

**ANALYSIS OF THE NEW JERSEY BUDGET**

**DEPARTMENT OF CORRECTIONS  
STATE PAROLE BOARD**

**FISCAL YEAR**

**2009 - 2010**

# NEW JERSEY STATE LEGISLATURE

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This report was prepared by the Judiciary Section of the Office of Legislative Services under the direction of the Legislative Budget and Finance Officer. The primary author was Anne C. Raughley.

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# DEPARTMENT OF CORRECTIONS AND STATE PAROLE BOARD

Budget Pages..... C-4, C-12, C-19, C-26, C-28, C-30,  
D-67 to D-85, G1 to G-2

## Fiscal Summary (\$000)

	Expended FY 2008	Adjusted Appropriation FY 2009	Recommended FY 2010	Percent Change 2009-10
State Budgeted	\$1,153,786	\$1,196,087	\$1,189,378	( .6%)
Federal Funds	8,648	11,272	10,914	( 3.2%)
<u>Other</u>	<u>62,329</u>	<u>55,529</u>	<u>54,922</u>	<u>( 1.1%)</u>
Grand Total	\$1,224,763	\$1,262,888	\$1,255,214	( .6%)

## Personnel Summary - Positions By Funding Source

	Actual FY 2008	Revised FY 2009	Funded FY 2010	Percent Change 2009-10
State	9,468	9,604	9,217	( 4.0%)
Federal	35	33	34	3.0%
<u>Other</u>	<u>357</u>	<u>344</u>	<u>350</u>	<u>1.7%</u>
Total Positions	9,860	9,981	9,601	( 3.8%)

FY 2008 (as of December) and revised FY 2009 (as of January) personnel data reflect actual payroll counts. FY 2010 data reflect the number of positions funded.

## Key Points

- The Governor and the Department of Corrections have announced 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 1,017 inmates in FY 2008. During FY 2009, the department has begun to reduce the population of the facility in anticipation of the imminent sale of the property. As of February 28, 2009 the facility housed 517 inmates. The FY 2009 adjusted Direct State Services appropriation for the prison of \$43.3 million is reduced to zero in the FY 2010 budget recommendation
- According to the Department of Corrections' monthly Summary of Residents, Admissions and Releases report, as of January 31, 2009, there were 25,715 State sentenced inmates housed in State and county correctional facilities and halfway house placements, 979 or 3.7 percent fewer inmates than the number housed on January 31,

## Key Points (Cont'd)

2008. The department estimates that the average daily inmate population will decrease by 47 inmates per month during FY 2010.
- According to the FY 2010 budget evaluation data, with an average projected population level of 21,715 inmates housed in State operated facilities, the State prisons are expected to operate at 134 percent of their rated capacity of 16,152 bed spaces in FY 2010. The excess population is accommodated primarily through double bunking at various institutions and the conversion of other facility operating space to inmate bed spaces. The balance of the State sentenced prison population in excess of the 21,715 are housed in county correctional facilities and halfway houses.
  - FY 2010 budget evaluation data indicates that the department anticipates an average daily population of 1,316 inmates housed in the county jails, 76 more inmates than the average daily population in FY 2009.

## DIRECT STATE SERVICES

- The Department of Corrections' and the State Parole Board's combined FY 2010 Direct State Services recommendations total \$1.189 billion, which is \$7 million or 0.6 percent less than the FY 2009 adjusted appropriation of \$1.196 billion. Funding for institutional operations is recommended at \$874.119 million, totaling \$31.5 million or 3.5 percent less than the FY 2009 adjusted appropriation of \$905.619 million.

## DEPARTMENT OF CORRECTIONS

- The FY 2010 recommendation for institutional salaries and wages totals \$595.4 million, \$26.3 million or 4.2 percent less than the amount appropriated in FY 2009. The principal reason for the decrease is the planned closing of Riverfront State Prison which would result in an initial salary savings of \$29.6 million. The department intends to lapse \$10.85 million in salary savings from hiring restrictions. After adjusting for the FY 2009 reduction, the FY 2010 budget recommendation represents an effective reduction of \$15.4 million or 2.5 percent below the FY 2009 level of funding.
- The FY 2010 recommendation reflects growth in inmate mandatory medical services of \$7.2 million offset by savings generated as a result of the closure of Riverfront State Prison. It is unclear what factors are driving medical cost increases. FY 2009 is the first full year inmate medical services are being provided by the University of Medicine and Dentistry of New Jersey under agreement with the department.

## STATE PAROLE BOARD

- The State Parole Board is recommended to receive \$69.681 million in Direct State Services funding in FY 2010, a decrease of \$1.308 million or 1.8 percent under its FY 2009 adjusted appropriation of \$70.989 million.
- The Parole Board's Parole Violator Assessment and Treatment Program is recommended to receive \$3.786 million in FY 2010, a decrease of \$724,000 or 16.1 percent under the FY 2009 adjusted appropriation of \$4.51 million. The program provides a structured alternative to re-incarceration for parole violators. The program

## Key Points (Cont'd)

- provides 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 assesses each offender's specific risk factors and needs and refers the offenders to the appropriate rehabilitative "community programs" necessary to address those risks and needs. The program will provide 135 bed spaces, the same as in FY 2009. The FY 2010 reduction includes \$821,000 for the elimination of 14 funded vacancies throughout the Division of Parole, offset by an increase of \$97,000 to provide full-year funding for the program which began operation during FY 2009. The Division of Parole has noted that funding will be transferred from other programs to adjust for the funded vacancies in each of these programs.
- The Sex Offender Management Unit is recommended to receive \$9.739 million in FY 2010, a decrease of \$584,000 or 5.7 percent under the FY 2009 adjusted appropriation of \$10.323 million. According to budget information the decrease eliminates funds for unspecified non-recurring costs and will have no programmatic impact. 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 unit is anticipated to accommodate 3,937 participants in FY 2010, 222 more than the number of participants in FY 2009.
  - 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 \$2.274 million in FY 2010, the same level of funding as received in FY 2009. Recommended funding would provide for a caseload of 200 participants.

