

Discussion Points

DEPARTMENT OF CORRECTIONS

1. The Governor's budget incorporates an estimated \$5.183 billion over two fiscal years in federal stimulus funding provided by the American Recovery and Reinvestment Act (ARRA) of 2009. According to a table on page 42 of the Governor's abbreviated budget, the State will use \$3.074 billion (\$854 million in FY 2009 and \$2.220 billion in FY 2010) from ARRA for budget relief. In addition to these funds which will offset revenue shortfalls, \$2.109 billion will be used for new or expanded programs or initiatives. The ARRA allocates funds to states both by formula and by competitive awards. Most executive departments anticipate stimulus funding in either FY 2009, FY 2010 or both.

- **Question:** Please itemize the federal stimulus funding, other than portions of the \$3.074 billion allocated for budget relief, included in the department's budget, by fiscal year and federal program, setting forth program goals and eligible uses together with the amount for state administrative expenses and the amount for allocation to local public and private recipients, respectively. Please identify intended and actual recipients and the process by which the department determines recipients and funding awards. Are there ARRA funds that flow through your department for which the State has no discretion? Please also set forth the timetable for obtaining federal approval of funding, obligation and allocation of funding to recipients, and use by recipients. Could any of this funding be used to offset other State appropriations, and if so, what programs and in what amount? What additional positions, if any, have been and will be hired with these funds? If this money is being used for new or expanded activities, will the new or expanded activities be continued in FY 2011? If so, how will they be funded?

Response:

No federal stimulus formula funds will flow directly through the Department of Corrections, as the department is not a designated State Administrative Agency for these dollars. The department is working with the Departments of Law and Public Safety, Health and Senior Services and Treasury to maximize ARRA funds for eligible projects.

- **Question:** In addition to funding incorporated in the FY 2010 budget, what specific competitive grant opportunities has the department identified that it is eligible to pursue, has applied for, and has been awarded, respectively?

Response:

The competitive funding the department is pursuing includes the following:

Edward Byrne Memorial Competitive Grant - Application Deadline April 27

The department is collaborating with the Department of Law and Public Safety to identify additional funding opportunities and anticipates filing an application for funding to enhance our investigations and intelligence gathering, increase our staff training capacity, and increase outreach to victims of crime. The requested funding

Discussion Points (Cont'd)

level is not known as of this date; however a request of \$1.5 million is feasible. The request will most likely include additional positions to be supported with these funds. An additional 5 – 10 federal FTEs may be included in our request.

NIH Challenge Grants in Health and Science Research – Application Deadline April 27

The department's Health Services Unit anticipates filing an application for funding for various health and health technology areas related to the incarcerated population. No increase in FTE is anticipated in this application. Funding will be requested to support contracted services and equipment/technology purchases. A funding request of up to \$500,000 is anticipated. If an award is received, contracted services to public or private recipients will be conducted through a competitive bid process or through state contract.

2. Over the past several years, the overall staffing level in the executive branch has been reduced through restrictions on hiring and an early retirement program. The FY 2010 budget proposal envisions continuation of the hiring restrictions coupled with possible furloughs or further reductions in positions.
- **Question:** How has the reduction in staffing affected your department? What strategies has the department employed to deal with staff reductions? What projects, work products or functions has the department discontinued or deferred because of staffing levels? Will the department be able to accommodate furloughs in FY 2010 without increasing spending for overtime?

Response

The employees of the Department of Corrections were ineligible for the early retirement program. Staffing reductions are being experienced primarily through attrition. In addition to custody staff, there is attrition in the area of administrative services. To the extent possible the Department of Corrections is regionalizing institutional Business Offices and Human Resource Offices. As the statewide reductions in inmate population occur, future training classes for correction officers will be adjusted to provide the proper level of staff.

- **Question:** How would the imposition of mandatory furloughs affect DOC overtime expenditures?

Response:

Any proposed temporary layoffs (furloughs) plan would exclude uniformed custody staff from participating since that would indeed increase overtime expenditures and to a large extent negate savings from this initiative. For other department staff, temporary layoffs (furloughs) will be scheduled in a way to avoid the need for overtime.

3. The FY 2009 appropriations act anticipated that \$25 million in procurement savings would be achieved by executive departments. A chart on page 75 of the Budget in Brief categorizes those savings and indicates they will continue into FY 2010. The

Discussion Points (Cont'd)

FY 2010 budget includes another \$25 million from procurement savings (Budget in Brief, Appendix I, page 8).

- **Question:** Please indicate the FY 2009 amount of procurement savings achieved by your department, by the categories set forth in the referenced table, and the sources of those savings by department program? What is the annual amount of these savings as continued into FY 2010? How have these reductions affected the department? What projects, work products or functions has the department discontinued or deferred in order to achieve these savings?

Response:

The Office of Management and Budget (OMB) is providing the response to this question on behalf of all agencies, state-wide.

4. The Governor and the department have announced its plans to close Riverfront State Prison, which is located in the city of Camden on the waterfront and is the third newest prison in the prison system. Opened in 1985, the prison had an average daily population of 1,009 inmates in FY 2009. During FY 2009, the department has begun to reduce the population of the facility in anticipation of closure and sale of the property. No funds to operate the prison are included in the FY 2010 budget. According to the Office of Management and Budget, FY 2010 budget reductions of \$22.9 million will result from closure.

- **Question:** What is the status of the closure and sale of Riverfront State Prison? What is the procedure for the State divesting itself of Riverfront State Prison? How does the department justify the closure of a fairly new facility (24 years) while other facilities which are more than 100 years old, (NJSP 173, EJSP 113) and badly in need of capital repair, are still operating? Will all bonds issued to construct the prison be retired prior to this sale? Will proceeds of sale be allocated to the department for facilities upgrade costs?

