

ANALYSIS OF THE NEW JERSEY BUDGET

**DEPARTMENT OF CORRECTIONS
STATE PAROLE BOARD**

FISCAL YEAR

2008 - 2009

NEW JERSEY STATE LEGISLATURE

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DEPARTMENT OF CORRECTIONS AND STATE PAROLE BOARD

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Fiscal Summary (\$000)

| | Expended FY 2007 | Adjusted Appropriation FY 2008 | Recommended FY 2009 | Percent Change 2008-09 |
|----------------|---------------------|--------------------------------------|------------------------|------------------------------|
| State Budgeted | \$1,132,063 | \$1,184,028 | \$1,149,298 | (2.9%) |
| Federal Funds | 9,044 | 10,281 | 9,088 | (11.6%) |
| <u>Other</u> | <u>60,014</u> | <u>55,791</u> | <u>55,529</u> | <u>(.5%)</u> |
| Grand Total | \$1,201,121 | \$1,250,100 | \$1,213,915 | (2.9%) |

Personnel Summary - Positions By Funding Source

| | Actual FY 2007 | Revised FY 2008 | Funded FY 2009 | Percent Change 2008-09 |
|-----------------|-------------------|--------------------|-------------------|------------------------------|
| State | 9,668 | 9,539 | 9,605 | .7% |
| Federal | 33 | 35 | 41 | 17.1% |
| <u>Other</u> | <u>362</u> | <u>358</u> | <u>372</u> | <u>3.9%</u> |
| Total Positions | 10,063 | 9,932 | 10,018 | .9% |

FY 2007 (as of December) and revised FY 2008 (as of January) personnel data reflect actual payroll counts. FY 2009 data reflect the number of positions funded

Key Points

- According to the Department of Corrections' monthly Summary of Residents, Admissions and Releases report, as of January 31, 2008, there were 26,694 State sentenced inmates housed in State and county correctional facilities and halfway house placements, 679 or 2.5 percent fewer inmates than the number housed on January 31, 2007. The department estimates that the average daily inmate population will decrease by 70 inmates per month during FY 2009.
- According to the FY 2009 budget evaluation data, with an average projected population level of 22,854 inmates housed in State operated facilities, the State prisons are expected to operate at 136 percent of their rated capacity of 16,783 bed spaces in FY 2009. The excess population is accommodated primarily through double bunking at various institutions and the conversion of other facility operating space to inmate bed

Key Points (Cont'd)

spaces. The balance of the State sentenced prison population in excess of the 22,854 are housed in county correctional facilities and halfway houses.

- FY 2009 budget evaluation data indicates that the department anticipates an average daily population of 1,133 inmates housed in the county jails, 484 less inmates than the average daily population in FY 2008. This reduction reflects revised population forecasts as well as the implementation of an expanded Drug Court and Intensive Supervision Programs. In addition, funding has been provided to the State Parole Board for a new assessment and treatment program to be used as an alternative to re-incarceration in managing technical parole violators, thus potentially reducing the prison population housed in the county jails.

DIRECT STATE SERVICES

- The Department of Corrections' and the State Parole Board's combined FY 2009 Direct State Services recommendations total \$1.028 billion, which is \$1 million or 0.1 percent less than the FY 2008 adjusted appropriation of \$1.029 billion. Funding for institutional operations is recommended at \$941.6 million, totaling \$3.7 million or 0.4 percent less than the FY 2008 adjusted appropriation of \$945.3 million.

DEPARTMENT OF CORRECTIONS

- The FY 2009 recommendation for institutional salaries and wages totals \$582 million, \$11 million or 1.8 percent less than the amount appropriated in FY 2008. The reduction reflects the elimination of funded vacancies as well as the reduction of positions based on an attrition rate of 12 positions per pay period offset by the projected schedule of recruit graduates entering the work force. In addition, the department is planning to close the Stokes Unit in FY 2009, reducing staffing needs.
- A combined appropriation of \$24.413 million is recommended for the Civilly Committed Sexual Offender Facility and the Civilly Committed Sexual Offender Facility - Annex in FY 2009, an increase of \$73,000 over the FY 2008 adjusted appropriation of \$24.34 million. The FY 2009 recommendation would fund the increasing population of civilly committed sexual offenders. The department estimates that this population will grow at a rate of less than 2 residents per month. In FY 2009, the Civilly Committed Sexual Offender Facility is expected to provide 158 bed spaces and the Civilly Committed Sexual Offender Facility - Annex would provide 236 bed spaces, for a total of 394 bed spaces.
- The Department's FY 2009 recommendation for Services Other Than Personal includes an increase of \$7.43 million in the institutional accounts and \$353,000 in the System Wide accounts to fund the growth of inmate health care costs. The State Department of the Treasury recently 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. It is unclear how the change in health care providers will affect health care costs and whether the FY 2009 budget anticipates this change.

Key Points (Cont'd)

STATE PAROLE BOARD

- The State Parole Board is recommended to receive \$68.194 million in Direct State Services funding in FY 2009, an increase of \$3.141 million or 4.8 percent over its FY 2008 adjusted appropriation of \$65.053 million.
- A decrease of \$1.4 million is recommended for the State Parole Board's salaries and wages account for a total recommendation of \$39.8 million. The decrease reflects the elimination of 11 funded positions expected to become vacant through attrition and 15 positions already vacated. Despite this decrease, positions will increase by 21 from new program activity and recruitment of replacement officers to backfill attrition losses.
- A new appropriation of \$3.952 million is recommended for the Parole Board's Parole Violator Assessment and Treatment Program which provides a structured alternative to re-incarceration for parole violators. The program will provide a 14- to 30-day lockdown period for technical parole violators – parolees who were temporarily returned to custody for violations that did not lead to new criminal charges. During this lockdown, the State Parole Board will assess each offender's specific risk factors and needs and refer the offenders to the appropriate rehabilitative "community programs" necessary to address those risks and needs. The program will provide 45 bed spaces in two current Halfway Back facilities, serving the northern and central portions of the State. The initiative will fund 14 new positions.
- The Sex Offender Management Unit is recommended to receive \$9.01 million in FY 2009, an increase of \$1.16 million over the FY 2008 adjusted appropriation. The unit is responsible for the supervision of sex offenders, including parolees, sexually violent predators released from civil commitment and offenders sentenced to Community Supervision for Life (CSL). The program is designed to enhance public safety by preventing further victimization through improved management of adult sex offenders in the community. The recommended increase would allow the Parole Board to hire 14 additional positions to provide for the implementation of P.L.2007, c.219, the statute limiting sex offender internet access. The unit is anticipated to accommodate 3,700 participants in FY 2009, 200 more than the number of participants in FY 2008.
- P.L.2005, c.189 authorized the Satellite-based Monitoring of Sex Offender Pilot Program as a two year program to provide for the continuous, satellite-based monitoring of convicted sex offenders. P.L.2007, c.128 made the program permanent. The program is recommended to receive \$2.6 million in FY 2009, a decrease of \$200,000 or 7.1 percent under the program's FY 2008 adjusted appropriation. The reduction is based upon the Parole Board's projected caseload of 200 participants.

GRANTS-IN-AID

DEPARTMENT OF CORRECTIONS

- The FY 2009 recommendation for the Purchase of Services for Inmates Incarcerated in County Penal Facilities totals \$22.934 million. The recommended decrease anticipates savings of \$6.2 million from expansion of drug court, \$5.1 million from the Parole Violator Assessment and Treatment Program and \$3.6 million from the expansion of other community supervision programs. In addition, the decrease results from a projected overall decline in the use of county jail facilities (\$7.1 million) and the elimination of a one time appropriation of \$7.948 million that was to allow the

Key Points (Cont'd)

department to shift DOC population to the county jails while the department was transferring civilly committed sex offenders from their current facilities to another State operated facility.

