

**COMING HOME: CRIME & PUNISHMENT IN NJ, SHOW # 1811**

STEVE ADUBATO, host:

Crime and Punishment, next on CAUCUS: NEW JERSEY.

Unidentified Announcer: Major funding for this edition of CAUCUS: NEW JERSEY has been provided by The Fund for New Jersey, a private foundation focusing on New Jersey public policy issues, and by the New Jersey Institute for Social Justice.

PAULA M. LEVINE reporting:

On October 19th, 2001, Benny Duggins arrived at Southwood State Prison. His sentence was a mandatory four years, but the initial shock of being there would last a lifetime.

Mr. BENNY DUGGINS: Wow. Prison was like a whole different setup for me. I wake up about 6:00 as the officer pull the door, prepare to eat. I come back, I might watch the news, go straight to work from 8 to about 10:30. After that, eat lunch, go back to work, come back. I'm done for the day after that. I do a little bit of reading, then, you know, basically, that's a wrap for me right there. The day's gone.

LEVINE: And then there's the whole night ahead and the loneliness.

Mr. DUGGINS: The loneliness is just--it kills you slowly. It--it, like, frustrates you. It makes you, you know, want to be--like, look at life differently. Why did I, you know, subject myself to being in prison, when I could have been home, doing what I wanted to do when I wanted to do it?

LEVINE: And it's been just as hard on his mother.

Ms. JOANN HORTON (Benny's Mother): ...like any other mother would feel, like an empty space in my heart. And I know what prisons would do to you. But he reassured me that he would be all right. But I just pray that he go in and do what he's supposed to do and just come on home.

LEVINE: But being in prison these days means more than just serving time.

Mr. DAVID METELOW (Supervisor of Education, Southwood State Prison): My mission is to help educate, make sure the DMA comes out of the institution with more than he went in, knowing--having a GED or a valuable trade, to make sure that he leaves with something that he didn't come in with.

LEVINE: What Benny came in with was a lonely, troubled childhood without a father and a lot of time on the streets.

Mr. DUGGINS: Well, I started using around, like, 13 years old and started selling when I was around--a little after that, too. And the reason was because, you know--most likely it was peer pressure or, you know, trying to keep up with my environment and things of that nature. And it's like the streets was like a substitute for being my father.

LEVINE: But being in prison has begun to give his life some structure and some focus again. During the past three years, Benny completed his GED. He took classes in heating and air conditioning, and he went through Moral

Reconciliation Therapy, a program that helps inmates look at themselves and what they've done.

Mr. DUGGINS: I've changed. I'm basically a new person you're talking to. I'm not the same person that--when I came in here.

Ms. LYNN SITER (Teacher, Southwood State Prison): I first met Benny when he came to me from a--the Moral Reconciliation Therapy program. A teacher asked me if he could volunteer in my class as part of his community service. So he volunteered for me as a teacher's aide for 10 hours.

When he first came into my classroom, I liked that he was able to immediately start a rapport with the students there. He made them feel at ease, and that's important in this kind of class.

Mr. DUGGINS: So it would be capital--all these would be capital, right?

LEVINE: Benny is currently teaching math, reading and basic literacy skills.

Unidentified Student Inmate: With commas.

Mr. DUGGINS: It helped me sharpen up my--I like thinking it's also helping me to keep, you know, wanting to help other people and keeping a job, being responsible, more mature, how to work with other people.

Ms. SITER: He has gained a lot of confidence since he's been there. During that time he was chosen as the speaker at our graduation. And I think that that experience has made him proud of what he's done here.

LEVINE: His mother has also begun to notice a difference.

Ms. HORTON: `Dear Mom, I'm writing you to let you know how much I love you.'

The way he talk now is a way that I never thought he would ever express himself. He talk before like he was angry all the time, like someone had did something to him, but he come to rea--realize now he--it wasn't them; it was him.

LEVINE: Benny will be released from prison soon, and he can already taste his freedom.

Mr. DUGGINS: Countdown right now look like--What?--48 days, 48 days, 47 days long, somewhere like that.

I see myself in the next five years owning my own business, you know, maybe, you know, get my mom out of here, like, taking her somewhere.

LEVINE: But more than anything else, he wants to make his mother proud.