Response:

Riverfront State Prison is on target to be fully depopulated by July 2009. Consistent with established processes, steps will be taken to properly dispose of the property and use proceeds, consistent with current law and other requirements. Closure of this facility will greatly assist the redevelopment of the Camden City waterfront. Any further questions related to redevelopment or bonds should be directed to the Department of the Treasury.

- **Question:** Please provide the committee with a list of the locations where the inmates from Riverfront State Prison have been transferred during the past fiscal year. Where have the inmates who would have been admitted to Riverfront been diverted? How have these transfers affected the overcrowded conditions in other prison facilities and the county jail population? What is the anticipated impact on future prison populations?

Response:

Discussion Points (Cont'd)

In November 2008, the department began accumulating institutional vacancies at Riverfront State Prison by stopping new admissions to this facility in an effort to reduce the number of eventual transfers to other institutions. Beginning in January 2009 through April 6, 2009 a total of 467 inmates have been transferred from Riverfront State Prison. The breakdown by institution is as follows:

| | |
|--|-----|
| Albert C. Wagner Youth Correctional Facility | 3 |
| South Woods State Prison | 90 |
| Southern State Correctional Facility | 75 |
| New Jersey State Prison | 13 |
| Northern State Prison | 101 |
| Mountainview Youth Correctional Facility | 8 |
| Mid-State Correctional Facility | 59 |
| Garden State Youth Correctional Facility | 27 |
| Bayside State Prison | 61 |
| East Jersey State Prison | 30 |

Inmates are assigned to an institution based on a classification review. Riverfront State Prison's inmate population included those with Medium, Gang Minimum and Full Minimum status. Once an inmate has been assigned a classification status, he then awaits the availability of a suitable bed. As Riverfront State Prison only housed male inmates, assignments could be made to any of the 10 male institutions that have an appropriate vacancy available.

In general, the institutional count has been declining. At the beginning of fiscal 2009 there were 22,480 inmates in the 14 institutions. At the end of March 2009 there were 21,837. The institutions have been able to absorb the Riverfront State Prison transfers by filling vacancies in all housing units throughout the facilities.

The county jail population has not increased significantly since the de-population of Riverfront State Prison began. The current number of State-sentenced inmates in the county jails approximates the current year funded average daily population of 1,240. This is due in part to the successful diversion initiatives administered by the State Parole Board and the Administrative Office of the Courts. These initiatives lessen any potential impact that the closing of Riverfront State Prison possibly could have had on the back-up of State sentenced inmates housed in the county jails.

The DOC has seen a general decline in the prison population. Annual admissions are down by 1,240 or 9% over the past four year period. The most salient factor in this decline is the reduction of technical parole violator re-admissions. This is due to expanded parole programs directed at treating technical parole violators in the community rather than returning them to prison. Releases have increased due to the fact that the DOC is experiencing the effect of those sentenced under the "No Early Release Act" (NERA), becoming eligible for release.

As these factors continue to affect the DOC population, it is not likely that the closure of Riverfront State Prison will affect the department's ability to effectively house inmates in the coming years.

Discussion Points (Cont'd)

- **Question:** What plans does the department have to transfer prison guards to other institutions? Where will these guards be transferred? Does the department anticipate staff layoffs as a result of the closure of Riverfront State Prison?

Response:

The department has developed a plan to transfer Correction Officers to other institutions as the inmate population at Riverfront State Prison decreases.

Factors such as staffing requirements, staff requests for placement based on seniority, and the needs of the department are key components of this plan.

The unions representing the custody staff, which includes the supervisory ranks, were involved in the planning. Subsequently, the unions have been provided with updates regarding all issues related to the transfer of its memberships.

As of March 28, 2009, 32 civilian and 85 custody staff have been transferred from Riverfront State Prison to other facilities.

All Correction Officers currently assigned to Riverfront State Prison will be transferred regionally as required to meet the operational needs of the department. In an effort to reduce hardship, these transfers are limited to the central and southern regions of the State. Initial transfers have been primarily to Bayside State Prison, South Woods State Prison, and Southern State Correctional Facility. These institutions comprise the DOC's southern region of operations.

The department does not anticipate any layoffs as a result of Riverfront State Prison closing. Staffing levels will be reduced by attrition and the delay of the start date of State Basic Course for Correctional Officers Cycle 220.

5. During the FY 2009 budget process, the OLS raised the following discussion point with the Department of Corrections:

Published reports indicate that in March, 2007, the Department of Corrections transferred 40 women from the Edna Mahan Correctional Facility for Women to New Jersey State Prison. The American Civil Liberties Union filed a civil rights lawsuit against the department alleging that "by subjecting the women prisoners to more repressive conditions than male prisoners in the same prison, the DOC is violating the state constitution's guarantee of equal protection and the New Jersey Law Against Discrimination." The lawsuit also alleges that "in several ways the department's treatment of the women prisoners is so atrocious that it violates the Constitution's ban against cruel and unusual punishment." The lawsuit alleges that among other things the female inmates are confined to cells for up to 22 hours per day, are deprived access to the law library and are not eligible to participate in prison education programs.

In response to the questions posed, the department stated that since the matter was in litigation, no information could be provided at the time of the FY 2009 budget hearing.

Discussion Points (Cont'd)

- **Question:** What is the status of the ACLU lawsuit? What is the status of the department's practice of housing women in this or any other location which also houses male inmates? How many female inmates are housed in facilities other than the Edna Mahan Correctional Facility for Women? What are these facilities, and how many women in each? What is the rationale for housing women in a maximum security men's prison? What are the criteria for transferring a female inmate to the men's maximum security facility? What is the average length of time women are housed in these facilities?

Response:

Several months ago the DOC filed a Motion to Dismiss the litigation as moot because all general population female inmates were transferred back to Edna Mahan Correctional Facility for Women (EMCFW). Oral arguments were heard. The presiding judge has not yet rendered an opinion.