## GRANTS-IN-AID

### DEPARTMENT OF CORRECTIONS

- The FY 2010 recommendation for the Purchase of Services for Inmates Incarcerated in County Penal Facilities totals \$31.214 million, an increase of \$9.838 million or 46 percent. The recommended increase anticipates the transfer of inmates from the closure of Riverfront State Prison, offset by an undetermined net savings as a result of the expansion of the Drug Court and Intensive Supervision programs, and the new Immigration and Customs Enforcement initiative which impacts the overall corrections inmate population by deporting non-violent non-US citizen inmates at first parole eligibility. The average number of State inmates in county penal facilities is projected to increase from 1,240 in FY 2009 to 1,316 in FY 2010.

### STATE PAROLE BOARD

- The State Parole Board is recommended to receive \$37.1 million in Grants in Aid funding in FY 2010, the same level of funding as in FY 2009. Funding would support four parole programs which serve as alternatives to incarceration as follows: Re-Entry Substance Abuse program (RESAP), \$3.997 million; Mutual Agreement (MAP) program,

## Key Points (Cont'd)

\$2.69 million; Community Resource Center (CRC) program, \$11.902 million; and Stages to Enhance Parolee Success (STEPS) program, \$18.493 million. The Community Resource Center program is the new name for the Day Reporting program. The Stages to Enhance Parolee Success program was formerly known as the Halfway Back program. In total, the Parole Board's Grant in Aid community programs will provide services for 2,935 participants in FY 2010, 56 bed spaces less than the FY 2009 level of 2,991 bed spaces.

### FEDERAL STATE PAROLE BOARD

- The State Parole Board anticipates the receipt of \$725,000 in federal funding in FY 2010, an increase of \$555,000 over the FY 2009 adjusted appropriation of \$170,000. The FY 2010 recommendation anticipates funding for three federal programs: the Prisoner Re-Entry Initiative for 200 parolees returning to the Trenton area, which is expected to receive \$200,000 in FY 2010, an increase of \$65,000 over the FY 2009 adjusted appropriation; the Federal Re-entry Initiative, which is expecting to receive \$25,000 in FY 2010, the same level of funding as FY 2009; and Offender Workforce Development Training, which is a new program expected to receive \$500,000 in FY 2010.

### CAPITAL PROJECTS DEPARTMENT OF CORRECTIONS

- The FY2010 recommendation would fund \$8.8 million of the \$15.4 million requested by the department in Fiscal Year 2010 for fire safety code compliance. Funding would be used to replace the detection, alarm and suppression systems at Albert C. Wagner Youth Correctional Facility.
- The FY 2010 budget recommends \$7.975 million to continue the department's modular unit replacement program for the phased replacement of existing units at Bayside State Prison. The recommended appropriation funds the installation of one 149 bed unit to replace one installed in 1985 which had a normal life expectancy of ten years. The original unit, as well as the other seven modular units, require an inordinate amount of maintenance and are not energy efficient. The new modular units used to replace the existing units are constructed of brick and are much sturdier than the current units.

### Background Paper

- Inmate Population Trends

p.23

## Fiscal and Personnel Summary

### AGENCY FUNDING BY SOURCE OF FUNDS (\$000)

	Expended FY 2008	Adj. Approp. FY 2009	Recom. FY 2010	Percent Change	
				2008-10	2009-10
<b>General Fund</b>					
Direct State Services	\$998,676	\$1,053,054	\$1,020,307	2.2%	( 3.1%)
Grants-In-Aid	134,162	120,033	129,871	( 3.2%)	8.2%
State Aid	20,000	23,000	22,425	12.1%	( 2.5%)
Capital Construction	948	0	16,775	1669.5%	0.0%
Debt Service	0	0	0	0.0%	0.0%
<b>Sub-Total</b>	<b>\$1,153,786</b>	<b>\$1,196,087</b>	<b>\$1,189,378</b>	<b>3.1%</b>	<b>( 0.6%)</b>
<b>Property Tax Relief Fund</b>					
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%
<b>Sub-Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Casino Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>Casino Control Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>0.0%</b>	<b>0.0%</b>
<b>State Total</b>	<b>\$1,153,786</b>	<b>\$1,196,087</b>	<b>\$1,189,378</b>	<b>3.1%</b>	<b>( 0.6%)</b>
<b>Federal Funds</b>	<b>\$8,648</b>	<b>\$11,272</b>	<b>\$10,914</b>	<b>26.2%</b>	<b>( 3.2%)</b>
<b>Other Funds</b>	<b>\$62,329</b>	<b>\$55,529</b>	<b>\$54,922</b>	<b>( 11.9%)</b>	<b>( 1.1%)</b>
<b>Grand Total</b>	<b>\$1,224,763</b>	<b>\$1,262,888</b>	<b>\$1,255,214</b>	<b>2.5%</b>	<b>( 0.6%)</b>

### PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	Actual FY 2008	Revised FY 2009	Funded FY 2010	Percent Change	
				2008-10	2009-10
State	9,468	9,604	9,217	( 2.7%)	( 4.0%)
Federal	35	33	34	( 2.9%)	3.0%
All Other	357	344	350	( 2.0%)	1.7%
<b>Total Positions</b>	<b>9,860</b>	<b>9,981</b>	<b>9,601</b>	<b>( 2.6%)</b>	<b>( 3.8%)</b>

FY 2008 (as of December) and revised FY 2009 (as of January) personnel data reflect actual payroll counts. FY 2010 data reflect the number of positions funded.

