

**ANALYSIS OF THE NEW JERSEY BUDGET**

**DEPARTMENT OF CORRECTIONS  
STATE PAROLE BOARD**

**FISCAL YEAR**

**2011 - 2012**

# NEW JERSEY STATE LEGISLATURE

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# DEPARTMENT OF CORRECTIONS AND STATE PAROLE BOARD

Budget Pages..... B-4, B-9, B-10, B-11, C-4, C-11, C17,  
C18, C-24, C-26, C-28, D-59 to D-77,  
G-1 toG-2, H-13, H-14, H-16.

## Fiscal Summary (\$000)

	Expended FY 2010	Adjusted Appropriation FY 2011	Recommended FY 2012	Percent Change 2011-12
State Budgeted	\$1,168,498	\$1,114,728	\$1,093,904	( 1.9%)
Federal Funds	45,685	12,062	12,204	1.2%
<u>Other</u>	<u>55,929</u>	<u>51,790</u>	<u>51,848</u>	<u>.1%</u>
Grand Total	\$1,270,112	\$1,178,580	\$1,157,956	( 1.7%)

## Personnel Summary - Positions By Funding Source

	Actual FY 2010	Revised FY 2011	Funded FY 2012	Percent Change 2011-12
State	9,199	8,671	8,808	1.6%
Federal	29	28	28	—
<u>Other</u>	<u>326</u>	<u>290</u>	<u>289</u>	<u>(.3%)</u>
Total Positions	9,554	8,989	9,125	1.5%

FY 2010 (as of December) and revised FY 2011 (as of January) personnel data reflect actual payroll counts. FY 2012 data reflect the number of positions funded.

Link to Website: <http://www.njleg.state.nj.us/legislativepub/finance.asp>

## Highlights

### DOC POPULATION DATA

- According to the Department of Corrections' monthly Summary of Residents, Admissions and Releases report, as of January 31, 2011, there were 24,670 State sentenced inmates housed in State and county correctional facilities and halfway house placements, 470 or 1.9 percent fewer inmates than the number housed on January 31, 2010.
- According to the FY 2012 budget evaluation data, with an average projected population level of 21,740 inmates housed in State operated facilities, the State prisons are expected to operate at 137 percent of their rated capacity of 15,828 bed spaces in FY 2012. 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 21,740 are housed in county correctional facilities and halfway houses.
- FY 2012 budget evaluation data indicates that the department anticipates an average daily population of 350 inmates housed in the county jails, 223 fewer inmates than the average daily population in FY 2011.

### DIRECT STATE SERVICES

- The Department of Corrections' and the State Parole Board's combined FY 2012 Direct State Services recommendations total \$967.1 million, which is \$25.4 million or 2.6 percent less than the FY 2011 adjusted appropriation of \$992.5 million. Funding for institutional operations is recommended at \$884.9 million, totaling \$22.7 million or 2.5 percent less than the FY 2011 adjusted appropriation of \$907.6 million.

### DEPARTMENT OF CORRECTIONS

- The FY 2012 recommendation for departmental salaries and wages totals \$617.811 million, \$19.042 million or 3 percent less than the amount appropriated in FY 2011. Included in this reduction is a \$8.881 million savings as a result of the elimination of Sick Leave Injury, \$7.042 million in savings through the elimination of funded vacancies, and \$3.119 as a result of annualized savings from salary actions taken during FY 2011.

### STATE PAROLE BOARD

- The State Parole Board is recommended to receive \$39.969 million for Salaries and Wages in FY 2012, a decrease of \$1.224 million or 3 percent under the FY 2011 adjusted appropriation. This reduction reflects savings attained through the attrition of 45 positions through June 30, 2012, offset by the addition of 33 new parole officers.
- The Parolee Electronic Monitoring program anticipates a savings of \$95,000 in FY 2012 due to the rebidding of the contract.
- 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

## Highlights (Cont'd)

monitoring of convicted sex offenders. P.L.2007, c.128 made the program permanent. The program is recommended to receive \$2.819 million in FY 2012, the same level of funding as received in FY 2011. Recommended funding would provide for a caseload of 280 participants.

## GRANTS-IN-AID

### DEPARTMENT OF CORRECTIONS

The FY 2012 recommendation for the Purchase of Services for Inmates Incarcerated in County Penal Facilities totals \$5.582 million, a decrease of \$942,000 or 14.4 percent under the FY 2011 adjusted appropriation. The recommended decrease reflects county jail savings due to medical unit consolidations, resulting in the availability of additional beds for general population in DOC institutions. The average number of State inmates in county penal facilities is projected to decrease from 573 in FY 2011 to 350 in FY 2012 as a result of the department's ongoing efforts to reduce its backlog of inmates awaiting housing in State prison facilities.