Female State prison inmates are housed at New Jersey State Prison (Adult Male Facility) under two circumstances:

- Mental Health Crisis Stabilization - - Currently there are three (3) female inmates. No male inmates are integrated into the unit with females.
- Administrative Segregation - - Currently this unit houses twenty-nine (29) female inmates for serious disciplinary infractions. No male inmates are integrated into the unit with females.

As of September 3, 2008 there are no longer general population female inmates housed at New Jersey State Prison or at any other adult male facility. As the adult female prison population census has stabilized, and diversion programs have proven effective, the densely populated conditions no longer exist at the Edna Mahan Correctional Facility for Women.

The criteria for transferring a female inmate to New Jersey State Prison are a mental health crisis requiring intensive stabilization or a serious disciplinary infraction carrying a sanction of administrative segregation time. EMCFW does not have the physical plant to accommodate the restrictive setting required for the management of offenders in such situations.

The average length of stay for Mental Health Stabilization is approximately seven (7) days at which time a female offender could be released to one of two step-down units which are located on the grounds of EMCFW.

Administrative Segregation length of stays are approximately four (4) months at which time the female offender is transferred back to Edna Mahan Correctional Facility for Women's general population housing units.

- **Question:** *How do the services offered to the female inmates differ from the services offered to the male inmates at this facility? What additional services, if any, are available to the female inmates? When does the department expect to move these women from this to a more suitable location? What long term plans does the department have for housing the State's growing female offender population?*

Discussion Points (Cont'd)**Response:**

The services for females housed in these specialized units at New Jersey State Prison are no different than those provided to male offenders in similar units. At this time the female population remains constant.

6. FY 2009 budget language appropriating receipts in the amount of \$5.44 million from the sale of real property for Modular Unit Replacement has not been continued in FY 2010.

- **Question:** Has the department completed the sale of excess property for this purpose? Which property was sold? How much revenue was generated? How many modular units were replaced? How many new bed spaces were created?

Response:

Pursuant to P.L.2007, c.108, the proceeds from the sale of certain State-owned real property are deposited into a special fund in the Department of Treasury and are restricted to funding capital improvement projects or debt relief. Based on sales consummated since enactment of the law, \$3.6 million has been deposited into this account from asset sales initiated by multiple departments. The planned use of the funds must be recognized in the Governor's Budget Message; however that spending plan is not restricted so as to match sales revenue to the specific departments that generated the sale. Rather, projects are selected based on cost effectiveness, regardless of the department involved.

This funding was intended to replace one of Bayside State Prison's modular units containing 149 beds. No new bed spaces were planned.

7. In April, 2008 the Department of the Treasury announced that the current contract with Correctional Medical Services would be terminated during FY 2009 and that the University of Medicine and Dentistry of New Jersey would then provide health care to inmates. At that time it was unclear how the change in health care providers would affect health care costs and whether the FY 2009 budget anticipated this change. Subsequently, the Executive proposed and the Legislature adopted a reduction of \$5 million to the FY 2009 proposed budget representing anticipated medical services savings. The FY 2010 budget recommends increased funding of \$5.8 million for growth in medical services costs.

- **Question:** What were final FY 2008 costs for medical services? What are projected FY 2009 and FY 2010 costs respectively? What change in costs for FY 2009 to FY 2010 is attributable to changes in inmate population? To level of services? To other factors, e.g., escalation clauses? How has the change in provider affected the provision of medical services to DOC inmates?

Response:

For fiscal 2008 the total cost for medical/dental services provided by Correctional Medical Services (CMS) was \$100.1 million. The total cost for mental health services

Discussion Points (Cont'd)

provided by University of Medicine and Dentistry of New Jersey (UMDNJ) was \$47.5 million, and the total cost for substance abuse treatment provided by Gateway Foundation was \$4.3 million for a total inmate healthcare cost of \$151.9 million.

The projected fiscal 2009 medical/dental costs approximate \$101.1 million (3 mos. CMS, 9 mos. UMDNJ) , mental health costs approximate \$49.8 million, and the substance abuse treatment costs approximate \$4.8 million for a total inmate healthcare cost of \$155.7 million. Had CMS provided service for a full year in fiscal 2009, the costs would have been \$162.3 million.

For fiscal 2010, the total amount budgeted for inmate healthcare is \$159.2 million; \$104.2 million for medical/dental, \$50.0 million for mental health, and \$5.1 million for substance abuse, respectively.

The fiscal 2010 recommended budget accounts for the decrease in the inmate population. However, since the agreement is now based on total cost reimbursement rather than a per capita rate, the payments are limited to actual costs incurred and not based on number of inmates housed. The Agreement with the University of Medicine and Dentistry delivers the same services as under the contract with CMS, therefore, the level of service is unchanged. The recommended increase in the medical accounts is the direct result of inflationary factors applied to pharmaceuticals, hospitalization, and outpatient/ancillary services, as well as a 1.5% compensation increase.

From a clinical perspective, the transition of healthcare delivery from CMS to UMDNJ has been seamless for the inmate population.

UMDNJ has been in place since October 1, 2008. Six months is probably insufficient to form a basis for comparison however we do know the following:

Structural Differences

- 1) As a University Health Care system, UMDNJ sets a higher standard for training and credentialing of staff. Presumably this will be realized in reduced healthcare costs and inmate complaints.
- 2) As an academic and research center not only does UMDNJ provide medical care it is a full participant in engineering future medical developments.

Discussion Points (Cont'd)

Performance Measures

- 1) UMDNJ was successful in bringing CF v. Terhune to a [near] conclusion. The federally appointed clinical monitors have credited UMDNJ with substantial improvements to the prior CMS service.
- 2) Emergency room visits and hospital days have decreased as UMDNJ has applied a higher level of clinical expertise to this endeavor.
- 3) UMDNJ has achieved medicaid-like hospital billing which would not have been achievable by CMS.
- 4) UMDNJ has an alternate source of medical consultants and services should the primary provider St. Francis Medical Center (SFMC) find itself unable to provide those services.