### AFFIRMATIVE ACTION DATA

Total Minority Percent DOC	43.0%	41.9%	42.6%	----	----
Total Minority Percent Parole	36.6%	37.6%	36.8%	----	----

**Significant Changes/New Programs (\$000)**

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2009</u>	<u>Recomm.</u> <u>FY 2010</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
<b>DETENTION AND REHABILITATION</b>					
Salaries and Wages	\$621,761	\$595,466	(\$26,295)	( 4.2%)	D-76

The principal components of change in salary funding are the planned closure of Riverfront State Prison ( \$29.6 million) and increased funding a South Woods State Prison (+ \$3.2 million). Because the department intends to lapse \$10.85 million in FY 2009 salary surpluses resulting from hiring restrictions, the effective change in salary funding from FY 2009 to FY 2010 is a decrease of \$15.4 million or 2.5 percent. State funded positions are projected to decline by 364, or 4.5 percent, from 8,170 in FY 2009 to 7,806 in FY 2010.

<b>Materials and Supplies</b>	\$72,958	\$71,829	(\$1,129)	( 1.5%)	D-76
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The FY 2010 recommendation reflects a \$3 million increase for food costs, offset by savings of \$4.1 million generated as a result of the closing of Riverfront State Prison.

<b>SERVICES OTHER THAN PERSONAL</b>					
Detention and Rehabilitation	\$167,470	\$163,903	(\$3,567)	( 2.1%)	D-76
System Wide	\$9,015	\$9,170	\$ 155	1.7%	D-78

The FY 2010 recommendation reflects growth in inmate mandatory medical services of \$7.2 million offset by savings generated as a result of the closure of Riverfront State Prison. It is unclear what factors are driving medical cost increases. FY 2009 is the first full year inmate medical services are being provided by the University of Medicine and Dentistry of New Jersey under agreement with the department.

<b>Maintenance and Fixed Charges</b>	\$12,044	\$11,486	(\$ 558)	( 4.6%)	D-76
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The FY 2010 recommendation represents a 4.6 percent reduction in the Maintenance and Fixed Charges account, the result of the anticipated closure of Riverfront State Prison.

<b>SPECIAL PURPOSE</b>					
Civilly Committed Sexual Offender Facility	\$9,537	\$9,709	\$ 172	1.8%	D-76
Civilly Committed Sexual Offender Facility – Annex	\$15,310	\$15,376	\$ 66	.4%	D-76
<b>TOTAL</b>	<b>\$24,847</b>	<b>\$25,085</b>	<b>\$ 238</b>	<b>1.0%</b>	

The FY 2010 recommendation would fund growth in the medical services costs for the civilly committed sexual offenders. It is unclear what factors are driving these cost increases.

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2009</u>	<u>Recomm. FY 2010</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
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This population has grown at a rate of less than two individuals per month over the past two fiscal years and is expected to continue at this rate in FY 2010. Funding would provide for 158 beds at the Civilly Committed Sexual Offender Facility and 236 beds at the Civilly Committed Sexual Offender Facility - Annex for a total of 394 bed spaces.

**ALL OTHER FUNDS**

**Institutional Care and Treatment**

\$8,765	\$8,293	(\$ 472)	( 5.4%)	D-77
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The FY 2010 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**

\$15,553	\$15,015	(\$ 538)	( 3.5%)	D-77
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The FY 2010 decrease in this account reflects lower 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.

**SYSTEM-WIDE GRANTS IN AID**

**Purchase of Service for Inmates Incarcerated in County Penal Facilities**

\$21,376	\$31,214	\$ 9,838	46.0%	D-79
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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 2010 budget recommendation anticipates an average daily population of 1,316 inmates housed in the county jails, 76 more inmates than the average daily population of 1,240 in FY 2009.

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2009</u>	<u>Recomm. FY 2010</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
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This increase reflects shifting inmates from Riverfront State Prison which is scheduled to be closed in FY 2009, but is partially offset by diversion initiatives in the Judiciary and in State Parole to divert offenders to more cost-effective alternative programs, and the new Immigration and Customs Enforcement initiative which impacts the overall Corrections inmate population by deporting non-violent non-US citizen inmates at first parole eligibility.

**STATE AID****Essex County –****County Jail Substance****Abuse Program**

	\$19,000	\$18,525	(\$ 475)	( 2.5%)	D-79
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This program was previously budgeted in the Department of Human Services, Division of Addiction Services budget. The FY 2010 recommendation represents a 2.5 percent reduction under the FY 2009 adjusted appropriation. The appropriation defrays the county's cost of diverting inmates to private residential treatment facilities.