### Background Paper

- Inmate Population Trends

p. 15

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

<u>Budget Item</u>	<u>Adj. Approp.</u>	<u>Recomm.</u>	<u>Dollar</u>	<u>Percent</u>	<u>Budget</u>
	<u>FY 2011</u>	<u>FY 2012</u>	<u>Change</u>	<u>Change</u>	<u>Page</u>
	<u>Expended</u>	<u>Adj.</u>	<u>Recom.</u>	<u>Percent Change</u>	
	<u>FY 2010</u>	<u>Approp.</u>	<u>FY 2012</u>	<u>2010-12</u>	<u>2011-12</u>
		<u>FY 2011</u>			
<b><u>General Fund</u></b>					
Direct State Services	\$1,020,030	\$992,488	\$967,106	( 5.2%)	( 2.6%)
Grants-In-Aid	124,004	107,240	106,298	( 14.3%)	( 0.9%)
State Aid	22,221	15,000	20,500	( 7.7%)	36.7%
Capital Construction	2,243	0	0	( 100.0%)	0.0%
Debt Service	0	0	0	0.0%	0.0%
<b>Sub-Total</b>	<b>\$1,168,498</b>	<b>\$1,114,728</b>	<b>\$1,093,904</b>	<b>( 6.4%)</b>	<b>( 1.9%)</b>
<b><u>Property Tax Relief Fund</u></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>\$1,168,498</b>	<b>\$1,114,728</b>	<b>\$1,093,904</b>	<b>( 6.4%)</b>	<b>( 1.9%)</b>
<b>Federal Funds</b>	<b>\$45,685</b>	<b>\$12,062</b>	<b>\$12,204</b>	<b>( 73.3%)</b>	<b>1.2%</b>
<b>Other Funds</b>	<b>\$55,929</b>	<b>\$51,790</b>	<b>\$51,848</b>	<b>( 7.3%)</b>	<b>0.1%</b>
<b>Grand Total</b>	<b>\$1,270,112</b>	<b>\$1,178,580</b>	<b>\$1,157,956</b>	<b>( 8.8%)</b>	<b>( 1.7%)</b>

## PERSONNEL SUMMARY - POSITIONS BY FUNDING SOURCE

	<u>Actual</u>	<u>Revised</u>	<u>Funded</u>	<u>Percent Change</u>	
	<u>FY 2010</u>	<u>FY 2011</u>	<u>FY 2012</u>	<u>2010-12</u>	<u>2011-12</u>
State	9,199	8,671	8,808	( 4.3%)	1.6%
Federal	29	28	28	( 3.4%)	0.0%
All Other	326	290	289	( 11.3%)	( 0.3%)
<b>Total Positions</b>	<b>9,554</b>	<b>8,989</b>	<b>9,125</b>	<b>( 4.5%)</b>	<b>1.5%</b>

FY 2010 (as of December) and revised FY 2011 (as of January) personnel data reflect actual payroll counts. FY 2012 data reflect the number of positions funded.

## AFFIRMATIVE ACTION DATA

Total Minority Percent - DOC	46.3%	49.3%	48.3%	----	----
Total Minority Percent - Parole	36.9%	38.8%	38.8%	----	----

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2011</u>	<u>Recomm. FY 2012</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
DEPARTMENT OF CORRECTIONS					
DIRECT STATE SERVICES SALARIES AND WAGES					
Detention and Rehabilitation	\$581,032	\$563,407	(\$17,625)	( 3.0%)	D-67
System Wide	\$39,460	\$39,692	\$ 232	.6%	D-70
Central Planning, Direction and Management	\$16,361	\$14,712	(\$1,649)	( 10.1%)	D-76
TOTAL	\$636,853	\$617,811	(\$19,042)	( 3.0%)	

The largest component of the recommended decrease of \$19.042 million in Salaries and Wages is \$8.881 million in savings as a result of the elimination of Sick Leave Injury. In addition, a total of \$3.92 million is saved through the elimination of 53 funded civilian vacancies and \$3.122 million is saved through the elimination of 48 funded custody staff vacancies. An additional \$3.119 in savings is realized through the annualization of FY 2011 salary actions which included: attrition of Central Office staff, reduction of social worker staff, removal of non-tenured teachers, and the elimination of recreation program supervisors, teaching assistants, and institutional trade instructors.

SERVICES OTHER THAN PERSONAL					
Detention and Rehabilitation	\$155,364	\$148,980	(\$6,384)	( 4.1%)	D-67
System Wide	\$8,750	\$8,453	(\$ 297)	( 3.4%)	D-70
Central Planning, Direction and Management	\$644	\$644	0	—	D-76
TOTAL	\$164,758	\$158,077	(\$6,681)	( 4.1%)	

The FY 2012 recommendation for these accounts includes a reduction of \$5.281 million for savings generated in the inmate medical services accounts. This savings was generated through staffing changes within the psychiatric units, and the establishment of formulary controls. An additional \$1.4 million is projected medical surplus based on actual payments from FY 2010 into FY2011 and was reallocated from medical accounts to the Civilly Committed Sexual Offender Program to pay for an additional mental health team based on current population projections.

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2011</u>	<u>Recomm. FY 2012</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Civilly Committed Sexual Offender Program	\$25,677	\$27,077	\$ 1,400	5.5%	D-68

The recommended appropriation would support 463 patients, 26 more than the number funded during FY 2011. The increased funding was reallocated surplus from medical accounts to the Civilly Committed Sexual Offender Program to pay for an additional mental health team based on current population projections.

**ALL OTHER FUNDS**

Institutional Care and Treatment	\$7,243	\$7,669	\$ 426	5.9%	D-68
Administration and Support Services	\$237	\$251	\$ 14	5.9%	D-76
<b>TOTAL</b>	<b>\$7,480</b>	<b>\$7,920</b>	<b>\$ 440</b>	<b>5.9%</b>	

The FY 2012 recommendation for Institutional Care and Treatment, All Other Funds and 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. Funding is provided for student offenders who 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	\$15,060	\$15,346	\$ 286	1.9%	D-68
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The FY 2012 increase in this account reflects 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.

