (Committee Aide): Senator Gormley.

SENATOR GORMLEY: Yes.

MR. TUMULTY: Senator Cafiero.

SENATOR CAFIERO: Yes.

MR. TUMULTY: Senator Matheussen.

SENATOR MATHEUSSEN: Yes.

MR. TUMULTY: Senator Girgenti.

SENATOR GIRGENTI: Yes.

MR. TUMULTY: Senator Zane.

SENATOR GORMLEY: Yes.

Thank you.

The first witness for today is Assemblywoman Previte.

ASSEMBLYWOMAN MARY T. PREVITE: Senator, have copies of my testimony been passed around?

SENATOR GORMLEY: Yes.

ASSEMBLYWOMAN PREVITE: I'm Assemblywoman Mary Previte of the 6th Legislative District. I believe I'm the only corrections professional in the New Jersey Legislature. I've helped shape the State's juvenile justice system as a member of Governor Whitman's Juvenile Justice Advisory Commission and of the New Jersey Juvenile Delinquency -- Juvenile Justice and Delinquency Prevention Commission. I'm President of the New Jersey Juvenile Detention Association and Administrator of the Camden County Youth Center, where I have directed the program for almost 27 years. I'm a Director and founding member of the New Jersey Chapter of the American Correctional Association, the largest corrections organization in the state.

Let me start with a broad statement. New Jersey's probation and parole systems do not protect public safety.

Let me start with probation. Every year, police arrest 24,000 probationers for new crimes in New Jersey. In the past five years, 23,000 probationers have gone AWOL. This failure rate should grab our attention. It means unsupervised criminals roam our neighborhoods and threaten our streets.

There are reasons for these failures. Probation caseloads are staggeringly high. Adequate drug and alcohol treatment is not available for

addicted probationers. Probation officers need to get out from behind desks and into schools, streets, homes, and neighborhoods.

Let me paint a picture of who a probationer is. The probationer is often a man. He has been convicted of a crime. He quite likely has a drug or alcohol problem. He has limited education and work experience. He has family and often emotional problems. This is the probationer that the judge turns over to the probation officer and asks that officer to enforce a contract -- go to school, get a job, stay off drugs, keep out of trouble, and get drug treatment.

And how many time bombs do we ask our probation officers to supervise? Probation officers who supervise adult probationers manage average caseloads of 150 each. Those managing juvenile caseloads, where we have a chance to make a dent with teenagers, manage anywhere from 127 in Gloucester County, 100 in Monmouth County, to 58 in Hunterdon County.

These unmanageable caseloads turn probation officers into paper pushers and very little more. In my 27 years of working with delinquents, I've never seen one kid who's turned away from crime by an officer pushing papers. But how in the world do you counsel and mentor and track down, in school or job or neighborhoods, 100 youth with these multiple problems each week? You don't. So a sentence of probation becomes a get-over. It becomes a joke. It becomes a monstrous failure that endangers our communities.

High caseloads are not the only problem. Lack of drug treatment is another. Judges order almost 32,000 of our probationers into drug treatment each year. Fewer than 10,000 get professional treatment at licensed treatment centers. Some 8000 get no treatment at all. Do I have to tell you

that drug use serves as a catalyst for criminal behavior? Some studies show that individuals were six times more likely to commit crimes while using drugs than when they were drug free. Lack of treatment leads to violation of probation.

These failures fill our detention centers, our jails, our training schools, and prisons. Last year, almost one-third of the youth committed to the State Training School at Jamesburg had, as their most serious offense, a violation of their probation. In Camden County in 1999, almost 800 youth violated their probation. Indeed, in my own Camden County Youth Center, violation of probation ranks as the number two reason a youth is detained. Don't get me wrong. There must be consequences. I preach consequences to my residents. I tell them, you choose a good act, you earn a good consequence. You chose a bad act, you earn a bad consequence.

But you know what? We can prevent many of these failures. We know what works. We have astonishing successes right here in New Jersey. In Camden County's pilot juvenile drug court, not one probationer who has completed its intense drug treatment program has reoffended. These youth get group and individual treatment and bus and train tickets to be sure they get to treatment. Just think what the county and state have saved in costs of locking up these teenagers who otherwise would almost certainly have violated their probation without treatment. Alas, the Federal grant that funds this successful experiment is about to run out. I want you to compare outcomes. In New Jersey, 50 percent of drug offenders who get no treatment will be rearrested. By contrast, only 5 percent to 28 percent of those who have had drug court treatment are rearrested.

New Jersey's Intensive Supervision Program, we call it ISP, has had similar success, with small caseloads of about 20 home visits for surprise drug tests, curfews, training, and treatment. We can succeed.

I have several recommendations for probation. Cut probation caseloads dramatically. Attract the best. Pay probation officers a competitive wage; starting pay for officers with juvenile caseloads is \$28,000. Fund drug treatment for addicted probationers. Change the way probation officers do business. Get the officer out from behind a desk.

Now, let me speak about parole. The problem of prisoner reentry is among the most pressing problems we face as a state and as a nation. Yet, we are fighting it with a fractured system and overloaded parole and aftercare officers.

Nearly 600,000 inmates, tens of thousands of felons, arrive every year on the doorsteps of our communities across this nation to be dealt with by overloaded parole officers, overseen by a fractured parole administration that is neither systematic nor comprehensive. What do I mean by fractured? New Jersey provides a good example. In this state, the Department of Corrections oversees parole officers. An unrelated parole board oversees parole hearings of inmates. These two entities compete with each other for funding.

Our prisons have cut education and rehabilitation for inmates. Yet, we pour these ill-prepared inmates onto our streets and into the hands of parole officers with staggering caseloads. Gentlemen, we face dangerous consequences: increased child abuse, family violence, the spread of infectious diseases, homelessness, and community disorganization, yes, and a revolving door of crime.

It's no wonder. Overwhelmed parole officers now supervise inmates who are released out the prison door with no savings, no skills, no medical insurance, and poor family support. And now they also have the hurdle of a prison record to hurt their chances of a job. I don't need to tell you that unemployment walks hand in hand with drug and alcohol abuse. Not surprisingly, most parolees fail, and they fail quickly.

Right now, in this state, without adequate drug treatment, drug relapse is the number one reason youth violate their parole and return to the State Training School at Jamesburg.

I need you to listen. Parole failures now account for a growing proportion of all new prison admissions in this nation. In the year 2001, there will likely be more than 2 million people in jail and prison in this country and more on parole than ever before. And if parole revocation trends continue, more than half the people entering prison this year will be parole failures.

We pay a heavy price for these failures. As the tide rises of parolees returning to prison, states like ours feel the pressure to build more prisons. Prevention costs a whole lot less than prisons.

I have several recommendations. New Jersey must create a single parole entity. It must fund substance abuse treatment. It must lower caseloads. It must increase the quality of reentry or aftercare supervision.

Investing in effective reentry programs may be one of the best investments we can make.

Thank you for the opportunity to discuss these important issues. I welcome your questions.

SENATOR GORMLEY: Questions from members of the Committee?

UNIDENTIFIED SPEAKER FROM AUDIENCE: (indiscernible)

SENATOR GORMLEY: Excuse me. Sit down. Sit down, or you'll be removed.

UNIDENTIFIED SPEAKER FROM AUDIENCE: (indiscernible)

SENATOR GORMLEY: Excuse me. Have the man removed.

Thank you.

Just so I might-- I'd like to go over--

First of all, thank you for that excellent testimony, Assemblywoman.

What we've done today is we have followed up, in terms of an initial review that was done by the Committee as it pertains to corrections. The representatives of the Department of Corrections are here today to update us on reforms and enhanced programs that they are implementing to fulfill their statutory obligation. Also, we have the chairman of the State Parole Board, who will be here today to discuss the overall effectiveness of merging the parole functions.

In addition to that, we have the Administrative Office of the Courts. The reason that we have -- that we brought both parole and probation here today is because there is somewhat of an overlap, obviously, especially in the area of drug treatment, which is a concern in both areas, also because it is still-- They are all linked because they are part of the process of those people who are in the criminal justice system. And at what point within the criminal justice system does an increased level of spending or focus prevent somebody

going further up the ladder within the criminal justice system? That's why we're trying to take an overview today in terms of both probation and parole.

Therefore, I'd like to move forward now with the Chairman of the New Jersey State Parole Board, Mario Paparozzi.

MARIO A. P A P A R O Z Z I, Ph.D.: Thank you, Senators and members of the Committee.

If I could just take one second and tell you a little bit about the national lay of the land, because, as you know, I've been traveling around the country for quite some time on probation and parole issues. I just want to reaffirm what Assemblywoman Previte said about the need to take probation and parole very seriously as public safety strategies. I can't tell you how happy I am today that after 27 years, I have an opportunity to do here in New Jersey what I've done in other statehouses around the country. That is to throw in my two cents about how we can make probation and parole criminal justice entities that are really perceived as valuable expenditures of their tax dollars. I don't want parole to be something that's just tolerated, and I don't want probation to be something that's tolerated. There's something wrong in the public's mind about what's going on in probation and parole nationally. Some of it's legitimate, and some of it's the result of a lot of misunderstandings.

With that context in mind, I'd just like to say having smaller caseloads for probation and appropriate caseloads for parole are certainly important. But what's most important is to have the belief that something works.

Assemblywoman Previte mentioned that we can succeed. That reminded me of something that occurred back in the mid-1970s when Robert

Martinson, a criminologist out of New York, made a famous proclamation that nothing worked in correctional treatment programming. In that comment, he meant to include probation, parole, and custodial corrections. That sentence has resonated around this country. And that sentence, frankly, is not grounded in the research evidence. Some things do work, and nothing works for everybody. The key for us is to recognize that if we believe things work, we couldn't possibly think it would be a good idea to have caseloads of 150 to 1, or as I've seen in some jurisdictions, 500 to 1 elsewhere, not in New Jersey.

The parole caseloads, by the way, frankly, today, seem to be a lot better than they were when I was parole officer in 1973 -- just informally -- and I'm sure the Department of Corrections folks will comment more succinctly. But it's my understanding that the caseloads are somewhere around 65 -- 75ish, maybe even a little less -- maybe a little higher. I'm not sure.

The point is, when I was a parole officer in '73, there were over 100. I had over 100 parolees all the time. That was way too many. And now we're hearing numbers of 150 to 1. What can we reasonably expect folks to do when a parole officer or a probation officer works in that kind of an environment? They're confined to their office. It would be analogous to expecting a fireman to put out a fire from the firehouse. You need to get into the streets, and you need to get into the communities. That, frankly, is not enough. What we need is an agenda, an agenda that is underpinned by the strong belief that some things do work.

We hear a lot-- I remember when I was on the parole study commission several years ago. We hear a lot of folks coming and saying, "Wow, parole failures are 50 percent," or, "Probation failures are 50 percent

or 60 percent or whatever.” Taken in isolation, those are startling numbers. Certainly, we wish they could be better, and they can be better. But if I can get a recidivism rate for a probation group or a parole group down to 30 percent or 40 percent, and you’ve considered that in isolation, you’d say, that doesn’t seem so terrific, Mr. Chairman.

But what I’m saying to you is that we need to always remember it’s 10 to 20 percent better than what we’re living with now. And every fraction of a percentage point is a life saved, a rape that wasn’t committed, a car that wasn’t stolen, or a house that wasn’t broken into. Every minute fraction of an improvement matters.

It’s important for us to remember that as we reviewed over the years now, since the mid-’70s, since the famous proclamation that nothing works, that there is an abundance of research that shows us that if you force treatment on people on probation or parole, you’d get a better result than if you do nothing. You’ll get the best result, of course, when people are willingly involved in treatment. But the compelling argument to do something, even for those who are coerced into treatment, has been made. It’s something that we need to embrace. It’s something that we in probation and parole, as entities that have levers and can pull levers and leverage people, otherwise involuntary people, who are known criminals, to get into treatment, we must pull those levers. We must control them at all times while we’re working in that environment. We can never put the public at risk to the best of our ability. But the fact of the matter is, whether we like it or not, people will fail, and people will succeed if we do certain things. And we need to do the best that we can do.

One of the models that I've used elsewhere is a public health model where I walked into a room and a bunch of folks had a particular disease and 80 percent of the folks who get that disease die. And I walk in the doorway and said, "I'm a scientist. I've got a protocol that will improve the mortality rate by only 1 percent." You'd kill me to get the pill or the protocol.

I'm asking us to take, with the same sense of urgency, the way that we approach probation and parole. And in order to do an agenda that will have the greatest public value -- the greatest public safety value -- the greatest justice value, there needs to be a constant stream of thought. It cannot be an ad hoc, eclectic mixture of let's see what works. We don't have to go there anymore. We need to systematically look at offenders across time.

One of the reasons why I, in the past, have commented that it's a nice idea to have paroling authorities and parole supervision together is because it creates an entity whose sole purpose is to pay attention to an inmate's transition from the front door of the prison to the back door of the prison. The matter of early release is an unfortunate matter, because it casts parole in a light that people say is not just. Parole is not about early release. It's about transitioning people from the front door to the back door in a way that stacks the deck in society's favor. The point being, if we can reduce instances of crime, we reduce victimization. One entity, one stream of thought, at the time of entry into prison, transitioning through the process, and out the back door--

When a paroling authority is concerned with quarterly reviews that amount to crunching max dates as opposed to counseling inmates as to how you're a better parole candidate, something is wrong in the public's eye. When

parole officers, such as I was, work on the street and have a minimal knowledge of what's going on or not going on in a prison, in terms of continuing a stream of thought, something is wrong in the public's eye, and they're right.

This can be fixed readily, with no cost to folks, usually by changing a mind-set, by getting a stream of thought. Frankly, one of the things that I've read a lot about in the last several years is the notion that somebody, some entity needs to take hold of an issue where it's not in a competing environment. In custodial environments, it's essential that we get concerned with the day-to-day management of prisons every minute of every day. In that environment-- And frankly, me, who loves parole, would be the same way. I would be faced with urgent matters every day. It's that way across this country. I've seen it too many times. And when there's a need for resource time and attention, the community side will take a second seat. The fact of the matter is that the deleterious effect of not addressing this continuous stream of thought of transitioning inmates has a very, very big downside for the public, and it translates into the crime rates that we live with.

That's all I would like to say to you today, Senators. I'm sure you'll hear much more comment on these issues. And if you'd like me to come back at the end, I'd be happy to come back.

SENATOR GORMLEY: First of all, the one bill that we're looking at today, which is a part of the review process for today -- in terms of taking the parole function that is now within Corrections and merging it with the Parole Board-- We'd asked you this question at a previous hearing that we had -- at your confirmation hearing. This does conform to how it's done in many other states -- the parole function.

DR. PAPAROZZI: Seven states have paroling authorities and parole officers under the paroling authority. Several states-- Fourteen states have abolished parole; some have brought it back. It's done differently in different states.

I have to tell you, and I've been in, now, 48 states, Canada, and the UK, I wouldn't personally look to other states as a model. I would look to New Jersey to create the model. That's my desire. Frankly, as many of you know, that's why I came back to work. I would love to have a model that serves New Jersey well, but also one that we can hold up for other states to look at to get this right, once and for all. But yes, other states do have it.

SENATOR GORMLEY: And how do you feel about the concept?

DR. PAPAROZZI: I think it's a very good concept. I think it will create the stream of thought that is needed in order to effectively and safely transition people. The reality that we must keep in mind is whether we like it or not. Over 95 percent of the people who go to jail come out of jail. The question for us is how do we want them to come out.

SENATOR GORMLEY: Questions from members of the Committee.

Senator Zane.

SENATOR ZANE: A follow-up to the question Senator Gormley just asked you. Do you foresee organizational problems with the merging or acquiring and having both these activities joined -- Parole Board and also the Bureau of Parole?

DR. PAPAROZZI: I do not, and that's based upon my 26 years of working in the one system and my time involved here and what I know about the Parole Board. No, I do not.

