



REENTRY COALITION OF NEW JERSEY

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April 3, 2018

Gary Lanigan
Commissioner
New Jersey Department of Corrections
Whittlesey Road, CN 863
Trenton, NJ 08625-0863

Dear Commissioner Lanigan-

Thank you very much for speaking with me at the conference last week and for allowing us to submit a proposal to you regarding strategies to alleviate the financial burdens of individuals leaving prison. The New Jersey Department of Corrections is in a unique position to promote successful prisoner reentry. We think these recommendations are in line with the progressive agenda that New Jersey has for criminal justice reform.

For most individuals returning from prison, the debt accumulated as a result of their criminal justice involvement can be staggering. Legal financial obligations including fines, fees, restitution, and child support compounded by penalties and arrears amassed over a period of incarceration saddles individuals returning home with overwhelming debt that impedes their ability to contribute to their family and their community. Criminal justice debt significantly hobbles a person's chances to reenter society successfully after a convictionⁱ and the facts supporting this contention are compelling.

Most individuals returning from prison were low wage earners prior to incarceration^{ii iii iv}. Unemployment rates *prior* to incarceration have been reported to be 40% for sentenced individuals^v and only 55% of incarcerated individuals reported having full-time employment at the time of their arrest^{vi}. Post incarceration, sustainable employment can be difficult to find and maintain. More than half of individuals returning home experience financial insecurity, unemployment, and reliance on public assistance in the critical months post-release^{vii}.

Losing one's driver's license complicates employment prospects post incarceration. The New Jersey Motor Vehicle Affordability and Fairness Task Force reported in 2006 that more than 20,000 people lose their driver's license due to a drug conviction on an annual basis. Moreover, most drivers' license suspensions have nothing to do with poor driving. The suspension of driver's licenses is common place in municipal court practices across New Jersey and was mandatory under the Comprehensive Drug Reform Act of 1987. The law was amended in 2007 but driver's license suspension remains an expensive and difficult barrier to repair for ex-offenders. The loss of a driver's license limits one's employability as well as mobility and is

counterintuitive to the payment of fines related to driver's license suspension and other legal financial obligations. Each driver's license restoration fee is \$100 and many of our clients have their driver's license suspended in more than one municipality.

Nearly two thirds of prisoners reported having been assessed monetary sanctions by the court^{viii ix}. For 20 percent, the average monthly debt exceeded their monthly income^x. Debt assessed for individuals returning from prison was found to range from \$500 to \$80,000 with a median legal financial obligation of \$9,091^{xi}. For some individuals, debt payments could be as high as \$600 a month^{xii}. Exacerbated by low-wage jobs and limited employment prospects post incarceration, the ability to manage financial insecurity often involves dependence on family members post incarceration^{xiii}.

Family reunification is integral to prisoner reentry. More than half of people held in the nation's prisons are parents with children under the age of 18^{xiv}. Child support orders are a particular challenge for individuals returning home from incarceration. While most incarcerated individuals with required child support orders reported making payments prior to imprisonment, the overwhelming majority owed back support and some owed more than \$400 a month^{xv}. For individuals who reported owing money for child support, their child support debt accounted for 90% or more of their total debt^{xvi}.

The combination of low wages and high debt may discourage people from taking and keeping jobs in the formal economy^{xvii}. Employment is a significant protective factor in reducing the likelihood for returning to criminal behavior and a significant opportunity within a residential community release program. Strategies to improve outcomes for individuals leaving prison must include promoting gainful employment and reducing unmanageable legal financial obligations.

To that end, the following recommendations are made:

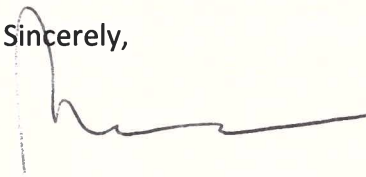
- Eliminate or revise NJ DOC Policy and Procedure and NJSA 30:4-91.4 statute language requiring inmates in Residential Community Release Programs to pay 30% of their gross wages less deductions required by law toward "Maintenance Fees".
- Revise NJ DOC Policy and Procedure and NJSA 30:4-91.4 to require that one-third of an inmate's wages less deductions required by law be paid towards fines, fees, and restitution. This represents an increase from one-sixth.
- Revise NJSA 30:4-91.4 to require that at least one-sixth of an inmate's wages less deductions required by law be put in a savings account. This represents a fixed amount currently not articulated in the statute.
- Eliminate the contractual requirement Section 2: 8.3(4) for all RCRP residents to be escorted for banking purposes. This requirement promoted the co-location of check cashing companies within RCRPs. The fees charged by these check cashing companies tax our residents another 3% of their wages before meeting their financial obligations. For low-wage earners, this is particularly injurious as they have less to meet all other

financial needs. Additionally, establishing a bank account and prosocial banking habits has historically been a significant opportunity endemic to a halfway house setting.

- Support legislation that would require municipal court matters be revealed and resolved as sentencing to state prison so that individuals leaving state prison do not have to return to communities and face outstanding warrants and legal financial obligations like tickets, fines, and fees.

These recommendations support both rehabilitation and public safety as they promote successful reentry opportunities for the thousands of individuals we mutually serve. Your support and leadership is greatly appreciated. Thank you for your consideration and please contact me with any questions or concerns.

Sincerely,



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ⁱ Bannon, A., Nagrecha, M., & Diller, R. (2010). Criminal justice debt: A barrier to reentry. *New York University School of Law Brennan Center for Justice*, 1-34.

ⁱⁱ Harris, A. (2016). *A Pound of Flesh: Monetary Sanctions as Punishment for the Poor*. New York, New York: Russell Sage Foundation.

ⁱⁱⁱ Roman, C. G., & Link, N. (2015). Child support, debt, and prisoner reentry: Examining the influences of prisoners' legal and financial obligations on reentry. *Final Report to the National Institute of Justice*, 1-88.

^{iv} Bannon (2010).

^v Western, B., Braga, A.A., Davis, J. & Siriois, C. (2015). Stress and Hardship after Prison. *American Journal of Sociology*, 120 (5), 1512-47.

^{vi} *Prisoner Reentry and Crime in America* (2005). In Travis J., Visher C. A. (Eds.). Cambridge ; New York: Cambridge University Press

^{vii} Visher, C., Courtney, S. & Travis, J. 2004. *Returning Home: Understanding the Challenges of Prisoner Reentry, Maryland Pilot Study; Findings from Baltimore*. Washington, D.C.: Urban Institute.; Western (2015)

^{viii} Harris (2016).

^{ix} Visher (2004).

^x Visher (2004).

^{xi} Harris (2016).

^{xii} Visher (2004).

^{xiii} Western (2015).

^{xiv} Glaze, L.E. & Bonczar, T.P. 2010. *Parents in Prison and Their Minor Children*. Report NCJ 222984. Washington, D.C.: Bureau of Justice Statistics.

^{xv} Roman (2015).

^{xvi} Visher (2004)

^{xvii} Levingston, K. D., & Turetsky, V. (2007). Debtors' Prison—Prisoners' accumulation of debt as a barrier to reentry. *Clearinghouse Review Journal of Poverty and Law Policy*, 41(3), 187-197.7