<b>DIRECT STATE SERVICES SYSTEM WIDE PROGRAM SUPPORT Grants in Aid Purchase of Service for Inmates Incarcerated in County Penal Facilities</b>	<b>\$6,524</b>	<b>\$5,582</b>	<b>(\$ 942)</b>	<b>( 14.4%)</b>	<b>D-70</b>
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**Significant Changes/New Programs (\$000) (Cont'd)**

<u>Budget Item</u>	<u>Adj. Approp. FY 2011</u>	<u>Recomm. FY 2012</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
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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. The decrease reflects county jail savings due to medical unit consolidations within the State's facilities, resulting in the availability of additional beds for general population in DOC institutions. According to FY 2012 budget evaluation data, the recommendation would provide funding for an average daily population of 350 inmates housed in the counties.

**STATE AID AND GRANTS**

**Essex County –**

**County Jail Substance**

**Abuse Programs**

<b>\$15,000</b>	<b>\$18,000</b>	<b>\$ 3,000</b>	<b>20.0%</b>	<b>D-70</b>
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This program, which was previously budgeted in the Department of Human Services, Division of Addiction Services budget was transferred to the Department of Corrections during FY 2010. The recommended appropriation defrays the county's cost of diverting inmates to private residential treatment facilities. The FY 2011 budget reduced the appropriation for this program by \$3.525 million. The FY 2012 recommendation would restore funding for this program to just under the FY 2010 funded level.

**Union County Inmate**

**Rehabilitation**

**Services**

<b>\$0</b>	<b>\$2,500</b>	<b>\$ 2,500</b>	<b>—</b>	<b>D-70</b>
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This program which was previously budgeted in the Department of Human Services, Division of Addiction Services budget was transferred to the Department of Corrections during FY 2010. The appropriation defrays the county's cost of diverting inmates to private residential treatment facilities. Funding for the program, which totaled \$3.9 million in FY 2010, was eliminated in FY 2011. The FY 2012 recommendation restores the program in Union County.

**FEDERAL FUNDS**

**Institutional Program**

**Support**

<b>\$9,259</b>	<b>\$9,559</b>	<b>\$ 300</b>	<b>3.2%</b>	<b>D-71</b>
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The FY 2012 increase in federal funding represents a grant totaling \$300,000 for the Prisoner Re-Entry Initiative grant in Camden County. Under the grant ex-offenders will be provided with services according to an individualized service delivery plan, with a focus on employment. Acting as a sub-grantee to the program, the Walter Rand Institute for Public Affairs will convene service providers, case managers and parole officers to discuss participant progress, address participant needs, and identify and fill service delivery gaps to offenders returning to Camden City. Federal funds for the following programs are anticipated in FY 2012:

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

<u>Budget Item</u>	<u>Adj. Approp.</u> <u>FY 2011</u>	<u>Recomm.</u> <u>FY 2012</u>	<u>Dollar</u> <u>Change</u>	<u>Percent</u> <u>Change</u>	<u>Budget</u> <u>Page</u>
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- The Justice and Mental Health Collaboration Program is projected to receive \$200,000 in FY 2012, the same level of funding as received in FY 2011.
- The State Criminal Alien Assistance program is anticipated at \$5.097 million in FY 2012, the same level of funding as received in FY 2011.
- The National Institute of Justice Grant for Corrections Research--Escape Study grant is projected at \$300,000 in FY 2012, the same level of funding as received in FY 2011.
- The Promoting Responsible Fatherhood grant is projected at \$395,000 in FY 2012, the same level of funding as received in FY 2011.
- The Inmate Vocational Certifications grant is projected to receive \$100,000 in FY 2012, the same level of funding as received in FY 2011.
- The Communications Upgrade – US Department of Commerce grant is projected to receive \$1 million in FY 2012, the same level of funding as received in FY 2011.
- The Central Communications Upgrade – US Department of Homeland Security grant is projected to receive \$1 million in FY 2012, the same level of funding as received in FY 2011.
- Project INSIDE funding is expected to be \$386,000 in FY 2012, the same level of funding as received in FY 2011.
- The Second Change Reentry Project - US Department of Justice is anticipated to receive \$281 in FY 2012, the same level of funding as received in FY 2011.
- The department anticipates the receipt of \$500,000 in FY 2012 for Technology Enhancements, the same level of funding as received in FY 2011.

**OTHER FUNDS**

**Institutional Program Support**

<b>\$385</b>	<b>\$165</b>	<b>(\$ 220)</b>	<b>( 57.1%)</b>	<b>D-71-</b>
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The FY 2012 recommendation reflects a reduction of \$220,000 in the Nicholson Foundation Re-Entry grant. The program 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**

<b>\$41,193</b>	<b>\$39,969</b>	<b>(\$1,224)</b>	<b>( 3.0%)</b>	<b>D-73</b>
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The FY 2012 recommendation provides for the attrition of 45 positions through June 30, 2012, offset by the addition of 33 new parole officers.

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

<u>Budget Item</u>	<u>Adj. Approp. FY 2011</u>	<u>Recomm. FY 2012</u>	<u>Dollar Change</u>	<u>Percent Change</u>	<u>Budget Page</u>
Services Other Than Personal	\$2,100	\$2,360	\$ 260	12.4%	D-73

The FY2012 increase would provide for the costs associated with the new parole officer class of 33 recruits.

