

LEGISLATIVE FISCAL ESTIMATE

ASSEMBLY, No. 5751

STATE OF NEW JERSEY

219th LEGISLATURE

DATED: MAY 21, 2021

SUMMARY

Synopsis: Expands State corrections officers training to include topics contributing to their core mission of treating inmates with dignity, fairness, and respect.

Type of Impact: An annual expenditure increase to the State.

Agencies Affected: Department of Corrections.

Office of Legislative Services Estimate

Fiscal Impact	
Annual State Cost Increase	Indeterminate

- The Office of Legislative Services (OLS) anticipates an annual, indeterminate increase in expenditures for the Department of Corrections (DOC). This bill increases the mandatory in-service training hours from 20 to 40 hours. In a fiscal estimate for S-2532 (1R) of the 2018-2019 session (P.L.2019, c.410), the OLS concurred with the Department of Corrections (DOC) that an additional four hours of in-service training in the prevention of sexual assault, sexual abuse, and sexual harassment would cost an estimated \$1.4 million annually. The expense was largely limited to overtime hours incurred due to officers vacating their posts for mandatory training.
- In response to a FY 2022 Assembly Budget Committee follow up question, the DOC noted that the Department currently provides custody staff with 24 hours of annual mandatory in-service training. According to the DOC, in order to comply with new mandates the number of annual in-service training hours that the Department will be required to complete increases to approximately sixty hours in FY 2022. The DOC pointed out that the increase in mandated training would result in the DOC incurring additional expenditures in overtime and resources. However, the DOC could not determine the costs for FY 2022. The OLS is unable to confirm the number of additional hours that would be required per the provisions of this bill. Based on the information provided by the DOC, it is unclear if the mandatory hours of in-service training already address the requirements of this bill.
- The OLS projects an indeterminate annual expenditure increase to the DOC due to the required criminal history record background check for employment as a State corrections

officer. According to the New Jersey State Police website, the cost of a name-based criminal history record check is \$20. In an average year, without the changes brought about by the pandemic, there are 300 new recruits on average per year who graduate from the three training academies. Additionally, there may be other new hires. The OLS does not have the exact number of new employees at State corrections facilities who would require criminal history record background checks for employment.

BILL DESCRIPTION

This bill requires that the core mission of State corrections officers to treat inmates with dignity, fairness, and respect be established and incorporated throughout both the basic and in-service training these officers are required to complete.

To implement this requirement, the basic training and in-service curriculum is to include training and education on the following topics: de-escalation, including training in interacting with combative or threatening inmates and inmates experiencing mental health crises; minimization of use of force against inmates; cultural diversity and implicit bias; appropriate methods of engaging with inmates of diverse cultures and religions and inmates who are members of the lesbian, gay, bisexual, transgender, and questioning (LGBTQ) community and gender nonconforming inmates; the rights of inmates; lifestyle stressors, self-awareness, and self-regulation; officer and inmate safety; communication skills; and any other topic deemed necessary to advance the core mission of treating inmates with dignity, fairness, and respect.

Current law requires 20 hours of in-service training for State correctional police officers. Of these 20 hours, four hours of this mandatory training is required to cover sexual assault, sexual abuse, and sexual harassment prevention as required by the federal Prison Rape Elimination Act; non-fraternization and undue familiarity; and conditioning and manipulation awareness. The remaining 16 hours is to be dedicated to topics chosen by the training department of each State correctional facility from a list of approved courses developed by the Department of Corrections. This bill increases the mandatory in-service training from 20 hours to 40 hours. The additional 20 hours are to be dedicated to the topics implementing the core mission as specified in the bill.

The bill also clarifies that passing a criminal history record background check is a qualification for employment as a State corrections officer.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

Mandatory In-Service Training

The OLS estimates that the DOC would incur an indeterminate additional expense, annually, for mandatory in-service training for 40 hours for corrections officers. Current law requires 20 hours of in-service training for State correctional police officers. The additional 20 hours

are to be dedicated to topics implementing the core mission of treating inmates with fairness and respect, ranging from de-escalation to questioning of LGBTQ inmates.

In a fiscal estimate for S-2532 (1R) of the 2018-2019 session (P.L.2019, c.410), the OLS concurred with the DOC that an additional four hours of in-service training in the prevention of sexual assault, sexual abuse, and sexual harassment would cost an estimated \$1.4 million annually. The expense was largely limited to overtime hours incurred due to officers vacating their posts for mandatory training. The OLS does not have an updated breakdown for the overtime hourly rates or the number of corrections officers by rank but to provide an overview of the hourly rates and the number of staff involved, below are FY 2018 estimates:

	Senior Correctional Police Officer	Correctional Police Sergeant	Correctional Police Lieutenant
Hourly Overtime Rate	\$59.88	\$68.69	\$80.73
Staff per Rank	4,984	489	281

In response to a FY 2022 Assembly Budget Committee follow up question, the DOC noted that the Department currently provides custody staff with 24 hours of annual mandatory in-service training. This training includes eight hours of firearms training and four hours of sexual awareness/sexual abuse prevention training annually for custody staff and includes Trauma Informed Care, Prison Rape Elimination Act training, and Undue Familiarity and Search of Persons training. In accordance with recent mandates issued by the Office of the Attorney General, the Department now conducts additional training such as Community Law Enforcement Affirmative Relations training. The DOC noted that the Department has begun the mandated Attorney General’s 16 hours of Resiliency Training. Further, an additional 16 hours of mandatory training regarding the newly updated Use of Force policy is anticipated for FY 2022. Training mandated by recently passed legislation includes four hours of sexual awareness/sexual abuse prevention training annually for custody staff and includes Trauma Informed Care, Prison Rape Elimination Act, Undue Familiarity and Search of Persons training.

According to the DOC, in order to comply with these mandates and conduct the corresponding training, the number of annual in-service training hours that the Department will be required to complete increases to approximately sixty hours. The DOC pointed out that “it is likely that this increase in mandated training will result in the Department incurring additional expenditures in overtime and resources (cost not yet determined).” The OLS is unable to confirm the number of additional hours that would be required per the provisions of this bill. Based on the information provided by the DOC, it is unclear if the mandatory hours of in-service training already address the requirements of this bill.

Criminal History Background Check

The bill also clarifies that passing a criminal history record background check is a qualification for employment as a State corrections officer. In response to the FY 2022 Discussion Point question, the DOC stated that the Department typically holds three Training Academy classes and graduates approximately 300 Correctional Police Officer Recruits annually. However, due to COVID-19, FY 2020 and FY 2021 were unusual and had a lower number of graduates due to reduced class size for purposes of social distancing. According to the New Jersey State Police website, the cost of a name-based criminal history record check is \$20. This provision would add to the State expenditure with new recruits and other new hires who would be required to pass the criminal history background check.

Section: Judiciary

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).