- The FY 2008 Appropriations Act provided for the transfer of 394 civilly committed sex offenders from their current, overcrowded locations to a new location within the Department of Corrections. In order to maintain the segregation of these offenders from the general population and to retrofit current facilities to meet the needs of the civilly committed population, the department proposed the movement of general population inmates from an as yet unannounced location and house them in the county jails for the duration of the move at a cost of \$7.948 million. It is unclear where the general population inmates will be housed after the move of the civilly committed sexual offenders has been completed. As of April 2008, this transfer of inmates has not begun. It is unclear whether the planned transfer will occur in FY 2009 or whether it has been postponed or cancelled.

STATE PAROLE BOARD

- The Halfway Back program is recommended to receive \$18.1 million in FY 2009, an increase of \$804,000. Under the Halfway Back program, the department contracts with private entities at various locations throughout the State which provide a highly supervised residential environment consisting of drug treatment and relapse prevention services for offenders on parole. The program also addresses life skills development, anger and aggression management, unemployment and other issues confronted by offenders who are having difficulty adhering to the conditions of parole. The FY 2009 appropriation would fund 733 bed spaces, an increase of 33 beds over the FY 2008 level of 700 beds.

CAPITAL PROJECTS

DEPARTMENT OF CORRECTIONS

- The FY 2009 recommendation includes no funding for capital projects, a reduction of \$3.9 million under the FY 2008 adjusted appropriation. However, new language (page F-7) provides for funding for capital projects within the department as follows: \$3,919,000 for Fire Safety Code Compliance – Garden State Youth Correctional Facility, \$1,494,000 to Replace Modular Unit – Bayside State Prison, and \$1,580,000 for a Locking System Upgrade – Northern State Prison, in the Department of Corrections. In addition, new language (page D-91) appropriates \$5.44 million in revenue from anticipated real property sales to the Bayside State Prison Modular Unit Replacement Project.

REVOLVING FUNDS

DEPARTMENT OF CORRECTIONS

- The Bureau of State Use Industries operates self-sustaining work-training projects in the institutions. Products manufactured in the State Use Industries program are sold only to tax supported agencies, institutions, and units of State, county and municipal governments both within and outside of New Jersey. Products manufactured by inmate labor cannot be sold in competition with the products of free enterprise on the open market. The FY 2009 recommendation of \$18.75 million represents a reduction of

Key Points (Cont'd)

\$750,000 under the FY 2008 adjusted appropriation of \$19.5 million, to reflect the slowdown of orders in the current market environment and the anticipated continued reduced order flow as the State continues to minimize spending across all areas.

Background Paper

- Inmate Population Trends

p.22

Fiscal and Personnel Summary

AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

| | Expended FY 2007 | Adj. Approp. FY 2008 | Recom. FY 2009 | Percent Change | |
|---------------------------------|---------------------|----------------------------|--------------------|----------------|-----------------|
| | | | | 2007-09 | 2008-09 |
| General Fund | | | | | |
| Direct State Services | \$994,270 | \$1,028,994 | \$1,027,707 | 3.4% | (0.1%) |
| Grants-In-Aid | 136,668 | 151,098 | 121,591 | (11.0%) | (19.5%) |
| State Aid | 0 | 0 | 0 | 0.0% | 0.0% |
| Capital Construction | 1,125 | 3,936 | 0 | (100.0%) | (100.0%) |
| Debt Service | 0 | 0 | 0 | 0.0% | 0.0% |
| Sub-Total | \$1,132,063 | \$1,184,028 | \$1,149,298 | 1.5% | (2.9%) |
| Property Tax Relief Fund | | | | | |
| Direct State Services | \$0 | \$0 | \$0 | 0.0% | 0.0% |
| Grants-In-Aid | 0 | 0 | 0 | 0.0% | 0.0% |
| State Aid | 0 | 0 | 0 | 0.0% | 0.0% |
| Sub-Total | \$0 | \$0 | \$0 | 0.0% | 0.0% |
| Casino Revenue Fund | \$0 | \$0 | \$0 | 0.0% | 0.0% |
| Casino Control Fund | \$0 | \$0 | \$0 | 0.0% | 0.0% |
| State Total | \$1,132,063 | \$1,184,028 | \$1,149,298 | 1.5% | (2.9%) |
| Federal Funds | \$9,044 | \$10,281 | \$9,088 | 0.5% | (11.6%) |
| Other Funds | \$60,014 | \$55,791 | \$55,529 | (7.5%) | (0.5%) |
| Grand Total | \$1,201,121 | \$1,250,100 | \$1,213,915 | 1.1% | (2.9%) |

PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

| | Actual FY 2007 | Revised FY 2008 | Funded FY 2009 | Percent Change | |
|------------------------|-------------------|--------------------|-------------------|----------------|-------------|
| | | | | 2007-09 | 2008-09 |
| State | 9,668 | 9,539 | 9,605 | (0.7%) | 0.7% |
| Federal | 33 | 35 | 41 | 24.2% | 17.1% |
| All Other | 362 | 358 | 372 | 2.8% | 3.9% |
| Total Positions | 10,063 | 9,932 | 10,018 | (0.4%) | 0.9% |

FY 2007 (as of December) and revised FY 2008 (as of January) personnel data reflect actual payroll counts. FY 2009 data reflect the number of positions funded.

AFFIRMATIVE ACTION DATA

| | | | | | |
|------------------------|-------|-------|-------|-----|-----|
| Total Minority Percent | | | | | |
| Corrections | 42.8% | 44.0% | 43.7% | --- | --- |
| Parole | 35.7% | 35.8% | 34.8% | --- | --- |

Significant Changes/New Programs (\$000)

| <u>Budget Item</u> | <u>Adj. Approp.</u> <u>FY 2008</u> | <u>Recomm.</u> <u>FY 2009</u> | <u>Dollar</u> <u>Change</u> | <u>Percent</u> <u>Change</u> | <u>Budget</u> <u>Page</u> |
|--------------------|---------------------------------------|----------------------------------|--------------------------------|---------------------------------|------------------------------|
|--------------------|---------------------------------------|----------------------------------|--------------------------------|---------------------------------|------------------------------|

DIRECT STATE SERVICES

| | | | | | |
|---------------------------|------------------|------------------|-------------------|----------------|-------------|
| Salaries and Wages | \$592,918 | \$581,995 | (\$10,923) | (1.8%) | D-82 |
|---------------------------|------------------|------------------|-------------------|----------------|-------------|

The largest portion of this reduction is due to a savings of \$4.2 million projected to result from an alternative method of providing shift overlap. The FY 2009 reduction also reflects the elimination of funded vacancies as well as the reduction of positions based on an attrition rate of 12 positions per pay period offset by the schedule of recruit graduates entering the work force. In addition, the department is planning to close the Stokes Unit in FY 2009, reducing staffing needs, and saving \$2.8 million. The department also plans to eliminate inmate work details, estimated to save \$1.7 million.

Materials and Supplies

| | | | | | |
|--|-----------------|-----------------|-----------------|---------------|-------------|
| | \$74,979 | \$74,290 | (\$ 689) | (.9%) | D-82 |
|--|-----------------|-----------------|-----------------|---------------|-------------|

According to the Office of Management and Budget, the FY 2009 recommended reduction is based on the department's internal operational efficiency initiative.

Services Other Than Personal

| | | | | | |
|--|------------------|------------------|-----------------|-------------|-------------|
| | \$165,863 | \$173,293 | \$ 7,430 | 4.5% | D-82 |
|--|------------------|------------------|-----------------|-------------|-------------|

The FY 2009 recommended increase provides funding for the growth of inmate health care costs. The State Department of Treasury recently 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. It is unclear how the change in health care providers will affect health care costs and whether the FY 2009 budget anticipates this change.