**SPECIAL PURPOSE:**

Parolee Electronic Monitoring	\$4,628	\$4,533	(\$ 95)	( 2.1%)	D-73
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The recommended appropriation reflects the anticipated decrease in the contract for parolee electronic monitoring services. The contract is currently being rebid. The savings is anticipated either through the current vendor offering this rate or another vendor matching it. The FY 2012 funding level would support 400 program participants the same number served in FY 2011.

**CORRECTIONS**

**CENTRAL**

**PLANNING,**

**DIRECTION AND**

**MANAGEMENT**

**FEDERAL FUNDS**

**Administration and**

Support Services	\$1,188	\$1,084	(\$ 104)	( 8.8%)	D-76
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The FY 2012 recommendation anticipates funding for three programs as follows:

- The Adult Basic Skills program anticipates the receipt of \$899,000 in FY 2012, a decrease of \$104,000 under the FY 2011 adjusted appropriation of \$1.003 million.
- The department is expected to receive \$26,000 for indirect costs for the Title 1 Neglected and Delinquent program, the same level of funding as in FY 2011.
- The Perkins – Vocational Education program anticipates the receipt of \$159,000 in FY 2011, the same level of funding as in FY 2011.

**REVOLVING FUNDS**

State Use	\$17,100	\$16,250	(\$ 850)	( 5.0%)	G-1
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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 2012 recommendation represents a reduction of \$850,000 under the FY 2011 adjusted appropriation. This reduction reflects the slowdown of orders in the current market environment and the anticipated continued reduced order flow as the State and local governments continue to reduce spending across all areas.

## Significant Language Changes

Purchase of Service for Inmates Incarcerated in County Penal Facilities	
Deletion	2011 Handbook: p. B-31 2012 Budget: p.

~~Any change by the Department of Corrections in the per diem rates paid for Inmates Incarcerated in County Penal Facilities and for Community Services shall first be approved by the Director of the Division of Budget and Accounting~~

### Explanation

The FY 2012 recommendation deletes language requiring approval from the Director of the Division of Budget and Accounting before any change can be made in the per diem rates paid for Inmates Incarcerated in County Penal Facilities and for Community Services. Per diem rates are determined by contract between the Department of Corrections and the providers.



Purchase of Community Service	
	2011 Handbook: p. B-32 2012 Budget: p.

~~The unexpended balance at the end of the preceding fiscal year in the Purchase of Community Services account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting~~

### Explanation

The proposed language change would eliminate the carry forward of funds in the Purchase of Community Services account. According to the department, bills are paid either every 14 or 30 days with little or no lag time. With the account reconciled during July closeout, there is no need for carry forward language. There is no anticipated surplus balance in this account.



EXPLANATION: FY 2011 language not recommended for FY 2012 denoted by strikethrough. Recommended FY 2012 language that did not appear in FY 2011 denoted by underlining.

Significant Language Changes (Cont'd)

Interstate Commission for Adult Offender Supervision	
Deletion	2011 Handbook: p. B-41 2012 Budget: p.

~~From the appropriations hereinabove, the Executive Director shall make payment to the Interstate Commission for Adult Offender Supervision in the amount required for the New Jersey state assessment in the current fiscal year.~~

Explanation

The State Parole Board makes an annual payment of \$30,000 to the Interstate Commission for Adult Offender Supervision to fund New Jersey’s membership in the commission. Budget language is not required.



Parolee Employment Training	
New Language	2011 Handbook: p. 2012 Budget: p. D-74

Of the amounts hereinabove appropriated for the Community Resource Center Program, an amount not to exceed \$3,000,000 may be transferred to the Department of Labor, Employment and Training Services Program, for parolee employment services from contracted providers, subject to the approval of the Director of the Division of Budget and Accounting.

Explanation

The recommended language would permit the State Parole Board to transfer funds totaling up to \$3 million to the Department of Labor, Employment and Training Services Program to fund employment services for parolees.



EXPLANATION: FY 2011 language not recommended for FY 2012 denoted by strikethrough.  
Recommended FY 2012 language that did not appear in FY 2011 denoted by underlining.

## Discussion Points

### DEPARTMENT OF CORRECTIONS

1. During the FY 2011 budget process, the commissioner testified before the appropriations committees that the Department of Corrections would be making greater use of volunteers to provide services to inmates.

- **Question:** How has the use of volunteers increased during FY 2011? What services are these volunteers providing? How much funding has the department been able to save through the use of these volunteers?

2. During the FY 2011 budget process the commissioner testified that about \$20.9 million would be saved by the department through the efficient management of the offender population that traditionally has been housed in county jails while awaiting transport to the NJDOC. In addition, the DOC intended to increase double bunking from 74% to 77% of the adult male population, resulting in the reduction of about 600 county beds.

- **Question:** How successful has the department been in reducing State inmates in the county jails? What is the average length of time an inmate remains in the county before being transferred to a State facility? Has the increased use of double bunking created any population management issues within the institutions? How has this affected inmate security levels and risks?

3. During FY 2011 the department dismantled the Security Threat Management Group (Gang Unit) housed at Northern State Prison. The gang members housed in this unit were to be reassigned throughout the system to the appropriate institutions and levels of custody.