SENATOR ZANE: The Bureau of Parole-- The employees are Civil Service, are they not?

DR. PAPAROZZI: That's correct.

SENATOR ZANE: And the Parole Board -- the employees are not. Is that correct?

DR. PAPAROZZI: That is correct.

SENATOR ZANE: How to you intend to address that?

DR. PAPAROZZI: I would hope that they would remain exactly as they are -- that they would remain Civil Service. That would be my hope if you were to pass a law such as the one you're considering.

SENATOR ZANE: And the members of the Parole Board, for the most part, serve what, at your pleasure?

DR. PAPAROZZI: The members of the Parole Board themselves serve at the Governor's pleasure, and all the staff serves at the pleasure of the Chairman.

SENATOR ZANE: That's what I meant.

DR. PAPAROZZI: Yes.

SENATOR ZANE: That is you. You are the Chairman.

DR. PAPAROZZI: That is me, yes.

SENATOR ZANE: You would prefer it to remain that way as opposed to giving those people Civil Service status?

DR. PAPAROZZI: I personally would not prefer it. I don't have a problem with Civil Service status. I grew up with that system, so I'm very familiar with it.

SENATOR ZANE: I guess I'm asking you, have you thought about it?

DR. PAPAROZZI: No. For the current staff at the Parole Board?

SENATOR ZANE: Right.

DR. PAPAROZZI: No, I have not thought about it yet. I have been -- obviously, only a few weeks -- dealing with some crises. It's something, I'm sure, that would pop up on my radar screen.

SENATOR ZANE: Do you feel it would be in the best interest of the employees, based upon what you know about Civil Service, for those employees at the Parole Board to also be Civil Service employees?

DR. PAPAROZZI: Yes.

SENATOR ZANE: And the concept of the merging of both of those activities-- You're supportive of that?

DR. PAPAROZZI: Yes.

SENATOR ZANE: Does that make you, technically, hold two positions?

DR. PAPAROZZI: No, not in my view.

SENATOR ZANE: What about organizationally? Are you not, in essence, then holding, in essence, two positions -- Chairman of the Parole Board and also head of the other employees in, I guess, some other capacity?

DR. PAPAROZZI: No, it's-- I'm thinking of Parole strictly, nothing to do with the custody entity. So I would imagine that the paroling

authority -- the Parole Board chairman would sit triangularly atop this apex, which would include the current staff of the Parole Board and the field supervision function.

SENATOR ZANE: Thank you.

SENATOR GORMLEY: Thank you.

Senator Girgenti.

SENATOR GIRGENTI: Just a follow-up to what Senator Zane said. In the bill that we're reviewing today, provision would allow that the same person serve as both the Commissioner of Corrections and the Chairman of the Parole Board. Since you formerly worked as an assistant commissioner in the Department and currently serve as Chairman of the Parole Board, you are uniquely qualified to respond to this type of question. And that is, given the size of the Department of Corrections, and the scope of its responsibility, does it really make sense to have the Commissioner also responsible to oversee the Parole Board?

DR. PAPAROZZI: No, it does not -- to have the Commissioner oversee the Parole Board?

SENATOR GIRGENTI: Yes.

DR. PAPAROZZI: That could be problematic, because when you're then beginning to set up the scenario where you're competing with the custody interests, as opposed to the community interests, you would have that natural tension -- that natural tug-of-war. I really believe that the community transition issues need to be sacrosanct.

Now, I have no issue with the remaining-- The current structure is that the paroling authority is in, but I would imagine the wording is not of

the Department of Corrections. The Paroling Authority, right now, is in the Department of Corrections for its funding and housekeeping and so on. That's not an issue. The Paroling Authority is an independent body within that agency, currently.

SENATOR GIRGENTI: Well, according to the bill, it's saying that the same person will serve both positions.

DR. PAPAROZZI: That is a separate issue than the one that I was addressing. I was addressing parole officers who supervise parolees.

SENATOR GIRGENTI: How do you feel about that -- about the same person--

DR. PAPAROZZI: That could create a problem, frankly. Not only for the organizational tension issues, but--

If I may say this, and I don't know how else to say this-- I mean, I grew up in the system. I have an expertise in corrections and parole, and I could see how that could maybe be done with that kind of a person. But frankly, we don't pick commissioners and chairmen that way, if I may be so blunt. We pick people from all walks of life. And they wouldn't have an expertise, unlike the expertise in corrections and parole issues. And it could be troubling. So that particular issue, I think, should be carefully examined before it's wholeheartedly endorsed. But it does create an organizational dynamic that could create some tension. And you need to consider, then, the parameters around which a chairman or a board -- of the Parole Board or a commissioner of Corrections could hold those jobs. Then you might be able to pull it off.

SENATOR GIRGENTI: Well, that, right now, is in the bill.

DR. PAPAROZZI: What's that?

SENATOR GIRGENTI: That right now is in the bill that we were reviewing.

SENATOR GORMLEY: If I may, all that does is restate what could happen today if, in fact, whoever might be governor thought they found that unique person.

DR. PAPAROZZI: Correct.

SENATOR GORMLEY: It doesn't make it mandatory. It's only an option, if they thought--

SENATOR GIRGENTI: My question was, what does he feel about those two positions being combined.

Thank you.

SENATOR GORMLEY: Any further questions? (no response)

Thank you for staying.

DR. PAPAROZZI: Thank you.

SENATOR GORMLEY: Next, we'd like to call, from the Department of Corrections, Carrie Johnson, Jeffrey Burns, Diane Zompa, and Loretta O'Sullivan.

LORETTA O'SULLIVAN: Good morning.

SENATOR GORMLEY: Good morning.

MS. O'SULLIVAN: It's always difficult following Mary Previte and Mario Paparozzi, but we're here to tell you what we can about the Department, the Division of Parole and Community Programs.

Jeff Burns is the Assistant Commissioner for Operations at the Department, Carrie Johnson is the Assistant Commissioner of the Division of

Parole, and Diane Zompa is the Director of Community Programs. I believe they each have a short presentation. And of course, we'd be happy to answer any questions you have.

SENATOR GORMLEY: You want the red light. (referring to PA microphone)

ASSISTANT COMMISSIONER JEFFREY J. BURNS:

The red light.

SENATOR GORMLEY: You got it.

ASSISTANT COMMISSIONER BURNS: Thank you.

SENATOR GORMLEY: I can hear you.

ASSISTANT COMMISSIONER BURNS: Good morning, Senator Gormley.

I'm Jeff Burns, Assistant Commissioner with Corrections.

I'd like to start by giving you a bit of an overview of what Corrections has been up to the past few years. There's been lots of questions that have been asked. This opportunity this morning to address the Committee and have this public hearing is a wonderful thing, in my opinion. I've worked for the Department for 31 years, and we can never stop asking the questions as to what works and what doesn't work. We can't stop, because this business that Corrections has of protecting the public and of working with the criminals that have hurt and assaulted our citizens, this is a serious responsibility that we have.

We have, at least in the past few years, taken a hard look at what works and what doesn't work. All of the testimony that you've heard so far this morning is in line with what our thinking is.

We've set up a system. I guess, to coin the phrase, we call it a continuum of care. But we've set up a system. When an inmate walks in our door and when he walks into our reception intake unit, we go through a painstaking process of evaluating him for his drug and substance abuse addiction needs. We do a mental health evaluation -- obviously, a physical exam. And we look at his custody level. We look at his crime -- the sentence. And we make determinations as to what level of custody he can best be housed at.

That continuum of care model -- Dr. Zompa will talk about when I've concluded my comments. But that continuum of care model is critical, because not only are we concerned about what happens with that man or woman while he's in our institution, but we're concerned about what happens to him when he hits the door. And when he reaches for that doorknob, ready to hit the streets, we want to make sure that we've done all that we can to have improved him into making -- more law abiding.

Our feeling and our philosophy now is, if we haven't done that -- if he leaves and walks out the door worse than when he came in, then we've committed a crime, because we've jeopardized public safety, not done anything to enhance it.

The Department has more drug treatment beds, I would venture to say, than probably the majority of public providers in the state. Our numbers are approaching 1300. We take that issue very seriously. The data that you heard about the percentages of inmates who need drug treatment are accurate. They're accurate. About 55 percent of our population is in serious

need of drug rehabilitation. Twelve hundred beds or thirteen hundred beds really isn't enough, but it's far better than we've had in the past.

We also take seriously our responsibility to educate, provide vocational rehabilitation, and provide social and life skills to these offenders so that when they do hit that door, they have, at least, a chance at making it on parole.

When Assistant Commissioner Johnson talks to you about the parole system and what we're doing today with the supervision of our parolees, you'll have more detail in that regard.

Last year, we released over 14,000 inmates, and we took in over 13,000. So what I'm really trying to highlight is, our approach starts when those 13,000 walk in. By the time they're ready to walk out the door, it's too late, if we haven't done our job properly.

I'd like to now, at this point, turn this over to Dr. Zompa and let her talk to you a little bit about, particularly, substance abuse -- I know that's been an interest -- let her talk about what we're doing in that field and how we tie it into the provision of community services.

DIANE M. ZOMPA, Ph.D.: Thank you very much.

I appreciate this opportunity to be able to address you.

As Jeff Burns indicated, we take treatment in general, and substance abuse treatment in particular, very seriously within the Department. When an inmate comes into our system, he or she presents us with a whole host of issues that need to be addressed before that inmate hits the street in an effort to assure that that inmate will not return -- will not reoffend.

Substance abuse is a primary and central issue. Over 75 percent of the inmates who come into our system -- over 75 percent of them -- enter with a substance abuse problem. Fifty-five percent of those have problems that are moderate to severe.

An important first piece in our continuum of care is to assess each individual in terms of the existence and severity of an addiction problem. Those individuals who are identified as having a problem in that area are targeted for our treatment continuum. If they meet the remaining eligibility requirements, which are dictated by statute in our administrative code, they either move directly into the first stage of our continuum, which is a prison-based treatment program, or they are wait-listed until a bed would become available.

Second to the importance of assessment is the importance of the treatment approach itself. We have established a continuum of treatment. The nature of that treatment is determined by what the literature shows us that works. There's lots of information now in the current research literature that tells us what to do and what not to do. And I'm proud to say that our continuum reflects what we do very, very well.

Within the prison system, we have 10 programs distributed among five of our institutions. Sixty beds in that 1300 program system are for women. The rest of the beds are for men. The model that we use in our prison system is called a therapeutic community. You isolate individuals in treatment from the rest of the population. You try to get them away from that prison think. You have them work together as a group, and you use the peer pressure to help promote prosocial behavior and to help diminish antisocial behavior.

We're looking to modify the whole individual, both the individual's attitude, understanding, and behavior as it relates to substance abuse and also as it relates to criminal behavior.

Within prison, therapeutic community programs is a nine-to-twelve month program. It's tough. It's hard work. Individuals who complete that program and move through that program and show progress in getting their substance abuse and criminal behavior under control are then earmarked to move on to the next stage in our continuum.

That next stage is a community-based treatment program. It has two pieces. The first piece is a 60-to-90 day period of assessment and treatment. During that period of time, the inmates are in a community-based program, but they do not have access outside of the treatment program. There is extensive assessment that goes on. The risk that that individual would present to the community is assessed. The risk of violence, the risk of recidivism, the issues surrounding the likelihood that that individual will comply with community mandates is assessed. The level of substance abuse problem remaining with that individual is also assessed.

In addition, a whole host of needs relating to education, job, family, peer relations, spirituality, that whole host of issues that have been found to be related to reoffending is addressed -- is assessed in an effort to determine a treatment approach -- an individualized treatment approach for the offender.

Part of this time spent in the assessment treatment center is on the treatment side of things. There's a lot of work done to prepare the resident -- the inmate to enter into the community and to have to internalize control of

his or her own behavior. In the prison system, there are a lot of external controls to keep the individual in line, and they've only made it this far in the continuum because they abided by those external controls. Now, they need to be prepared to move out into the community.

Following this 60- and 90-day period, there is a classification of that individual to determine if, in fact, he is appropriate for community programs, and if so, what programs.

The effort that we make here is to match the needs that have been identified in the individual with the specialities of our programs. New Jersey has a whole host of community-based programs, no two of which are entirely alike. So we want to match the needs of the individual best to what the programs present.

When the individuals then move out into the community programs, some of them move out into programs where substance abuse is still a primary treatment issue. Others, who have control, who have recovery further along, they will move into educational and work programs.

SENATOR GORMLEY: How many people do you have in the community-based programs?

DR. ZOMPA: In the community-based programs, Senator, we have 2900.

SENATOR GORMLEY: And at any one time, how many people are on parole?

DR. ZOMPA: Fourteen thousand.

SENATOR GORMLEY: Total, or-- Is that the total number of parolees, or those paroled in one year?

ASSISTANT COMMISSIONER CARRIE JOHNSON:

This is our current population.

SENATOR GORMLEY: Current parolee population -- 14,000.

ASSISTANT COMMISSIONER JOHNSON: Yes.

SENATOR GORMLEY: So you have 29-- Let's say close to 3000-- You have a community-based appropriation set aside for 3000 of the 14,000. Is that approximately correct?

DR. ZOMPA: The program, when they enter the community, is about a six-month, so those beds, you can consider, turn about every six months. So we would address, maybe, close to 5000 individuals in the community-based programs on an annual basis.

SENATOR GORMLEY: And how many people that should be included in the community-based programs aren't, or does that appropriation cover all those you think who should be covered with community-based programs?

DR. ZOMPA: If I could answer that question in terms of treatment in general, looking at the whole continuum, I would say we're only addressing about 35 to 40 percent of those who need treatment in the area of substance abuse.

SENATOR GORMLEY: So you have to prioritize, in terms--

DR. ZOMPA: Absolutely.

SENATOR GORMLEY: And I assume that would be in terms of those who are more severely affected by the drug problem. Is that how you would-- How do you make the cut, if you will? How do you determine who's included and who doesn't get the treatment?

DR. ZOMPA: In terms of treatment for substance abuse, we would identify those who would have a moderate to a severe problem, using an objective measurement for that identification. Then we have to look at other eligibility requirements. An individual has to be classified as full minimum custody to be able to go through the continuum and ultimately achieve community residency in one of our programs. So there are individuals who will not achieve full minimum custody, and so they do not become candidates then for the community program.

SENATOR GORMLEY: How much do you appropriate a year towards your community program? What's the annual appropriation?

DR. ZOMPA: It's \$62.5 million.

SENATOR GORMLEY: So you're saying that \$62.5 million, in effect, covers approximately 35 percent of the population that you would want to cover.

DR. ZOMPA: One of the things-- That's the total costs -- residents' meals, etc. So it's actually a lower cost than if they remained in the prison system. So it actually represents a savings.

SENATOR GORMLEY: Thank you.

DR. ZOMPA: You're welcome.

SENATOR GORMLEY: Go ahead, ma'am. I'm sorry for interrupting.

DR. ZOMPA: An area of concern that we have is when an individual leaves the community programs and enters back into the community. Our efforts are really to achieve reintegration -- reintegration in a very real sense. We're looking that the individual become part of the

community and not remain apart from the community. So we have taken on a number of initiatives, along with our community providers program and with our Bureau of Parole, to help cultivate resources within the community. Many of those resources already exist. What we work to do is to promote the access of offenders to those resources and ensure that our community providers are accessing them, as well as our parole officers.

And I'll just give you a couple of examples. We are working very closely with the Department of Labor. They have a wonderful, one-stop career program with employment services, vocational services. And we're looking to access those services for a population while they are inmates so that they recognize, upon release, they are entitled to those services. Other areas we're working in are in the area of parenting and AA- and NA-type programs.

And I'm open to any questions that you may have.

SENATOR CAFIERO: Any questions from the Committee?

Norm.