SPECIAL PURPOSE**Civilly Committed****Sexual Offender**

| | | | | | |
|-----------------|----------------|----------------|--------------|------------|-------------|
| Facility | \$9,226 | \$9,259 | \$ 33 | .4% | D-82 |
|-----------------|----------------|----------------|--------------|------------|-------------|

Civilly Committed**Sexual Offender**

| | | | | | |
|--------------------------|-----------------|-----------------|--------------|------------|-------------|
| Facility -- Annex | \$15,114 | \$15,154 | \$ 40 | .3% | D-82 |
|--------------------------|-----------------|-----------------|--------------|------------|-------------|

| | | | | | |
|--------------|-----------------|-----------------|--------------|------------|--|
| TOTAL | \$24,340 | \$24,413 | \$ 73 | .3% | |
|--------------|-----------------|-----------------|--------------|------------|--|

The FY 2009 recommendation would fund the increasing population of Civilly Committed Sexual Offenders. The department estimates that this population will grow at a rate of 4 residents per month. In FY 2009, the Civilly Committed Sexual Offender Facility is expected to provide 158 bed spaces and the Civilly Committed Sexual Offender Facility - Annex would provide 236 bed spaces, for a total of 394 bed spaces. This population has grown at a rate of less than two individuals per month over the past two fiscal years.

Significant Changes/New Programs (\$000) (Cont'd)

| <u>Budget Item</u> | <u>Adj. Approp. FY 2008</u> | <u>Recomm. FY 2009</u> | <u>Dollar Change</u> | <u>Percent Change</u> | <u>Budget Page</u> |
|---|---------------------------------|----------------------------|--------------------------|---------------------------|------------------------|
| FEDERAL FUNDS | | | | | |
| Institutional Care and Treatment | \$890 | \$786 | (\$ 104) | (11.7%) | D-83 |

The FY 2009 expectation for federal funding consists of two programs throughout the institutions, the Neglected and Delinquent program and the Individuals With Disabilities Education Act (IDEA) program. The recommendation also includes funding for a visitation program at the Edna Mahan Correctional Facility for Women.

The Federal Neglected and Delinquent program, which provides supplementary educational skills in the basic skills area to student offenders under 21 years of age and not possessing a high school diploma or equivalent, is funded based on the number of students served during the previous school year. The program is recommended to receive \$485,000 in FY 2009, a decrease of \$77,000 under the FY 2008 adjusted appropriation of \$562,000.

The Federal Individuals with Disabilities Education Act (IDEA) program is anticipated to receive \$203,000 in FY 2009, a decrease of \$27,000 under the FY 2008 adjusted appropriation of \$230,000. The Individuals with Disabilities Education Act governs how states and public agencies provide early intervention, special education, and related services to children under the age of 21 with disabilities.

The federally funded Edna Mahan Visitation program is anticipated to receive \$98,000 in FY 2009, the same amount appropriated in FY 2008.

| | | | | | |
|---|----------------|----------------|---------------|-------------|-------------|
| ALL OTHER FUNDS | | | | | |
| Institutional Care and Treatment | \$8,627 | \$8,765 | \$ 138 | 1.6% | D-83 |

The FY 2009 recommendation for Institutional Care and Treatment, All Other Funds represents funding awarded to the institutions under the State Facilities Education Act of 1979 (SFEA) (P.L. 1979, c.207). Funds for this program are provided through the Department of Education and based on annual pupil count that is conducted on the last school day prior to October 16th for the following school year. Eligible student offenders are 20 years of age or younger on July 1, enrolled in education programs, and not yet possessing a high school diploma or equivalent. Funds are distributed proportionally based on each facility's pupil count after adjustments are made for central office educational support services, various special services and other contingencies.

| | | | | | |
|--|-----------------|-----------------|---------------|-------------|-------------|
| Administrative and Support Services | \$15,287 | \$15,553 | \$ 266 | 1.7% | D-83 |
|--|-----------------|-----------------|---------------|-------------|-------------|

The FY 2009 increase in this account reflects an increase in receipts from the institutional Inmate Canteens. Profits from each of the institution's inmate canteens are transferred to the Inmate Welfare Fund and used to fund programs and activities which benefit the inmates.

Significant Changes/New Programs (\$000) (Cont'd)

| <u>Budget Item</u> | <u>Adj. Approp. FY 2008</u> | <u>Recomm. FY 2009</u> | <u>Dollar Change</u> | <u>Percent Change</u> | <u>Budget Page</u> |
|---|---------------------------------|----------------------------|--------------------------|---------------------------|------------------------|
| SYSTEM WIDE PROGRAM SUPPORT Services Other Than Personal | \$8,915 | \$9,268 | \$ 353 | 4.0% | D-84 |

The FY 2009 recommended increase provides funding for the growth of inmate health care costs. The State Department of Treasury recently 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. It is unclear how the change in health care providers will affect health care costs and whether the FY 2009 budget anticipates this change.

**GRANTS IN AID
Purchase of Service
for Inmates
Incarcerated in
County Penal
Facilities**

| | | | | |
|-----------------|-----------------|-------------------|-----------------|-------------|
| \$52,845 | \$22,934 | (\$29,911) | (56.6%) | D-85 |
|-----------------|-----------------|-------------------|-----------------|-------------|

Although Executive Order #106 which authorized the Department of Corrections to house State Sentenced prison inmates in the county jails in order to alleviate overcrowding in the State's prisons expired in March 1998, the Department of Corrections continues to house State inmates in county penal facilities at various reimbursement rates agreed upon between the State and the counties. The State has entered into contracts with eighteen of the State's twenty-one counties to house these inmates at various reimbursement rates.

The FY 2009 budget recommendation anticipates an average daily population of 1,133 inmates housed in the county jails, 484 fewer inmates than the average daily population in FY 2008. This reduction reflects revised population forecasts of 70 fewer inmates entering the correctional system per month than the number leaving it and a savings of \$7.1 million. In addition the reduction anticipates savings of \$6.2 million from expansion of drug court, \$5.1 million from the Parole Violator Assessment and Treatment Program and \$3.6 million from the expansion of other community supervision programs.

The FY 2009 reduction includes the reduction of a one-time expenditure of \$7.9 million made in FY 2008 to accommodate the transfer of 394 civilly committed sex offenders from their current locations to a new location within the Department of Corrections. According to the department, plans are currently underway to relocate civilly committed sexual offenders from their current locations to a location that can accommodate both the current population and allow sufficient space for growth. The current locations have reached capacity and will soon be unable to accept new residents.

In order to maintain the segregation of the civilly committed sex offenders from the general population and to retrofit current facilities to meet the needs of the civilly committed population, the department stated that it will be necessary to move general population inmates from an as yet unannounced location and house them in the county jails for the duration of the

Significant Changes/New Programs (\$000) (Cont'd)

| <u>Budget Item</u> | <u>Adj. Approp.</u> <u>FY 2008</u> | <u>Recomm.</u> <u>FY 2009</u> | <u>Dollar</u> <u>Change</u> | <u>Percent</u> <u>Change</u> | <u>Budget</u> <u>Page</u> |
|--------------------|---------------------------------------|----------------------------------|--------------------------------|---------------------------------|------------------------------|
|--------------------|---------------------------------------|----------------------------------|--------------------------------|---------------------------------|------------------------------|

move. It is unclear where the general population inmates will be housed after the move of the civilly committed sexual offenders has been completed. As of April 2008, this transfer of inmates has not begun and it is unclear when, or whether it will occur.

FEDERAL FUNDS**Institutional Program**

| | | | | | |
|----------------|----------------|----------------|------------------|-----------------|-------------|
| Support | \$8,167 | \$7,022 | (\$1,145) | (14.0%) | D-85 |
|----------------|----------------|----------------|------------------|-----------------|-------------|

The department anticipates funding for six federally funded programs in FY 2009. One program, The Prisoner Reentry Initiative Grant – Camden County which totaled \$431,000 in FY 2008 is not funded in FY 2009. Federal funds for the following programs are anticipated in FY 2009:

- Promoting Responsible Fatherhood grant is projected at \$407,000 in FY 2009, an increase of \$68,000 over the FY 2008 adjusted appropriation of \$339,000.
- The State Criminal Alien Assistance program is anticipated at \$5.5 million in FY 2009, a decrease of \$382,000 under the FY 2008 adjusted appropriation of \$5.882 million.
- The Counterterrorism Prison Intelligence grant is expected to be \$400,000 in FY 2009, a decrease of \$400,000 from the FY 2008 adjusted appropriation of \$800,000.
- The National Institute of Justice Grant for Corrections Research–Escape Study grant is projected at \$57,000 in FY 2009, the same level of funding as received in FY 2008.
- SSAS Incentive Payments grant is projected at \$50,000 in FY 2009, the same level of funding as received in FY 2008.
- Project INSIDE is expected to be \$608,000 in FY 2009, the same level of funding as received in FY 2008.