Mr. DUGGINS: I want her to be able to go to church and hold her head up high and, like, `Here's my son. He learned and he--he paid his debt. He's back now, he's doing fine, he's doing great. He made a life for himself.'

ADUBATO: Welcome to Coming Home: The Challenge of Prisoner Reentry, a special CAUCUS series looking at what's being done to transition prisoners back into society. I'm Steve Adubato. Here to talk more about today's prisoners and the impact of their release on the rest of us are: Peter

Harvey, the attorney general in the great state of New Jersey; Devon Brown is the commissioner of the New Jersey Department of Corrections; Assemblywoman Mary Previte is from Camden County, also the administrator of the Camden County Youth Center; and finally, Jeremy Travis, senior fellow and expert on prisoner re-entry at the Urban Institute in Washington, DC, and the co-author of a very important report we'll be talking to you about throughout this program called A Portrait of Prisoner Reentry in New Jersey and put out by the Policy Institute.

Folks, let me--let me just say this: Throughout this program and throughout this three-part series--by the way, this program will look at the criminal justice system, who's in jail, why they're in jail; two other parts to this series. This is the promise we make to you. We will have the most honest--honest, thorough discussion of this issue. What we ask of you is you reach out and get more information. We'll put up our Web site, the Web site for the New Jersey Institute for Social Justice. Please reach out. These reports are going to be available to you. The rest is up to you.

Let me ask you. We talk about Benny in the taped piece here. Benny's going to be out, as we do this program, in just a few weeks. He looks like he has a relatively bright future in terms of returning to society, but let me ask you, Jeremy, from your experience, how typical or atypical is Benny?

Mr. JEREMY TRAVIS (Policy Expert): Well, he looks like he's got a good shot at making it on the outside.

ADUBATO: Working hard.

Mr. TRAVIS: He's been doing what he should be doing inside. He's got the family support. He's got the right attitude. But the overwhelming reality is that not everybody makes it. In fact, the national data show that about two-thirds of the people who are released from prisons around the country get rearrested for one or more serious crimes within the first three years of getting out.

ADUBATO: I want to understand this, Mr. Travis. Two of three prisoners...

Mr. TRAVIS: Right.

ADUBATO: ...who are released go back.

Mr. TRAVIS: Well, get rearrested.

ADUBATO: They're rearrested.

Mr. TRAVIS: About 40 percent of them go back, but they get rearrested, and so if Benny makes it, that'll be a great success story, and a lot of people who are in for the first time have a much greater chance of making it, but we have a lot of people who cycle in and out of prison who have pretty poor odds of making it on the outside.

ADUBATO: Has the prison population significantly changed, which has made the re-entry, the successful re-entry into society more difficult, Assemblywoman?

Ms. MARY T. PREVITE (Assemblywoman, Democrat, 6th District): I don't think it's--I don't think it's changed that much. You look into a sea of children--I--I work with youth who go into the prisons--children of color,

children from the urban centers; that's where mostly our people are coming on--into our juvenile justice commission and our state prisons. But let me tell you what--what are the three keys that we have to look at when a boy or a girl or an adult comes back. Number one: How rooted and connected is that person with the family? That has got to be one of the most important things, and this young man we've just seen at least has a solid support with the mother. Number two: How--how much money does this person have? Are there financial resources?

ADUBATO: Right.

Ms. PREVITE: Does the person have a place to live? Those are the three biggies that will almost make or break...

ADUBATO: But let's do this, because in the rest of the series we'll look at some of those issues, but let's talk about what actually happens in prison. Commissioner--and then I'll come to you, Attorney General--what we saw here, let's talk about what's really happening in those prisons. Let's talk about the training, the education, the tools, the skills necessary to re-enter society successfully. To what degree is that going on?

Mr. DEVON BROWN (Commissioner, New Jersey Department of Corrections): It's going on more so today than it's ever done before here in New Jersey, but before I elaborate on that, I would like to tell you what has changed in terms of our prison population. More and more so, we're seeing families, generations of individuals who are in our jails and prisons where the father is there, the uncle is there, and yes, even the mother and sisters are there. This is a change, and the impact is going to be far-reaching, because it sends the wrong message to our children. It sends the message that incarceration is your destiny; incarceration is a place that you need not fear; experience it. This is a major change.

