



# Corrections Transition Policy Group

PREPARED FOR GOVERNOR-ELECT JON S. CORZINE

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## Final Report

January 10, 2006

## **EXECUTIVE SUMMARY**

*We, the members of the Corrections Transition Policy Group, respectfully recommend that the Governor-Elect consider the following recommendations:*

**Establish a Division of Gang Intelligence within the New Jersey Department of Corrections (DOC) and appoint an Assistant Commissioner of Gang Intelligence.**

This new division would absorb a number of prescribed responsibilities of the DOC's Special Investigations Division and would be responsible for the gathering of gang-related intelligence within the DOC's facilities as well as the sharing of information with law enforcement agencies around the state.

**Adopt a comprehensive risk-needs assessment at prisoner intake and discharge.** In acknowledging reentry as a primary reality of incarceration, the use of a system-wide assessment within classification as the basis for programming and discharge would allow for reentry planning to be comprehensively integrated into prison programming, discharge planning, and subsequent supervision.

**Focus in-prison programming on quality education, drug treatment, and work and take steps to expand incentives and resources for inmate participation.** New research shows that general education and vocational training can improve the employment and earnings of ex-offenders after release, thus reducing recidivism. As such, it is in the interest of the State to provide the DOC with the resources and support necessary to emphasize educational opportunities for all prison inmates, reinstate incentives for participation in educational and other prison programming, make workforce training a priority, and effectively expand substance abuse treatment capacity.

**Restore the widely accepted industry standard of shift overlap in the DOC.** The reinstatement of a shift overlap – shortened to 15 minutes as compared to previous durations of 30, 25, and then 20 minutes before its elimination in 2002 – would facilitate the meaningful and productive dissemination of information throughout the State's fourteen facilities, improving the safety of both staff and inmates.

**Make a serious commitment to discharge planning and transitional support and eliminate unnecessary legal and other barriers for returning inmates.** It is critical that resources, however limited, be focused on the 8 to 12 weeks following release, as half of all inmates who are rearrested find themselves in trouble within this timeframe. The State should also address the substantial barriers to gainful employment for returning inmates, including through a reform of state laws related to driver's license suspension and the possible creation of a certificate of rehabilitation.

**Mandate community supervision for inmates with the goal of reducing current maximum rate of 40 percent to no more than 10 percent over the next four years.** For all of

the challenges of community supervision, the reality is that public safety is not furthered by having individuals move directly from incarceration to the community without some period and form of supervision. We recommend that all inmates be required to participate in the discharge planning process managed by the DOC and the New Jersey State Parole Board (SPB).

**Establish a staffed reentry policy council in the Governor’s Office through executive order and with specific goals (e.g. reducing recidivism).** The groundwork for such an executive order has been laid through the State’s recent participation in the National Governor’s Association’s Reentry Policy Council.

**Recognize how mandatory minimums have enormous fiscal consequences without necessarily promoting public safety and seriously examine legislative changes to promote sentencing alternatives.** The State must come to grips with the alarming costs of mandatory minimums, which are currently imposed upon more than 60 percent of all prisoners.

**Ensure that limited resources are used effectively, targeting further reviews and policy reforms in recognition of their fiscal consequences.** With the State spending more than one billion dollars on incarceration and supervision, it is necessary to examine the fiscal consequences of a broad range of corrections and criminal justice policies.

**Increase to forty the number of hours of annual in-service training required of all State correction officers and non-uniformed personnel, putting the DOC in line with nationally accepted standards (e.g. the American Correctional Association).** A mere eight hours of firearms re-qualification and use-of-force updates are presently provided each year to law enforcement personnel within the DOC. We recommend an expansion of training to include, among other things, gang management and intelligence, formal familiarity with mental health concerns, and contraband interdiction.

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## PREFACE

At the outset, we emphasize that, with regard to a number of these recommendations, we are not writing on a blank slate. In New Jersey, an important year-long effort to examine prisoner reentry policy and practice in the State, the New Jersey Reentry Roundtable, resulted in an important final report (and, even more importantly, initial steps toward implementation). We recommend its work (see Appendix B). We also note and recommend the massive compendium report of best state practices and current state of the field undertaken by the bipartisan and highly respected Council of State Governments (see Appendix C).<sup>1</sup>

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<sup>1</sup> Whereas the executive summary alone will be included in Appendix C, the full 674-page report can be viewed at [www.reentrypolicy.org/](http://www.reentrypolicy.org/).