SENATOR ROBERTSON: I have a couple of questions, but they're probably best directed at Assistant Commissioner Burns, because they tend to be more operational questions. And these are the sorts of questions that we get from folks who just read the newspapers and think about it infrequently and sort of scratch their head and wonder what goes on. And it has to do with the drug problem, even within the prison system. How frequently are inmates tested for the use of drugs while inmates?

ASSISTANT COMMISSIONER BURNS: Do you mean the urine test in protocol for drug use?

SENATOR ROBERTSON: Yes.

ASSISTANT COMMISSIONER BURNS: Every institution has a protocol where approximately 5 percent -- it can vary between 3 and 5 percent, but about 5 percent of our population every month is subjected to your random urine monitoring.

In addition to that, though, the inmates who are part of our drug treatment programs, Dr. Zompa referred to it as therapeutic community programs, they're tested more frequently. They can be tested based on a counselor stepping forward and saying, "We have some reason to believe this guy may be under the influence."

SENATOR ROBERTSON: Is that a requirement?

ASSISTANT COMMISSIONER BURNS: Pardon me?

SENATOR ROBERTSON: Is that a requirement before testing?

ASSISTANT COMMISSIONER BURNS: No, no, no. They're randomly tested. But they can also just be tested based on any suspicion -- information that might come up in group counseling. They can be tested. There's no-- In other words, there's no limit on the number of tests we can perform in that--

SENATOR ROBERTSON: And if we're serving only about 35 to 40 percent of the inmate population with programs, do we still subject the other 60 percent of the inmate population to the same 5 percent rule as to how often they're tested? In other words, there are known abusers.

ASSISTANT COMMISSIONER BURNS: Yes.

SENATOR ROBERTSON: Are they still tested as infrequently as folks who have not been diagnosed as such?

ASSISTANT COMMISSIONER BURNS: The random testing is-- Frankly, it's a computer generated model. It kicks out a certain number of numbers, and then we test them randomly every month.

SENATOR ROBERTSON: But the point is, those who've been identified as drug users, but may not be in the program, are tested as infrequently as people who have not been diagnosed.

ASSISTANT COMMISSIONER BURNS: The entire population is tested--

SENATOR ROBERTSON: I understand that.

ASSISTANT COMMISSIONER BURNS: --on a random basis.
Yes.

SENATOR ROBERTSON: Right.

Let's say we have three pools of people. One are people who are inmates who are in drug programs. A second are those inmates who could benefit from such programs, because they're known to be drug users. And the third are those who don't have a history of drug use. For those who are in the first group, which are undergoing treatment, they're tested fairly regularly. Are both of the other groups in the same pool for random drug testing?

ASSISTANT COMMISSIONER BURNS: Yes.

SENATOR ROBERTSON: So we are not drug testing those that we know have drug problems more aggressively than we are with those we don't believe have problems.

ASSISTANT COMMISSIONER BURNS: We can test for cause at any time if there's any reasons -- any suspicion of drug use.

SENATOR ROBERTSON: But currently, the protocol does not call for more aggressive testing of those who are known to have a drug problem but aren't in treatment.

ASSISTANT COMMISSIONER BURNS: That would be true. Yes.

SENATOR ROBERTSON: That's problematic in my book.

But secondly, when you do test the 5 percent randomly-- How often is that, by the way?

ASSISTANT COMMISSIONER BURNS: That's monthly.

SENATOR ROBERTSON: Monthly. If you test 5 percent monthly, about what percentage do you get that come up with a positive test result?

ASSISTANT COMMISSIONER BURNS: The last that I saw, that percentage was under 5 percent.

SENATOR ROBERTSON: So you do have 5 percent of 5 percent that do come up dirty on any given--

I guess the question is, if you're in a controlled-- And this is the typical question that we get out on the street. If you're in a controlled -- allegedly controlled environment, how is it that you have the opportunity for continued drug use while in incarceration?

ASSISTANT COMMISSIONER BURNS: Well, I wish I knew the answer to that. Obviously, there are-- The vast majority of positive urines are for marijuana. And obviously, it's smuggled into the institution. It comes in either through the visit -- visits. As much as we try to control that, it will come

in through the visitor program or will be brought in by employees -- is the other possibility.

SENATOR ROBERTSON: And what sort of enforcement regiment is in place to get to the bottom of that particular question, if, in fact, you find somebody that comes up dirty?

ASSISTANT COMMISSIONER BURNS: If the inmate comes up dirty, he is automatically spoken to about entering a drug treatment program, or he is, at least-- If he has too much time to serve -- to go into the-- We try to put these fellows into the drug treatment program closer to the end of their stay so that they can go from the in-house nine-to-twelve-month program to a community bed and continue treatment in the community. If time doesn't permit that, then most institutions have AA meetings and NA meetings. We have drug educational programs. But, frankly, they're not nearly as effective as the therapeutic community. And then there's punishment that goes with it, too.

SENATOR ROBERTSON: Now, in targeting those who are sort of on the tail end of their sentence, you might be talking about a sentence that lasts one or more years in length, I would assume.

ASSISTANT COMMISSIONER BURNS: Correct.

SENATOR ROBERTSON: So what you're saying is that there is a significant percentage of inmates who are funneled into treatment programs, after having been in controlled environments for, in some cases, several years, and yet continue to have this problem. I mean, folks out on the street would generally say, "How is it that somebody could still be addicted if they're in a

controlled environment where they're not supposed to have access to drugs."

ASSISTANT COMMISSIONER JOHNSON: If I may.

ASSISTANT COMMISSIONER BURNS: Yes.

ASSISTANT COMMISSIONER JOHNSON: One of the things that we have to keep in mind is that you may have someone no longer physically addicted, because they have not been able to get the drugs while they're in prison, but the reasons for them dealing -- using drugs to begin with has not been dealt with. And that is what the program -- therapeutic community will deal with, as well as the halfway houses. So there's a difference between the body craving and the mind, and that's what they will be dealing with.

The reason-- What Director Zompa was talking about before -- in terms of one of the criteria for going into the programs, is, indeed, a parole eligibility date, because we don't want them to lose the benefits of the program. So that while there are many people in prison who may not be getting the treatment, hopefully, as they get closer to their release dates, there will be a bed space for them.

SENATOR ROBERTSON: And how does drug use, if at all, affect their parole eligibility?

ASSISTANT COMMISSIONER BURNS: If they've been found guilty of having used a substance, refused to take the urine test, or in possession of a substance-- Occasionally, these are even medications that would be prescribed for them that they somehow would smuggle out of a clinic. As an example, they would hide it under their tongue or something. If they're found guilty of any charge related to being under the influence or abusing a

substance, they're-- Through the disciplinary process, they would not only get a penalty, but their time-- They would lose what's called good time credits. They would serve an additional -- anywhere from 180 to 360 additional days in an institution.

ASSISTANT COMMISSIONER JOHNSON: There's also a very serious sanction, which is a loss of visit privileges.

SENATOR ROBERTSON: That was my next question.

ASSISTANT COMMISSIONER BURNS: Yes.

ASSISTANT COMMISSIONER JOHNSON: That is something that inmates don't like to lose. So that has been fairly effective in stemming some of the drug use, because they will lose their visit privileges for a year, and then they have to reapply or appeal that they can be reinstated.

SENATOR ROBERTSON: Is there a system that in any way limits contact visits?

ASSISTANT COMMISSIONER BURNS: That's what happens. They lose their contact visits. They could only visit one or two people through a glass, and that's for 12 months. If they get a second charge during their incarceration, then they'll lose contact visits permanently.

SENATOR ROBERTSON: Thank you, Mr. Chairman.

Thank you.

SENATOR GORMLEY: Senator Zane.

SENATOR ZANE: Just a quick question along the line of what you were just asking.

How are they found guilty? Is there a court?

ASSISTANT COMMISSIONER BURNS: There's what's called an-- It's court line, we call it. There's actually a disciplinary hearing officer. And we have a small unit. I believe there are 12 or 13 disciplinary hearing officers. And they travel to each institution, and that's all that they do. They hear-- They have hearings for disciplinary charges.

SENATOR ZANE: Just for my own academic interest, if somebody commits a crime, even if they're in a prison, such as possession of drugs, how do they escape from being charged?

ASSISTANT COMMISSIONER BURNS: They can be prosecuted.

SENATOR ZANE: Do you do it?

ASSISTANT COMMISSIONER BURNS: Yes.

SENATOR ZANE: You do.

ASSISTANT COMMISSIONER BURNS: Yes. Those charges are referred out to the prosecutor's office for review.

SENATOR ZANE: Therefore, anyone at all that is caught-- If someone's actually caught with a drug -- CDS of some sort or another, they would be prosecuted, as well.

ASSISTANT COMMISSIONER BURNS: They'd be referred. Yes.

SENATOR ZANE: To the county prosecutor to which the facility is located, is that it?

ASSISTANT COMMISSIONER BURNS: That's correct.

SENATOR ZANE: Okay. Thanks.

SENATOR ROBERTSON: Are they prosecuted?

ASSISTANT COMMISSIONER JOHNSON: That would be up to the prosecutor--

SENATOR ROBERTSON: Pardon?

SENATOR GORMLEY: That's up to the prosecutor.

ASSISTANT COMMISSIONER JOHNSON: --to make that decision.

SENATOR ROBERTSON: Having noted that, let me ask the question again. Are they prosecuted?

ASSISTANT COMMISSIONER JOHNSON: Sometimes. It depends.

SENATOR ROBERTSON: Is that frequently, infrequently?

ASSISTANT COMMISSIONER BURNS: The truthful answer is, most often it's not a significant amount, and the prosecutor's office will send us a letter back saying that, "Your administrative remedies will suffice." In other words, the disciplinary action taken internally will suffice.

SENATOR GORMLEY: Thank you.

ASSISTANT COMMISSIONER BURNS: Senator Gormley, I would like, when you're ready, to let Assistant Commissioner Johnson--

SENATOR GORMLEY: Sure. Go right ahead.

ASSISTANT COMMISSIONER JOHNSON: Good morning.

I'm the Assistant Commissioner for the Division of Parole, and I just want to share with you the state of parole today.

I've shared with you some information, in the packet of material, which provides you with the parole population census, which was as of Friday, and also, some statistical information on the Division of Parole.

Also in the packet is some information delineating the responsibilities of our alternative sanction programs and the responsibilities of the parole officers in those areas.

Most offenders currently incarcerated will return to the community either after serving their entire sentence or upon parole. When offenders are paroled, conditions are established by the New Jersey State Parole Board based upon their assessment. It is incumbent upon the trained empowered professionals of the Division of Parole, who are dedicated to promoting public safety, to ensure that the mandate of the Board is carried out.

To enable the transition of offenders from institutionalization to the community, we have established effective partnerships with public and private agencies, community groups, and other stakeholders to provide needed resources for offenders.

Parole supervision is premised on the belief that three essential elements to effective community supervision exist. That is treatment, surveillance, and enforcement.

Each component plays an essential part in enhancing the ability of the parole officer to assure the highest level of safety to the public. Because regular visits must be made to parolees and collateral contacts, parole officers spend much of their time out of the office. Varying degrees of supervision is dependent upon an assessment of the case and on the progress made by the parolee while under supervision.

Continued parole violation by parolees heightens the sanctions imposed, with the most serious action being to recommit the parolee to prison.

Methods of supervision used by the parole officer to monitor the actions of parolees include electronic monitoring, voice tracking, field collateral, telephone, and office contacts. In fulfilling our role, we arrange for programs and services to help offenders transition, such as housing, employment, education, counseling, medical care. Additionally, we provide services to inmates whose sentences have expired.

A very important aid in the parole officer's work-- It is necessary that they get out into the community to develop knowledge of the community resources and become familiar with the culture, customs, traditions, and values. And we certainly encourage their involvement with social agencies, as well as faith-based organizations.

We have 13 district offices strategically located in areas of heaviest population, with a concentration on particular catchment zones. Activities of the district staff are attending to the daily supervision of more than 12,400 offenders. The average general supervision caseload in New Jersey is 44, and the average alternative sanction caseload is 21.

The Division of Parole has 575 positions, of which 459 are sworn staff with direct or indirect field service responsibility or caseload responsibility, and we have 116 civilian positions.

Also under the Division of Parole is the Office of Interstate Services, having the primary responsibility of administering all matters under the Interstate Parole Compact and the Interstate Corrections Compact.

SENATOR GORMLEY: We're familiar with that office.

ASSISTANT COMMISSIONER JOHNSON: Okay.

Over the past year in the Division of Parole, we have been involved in a number of initiatives. We have reestablished the institutional parole officer position at 16 sites. The IPOs act as an on-site liaison between the institution, the State Parole Board, and the Division of Parole staff for the purpose of discharge planning. We have implemented a comprehensive community policing initiative in Jersey City, and several are being developed in other areas.

We have recently established an Office of Victim Services, whose mission is to facilitate services which will enhance and improve responses to victims of crime. We have also implemented a voice tracking, which is an interactive case management tool.

We have recently awarded contracts for three technical parole violators' treatment facilities. And the technical parole violators represent, perhaps, about 36 percent of the Department's admissions. These treatment facilities will provide a supervised environment which will concentrate services in the highest areas of need, and drug treatment and relapse preventions will be the primary components.

In collaboration with State and county government, nonprofit agencies, the research community, and private treatment providers, we have been involved in the past year in a collaborative effort to develop a sex offender management model. We're also currently utilizing--

SENATOR GORMLEY: I think, if we can, because I know you sent some correspondence on this-- It's very important that we go-- If you could, just outline what has been done in terms of the note -- to upgrade the notification process, as it pertains to Megan's Law.

ASSISTANT COMMISSIONER JOHNSON: The Division--

SENATOR GORMLEY: I'm sorry, you got to that area, and that's the area that there's a great amount of interest.

ASSISTANT COMMISSIONER JOHNSON: That has not been the responsibility of the Division of Parole. Mr. Burns can speak to that.

SENATOR GORMLEY: Well, okay, who's ever responsible for that.

ASSISTANT COMMISSIONER JOHNSON: Okay.

SENATOR GORMLEY: We'll do that right after you're done your testimony.

ASSISTANT COMMISSIONER JOHNSON: Okay.

In addition to what I mentioned, we are currently utilizing a new inmate tracking system for automated revenue collection, and we are very optimistic that, in the FY '02 budget, \$10.2 million will be approved to establish a parole case management system.

Plans are also under way to include a faith-based mentoring component in our Volunteers in Parole Program.

We have also established specialized caseloads for community supervision for life due to the enactment of the CSL legislation in '94. We are tasked with the responsibility of providing supervision for this population as if they are on parole. And in the past year, this population has increased from 18 to 418. So the need does exist for us to plan for additional parole officers for this particular population. And as we know, it also-- For managing this particular population, we need to look at other technologies such as polygraphy, global positioning, and other state-of-the-art equipment. And it

should be noted that the person sentenced to a term of community supervision for life may position for release from the special sentence only after proof that the person has not committed a crime for 15 years. So therefore, we need to plan for that particular population, because they're going to be with us for a while.

Lastly, we have proposed several pilots to provide parolees with enhanced substance abuse and mental health treatment, as well as traditional housing.

Over the past few years, we have seen, certainly, an increase in our parole budget and improvement in our fleet of vehicles and an increase in the number of sworn staff positions and technological improvements.

SENATOR GORMLEY: Thank you.

Question?

SENATOR GIRGENTI: Just a question here. I'm looking at your statistics, and-- Intensive Supervision Surveillance Program -- ISP (*sic*) program--

MS. O'SULLIVAN: ISSP.

SENATOR GIRGENTI: Pardon?

ASSISTANT COMMISSIONER JOHNSON: We have an ISP and ISSP? Which are you referring to?

SENATOR GIRGENTI: Intensive Supervision Surveillance Program.

ASSISTANT COMMISSIONER JOHNSON: Okay.