ALL OTHER FUNDS**Institutional**

| | | | | | |
|------------------------|--------------|--------------|--------------|--------------|-------------|
| Program Support | \$151 | \$193 | \$ 42 | 27.8% | D-85 |
|------------------------|--------------|--------------|--------------|--------------|-------------|

The FY 2009 recommendation reflects a grant from the Nicholson Foundation to address prisoner reentry issues. Funding will provide for the hiring of two social workers to prepare and submit applications six months prior to an offender's release date for Supplemental Security Income/Social Security Disability Insurance (SSI/SSDI), food stamps, and Veterans (VA) benefits. They will also assist with any follow-up requests from SSA and VA during the application process. They will assist offenders who are disabled, chronically mentally ill, and/or elderly. They will work to develop and implement comprehensive discharge plans for offenders and will focus on successful attachment of the returning offender to needed treatment along with appropriate housing and other necessary support services in the community. The department anticipates receipt of \$193,000 in FY 2009, an increase of \$42,000 over the FY 2008 adjusted appropriation of \$151,000.

STATE PAROLE

| | | | | | |
|--------------|-----------------|-----------------|------------------|----------------|-------------|
| BOARD | \$41,193 | \$39,801 | (\$1,392) | (3.4%) | D-87 |
|--------------|-----------------|-----------------|------------------|----------------|-------------|

Significant Changes/New Programs (\$000) (Cont'd)

| <u>Budget Item</u> | <u>Adj. Approp. FY 2008</u> | <u>Recomm. FY 2009</u> | <u>Dollar Change</u> | <u>Percent Change</u> | <u>Budget Page</u> |
|--------------------|---------------------------------|----------------------------|--------------------------|---------------------------|------------------------|
|--------------------|---------------------------------|----------------------------|--------------------------|---------------------------|------------------------|

Salaries and Wages

The FY 2009 reduction reflects the elimination of 11 funded positions expected to become vacant through attrition and 15 positions already vacated. Despite this decrease, positions will increase by 21 from new program activity and recruitment of replacement officers to backfill attrition losses.

| | | | | | |
|-------------------------------------|----------------|----------------|-----------------|-----------------|-------------|
| Materials and Supplies | \$1,040 | \$811 | (\$ 229) | (22.0%) | D-88 |
| Services Other Than Personal | \$2,098 | \$2,051 | (\$ 47) | (2.2%) | D-88 |
| TOTAL | \$3,138 | \$2,862 | (\$ 276) | (8.8%) | |

According to the Office of Management and Budget, the FY 2009 budget recommendations in these accounts reflect unspecified operational efficiencies implemented by the Parole Board.

| | | | | | |
|--|----------------|----------------|----------------|----------------|-------------|
| Parolee Electronic Monitoring Program | \$5,228 | \$5,138 | (\$ 90) | (1.7%) | D-88 |
|--|----------------|----------------|----------------|----------------|-------------|

The FY 2009 recommendation would continue to support 400 participants in the Parolee Electronic Monitoring program.

| | | | | | |
|-------------------------------------|----------------|----------------|-----------------|--------------|-------------|
| Sex Offender Management Unit | \$7,852 | \$9,011 | \$ 1,159 | 14.8% | D-88 |
|-------------------------------------|----------------|----------------|-----------------|--------------|-------------|

The Sex Offender Management Unit is responsible for the supervision of sex offenders, including parolees, sexually violent predators released from civil commitment and offenders sentenced to Community Supervision for Life (CSL). The program is designed to enhance public safety by preventing further victimization through improved management of adult sex offenders in the community. The recommended increase would fund 14 additional positions in response to the sex offender internet monitoring program (P.L.2007, c.219). The unit is anticipated to accommodate 3,700 participants in FY 2009, 200 more than in FY 2008.

| | | | | | |
|--|----------------|----------------|-----------------|----------------|-------------|
| Satellite-Based Monitoring of Sex Offenders | \$2,844 | \$2,643 | (\$ 201) | (7.1%) | D-88 |
|--|----------------|----------------|-----------------|----------------|-------------|

The FY 2009 reduction is based upon the Parole Board's projected caseload of 200 participants for the Satellite Based Monitoring of Sex Offenders program. The program provides for continuous monitoring of convicted sex offenders on parole in the community. The program is recommended to receive \$2.6 million in FY 2009, a decrease of \$200,000 or 7.1 percent under the program's FY 2008 adjusted appropriation. The program, which had initially been implemented as a two-year pilot in FY 2005 (P.L.2005, c.189), was made permanent under P.L.2007, c.128.

Significant Changes/New Programs (\$000) (Cont'd)

| <u>Budget Item</u> | <u>Adj. Approp.</u> <u>FY 2008</u> | <u>Recomm.</u> <u>FY 2009</u> | <u>Dollar</u> <u>Change</u> | <u>Percent</u> <u>Change</u> | <u>Budget</u> <u>Page</u> |
|---|---------------------------------------|----------------------------------|--------------------------------|---------------------------------|------------------------------|
| Parole Violator Assessment and Treatment Program | \$0 | \$3,952 | \$ 3,952 | — | D-88 |

The FY 2009 recommendation would fund a Parole Violator Assessment and Treatment Program which provides a structured alternative to re-incarceration for parole violators. The program will provide a 14- to 30-day lockdown period for technical parole violators – parolees who were temporarily returned to custody for violations that did not lead to new criminal charges, and therefore did not create a substantial public safety threat. During this lockdown, the State Parole Board will use clinical assessments to identify each technical violator's specific risk factors and needs and refer the technical violators to the appropriate rehabilitative "community programs" necessary to address those risks and needs. The program will provide 45 bed spaces in two current Halfway Back facilities, serving the northern and central portions of the State. Funding for 14 new positions is included in the recommended appropriation.

The program is anticipated to save \$1.139 million during the first year of operation and \$12 million during the second year. These costs savings are reflected in the Purchase of Services for Inmates Incarcerated in County Penal Facilities account.

GRANTS IN AID**Re-Entry Case**

| | | | | | |
|----------------------------|--------------|--------------|-----------------|-----------------|-------------|
| Management Services | \$800 | \$400 | (\$ 400) | (50.0%) | D-88 |
|----------------------------|--------------|--------------|-----------------|-----------------|-------------|

A total of \$400,000 which had been included in this line item during the FY 2008 appropriations process for Volunteers for America has not been recommended for continuation in FY 2009.

Halfway Back

| | | | | | |
|----------------|-----------------|-----------------|---------------|-------------|-------------|
| Program | \$17,289 | \$18,093 | \$ 804 | 4.7% | D-88 |
|----------------|-----------------|-----------------|---------------|-------------|-------------|

The Halfway Back program is recommended to receive \$18.1 million in FY 2009, an increase of \$804,000. Under the Halfway Back program, the department contracts with private entities at various locations throughout the State which provide a highly supervised residential environment consisting of drug treatment and relapse prevention services for offenders on parole. The program also addresses life skills development, anger and aggression management, unemployment and other issues confronted by offenders who are having difficulty adhering to the conditions of parole. The FY 2009 appropriation would fund 733 bed spaces, an increase of 33 beds over the FY 2008 level of 700 beds.

**ADMINISTRATION
AND SUPPORT
SERVICES**

| | | | | | |
|---------------------------|-----------------|-----------------|-----------------|----------------|-------------|
| Salaries and Wages | \$15,530 | \$14,815 | (\$ 715) | (4.6%) | D-90 |
|---------------------------|-----------------|-----------------|-----------------|----------------|-------------|

The FY 2009 reduction reflects the elimination of funded vacancies and attrition.