- **Question:** What impact has the transfer of these inmates into the general population had on the operations and security level of DOC facilities? Has there been a change in gang activity within the prisons?

4. The DOC's first quarter spending plan indicates that the department anticipates the receipt of \$15.5 million from the Office of Management and Budget to fund a deficit in the fuel account due to rising fuel prices. However, the FY 2012 budget recommendation provides the same level of funding in the institutional Materials and Supplies accounts in FY 2012 as provided in FY 2011.

- **Question:** How does the department intend to manage its fuel expenditures in FY 2012 should the high fuel prices continue? What would be the anticipated fuel deficit in FY 2012? What actions, if any, has the department taken to reduce its fuel and heating costs at each of its facilities?

5. P.L. 2009 c.330 requires the Department of Corrections, to release on parole inmates who are scheduled to "max out" of their prison sentence six months from their release date. Recent news articles have reported that at least two inmates released under this provision have been arrested and charged with murder.

- **Question:** How many inmates have been released under this provision since the statute's enactment in January, 2010? How many of these inmates have been re-arrested? What crimes have they been arrested for? What has been the budgetary

## Discussion Points (Cont'd)

impact of this program? If this program is ended, what would be the budgetary impact in FY 2012?

6. P.L. 2009 c.330 requires the Department of Corrections, in consultation with the Commissioner of Labor and Workforce Development, to establish a mandatory workforce skills training program in each of this State's correctional facilities. The statute requires that the Commissioner of Corrections and the Commissioner of Labor and Workforce Development ensure that vocational training programs provided to inmates, remain current and relevant to employers current expectations of workforce qualification standards, and revise or terminate outdated programs and redirect inmates from terminated programs into other vocational training programs that meet current employer and industry requirements. A portion of the DOC's \$3.119 salary reduction for FY 2012 includes savings generated as a result of the removal of non-tenured teachers, and the elimination of recreation program supervisors, teaching assistants, and institutional trade instructors in FY 2011.

- **Question:** What is the estimated cost of conducting an inventory of programs to determine recommendations for improvements of upgrading and adding to these programs? How does the department intend to accomplish these additional tasks in light of the recent reduction of its teaching staff?

7. P.L. 2009 c.330 requires the Commissioner of Corrections, in consultation with the Commissioner of Education, to establish a program of mandatory education in the State's correctional facilities under which inmates would be required to attain a high school equivalency certificate or high school diploma. The program is to be implemented on a phase-in basis.

- **Question:** Please comment on the impact that this requirement would have on the department's education program and upon departmental operations. How does the department intend to accomplish these additional tasks in light of the recent reduction of its teaching staff?

8. Senate Bill No. 2614 SCS of 2011 would implement the "Earn Your Way Out of Prison Into Supervision, Treatment, and Recovery Program." If enacted, the program would require the DOC to shift funding from current programs to expanded parole and treatment programs for current inmates, presumably decreasing housing costs and increasing treatment services. The bill assumes that inmates would be transferred from county jails and NJDOC facilities to halfway houses, saving money on vacated bed spaces and providing the potential for the department to shut down all or a part of one of its facilities.

- **Question:** If this substitute is enacted, from which programs would the funding for this program be shifted? Does the DOC anticipate that any savings would be accrued through the closure of all or a portion of currently standing DOC facilities?

9. A recent article in the New Jersey Law Journal (March 7, 2011) noted that the female inmates who were housed at New Jersey State Prison due to the overpopulated conditions at Edna Mahan Correctional Facility for Women (EMCFW) may recover the legal fees they incurred in suing the State over the conditions of their transfer. These women have since been returned to EMCFW.

## Discussion Points (Cont'd)

- *Question:* What provisions has the department made for housing its female inmates should overcrowding at Edna Mahan Correctional Facility for Women become an issue in the future?

### STATE PAROLE BOARD

1. P.L. 2009 c.330 provides that inmates who are within 6 months of "maxing out" of prison be paroled to the jurisdiction of the Parole Board six months prior to their release date.

- *Question:* What effect has this law had on the Parole Board's caseloads and operating procedures?

2. Recent news articles reported that a parolee released early under the provisions of P.L.2009, c.300 has been apprehended for murder. These reports indicate that this individual never reported to his parole officer, and the officer had difficulty in locating him for parole meetings.

- *Question:* What is the procedure undertaken by the Parole Board in locating parolees who miss meetings with their parole officers? What are the penalties for neglecting to show up at these meetings? How often does this happen?