- **Question:** What provisions, if any, does the department have in place to assure that the medical services provider provides the services outlined in the contract? What provisions has the department taken to assure the collection of liquidated damages or other cost adjustments should the vendor not adhere to the contract provisions?

Response:

The DOC Health Services Unit has a 17 member nurse/physician/dental staff whose primary task is the review and monitoring of professional activities on a daily basis. DOC Health Services Unit chairs a collaborative Continuous Quality Improvement team with UMDNJ and maintains an autonomous clinical auditing schedule. The results of those audits are posted to a network drive where they are dispersed to a managerial audience. DOC Health Services Unit also oversees the weekly Object Performance meeting in which objectives described in Appendix 3 of the Agreement are reviewed and resolved.

Overall agreement compliance is reviewed monthly by an "Executive Steering Committee." This committee represents the final authority in determining contract compliance and service delivery.

The UMDNJ fiscal office provides extensive financial information to the DOC to verify payments they have made for the price schedule line items. DOC staff perform an over/under analysis based on actual payments reconciling to the monthly advanced payments. As with any provider delivering services to the DOC, financial reviews are performed to validate charges and ensure proper payment for time and materials. In addition, random invoice testing and formal post audits are planned to be performed on a regular basis.

Consistent with the department's monitoring of CMS, UMDNJ performance is reviewed weekly using the same automated system developed to measure performance indicators and assess liquidated damages as required by the former healthcare contract. Because UMDNJ is a public entity, not a profit generating firm, and our agreement is structured on a cost reimbursement format, the concept of assessing liquidated damages is precluded.

Discussion Points (Cont'd)

8. Currently inmate mental health care needs are provided by the University of Medicine and Dentistry of New Jersey.
- **Question:** What monitoring does the department conduct on the mental health status of its inmates? What provisions are made for those inmates who are mentally ill while in prison? What provisions are made as mentally ill inmates are preparing for release into the community? What community resources, if any, are made available to these newly released inmates?

Response:

All inmates undergo a mental health examination during the intake process at Central Reception and Assignment Facility and are assigned mental health services as required. The package of mental health services are described in the Agreement between the DOC and UMDNJ dated November 1, 2004 and commencing January 1, 2005. Inmates requiring chronic mental health services are enrolled on a special needs roster. The mental health status of these inmates is monitored during regularly scheduled encounters with mental health clinicians. Inmates not enrolled in a mental health program are monitored by health care staff and custody officers. Any inmate may be enrolled for mental health treatment at any time when warranted.

Services include DOC in-patient units (Residential Treatment Unit, Transition Care Unit, Stabilization Unit), therapeutics groups, pharmacy services, laboratory and diagnostics services, pre-parole assessments, special review of disciplinary charges, counseling services for possible sexual assault (Prison Rape Elimination Act), half way house enrollment (Columbus House), discharge planning and external hospitalization (Ann Klein Forensic Center).

Inmates are assessed 180 days prior to release. With inmate consent, any inmate requiring on-going mental health treatment is given an appointment with a community-based clinician. On release, inmates are given a medical records summary, two weeks of medication and a prescription for an additional 4 weeks of medication. Approximately 120 days prior to release, severely ill inmates are considered for possible civil commitment to Ann Klein Forensic Center. Inmates who may be candidates for Social Security Disability Insurance are identified by a computer-based system. Application is then made on their behalf to the Social Security Administration.

9. Because of steady population growth during the past several years, the DOC had indicated that it has a need to move the Civilly Committed Sexual Offenders from their current location in Kearny to an as yet undetermined location in the State. In his testimony before the appropriations committees in April 2008, the Commissioner stated that the department was also in the process of soliciting bids from private vendors to operate a civilly committed sexual offender facility.
- **Question:** What was the outcome of the process to solicit private vendor proposals? What is the status of the overall effort to match facility needs with

Discussion Points (Cont'd)

caseload? Does a comprehensive plan exist? If so, what are the key components, timetable and costs? What plans, if any, does the department have for the use of the vacated civilly committed sexual offender facility and the civilly committed sexual offender facility annex? What is the maximum capacity of the current location? How many patients are currently housed at this location? How has the population growth impacted upon the services provided to these individuals?

Response:

Services provided to this population have not been seriously impacted as the overall census count has remained relatively stable. Our current capacity for the Kearny Unit is one hundred fifty-eight (158) and the count is one hundred fifty-five (155). The Annex Unit capacity is two hundred forty-two (242) and the current count is two hundred thirty-five (235) giving a total capacity of four hundred (400) with a total census count of three hundred ninety (390).

The department did not seek formal bid proposals from vendors. Instead, DOC and the Department of Human Services jointly solicited a Request for Information (RFI), which yielded responses from 4 vendors. The information was reviewed by the Departments of the Treasury, Human Services and Corrections. No one proposal met the DOC's needs for housing and security, therefore, we continue in our efforts to identify an appropriate site which would address all requirements including future capacity.

The property located in Kearny is owned by Hudson County. At the time it is vacated, it would be returned to Hudson County. The Annex Facility in Woodbridge, New Jersey is part of the DOC correctional facility inventory and would remain in use.

10. The FY 2009 budget incorporated a savings of \$1.663 million as a result of the elimination of unreimbursed inmate work details. According to the municipalities which had been recipients of these details, elimination of the program requires them to hire additional employees at a much greater cost to complete the work.

- **Question:** Does the department currently operate an inmate work detail program on a reimbursement basis? If so, which municipalities participate in the program? What is included in the cost charged to the communities? How much revenue is collected from this program? Will the FY 2009 savings target be realized?

Response:

Yes, the Department of Corrections currently has agreements with the Departments of Human Services, and Environmental Protection to provide inmate work details on a reimbursement basis. There is also an appropriation in the DOC budget for Department of Transportation for highway grounds maintenance.

No municipalities participate in the inmate work detail program. The reimbursements received from State agencies with DOC detail agreements cover officer salary costs, inmate wages, radio and vehicle maintenance costs.