ADUBATO: So there's a cycle here; there's a pattern here. Attorney General Harvey, who is in prison today that would not have been in prison 10 or 20 years ago?

Mr. PETER C. HARVEY (New Jersey Attorney General): A lot of young women. One of the fastest-growing prison populations, certainly on the juvenile side, is young women.

ADUBATO: Why?

Mr. HARVEY: Part of it is because of the influence of gangs. New Jersey is where California was 20 years ago, and if we don't step in in a major way, not just with enforcement, but with programs to deter these kids from getting into gang life, we're going to be in a lot of trouble. Listen, for most of these kids, the most stable influence in their lives is a mother or a grandmother...

ADUBATO: All right.

Mr. HARVEY: ...usually a grandmother. And a lot of--even when their mother is--is out and helping them, working multiple jobs, these kids get out of school, and the most dangerous time of day for these kids is 2:30 in the afternoon to 8:00 at night. These kids go home, they get baby-sat by television, they get baby-sat by young men who are roaming the streets, and the gangs really control the street narcotics trade now.

ADUBATO: We're going to talk about drugs in just a second because it's a big part of it, and, Jeremy, I'm going to come to you. I want to remind folks watching this series, this is the first of a three-part series we're doing called Coming Home: The Challenge of Prisoner Reentry. We're doing it in cooperation with our partners at the New Jersey Institute for Social Justice. Folks in the control room, put up the full-screen graphic. You see it right there. If you call the number on your screen, (973) 233-9886, I promise you, within the next six weeks, we will send you not only background material on this issue, but we will send you these reports: A Portrait of Prison Reentry in New Jersey, Coming Home for Good: Meeting the Challenge of Prisoner Reentry in New Jersey, a variety of reports that have been put out right now by the re-entry roundtable.

Let me ask you, Jeremy. You heard the commissioner talk about these vocational and educational training programs, right? What percentage of those who are in prison are part of those programs?

Mr. TRAVIS: Well, I think the--the backdrop for understanding what's happening in prison is to remember that over the last 20 years, we s--have significantly increased the number of people in prison...

ADUBATO: Why?

Mr. TRAVIS: So when you asked before, what's the big change? The big change is there are now four times as many people coming out of prisons in New Jersey and around the country as there were 20 years ago.

ADUBATO: Whoa. Whoa. Back up. Two decades ago, one-fourth the number of prisoners...

Mr. TRAVIS: That's right.

ADUBATO: ...in New Jersey and nationally?

Mr. TRAVIS: ...and nationally.

ADUBATO: Because?

Mr. TRAVIS: Because our sentencing policies have changed. We have enacted mandatory minimum statutes that you...

ADUBATO: And ex--explain what mandatory minimum is.

Mr. TRAVIS: Mandatory minimum basically is the legislature saying that whe--if you're convicted of a certain crime, you must do mandatorily--you must do a certain amount of time in prison. New Jersey, like other states, have enacted mandatory minimums. That means that a lot of people are going to prison who otherwise might have gotten probation...

ADUBATO: For what?

Mr. TRAVIS: For--it could be a variety of offenses. Drug offenses in particular are now the largest population percentagewise coming out of--out of the prison system. So we have four times as many people coming out. That leads to these deep changes in family life and community life that the other guests have been talking about in terms of the way people think about the prison experience. It is becoming a normative experience in community life,

growing up--particularly growing up male in large parts of urban America. So prison casts a very long shadow over our social infrastructure. That has an effect on schools, on foster care, on health care and on crime rate.

ADUBATO: But let's go back to the training. Let's go back to the vocational, educational training. Commissioner Brown says, 'Look, we're dealing with it. We're dealing with these people. We're giving these prisoners what they need to re-enter.' Do you buy it, Attorney General?

Mr. HARVEY: I--I do, because I--I happen to know that Commissioner Brown i--is one of the first commissioners in the country to have inmates go to educational programs and training programs in order for them to progress in the institution; also to take a lot of this junk off of television that they were watching. I'm talking "Jerry Springer," "Jenny Jones," all that stuff, and make them watch educational programs. It--there was a--a significant problem going on here, though. You have to be sure that people are working before they encounter the crime wave that's in particular communities. Listen, you're always going to have targeted enforcement in New Jersey and other places because community residents say, 'Listen, stop this open gunfire in my neighborhood. Stop this drug-dealing on this particular street corner.' That means targeted law enforcement. That means arrests. But at the end of the day, you have to have young people who have some safe havens in the community and adults who have jobs.