## RECOMMENDATIONS

### **Establish a Division of Gang Intelligence within the DOC and appoint an Assistant Commissioner of Gang Intelligence.**

The problem of gangs and other organized criminal groups is becoming acute enough that it warrants the establishment of a separate division within the DOC. This new division should be appropriately staffed with dedicated correction officers and intelligence analysts that can adequately cover all of the DOC's facilities.

The explicit purpose of the new division should be to develop actionable intelligence to prevent crime and violence within institutions and to aid law enforcement in preventing gang (and possible terrorist) activity throughout New Jersey.

An Acting Commissioner of this new division should have vast experience in intelligence operations. It is important that this be at the assistant-commissioner level so that this person can interact with chiefs and other criminal justice executives. This individual, who should report directly to the Commissioner, will be held accountable for ensuring that barriers that obstruct the proper flow of communication between facilities, correction officers, and staff are overcome, and that intelligence is being shared both internally (especially with custody staff) and with law enforcement agencies across New Jersey.

Additionally, we recommend that the new division permanently assign one of its members to the New Jersey State Police's Regional Operations and Intelligence Center (ROIC) in order to facilitate the flow of information and intelligence between the DOC and other law enforcement agencies. The ROIC, housed at New Jersey State Police Headquarters in West Trenton, is the centralized location for intelligence collection and dissemination statewide. It is a "fusion center" that is staffed twenty-four hours a day and seven days a week by a variety of law enforcement agencies. It is designed, according to U.S. Department of Justice standards, to be an "effective and efficient mechanism to exchange information and intelligence, maximize resources, streamline operations, and improve the ability to fight crime and terrorism by merging data from a variety of sources."<sup>2</sup>

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### **Adopt a comprehensive risk-needs assessment at prisoner intake and discharge.**

Programming resources will be used most effectively if prisoners are assigned on the basis of a systematic assessment within classification of risks and needs. Some jurisdictions, like Michigan, report successful experiences with comprehensive psychological and educational testing of all prisoners at intake. (We note with interest the State of Michigan's Prisoner ReEntry Initiative (MPRI), supported by the National Institute of Corrections and the National Governor's Association.<sup>3</sup>) 30 states

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<sup>2</sup> [http://it.ojp.gov/topic.jsp?topic\\_id=209](http://it.ojp.gov/topic.jsp?topic_id=209)

<sup>3</sup> [www.michigan.gov/corrections0,1607,7-119-9741\\_33218---,00.html](http://www.michigan.gov/corrections0,1607,7-119-9741_33218---,00.html)

and jurisdictions, like the states of Minnesota, Maine, Colorado, Pennsylvania, Vermont and Washington, have found that risk assessment instruments like the LSI-R have been essential tools for offender classification, probation and parole decisions. The LSI-R is an appropriate, validated instrument with norms and standards that may already be in place for New Jersey.<sup>4</sup>

Use of LSI-R requires appropriate levels of staff training and supervision to assure consistent use and application. The result will be an instrument which identifies service needs, is predictive of institutional misconduct, and tracks institutional progress. LSI-R can be supplemented by specialized assessment for issues such as anger management, sex offenses, issues of mental illness, substance abuse and/or special education assessments.

System-wide needs and risk assessment at intake helps focus programming resources on areas of greatest need and help predict success of treatment interventions during incarceration. When LSI-R is administered at the Discharge Planning phase, an analysis of progress made during incarceration and potential risk for re-offending can be determined. This thereby creates a transitional planning strategy for treatment/program and/or employment training targets to be undertaken during the post-release phase through community-based services.

Costs associated with the training, administration, and certification of staff to use the LSI-R is rather nominal. The training, assessment, score sheets and the like could be done system wide for less than \$100,000. The key, of course, is the training and the supplemental supports to make it work system-wide. The system could be piloted at one facility and then installed in the Classification and Assignment facilities in a planned way. Funding for this entire process could come from the National Institute of Corrections or the Office of Justice Programs in Washington, D.C.

We recommend the adoption of a comprehensive needs assessment at intake and discharge. Through a review of existing best practices, the assessment of choice should be the LSI-R.