Significant Changes/New Programs (\$000) (Cont'd)

| <u>Budget Item</u> | <u>Adj. Approp.</u> <u>FY 2008</u> | <u>Recomm.</u> <u>FY 2009</u> | <u>Dollar</u> <u>Change</u> | <u>Percent</u> <u>Change</u> | <u>Budget</u> <u>Page</u> |
|--|---------------------------------------|----------------------------------|--------------------------------|---------------------------------|------------------------------|
| CAPITAL CONSTRUCTION Fire Safety Code Compliance Critical Repairs | \$3,936 | \$0 | (\$3,936) | (100.0%) | D-90 |

The FY 2008 appropriation provided for fire safety code compliance at the Garden State Youth Correctional Facility to repair/replace the fire alarm system, and the Adult Diagnostic and Treatment Center to replace sprinkler heads. No funding is recommended in the department's budget for capital construction in FY 2009. However, new language provides for funding for capital projects within the department as follows: \$3,919,000 for Fire Safety Code Compliance – Garden State Youth Correctional Facility, \$1,494,000 to Replace Modular Unit – Bayside State Prison, and \$1,580,000 for a Locking System Upgrade – Northern State Prison, in the Department of Corrections. In addition, the department expects to realize \$5.44 million from sale of real property which it would be authorized to expend on the Bayside State Prison Modular Unit Replacement Project.

FEDERAL FUNDS**Administration and
Support Services**

| | | | | |
|----------------|----------------|--------------|-------------|-------------|
| \$1,214 | \$1,270 | \$ 56 | 4.6% | D-91 |
|----------------|----------------|--------------|-------------|-------------|

The FY 2009 recommendation represents an increase in \$56,000 for the department's Administration and Support services for the Adult Basic Skills Program. The program is anticipated to receive \$1.085 million in FY 2009. Other federal programs funded under this line item in FY 2009 include the Perkins Vocational Education grant (\$151,000), and the Title I Neglected and Delinquent – Indirect Costs grant (\$34,000).

ALL OTHER FUNDS**Administration and
Support Services**

| | | | | |
|--------------|--------------|-----------------|-----------------|-------------|
| \$406 | \$268 | (\$ 138) | (34.0%) | D-91 |
|--------------|--------------|-----------------|-----------------|-------------|

The FY 2009 recommendation for Administration and Support Services, All Other Funds, represents funding awarded to the institutions under the State Facilities Education Act of 1979 (SFEA) (P.L.1979, c.207). Funds for this program are provided through the Department of Education and based on annual pupil count that is conducted on the last school day prior to October 16th for the following school year. Eligible student offenders are 20 years of age or younger on July 1, enrolled in education programs, and not yet possessing a high school diploma or equivalent. Funds are distributed proportionally based on each facility's pupil count after adjustments are made for central office educational support services, various special services and other contingencies.

REVOLVING FUNDS**State Use**

| | | | | |
|-----------------|-----------------|-----------------|----------------|------------|
| \$19,500 | \$18,750 | (\$ 750) | (3.8%) | G-1 |
|-----------------|-----------------|-----------------|----------------|------------|

The Bureau of State Use Industries operates self-sustaining work-training projects in the institutions. Products manufactured in the State Use Industries program are sold only to tax

Significant Changes/New Programs (\$000) (Cont'd)

| <u>Budget Item</u> | <u>Adj. Approp.</u> <u>FY 2008</u> | <u>Recomm.</u> <u>FY 2009</u> | <u>Dollar</u> <u>Change</u> | <u>Percent</u> <u>Change</u> | <u>Budget</u> <u>Page</u> |
|--------------------|---------------------------------------|----------------------------------|--------------------------------|---------------------------------|------------------------------|
|--------------------|---------------------------------------|----------------------------------|--------------------------------|---------------------------------|------------------------------|

supported agencies, institutions, and units of State, county and municipal governments both within and outside of New Jersey. Products manufactured by inmate labor cannot be sold in competition with the products of free enterprise on the open market. The FY 2009 recommendation represents a reduction of \$750,000, primarily from the materials and supplies account. This reduction reflects the slowdown of orders in the current market environment and the anticipated continued reduced order flow as the State continues to minimize spending across all areas.

| | | | | | |
|------------------------|-----------------|-----------------|---------------|-------------|------------|
| Farm Operations | \$10,950 | \$11,130 | \$ 180 | 1.6% | G-2 |
|------------------------|-----------------|-----------------|---------------|-------------|------------|

The Farm Operations revolving fund combines revenue and expenses for all farm operations and processing plants operated by the department. Products are sold for the benefit of State institutions at low cost. Farm operations provide products to the Departments of Corrections, Human Services, Military and Veterans Affairs, the Juvenile Justice Commission and customers of the State Distribution Center. The FY 2009 increase is supported by farm revenue.

Language Provisions

2008 Appropriations Handbook

No comparable language

2009 Budget Recommendations

p. D-91

Receipts from the sale of real property in the amount of \$5,440,000 are appropriated for the purpose of Modular Unit Replacement.

Explanation

The recommended language would appropriate receipts totaling \$5.44 million generated as a result of the sale of real property for modular unit replacement. The department is currently developing and reviewing a list of the property to be sold. The department expects to combine these funds with an allocation of \$1.494 million from the proposed Long Term Obligation and Capital Expenditure Reserve Fund (General Language Provision, page F-7) to install one new 134-bed unit at Bayside State Prison, replacing a unit installed in March 1985.



Discussion Points

DEPARTMENT OF CORRECTIONS

1. The FY 2009 Budget recommends reducing the number of State employees through an early retirement initiative and layoffs. The Governor has further proposed that the ability to hire employees to fill these positions be limited to 10 percent of the positions vacated. This may place the department in the position of requiring additional overtime from the remaining staff to fill corrections posts.

- **Question:** How many custody staff and non-custody staff are eligible for the early retirement initiative? Does the department have sufficient custody staff recruits to fill the vacancies created through early retirement? Will the department be able to replace these positions, or will they remain vacant under the governor's restricted hiring proposal? How long would it take the department to replace all those leaving through early retirement? What would be the impact in terms of overtime costs?

2. In a report released July 9, 2007 on the Department of Corrections Central Office Activities, the State Auditor noted that the department could save \$3.2 million during FY 2007 by "adjusting shift overlap times so that all shifts and all posts would overlap, and overtime would only be incurred on the third shift, where there is the least number of staff." The audit also stated "This method of overlap would further enhance safety because all posts, not just selected posts, would overlap allowing for the necessary communication between incoming and outgoing officers." In its response to this finding, the department agreed that this alternative to shift overlap scheduling should be considered. OMB indicates that \$4.2 million in savings has been realized in shift overlap in FY 2009.

- **Question:** What progress has the department made toward adopting this more efficient shift overlap schedule? How much has the department spent on shift overlap to date during FY 2008? What would the cost have been if the alternative recommended by the State Auditor had been in effect? What is the recommended amount for shift overlap in FY 2009? What would be the shift overlap cost in FY 2009 if the new schedule were imposed? Where is the shift overlap savings indicated by OMB reflected in the department's FY 2009 budget?

3. Senate Bill No. 531 of 2008 would require the Department of Corrections, in consultation with the Police Training Commission, to develop and implement an in-service training program for adult corrections officers who have satisfactorily completed the basic training course approved by the commission. The course would conform with standards promulgated by the American Correctional Association (ACA) for correction officer training.

- **Question:** What are the current ACA standards for corrections officer training? How does this differ from the training offered by the Department of Corrections? What would be the cost of providing training which conforms to ACA standards?

Discussion Points (Cont'd)

4. According to the FY 2009 Budget, the Department of Corrections has implemented a new training initiative in conjunction with the Department of Personnel utilizing the Enterprise-wide Learning Management system (Overview Budget Page D-73). This has made on-line training available to numerous staff.

- **Question:** Please provide a description of the Enterprise-Wide Learning Management system. What is the cost of this initiative? What topics are covered under this program? How many personnel have successfully completed each of the topics covered by this training program? What is the estimated savings in training costs? Does this training address the additional training recommended by the American Correctional Association for New Jersey's corrections officers?

5. In FY 2008 the department implemented the S.T.A.R.S (Successful Transition and Reentry Series) program to standardize reentry preparation at each of the correctional facilities. S.T.A.R.S. is a preparatory program designed to address each major reentry barrier faced by the returning offender. The curriculum consists of fourteen chapters that address specific reentry barriers such as employment, housing, transportation, education, family reunification, finances, and others.