ADUBATO: But--but the problem I have with that, Attorney General, is that that stuff may work, those programs may work, but right now we have mandatory minimums...

Mr. HARVEY: Yes.

ADUBATO: ...that say to a judge, 'It is not your discretion. We don't care what you think. We in the Legislature, together with the--together with the governor, will say, this is how long you will serve in prison for doing these things.' Therefore, they are going to prison right now.

Mr. HARVEY: True.

ADUBATO: The key is to try to help them avoid that. Then they have to re-enter. I'm trying to get an answer to this question. Commissioner said that most folks who are in prison are taking advantage of these programs. Is that a fact?

Ms. PREVITE: It is not enough, and that is a part of the Legislature and money. I will tell you, when there are budget cuts...

ADUBATO: Right.

Ms. PREVITE: ...it ends up that the good, solid programs are the first to go. You say, 'We've got to cut.' Well, we're not going to cut security because the neighbors don't want any security cuts. So we're not going to cut security, guards, hardware. What do we cut? Mental health programs, we cut educational programs. So many, many...

Mr. BROWN: So true.

ADUBATO: Whoa. Time out. We all say we want prisoners to re-enter society successfully because when they don't, it's bad for the rest of us and bad for

society. You're saying that elected officials are cutting back on vocational and educational training programs in prison to what end?

Ms. PREVITE: Well, we...

ADUBATO: Because?

Mr. TRAVIS: To save money.

ADUBATO: Are we really saving money?

Mr. BROWN: Not money in...

Mr. TRAVIS: We're saving money in one part of the budget, but I think we're paying a price, a significant price in terms of rearrest rates when people get out, in terms of failed connection to work, in terms of the ability of people to take care of their families. So it is--it is a savings, but I--it's--and it's a very short-term savings.

ADUBATO: Commissioner?

Mr. BROWN: You know, the older I get, the more understanding I am of my grandparents' adages and aphorisms, and the one that really strikes home here is being penny-wise and pound foolish. Yes, in the short run we save money, but in the long run, we are spending more and more and more...

ADUBATO: Where?

Mr. BROWN: ...on the criminal justice system.

ADUBATO: By just housing more prisoners?

Mr. BROWN: Not just by housing, but increasing the likelihood of victimization in that cycle.

ADUBATO: What do you mean?

Mr. BROWN: When an inmate re-enters society and does not have the resources available to make a constructive readjustment to society, we have increased the likelihood that that inmate will return to crime and will constitute that two-thirds recidivism or rearrest figure.

ADUBATO: So I want to understand something. For--say someone--'cause my numbers actually tell me that less than a quarter of those who are in prison are taking advantage of the programs you talked about. Am I right on that?

Mr. TRAVIS: Nationally, and I can't speak to New Jersey numbers, we've seen a decrease, a decline in the number of people participating in programs because the funding has gone down, so they're less available.

ADUBATO: Less available, so say an inmate doesn't take advantage--I mean, we're--no questioning what the commissioner's commitment is. Let's say a prisoner doesn't take advantage of the vocational and educational training programs, the mental health--what--what's ever available, those programs, what is likely to happen?

Mr. HARVEY: Well, they're likely to come out and get back into the same

activity that put them in prison in the first place. I mean, listen, you can't expect any adult man or woman to come back into a community and walk around with no money in their pocket day after day after day. Sooner or later, they're going to participate in an economy. Now the question is whether they participate in the above-ground economy, legitimate work, or the underground economy, narcotics dealing and other things.

Something else, too: drug treatment.

ADUBATO: Sure.

Mr. HARVEY: A lot of inmates leave facilities--they go in as drug addicts; they leave with still a drug problem, and we don't have available enough--drug treatment program that's free. I'm not talking about people with health care who, by the way, get these 28-day programs, and you can't break heroin addiction or cocaine addiction in 28 days; you're kidding yourself. But we need free drug treatment in this state, because close to 40 percent of the people who are going to jail are going for drug offenses.

ADUBATO: Are they getting drugs in jail?