*Note: This instrument is currently in use by the SPB and the Residential Community Release Centers, currently under contract to the DOC.*

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### **Focus in-prison programming on quality education, drug treatment, and work and take steps to expand incentives and resources for inmate participation.**

Since the average inmate has a fifth grade reading level and upwards of 80 percent have a history of substance abuse, the need to focus in-prison programming on these issues is self-evident. So too is the reality that there are insufficient resources available. Based on 2002 figures, less than one quarter of inmates received educational or workforce

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<sup>4</sup> Schlager, Melinda D. "Assessing the Reliability and Validity of the Level of Service Inventory-Revised (LSI-R) on a Community Correction Sample: Implications for Corrections and Parole Policy." Dissertation. Rutgers University. January 2005.

readiness training, and the therapeutic community model (TC) for substance abuse is the only systemic intervention available and serves only six percent of the prison population. Even in the face of such resource limitations, we note several immediate priorities:

- **Emphasize education.** We believe education should be mandatory for inmates who do not read at a functional level of literacy. Adult Basic Education should be provided for those adults older than 25 who have been assessed as functionally illiterate, and further steps should be taken to substantially increase the literacy level of inmates prior to release. Overall, the state should adopt as a firm goal that all inmates read at a 10<sup>th</sup> grade level prior to release, even if this cannot be implemented immediately. In doing so, we note that a dedicated effort in Pennsylvania increased the average literacy level of inmates from the fifth to the eighth grade in a several year period. We also note that the anticipated passage of the *Second Chance Act of 2005* may make federal funding available for this purpose.
- **Reinstate Incentives for Participation in Educational and other Prison Programming and Make Workforce Training a Priority.** It is important to create an employment training model to prepare inmates for employment, and such an effort should involve the prison industries program of DEPTCOR (please see Appendix A for a list of supplementary recommendations, such as the expansion of DEPTCOR), the state DOL and SETC, and the NJ business community.
- **Target and Effectively Expand Substance Abuse Treatment Capacity.** Serious consideration should be given to using the TC beds for those with the most serious substance abuse issues and using existing community resources for others with less intensive need. Similarly, it is well worth examining the extent to which staff training can support expanded resources devoted to therapeutic communities or to other substance abuse intervention programs.

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### **Restore the widely accepted industry standard of shift overlap in the DOC.**

Prior to July 1, 1997, the DOC had in place a shift overlap that consisted of 30 minutes. The shift overlap was reduced to 25 minutes, then 20 minutes, and ultimately eliminated in an interest arbitration award of 2002.

During the course of these overlap reductions, the staffing relief and the physical counting of inmates remained the same; however, other vital activities such as information sharing between shifts suffered and ultimately broke down. This breakdown has had a major impact on custody's ability to be more proactive with regard to growing issues such as gang activity and proliferation and the introduction of contraband into the facilities, and it's led to a decreased level of institutional safety for staff and inmates alike.

The DOC's current reactive approach to the dissemination of information has created an atmosphere that, to a troubling extent, allows dangerous and possibly life threatening issues to fester, resulting in unnecessary expenditures such as the cost of institutional lockdowns, search details, additional costly litigation, etc.

Key benefits of shift overlap that may be immediately realized – and have great potential for long-term cost savings within the DOC – are as follows:

- Pertinent information sharing, which positively reinforces the DOC’s commitment to custody staff and inmate safety;
- Staffing accountability of individual posts, ensuring staff fitness for duty, and promoting uniform standards;
- Reduction of incidental overtime due to scheduling and staffing errors, which could be quickly corrected with the increased staff availability;
- Reducing contraband introduction into the facility through staff inspection and interaction at line-up/roll call;
- Increased manpower availability during inmate counts, which is necessary for staffing escape posts or search details in the event of a count discrepancy or verified escape, and;
- Morale boosting effects and improved shift camaraderie.

Funding sources for statewide institutional shift overlap was previously reflected in the DOC’s total overtime budget; however, by separating this reoccurring and calculable expense into a separate and distinct line item in the DOC’s budget, we could eliminate over-inflating overtime expenditures, which unfortunately translate into public perception of department mismanagement.

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**Make a serious commitment to discharge planning and transitional support and eliminate unnecessary legal and other barriers for returning inmates.**

The transition from incarceration to community takes many forms and is at the heart of reentry issues. In recommending planning and follow-through, we emphasize that the need is immediate: housing is needed on the day of release and employment and health care soon thereafter. While multiple steps are needed to manage the transition home (see Appendix B, pp. 7–9), we note in particular that the DOC should:

- Create geographically located discharge planning units (potentially supported by a central discharge support center) to facilitate the transition and pre-release preparation for reentering inmates. They would be transferred to those units closest to the community where they plan to return. These units would work with community resources to supervise and smooth the transition process and serve as a resource center for prisoners’ families during incarceration and upon release. As suggested earlier, a comprehensive risk-needs assessment would be the basis of discharge planning and reentry initiatives.
- Make sure that, prior to release, each inmate has appropriate identification documents, such as a social security card, birth certificate, or license. The New York jail system, where the average length of incarceration is 47 days, is able to do so. So should the NJ DOC, where the average length of stay is approximately 24 months. Similarly, each released individual should have copies of their medical records.