Discussion Points (Cont'd)

The department does not collect revenue from this program. The Department of Corrections receives approximately \$3.7 million in reimbursements which are reflected in the DOC budget from other State agencies for expenditures as described above.

Yes, the fiscal 2009 savings target of \$1.663 million will be realized.

Outside of the inmate work detail program, other public entities with community projects using inmate labor can be obtained through State Use Industries on a reimbursement basis.

11. A report titled "Impact of a Prior Criminal Conviction on Private Employment Opportunities in New Jersey" released by the NJ Department of Labor and Workforce Development Division of Labor Market and Demographic Research on July 18, 2008 stated:

A relatively small proportion of prisoners receive education or training while incarcerated. For example, in fiscal year 2008 the Department of Corrections Office of Educational Services provided 11 percent of inmates with academic programming and six percent with vocational programming. The other inmate work programs have the capacity to serve up to 17 percent of the total prison population. (Page 4).

- **Question:** What actions has the Department of Corrections taken to expand the education and vocational education programs for inmates within its jurisdiction? What efforts are made to assist inmates in obtaining vocational training and/or employment upon release?

Response:

The Office of Educational Services (OES) remains proactive in advancing and improving the current curriculum in all areas of programming. OES has purchased and funded a number of innovative programs, to include; C-Tech Cabling and Fiber Optics certification program, Workforce Learning Link computer labs at 8 facilities, and continues to fund Information Technology (IT) improvement projects, in both academic and vocational programs. The Federal Government has expanded the Incarcerated Offender Grant post-secondary academic program to reach a larger segment of our population and provide much needed services to the eligible population seeking advanced academic programming.

The Division of Programs and Community Services, including the Offices of Educational Services, Transitional Services and Community programs, are available to assist each inmate with information and resources related to post-release educational and employment opportunities prior to their scheduled release. The department provides inmates with comprehensive career awareness, community connections and job fairs to educate inmates with information related to employment and services available in the location, city or town to which they will be returning. The department also provides inmates access to Workforce Learning Links computer labs which are linked to the New Jersey Department of Labor and Workforce

Discussion Points (Cont'd)

Development One-Stop Career Centers. This valuable employment link started while each inmate is incarcerated is transferable and available to the post-release inmate at his/her county One-Stop Career Center. Furthermore, the Division of Programs and Community Services in collaboration with the DOC Grants Management Unit, has been actively seeking grant funding streams to assist inmates in connecting to and obtaining CTE opportunities and employment upon release. These post-release education and certification/licensing programs would provide each successful inmate an opportunity to connect to employment and advance through a career path.

12. A September 8, 2008 article in the New Jersey Law Journal noted that the Federal court was seeking to step in and provide oversight of the Passaic County Jail due to "horrific" conditions within the jail.

- **Question:** How many State sentenced inmates does the DOC house in the Passaic County Jail? What type of monitoring does the DOC conduct over the county jails which house State sentenced inmates awaiting housing in a State facility?

Response:

State sentenced inmates at Passaic County Jail are brought into the Department of Corrections Reception Center as soon after sentencing as possible; typically two (2) to three (3) weeks. Pre-sentence Reports and Judgments of Conviction—are required for intake and take that long to become available. As of April 3, 2009 there are forty-seven (47) State sentenced inmates awaiting transfer into the Department of Corrections.

The County Jail Inspection Unit monitors county jails. Staff travels to all county facilities to perform inspections on basic security and medical services; as required by N.J.A.C.10A:31.

The Reception Unit intake staff also monitor State sentenced inmates via automated systems to ensure timely admission into the Department of Corrections system.

13. In a hearing before the SCI on November 18, 2009, a corrections officer and two inmates provided videotaped testimony that the officer smuggled a cell phone to a gang member by hiding it under his bulletproof vest for \$600. The NJDOC has prohibited cell phones from the inmate population.

- **Question:** How widespread is the problem of corrections officers smuggling contraband into the prisons? What steps has the department taken to monitor the actions of its corrections officers so that this smuggling can be eliminated?

Response:

The primary source of introducing contraband is not attributable to employees. The department has a zero tolerance policy as it relates to employees introducing

Discussion Points (Cont'd)

contraband into the facilities and violation of this policy results in removal. The department is committed to eliminating all contraband from its facilities. Information previously provided to SCI by the Department of Corrections indicated that sources of contraband introduction have included but were not limited to delivered mail, inmate visitors, program volunteers, and civilian and custody staff.

The department has implemented new policies and procedures for the following preventative measures:

- 1) The use of X-ray machines and metal detectors at the entrances to facility inner-security perimeters,
- 2) Both staff and visitors are subject to pat-searches,
- 3) Custody supervisors monitor facility ingress points during shift changes,
- 4) Increased staff training that stresses professionalism and a strict law enforcement code of conduct.
- 5) The use of canines trained to find cell phones and other electronic communication devices during routine searches.
- 6) Enforcement of a strengthened zero-tolerance policy for bad actors

The department is on the forefront of development, training and implementation of measures that will assist in a proactive approach to addressing these serious issues.

- **Question:** What is the extent of the cell phone use by inmates in NJDOC institutions? How do these inmates obtain these and other prohibited contraband items? What steps has the Department of Corrections taken to reduce inmate access to cell phones?

Response:

Cell phone use by inmates within the DOC is of continuing concern. As previously indicated, the department has implemented the preventive measures described above to reduce the introduction of all contraband including cell phones. Also, the department vigorously investigates these matters and takes prompt and immediate action to remove any compromised staff. Inmates are sanctioned administratively. When warranted, these matters are referred for criminal prosecution.

In addition, the department supports the Safe Prisons Communications Act of 2009, federal legislation [S.251, H.R.560] recently introduced in both the House and Senate. The act allows the Bureau of Prison Director and State Governors in each state to petition the FCC to allow for the use of cell phone jamming devices in correctional facilities. Such devices would prevent the unlawful use of cell phones by inmates by blocking their transmissions within the facility.