SENATOR GIRGENTI: You have 1376 listed on the document that you've given us. Has that increased, or has that decreased, let's say, from

last year? Is this program being used more and more, or is it being used less and less?

ASSISTANT COMMISSIONER JOHNSON: No, it's more and more. The State Parole Board determines which of our alternative sanction programs, for the most part, that the parolees would enter into. But the numbers are certainly on the increase now since we have more parolees.

SENATOR GIRGENTI: What kind of people are on this program?

ASSISTANT COMMISSIONER JOHNSON: Those persons who are likely to reoffend, the very high-risk persons that are in our parole population.

SENATOR GIRGENTI: All right. You know, a couple of years ago -- I'm sure Loretta remembers it -- we had incidences of people on this program just walking out of the program and going out and committing crimes. Has that been taken care of? Have we-- I know there was a lot of work put into it. There's new equipment now. Can you update me on that? I'm just curious where we're going on this. Are we relying more and more on this program?

MS. O'SULLIVAN: Are you referring to the EM situation, when the young man slipped his bracelet--

SENATOR GIRGENTI: Right.

MS. O'SULLIVAN: As you know, we had discontinued that program for a while. It is back. And as Assistant Commissioner Johnson said, the State Parole Board will set the conditions. So they will put people on the ISSP Program that they feel need intense supervision. That's exactly what it

stands for. They have more frequent reporting conditions put on them. I'm sure their officers monitor them much more closely to make sure -- because everyone will tell you that it is the initial release into the community where people will offend the fastest and is where we lose them. So it's important for those that are maybe a bit iffy, that they have this enhanced kind of supervision.

SENATOR GIRGENTI: And has that program turned around from a few years back?

MS. O'SULLIVAN: To the best of my knowledge, we haven't had any offenders on the EM program, but I would never tell you-- As Chairman Paparozzi also said, I wish we could guarantee you that there was never going to be someone who doesn't live up to the conditions of their parole or who reoffend, but for the most part, they're working.

And as Assistant Commissioner Johnson pointed out, the caseloads are much less than when Chairman Paparozzi was Parole Officer Paparozzi. So it is a better manageable number. Plus, she also points out that the budget has increased substantially for the Division of Parole. Parole has come under a lot more intense consideration by the Department.

I know if you spoke to parole officers in the past, they would have told you that they, as well as when we had the juveniles, that they always felt that they were the stepchildren of the Department. That is no longer the case with the Department. There has been a very concerted effort to enhance the numbers, to give them more money, and a lot more attention is being paid to the Division of Parole.

SENATOR GIRGENTI: All right. Just one final question, if I may, Mr. Chairman.

This total community supervision for life-- That was a bill that we passed a few years ago. Have the numbers increased quite a bit, as was brought out here? It's gone up from what, 18 to 400 and something?

ASSISTANT COMMISSIONER JOHNSON: Right, in one year.

SENATOR GIRGENTI: And what, exactly-- What control do you have over these people? What is their regimen? Who handles that? Is it weekly, daily? How is it worked out -- community supervision for life?

ASSISTANT COMMISSIONER JOHNSON: They are usually under one of our alternative sanctioned programs, where the number of contacts are certainly more frequent for the first 90 days.

SENATOR GIRGENTI: Okay. Thank you.

SENATOR GORMLEY: Senator Robertson.

SENATOR ROBERTSON: Thank you, Mr. Chairman.

Just a couple of quick questions of the parole side.

In terms of caseloads-- Now, I know you have about 3000 parolees in alternative sanctions programs, according to the statistics you've provided. Are they calculated into your overall caseload number when you said 44 as an average caseload?

ASSISTANT COMMISSIONER JOHNSON: No. The average for the alternative sanctioned officers is 21.

SENATOR ROBERTSON: Is 21. All right.

ASSISTANT COMMISSIONER JOHNSON: Right. So their caseload is separate.

SENATOR ROBERTSON: So if you were coming-- If you were out of college and first entering into the service and you were there on the Board for about a year or whatever, doing the job of a parole officer, what would you think a legitimate, reasonable caseload would be, not in the intensive programs, the alternative sanctions programs, but in the regular program, which is the bulk of it? What should a caseload be?

ASSISTANT COMMISSIONER JOHNSON: Probably about 50.

SENATOR ROBERTSON: All right. So under 50 would be manageable?

ASSISTANT COMMISSIONER JOHNSON: Certainly.

SENATOR ROBERTSON: And what would be the largest caseload that you have currently for any individual parole officer?

ASSISTANT COMMISSIONER JOHNSON: Based on our numbers now, the caseloads -- probably the largest in any one district -- they may have 60 cases.

SENATOR ROBERTSON: Like an individual parole officer might have 60.

ASSISTANT COMMISSIONER JOHNSON: Right. And it's only because we have not made the adjusting, in terms of moving parole officers, or if someone leaves, and we have not filled that position. But basically, the average is 44.

SENATOR ROBERTSON: The reason I ask you this way -- and I'll mention this for our probation friends, because later on they can comment the same way -- I'm often reminded of what we face on the education level. You know, they talk about class sizes being -- the average class size being 21

or something, and you know most of the kids are sitting in classrooms with 35 students. How can that be? So I'm just curious as to what percentage of the parolees are actually assigned to an officer that has a caseload in excess of 60. This would be a pure average, so that's not really the case.

ASSISTANT COMMISSIONER JOHNSON: Absolutely.

SENATOR ROBERTSON: I live in Clifton, which is your district office number one. How many vacancies do you have currently in Clifton?

ASSISTANT COMMISSIONER JOHNSON: In Clifton? Overall, we only have 20 vacant parole office positions. And when we decide the number of parole officers that work in a particular district, it's dependent upon the number of parolees. We make adjustments. We don't simply say we will assign 50 parole officers to Clifton. We will look at the population in that area, and we make adjustments with our parole officers.

SENATOR ROBERTSON: What is the population of parolees in Clifton, just as an example?

ASSISTANT COMMISSIONER JOHNSON: Okay. If you would look at parole district office number one, that's it from this chart, which is 834.

SENATOR ROBERTSON: Eight hundred, thirty-four parolees.

ASSISTANT COMMISSIONER JOHNSON: That's under supervision.

SENATOR ROBERTSON: And how many officers?

ASSISTANT COMMISSIONER JOHNSON: I can't tell you offhand. I don't have the breakdown of the officers in that particular--

SENATOR ROBERTSON: So, theoretically, it should be 44 divided into 834.

ASSISTANT COMMISSIONER JOHNSON: Right. Somewhere in that neighborhood.

SENATOR ROBERTSON: Okay. And just one other quick question, and that is, you mentioned as many as 35 or 36 percent of the folks might be violating their parole, and a variety of things are done to try to--

ASSISTANT COMMISSIONER JOHNSON: They're technical parole violations.

SENATOR ROBERTSON: Yeah, technical parole violations and other parole violations. What is the available bed space or cell space within our system for parole violators or for anyone, for that matter? Are we overcrowded? Do we have a surplus of beds?

ASSISTANT COMMISSIONER JOHNSON: At this time, we're not overcrowded.

You can speak to that.

ASSISTANT COMMISSIONER BURNS: We're not undercrowded. We are overcrowded. We've double-bunked most of the facilities. Most institutions are operating at twice their operational capacity.

SENATOR ROBERTSON: So it would be very difficult-- What is the census currently, throughout the system?

ASSISTANT COMMISSIONER BURNS: Well, we have 23,000 in our facilities, 3000 in the county jails. So we have 26,000.

SENATOR ROBERTSON: Okay. So you have 14,000 parolees and 23,000 inmates.

ASSISTANT COMMISSIONER BURNS: Yes.

SENATOR ROBERTSON: So is it fair to say that it would be a difficult circumstance, to say the least, for us to have large numbers of parole violation referrals back to the system? It would be difficult, for instance, to say, "All right. Well, taking a look at these 18,000, there are 3000 or 4000 that just aren't making it -- aren't coming up to speed and so forth and need to be referred back into the system." The system would have a great difficulty absorbing that, wouldn't they? So even as we talk about various carrot-and-stick approaches, one of the things, perhaps, that we should take a look at, the degree to which we are prepared, physically, on the stick side, or is that an unfair characterization?

MS. O'SULLIVAN: No, that's correct. And that's one of the programs that Assistant Commissioner Johnson mentioned that they just recently awarded some contracts for. I think there are three.

ASSISTANT COMMISSIONER JOHNSON: No, we recently awarded contracts for three-- We refer to it as halfway back. The idea is to -- rather than to send them back to prison, we would rather put them in a treatment facility where their treatment would be readily available to him, where the emphasis is on treatment, because that is where the need exists.

SENATOR ROBERTSON: Oh, sure. Right. And there are treatment programs within facilities, as well.

ASSISTANT COMMISSIONER JOHNSON: Right.

ASSISTANT COMMISSIONER BURNS: Right.

SENATOR ROBERTSON: The only difference being, under one scenario, the person is out on the street, and under the other scenario, they're in a controlled environment.

ASSISTANT COMMISSIONER JOHNSON: But this is to help them not come back into the system.

SENATOR ROBERTSON: Oh, I know. I understand. But I'm saying, once having demonstrated that they have distinct problems and violate the normal notion of parole, the system is limited in its ability to reenter them into the controlled environments.

ASSISTANT COMMISSIONER JOHNSON: Well, these, of course, as we said, are technical parole violators, as opposed to those who are with new offenses.

SENATOR ROBERTSON: Oh, I'm just talking about substantial ones that you would want to--

ASSISTANT COMMISSIONER JOHNSON: Well, then that's up to the Parole Board, as to whether or not their parole will be revoked.

SENATOR ROBERTSON: I understand that.

Thank you.

SENATOR GORMLEY: One final question.

The issue of Megan's Law notifications--

ASSISTANT COMMISSIONER BURNS: Yes.

SENATOR GORMLEY: Just if we could succinctly go over what changes have been implemented, and what the current status is, in terms of the procedure and those notifications, we'd appreciate it. What reforms have been instituted?

ASSISTANT COMMISSIONER BURNS: Senator Gormley, with your approval, could I ask Director Bill Plantier to answer that question for you? He's my expert witness.

SENATOR GORMLEY: Okay. Fine. That was smart to bring an expert witness on this.

Congratulations on being chosen as the expert witness.

Put your red light on, please. (referring to PA microphone)

WILLIAM F. PLANTIER: It is on. (witness speaks away from recording microphone)

Good morning, Senators.

I'm Bill Plantier. I'm Director of the Division of Operations.

Succinctly, Senators, we have established a release notification unit at the central office.

SENATOR GORMLEY: When?

MR. PLANTIER: That was established, basically, in May and began functioning properly -- fully around the first of the fiscal year. Our purpose is to review all Category 1s or sex offenders. We release notification packages prior to them going to the county prosecutor's office.

We have also, to that end, just recently received a \$3 million appropriation -- thank you very much -- to establish dedicated release notification units in each of our correctional facilities. That was just recently given to us, and those people are now actively seeking employees to hire them.

I've also established a role as a liaison for all the dedicated people in the prosecutor's office who have also established liaisons. And we meet on a bimonthly basis to discuss release notification issues, how we're doing, and hopefully address--

SENATOR GORMLEY: In a year, how many of those individuals who would be categorized under Megan's Law-- Approximately how many individuals in that category come up a year within the corrections system?

MR. PLANTIER: Approximately 1000.

SENATOR GORMLEY: Approximately 1000. Okay.

And in terms of the current status, are all the 90-day notifications, to the best of your knowledge-- Have they been accomplished within the 90-day time frame?

MR. PLANTIER: Not every one. No, sir.

Are we much better than we were nine months ago -- ten months ago? Yes. But certainly, there are still issues, and there are certain kinds of things that still impact on that 90-day rule.

SENATOR GORMLEY: Okay. Such as? Would you please tell me where we are still behind the curve in terms of conforming with the law?

MR. PLANTIER: Well, unfortunately, due to other pressures that are being put upon us, issues such as parole certainly don't always make it within the 90-day rule. But that's with the full understanding -- the Attorney General's Office and certainly at their direction--

SENATOR GORMLEY: Could you please explain that sentence to me?

MR. PLANTIER: I'll explain it as best I can.

It is my understanding that due to the pressures of parole and the liberty interest of inmates, the Parole Board cannot provide that 90-day notice under the current situation they're facing. And that's certainly been discussed, and we're aware of it.

SENATOR GORMLEY: Okay.

Mario, do you have a comment about that?

HEARING REPORTER: Could you--

DR. PAPAROZZI: I'll just share with--

SENATOR GORMLEY: The panel can -- because we're just going to deal with the Megan's Law issue now. Thank you for your testimony.

DR. PAPAROZZI: With the backlog situation as it was, there was a liberty interest, and there was a need to set the parole dates no longer than 42 days from the date that we were setting the hearing. That was a legal requirement. However, the good news is the backlog is done, and we are getting further ahead. And we expect, and it's my full intention, as I said before-- And we're achieving that -- setting dates out as far as March, April, May, June, July. We want to be about six or more months ahead at all times, so we will never, ever be running up against that 90-day or even 42-day rule ever again. But that was a function of the backlog of cases, Senator.

SENATOR GORMLEY: Okay.

So the question, then, is -- and to get back to the question in terms of the notifications, currently. If, in fact, the Parole Board is now caught up, it would not appear-- And this is back to Corrections. It would appear that the notifications could now be done as is provided under Megan's Law within the -- you know -- 90 days in advance.

DR. PAPAROZZI: Yes, but I think the Parole Board owns that responsibility to make sure that they set the date 90 days in advance to give the Department enough time. The Parole Board drives that. And so the Parole

Board has to own the responsibility of setting the date out far enough so that it doesn't put them in a box.

SENATOR GORMLEY: Well, are the dates now set out far enough so that that can occur?

DR. PAPAROZZI: Not on every single inmate, I would imagine, but the lion's share, yes. And we're moving rapidly, as every day passes, to get further and further out. But yes, we are through the backlog, and we shouldn't see any-- We shouldn't be running up against any less than 90 days.

SENATOR GORMLEY: Well, let's go to the other extreme. Are there any circumstances where the notifications are going out after release? Let's not even-- Let's disregard the 90 days. Let's go -- if somebody is released -- and then his notification.

DR. PAPAROZZI: Now, that one, Jeff, unfortunately, you own.

MR. PLANTIER: I certainly can answer that.

SENATOR GORMLEY: Okay.

MR. PLANTIER: The instructions to all our required administrators for all releases is, even if the court changes a guy's sentence and something beyond our control happens, we will make notification. We will fax the notification. We'll make phone calls before we release that inmate. So notification will be made in every instance. And that is a very clear direction that our administrators have. So even if it's not a timely notification, the notification will be given.

SENATOR GORMLEY: Before the individual is released. I mean, you can understand why I'm asking the question.

MR. PLANTIER: Senator, it may be the same day he walks out the door, but our instructions to the administrators are that they call, advise them, make sure they know, and fax the package.

SENATOR GORMLEY: Well, if I may, then, I'll turn it over to Senator Matheussen.

It might be the same day. Well, that's a little disheartening -- certain persons hear that. Can we-- Are we-- How many instances do we have like that still occurring?

MR. PLANTIER: That's very, very infrequent. And that would typically be because of an intervention by a court or the restoration of gap time or the reporting of gap time or credits to an inmate's sentence -- would be those circumstances. And they're very infrequent.

SENATOR GORMLEY: Do you think it would be-- Do you think it's possible to conform with the 90-day rule?

MR. PLANTIER: In a general sense, I think, yes. I think there are always going to be instances beyond our control that relate to the inmate's sentence that's certainly going to cause occasions when that is not going to be capable of happening.

SENATOR GORMLEY: Let us assume that the Parole Board catches up -- gives notice months in advance. The thought that then there would be people released that would not have had appropriate notice, as is provided by Megan's Law, would baffle some of us. And I'm not trying to be mean-spirited about this, but once that occurs -- and let's say he's way in advance; he's six months in advance -- then to say that there is still a problem is hard to understand. I mean, no matter what the circumstances might be,

once you have the notice of that hearing far in advance it would seem that you'd be ready for any contingency.