**Union County Inmate****Rehabilitation****Services**

	\$4,000	\$3,900	(\$ 100)	( 2.5%)	D-79
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This program was previously budgeted in the Department of Human Services, Division of Addiction Services budget. The FY 2010 recommendation represents a 2.5 percent reduction under the FY 2009 adjusted appropriation. The appropriation defrays the county's cost of diverting inmates to private residential treatment facilities.

**FEDERAL FUNDS****Institutional Program****Support**

	\$9,046	\$8,072	(\$ 974)	( 10.8%)	D-79
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The department anticipates funding for six federally funded programs in FY 2010. Three programs, the Counterterrorism Prison Intelligence grant (\$400,000), the National Institute of Justice Grant for Corrections Research – Megan's Law Study (\$400,000), and Social Security Incentive Payments (\$50,000) are not funded in FY 2010. Federal funds for the following programs are anticipated in FY 2009:

- A new appropriation of \$300,000 is projected for a Prison Rape Elimination grant in FY 2010.
- The Justice and Mental Health Collaboration Program is projected to receive \$200,000 in FY 2010, the same level of funding as received in FY 2009.
- The State Criminal Alien Assistance program is anticipated at \$6.3 million in FY 2010, a decrease of \$300,000 under the FY 2009 adjusted appropriation of \$6.6 million.
- The National Institute of Justice Grant for Corrections Research-Escape Study grant is projected at \$300,000 in FY 2010, a decrease of \$83,000 from the FY 2009 adjusted appropriation of \$383,000.
- Promoting Responsible Fatherhood grant is projected at \$407,000 in FY 2010, the same level of funding as received in FY 2009.

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2009</u>	<u>Recomm. FY 2010</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
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- Project INSIDE funding is expected to be \$561,000 in FY 2010, \$47,000 less than the amount received in FY 2009.

**ALL OTHER FUNDS****Institutional Program  
Support**

	\$193	\$282	\$ 89	46.1%	D-79
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The FY 2010 recommendation reflects a grant from the Nicholson Foundation to address prisoner reentry issues. Funding provides for the hiring of 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 assist offenders who are disabled, chronically mentally ill, and/or elderly. They work to develop and implement comprehensive discharge plans for offenders and focus on successful attachment of the returning offender to needed treatment along with appropriate housing and other necessary support services in the community.

**PAROLE****SPECIAL PURPOSE****Sex Offender****Management Unit**

	\$10,323	\$9,739	(\$ 584)	( 5.7%)	D-82
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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 decrease reflects the elimination of one-time costs associated with the new Sex Offender internet monitoring program (P.L.2007, c.219). The unit is anticipated to accommodate 3,937 participants in FY 2010, 222 more than in FY 2009.

**Parole Violator****Assessment and****Treatment Program**

	\$4,510	\$3,786	(\$ 724)	( 16.1%)	D-82
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The FY 2010 recommendation continues funding for the Parole Violator Assessment and Treatment Program which provides a structured alternative to re-incarceration for parole violators. The program provides 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 uses clinical assessments to identify each technical violator's specific risk factors and needs and refers the technical violators to the appropriate rehabilitative "community programs" necessary to address those risks and needs. The program will provide 135 bed spaces, the same number of spaces provided in FY 2009.

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

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2009</u>	<u>Recomm.</u> <u>FY 2010</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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The FY 2010 reduction includes \$821,000 for the elimination of 14 funded vacancies throughout the Division of Parole, offset by an increase of \$97,000 to provide full-year funding for the program which began operation during FY 2009. The Division of Parole has noted that funding will be transferred from other programs to adjust for the funded vacancies in each of these programs.

<b>FEDERAL PAROLE</b>	<b>\$170</b>	<b>\$725</b>	<b>\$ 555</b>	<b>326.5%</b>	<b>D-83</b>
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The FY 2010 recommendation anticipates funding for three federal programs, the Prisoner Re-Entry Initiative for 200 parolees returning to the Trenton area, the Federal Re-entry Initiative and Offender Workforce Development Training

The Prisoner Re-entry Initiative, for 200 parolees returning to Trenton area, is recommended to receive \$200,000 in FY 2010, an increase of \$65,000 over the FY 2009 adjusted appropriation of \$135,000. Program funding would be utilized to strengthen employment readiness and job sustainability for 200 parolees returning to the Another Chance Initiative in the City of Trenton as well as the surrounding Mercer County area.

The new Federal Re-entry initiative program anticipates the receipt of \$500,000 in FY 2010. Program funding represents additional funding opportunities that may become available as a result of new federal policies in regards to Re-Entry. For example - the U.S. Department of Justice, Bureau of Justice Assistance is providing up to \$750,000 in Second Chance Act funds. The State Parole Board is in the process of applying for these funds.

The Offender Workforce Development Specialist Training program anticipates the receipt of \$25,000 in FY 2010, the same level of funding as in FY 2009. According to the State Parole Board, New Jersey was one of just three jurisdictions (along with Texas and Federal Bureau of Prisons) selected for this grant. The NJ State Parole Board is New Jersey's lead agency in applying for and securing the grant, and in executing it on behalf of multiple agencies in the State. The grant enables the State Parole Board to train its own employees, and those of other reentry agencies (State, Municipal and Community/Faith-Based) to become Offender Workforce Development Specialists, using federally certified methods to help ex-offenders find sustainable careers.

Funding in the amount of \$10,000 for the VISTA State program was eliminated in FY 2010. The program has been transferred to the Department of State.