## Background Paper: Inmate Population Trends

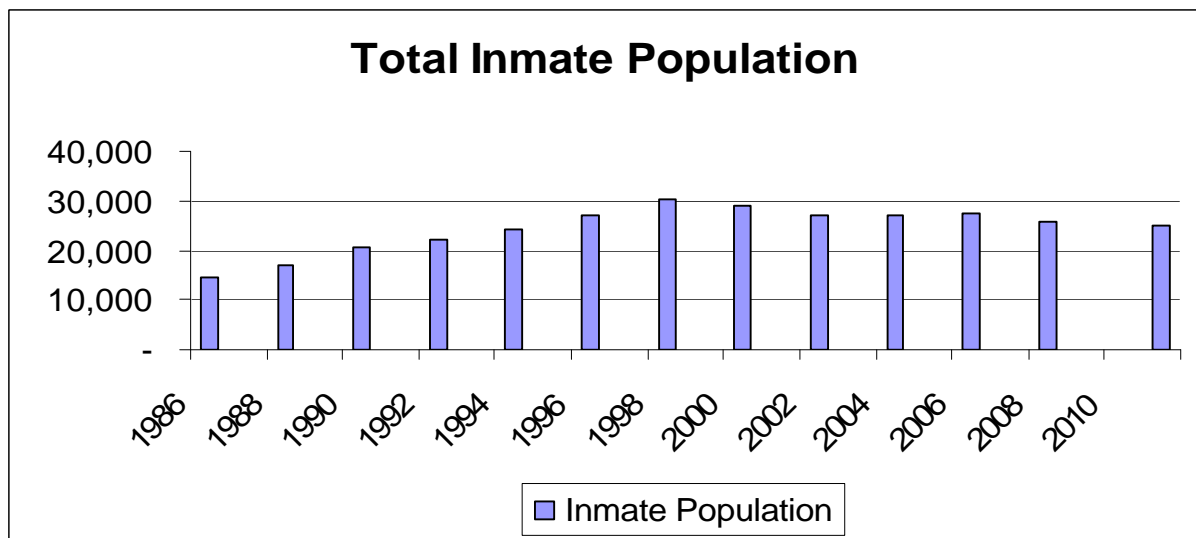
Budget Pages.... D-59 to D-77, G-1 to G-2,

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.

The department has under its jurisdiction 13 institutions<sup>1</sup>: eight 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 one of two State operated facilities. 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. The census 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.



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

<sup>1</sup> Riverfront State Prison was closed during the summer of 2009, and the inmates transferred to other facilities within the State prison system

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

The preceding chart tracks the State prisons' population from the late 1980's through 2010. 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, 2010 the State sentenced prison population totaled 25,017 inmates, 5,801 inmates fewer than the number housed in 1999, a decline of about 19 percent.

The growth during the 1990's 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.

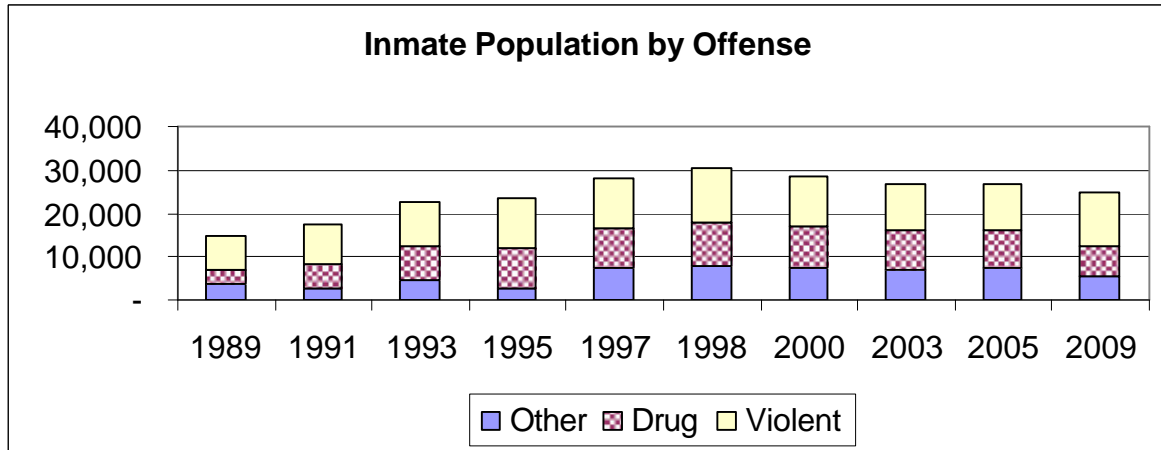
The reductions can be attributed to the fact that many inmates who had been sentenced under the mandatory minimum sentences statutes began to reach the end of their terms of incarceration and were paroled. In addition, increases in State Parole Board staff permitted the Parole Board to expand its alternatives 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 reduction in the State prison population. The recent enactment of P.L.2009, c.330, which requires that certain inmates be given a six-month term of supervised parole in substitution of the final six months of incarceration, has contributed to the reduction of about 372 State sentenced inmates in State and county facilities during the previous calendar year.

### Offender Characteristics

Over time, the makeup of the State sentenced prison population has gradually shifted from violent crimes to drug offenses. For example on 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, 2010 drug offenders accounted for 27 percent of the total prison population, the proportion of violent offenders declined to 51 percent, and those convicted of other offenses totaled 22 percent of the inmate population.

The following chart illustrates to makeup of the State sentenced prison population by offense.