MR. PLANTIER: That's correct.

SENATOR GORMLEY: Okay. So consequently, once parole has caught up -- and they are catching up. How far is it--

Mario, as of right now, how far are the advanced dates?

DR. PAPAROZZI: We're pretty far. I set parole dates out as far as March, April, and May, and even a couple of June dates. So we're getting out there. We're doing very well.

SENATOR GORMLEY: So the question is, once those dates are out there, it would appear that even if it-- It currently would appear that even if it's not 90 days, it would be in advance of the date of release.

MR. PLANTIER: Absolutely.

SENATOR GORMLEY: Okay. Well, I'm not trying to-- We're not trying to do complex cross-examination here, but it was -- it could be the same day. That's what you just said.

DR. PAPAROZZI: Well, Senator, in fairness, if I can jump in, though--

SENATOR GORMLEY: Okay.

DR. PAPAROZZI: --I think parole was one issue. There's the issue where the courts might step in. Mr. Plantier was--

MR. PLANTIER: That's exactly what I was trying to say.

SENATOR GORMLEY: So, in other words, except in the circumstance where the court steps in. Barring the court stepping in, there

would be, if not 90, at least some reasonable advanced notice to the prosecutors.

MR. PLANTIER: Absolutely, Senator.

SENATOR GORMLEY: Okay.

Senator Matheussen.

SENATOR MATHEUSSEN: There was a disturbing article in a Gannett story. It ran on the front page of the Camden *Courier-Post* this past Sunday, and I believe it was a statewide story from Gannett of -- about a released Camden County inmate, or I should say State inmate released in Camden County without any notice. Are you familiar with that?

MR. PLANTIER: I'm familiar with the Camden County case, and there was notice given. You're talking about something. I think it--

ASSISTANT COMMISSIONER JOHNSON: Did you say just this Sunday, Senator?

SENATOR MATHEUSSEN: Yes. The story ran this Sunday. I'm not sure about the-- The release was--

MR. PLANTIER: I have not seen that story, Senator. I'm sorry.

SENATOR MATHEUSSEN: Okay. What were you explaining about Camden County?

MR. PLANTIER: There had been a previous case in Camden County, in Camden, where a package of material went to the wrong county prosecutor mistakenly, and I thought that's what you were referring to -- the White (phonetic spelling) case.

SENATOR MATHEUSSEN: No, that's not the one I'm referring to.

MR. PLANTIER: I have not seen the story.

SENATOR MATHEUSSEN: I'd like to share it.

And Senator Gormley, maybe -- although we're touching upon it now, this might be something, if you would consider as Chairman, to get an overview of where we are with this Megan's release and notification in the future. It might be something this Committee would like to--

SENATOR GORMLEY: I think it would appear with the increased resources, and a number of approximately 1000 a year, and with the catching up on parole, and accepting those circumstances where there is intervention by the court. We're trying to restore legitimate public confidence in the system. At the same time, I don't want to say something at this hearing that isn't accurate. I mean, if there is still a problem, we want to know it. And excepting those circumstances where there would be court intervention, we're stating today that we're at least notifying the prosecutors in advance of release. We're not at 90 days yet, but we're getting there. Is that--

MR. PLANTIER: That is absolutely correct, and we are doing very much better than we were eight, nine months ago. If I could just finish a couple of the other initiatives and explain where we're at, maybe that might make it a little clearer.

We've also developed a tracking system for sex offenders, internally, and we have piloted that at one of our facilities. And we, just last week, began the second pilot at a much larger facility. When this database is up and running, we would see no instances, except for issues of parole, where that was unavoidable, or issues of court sentencing, where we would not be given 90 days of notice. It's working very well with-- We have so far

identified approximately 3600 individuals as either current sex offenders, having a past sex offense, or having a psychiatric history, all of which would be required to do (indiscernible) review for civil commitment. And that initiative is going on very well. We hope to have it completely implemented by May.

SENATOR GORMLEY: Senator Robertson.

SENATOR ROBERTSON: Maybe I'm scratching my head in the same way, but I take it that catching up on the backlog of the Parole Board means that you'll be able to give the Department of Corrections more advanced notice of when a release is going to take place. Is that what you're saying?

DR. PAPAROZZI: Yes, because all inmates will have their dates set further on out.

SENATOR ROBERTSON: Right. So sometimes if you have a backlog the way the system exists, you might be giving them notice that's significantly less than 90 days. And as the backlog begins to clear up, you'll be able to give more and more advanced notice, correct? But if we're talking about a thousand releases a year, which comes to 20 a week, obviously you can't do it that way. The fact of the matter is, what's to stop the Department of Corrections from turning around the same day that they received notice themselves and notice everybody else? Why is that difficult? I mean, I can understand if a court orders on a writ of habeas corpus the immediate release of somebody that you might not have that opportunity. But if your average time now is -- what? -- two months, one month, three weeks? What would it be now?

DR. PAPAROZZI: In setting parole dates?

SENATOR ROBERTSON: Yes.

DR. PAPAROZZI: Oh, I don't know, but I'm going to venture it's got to be two to three months or more.

SENATOR ROBERTSON: All right. So you're talking about two or three months. How in the world is it even a close call? I mean, do we really -- are we really so caught up that we have to develop systems to do things that we can do through the mail, through a fax, through a phone call? How come it can't be done the same day? If you get a notification, how quickly does that notification go out now? When you receive the notification of a release, how quickly do you make the notifications under the statute?

MR. PLANTIER: Well, Category 1 of a sex offender notification requires registration and civil commitment review -- is a much more comprehensive package of information than would go out on, say, a non-sex offender release. Basically, it would just be a letter. We have to do a review for civil commitment on all of these cases that requires risk assessment instruments being performed, a psychological, and in many cases a psychiatric report being done to review for this for a civil commitment, as well as a registration package, which requires a mug shot, fingerprints, address. It's a longer lead time to get that package put together accurately, and we really have to have it accurately for registration purposes and for -- in terms of the civil commitment review. So it's not something that typically is ready to go out the same day we know it. We have to schedule the psychological. We have to schedule the risk assessment. What we are working with our vendors, our privatized vendors and our health services section--

SENATOR ROBERTSON: Well, wait a minute. Even before you get to that, if I can interrupt you, through you, Mr. Chairman, do you have any sort of preliminary notification procedures? Because, obviously, one of the reasons that we notify prosecutors is because they may want to have some input on the issue of civil commitment. Is there any sort of preliminary notification procedure in place?

MR. PLANTIER: We don't have any, no.

SENATOR ROBERTSON: You don't?

MR. PLANTIER: Not for a parole matter.

SENATOR GORMLEY: That's why we're all somewhat quizzical.

SENATOR ROBERTSON: Which the question is-- Well, I mean, I don't want to-- Rather than be polite, I'll say, why not?

SENATOR GORMLEY: So the point is, once you started the civil commitment review, why doesn't the notice go out? That was Senator Cafiero's question.

SENATOR ROBERTSON: As soon as you know somebody's going to be released, why don't you notify the people who may have an interest in that immediately? I mean, is that too logical?

SENATOR GORMLEY: No. No. No. We're all asking the same question.

SENATOR ROBERTSON: That's why you have folks scratching their heads. Because I don't care if you have to put a package together three inches thick, part of that package should be the input of people who are on that notification. So why aren't they being notified immediately? I mean,

heck, before the Governor makes any nominations here, they give us a notice of intention of a nominee.

SENATOR GORMLEY: Well, they're supposed to.

SENATOR ROBERTSON: Well, I--

SENATOR GORMLEY: That's another issue.

MR. PLANTIER: We'll certainly give consideration to that, but frankly, my experience is they want the package at 90 days (indiscernible).

SENATOR GORMLEY: Excuse me. Excuse me. Why don't we just say we're going to do it? We're trying to be very balanced today, but once you started outlining this fairly complex procedure that you have to go through, then the notification seems not a difficult adjunct to it to include that in the process.

SENATOR ROBERTSON: Well, in essence is, they spend so much time putting the file together that the notification sometimes is in danger. Maybe we can ask the Assistant Commissioner or the Director. We can ask the Assistant Commissioner, is that something that's-- You know, if you're talking about 20 cases a week, is that so difficult to give a preliminary notification?

SENATOR GORMLEY: Once that civil commitment review begins, simultaneous with that, you tell the prosecutor.

MR. PLANTIER: I think there is a preliminary notice that's given in these cases, and maybe we're just not being clear.

SENATOR GORMLEY: Okay.

MR. PLANTIER: The Parole Board, before it considers anyone, publishes a listing of those inmates that are going to be considered for parole. That is the advance notification that goes to the prosecutor's office.

SENATOR ROBERTSON: No. You start assembling your package, though, after parole has been approved, correct?

MR. PLANTIER: Well, what I was trying to explain-- We're working with our vendors, and we're asking them to get ahead of the curve just like the Parole Board is getting ahead of the curve and have that risk assessment done at the time of his eligibility hearing. The Parole Board has to (indiscernible) him, so we can get ahead of the curve on that. We'll have it ready. We think it serves two good purposes. It certainly shows -- gives the Parole Board an additional piece of information when they consider a man for parole (indiscernible), and it will certainly get us ahead in terms of that package ready to go to the prosecutors.

SENATOR ROBERTSON: Oh, so you're talking about the package that you put together prior to the Parole Board meeting?

MR. PLANTIER: Yes.

SENATOR ROBERTSON: I thought we were talking about instances where the Parole Board has set a release date and then, therefore, triggering the notice or requirement.

MR. PLANTIER: Well, we're talking about two distinct points. We're talking about initially the date being set by the Parole Board, okay, and they're now caught up and they're now setting dates.

SENATOR ROBERTSON: That's a release date.

SENATOR GORMLEY: That's the release date. Now, we're also talking about the distinctive-- Distinct from that, we're talking about a notification going to the prosecutors. What we're directing our questions towards was, if you are doing this review or starting a process that you're required to do of a potential civil commitment, does a notice go to the prosecutor on or about the time you start the review of a civil commitment, which is something you have to do in these cases?

ASSISTANT COMMISSIONER BURNS: Senator, we are doing that.

SENATOR GORMLEY: Okay.

ASSISTANT COMMISSIONER BURNS: We're tracking inmates six months. These are mostly inmates who are going to max out, who are coming up to the maximum expiration of sentence. We're tracking them at least 180 days out, monitoring their time. That date can move up, but we're monitoring that and getting the package together and notifying the prosecutors.

SENATOR GORMLEY: And what we are trying to get to is, since you are doing that 180 days in advance of the release date-- On its face, I think we might be trying to make the system simpler and clearer for people is that the notification to-- Is there a notification that goes to the prosecutor once you start the review of a civil commitment?

ASSISTANT COMMISSIONER BURNS: If we're doing our job properly, we're tracking that inmate, and we're getting that package out 90 days prior to his release.

SENATOR GORMLEY: But we're quite not there yet. Now, we're getting better. We're better than we were, because we're not doing it after the release date, but what we're saying for now, for now, once the process starts in terms of civil commitment, can't we tell the prosecutor simultaneously with the start of that process?

ASSISTANT COMMISSIONER BURNS: Yes, we can.

SENATOR GORMLEY: Would you please do that? Thank you.

SENATOR ROBERTSON: If I could ask you, through you, Mr. Chairman, for the Commissioner to send us some confirmation that this procedure has been put into place. The whole point is, is that the folks on the ground need to know what's going on. That was the whole point of the Alves matter and everything else. You know, I come from Passaic County, and if I were a Passaic County prosecutor, I'd want to know what's in the works. I don't want to know after all the -- every *T*'s been crossed and every *I*'s been dotted, and by the way, it was yesterday, but we're catching up, we're making progress -- when you could have let me know 60 days in advance that the material was being put together.

SENATOR GORMLEY: I would think that in terms of the civil commitment process, that given the gravity of some of these offenses and the familiarity of the local prosecutor's office--

SENATOR ROBERTSON: Exactly.

SENATOR GORMLEY: --would have with those particular matters, then you would want them partnering, if you would, the review of the need for civil commitment. Now, if maybe you do and in most cases, but it would seem that you would-- That's a level of expertise and familiarity with

the case that would be very important when you think you're looking at civil commitment. Because, let's face it, for civil commitment you're going back to what occurred, how grievous it was, what were the circumstances.

SENATOR ROBERTSON: And there may have been psychiatric profiles that were put together at that time or were available to the prosecutor's office from the person's own psychiatrist.

SENATOR GORMLEY: If I may, because we have some other witnesses, what I'd like you to do-- I'd ask the individuals from Corrections, if you could, memorialize for us by correspondence what we have just talked about in terms of the notification to prosecutors at the time you commence the review of civil commitment. Okay?

ASSISTANT COMMISSIONER BURNS: Yes.

SENATOR GORMLEY: One final question from Senator Girgenti, because we have to move on to probation. Go ahead.

SENATOR GIRGENTI: It's really not a question, Mr. Chairman. I just want to say, first of all, that when we passed this legislation, I think it was very clear what we wanted. When there was a mess up, we hoped it would be corrected. I do not want to hear from someone that we're going to consider what we're talking about. We want it done. That's a problem that's been there. I know Norm knows Passaic County. We had to talk to our prosecutor, and we received notification after the fact. The law is very clear in that. We've provided the resources, and I don't want anybody to consider anything. I want it done.

SENATOR GORMLEY: We agree. I think what we're talking about is even better than notification -- to have them on a parallel track at the

time of the -- when the process begins in terms -- the review of civil commitment. That's when the prosecutor should be involved. Okay.

Thank you very much for your testimony.

The next witnesses, from the Administrative Office of the Courts, Honorable Richard Williams, Honorable Arthur D'Italia, John P. McCarthy Jr., and Richard Talty, Assistant Director, AOC's Probation Services Division.

What we're going to do now in terms of probation, which is under the courts, we're going to review the -- one issue that, after the last ratio that we heard, seemed to be a fairly good segue for saying, why do we need more people working on probation when you've heard one parole officer for 44 people who are on parole? Now, we're going to a circumstance where we have one probation officer for every 150 people who are on probation. There might be an argument that you are dealing -- as you could make the argument that those in the parole system, there might be more grievous offenses, but the ratios are almost three or four-to-one in terms of the caseload. And also, we want to deal with the issue of enhanced drug treatment for those on probation.

With that, we'll start with Judge Williams.

RICHARD J. WILLIAMS, J.A.D.: Thank you, Mr. Chairman. Good morning. On behalf of the chief justice and our State Judiciary, I want to thank the Committee for calling these hearings and for offering us the opportunity to testify.

If I might, let me introduce my colleagues who are with me here. To my immediate right is Judge Arthur D'Italia, the Assignment Judge of Hudson County. To my immediate left is John P. McCarthy, the Director of Trial Court Services at the Administrative Office of the Court. And to Judge

D'Italia's right is Richard Talty, the Assistant Director for Probation Services at the Administrative Office of the Courts.

We're pleased that these hearings come at such an opportune time. We have been engaged in a multiyear strategic planning effort in all of our divisions of court, including probation, arising out of the constitutional amendment to unify our courts. And so we find ourselves today in a particularly good position to address the needs of our statewide probation service. Moreover, as a result of some fundamental improvements we have made in probation service, which Judge D'Italia will address in greater detail, we believe that probation now is in a very strong position to effectively utilize new resources.

Ten years ago, probation in New Jersey consisted of 21 separate county departments with widely varying staffing and resources and disparate services and results. The constitutional amendment calling for unification of the courts and our work since that time have significantly changed the face of probation today. We have equitably allocated our staff and fiscal resources among the 15 court vicinages. We have completed a strategic planning process to guide our future, and we have identified best practices in probation to be implemented consistently on a statewide basis. Among those best practices is a focus on evaluating probation based on bottom-line results.

