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Intensive Supervision In New Jersey: an Alternative to Incarceration

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**Intensive Supervision in New Jersey;
An Alternative to Incarceration**

Submitted to the
Center for Public Service
Master of Public Administration Program
Seton Hall University

By

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A Research Project Submitted in Partial Fulfillment
of the Requirements for the Degree of
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I. Introduction

For several years there has been a growing concern over the increase in offenders entering the criminal justice system. According to the U.S. Department of Justice (1996) there were nearly 3.8 million adults on probation and parole at the end of 1995 an increase of 3.2 percent. The U.S. Department of Justice has also reported an average annual increase of 3.4 percent since 1990. More than three million adults were on probation and approximately 700,000 were on parole. They further report that more than 5.3 million or 2.8 percent of all adults are under some form of correctional supervision. Finally, they reported that the number of offenders under supervision has tripled since 1980. One of the major points of controversy is what to do with offenders once they have been found guilty or plead guilty to their crime.

Throughout the United States construction of correctional institutes has been a burden to taxpayers and despite their efforts, facilities are being filled before they are completed. According to the Bureau of Justice Statistics (1999) there were one million adults convicted of felonies in State and Federal courts in 1996 alone. Sixty nine percent of these cases were sentenced to a period of confinement. Felons sentenced at the state level had an average sentence of five years and were likely to serve at least two years before release. The state sentences are significant as they account for 96 percent of all sentences (BJS, 1999.) The Bureau of Justice Statistics (1999) also reported that there were one million, two hundred ten thousand, thirty-four (1,210,034) inmates physically in custody by mid year 1998. To exacerbate the situation debates go on as to whether or not incarceration is the best way to address the situation. The U.S. Department of Justice (1998) reported that 5.1% of all persons in the United States would be confined in a

prison during their lifetime. Politicians, citizens, corrections and court professionals have offered several ideas and plans to more effectively deal with the increase.

In the past two decades creative thinking has spawned many pilot programs which allow a defendant to serve their sentence in the community. The Violent Crime Control and Law Enforcement Act of 1994 (the "crime Act") creates community based programs that support treatment and punishment efforts. These programs strive to keep participants accountable while attempting to reduce the burden of expensive correctional facilities. Boot camps, residential substance abuse treatment services, drug courts and youth offender programs are just a few of the initiatives. One alternative that has become popular is Intensive community supervision. This concept is a modification of probation/parole supervision, which already exists in many of the states. Proponents of the idea simply state that it is set up the way most people believe probation/parole should be.

This paper will attempt to review the effectiveness of the Intensive Supervision Program in the State of New Jersey between 1993 and 1996. The number of participants enrolled in the program, the offense they are incarcerated for, their length of participation and type of completion will be considered. While there are many valid concerns regarding recidivism, drug use and cost, the courts and corrections administrators need to address the immediate problem of increasing inmate population. The Intensive Supervision Program offers an effective alternative to incarceration while allowing debate of future concerns to continue. By releasing inmates under very strict program conditions and requiring participants to work and live in the community, current dollars

are being saved that would otherwise be spent for housing and caring for these individuals.

This topic is important to me for a variety of reasons. As a working professional in the field, I feel that community supervision will remain an important part of the criminal justice system and like all those in the field I believe that comparison studies need to be done regularly in order to stay on track with what is best. As a private citizen and taxpayer I want to know that all my interests are also being considered with regard to offender dispositions. Each one of us has a duty to make the best choices and we have a right to know the facts as they apply to the issue at hand.

II. Literature Review

There have been many studies regarding the ways in which federal and state agencies have developed different sentencing and incarceration alternatives for the convicted offender. Administrators, Judges, criminal justice professionals and scholars have voiced a number of concerns that need to be examined and addressed. No area is less important than the other is. The goals of the criminal justice system are numerous, complex and sometimes conflicting. It is agreed that the issues of recidivism, drug use, public safety, accountability and responsibility all need to be considered when handling offenders. The public constantly expresses these concerns which deserve the utmost attention by the officials charged with these responsibilities. A program's ability to successfully monitor offenders in the community needs to be constantly reviewed.

