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GOVERNOR

October 1, 1991

DOUGLAS C. BERMAN
STATE TREASURER

MEMORANDUM TO: Honorable Jim Florio
Governor

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FROM: Douglas C. Berman
State Treasurer *DCB*

SUBJECT: PRISON OVERCROWDING

As you know, prison overcrowding continues to be a major and growing problem for the State. At the end of August, there were more than 22,400 State-sentenced adult inmates, of whom 3,300 were backed up in the county jails awaiting placement in State facilities. Existing State facilities were at 140% of capacity and 1,200 prisoners were double-celled. With the reassignment of civil court judges to the criminal court in order to dispose of the backlog of criminal cases, the inmate population can be expected to continue to grow at a rapid pace.

In July, when the county backup exceeded 3,400, Corrections Commissioner Fauver used his emergency powers to convert two former Hudson County jails into State facilities; he hired 188 staff and provided approximately 600 beds at a cost of \$9.5 million. This was at best a stopgap measure.

Current projections indicate that by next fiscal year, the State adult inmate population will reach 25,000. Even with all the new State bedspaces coming on line, and with 300 more inmates double-celled (which is the most that can be achieved), this would force 4,100 to be backed up in county jails -- well beyond crisis proportions. The Commissioner currently sees no viable emergency options for converting facilities similar to those used in July.

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At present, the only new prison site still being considered is at Bridgeton, where a 1,000 bed modular facility could be constructed in nine months (once the issue of municipal payments is resolved). This would exhaust nearly all the \$60 million in remaining bond funds, leaving us without funding even for rehabilitation projects at the 12 adult institutions throughout the State.

The Department of Corrections continues to consider utilization of the Fort Dix military installation, should the base be closed. If Fort Dix is made available to the State, an additional 1,000-2,000 beds could result with a relatively small capital investment. This is highly conjectural; the closing decision is still up in the air. The Federal Bureau of Prisons in fact has designs on the entire facility, including the Mid-State Correctional Facility which the State has leased since 1982. This lease is due to expire at the end of December 1991 and current negotiations indicate that the federal government is likely to agree only to a one-year extension, rather than the usual multi-year lease. If the lease or the extensions expire, 500 existing bedspaces would be lost.

At this time, in the absence of any other realistic alternatives, I strongly recommend moving ahead on a new prison at Bridgeton. We need a decision on this.

Next, I believe we have to begin a long-term capital plan for prisons, which may include a bond issue next year. Finally, because a capital program may not be able to produce sufficient bedspace early enough to avoid a crisis, we need to consider alternative actions to reduce the inmate population or limit its growth. These alternatives will be very difficult politically, but the decision not to put a bond issue on the ballot this November has made these considerations necessary.

Among these alternative actions could be some modification of mandatory minimum sentencing laws, expanded utilization of pre-trial intervention and probation, lower cost alternatives to incarceration such as electronic monitoring, and procedures to increase parole releases. OMB is preparing a compilation of alternatives that may be achieved within existing laws and items requiring legislation.

I hate to sound like a broken record, but these issues demand attention and are not going to go away. We should meet on this as soon as possible.

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