We have created a strong foundation on which future statewide probation initiatives will be built. But while we've been building the foundation, we have not been standing still in providing service.

It was clear to us in 1997 and 1998 that our juvenile probation caseloads were generally excessive, that adult caseloads in some counties had

risen far too high, and that certain case types involving domestic violence and sex offenses needed much closer monitoring. This Committee, with your leadership, Senator Gormley, was instrumental in assisting us with two supplemental appropriations, which together provided an additional 80 officers for probation. Additional needed resources were also made available to our family division. We were and remain grateful for that assistance.

The Judiciary has also been very successful in testing the concept of drug courts. I would note here the strong interest and indications of support from Senator Matheussen for the drug courts. Last year, we evaluated our experience and concluded that drug courts are an exciting and effective new approach to dealing with the cycle of drug addiction. These courts combine essential ingredients of intensive supervision and monitoring, adequate treatment resources, and close coordination by the court, probation, law enforcement, and the treatment community. We have found that they work. They can reduce overall costs. And since more than 80 percent of drug court participants are minorities, they address critical concerns regarding overrepresentation of minorities in our prisons. Moreover, given our commitment to unification of the courts and to equal protection under the law for all New Jerseyans, we believe this program must be implemented statewide. Therefore, in our budget request this year, we asked for a two-year program to expand drug courts statewide, including within that probation costs. We also asked for funds to treble the amount of urine testing that we do in probation. Those funds, unfortunately, were not included in the budget presented to the Legislative, but these programs remain among our highest priorities.

We also have undertaken a major initiative to get probation back out into the community. Unfortunately, rising caseloads and diminishing treatment resources over the years, combined with a lack of standard practices and no clear vision for probation, had resulted in probation becoming an office job. Officers met their clients at the courthouse in often a far too brief meeting. We have changed that. I am pleased that the union has agreed with us that probation officers should spend a part of their week in the community supervising offenders. We also have probation officers in schools and have implemented exciting new programs in Paterson, Newark, and Plainfield which pair probation officers with police officers in high-crime areas. We are very pleased with the progress of these programs in creating partnerships between probation and the communities we serve.

And finally, just this past month, we have completed the implementation, after a long odyssey, of a statewide computerized management system for probation cases, which will provide for more effective administration of probation statewide.

I will outline what our specific needs are, but I would like, at this point, to recognize Judge D'Italia, who will speak with you concerning the focus that probation will have as far as our future efforts.

ARTHUR N. D'ITALIA, A.J.S.C.: Thank you, Judge Williams.

Senator Gormley, members of the Committee, as Judge Williams has suggested, this has been a particularly dynamic time for probation. The challenges we face in managing an ever-growing number of cases and supervising immense numbers of drug dependent offenders are incredibly sobering. However, it's been an exciting time as well. We believe we are in the

process of making fundamental changes that hold out the best prospect for probation fulfilling its mission of protecting society against repetitive criminal conduct.

The changes we are now implementing are the result of a three-year planning effort that has involved the entire probation service. Several years ago, the Judiciary management challenged probation to rethink itself, and probation responded enthusiastically. In focus groups and think tanks, large numbers of line officers and supervisors addressed, critically and candidly, probation's mission, specific goals for achieving that mission, and the best techniques for achieving those goals. The result was a series of recommendations that have been approved by the Judicial Council. These recommendations fall into three categories.

First, we developed a standard organizational structure for each vicinage, dividing probation into adult, juvenile, and child support divisions. We placed line staff into teams of roughly equal size. We have approved staffing ratios for the number of managers and supervisors of staff. This will assure us not only an equal distribution of resources statewide, but will tend to promote accountability internally.

Second, and perhaps most important, is the establishment of statewide performance goals. Highly effective organizations measure what is important to them. Pressed by high caseloads, probation had adopted the practice of measuring performance based upon the number of individual contacts between officers and offenders. Thus, if an officer made contact with an offender the required number of times each week or month, the officer was considered to have been doing his or her job, essentially, without regard to the

quality of the contact or the way in which it impacted on the offender's behavior. Given an opportunity to rethink this pattern of accountability, the officers recognized that what counts is behavioral outcomes. They asked themselves what the probation service should be trying to achieve, and the answers were clear. Criminal conduct is strongly associated with unemployment, lack of education, and drug dependence.

Having accepted that, the officers committed themselves to the goal of increasing in specific amounts the percentage of offenders who are employed while on probation. We have also set a specific goal of increasing the number of juveniles attending school. We are committed to increasing the percentage of cases in which court-ordered fines and restitution are actually being paid. We are committed to increasing the percentage of offenders complying with community service and to increase the percentage of offenders complying with drug treatment programs that are a condition of probation. These are all very ambitious goals. They are particularly meaningful, because they will give purpose to the contacts between the probationer and the supervising officer. These goals will set priorities not only for the offender, but also for the probation officer and the entire chain of command of the probation service.

Significantly, we now have the tools to measure whether our goals are being achieved. Probation has only this year completed rollout of the statewide computer system. We now have data on the number of probationers employed, those attending school, those paying fines, and those paying restitution or complying with community service. Whatever our success rate

is this year, probation is dedicated to trying to do better next year. And doing better is no abstraction. It is defined in concrete, measurable terms.

Having established an organizational structure and developed goals, the final step in the process was to develop a set of procedures and best practices.

Prior to 1995, how local probation departments handled each case varied as greatly as did the organizational patterns and resources. We now have statewide standards and practices covering the entire probation process, from intake through classification and discharge. Central to intake is the development of a formal case plan for every offender on probation. The plan determines how often a probationer must be seen based upon a risk classification. The case plan also determines how the goals of compliance with the conditions of probation, including finding work or completing an education, are to be monitored and implemented. Of course, the capacity to be effective in helping an offender to find work or to gain skills remains a function of caseload.

One of the goals of probation is the reduction of substance abuse. The key to achieving this goal is drug testing. Testing serves the dual function of deterrence and detection. Armed with test results, the probation officer can direct an offender to treatment or, if necessary, remove him from the community by filing violations of probation. Our ability to achieve the goal of reduced substance abuse among offenders is geared directly to the number of tests that the service can afford to conduct.

As part of my involvement with probation, I've had occasion to look over its various mission statements that have been developed over the past

50 years. Frankly, most seem to me insufficiently focused to be meaningful. I think probation has finally put together a clear statement of their role and responsibilities. They have now defined the role of probation as to promote the welfare and safety of children, families, and communities in New Jersey by enforcing court orders, supervising offenders, monitoring behavior, and intervening to produce positive outcomes.

That vision, coupled with the newly articulated performance goals, provides clear and unambiguous direction for staff as to what we expect to accomplish through probation supervision. I echo Judge Williams' optimism and hope about the course we have set for probation. The model for enhancing supervision linked to outcome-based standards has given us a foundation for moving officers out of the courthouse and into the neighborhoods, into partnerships with community institutions, including police, schools, and churches. We are committed to making probation an effective instrument of government as it can be. We think we are on the right track. Your continued recognition of the importance of the probation function and your support are critical to our success.

Thank you, Senators.

JUDGE WILLIAMS: Thank you.

And if I may just briefly outline where we go from here and what the elements of our proposal for the Committee are.

First, with respect to drug cases, our statewide drug court proposal, which I mentioned earlier, proposes to deal with about 1800 drug offenders, serious cases, most of whom which would otherwise go to prison. I've already mentioned the benefits of reduced recidivism, reduced costs, and significantly

addressing concerns about disproportionate numbers of minorities in our prisons. However, in addition to these cases, we have about 13,500 other cases, with offenders on probation, which are classified as high-risk drug cases, or which otherwise indicate a greater need of supervision because of a person's addictions.

SENATOR GORMLEY: Excuse me, Judge, what's the total number of people on probation at any one time?

JUDGE WILLIAMS: The total number of people on probation today, not counting cases that are simply collection of fines cases, would be about -- approximately 67,000, of which approximately 12,000 would be municipal court cases, and the balance, Superior Court cases.

SENATOR GORMLEY: Of the 67,000, how many are drug related?

JUDGE WILLIAMS: The ones that we would think are -- what we would consider higher risk would be about 13,500.

SENATOR GORMLEY: Okay. Thank you.

Senator Matheussen.

SENATOR MATHEUSSEN: And of that, only 1800 are eligible for drug court?

JUDGE WILLIAMS: Yes, Senator. Part of that is a function of the numbers that drug courts can handle. Right now, we're looking for an average of approximately 125 for drug court. That conceivably could be expanded. The choice that we needed to make with drug court, Senator, was whether to expand the five pilot drug courts that we have first or expand the program statewide. And for the reasons that I have indicated, equal protection

arguments and others, it's simply not fair, for instance, that -- if you are in Camden County, you may go into a treatment facility, and if you are in Gloucester County, you might go to prison. So we're concerned about expanding the program statewide first and then, as we look down the road, having reached capacity in that program, the potential for expanding it to handle more cases than is there.

SENATOR GORMLEY: Okay.

Senator Matheussen.

SENATOR MATHEUSSEN: I hate to interrupt you, Judge, but just to make certain-- I want to make sure of your previous statement. You had indicated that these are the things we are looking for in this year's budget, but that the budget presented by the Governor last week did not include moneys for the drug court.

JUDGE WILLIAMS: It included moneys only to pick up two of the present drug courts, as grants will be expiring.

SENATOR MATHEUSSEN: So then it's not an expansion of the drug courts statewide?

JUDGE WILLIAMS: That's correct.

SENATOR GORMLEY: What I did is, I had asked the Administrative Office of the Courts -- because they're not, shall we say, as aggressive politically as we might be -- I asked them if they had any additional suggestions for the budget. They never disagree with the Governor, but then I asked them for some additional suggestions.

SENATOR MATHEUSSEN: That would also then include the urine testing -- the expansion of the urine testing.

JUDGE WILLIAMS: The urine testing was not funded either.

SENATOR MATHEUSSEN: We'll make sure that it gets there.
Thank you.

JUDGE WILLIAMS: Thank you, Senator.

Let me indicate, with regard to the other offenders, that presently they're supervised -- and these are these what we consider to be nondrug court, but offenders that still have high-risk drug problems. They're presently supervised by about -- to a caseload of about 150 per officer. So what we are looking for then is to be able to bring the caseloads down. We want to bring those caseloads to approximately 75 per officer.

SENATOR GORMLEY: What -- there are 150 now, right?

JUDGE WILLIAMS: There are 150 now. To do that, we calculate that we would need 90 more officers, and we also would, in addition to the drug court proposal then, propose that funds be available for inpatient and outpatient treatment, approximately \$5 million. That would not necessarily have to be in the Judiciary budget. It could be the Department of Health or another appropriate department, but we would need to be sure that we could access those funds.

So that -- that would be one of the proposals. We would also recognize that we have needs with regard to juvenile cases. The average juvenile caseload is currently 69 per officer. This is a high figure. By comparison, the Juvenile Justice Commission averages about 37 per officer. Now, we realize that those are admittedly more serious cases, but we still believe we need to reduce that. We would like to reduce the caseloads to at

least, at maximum, 60, and we would need 30 additional officers in order to do that.

We also have needs with regard to sex offenders and domestic violence cases. One of the standards we recently adopted as a best practice called for domestic violence cases and sex offender cases to be handled in specialized caseloads by officers specifically trained for that purpose. We would assign these cases to specially selected probation officers. Under this approach, we believe the domestic violence caseload should not exceed 75 per officer, and sex offender caseloads should not exceed 50 per officer. In order to provide this intensive specialized approach, we would need an additional 30 officers.

And finally, I mentioned the police probation community programs. The initial assessments of the program in Paterson were very positive. We are expanding that pilot to Newark and Plainfield. We propose at least three more major urban areas be included over the next two years.

SENATOR GORMLEY: Do you do this in conjunction with Weed and Seed on the Federal level? Is there any overlap there?

JUDGE WILLIAMS: We are working with both grant funds. I'm not sure, Dick, whether we're using--

SENATOR GORMLEY: I'm sorry. By the way, the testimony is right on point. There's an enthusiasm on the Committee to cross-reference what you're talking about. I am curious though. How would you deal with an organization like a CASA at Columbia or a private nonprofit, because you still are the court? Do we have a vehicle set up for application for some of these nonprofits, just because some of the nonprofits are, obviously, funded by

certain corporations and they might be coming in front of the court from time to time? Is there a procedure set up for that so that there's enough distance for the court? But at the same time, we can take advantage of nonprofits.

JUDGE WILLIAMS: Senator, some of the programs are cooperative programs. So the court doesn't necessarily need to apply for the funding in all cases, if we're working with community groups, if we're working with county government, if we're working with the police. So there are a variety of mechanisms by which-- We work with the Attorney General's Office, for instance, in the program in Newark, which extensively involves the community, the Attorney General's Office, and the local government. So there may be ways, even if the funding source is a problem for the court, that portions of those programs can still be funded. The court can take its moneys in the ways that we're permitted to, and approaches can be made to other funding sources as well. What I would say with regard to those programs, if we are able to expand them, the cost there would be about 150,000 per program for each of the six programs. I'm sorry, the court costs alone.

The proposal total then, which would be in addition to the drug court proposal--

SENATOR GORMLEY: Yes.

JUDGE WILLIAMS: --would require about 6-and-three-quarter million dollars for the Judiciary, another 5 million dollars for inpatient and outpatient services, which as I've indicated need not necessarily be in the Judiciary's budget. And we would recommend that this be phased in over a period of years, probably two years. Such an appropriation then would fund 150 new probation officers for the purposes that I've mentioned, support

police probation initiative expansion programs, and provide for appropriate drug testing, training, and related support.

SENATOR GORMLEY: So the first year's impact on the budget for the total package would \$3,400,000?

JUDGE WILLIAMS: For the Judiciary, that's correct.

SENATOR GORMLEY: Okay.

JUDGE WILLIAMS: And I will simply indicate that completes my prepared remarks, and I would be happy to respond to any questions that any of the members of Committee might have.

SENATOR GORMLEY: Okay. I'll only ask one question. So consequently, if we were to agree with this proposal, which strikes me as being balanced and having real impact, we would be talking \$5,250,000 for the one portion of the budget in terms of the 90 new adult officers, the 30 special sex offender/domestic violence caseload officers, and juvenile officers. We'd be talking 150 new officers at \$5,250,000. In addition to that, for the court, for the first year, we would be talking \$3.4 million. So the proposal would be in the range of \$8,600,000 for the first year.

JUDGE WILLIAMS: The treatment dollars, I believe, would not necessarily need the entire sum the first year. So the proposal would be more like half of the approximately \$10 million to \$11 million talked about.

SENATOR GORMLEY: So we're talking about \$6 million the first year to implement--

JUDGE WILLIAMS: Right.

SENATOR GORMLEY: --the program in terms of lowering the caseload and increasing the level of drug treatment available for these individuals.

JUDGE WILLIAMS: That's correct, Senator.

SENATOR GORMLEY: Okay.

Senator Girgenti.

SENATOR GIRGENTI: Thank you, Mr. Chairman.

Judge, I noticed in your comments, you talked about a police probation community program. I come from Paterson, and I know that our Assignment Judge, Bob Passero, is very high on the program. He spoke to me about it. I see by your expansion of it into other areas, you must look favorably on that type of program. From what I read on it, it seems like it's had good results in terms, I guess, of the first year's evaluation. I believe they had even increased the amount that they got for a second grant the second year. I think it's like four hundred-something thousand. Do you think -- has that worked positively? I guess it has, and you would like to see that expanded into other areas in the-- There's been no problem with the combination of all groups. I know in the past there had been a reluctance of the mixing of the different -- you know, probation, parole, and the police on the street.