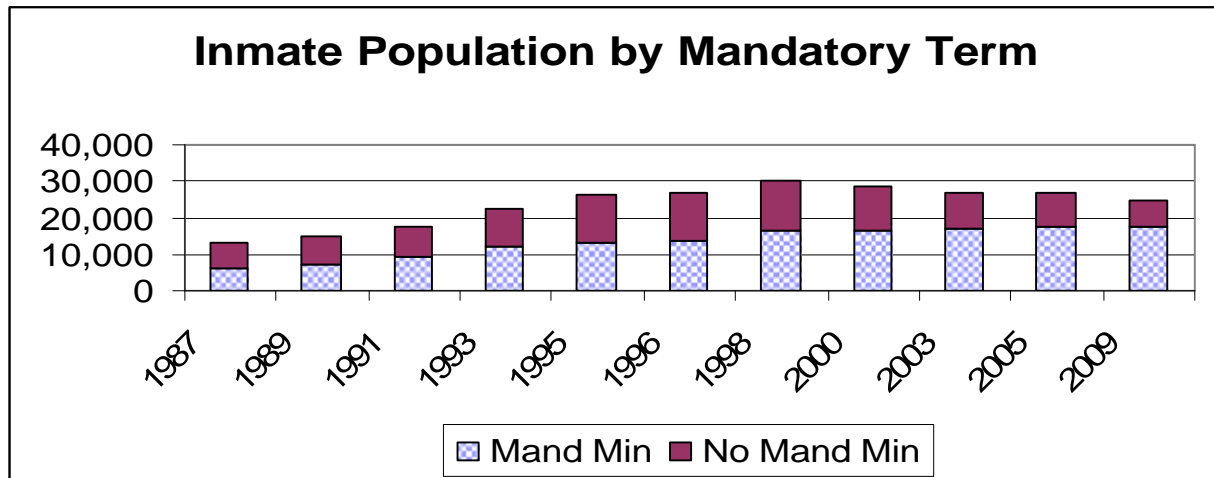
## Background Paper: Inmate Population Trends (Cont'd)



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

### 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.



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

The preceding chart illustrates that since 1987, 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 1987, about 44 percent of the state's total adult population

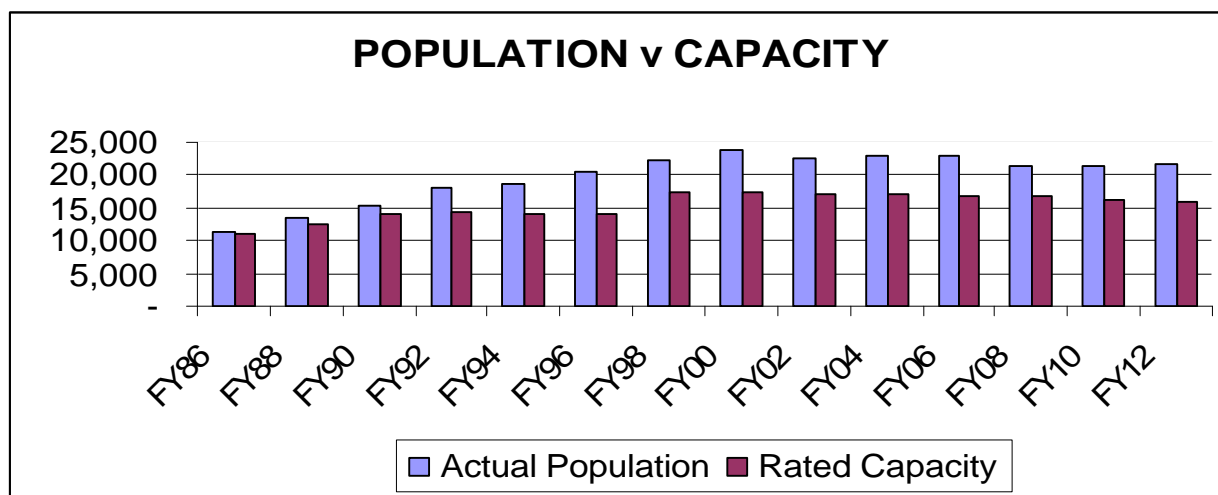
## Background Paper: Inmate Population Trends (Cont'd)

were serving mandatory minimum terms. By 2009 this proportion increased to 71 percent of the total inmate population. Because of this increasing proportion of inmates serving mandatory minimum sentences, several bills have been introduced relaxing mandatory terms.

### Departmental Strategies for Bed Space Expansion

The Department of Corrections has used a variety of techniques to accommodate the State's growing inmate population. From 1986 to the present, 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 15,828 bed spaces in FY 2011.

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 projected to grow from 11,163 inmates in FY 1986 (2.5 percent over rated capacity) to 21,740 inmates in FY 2012 (37.35 percent over rated capacity). The following chart illustrates the continuing gap between the department's rated capacities and its population.



Source: State of New Jersey Annual Budget Recommendations.

