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Essex jail has housing crisis

Crackdown in the county swells the Newark lockup

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An aggressive crackdown on crime in Newark and surrounding towns has created a housing crisis at the county jail, forcing officials to spend millions more on inmate care and to find ways to move cases through the courts faster.

Over the past two months, the inmate population at the jail has surged 20 percent as authorities in Essex County arrest more people, raise bails and drive harder plea bargains.

On an average day, between 20 and 70 prisoners bide their time in the jail's intake bullpens, while another 50 spend the night on portable beds in the gymnasium. The wait for a cell has stretched from a matter of hours to up to two days, jail officials say.

And things aren't going to improve any time soon: Law enforcement authorities say they have no plans to let up, and the county's top judge has warned county officials to prepare for a long-term population surge.

"There is a cost to cracking down on crime and I assume it's a cost that government is willing to pay to get results," said Superior Court Assignment Judge Patricia Costello, who sits in Newark. "It's only going to get more crowded."

Newark Mayor Cory Booker, elected this year on an anti-crime platform, has promised to cut crime rates immediately by putting more cops on the street. Since he took office in July, arrests have risen steeply, with the city locking up 1,800 more people this summer than last. During that time, he says, overall crime has dropped.

Essex County Prosecutor Paula Dow, who has been trying to reform a system notorious for failing to keep criminals behind bars, has also taken a more aggressive approach toward serious offenders and those with lengthy rap sheets. She's instructed her prosecutors to push for higher bails and offer tougher plea bargains, resulting in more suspects waiting for trial in jail. Last Thursday, 1,830 inmates were in jail waiting for trial or grand jury, an increase of more than 100 percent from January 2005, jail statistics show.

The jail itself has also played a role in increasing the population by conducting more thorough warrant checks on everyone coming through the door. These checks often turn up multiple warrants, which, in turn, have to be addressed in multiple courts.

All told, the jail is jammed with defendants facing trial on serious charges, from drug dealing to murder, leaving no place to house the constant flow of people arrested on lesser offenses such as loitering and unpaid traffic tickets.

"We can't move them past the front door because the system is clogged," said jail director Scott Faunce. "The police are arresting more people and the courts haven't picked up the pace in processing them."

With a maximum capacity of nearly 2,300 inmates, the Essex County Jail is larger than most New Jersey state prisons. It is also the only jail in the county built to hold inmates overnight so it has to take prisoners

from all city and town lockups.

When the \$416 million facility opened in the spring of 2004, it was expected to fulfill the county's incarceration needs for many decades to come, with a privately run facility next door -- Delaney Hall -- taking in a few hundred additional low-risk inmates. In May, the county signed a \$3 million contract with a second private facility -- Logan Hall in Newark -- to take in 120 more.

But the recent spike has filled the private facilities with more than 900 inmates and put the jail itself well over capacity. Earlier this month, county officials requested an additional \$4 million from the state to help cover the cost, and they expect the tab to climb when services like medical treatment and meals are factored in.

And those are not the only concerns. The jail is under a 20-year federal consent order to improve conditions and ease overcrowding, a consent order that could be violated if the crush of new prisoners affects visitation, recreation and other inmate rights, said County Counsel Harry DelPlato. Furthermore, County Executive Joseph DiVincenzo Jr. worries about the number of petty offenders being thrown into a jam-packed jail where hundreds of violent criminals are awaiting trial.

"What I don't want to happen is someone gets picked up for a traffic ticket or because they owe money and something happens to them in the jail," DiVincenzo said. "We want to make sure it's criminals in the jail, not someone like that."

Michael Marucci, who heads the Essex County Public Defender's Office, said the crackdown has left too many poor, nonviolent defendants sitting in jail because they can't make relatively low bails of \$500 to \$1,000.

"At that level of bail, it costs the county more to house them," Marucci said. "We need to look at whether these people belong there, or if there are other solutions."

Costello said the bails being imposed by judges are appropriate. "Most of the people who are unable to make bail have very serious criminal histories, have a history of not appearing in court, or have bench warrants, so the judge will not release them," she said.

Costello said the jail could start seeing more low-level offenders rather than less, with Newark's newly appointed municipal judge and prosecutor expected to push for more jail sentences.

To handle the overflow, former New York City corrections commissioner Michael Jacobson said Essex County officials need to start putting their heads together and finding solutions before the problem becomes unmanageable.

"You want to plan because you can deal with temporary overcrowding but you don't want to be structurally overcrowded," he said. "It's hard to build your way out of it because you can't catch up and at some point a federal court will take control of the system."

Costello, Dow, DiVincenzo and Anthony Frasca, the county's presiding municipal court judge, said they've already started meeting to brainstorm solutions, which include:

- A central judge authorized to hear multiple municipal offenses from multiple towns at once.
- Plea bargains offering time served for offenders who have already spent many months in the jail.
- A prosecutorial initiative to cut the backlog of cases waiting to go to trial.
- An effort to expedite paperwork and send convicted felons to state prison faster.

But Dow said the county shouldn't expect her office to back off just to ease the overcrowding. After all, she said, an intensive crackdown on crime is something Essex County's residents have demanded for years.

"They're demanding a stop to the style of justice that always seemed to be the norm here in Essex County

and we're trying to put a stop to it," she said. "If the result of that is an increased population in jail, that's something we will have to address, but the answer is not to open up the jail doors and let them out."

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