JUDGE WILLIAMS: Senator, we think it's a good program, and we're proud of it. Let me speak to the issue about probation, parole, and the police. One of the reasons that the program works well is because the police are able to do the police function and probation is able to do the probation function and not mix them. But by working together, we're able to meet both of those functions.

SENATOR GIRGENTI: Like I say, from what I saw on it, it was-- They're even saying their high school dropout rate has declined. They attribute it to it. State custodial commitment rates and new admissions rates to Passaic County Detention Center has declined as a result of it, enhanced resources available to juvenile justice system via grant funds. They've had 2314 home and other field visits, including curfew checks to juveniles and their families during nontraditional, after-school, evening, and weekend hours. So I think that's the key where it's really -- as we heard earlier from other people that it's not just sitting behind a desk, but actually being out there in the field that's going to have the best effect on this type of a problem.

From what I have read about it, I was really impressed. I've seen it in operation. I've gone to a few of their programs. I would like to see an expansion of this. I think it's important, and I think you're heading in the right direction. You would like to see this, I guess, throughout the state at some point, but especially in the urban areas.

JUDGE WILLIAMS: Absolutely.

SENATOR GIRGENTI: Thank you.

JUDGE WILLIAMS: Thank you.

SENATOR CAFIERO: Senator Robertson.

SENATOR ROBERTSON: Thank you, Mr. Chairman.

Two areas, really. Number one, one of the things that has been noted traditionally with respect to probation officers is the level of training and compensation that's made available. And while your suggestions have talked about adding X number of officers in order to be able to bring those caseloads down, has any consideration been given to the overall training and

compensation issues if, in fact, we're going to be moving folks from what has become a desk job out into the field?

JUDGE WILLIAMS: Let me address the movement in the field first. Actually, that was an issue that we addressed as we negotiated with our unions the last time around, and we took those factors into consideration in terms of the collective bargaining process. I'm reluctant to go into great detail right now, Senator, because we're engaged in another round of collective bargaining at this point. All I can tell you is, we recognize that probation officers are the key professionals in our organization. They play a very important role, and we have great respect for that role. The need, obviously, for training is something we recognize, and we have a heavy investment in terms of training and are continually reviewing the training that we provide. As societies demand change, your training programs have to need to change and keep up with the different demands. As new approaches are developed, you need to be able to do that. So we invest very heavily in that and are continually reviewing our programs and updating them.

SENATOR ROBERTSON: On the issue of caseloads -- I'm going to go back to a similar analysis that we used with parole. It was reported out of, I guess it was Warren County with the Scott Gonzalez shooting, that the probationer in that instance was assigned to an officer who had a caseload of 240. At least that was the report, and that was back in 1997. Now, have the caseloads declined to the point where they're down to about-- Well, actually, I can answer my own question, because we were given that information, now that I think of it.

Back in 1997, the adult caseload, we are told, was approximately 155. And yet, it was reported that the caseload in that county for that particular officer was 240. My question is, what-- Well, first of all, how do you determine your average caseload, and are there folks who have very minimal caseloads who are included in that average which has a tendency to pull the average down?

JUDGE WILLIAMS: Well, one of the things we do, Senator, is, in calculating that caseload, we take out at the beginning certain types of cases -- collection cases, basically, if you will -- and we have them as a separate caseload, because they would have skewed the figures. We have probation caseload size, as of June 30, 2000, which I can share with the Committee, but it runs from a-- We have an aberration in one county, so I'm reluctant to use those figures, but it looks like (referring to chart) it runs from a high in Morris of about 189 -- quickly looking at this -- to a low in Cape May of about 75. So that they vary. The average we have given you, the 149, is an average of all of the probationers divided by a number of probation officers who engaged in adult supervision.

SENATOR ROBERTSON: So you don't know how that 240 caseload figure came to be in that particular instance?

JUDGE WILLIAMS: It may have been-- I'm not familiar with that case, but it may have been the actual figure in that county, because the numbers in the counties vary. And particularly as you get smaller counties, you can get greater fluctuations by either an increase or a decrease in number of probation officers, so that can make the caseload figures fluctuate. Warren is not one of the larger counties. I would note that as of June 30, 2000, the

number was 160 per officer. But depending on the size of the county, you can get greater fluctuations, generally, with smaller counties and a more modest increase or decrease in staff than you would get with larger counties.

SENATOR ROBERTSON: Now, in the figures that you just gave us when you illustrated a high and a low, were those individual case officers, or were those the county averages that you were pointing to?

JUDGE WILLIAMS: Those were the averages for the county.

SENATOR ROBERTSON: Oh, okay. So that within the county, there could still be case officers who have high caseloads and those who have lower?

JUDGE WILLIAMS: There could be depending on the way work is organized. One of the things we're trying to do, as a result of the unification effort that came with the constitutional amendment, is to develop in all of the counties much more common patterns so that we can effectively measure one county against another, both in terms of their needs and also in terms of holding counties accountable for performance.

SENATOR ROBERTSON: One suggestion I might make is that you may wish to take a look at what percentage of the probationers are assigned to officers who have caseloads above the average, above 150. Theoretically, statistically, it should be somewhere in the area of 50 percent. But if you start to see that it's in the area of 60 percent or 70 percent, then you realize that the average number is weighted down, and in fact, the probationers are not getting the attention that they should get, because most of them -- 70 percent of them, if that's the case -- are actually assigned to someone who is even more overworked than you really realized.

JUDGE WILLIAMS: Yeah. We have to look at that. We need to realize that it won't ever be all evened out, because even as we're proposing if we're going to deal with sex offenders or if we're going to deal with domestic violence cases, we'll have different numbers on the caseload ratio there than we might with other cases. But you are correct, we want to be sure that the average figure doesn't necessarily hide problems and that we need to look at each individual area.

SENATOR ROBERTSON: Yes. That's why I suggested -- what's the percentage of probationers that are assigned to an officer with an above-average caseload.

The other one area that I had a question in had to do with your experience. And I guess Judge D'Italia could be a good person to ask, because you're on the front line every day, and you've worked in all of these courts, I assume, and that has to do with whether or not incarceration is a condition of parole. Have you found that to be something that is a good idea, a bad idea, or is it so much on a case-by-case basis that you can't make any general observation?

JUDGE D'ITALIA: Well, obviously, while I'm reluctant to generalize in terms of my personal experience, sentences are individualized to the extent that we are permitted to do so under the criminal code. But having a range of options available in terms of sanctions is, I think, an important part of the sentencing tools that are available to the judge. So that in terms of probation, each time you're preparing a sentencing memorandum you're looking at possibilities, even within probation, ranging from complete noncustodial with minimal reporting up through the possibility of 364 days as

a condition. I think it's very helpful to the sentencing judge to have the full panoply of options available.

SENATOR ROBERTSON: And among the things that really narrows the range of things that are available to you are -- would be, I would imagine -- the availability of bed space and drug treatment facilities, I take it. How about the ability to enforce some form of incarceration even if it's a five-day sentence, a ten-day sentence, to a first offender who would really benefit from seeing the light more plainly than he does when there's no incarceration at all?

JUDGE D'ITALIA: It's not something that I'm reluctant to engage in and not only as an initial proposition. Even given someone, a first offender, who, for example, is entitled to the presumption against incarceration, but nonetheless, in the circumstances, 10 days or 20 days, giving a kind of taste of what might be in that person's future unless they avoid further involvement, is something we use. Does it work? You'll have to ask the sociologists whether, in fact, it does serve as a deterrent. Logically, you would think it does. And the same is true in terms of a violation. You don't have to revoke the probation and sentence that person to a jail term. You can add, as an additional condition of probation, some additional time served as a reminder that the person is still under supervision, and they have to honor the conditions.

SENATOR ROBERTSON: The reason I asked that question, Mr. Chairman, is that in the Paterson instance, the Paterson program -- because I'm also from Passaic County -- the Paterson program is modeled in part after the Boston program. And one of the important elements of the Boston

program is the fact that there can be certain consequences for folks who are unwilling to cooperate in the probation regiments. So there is some place to send them. There is some place to remand. It's been our history in Passaic County, over the last 15 years, that when we have increased the bed space available at the county jail and we've given the prosecutor more resources with which to actually process greater numbers of criminals, and it ranged to about 800 per year of additional sentences to state prison terms, we saw that the 800 became 1600, became 2400 over a period of three years. And in fact, there was dramatic decreases in crime. The whole idea being that one way or another people are put out of the business of being career criminals. I would prefer it to be in a way that puts them back on the right track. But failing that, to have something available to take them out of the mainstream is also something we should keep our eye on, even as we discuss all of these alternatives.

Thank you.

SENATOR GORMLEY: Thank you.

When you talk about the Boston initiative, there's a unique link here, and it's-- Of course, I'm always looking for money, okay, which we all are. Because they're announcing a number of programs tied to faith-based initiatives, although we have a separation of the court and the church and whatever, but the variety of programs announced on the Federal level directed at faith-based initiatives-- I saw in the Boston program how they make use of the churches in the community to take advantage of that. I was wondering if there had been that much of a link, obviously, in an ecumenical basis, to some

of the faith-based initiatives who are potentially -- that they would be included in some of these programs.

JUDGE WILLIAMS: One of the things, Senator, and I left Atlantic County, so I was not able to follow it up, but one of the programs that had started in Atlantic County actually was known as the Ministers' Program. It dealt with juveniles who were on probation. We had a number of members of the clergy in Atlantic City who were willing to provide mentoring roles.

SENATOR GORMLEY: Reverend Burton (phonetic spelling) ran it, and now we have Reverend Days (phonetic spelling) running the program.

JUDGE WILLIAMS: And that seemed to be very encouraging.

Dick Talty is quite familiar, particularly with the program in Newark, which has some extensive community involvement, if you would like him to speak to that.

SENATOR GORMLEY: If you could briefly just tell us the parameters. I think that would be interesting.

R I C H A R D B. T A L T Y: Yes, Senator. There's a strong faith component in these police-probationer partnerships in Paterson. There's many ministers, probably 15 ministers, working with the juveniles. Particularly, the Muslim community has come forth with many resources. The same thing is true in Newark and in Plainfield, with a strong faith component in both of those programs as well, and that's something we would like to continue to build on.

SENATOR GORMLEY: One of the other problems that I've noted is that during this period we have had very low unemployment. In our region, the Atlantic County region, the Atlantic City region, we would have

certain individuals who tragically, although there were jobs available, had a problem with drug testing. So I think there might be some value in terms of cross-referencing with the Department of Labor some of the statistics in terms of those people who never are able to get off the unemployment rolls because of the obvious problem with the drug testing or to get the treatment necessary to get back in the mainstream.

Any further questions? (no response)

Thank you for your testimony.

JUDGE WILLIAMS: Thank you, Senator.

SENATOR GORMLEY: What we're going to do is, we'll take a-- I think we can get through. What we're going to do is, we're going to go straight through. We would appreciate if people agree-- If I may, I'd like to summarize where, I think, the direction of this is going. Number one, I feel even more strongly about the bill itself that Senator Matheussen and I put in, in terms of merging the parole functions, in terms of the Committee's bipartisan commitment, as firmly expressed by Senator Girgenti, to make sure that notification processes, in terms of Megan's Law, is fulfilled. We will follow up on that, especially in terms of the tying of the notification, that part of the process where they review the civil commitment. That's something that I feel very strongly about, and it would be repetitive, but that's something we will make sure occurs.

In terms of the testimony by the court as it pertains to the increased funding for probation, I personally feel, and I think the members of the Committee do -- Senator Matheussen has had a commitment to this because of the increased enhancement he wants to see for the drug court -- that

what we'll do is we'll work in a bipartisan fashion in terms of putting together a package that deals with increased levels of staffing and increased levels of drug treatment as it relates to those who are on probation. I think that the recommendations by the court strike me as being reasonable. However, we'll have to, obviously, check with the Governor's Office and see if we can -- and obviously, Bob Littell on Appropriations. But I do think the proposal is reasonable. It also appears to be very effective.

So I'm stating this overview right now, because I think that many of the witnesses that we have here are going to, hopefully, echo the same direction that we're going in. And I say that because you don't have to do much convincing in terms of those particular issues.

Next witness, Napoleon B. Johnson, President, Coalition of Community Correction Providers.

N A P O L E O N B. J O H N S O N: Good afternoon.

I'm pleased to be here today to speak with you regarding Senate Bill No. 2026. I am currently the President of the Coalition of Community Correction Providers of New Jersey. I'm a certified social worker and substance abuse counselor. I've worked in the provision of services to ex-offenders in the community for over 21 years. The Coalition is comprised of not-for-profit organizations. They contract with the Department of Corrections to provide over 25 community corrections programs, including assessment centers, work release programs, substance abuse treatment, and day reporting centers for parolees. For the past 20 years, the Coalition has been involved in the advocacy to address issues of importance necessary to the provision of quality programs for offenders here in New Jersey.

It is in this regard that I'm appearing before you today to express the support of our member organization for the Gormley-Matheussen bill to transfer the Bureau of Parole from the Department of Corrections to the authority of the State Parole Board. Over the years, our member organizations have enjoyed respectful and productive relationships with both agencies and expect to continue to do so in the future.

Our efforts in recent years in partnership with the Department of Corrections has helped bring about significant improvement in the quantity and quality of transition services for offenders returning from prisons to the community. Although much of the focus of public policy-related crime has been targeted on enforcement, prosecution, and imprisonment, we recognize that repeat offenders commit the majority of crime. Coordinately, while interdiction and punishment both play significant roles in the community protection, there is great potential for enhanced public safety through the provision of effective transition services to help offenders adjust to life in the community in a law-abiding manner.

Of late, we have been gratified by the efforts of the Department of Corrections to improve the level of treatment services in institutions and particularly the emphasis on providing a continuum of services for prisoners to community release centers. Further, the advent of the assessment centers has provided helpful information to properly evaluate risk and treatment needs. Ultimately, however, much of the success of an offender's reintegration into community is determined by the stability of the circumstances he or she encounters when they walk out of our community release agencies and onto the streets.

Our programs provide services to help residents find jobs and prepare them to meet the responsibilities awaiting them and their families. But if there is no consistent means to maintain continuity of services to follow offenders in their days of freedom in the community, many will still fail. When serious problems arise, such as return to substance abuse, there needs to be timely and effective intervention to avoid return to crime. The responsibility for overseeing the conduct of the offender, once released, rests with the Bureau of Parole. Parole officers have the daunting task of following the activities of parolees assigned to the caseloads, to monitor their behavior, and provide the guidance and treatment, if necessary, to address any compliance problems with conditions of parole.

What we have witnessed at times is the lack of coordination between the Parole Board as a granting authority and the Bureau of Parole, which is charged with parole supervision, to ensure that appropriate conditions for structured program options are imposed and implemented at the time of release, and later, when technical violations arise. Specifically, alternative sentencing program options, such as day reportings or, Senators, electronic monitoring, appear to be underutilized in circumstances where such programs could further aid in community adjustment and avoid more serious violations or returns to prisons.

As an example, in the three years that day reporting centers were funded by a Federal grant, these centers operated at sometimes 20 percent to 40 percent under capacity. In addition, as the present ASB options, new contracts have been awarded recently to provide residential halfway back-type treatment programs for technical parole violators.

Without close coordination and direct management line authority between the Parole Board and the Bureau of Parole, timely and effective intervention efforts using ASB options to address the needs of parolees in the community are often inconsistent and disjointed. We have no doubt that the Department of Corrections supports the provision of effective transitions from services for parolees, but they bear the heavy burden of prison management that understandably requires their primary attention. The Parole Board is charged with legal oversight for the conduct of parolees in the community. Hence, the transfer of Bureau of Parole under the authority would provide a direct link to the staff and resources necessary to carry out their duties in the most effective manner.

We continue to strive to improve the quality of services we provide to help the offender succeed. We invest our efforts in their success and must trust that they will receive the guidance and assistance they need once they leave us. For these reasons, we support the passage of this bill.