14. During this hearing, it was also stated that gang members without criminal records are making an effort to infiltrate the ranks of corrections officers and the police.

Discussion Points (Cont'd)

- **Question:** What type of background checks does the department perform on its corrections officer recruits? How would the department strengthen these checks to reduce the possibility of gang infiltration?

Response:

Based on a review of hiring procedures the department updated the application from a standard employment application which consisted of seven (7) pages to a law enforcement application which consists of twenty seven (27) pages of questions to obtain vital information. Additionally, the DOC re-instituted home interviews as part of the pre-employment investigation process. All staff assigned to the Recruitment Unit have completed and continue to receive training in gang identification, interview techniques, as well as, specific training for checking social networking sites on the internet. These sites have become a great source of investigative material. The following is a list of background checks that are performed by the DOC:

- 1) NCIC-National Criminal Information Center
- 2) CCH- Criminal Computer History
- 3) WW- Wants and Warrants
- 4) Interstate Want and Warrants
- 5) DMV- Motor Vehicle
- 6) Juvenile Check
- 7) PG- Promis Gavel, detailed criminal history
- 8) Firearms
- 9) ACS- N.J. Automatic Complaint System
- 10) ATS- N.J. Automatic Traffic System
- 11) DV- Domestic Violence
- 12) Sexual Assault Offenders
- 13) Check with local police department
- 14) Check with all employers, current and past.

Many techniques have been instituted to better ensure a quality candidate for the DOC. Utilizing existing staff, the following changes were also implemented:

- 1) Conduct interviews with the neighbors of candidates.
- 2) Conduct interviews with employers.
- 3) Contact the local police.
- 4) Cross check with other law enforcement agencies where the candidate applied.
- 5) Check the My Space Accounts, Facebook and e-mails of candidates.
- 6) Check all military records.
- 7) Candidates complete a body chart including tattoos including description and location. The information is verified by our medical staff.
- 8) Cross check is performed using the website Lawman.com.
- 9) Cross check with the local prosecutors' offices.
- 10) Contacts with the various Law Enforcement Gang Units.

Recently, the Civil Service Commission upheld the department's decision to remove an applicant from the Corrections Officer Recruit employment list due to gang affiliation, as was found during the pre-employment investigation.

Discussion Points (Cont'd)

15. In its 2008 annual report, the SCI noted:

Gang members have also demonstrated a sophisticated ability to manipulate the inmate accounts system in order to bankroll their criminal endeavors. The Commission's inquiry found that during a four-year period between 2004 and 2008 approximately \$64 million were deposited in the inmate trust account system with no limitations on the amount and frequency of deposits or disbursements . . . Commission investigators found numerous examples in which gang-affiliated inmates used the account system to send money to third party individuals – who, in turn, used fictitious names and addresses in order to avoid suspicion and detection by authorities. In some instances, these transactions involved the purchase of contraband, including drugs.

- **Question:** What safeguards have been put in place to eliminate the use of inmates funds for illegal activities?

Response:

In response to the Commission's findings, the department issued a directive to increase internal controls over the processing of inmate receipts and check disbursements. In addition to this directive, the department is researching the feasibility of a policy that would limit the frequency and or amount of inmate deposits and disbursements.

In accordance with the current directive, funds received for deposit must meet the criteria set forth in N.J.A.C. 10A:18-2.13 and N.J.A.C. 10A:18-6.18. The acceptance of cash, personal checks and foreign checks are strictly prohibited. DOC staff are now required to verify that all mail and visit receipts contain the donor's full name and address. The donor's name and address must be legible and include the following:

- Full First Name; and Full Last Name
- Street address, which includes a number and the name of the street
- Name of City
- Name of State
- Zip Code

The use of a PO Box number is not accepted without all of the above required information

All funds presented during inmate visits that do not contain the required information are refused. Compliant receipts are accepted and the donor's name and address information is recorded in the inmate trust fund accounting module of the department's inmate management system.

Discussion Points (Cont'd)

If an inmate wishes to have funds disbursed from his/her account to an outside party, a Business Remit form must be completed by the inmate and signed by the Housing Officer. The remit must provide the following payee information:

- Full First Name, Full Last Name
- Street address, which includes number and street name
- Name of City
- Name of State
- Zip Code
- Relationship of Payee

These steps alone would not eliminate the use of funds for illegal activities however, they do provide an enhanced investigative tool for monitoring the sources and uses of inmate funds.

Another tool used by the department is a device that will intercept and drop a third-party call on the inmate phone system, this will disrupt attempts to use the system for nefarious purposes.

16. During the FY 2009 budget process, the DOC was asked to provide the committee with information about the status of the replacement of the high temperature hot water underground distribution system at South Woods State Prison which experienced complete failure. The department received \$8 million in FY 2007 for this purpose and another \$6 million in FY 2008. DOC stated that the final forensic report of the system failure was due in June, 2007. Construction had been expected to begin in August, 2007 but in March, 2008, the Department of the Treasury, Division of Property Management and Construction was evaluating the bid proposals.

- **Question:** What is the status of the repair/replacement of the hot water system? What is the status of the State's effort to recoup the initial construction money from the vendor for installing a faulty system?