Despite a growing population, the courts and corrections along with other socially funded programs/ agencies have experienced a reduction in scarce resources and fiscal responsibility has become a pressing concern. Researchers continue to report on

developing programs and alternatives that have been created to more effectively utilize tax dollars. Different comparisons have been offered to examine the issues important to that writer.

Research on intensive community supervision suggests that it has been effective in some areas but has fallen short of expectations in others. According to Tonry (1990) "Intensive Supervision Programs (ISP) have failed to achieve their stated goals of reducing prison crowding, saving public monies, or reducing recidivism. He felt that ISP serves the bureaucratic and organizational goals by enabling probation administrators to be "tough on crime." Tonry also feels that "Intensive Supervision Programs serve the professional and psychological goals by attracting new resources and visibility." Petersilia (1998) states that "the overall ISP experiment was more symbolic in its achievements than substantive."

A progress report by the Administrative Office of the Courts (1999) looked at recidivism rates following program completion or program involvement. The report indicated that "after twenty-four months (two years) in the community, ninety seven percent of graduates had not recidivated. After thirty-six months (three years) in the community, the survival score had decreased slightly to ninety-two percent. After sixty months (five years) in the community, eighty four percent of the ISP graduates had not recidivated." Others concerned themselves with program completion, which meant remaining in the program for the full term. Langan and Cunniff (1992) found that sixty one percent of their sample failed to comply with release conditions. Burke (1997) found that "probation and parole violators continued to contribute anywhere from thirty to eighty percent of the new intakes into prison in a given year." Some researchers

compared programs in and out of correctional facilities. In a study of the State Drug Treatment Program of Texas (1999), Tony Fabelo, Ph.D., the policy council's executive director, told Alcoholism and Drug Weekly magazine, "The in-prison program has an impact but not large enough to make up for the cost of the program, and the high dropout rate makes the program less effective." The council did find that "demographic groups have fared better in "in-prison Therapeutic Communities." The report also found that "the probation program was cost-effective because it diverted offenders from prison and the recidivism rate of probationers was less." These areas of study are important and findings have assisted and guided professionals in the field as they move forward with improved plans. Tracking different outcomes of these agencies will only improve the decisions of tomorrow and hopefully lead to the most effective and desired outcome.

This research hopes to bring to light facts about the Intensive Supervision Program, a release option an inmate can apply for in the State of New Jersey. The program was designed to allow low risk and/or first time offenders to immediately apply for release under the supervision of the program. The process begins when a defendant pleads guilty to an indictable offense. Prior to sentencing, a probation officer prepares a pre-sentence investigation report. The report contains personal, employment, family, education, criminal and other miscellaneous information regarding the defendant and is presented to the courts in order to assist the courts in determining a sentence. The offender is then sentenced to prison. If the inmate meets certain basic criteria an application can be submitted to the program. An interview and background investigation is conducted by an Officer of the program which is followed by an interview from the screening panel made up of private citizens, usually well educated and/or experienced in

the field of community corrections. If approved, the applicant is scheduled to appear before a panel of three superior court judges. The applicant is then released into the program or denied. This program allows offenders to serve their sentence in the community while addressing the concerns of the judges, criminal justice professionals, victims and taxpayers. Analysis will look at type of offenders in ISP, the amount of time participants spent in the program and the outcomes of these cases.

III. Methodology

The Administrative Office of the Courts provided data on the following variables for a 4-year period (1993-1996) for 2203 cases accepted into the Intensive Supervision Program:

1) Type of offenders

- a) Arson
- b) Burglary
- c) Drugs
- d) Fraud
- e) Gambling
- f) Persons
- g) Property
- h) Racketeering
- i) Theft
- j) Toxic Waste
- k) Weapons
- l) White Collar
- m) Assault

2) Intensive Supervision Outcomes

- a) Returned
- b) Appealed out
- c) In-Custody
- d) Absconded
- e) Died
- f) Graduated
- g) Active
- f) Max-out

3) Annual cost per case

The Intensive Supervision Program- progress report (1994) states that "the annual cost of incarceration per inmate for fiscal year 1993 was \$31,000." They also state that "the annual per participant cost of ISP was \$7,150." The program further states that "participants contribute \$3,161 to the economy, further reducing the cost of supervision."