- **Question:** How many offenders have completed the program? How has the program affected the department's recidivism rate? What are the estimated savings? Does the department maintain records on the number of inmates who obtain employment upon release? How has the S.T.A.R.S. program affected ex-offender employment status?

6. 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.

- **Question:** How many women are currently incarcerated outside of the Edna Mahan Correctional Facility for Women, and in which facilities are they located? What alternatives has the department considered to housing female inmates within a male institution?
- **Question:** What is the reason for the transfer of female inmates to male institution? What alternatives were considered for housing the transferred female inmates? What provisions have been made to keep the female population totally separate from the male population and to maintain their safety? How do the services offered to the female inmates differ from the services offered to the male inmates at these facilities? What additional services, if any, are available to the female inmates?

Discussion Points (Cont'd)

When does the department anticipate the transfer of female inmates back to the Edna Mahan Correctional Facility for Women or another all-female facility?

- **Question:** Please comment upon and provide a status update on the pending lawsuit. What is the department's long-term strategy for dealing with the continuing growth of the female population and the over-capacity population of the Edna Mahan Correctional Facility for Women?

7. P.L.2007, c.204 eliminated the death penalty in New Jersey and directed the Department of Corrections to transfer all inmates currently housed on the Capital Sentence Unit to the general population.

- **Question:** What provisions have been made for the placement of the capital sentence inmates into the general population? What special arrangements, if any, have been made to facilitate this relocation or to provide for the security of former capital sentence, other inmates, or the general public? What plans does the department have for the space that was previously used as the Capital Sentence Unit?

8. In FY 2008 the Department of Corrections received \$52.845 million for the Purchase of Service for Inmates Incarcerated in County Penal Facilities, an increase of \$19.067 million over the FY 2007 adjusted appropriation for this account (Budget Page D-85). A total of \$7.948 million of the \$19.067 million increase was earmarked for the expenses anticipated in housing general population inmates in county jails as they are moved out from an as-yet undetermined facility to allow for the refurbishing of this facility to accept civilly committed sexual offenders. The department has stated that the general inmate population and the civilly committed sexual offender population must be segregated. Budget evaluation data indicate that the department will be housing 394 civilly committed sexual offenders in FY 2009 (Budget Page D-81). As of April, 2008, the transfer of inmates had not begun.

- **Question:** Where does the department anticipate that each of these populations will be moved? Does this new location have the capacity to accept the increasing numbers of civilly committed sexual offenders? When does the department anticipate that the move and renovations will commence? When will the move and renovations be accomplished? 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 estimated cost, if any, of retrofitting the new location for the needs of this special population?

9. In an audit released July 9, 2007 on the Department of Corrections Central Office Activities, the State Auditor noted that the Central Office Revenue Unit (CORU), which is responsible for entering fines, penalties, and restitutions into the court imposed Judgment of Conviction had a nine month backlog. A Judgment of Conviction is a court issued final judgment of guilty in a criminal case and the punishment imposed. The Department responded that this backlog was due to two causes: staff vacancies which remained unfilled because of a hiring freeze; and the shift to electronic transmission of the Judgment of Conviction from the Central Reception and Assignment Facility (CRAF) to CORU. This shift required CORU to print the electronically transmitted documents to hard copy, a task previous performed by CRAF.

Discussion Points (Cont'd)

- **Question:** What is the impact of reassigning staff from other functions to the CORU data input function to Central Office operations? What is the current status of CORU's fine, penalty and restitution posting backlog? When does the department anticipate that this backlog will be eliminated?

10. On October 15, 2007, the State Inspector General released a report entitled, "Department of Corrections Inmate Dental Services Report". The report exposed numerous problems with DOC's monitoring of the contract for the provision of dental services by Correctional Medical Services, Inc. (CMS). The Inspector General found that the DOC did not "accurately monitor contractual requirements resulting in the inability to guarantee that DOC was receiving services for which it paid." The Inspector General recommended that DOC develop an electronic system allowing it to monitor contractual compliance by providers of medical and dental services, review dental service invoices to assure proper billing, determine the amount of damages to be assessed against CMS, and review the entire inmate health services contact for contract compliance and proper billing.

- **Question:** Please provide an update on the implementation by the department of the Inspector General's recommendations. Has the DOC developed an electronic system capable of storing, utilizing and analyzing current and historical data in order to monitor contractual compliance by the medical/dental service provider in accordance with the recommendations of the Inspector General? What would be the estimated cost of implementing such a system?

11. The report of the Inspector General also identified areas where the DOC could recoup monies from CMS for failure to perform under the contract and improper billing. For example, according to the report, CMS could be assessed between \$85,000 and \$1,000,000 in liquidated damages for 17 months of the two-year contract commencing on April 1, 2005 because of failure to comply with contract timeliness requirements. Also, the report indicates that CMS improperly received payment from DOC of \$132,345 for a service for which CMS was not permitted to separately bill DOC.

- **Question:** Has the improperly billed amount of \$132,345 been withheld from future payments to CMS in accordance with the recommendation of the Inspector General or otherwise recovered from CMS? Have liquidated damages been assessed against CMS? If so, how much? If not, why?
- **Question:** Who is the current provider of dental services to the correctional population of the State? What is the current status of the contract between the State and the dental service provider and when does it expire?

12. In FY 2007, the department received \$8 million to replace the high temperature hot water underground distribution system at South Woods State Prison which was installed from 1995 to 1997, and which has experienced a complete and catastrophic system failure. The department received another \$6 million in FY 2008 (FY 2008 Budget Overview, Page D-72). In response to a FY 2008 OLS discussion point the department stated that the final forensic report of the system failure was due in June, 2007. Construction was expected to begin in August, 2007.

Discussion Points (Cont'd)

- **Question:** What is the status of the repair/replacement of the hot water system? What is the status of the department's efforts to recoup the cost of repairing/replacing the system?

STATE PAROLE BOARD

1. The FY 2009 budget recommendation reduces the number of State employees through an early retirement initiative and layoffs. The governor has further proposed that the ability to hire employees to fill these positions be limited to 10 percent of the positions vacated. The impact these personnel actions may have on the Parole Board's programs and services is not clear. Budget evaluation data on Budget Page D-87 indicate that the Parole Board will see a net increase of 19 funded positions in FY 2009.

- **Question:** How many Division of Parole staff are eligible for the early retirement initiative or may be laid off? To the extent that new employees cannot be hired, what services or programs will be reduced or eliminated? How will this impact on the Parole Board's case loads and efforts to shift offenders from more expensive incarceration to the less costly parole programs?

2. Budget evaluation data on Budget Page D-86 indicate that the Parole Board is anticipated to be supervising 15,220 parolees in FY 2009. It is anticipated that another 10,900 parolees will be released from incarceration and added to this population. Finally, it is anticipated that a total of 10,500 parolees will complete their parole supervision requirements and be released by the State Parole Board in FY 2009.

- **Question:** How many parolees have re-offended and been re-incarcerated during the last five years? What are the most common reasons that parolees re-offend? What is the average length of time that an offending parolee is returned to prison? What steps has the Parole Board taken to facilitate parolee reintroduction into the community? What actions do you recommend that the State Parole Board take in order to aid parolees to avoid re-offenses and re-incarceration?

3. The Sex Offender Management Unit is responsible for the supervision of sex offenders, including parolees, sexually violent predators released from civil commitment and offenders sentenced to Community Supervision for Life. The Satellite Based Monitoring of Sex Offenders program provides for the continuous monitoring of convicted sex offenders while on parole in the community. The Parole Board requires sex offenders to participate in regular therapy sessions and to submit to polygraph testing while serving on parole. Published reports indicate that the implementation of the polygraph testing of sex offenders began in December, 2007.

- **Question:** How effective are these programs in reducing the number of parolees who would re-offend and be returned to prison? What impact have these programs had on the recidivism of sex offender parolees?
- **Question:** How does the use of polygraph testing affect the Parole Board's ability to monitor sex offenders? What is the reason for the delay in the implementation of polygraph testing of sex offenders when the practice was mandated in FY 2006 (P.L.2005, c.189)?