Response:

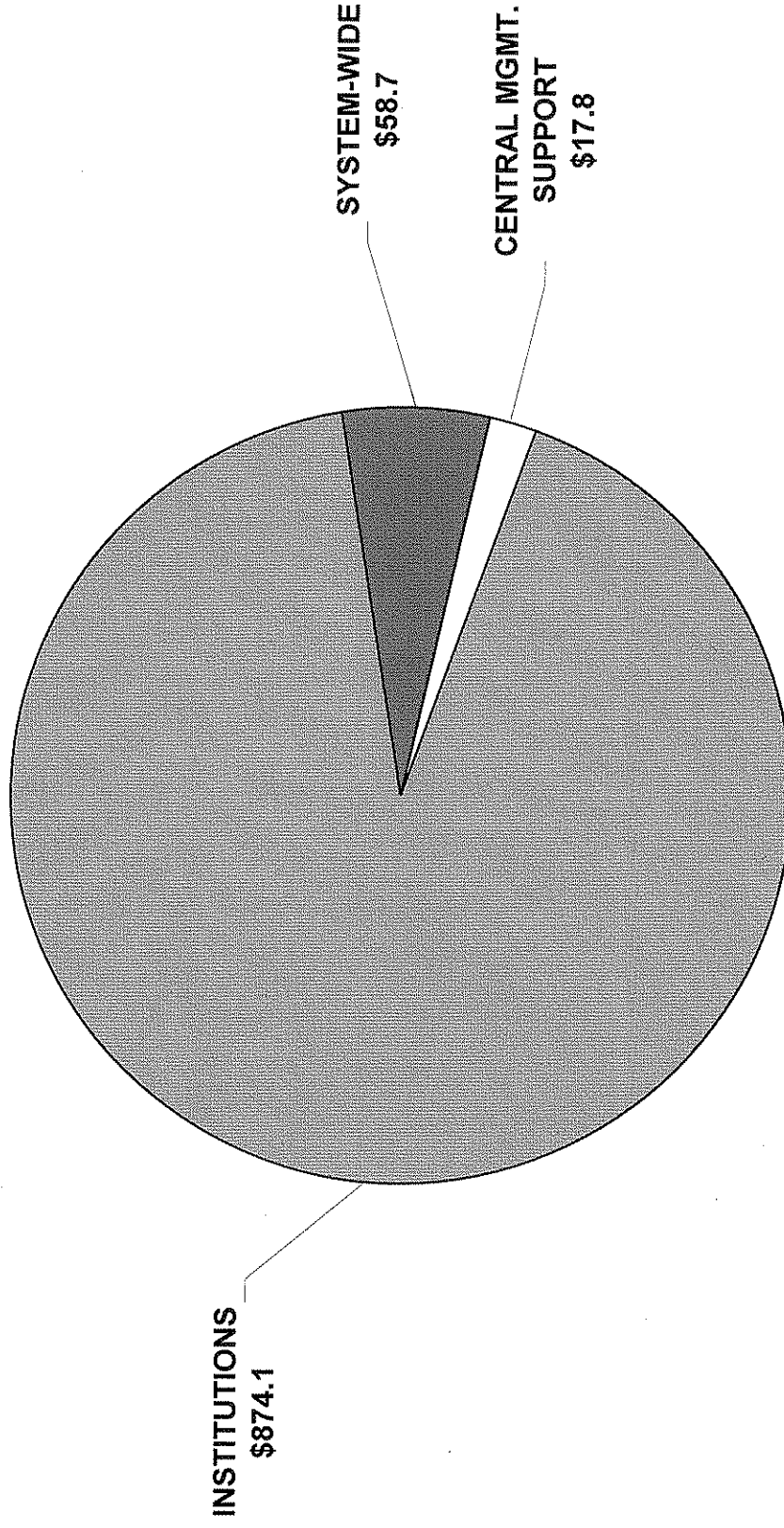
The Division of Property Management and Construction signed a Construction Contract with the Bedwell Co. on August 8, 2008 to replace the high pressure hot water system at South Woods State Prison. At the present time, the project is 56% complete. The scheduled completion date is August 9, 2009.

The department has worked with the Attorney General's Office and the Division of Property Management and Construction to formalize a claim for the entire loss, which includes funds expended from capital and operating accounts during the six leak repair events and the replacement project. In April 2008, the Attorney General filed a Civil Action in Mercer County Superior Court.