These figures are significant, as the analysis also considers cost savings as well as program completion. The economic input that the Intensive Supervision Program reported, took into account general information regarding earned income, community service, taxes, child support payments, restitution and fines.

4) The Bureau of Justice Statistics provided data on the national level for the following variables:

- a) Number of persons under community supervision
- b) Number of persons returned to their jurisdiction

IV. Results

Table I shows the number of cases in the Intensive Supervision Program by percentage broken down in four categories. The three most frequent offenses committed by people in the program were drugs, which made up sixty nine percent of the total population followed by burglary, which made up ten percent of the total population, followed by theft, which made up just less than ten percent of the total population. All the other offenses (combined) made up approximately eleven percent of the total population and will be discussed as a group (other) from here forward for the purpose of brevity.

There are 8 possible outcomes for the Intensive Supervision Program, which includes Returned, Appealed out, In-Custody, Absconded, Died, Graduated, Active and Max-out. One can see that 1,167 participants either graduated, died, maxed-out or appealed out, which means they were successfully removed from incarceration. The other 1,036 participants were returned, In-Custody, Absconded or Active, which means they have not successfully completed ISP. (See Table II)

As previously stated in the Administrative Office of the Courts-progress report (1994), the annual cost of incarceration per offender was estimated at \$31,000.00 and the annual cost of ISP supervision was estimated at \$3,996.00. (See Table III) The savings over the course of sixteen months are approximately \$36,000.00 per offender. Multiply this amount by the number of persons not returned to incarceration (1,167) for total cost savings of \$42,012,000.00. It should be noted that this figure does not include the offenders that may have served a substantial amount of time on the program prior to being returned to custody.

V. Conclusion and recommendation

The results seem to suggest that the Intensive Supervision program is marginally successful. The graduation percentage of Intensive Supervision Program participants (53%) would suggest that an improvement in candidate selection or other measures would need to be considered in future applicant processing. Compared to national statistics, Intensive Supervision Program (ISP) participants show a much higher return rate, which would suggest that the Intensive Supervision Program is not as effective as other release programs. The Bureau of Justice Statistics shows that less than 5% of community corrections participants were returned compared to approximately 46%

percent of Intensive Supervision Program participants. (See Table IV) It should be noted that there is a greater probability that an ISP participant would be caught violating terms and conditions due to the high number of contacts made by the officer. Many of the other programs offer minimal supervision standards, which means less contact and drug testing. This would make it less likely that a defendant would be caught using drugs and offer fewer opportunities for an officer to identify other supervision infractions. Inmates come from a variety of backgrounds. Not every inmate would benefit from the ISP experience. Other programs offer additional alternatives for a variety of needs and continue to assist in the reduction of recidivism and overall well being of the inmate.

Intensive community supervision is an alternative that could continue to be a viable option for handling inmates in future years. It should be noted that offenders who participate in the intensive supervision program get day for day jail credit. Therefore, if an inmate serves a substantial amount of time in the program and then is returned for program infractions, there was still a savings in housing and custody costs as well as short term contributions to the community.

The cost savings that were realized by successfully supervising these offenders in the community and removing them from jail is significant and future endeavors to expand the program should be pursued. The Intensive Supervision Program handles a relatively small population of inmates compared to other community corrections program. It is also a very new program.

Some may argue that the amount of resources committed to the ISP experience is not a worthwhile investment. All indicators show that jail populations are on the rise.

Programs like ISP address the underlying issues that can make real change in a person's life. This is key to reducing or managing the current trends.

My recommendation is to further the efforts of the Intensive Supervision Program, keeping an open mind toward expansion and change for future needs. Researching this topic has been a fulfilling experience and I hope to increase my involvement in the field.