Discussion Points (Cont'd)

4. The new Parole Violator Assessment and Treatment Program provides is anticipated to provide a structured alternative to re-incarceration for technical parole violators who were temporarily returned to custody for violations that did not lead to new criminal charges. Budget evaluation data indicate that the program will serve 145 parolees in FY 2009 (Budget Page D-86)

- **Question:** How many parolees have been returned to prison as a result of parole violations during the past five years? How many of these violators are returned as a result of "technical" violations as opposed to new offenses? What are the estimated savings to be generated by this program in FY 2009 and FY 2010? Where are these savings reflected in the FY 2009 Budget?

Background Paper: Inmate Population Trends

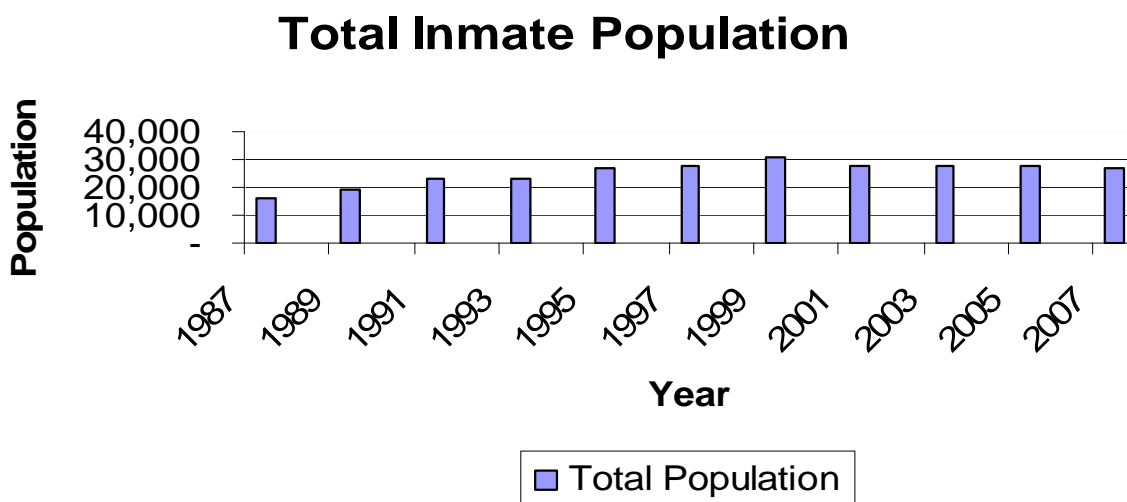
Budget Pages.... C-12, C-15, C-21, C-27, C-29, C,31,
D71 to D-91, E-1, E-5, E-6, E-7, G-1 to
G-2, H-37, H-39, H-69 H-70

The Department of Corrections (DOC) is responsible for custody, care, discipline, training and treatment of persons committed to State correctional institutions, as well as for those individuals under community supervision or on parole. It provides rehabilitative programs, training and educational opportunities for its inmates.

The Department has under its jurisdiction fourteen institutions: nine housing adult male offenders, one of which is dedicated to the treatment and rehabilitation of sex offenders; one housing adult female offenders; and three facilities housing youthful offenders. Additionally, the department is responsible for housing offenders who have completed their term of incarceration but who have been classified as sexually violent predators and are considered to be a danger to the public and have been involuntarily committed to a State operated facility. While the Department of Corrections is responsible for housing and providing security for these individuals, the Department of Human Services is responsible for treatment services.

In addition to the state-run institutions, the Department of Corrections houses inmates in county jails and in various alternatives to incarceration. These placements serve two functions, to ease the overcrowded conditions within the State operated facilities, and to provide various treatment and educational services to State sentenced inmates.

From the late 1980's through the late 1990's, the number of offenders housed within the State's correctional system grew at a steady pace. This growth peaked in 1999. By 2001, the State prison population had decreased by a modest 11 percent and has remained relatively stable with a moderate decrease since then as can be seen on the following chart.



Source: New Jersey Department of Corrections, "Residents, Admissions and Releases" report, issued monthly by the DOC Division of Policy Analysis and Planning.

Background Paper: Inmate Population Trends (Cont'd)

The preceding chart tracks the State prisons' population from the late 1980's through 2006. On December 31, 1987, the Department of Corrections housed 15,945 adult and young adult State sentenced inmates in State and county correctional facilities and in various community based halfway house facilities. On December 31, 1999, the high point in the State prison population, the number of State sentenced inmates totaled 30,818 adult and young adult inmates in State and county correctional facilities and community placements. On December 31, 2007 the State sentenced prison population totaled 26,823 inmates, 3,995 inmates less than the number housed in 1999.

The earlier growth was due, primarily, to the enactment of various laws aimed at securing a safer environment for New Jersey's population through new and longer sentences for various drug offenses, drug related criminal activity and violent crimes. In addition, minimum mandatory sentences imposed on several offenses required longer prison stays for convicted offenders. Finally, statutes mandating stiffer parole eligibility criteria served to keep offenders incarcerated longer, swelling the State prison population.

The reductions can be attributed to the fact that many inmates who had been sentenced under the new mandatory minimum sentences statutes began to reach the end of their terms of incarceration and were paroled. In addition, increases in State Parole Board staff permitted the Parole Board to expand its alternatives to incarceration programs, to implement new programs and to reduce the backlog of inmates awaiting parole hearings. The Statewide expansion of the Drug Court program and the Judiciary's Intensive Supervision program have also contributed to the decline and leveling off in the State prison population.

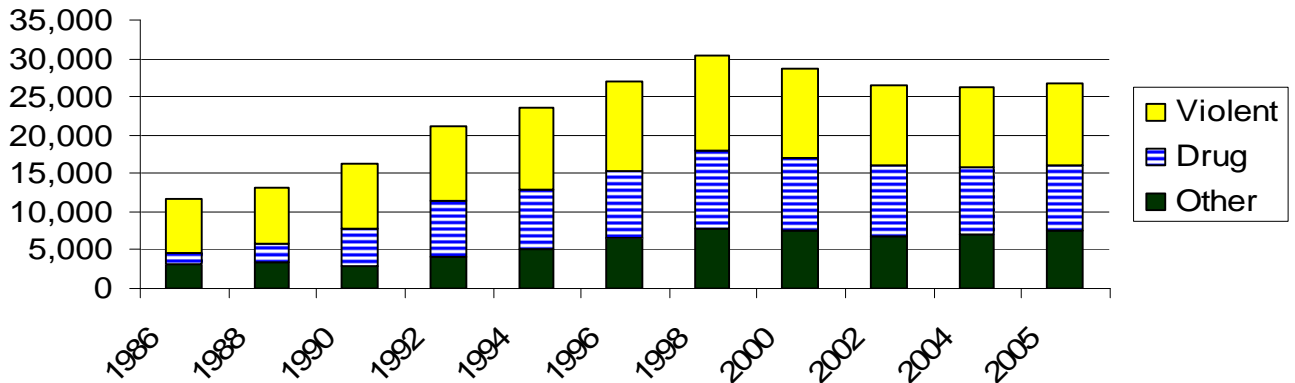
Offender Characteristics

From 1986 through 2006, the makeup of the State sentenced prison population has gradually shifted from violent crimes to drug offenses. This could be due, in part, to the increasing number of mandatory minimum drug statutes which were enacted during that time period.

As of December 31, 1986, 11 percent of the State prison population were drug offenders. Another 61 percent were convicted of violent crimes, while the remaining 28 percent were convicted of all other types of crimes. Twenty years later, in January, 2006 drug offenders accounted for 32 percent of the total prison population, the proportion of violent offenders declined to 40 percent, and those convicted of other offenses remained fairly constant at 27 percent of the inmate population.

