Fiscal Year 2011

Budget Committee Meetings

State Parole Board

Yolette C. Ross, Chairman
OFFICE OF LEGISLATIVE SERVICES
ANALYSIS OF THE NEW JERSEY BUDGET
FISCAL YEAR 2010-2011

BUDGET QUESTIONS FOR ALL DEPARTMENTS AND UNITS

1. For each line item reduction in the department’s or unit’s budget, specify the change, if any, in the nature, breadth or level of service or benefit that will be provided and identify and quantify the population that may be affected.

   Please see attached chart.

2. For each line item reduction in the department’s or unit’s budget, please indicate the number of positions (budgeted, funded and filled or unfilled) that will be eliminated and the number of individuals whose employment will be ended. If appropriate distinguish between staffing actions that may occur before and after January 1, 2011.

   In conjunction with the Department's response to Question #1 above, the associated schedule identifies the number of impacted positions and whether those positions are currently filled or funded vacancies.

   It is anticipated that these staffing actions will be completed by the end of FY 2011. The Memorandum of Agreement with the public employee unions will be honored to the extent that classified employees are involved. For those reductions associated with the elimination of funded vacancies, the savings will accrue throughout Fiscal Year 2011 as separations, retirements, and resignations occur.

3. Please identify any reductions in the department’s or unit’s budget that constitute one-time savings that are not likely to recur in Fiscal Year 2012.

   All reductions are recurring.

4. Please identify each Fiscal Year 2010 mid-year reduction that is recommended for continuation in Fiscal Year 2011.

   Attrition savings of $378,000 was taken in FY 10 which annualizes to a reduction of $937,000 in FY 11.

   Overtime was reduced by $75,000 in FY 10, annualizing to $150,000 in FY 11.
5. Are any of the appropriations recommended for Fiscal Year 2011 required to compensate for the effects of Fiscal Year 2010 reductions? If so, please identify and explain.

No appropriations in FY 11 are compensating from the effects of the FY 10 Budget.

6. Please list any anticipated increase in fees, fares or co-payments that are reflected in the FY 2011 budget recommendation, including the amount of revenue or cost reduction, and the intended effective date.

No increase in fees is anticipated within the SPB Budget.

7. If additional revenues were to become available during the budget process, which one or two reductions proposed for the department or unit should be top candidates for restoration? Please justify your selections.

The Governor's proposed Fiscal year 2011 budget represents the culmination of many tough choices that had to be made in order to balance spending and revenues for next year. The funding proposed for the State Parole Board, while reduced, will allow it to meet its core missions and provide vital services to residents and businesses in the State.

In the event that additional revenues become available during the budget process, the Department would welcome the opportunity to work closely with the Legislature to restore funding for important programs. The Department believes that any such restorations should be considered in the context of programs and spending needs throughout the State budget, not only those administered by the Department. The Department looks forward to consulting with the Legislature to ensure that only the programs of greatest value are restored.

8. Please identify proposed budget reductions which require Federal approvals, waivers or similar actions, and the timetable for seeking and obtaining approvals in order to achieve the projected savings. Please indicate whether approvals/waivers have been previously sought and not obtained, and explain why approvals should be expected in this case. If federal approval is not received, what alternative actions may have to be taken to achieve savings of comparable value? Please also identify proposed budget reductions that may reduce the receipt of federal funds, and the estimated loss of federal funds that would result from such reductions.

The SPB Budget is not impacted by federal waivers.
9. Please describe how the department or unit implemented mandatory workforce furloughs in FY 2010, identifying the amount saved and the proportion of the workforce exempt from furloughs, and detailing the impact on individuals or firms served by or regulated by the department.

Civilian employees (approximately 285) were required to take a total of 9 furlough days. Days taken were approved by management. This initiative saved $686,000 in FY 10.

Parole officers and command staff (approximately 390 employees) were exempt from taking furlough days.

10. The Budget in Brief references savings to be achieved both through privatization and “insourcing.” Please identify savings in your budget associated with either of these initiatives. Please provide examples of successes or failures of such initiatives in prior years.

Funding was not reduced in the SPB Budget relating to the proposed privatization initiative.
State Parole Board
OLS- Fiscal 2011 Budget Questions for All Departments

Question 1. For each line item reduction in the Department's or unit's budget, specify the change, if any, in the nature, breadth or level of service or benefit that will be provided and identify and quantify the population that may be affected.