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Table I
Number of cases in program - by offense

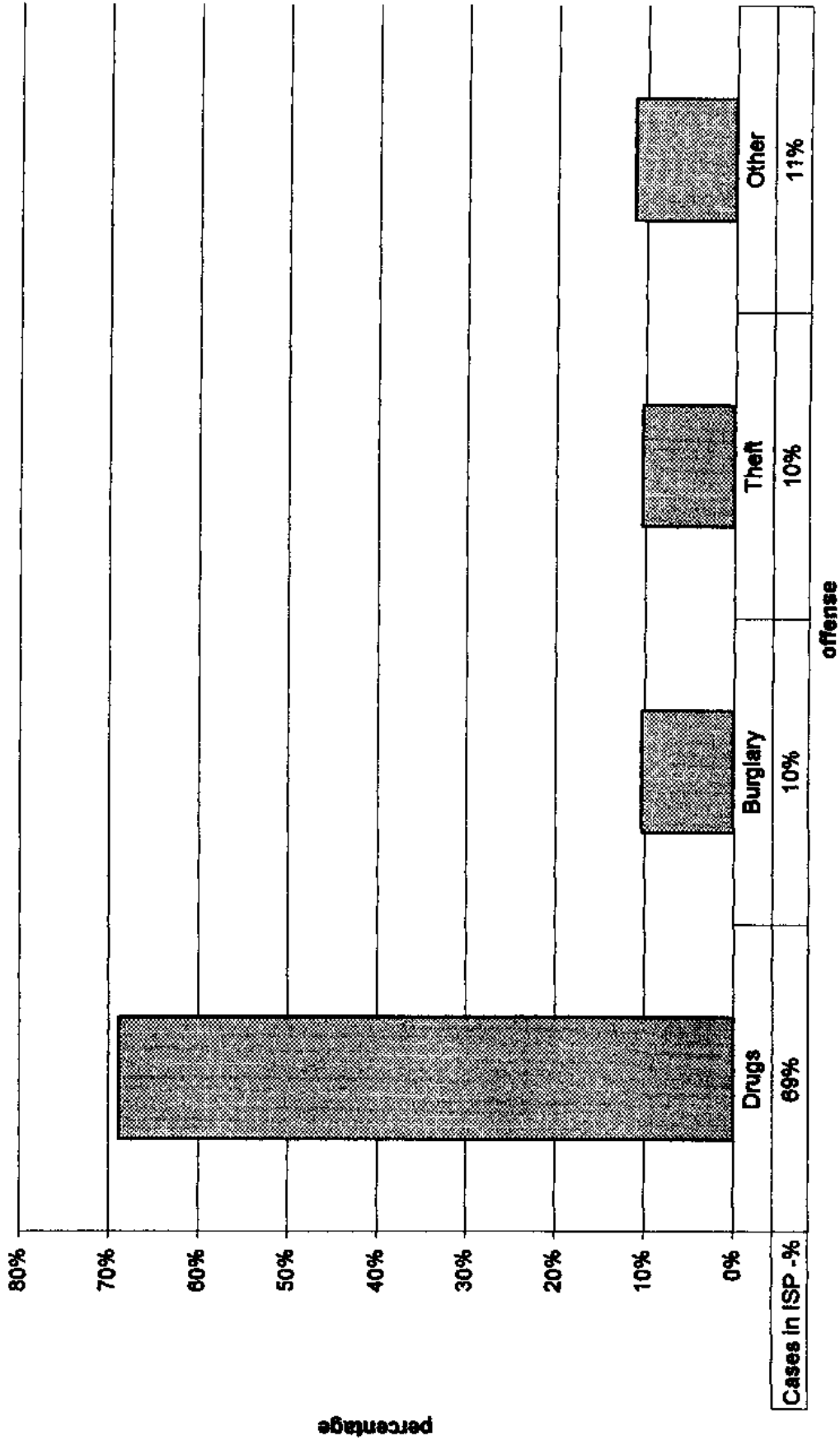