Background Paper: Inmate Population Trends (Cont'd)

Inmate Population by Offense

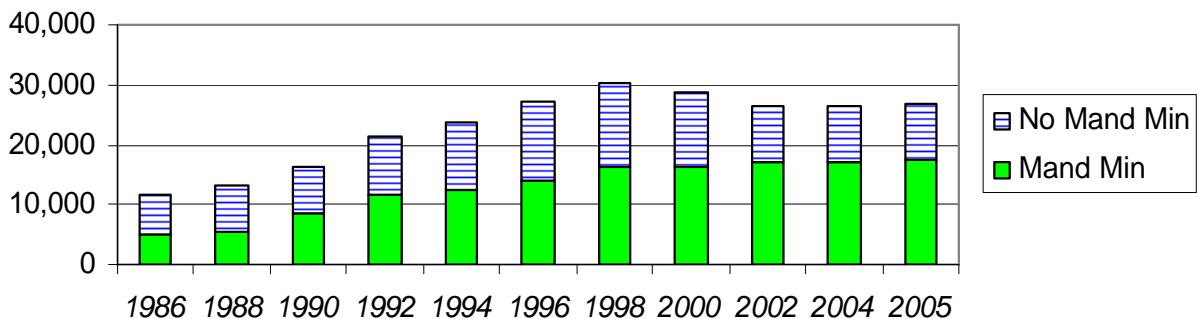


Source: New Jersey Department of Corrections "Offender Characteristics Report", issued by the DOC Division of Policy Analysis and Planning.

Mandatory Minimum Sentences

During the 1980's and into the 1990's, the Legislature's efforts to reduce and punish crime in New Jersey included enacting statutes imposing mandatory minimum sentences on individuals convicted of criminal offenses. Under a mandatory minimum term, an inmate must serve a specified minimum amount of time in prison before becoming eligible for parole. Prior to the enactment of these laws, convicted offenders generally served from one-third to one-half of the sentence imposed due to time and work credits earned while incarcerated and the parole process.

Mandatory Minimum Term



Source: New Jersey Department of Corrections "Offender Characteristics Report", issued by the DOC Division of Policy Analysis and Planning.

Background Paper: Inmate Population Trends (Cont'd)

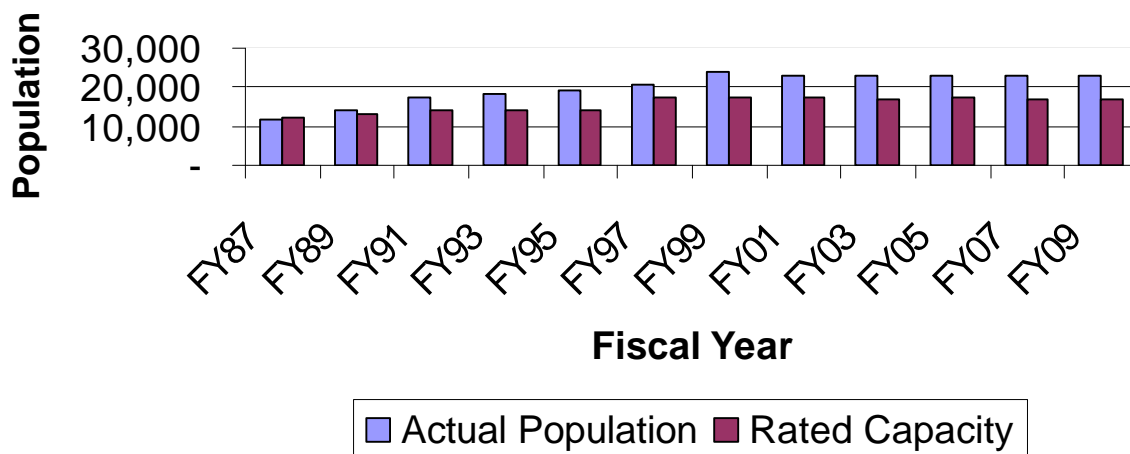
The preceding chart illustrates that since 1986, the number of inmates serving mandatory minimum terms generally grew at a greater pace than the total number of inmates in the correctional population. In 1986, about 42 percent of the state's total adult population were serving mandatory minimum terms. By 2005 this proportion increased to 65 percent of the total inmate population. Because of this increasing proportion of inmates serving mandatory minimum sentences, several bills have recently been introduced relaxing mandatory terms. As of April, 2008, none of these bills had been enacted.

Departmental Strategies for Bed Space Expansion

The Department of Corrections has used a variety of techniques to accommodate the State's growing inmate population. Between FY 1986 and FY 2009, the department constructed additional bed spaces in existing institutions and opened new institutions, increasing the its rated capacity from 10,889 bed spaces in FY 1986 to 16,783 bed spaces in FY 2009.

Further, the department succeeded in housing inmates in excess of each facility's rated capacity by double bunking inmates in some cells, and converting space originally intended for administrative, recreational, and other purposes to inmate living space. In this way, the institutional population has surpassed rated capacity and grown from 11,163 inmates in FY 1986 (2.5 percent over rated capacity) to 22,962 inmates in FY 2008 (36.45 percent over rated capacity). The following chart illustrates the continuing gap between the department's rated capacities and its population.

Capacity v. Population



Source: State of New Jersey Annual Budget Recommendations.

Alternative Housing Options

While this expansion of the number of bed spaces within many institutions caused populations to exceed the original design capacities, the department continued to require

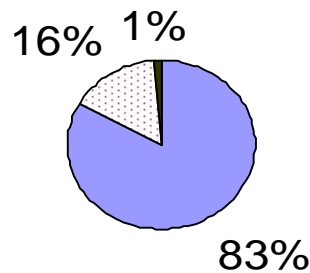
Background Paper: Inmate Population Trends (Cont'd)

additional secure housing for its population. To address this, DOC enlisted county jails and expanded its use of community based halfway house and treatment facilities and various alternatives to incarceration. Recent trends show the department placing more reliance on halfway house alternatives than the counties as a housing option. However county jails represent an important facet of the department's overall housing strategy because this is where the overflow of State sentenced prison inmates are housed at any given time. The number of inmates housed in the counties is thus largely dependent upon the number of admissions processed each month offset by the number of releases and paroles granted, and is subject to monthly fluctuations.

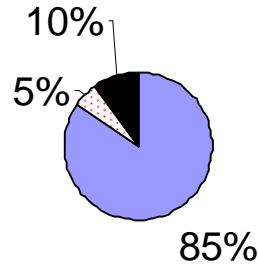
In December, 1986, while the Department of Corrections had a total of 14,346 inmates, 11,937 of them, or 83 percent, were housed in State facilities. Of the remaining number, 2,244 (16 percent) were housed in county facilities and 165 (1 percent) were housed in community setting (which includes both community based treatment centers and alternatives to incarceration). In December, 2007, the number of State sentenced inmates totaled 26,823. The number housed in State facilities totaled 22,669 inmates, comprising 85 percent of the prison population, a slightly higher percentage of inmates housed in State operated facilities than in 1986. The number of county placements declined to 1,468 (5 percent), and the number of community placements totaled 2,686 (10 percent).

The following charts demonstrate the shift in the use of county facilities and the department's increasing reliance on community based alternatives to incarceration.

Population Distribution December 1986



| | |
|--------------------------------------|---|
| ■ | Total Inmates Housed in State Facilities--83% |
| ■ | Total Inmates Housed in Counties--16% |
| ■ | Total Inmates Housed in Community Settings--1% |

Background Paper: Inmate Population Trends (Cont'd)**Population Distribution
December 2007**

Source: New Jersey Department of Corrections, "Residents, Admissions and Releases" report, issued monthly by the DOC Division of Policy Analysis and Planning.

Summary

New Jersey's adult and young adult State prison population steadily increased through the eighties and into the nineties. Commencing with the year 2000, the stress of prison population growth abated as inmate populations decreased, providing some relief to the Department of Corrections. Over this same period, the makeup of the prison population has changed from primarily violent offenders to primarily drug offenders. In addition, increasing reliance on community based alternatives to incarceration as well as increased parole programs have allowed more inmates to leave the institutions and to enter supervised settings as an alternative to the higher cost of incarceration. While the State prison population has remained relatively stable since 2000, albeit with slight reductions, future inmate population trends will influence policy decisions and the allocation of resources in future years.

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Individuals wishing information and committee schedules on the FY 2009 budget are encouraged to contact:

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