<b>CAPITAL Fire Safety Code Compliance-Albert Wagner State Prison</b>	<b>\$0</b>	<b>\$8,800</b>	<b>\$ 8,800</b>	<b>—</b>	<b>D-85</b>
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The FY2010 recommendation would fund \$8.8 million of the \$15.4 million requested by the department in Fiscal Year 2010 for fire safety code compliance. Funding would be used to

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2009</u>	<u>Recomm. FY 2010</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
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replace the detection, alarm and suppression systems at Albert C. Wagner Youth Correctional Facility.

<b>Modular Unit- Bayside State Prison</b>	\$0	\$7,975	\$ 7,975	—	D-85
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The FY 2010 recommendation would continue the department's modular unit replacement program for the phased replacement of existing units at Bayside State Prison. The recommended appropriation funds the installation of one 149 bed unit to replace one installed in 1985 which had a normal life expectancy of ten years. The original unit, as well as the other seven modular units, require an inordinate amount of maintenance and are not energy efficient. The new modular units used to replace the existing units are constructed of brick and are much sturdier than the current units.

**ALL OTHER FUNDS**

<b>Administration and Support Services</b>	\$268	\$562	\$ 294	109.7%	D-85
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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.

## Language Provisions

### 2009 Appropriations Handbook

No comparable language.

### 2010 Budget Recommendations

p. D-77

To permit flexibility with regard to the closure of Riverfront State Prison, the amounts hereinabove appropriated in the various institutions may be transferred to items of appropriation of other institutions subject to the approval of the Director of the Division of Budget and Accounting.

### Explanation

The Governor and the Department of Corrections have announced 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 1,017 inmates in FY 2008. During FY 2009, the department has begun to reduce the population of the facility in anticipation of the imminent sale of the property. As of February 28, 2009 the facility housed 517 inmates. The recommended language would permit the department to transfer funding among institutions in conjunction with transferring inmates from Riverfront to facilities throughout the State and county prison system.

### 2009 Appropriations Handbook

No comparable language

### 2010 Budget Recommendations

p. D-77

The unexpended balance at the end of the preceding fiscal year in the institutional object accounts designated for the payment of the costs associated with inmate health care is appropriated for the payment of prior year obligations, subject to the approval of the Director of the Division of Budget and Accounting.

### Explanation

The recommended language would permit the department to carry forward funding for the medical services account to allow for the payment of prior year obligations in FY 2010. This language is consistent with language that appears elsewhere in the budget, e.g., Medicaid, authorizing the use of current year resources for prior year costs that might not be presented for payment in the year they are incurred.

Language Provisions (Cont'd)

<u>2009 Appropriations Handbook</u>	<u>2010 Budget Recommendations</u>
<p>p. B-44</p> <p>Notwithstanding the provisions of any law or regulation to the contrary, the New Jersey State Parole Board is authorized to expend the amounts appropriated for Re-Entry Substance Abuse Program, <b>Halfway Back</b> Program, Mutual Agreement Program and <b>Day Reporting</b> Program to provide services to ex-offenders who are age 18 or older and under juvenile or adult parole supervision, subject to the approval of the Director of the Division of Budget and Accounting.</p>	<p>p. D-83</p> <p>Notwithstanding the provisions of any law or regulation to the contrary, the New Jersey State Parole Board is authorized to expend the amounts appropriated for Re-Entry Substance Abuse Program, <b>Stages to Enhance Parolee Success</b> Program, Mutual Agreement Program and <b>Community Resource Center</b> Program to provide services to ex-offenders who are age 18 or older and under juvenile or adult parole supervision, subject to the approval of the Director of the Division of Budget and Accounting.</p>

Explanation

The names of the highlighted programs in the FY 2009 Appropriations Handbook have been changed to the highlighted names in the 2010 Budget Recommendation. No changes in program operations have occurred.

<u>2009 Appropriations Handbook</u>	<u>2010 Budget Recommendations</u>
<p>No comparable language.</p>	<p>p. D-83</p> <p>Of the amount hereinabove appropriated for the Mutual Agreement Program (MAP), the amount of \$175,000 shall be transferred to the Department of human Services, Division of Addiction Services for the reimbursement of salaries and to fund other related administrative costs for the Mutual Agreement Program, subject to the approval of the Director of the Division of Budget and Accounting.</p>

Explanation

The recommended language would provided funding to reimburse the Department of Human Services for services provided to the Mutual Agreement Program. MAP provides beds in private community based treatment facilities for inmates and parolees. It is designed for inmates and parolees who are in need of substance abuse treatment and provides an alternative to incarceration while providing treatment.

## Language Provisions (Cont'd)

### 2009 Appropriations Handbook

### 2010 Budget Recommendations

p. B-44

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 language appropriating receipts totaling \$5.44 million generated as a result of the sale of real property for modular unit replacement has not been recommended in FY 2010. It is unknown whether the property sale in question has taken place or will take place by the close of FY 2009.



## 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?
- *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?

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

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

## Discussion Points (Cont'd)

- **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?
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?
  - **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?
  - **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?
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.

## Discussion Points (Cont'd)

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.

- **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?
  - **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?
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?
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?
  - **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?

## 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?

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 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?

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?

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?

## Discussion Points (Cont'd)

What efforts are made to assist inmates in obtaining vocational training and/or employment upon release?

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?

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?
- **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?

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.

- **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?

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?

## Discussion Points (Cont'd)

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?