Mr. HARVEY: Oh, of course they are.

ADUBATO: Of cour--that--you say--you're saying that as if...

Mr. HARVEY: Of--of course they are. Listen, we...

ADUBATO: ...`Of course, Steve, you're--why are you surprised?'

Mr. HARVEY: We--we have charged just recently--in Burlington County we indicted two prison guards for smuggling in marijuana and other contraband to inmates.

ADUBATO: So what message is that sending to prisoners who are there, and we're talking about successfully re-entering society, when they're able to continue to feed their drug addiction, if not selling dru--is there selling going on in jail?

Mr. HARVEY: I got to believe that it's being traded for something. I mean, they're not getting it for free, but it--I mean, go back to the other point, though. When they get out...

ADUBATO: Right.

Mr. HARVEY: ...what is available to them to, as the commissioner says, transition them to a productive life? There's something else we have to keep in mind. I--I want to go back to this mandatory minimum issue, because I think you have your finger on something very important there. I think that we have get--we have to get out of this ment--this grid mentality, the sentencing grid mentality, that if you have a certain background, if you're arrested for a certain offense, you shall go to jail for a--this period of time. We have to begin to give the courts more discretion to tailor a sentence that addresses the particular needs of this individual, whether that is drug treatment, whether it is probation with strict controls, whether it's drug courts or whether it's something else.

ADUBATO: More discretion. Now Assemblywoman...

Ms. PREVITE: Absolutely more.

ADUBATO: ...you've looked at these sentences reformed--sentencing reform issues. You've co-authored legislation to do that. Talk to me about your colleagues and how responsive they are when you say, 'You know what? This--prisoners are having a too difficult time re-entering society successfully. The recidiver--recidivism rate is too high, and you know what? These mandatory minimums don't make sense.' Your colleagues say?

Ms. PREVITE: Well, I think there is support for it now. We passed this in the Senate, we passed it in the...

ADUBATO: Passed what?

Ms. PREVITE: We passed in legislation to have a sentencing commission to review what we have snatched away from the judges. Any kind of discretion in multitudes of cases where we simply say, 'Judge, you don't have a choice,' so you can look at a kid who is a well-scrubbed youngster, honor roll, whatever, and picked up on a particular charge, we'll say second-degree looting, and he's got a good home, he's an honor roll student, he's an athlete.

ADUBATO: Right.

Ms. PREVITE: The judge says, 'I have no discretion. You must do 60 days in the slammer.'

ADUBATO: But that's--play devil's advocate. Is that not what the public clamor is for? And isn't it fair to say that the public is putting pressure on politicians not to allow judges who they see very often--or often enough, because we in the media play it up--letting someone out who shouldn't be out? 'Judges are too soft. We can't trust them to do the right thing.' Right?

Mr. TRAVIS: The--there's actually been a very interesting shift in public opinion over the last five to 10 years...

ADUBATO: Saying what?

Mr. TRAVIS: ...and documented here in New Jersey by the Eagleton Institute. The public is much more pragmatic, I think, now than it used to be in terms of the expectations of the criminal justice system. Instead of just, you know, the sort of the lock-them-up mentality and throw away the key, particularly recognizing that everybody we put in comes out...

ADUBATO: And it's costing us big bucks.

Mr. TRAVIS: And it costs a lot of money.

ADUBATO: It's raising our taxes.

Mr. TRAVIS: And the corrections budget in most state budgets is the first or second fastest-growing part of the state discretionary spending, so in a time of fiscal constraints, this is the place where you've got to focus. So the public is saying, 'Let's be more pragmatic, let's be more results-oriented here.' The re--the better result might be the drug treatment or the diversion program or the supervision by the church rather than sending them to prison for a year.

Mr. HARVEY: Well, there are two points to be made here. One is the reason you got mandatory minimums and the reason you got sentencing grids was because of disparity in sentencing. People said it's not fair for certain people of certain means from certain neighborhoods to get probation and others to get jail. So the idea was to level the playing field, so everybody got jail, and--and...

ADUBATO: What's actually happened?

Mr. HARVEY: Well, what's--actually has happened is that more people have gone to jail.

Mr. TRAVIS: Right.