- Assist inmates in applying for public benefits for which they will be eligible upon release – especially for those with health conditions who require immediate continuity in care, such as might be provided by Medicaid coverage. Examine changes in State policy or regulation that limit or preclude former inmates from accessing needed human service supports, such as current rules that prevent drug treatment programs from receiving state reimbursement for treating certain individuals convicted of drug offenses.
- Ensure that offenders with chronic health care conditions are factored into needs assessments for community health care agencies such as FQHCs and other public clinics, and improve assessment and screening for substance abuse disorders, mental illness and co-occurring disorders (see Appendix B, pp. 24–25). Given that, in 2002, 18 percent of released individuals had one chronic condition and ten percent were diagnosed with at least one communicable disease (e.g., HIV, TB, Hepatitis B/C), the health dynamics of reentry are a fundamental part of the larger issues regarding health care of indigent New Jerseyans and the ever-increasing health care costs of uncompensated care.

It is entirely appropriate that individuals who are convicted of crimes be held responsible for their actions and be expected to take responsibility for becoming productive members of their families and communities. At the same time, there are a number of unproductive and unnecessary barriers unrelated to public safety that limit legitimate opportunity. In reconsidering these policies, we note that the American Bar Association adopted a fundamental shift in approach to these so-called collateral sanctions in model rules promulgated in 2004.<sup>5</sup> While there are multiple steps involved in reconsidering these barriers (see Appendix B, pp. 9–10), we note in particular that the State should address the substantial barriers to gainful employment and take the following steps:

- Reform state laws related to driver’s license suspension. While many New Jerseyans with suspended licenses have not committed any crime, it is noteworthy that, of the estimated 300,000 New Jerseyans with a suspended license, at any time almost 60 percent have zero points on their license. In other words, license suspension is used as a punishment unrelated to dangerous driving. In a state where two thirds of the job growth occurs in areas normally requiring a car, the suspension of a license can fundamentally limit employment opportunities. While a legislatively established task force is currently considering how to reform state policy in this area (with a final report due next month), appropriate steps include a restricted-use license, which is currently available in over 40 states.
- Create a certificate of rehabilitation. A number of states allow the courts or the parole board to waive certain restrictions that stem from conviction, based upon a showing that the individual has taken certain steps. This can provide a significant incentive for former inmates.
- Ensure that other employment restrictions are legitimately associated with public safety and public policy, starting with the State’s own limitations on employment.
- Invest in model employment programs for recently released individuals that emphasize transitional supports immediately upon release.

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<sup>5</sup> [http://www.abanet.org/crimjust/standards/collateral\\_toc.html](http://www.abanet.org/crimjust/standards/collateral_toc.html)

**Mandate community supervision for inmates with the goal of reducing current max-out rate of 40 percent to no more than 10 percent over the next four years.**

One of the most serious failures of our system is that currently almost 40 percent of inmates leave a DOC institution without any form of community supervision or experience of modified release. For all of the challenges of community supervision (political as well as practical), the reality in most cases is that public safety is not furthered by having individuals move directly from incarceration to the community without some period and form of supervision. While a range of issues need to be considered in implementing this recommendation, we note that the State should:

- Require all inmates to participate in the discharge planning process managed by DOC and SPB and focused on risk-needs assessments intended to maximize public safety and ensure that the highest-need services are provided. Data collection of risks and needs should form the basis for services and resource allocation.
- Based on this data, expand the number of community release beds. This can be done in a fiscally neutral fashion particularly through close attention to resource management so that funds are focused on appropriate community placements rather than county jail beds.
- Based on the risk and need data, continue to expand parole community supervision programs, such as the Intensive Supervision Program (ISP) and reentry housing initiatives. As reflected by national research, such programs are cost-effective, and recidivism outcomes significantly outperform other release options. The expanded use of a graduated step-down process, including the necessary range of sanctions and incentives and supported by appropriately trained and resourced parole and probation officers, is critical. In recognition that appropriate supervision is key to successful parole and probation performance, it is important that the state address the high caseloads of parole and probation officers. The American Probation and Parole Association's work on caseload standards is an important starting point in doing so.<sup>6</sup>