### Alternative Housing Options

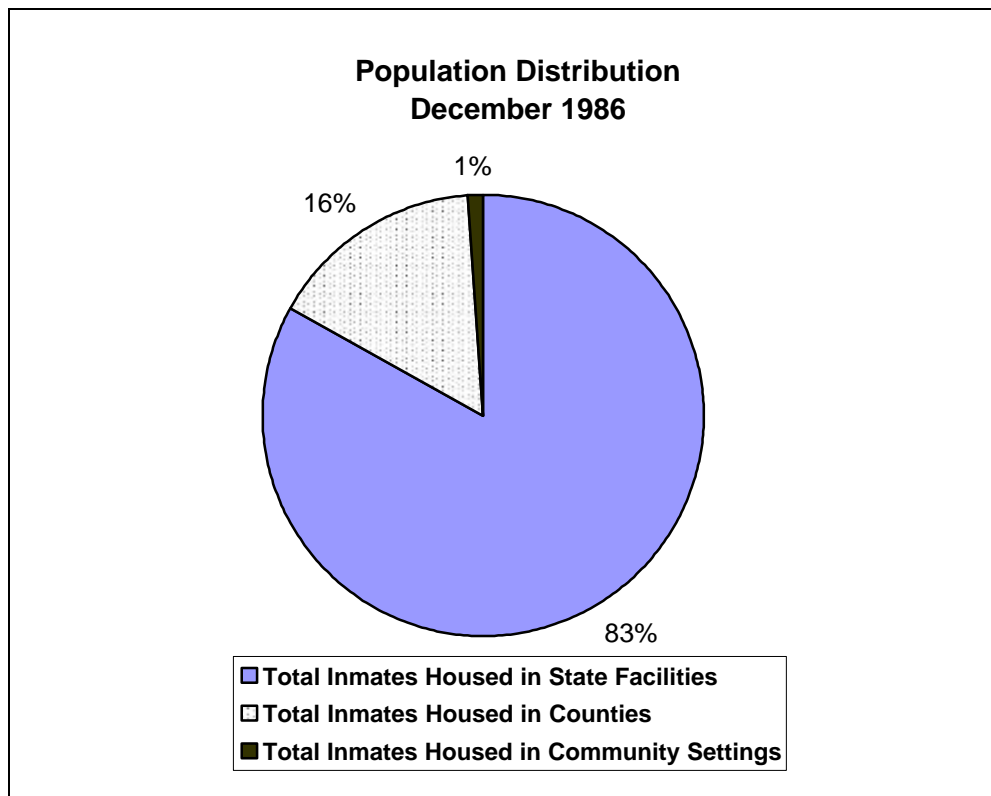
Since the growth in the department's population in the late 1980's and 1990's, the number of inmates has exceeded the original design capacities of DOC's facilities. Nevertheless, the department continued to require additional secure housing for its population. In response, DOC enlisted county jails 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 on county facilities as a housing option. County jails have remained 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 has been largely

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

dependent upon the number of admissions processed each month offset by the number of releases and paroles granted, and is subject to monthly fluctuations.

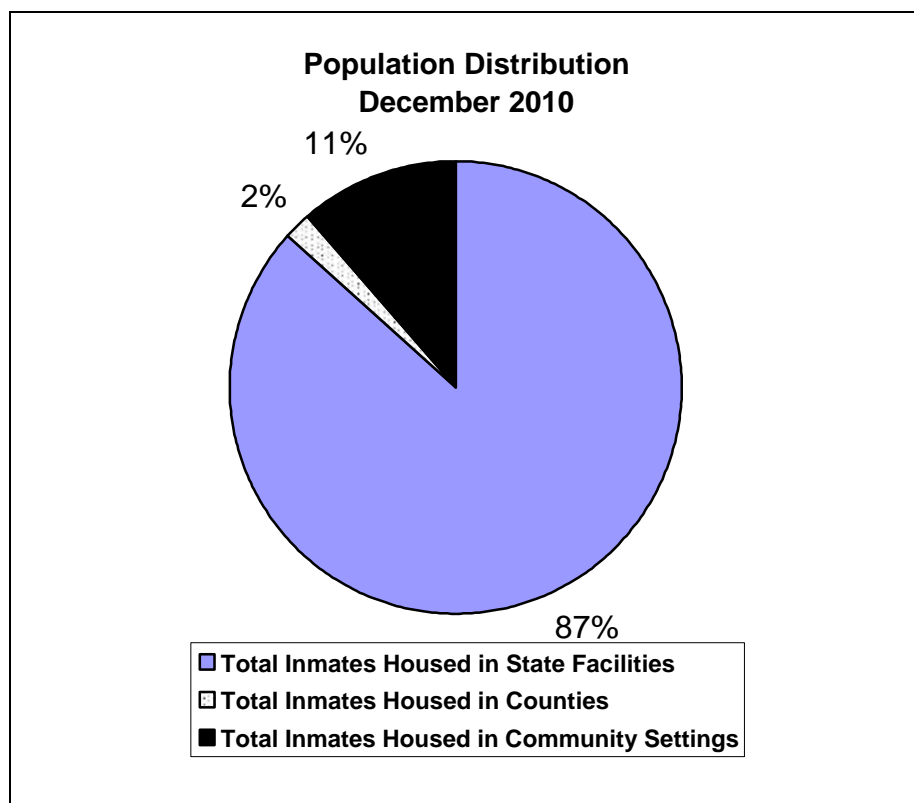
In December, 1986, while the Department of Corrections had a total of 14,346 inmates, 11,937 of them, or 83 percent, were housed in State facilities. Of the remaining number, 2,244 (16 percent) were housed in county facilities and 165 (1 percent) were housed in community settings (which includes both community based treatment centers and alternatives to incarceration). In December, 2010, the number of State sentenced inmates totaled 25,017. The number housed in State facilities totaled 21,647 inmates, comprising 86 percent of the prison population, slightly more than the percentage of inmates housed in 1986. The number of county placements declined to 529 (2 percent), and the number of community placements totaled 2,841 (11 percent). In FY 2012, the State projects that the number of inmates housed in the counties will total 350.

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



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)



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 1980's and into the 1990's. 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 non-violent offenders with an increasing number of drug offenders. The FY 2009 closure of Riverfront State Prison has highlighted the State's focus on reducing the State prison population in favor of the lower cost alternatives to incarceration and expanded parole programs. While the overall 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 oncoming years.

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Individuals wishing information and committee schedules on the FY 2012 budget are encouraged to contact:

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