Table II
Percentage of Graduates V. Returned

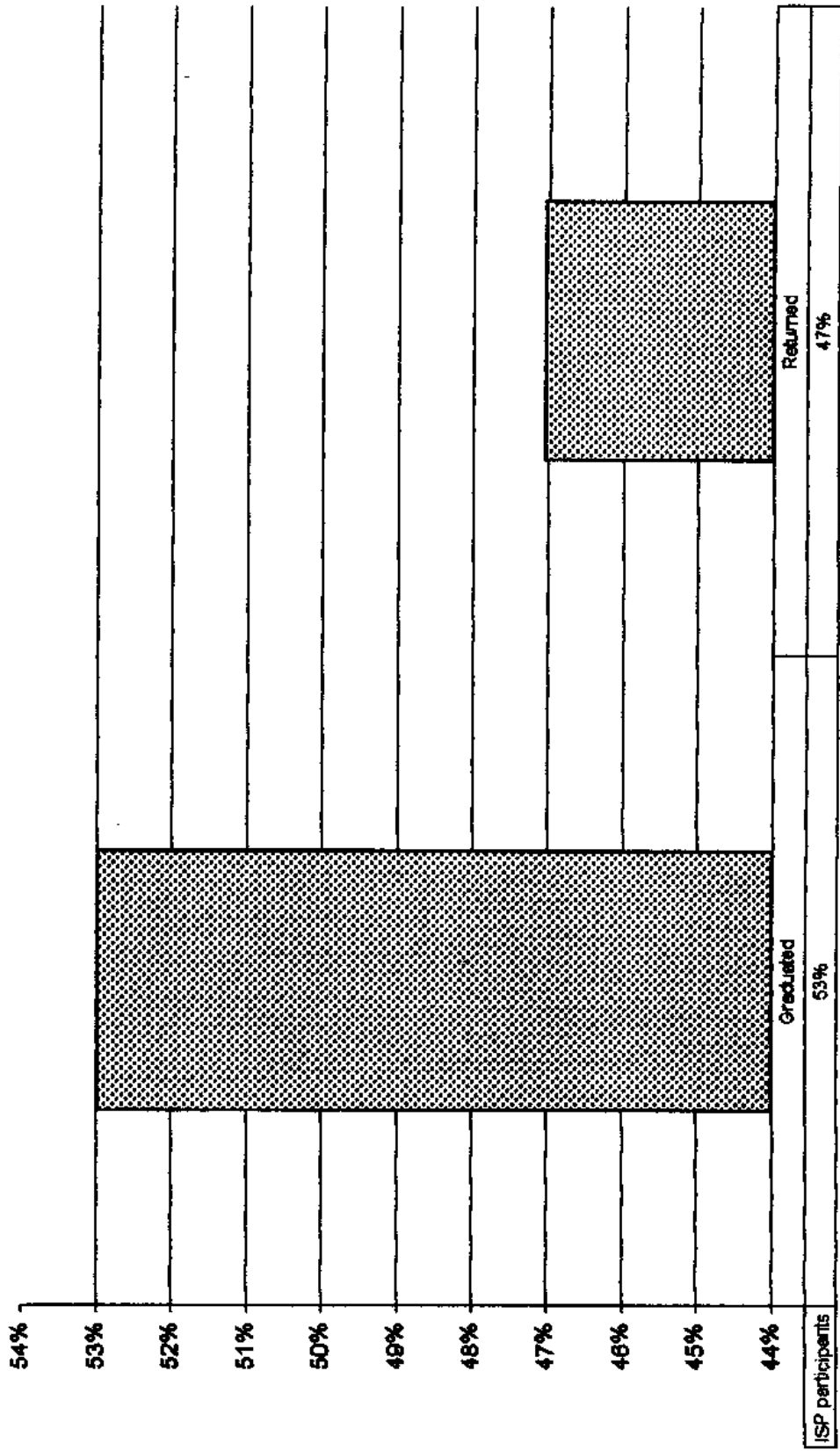


Table III