DEPARTMENT OF CORRECTIONS

**FY 2010 GOV. REC.
(\$ in 000)**

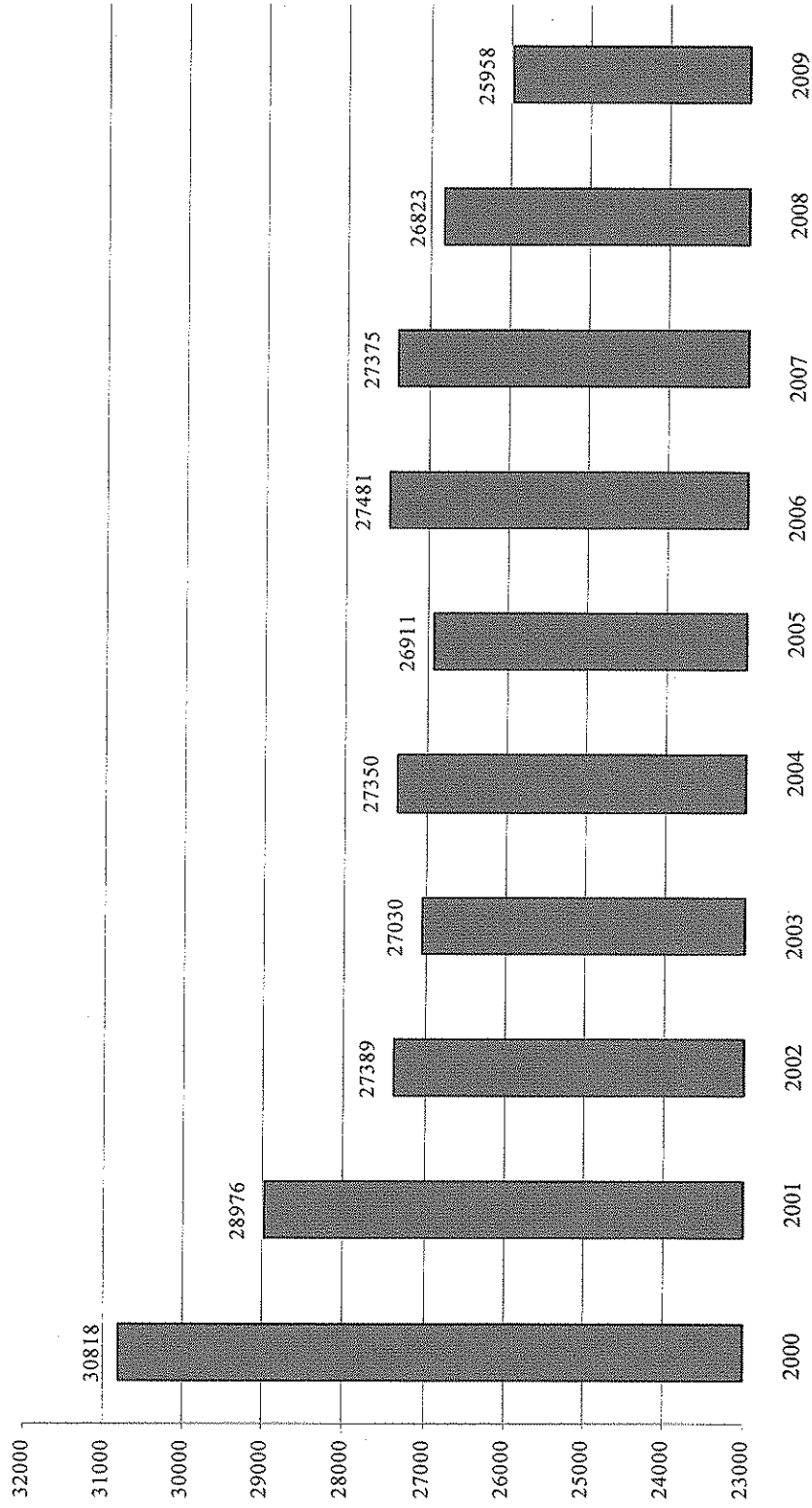
DISTRIBUTION OF DSS FUNDS BY ORGANIZATION



TOTAL = \$950.6 million

NEW JERSEY DEPARTMENT OF CORRECTIONS

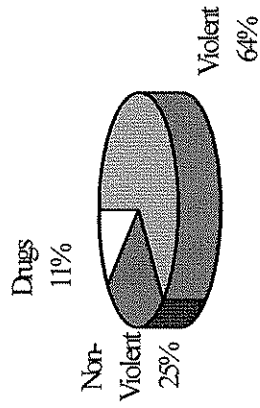
January 1 Adult Inmate Population



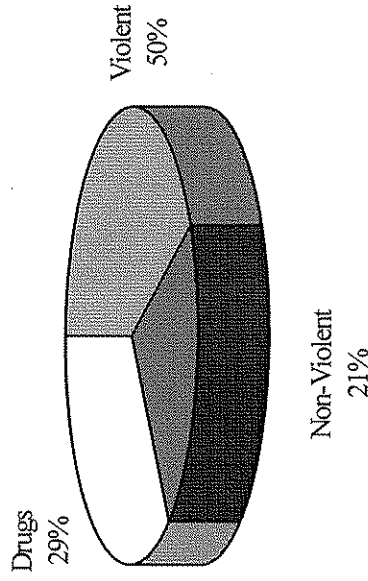
Since January 1, 2000 the Department's adult inmate population has dropped by 4,860 (-15.8%) from 30,818 to 25,958. The inmate population peaked in July 1999 at 31,300.

ADULT INMATES BY OFFENSE TYPES

January 1, 1987
(14,300 Inmates)



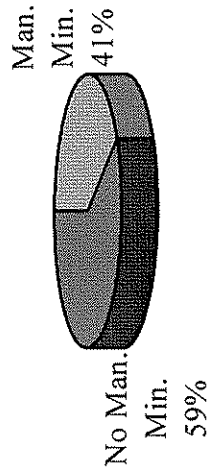
January 1, 2009
(25,958 Inmates)



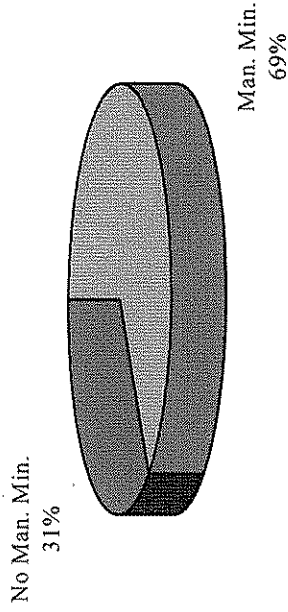
- From 1987 to 2009, DOC jurisdictional population increased by 82%, from 14,300 to 25,958 inmates.
- At that time (1987), only 11% (approximately 1,600) of 14,300 state inmates were incarcerated for drug offenses.
- Currently, 29% (approximately 7,527) of 25,958 state inmates are incarcerated for drug offenses.
- Since 1987, DOC population has increased by 11,658 inmates. Fifty-one percent of that increase is attributable to increased incarceration and length-of-stay for drug offenders.

ADULT INMATES BY MANDATORY MINIMUMS

January 1, 1987
(14,300 Inmates)



January 1, 2009
(25,958 Inmates)



- Prior to enactment of the Comprehensive Drug Reform Act of 1987 (CDRA), drug offenses were not part of 2C and sanctions precluded imposition of mandatory minimum terms.
- As depicted in our previous chart, during the period of 1987 to 2008 DOC jurisdictional population increased by 82%, from 14,300 inmates to 25,958.
- In 1987, 41% (approximately 5,900) of 14,300 inmates had mandatory minimum terms.
- Today, 69% (approximately 17,911) of 25,958 inmates have mandatory minimum terms.
- In 1987, there were no drug offenders with mandatory minimum terms.
- Today, of 17,911 inmates with mandatory minimum terms, 27% are drug offenders.
- Since 1987, inmates with mandatory minimum terms have increased by 12,011 (204%). Of that increase, 40% is attributable to drug offenders with mandatory minimums.