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**Establish a reentry policy council through executive order and with specific goals (e.g. reducing recidivism).**

While reentry issues necessarily involve the DOC and the SPB, it is fundamental that reentry issues include the broad range of state agencies and community actors and that such an interagency effort be placed in the Governor's Office with staff to ensure gubernatorial leadership and access necessary to reinforce its important work. New Jersey recently participated in the National Governors Association's Reentry Policy Council and began a fruitful process that involved the principal State agencies. Thus, the groundwork for such an executive order and interagency council has been laid. In executing such an order and creating such a council, it is critical that explicit goals be set, such as reducing recidivism rates by 10 percent in the next two years. One idea to be

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<sup>6</sup> <http://www.appa-net.org/about%20appa/caseload.htm>

evaluated is whether to establish a Criminal Justice Coordinator with authority to direct interagency initiatives, such as occurs in New York, and who might be the director of this council.

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**Recognize how mandatory minimums have enormous fiscal consequences without necessarily promoting public safety and seriously examine legislative changes to promote sentencing alternatives.**

The nature of how individuals are sentenced has changed fundamentally over the past 25 years, most notably through the imposition of mandatory minimums for over 60 percent of all prisoners. The consequences are enormous fiscally and in terms of broader correctional issues. While a full-scale examination of mandatory minimums and the State’s sentencing policy is beyond this subcommittee’s scope, we note that the SLERP Commission in 1985 identified mandatory minimums as one of the two factors leading New Jersey toward a long-term structural budget deficit (see Appendix D). We also note that mandatory minimums are of questionable utility as a correctional policy, eliminating incentives for inmates to take positive steps. In light of these concerns, we recommend that the State Legislature review the penalties for drug offenses relating to New Jersey’s Drug Free School Zones – established as part of the Comprehensive Drug Reform Act (CRDA) of 1987 – particularly given the recent findings of the New Jersey Commission to Review Criminal Sentencing (see Appendix E).

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**Ensure that limited resources are used effectively, targeting further reviews and policy reforms in recognition of their fiscal consequences.**

With the state spending more than one billion dollars in incarceration and supervision, it is necessary to examine the fiscal consequences of a broad range of corrections and criminal justice policies (see Appendix B, pp. 11–13). We note that the State should:

- Undertake a benefit/cost analysis of the capital expenditure needs of the existing prison facilities and other programmatic options for the system.
- Examine the extent to which substantial savings can be achieved without any reduction in public safety by reducing the average length of prison stay. Such a review might include reconsideration of parole eligibility timing.
- Ensure that parole and probation revocations are for serious violations that reflect a threat to public safety or other serious basis while maintaining appropriate flexibility for parole officers to undertake their responsibilities. In this regard, it is appropriate to reinforce that parole officers are provided incentives and rewards for those parolees and probationers who successfully complete their supervision.
- Maximize access to federal funding streams.<sup>7</sup>

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<sup>7</sup> Hoover, Mark S. and Toyo Biddle. “Dollars and Sense: *Funding Re-entry Employment Programs for Ex-Offenders*.” A report funded and developed through a grant from the Nicholson Foundation. November 2005.

**Increase to 40 the number of hours of annual in-service training required of all State correction officers and non-uniformed personnel, putting the DOC in line with nationally accepted standards (e.g. the American Correctional Association).**

Nationally accepted standards require correction officers to undergo a minimum of 40 hours of in-service training annually. Currently, correction-officer trainees, subject to the Police Training Act, are required to successfully complete a course of instruction of at least 16 weeks at an academy approved by the New Jersey Police Training Commission (PTC). Beyond that, however, only eight hours of annual in-service training are provided to law enforcement personnel, including supervisors, in the employ of the DOC. (Condensed into this period are only firearms re-qualification and use-of-force updates.) Each year, the State bears a great fiscal burden in having to absorb the escalating costs of civil litigation that result from the acts or omissions of inadequately trained State correction officers.

As gangs and other security threat groups become increasingly prevalent in the State's prison system, State correction officers and non-uniformed personnel should receive sufficient training in critical areas such as riot control, gang management and intelligence, contraband interdiction (e.g., weapons and drugs), etc.