Cost differences: ISP V. Incarceration

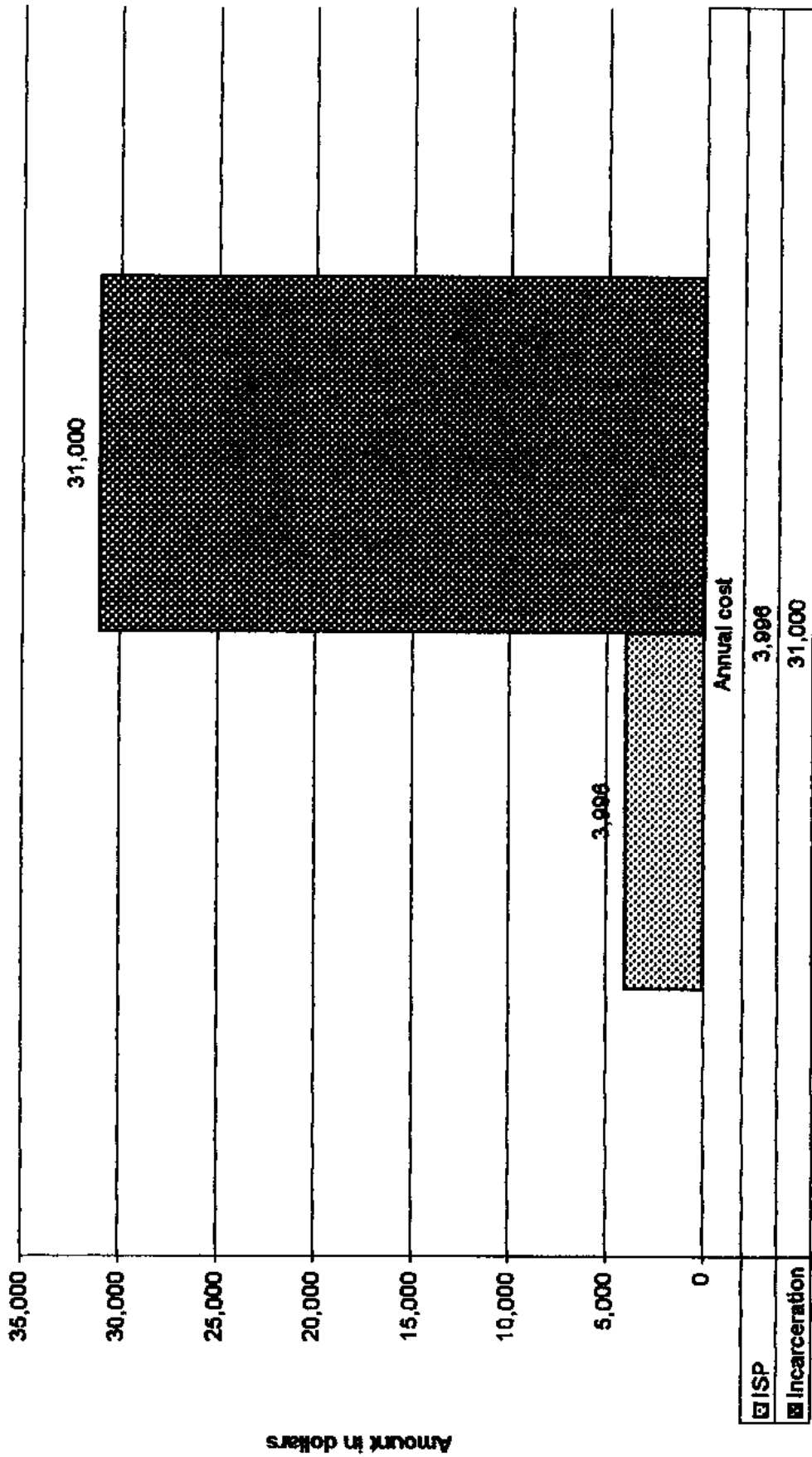


Table IV
National Returns compared to ISP