## STATE PAROLE BOARD

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

## Discussion Points (Cont'd)

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 the State Parole Board? What strategies has the department employed to deal with staff reductions? What projects, work products or functions has the Parole Board discontinued or deferred because of staffing levels? Will the Parole Board be able to accommodate furloughs in FY 2010 without increasing spending 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 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 the Parole Board, 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 Parole Board? What projects, work products or functions has the Parole Board discontinued or deferred in order to achieve these savings?

4. The Department of Corrections is responsible for providing for inmate mental health care needs which are currently provided by the University of Medicine and Dentistry of New Jersey. Many such inmates are paroled with continuing need for mental health treatment.

- **Question:** What community resources are made available to newly released parolees with mental health needs? What actions does the State Parole Board take to monitor and assist those parolees who are mentally ill?

5. The New Jersey State Parole Board received an appropriation of \$3.952 million in FY 2009 for the new Parole Violator Assessment and Treatment Program. The program provides a structured alternative to re-incarceration for parole violators. Under the program the State Parole Board assesses each offender's specific risk factors and needs and refers the offenders to the appropriate rehabilitative "community programs" necessary to address those risks and needs. The FY 2010 budget reduces funding for this program by \$724,000 or 16.1 percent and provides funding for 135 bed spaces.

- **Question:** What is the status of the program? How many parolees have participated in the program to date? What impact has the program had on the recidivism rate of parolees and their success in integrating into society?

## Discussion Points (Cont'd)

6. The public outcry of New Jersey's citizens against paroled sex offenders living within their communities has greatly limited the areas where these offenders can reside after release.

- **Question:** What actions has the Parole Board taken to assist these offenders in finding housing? Would increased educational or employment opportunities improve reintegration into the community without compromising public safety? What additional resources would be required?

7. 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. Because many of the parolees admitted to these programs are required to be supervised for life, case loads will continue to increase annually.

- **Question:** What are the Parole Board's plans to deal with this ever increasing population of parolees? What is the rate of recidivism for sex offenses and other offenses, respectively, among this group of parolees? Does the board plan any revisions to its supervision methods in FY 2010? If so, please elaborate. What additional measures should be taken to assure adequate supervision, but for which no resources are available? Please estimate additional funding requirements to implement these measures.

## Background Paper: Inmate Population Trends

Budget Pages.... D-71 to D-75, D-78, D-81

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. 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. In 2009, the Governor and the Department of Corrections have announced plans to close Riverfront State Prison during FY2009, reducing the number of adult and young adult institutions to thirteen.

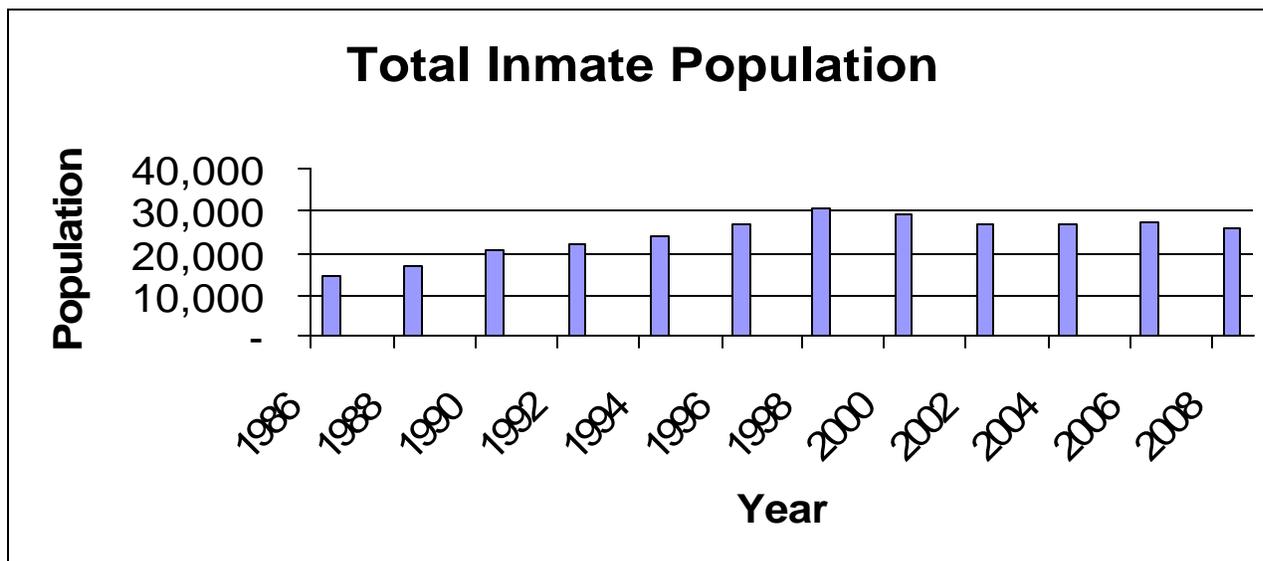
Riverfront State Prison is located in the city of Camden on the waterfront and is the third newest prison in the prison system. Opened in 1985, the prison had an average daily population of 1,017 inmates in FY 2008. During FY 2009, the department has begun to reduce the population of the facility in anticipation of the imminent sale of the property. As of February 28, 2009 the facility housed 517 inmates.

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 to help ease the transition back to society at the end of the inmate's term of incarceration.