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**Report respectfully submitted by:**

Co-Chair Ralph Rivera  
*Executive Undersheriff, Bergen County Sheriff's Office*

Co-Chair W. Renee Walker  
*Professor in Liberal Arts, Mercer County Community College*

Co-Chair Ken Zimmerman  
*Executive Director, New Jersey Institute for Social Justice*

Robert M. Balicki  
*Director, Gloucester County Department of Correctional Services*

Ike Ballard  
*Former Executive Director, NJDOC's Prison, Youth, and Juvenile Facilities Education Programs*

Joseph Butler  
*Former Director of Operations, NJDOC*

Johnna Christian  
*Assistant Professor, Rutgers–Newark School of Criminal Justice*

George Christie  
*State President, Probation Association of NJ*

Donald Coughlan  
*Executive Vice President, NJ Superior Officers Law Enforcement Association/Captains Unit*

Scott Derby  
*Executive Vice President, NJ Superior Officers Law Enforcement Association*

Rabbi Menachem Genack  
*Rabbinic Administrator/CEO, Kashrus Division of the Orthodox Union*

Shelia Hobson  
*Supervising Mental Health Specialist, Cop 2 Cop (UMDNJ)*

Riki Jacobs  
*Executive Director, Hyacinth AIDS Foundation*

Russell Leak  
*Former Acting President, FOP Lodge 200*

Chuck Leone  
*Former Administrator, Bayside State Prison*

Daniel L. Lombardo  
*President/CEO, Volunteers of America Delaware Valley*

Ed Martone  
*Director, Public Education and Policy at NJ Association on Correction*

Tom Moran  
*President, NJ Law Enforcement Supervisors Association*

Cuqui Rivera  
*Outreach Manager, Hispanic Directors Association of NJ*

Father Bob Schulze  
*Director, Office of Jail and Prison Ministry for the Diocese of Trenton*

Tony Villalobos  
*State Delegate, NJ Parole Officers*

Carolyn C. Wade  
*President, CWA Local 1040; President, NJ Conference W.M.S. of the A.M.E. Church*

Michael Wagers  
*Executive Director, Police Institute at Rutgers University*

Bruce Western  
*Professor of Sociology, Princeton University*

**Additional input and support provided by:**

Marie Dunlap-Pryce  
*Assistant Superintendent, Garden State Youth Correctional Facility*

Ted Gershon  
*Former Deputy Assistant Commissioner, NJ Department of Education*

**Oral testimony heard from:**

Devon Brown  
*Commissioner, NJ DOC*

Judge John D'Amico  
*Chairman, NJ State Parole Board*

Dea DeWitt  
*Director, NJ FAMM (Families Against Mandatory Minimums)*

Ron Holvey  
*Principal Investigator, NJ DOC*

Marty Horn  
*Commissioner, NYC DOC*

Anibal Ramos  
*Director, Essex Co. Dept. of Citizen Services*

State Senator Ronald L. Rice

Lydell Sherrer  
*Administrator, Northern State Prison*

Tom Sullivan  
*Acting Administrator, Bayside State Prison*

## LIST OF APPENDICES

- A. A Brief List of Supplementary Recommendations from This Group.
- B. “Coming Home for Good: *Meeting the Challenge of Prisoner Reentry in New Jersey*.” Final Report of the New Jersey Reentry Roundtable; Stanley Van Ness and John Farmer, Co-Chairs. December 2003.
- C. “Preview of the Report of the Re-Entry Policy Council: *Charting the Safe and Successful Return of Prisoners to the Community*.” Coordinated by the Council of State Governments.
- D. Coleman, Henry A. “Corrections Spending in New Jersey: *A Perspective Over Time*.” Remarks at the New Jersey Reentry Roundtable, Session Five: Conclusions and Moving Forward. October 15, 2003.
- E. “Executive Summary of the Report on New Jersey’s Drug Free Zone Crimes & Proposal for Reform.” Prepared by the New Jersey Commission to Review Criminal Sentencing; Hon. Barnett E. Hoffman, J.S.C. (Ret.), Chairman. December 2005.
- F. “Executive Summary of the 2003 Summit Report.” Prepared by the New Jersey Community and Corrections Working Summit: Impacting Communities of Color. [The full 77-page report can be viewed at <http://www.hdanj.org/2003Summit.pdf>.] May 17, 2004.
- G. Gershon, Ted. “Memo to Governor-Elect Corzine’s Corrections Policy Group.” January 2, 2006.
- H. Mukamal, Debbie. “Written Testimony for Governor-Elect Corzine’s Corrections Policy Group.” January 2006.
- I. Selan, Elaine G., RN, MSN. “Excerpts from Written Testimony on Health Care Delivery for Governor-Elect Corzine’s Corrections Policy Group.” January 6, 2006.