<table>
<thead>
<tr>
<th>Reduction Item Description</th>
<th>Reduction</th>
<th>Level of Service</th>
<th>Pop Affected</th>
</tr>
</thead>
<tbody>
<tr>
<td>Payments to Inmates Discharged from Facilities</td>
<td>$500</td>
<td>Eliminates financial aid services for all parolees.</td>
<td>Parolees</td>
</tr>
<tr>
<td>Reduction of Overtime</td>
<td>$850</td>
<td>The addition of an alternate shift will allow for a reduction of overtime costs.</td>
<td></td>
</tr>
<tr>
<td>Reduction of salaries relating to attrition and the elimination of funded vacancies.</td>
<td>$2,621</td>
<td>Officer counts and civilian staffing levels have been reduced.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>$3,971</td>
<td></td>
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OLS QUESTIONS:
STATE PAROLE BOARD

1. The final report of the Corrections and Homeland Security Committee generated by Governor Christie’s transition team stated that the department should implement or expand the practice of medical parole which would “allow people who are seriously ill to be released to supervision, where they can receive appropriate care in the community, often using federal funds that are inaccessible when a person is in prison.”

- Question: What additional services would be required by the Parole Board to supervise inmates who have been medically paroled? What would be the cost of these services?

New Jersey State Statute currently prohibits certain violent inmates - those convicted for murder, manslaughter, kid-napping, aggravated sexual assault, robbery, aggravated arson or endangering the welfare of a child - from being considered for medical parole release. The State Parole Board opposes any change that would expand medical parole consideration to these inmates. The discretion given by statute to its Panel Members should remain integral to the process by which inmates are considered for medical parole.

Under the current New Jersey Statute, three inmates have been released on medical parole since 2006. A total of four inmates were considered by Parole Board Panels during that time period; three were granted medical parole and one was denied because Board Members found the inmate did not meet the standard for medical parole.

An expansion of medical parole eligibility would require additional parole hearings. It would also add to the existing parole caseload. It is difficult for the State Parole Board to calculate the number of potentially affected inmates, and the specific scope or cost of resources required to meet these needs, without a specific proposal.

2. P.L.2009, c.330 provides that the Parole Board and the Department of Corrections shall enter into formal written parole contract agreements with individual parolees or inmates stipulating individual programs of education, training, or other activity which shall result in a specified reduction of the parolee’s parole term or the inmate's primary parole eligibility date upon successful completion of the program.

- Question: What is the impact of this provision of the Parole Board’s operations? How does the Parole Board anticipate fulfilling this obligation with no recommended increase in its FY 2011 budget for this purpose?

The State Parole Board currently provides each parolee with a Certificate of Parole, as required
by New Jersey Statute. The Certificate of Parole is signed by the Board Panel Members and by
the parolee, and describes the general conditions and any special conditions of parole by which
the parolee must abide.

The State Parole Board also enters into Case Plan Agreements with parolees, under the
agency’s commitment to use Evidence-Based Practices for parole supervision and public safety.
Case Plan Agreements include long-term and short-term goals the parolee must follow in order
to successfully reenter society. The goals are agreed upon by the parolee and the parole officer.

In addition to these practices, P.L. 2009, c.330 specifically requires the agency enter into a
"parole contract." The use of the term "contract", and the responsibility of the agency to
administer and document factual elements including an offer; an acceptance of that offer; a
promise to perform; a valuable consideration; a time or event when the performance must be
made; terms and conditions for performance; and the performance itself creates several legal
concerns.

Furthermore, it is unclear whether such a contract with the State Parole Board may legally
"result in a specified reduction of the parolee’s parole term or the inmates' primary parole
eligibility date" since the max date and parole eligibility date are set by the sentencing judge.

N.J.A.C. 30:4-123.52 states that “no parole eligibility date shall be set below the primary parole
eligibility date without the consent of the sentencing court, which need not conduct a hearing
and in no case shall a parole eligibility date be set below any judicial or statutory mandatory
minimum term.”

3. P.L.2009, c.330 requires that certain inmates be given a six-month term of
supervised parole in substitution of the final six months of incarceration. In a fiscal
note to the bill the State Parole Board stated that approximately 1,500 inmates
would be eligible for this mandatory supervised parole program at a cost of $2.1
million per year. This estimate does not include training or equipment needs.

• Question: What is the impact of this provision of the Parole Board’s operations?
  How does the Parole Board anticipate fulfilling this obligation with no
  recommended increase in its FY 2011 budget for this purpose?

The Fiscal Note submitted in December 2010 estimated an annual fiscal impact of $19.6M ($2.1
million in new officer costs plus an additional $17.5 million in grants in aid). The provision
specifically affects inmates who have been denied parole because the Parole Board members
found it likely, based on the evidence, that these inmates would violate the conditions of parole
or commit new crimes while under supervision. It also affects inmates who have chosen not to
be considered for parole release. Research indicates these individuals are considered to be a
higher risk of recidivism.

An estimated 1,250 inmates will be affected and the State Parole Board is actively working with
the Department of Corrections to arrive at a hard count of eligible inmates for implementation in
FY11. In light of the recent passage of A4202/S11, however, it is unclear as to the timing of
implementation of the six month term of supervision.

The State Parole Board anticipates that the majority of these offenders will be placed in
community-based reentry programs and/or electronic monitoring on release, as a condition of
parole. These programs and enhanced supervision efforts are generally associated with
reductions in recidivism.