From the late 1980's through the late 1990's, the number of criminals 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 11 percent and has remained relatively stable, with moderate fluctuations since then as can be seen on the following chart.

## Background Paper: Inmate Population Trends (Cont'd)



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

The above chart tracks the State prisons' population from the late 1980's through 2008. 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, 2008 the State sentenced prison population totaled 25,958 inmates, 4,860 inmates fewer than the number housed in 1999, a decline of about 16 percent.

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 as well as various parole programs have also contributed to the reduction in the State prison population.

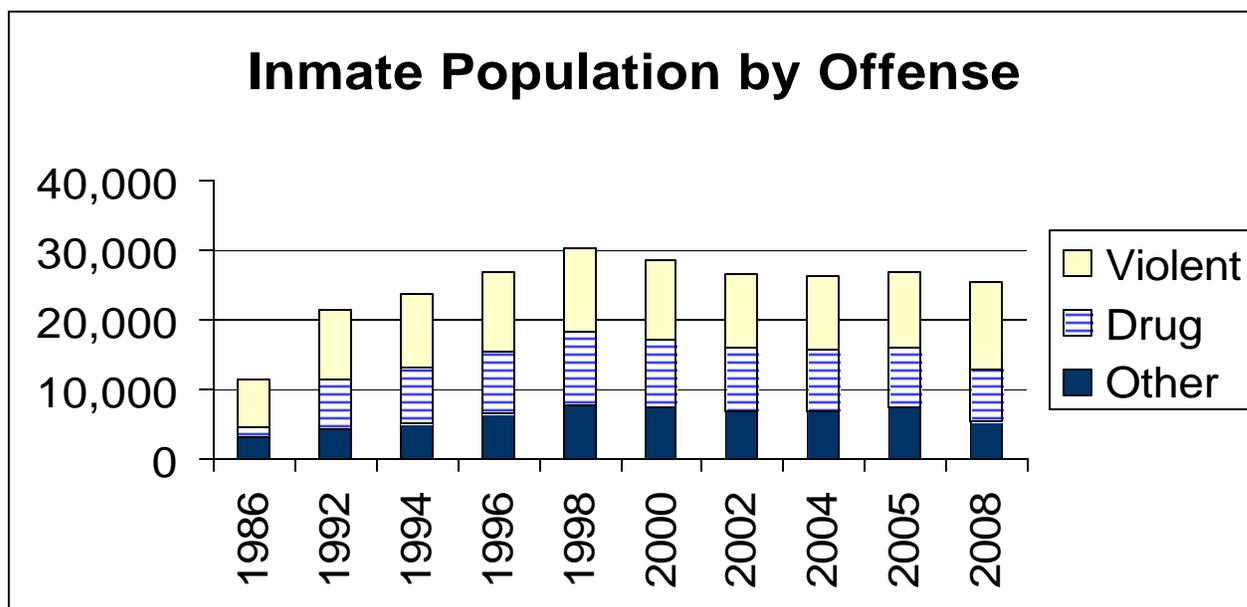
### Offender Characteristics

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

## Background Paper: Inmate Population Trends (Cont'd)

increasing number of mandatory minimum drug statutes which were enacted during that time period.

As of December 31, 1986, a total of 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 three years later, in January, 2009 drug offenders accounted for 29 percent of the total prison population, the proportion of violent offenders declined to 50 percent, and those convicted of other offenses declined to 21 percent of the inmate population.



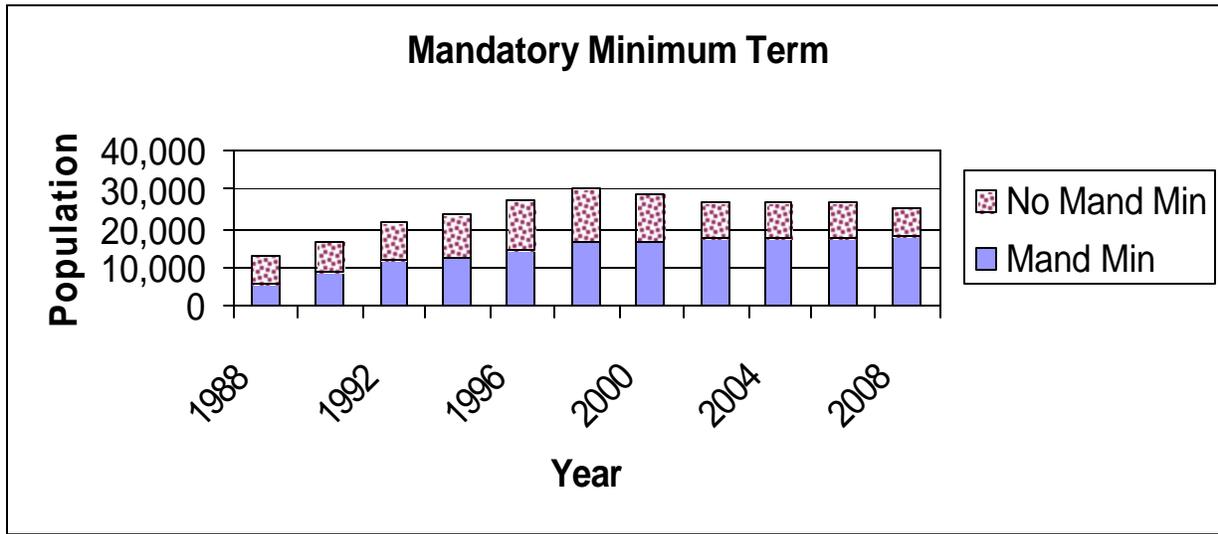
Source: New Jersey Department of Corrections "Offender Characteristics Report", issued by the DOC Division of Policy Analysis and Planning.