Mr. HARVEY: You've heard the statistics about the increase in prison population. The second thing that went wrong here and that is going to go wrong is that we face a budget deficit every year. Maybe it's \$4 billion this year, maybe \$7 billion last year. Who knows, maybe \$3 billion next year.

ADUBATO: Always the deficit.

Mr. HARVEY: Always a deficit. You're not going to build anymore prisons, and sooner or later you're going to fill them up, which means the lawyers are going to bring lawsuits in state court or federal court challenging the confinement under which inmates exist. And if it's unconstitutional, judges are going to order you to--to release people who are in non-violent categories.

ADUBATO: And--whether they're prepared to re-enter society or not.

Mr. HARVEY: That's right.

ADUBATO: In that spirit, I'm going to follow up on what Jeremy was saying. We talked about public attitudes changing. It may change, it may not. The polls is important, surveys is important, but the one thing we know you need to do is be an informed public, and in that spirit, I'm going to ask that you reach out for our Coming Home: The Challenge o--of Prison Reentry resource guide. Call the number on your screen. I promise you, will we--we'll send you background material which will include two reports: Coming Home For Good: Meeting the Challenge of Prisoner Reentry and also A Portrait of Prisoner Reentry in New Jersey. Jeremy, you co-authored this with your colleague, right.

Mr. TRAVIS: Yes.

ADUBATO: And I also just want to say to folks, bottom line is you need to find out more about this issue. I--I want to finish up on this now. I can't believe our time has gone by so quickly. Women and children in this mix, the impact.

Ms. PREVITE: Huge.

ADUBATO: Talk to us about it, Assemblywoman.

Ms. PREVITE: The biggest predictor that a child will become a criminal and go to jail is that he has--or she has a father or mother in prison. These

children of incarcerated parents--and I will tell you, the statistics are showing that probably way over half of the children who have a parent in prison will end up being a criminal in a prison. We are reaping the whirlwind by a policy that says the way to solve social problems and criminal problems is to lock people up, because we are ending up with children in foster care, children being homeless, being cared for by grandmothers or higgledy-piggledy, a neighbor, whoever...

ADUBATO: Right.

Ms. PREVITE: ...and those children are falling through the cracks, and then we pay for the next generation, which Commissioner Brown has just told us about, generation to generation to generation. It's time for us to wake up because we are paying for our mistakes in criminal justice policy.

ADUBATO: Commissioner, speaking of paying, when we talk about legislatures and others cutting back--you know, legislators and others cutting back, how hard do you have to fight to keep educational, vocational programs, training, mental health programs--how hard do you have to fight?

Mr. BROWN: Well, let me say this. The--shamefully, the Department of Corrections is the second-largest state department in New Jersey.

ADUBATO: Shouldn't be.

Mr. BROWN: It should not be. It should not be. It speaks volumes in terms of the health of our society, when you have so many experiencing my department.

ADUBATO: Largely and disproportionately African-American and Latino.

Mr. HARVEY: Thirteen to one is the number.

Mr. BROWN: It's...

ADUBATO: Thirteen-to-one. Go ahead.

Mr. BROWN: ...13-to-1. We lead the nation in terms of states.

ADUBATO: A few seconds left. Go ahead.

Mr. BROWN: When you look at crimes that are drug-related, leading to incarceration, we lead the nation. The average is 20 percent of the inmate population. Here in New Jersey, it's 36 percent.

ADUBATO: On--on that note, I'm going to say this: I know we barely scratched the surface. I want to thank all of you for being with us. This is a first of a three-part series, and I promise you, we will go beyond the surface and continue to talk about it. I cannot thank you all enough for being here and shedding some light on this complex issue.

Announcer: If you would like more information on this program or if you'd like to express an opinion, e-mail us at [info@caucusnj.org](mailto:info@caucusnj.org), and visit us on the Worldwide Web at [www.caucusnj.org](http://www.caucusnj.org).

The preceding program has been a production of the Caucus Educational Corporation, Rutgers-Newark and NJN Public Television and Thirteen WNET New

York. Major funding for this edition of CAUCUS: NEW JERSEY has been provided by The Fund for New Jersey, a private foundation focusing on New Jersey's public policy issues, and by the New Jersey Institute for Social Justice.

Promotional support provided by njbiz, all business, all New Jersey; and CN8, the Comcast Network.