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N.J.'s prison population keeps dropping. Why hasn't spending gone down?

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New Jersey's prison population dropped steadily for years even before thousands of inmates were released ahead of schedule this month.

Prisons currently have about 45% fewer inmates than they housed almost a decade ago. Officials are expected to free thousands more soon when a new law takes effect.

At the same time, the state spends almost \$1 billion annually on the prison system, an amount that has dipped only about 3% since 2011.

Some lawmakers have raised red flags about that price tag.

"Why don't we close one of these prisons, and stop spending all this extra money," state Assemblyman William Spearman, D-Camden, told NJ Advance Media after lawmakers agreed to raise taxes on wealthy residents. "Maybe we could have avoided having these tax increases if we had closed some prisons."

There does not appear to be a concerted effort to follow New York's lead and close several facilities. Closures could also threaten jobs in some of the state's poorest areas, as illustrated by one ongoing fight over a plan to downsize a South Jersey jail.

A corrections spokeswoman said they have allowed full-time staffing to drop by almost a tenth in recent years, but new programs and rising costs for medical care, food, utilities and maintenance of old buildings, some of which opened more than a century ago, kept spending high.

"The NJDOC is always exploring cost-saving measures," Liz Velez wrote in an email, when asked if they were considering shuttering more prisons.

New Jersey is a long way from the overcrowding it faced more than a decade ago.

The state is often considered a leader in criminal justice reform, from eliminating cash bail to expanding drug treatment services.

Partially as a result, the state's inmate population has plummeted. While more than 25,000 people were in prisons, halfway houses and other facilities at the start of the last decade, there were fewer than 18,500 at the beginning of the year, according to the corrections department's annual reports.

That number slipped to around 13,600 on Nov. 6, according to Velez, after officials let more than 2,200 out because of a first-in-the-nation law reducing sentences because of the threat of the coronavirus behind bars.

Furthermore, the state's "Earn Your Way Out Act" takes effect in February, which could parole thousands more non-violent inmates early.

Despite the decreases, the state has budgeted more than \$900 million every fiscal year of the past decade for corrections, according to state budgets.

That's partially because of costs that didn't exist ten years ago, Velez wrote. They include inflation and employee contract increases (\$16.9 million), annual Hepatitis C testing and treatment for inmates (\$4.5 million) and opioid treatment (\$4.8 million), among others.

Lawmakers have also limited when prisoners could be kept in solitary confinement, which could further increase costs, Velez said.

New Jersey has a dozen main facilities spread throughout the state.

Lawmakers have pushed officials to close two prisons. The state did merge two youth facilities, saving an estimated \$13 million. Those prisons should not be confused with facilities run by the Juvenile Justice Commission, which is funded separately and oversees a few hundred young people who committed crimes.

Another \$20 million will be saved when the state closes the Central Reception and Assignment Facility in Trenton, the corrections commissioner told lawmakers in September.

The 234 officers at the assignment facility will either be able to continue working at a nearby satellite campus or transferred, according to William Sullivan, president of the state's largest corrections union.

More closures could cause uncertainty for even more jobs. Nearly 5,500 officers are represented by PBA Local 105, and that doesn't count supervisors. Nearly 300 nurses also work in prisons statewide, according to the union Health Professionals & Allied Employees.

"I would have to really see the data to see a justification to close a prison, which is going to mean layoffs for sure," state Sen. Mike Testa, R-Cumberland, said during an interview.

Some of the state's largest prisons are in South Jersey, home to some of the poorest towns even before the pandemic.

The corrections department is the largest employer in his area, Testa said, and any closure would have to come with guarantees that officers could maintain pensions and benefits in other positions.

Testa represents Cumberland County, which recently moved to largely shutter its jail as the inmate population dropped.

Local officials argued the move would save money without harming public safety.

While the county has made some effort to help 121 officers find new jobs, those employees could lose a lot of money in the process, according to Victor Bermudez, the local PBA president.

“There’s plenty of offers to go elsewhere — but not telling you how much you’re going to make,” he said, which was “a complete slap in the face.”

Bermudez’s union has vigorously protested the plan, and it’s now locked in a court battle to keep the jail open.

The state’s public defender’s office backed the officers, because transferring inmates to other counties would make it harder for defense attorneys to meet with clients, according to office lawyers.

A judge has halted the county’s plan to transfer inmates to other counties and lay off officers for the moment, according to court records.

If New Jersey does not close more prisons, existing buildings could be re-organized, like how Mid-State Correctional Facility in Burlington County was converted into a drug treatment program under former Gov. Chris Christie.

Prisoners currently sharing a cell could instead be given their own bunk, and other areas could be re-purposed for vocational training, said Sullivan, the PBA Local 105 president.

State Sen. Steve Oroho, R-Sussex, has floated the idea of designating one prison for veterans who committed crimes, in order to offer specialized services.

Prison populations could also tick up when more people are convicted. New Jersey briefly resumed jury trials before shutting them down again Monday.

There were 44,696 people awaiting trial in the state earlier this month, according to a court spokeswoman.