SENATOR GORMLEY: Thank you. Thank you for your testimony.

The next witness is David Kerr.

DAVID KERR: Senators, I'll try to make it brief. I was a parole officer in the '60s -- '64 to '67, and then in '68 I started a program in Newark called Integrity House. It's a drug and alcohol treatment program. Most of our referrals right now are from the criminal justice system, either parole or probation or drug court.

It's a pleasure to start this morning hearing the testimony of Assemblywoman Previte and following testimony, because everything said

today, as far as my opinion, is right on the money. It's in the right direction for where we should be going. Diane Zompa talked about the imprisoned TCs, Southern State. There are therapeutic community programs in the prison that are starting the process, which is a long-term one, of lifestyle change in inmates who have become a drug addict over a period of 10 to 15 years. It's going to take them quite a while to get off of those drugs, not just physically, but psychologically. And the TC approach is a lifestyle approach. In other words, it takes into consideration-- TC means therapeutic community. It's a researched model of treatment begun in 1958.

The most recent and most effective research done by NDRI in New York and Jim Inciardi's program, The Key, in Delaware-- These programs that they've researched found a high rate of success for those inmates who went through the TC, not only in the prison, but there was high connectivity to a release program, particularly a treatment therapeutic community in the community. They found that those individuals who were high recidivists were least likely to recidivate over the next 18 months once they hit the streets.

One of the keys that I want to emphasize is, we can build and build and build prisons, but as Mario said, and others say, thousands are coming out -- 90 percent of them are coming out. So that's why I say this Committee is right on the money in focusing on those that do come out, and also focusing on those that, hopefully, won't come in.

In my opinion, clearly, the most effective treatment alternative that we have produced is the drug court model. The drug court model-- And I'll tell you why, because the drug court not only gives sanctions for doing bad,

but also encourages those individuals who do well. Also, the drug court takes a zero-tolerance approach in terms of urine tests three days a week.

In my opinion, probation and parole have to have increased urine tests. Treatment cannot provide the proper help for individuals when there's this huge hole of urine testing, where you can go by maybe two weeks before there's a urine test. And with people around the community, they can be very sneaky, and they can get high and wind up a menace in the community.

I want to emphasize what was said here. More parole officers, lower caseloads, and the probation plan, I think, is excellent. The \$5 million would provide possibly 200 more residential slots if they split it up between residential and what I consider the most cost-effective treatment, modality, which is seven-day-a-week day treatment, TC treatment. That is the modality where you can test people. Drug addicts don't quit after 5:00 on Friday. They need treatment Saturday, Sunday, seven days a week. But the outpatient or intensive day model is far less costly than the intensive residential TC. But as was said before, we need a continuum of treatment. It starts in prison. There should be more urine testing in prison, in my opinion, particularly those, as you said, which are high risk for drug addiction.

Then that follows up with the model that we've, by the way, already created. This infrastructure is already here in this state for doing what we want to do, but it has to be tightened up, because there needs to be a little more connectivity between when people are released from prison and the treatment models in the community such as Integrity House. One of the things that-- the fact -- that if Dick Talty and the Judges are saying that we have, I guess, it was the parole information. We have 13,500 drug cases, or

maybe that was the probation information. But we have 13,500 probationers who are drug addicts, according to the AOC reports today. Add to that the 7000 to 8000 parolees who are addicts. So now you have quite a few addicts out in the community and only have 10,000 treatment slots. So increasing the treatment dollars is important.

Senate Bill number, I believe it was 634, is an important, hopefully, bill to move along. Hopefully it's going to be signed. The other bill would be the ARF bill, alcohol drug bill. I don't know the number of that bill, but I know some of the Senators sitting around the table have been involved. We need bills that enable more drug treatment funding than the 5 million if we're going to do this. But keep in mind, in addition to treatment slots, we have a four-month waiting list at Integrity. That boils down to about 350 people on our waiting list. So we don't have the infrastructure--

SENATOR GORMLEY: Excuse me. Excuse me. We're running up against a time frame where some of the Senators have to go to other meetings and whatever, so I would appreciate if you could sum it up, because we have some other people. I don't mean to rush anybody through here, but if people are agreeing, we would appreciate if we could limit the testimony.

MR. KERR: The one thing I wanted to emphasize that -- we don't have the physical infrastructure to house all these people in treatment, so the legislator has to take a look at the number of facilities out there needing to be increased.

SENATOR GORMLEY: Thank you.

MR. KERR: Thank you.

SENATOR ROBERTSON: Can I ask one question?

SENATOR GORMLEY: Sure.

SENATOR ROBERTSON: Because it really relates to something we asked before. I take it in your drug treatment program that you test frequently for presence of drugs?

MR. KERR: Yes.

SENATOR ROBERTSON: How do you handle positive tests -- or test positive for marijuana versus harder drugs? Is marijuana no big deal, or how do you handle that?

MR. KERR: Okay. Any client who's an inmate in our program who gets a positive urine for anything immediately gets returned to the prison. Now, if they're not an inmate, they're on probation, then there are other sanctions. We work with the probation officer--

SENATOR ROBERTSON: By inmate, you say a parolee, you mean?

MR. KERR: No. These are inmates.

SENATOR ROBERTSON: Oh, you actually have inmates?

MR. KERR: Actually have inmates.

SENATOR ROBERTSON: Oh, okay.

MR. KERR: Yeah. They would be returned immediately. Other sanctions as far as drug court, it could mean the return to jail as well. The drug court is most effective, because we can return them to jail for two to three weeks and then bring them back into program.

SENATOR ROBERTSON: Other than it being a legal problem, is that also a clinical decision on your part?

MR. KERR: Yes.

SENATOR ROBERTSON: Thanks.

SENATOR GORMLEY: Thank you.

MR. KERR: Thank you.

SENATOR GORMLEY: Dan Lombardo.

DANIEL L. LOMBARDO: Thank you, Mr. Chairman and members of the Committee. Thank you for the opportunity to testify before your Committee regarding Senate Bill No. 2026. My name is Daniel L. Lombardo. I am the President and Chief Executive Officer of Volunteers of America, Delaware Valley. I also have the pleasure of serving as the Chairman of the Parole Advisory Board. As you may know, Volunteers of America has been providing community-based reintegration services for offenders from the New Jersey Department of Corrections for more than 25 years. Volunteers of America, as a national organization, has created the first network of reintegration programs for offenders over 100 years ago. I have come to testify in favor of the bill, but I have some reservations.

My reservations stem from the potential conflict between the separate roles of the Department of Corrections and the State Parole Board. The Department of Corrections specializes in the custodial care of inmates assigned to it by the courts. It is responsible for custody, incapacitation, and treatment of offenders. The Parole Board, however, is the releasing authority of the State. It determines the terms and conditions an offender must meet before his or her discharge into the community. Public safety is the Parole Board's guiding principle. Having one person to head both departments would create a placement or release conflict for either agency.

It is extremely difficult to find people who have a balance of experience and expertise that meet the challenges that this bill creates. Dr. Mario Paparozzi is one such person. As a corrections professional for more than 30 years of experience, I have come to admire the work of Dr. Paparozzi and consider him a gifted colleague. Given the restructuring proposed for the Parole Board, however, I do not believe it is advisable even for my friend, Dr. Paparozzi, to head both departments.

SENATOR GORMLEY: Apparently, he doesn't think it's advisable for him either. Okay. So we don't have to worry about that provision in the bill.

MR. LOMBARDO: Okay, thank you, Senator.

SENATOR GORMLEY: He nudged somebody only so far, but they go, no.

MR. LOMBARDO. Okay.

SENATOR GORMLEY: You're right on that.

MR. LOMBARDO: Thanks.

Finally, I would like to recommend that the transfer of Parole to the Parole Board occur with an abundance of caution. In the same way that the dual role would create a conflict, as noted above, so will the placement and supervision responsibilities have the potential for conflict. If Dr. Paparozzi were in charge of this process for life, I think the transition would work smoothly in partnership with the Department of Corrections. However, since this is unrealistic, I would like to propose to consider the following amendments to your bill.

One, provide a sunset provision for the legislation that would end with the term of Dr. Pappozzi. Legislative review and oversight could then take place prior to the end of the six-year term, and progress could be assessed.

Two, consider the creation of a commission or an authority that would act as a clearinghouse to provide oversight to the two agencies, Parole and Corrections, and this would help resolve the jurisdictional disputes that may exist between the two departments. The Governor, with the advice of this Committee, could then appoint the commission.

Thank you for the opportunity to testify. I wanted to be as brief as possible. I'm available if you have any questions.

SENATOR GORMLEY: Thank you.

MR. LOMBARDO: Thank you.

SENATOR GORMLEY: The next witness is John Pinkard, CEO, Center for Urban Education.

J O H N E. P I N K A R D: Good afternoon. Thank you for the opportunity to meet with you and present my ideas on Senate Bill No. 2026. My name is, again, John Pinkard, and I'm CEO for the Center of Urban Education. What I'm really pleased about most of all is I hear -- one of the very rare times in my life -- hearing that we're all on the same page. That is, we all are here to address the issue that there is a need to better prepare all offenders and ex-offenders for returning to the community.

The word that I would like to try to emphasize from my perspective today, there was the word all. In my experience in the last 10 years in working with community corrections, what we've identified is that there are basically three populations or groups with whom we work. They are the

property offenders, violent offenders, and nonviolent offenders. What you've heard today, also, is that there are some 40,000 persons involved in both DOC, that is, the institutions and Parole. What we're seeing in these populations is that there is a need to be concerned about all three groups as we look at how we bring them back into community.

What I'd like to propose today is not only that there's an important need for the continuum in services, but there's a larger need for, if I could suggest a way, to coordinate these services so that there's an impact as the leadership that we have changes. I'd like to also ask the Committee to consider this bill and be seen as another way of going toward a larger concept of a community corrections act, that we as a state need to consider as other states have done. We have fought so long to find ways to solidify our thinking, and I want to say to you, Senator Gormley, in particular -- I've not had the opportunity to work with you closely myself -- but I've seen you and your commitment to change and improve the conditions that we work within to improve how these offenders come back into community. We think, again, you are the best representatives we have that can find a way to bring all these thoughts within the institutions, within probation, as well as within Parole to one larger thought. This is not a new idea, but this is something that we should consider, because I hear you all day today asking the question, how do we organize ourselves so that we can most effectively assure public safety -- assure that those who we have brought to the system will not return to the system.

I think we need to sit down and do some long-range planning that have this outcome. We have an advantage now and have the persons that

you've seen represented today, Dr. Pappozzi, Dr. Zompa, the Assistant Commissioner (indiscernible), who I personally have great trust in. As you know, if you've been involved in this, even in the decade that I've been here, persons change.

What we're trying to do cannot be contingent upon personality. It must be contingent upon what it is we think will have the ultimate outcome of serving the population best. My programs represent both day reporting programs, which works with Parole and resident community programs as well. So in all the capacities, what I see is a need to continue the work toward serving these high populations more than what we are doing.

I'd like to thank you for, at least, in allowing me to share my thoughts with you and let you know I'm very encouraged by this opportunity.

SENATOR GORMLEY: Thank you.

Vernon Long, Executive Board, New Jersey Chapter, American Correctional Association.

V E R N O N A . L O N G: Good afternoon, Senate assembly and distinguished panel. I'm Vernon Long from the New Jersey ACA. I'm presently the Treasurer of that particular group. It's composed of different groups of providers, as well as corrections officers, administrators, and things of that nature. We're very supportive of this particular bill. We think that it is a good thing.

As Mr. Pinkard said first, that it's been great that this particular Senate group has brought everyone together to talk about these things. This has been in the works for over 27 years. I also run a day reporting center for parole, as well as probation. We've done some different things that made

treatment work, and we're a firm believer that treatment works. But your job here is to make sure that the public is safe. And when the public is safe, there are two different, separate missions for corrections and, I think, parole. You have public safety issues, but one is to run it and make sure that the public is safe when a person is released on parole.

Actually, I wasn't expecting to testify today, so we'll make sure we'll keep our statements short. And if there is anything that we can do to help with the bill, we're here for you, Senator.

SENATOR GORMLEY: Thank you.

MR. LONG: Thank you.

SENATOR GORMLEY: George Christie, Probation Association of New Jersey.

GEORGE P. CHRISTIE: Thank you, Senator, for allowing me to speak, and I'll be brief. I have -- my statement you all have.

SENATOR GORMLEY: It has been distributed to the members of the Committee.

MR. CHRISTIE: I'm not going to read that statement. I'd just like to make a few comments. You've heard from the Judiciary. I think it's appropriate to hear from the officers now. They don't always agree, needless to say. This issue is public safety. That's what it's all about. We think the probation system in New Jersey is failing. There are about 130,000 people on probation -- adults, about 20,000 juveniles, and there are about 25,000 bench warrants that the Judiciary will admit to. There are way more than that. We don't know how many bench warrants there are. That's a simple fact.

In Essex County, there are 5400 bench warrants. In Atlantic County, there are 2000 bench warrants, and that doesn't count the 1200 they vacated -- the judges vacated in 1997. The people -- they're not accountable. We're not holding them accountable. We're not looking for them. There's no way to -- no one is out tracking them down. These are people that are angry with our guys and our ladies, because we've asked for those warrants. So our probation officers are concerned.

We all know what kind of crimes people have committed on probation nowadays. These are not minor offenses. They are armed robbery, rape, pedophiles, some serious felons, serious and dangerous -- very dangerous felons. The average caseload is about 150. Whatever day you ask the Judiciary what the average caseload is, you may get a different answer. It's the 150 they admit today. I heard the director say that if he adds 90-- We have 500 officers now supervising an average of 150. If he adds 90 officers, he can bring that down to 75. That math doesn't add up to me.

There was a *Star-Ledger* report recently. It said every 22 minutes a person on probation supervision is arrested for a new offense. Those are the people that have been caught for a new offense. When these people on probation -- the kinds of crimes they commit, if they're on warrants or whatever, they shoot cops in Orange. One probationer in Warren County a couple of years ago was told to take his medication. He obviously didn't. He killed a trooper. Another guy with a warrant in Hunterdon County a couple of years ago gunned down and murdered an old couple and stole their ATM cards. So this list goes on and on and on. I could read a list all day long to you.

Probation is dangerous work. It's dangerous for our officers. That's one of the concerns we have. Probation officers need to be out in the field. They need to be able to leverage something with these offenders to get them into drug programs and to get them into some kind of treatment. We have to feel occupationally safe. We have to be intrusive in the lives of these people we supervise. Yes, we need more drug treatment programs. There's no question. But we have to be out there. We can't test people in the office or wait to give them a scheduled date to come in and give a urine sample or in testing that way. If they have a dirty urine when they're prepared, then they really have a problem. We should be out in the street finding out they're not working, pick them up, take them somewhere, and have a test done.

Officers need to be trained. I was in the Marine Corps, and I was in the police. Training is very important. Our guys are trained very well. They need to be able to act instinctively when the situations arise. That just doesn't happen now. They need to be properly equipped -- clothing -- when they're out in the field, clothing that's marked and says who they are, what they are. They need cars, cars that say who they are and where they come from. They need other tools, radios, batons, handcuffs, and weapons. They need to be able to protect themselves. In 31 states, probation officers are armed. The Federal probation officers in this state are armed, and the Federal judges in New Jersey have determined that probation work, at least for the Federal officers, is dangerous work, and they need to be able to protect themselves.

So having said all that, I just needed to tell you how these officers feel.

SENATOR GORMLEY: Thank you.

The final witness is Barry Baily (phonetic spelling). (no response)

I want to thank everybody for testifying today, and what we'll do is, we will, next Committee meeting -- we'll move the legislation. And at the same time, we'll work on the package of bills as related to the funding program. And also we will make sure that we get the confirmation from the Department of Corrections on the notification under Megan's Law so that that is not left vague any more.

Thank you very much.

(HEARING CONCLUDED)