### 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.

The following chart illustrates that since 1988, 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 1988, about 42 percent of the state's total adult population were serving mandatory minimum terms. By 2008 this proportion increased to 69 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.

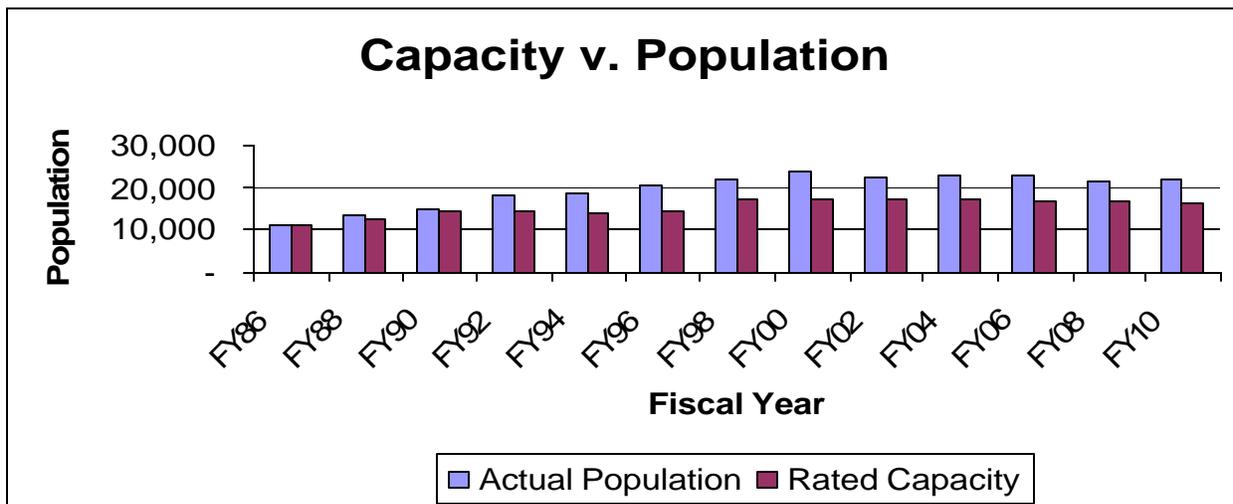
Background Paper: Inmate Population Trends (Cont'd)



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

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. As a result of the proposed closure and sale of Riverfront State Prison in FY 2009, the rated capacity of the State prison system will decline to 16,152 in FY 2010.



Source: State of New Jersey Annual Budget Recommendations.

## Background Paper: Inmate Population Trends (Cont'd)

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 is projected to grow from 11,163 inmates in FY 1986 (2.5 percent over rated capacity) to 21,715 inmates in FY 2010 (34.44 percent over rated capacity). The preceding chart illustrates the continuing gap between the department's rated capacities and its population.

### Alternative Housing Options

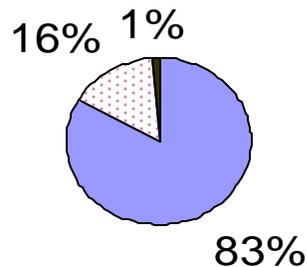
While this expansion of the number of bed spaces within many institutions caused populations to exceed the original design capacities, the department continued to require additional secure housing for its population. To address this, DOC enlisted county jails and expanded its use of community based halfway 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, 2008, the number of State sentenced inmates totaled 25,958. The number housed in State facilities totaled 22,195 inmates, comprising 86 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 1,122 (4 percent), and the number of community placements totaled 2,641 (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.

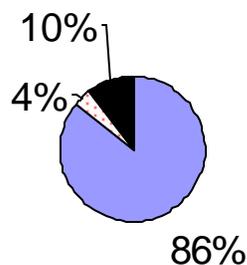
Background Paper: Inmate Population Trends (Cont'd)

**Population Distribution  
December 1986**



<span style="color: blue;">■</span>	<b>Total Inmates Housed in State Facilities--83%</b>
<span style="color: gray;">■</span>	<b>Total Inmates Housed in Counties--16%</b>
<span style="color: black;">■</span>	<b>Total Inmates Housed in Community Settings--1%</b>

**Population Distribution  
December 2008**



<span style="color: blue;">■</span>	<b>Total Inmates Housed in State Facilities--86%</b>
<span style="color: gray;">■</span>	<b>Total Inmates Housed in Counties--4%</b>
<span style="color: black;">■</span>	<b>Total Inmates Housed in Community Settings--10%</b>

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

FY 2010 budget evaluation data indicate that after Riverfront State Prison is closed and the inmates moved to other locations within the State prison system, a greater percentage of inmates will be housed in community settings. The budget notes that the State institutions will house 21,715 inmates, or 72.3 percent of the inmate population, community settings will house 6,989 or 23.3 percent of the inmates; and the counties will house 1,316 or 4.4 percent of the inmate population.

## Background Paper: Inmate Population Trends (Cont'd)

### 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 violent offenders with an increasing number of 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 fluctuations, future inmate population trends will influence policy decisions and the need for the allocation of resources in future years.

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Individuals wishing information and committee schedules on the FY 2010 budget are encouraged to contact:

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