

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?

The use of education volunteers has increased and aided in the delivery of educational services to the inmate population. To date, there are approximately 177 volunteers system-wide servicing inmates within education. Volunteers are providing academic instruction, tutoring, facilitating college level courses and assisting the classroom teachers. With the fiscal 2011 budgeted ongoing reduction in teaching staff, volunteers have been a way for the department to maintain its educational services at prior year levels. A reduction of 49 teachers and teaching assistants amounted to a \$1.7 million savings annually.

The use of volunteers for religious programming has also increased substantially during FY2011. Religious volunteers are providing various services to the department which includes providing religious programming and services for the entire DOC population. The value of an hour of volunteer time is \$25.20 according to current data. To date, the NJDOC has utilized 20,502 volunteer hours for FY2011 (July 2010 to Feb 2011). Had an equivalent number of FTE been hired (19.3) to provide these services it would have cost the State \$966,000 in wages and \$338,000 in fringe benefits annually.

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?

The department has been very successful in its initiatives to reduce state inmates in the county jail. On April 7, 2010 the county jail population was 1,034; as of April 7, 2011 the county jail count is 340 inmates for a 67% decrease.

The average length of time an inmate remains in the county jail after being sentenced averages 2-5 days. This is due to the successful collaboration with the AOC wherein documentation is transmitted and received electronically.

The double bunking of inmates has not created population management issues or security risks for other inmates and staff within the institutions. To ensure appropriate housing assignment, prior to being placed in a double bunked unit, inmates undergo a through classification process which includes mental health evaluation. The objective classification process and the vigilance of staff has reduced the security risks of double bunking.

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?**

There is no evidence that there has been any increase in gang activity among the identified members formerly housed in the Security Threat Management Group Unit (STMGU) with the closure of the unit at Northern State Prison. The inmates participating in the program at the time of closure underwent objective classification review and screening before placement in other housing units within the correctional facilities. There has been no increase in gang activity experienced within the facilities.

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?**

To manage fuel and utility expenditures, New Jersey has implemented a statewide Energy Tracking System (ETS) which provides centralized bill processing and

payment along with improved reporting of energy cost and usage by facility. DOC, along with all State agencies, is expected to realize savings through improved energy management practices made possible by the energy efficiency reporting and benchmarking capability of the ETS. Additionally, the aggregation of utility accounts in the centralized system supported the renegotiation of electricity and gas supply contracts during FY11, which is expected to yield annual savings of over \$5 million statewide. Should DOC's FY12 funding level be insufficient, additional resources are budgeted centrally to meet the agency's utility needs.

The third quarter fiscal 2011 spending plan revises the fuel deficit to \$13.5 million. In estimating the anticipated fiscal 2012 fuel deficit the weather is a major unpredictable factor. In 2011 the winter was 6.1% colder than fiscal 2010 and the summer was 6.3% warmer than the previous year. If the weather patterns continue in fiscal 2012 the anticipated fuel deficit could again be approximately \$13.5 million.

The Department of Corrections is under taking several initiatives to reduce costs for fuel and utilities. For example, DOC is currently in the midst of a project to replace lighting in Northern State Prison with more energy efficient lighting. This project is funded through state and Federal Stimulus funds. The annual savings resulting from this initiative is projected to be approximately \$200,000. Also the DOC through a new Purchase Bureau contract for electricity and natural gas will realize a combined savings of \$1.8 million dollars in fiscal 2011. These savings are reflected in the department's third quarter spending plan and have reduced the projected deficit by \$2 million.

Additionally, the department strives to purchase energy efficient equipment wherever possible. The capital project to purchase and install an energy efficient chiller at New Jersey State Prison will result in additional savings upon completion.

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

From January 2010 to April 1, 2011, a total of 307 inmates have been released per requirements of P.L. 2009, Chapter 330. There are a total of 21 inmates who have been involved in the revocation process and of these inmates, two (2) have been charged with murder and are presently housed at New Jersey State Prison. Seven (7) inmates have had their parole revoked; 13 inmates have pending parole revocation hearings and one (1) inmate has continued on parole.

The department did not budget specific to any one program. An average daily

population was projected and budgeted across the various housing options. The elimination of this program would produce a marginal increase in the overall institutional population which can be absorbed in the department's FY 2012 budget.

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?**

The Department of Corrections already conducts ongoing inventory and evaluation of vocational programs to determine effectiveness and relevance to the labor market. There should be no cost in expanding that inventory to determine recommendation for improvement, additions or upgrades. This inventory would be conducted by agency staff to include Department of Corrections Educational Services, Department of Labor and Workforce Development and the Department of Education, which currently approves or disapproves programming for vocational courses within the Department of Corrections.

The estimated costs to expand the Workforce Learning Labs to the remaining 5 facilities is approximately \$350,000 for startup and \$450,000 recurring. We are currently discussing funding options with the Treasurer's Office.

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?**

The five stages of mandatory education outlined in the law call for the following:

- Stage 1) A report detailing resources which would support and enhance in-prison education programs.
- Stage 2) Beginning the 13th month after the effective date of the law--raise the literacy level for inmates scheduled for release within three years to the ninth grade level.
- Stage 3) Beginning the 25th month after the effective date of the law--raise the literacy level for inmates scheduled for release within ten years to the ninth grade level.
- Stage 4) Beginning the 48th month after the effective date of the law--raise the literacy level for inmates scheduled for release within ten years to the twelfth grade level.
- Stage 5) Beginning the 60th month after the effective date of the law--raise the literacy level for all inmates to the twelfth grade level.

The wording in the legislation requiring that the department develop a process for achieving specific reading levels as inmates approach their release dates is creating some problems for the department. Mandatory education for all inmates sets a higher requirement for those in prison than those in the community. Also requiring education for inmates that don't want to learn makes it more difficult for those that do. Finally, because the law appears to require development of a program to achieve set reading levels (i.e. ninth grade for stage 2) and because we have limited space and staff, this legislation could have the unintended consequence of not allowing those with a ninth grade reading score to attend high school or GED classes, or even worse removing individuals once they have achieved the minimum level while we mandate other individuals to be in the class.

To address this, in the initial stages of the program, DOC is allowing inmates who do not wish to attend the program to sign a request to opt out and at the same time once an individual enters the High School or GED track we are allowing them to remain after they achieve the ninth grade level and continue on for a diploma or GED.

To accommodate increasing enrollments, flexible scheduling of staff and inmates will require additional custody supervision. In order to accomplish this requirement, inmates who fall within the parameters of the mandate will be serviced on a flex schedule; i.e. attend school less than five days per week. Qualified volunteers will continue to be used to the fullest extent possible. Additionally, the department will utilize classroom alternatives such as individualized self-study, peer tutoring and the use of technology based programming to deliver education to participating inmates based on their literacy level.

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?**

The Department of Corrections fully embraces reentry initiatives for inmates returning to the community. Currently DOC offers numerous in-house programs as well as 2,657 beds in our community Assessment Centers and Half-way Houses. The major concern that the department has is mandating the size and funding source for any program. This legislation assumes that the department has a sufficient number of low classification inmates to sustain an ongoing program for 1,000 inmates. Currently, that is not the case and even if that were the case now, we do not know what the situation would be in the future. If for example, the community and drug courts diversion programs become more successful, there will be fewer inmates for this program and we would still be required to meet a mandated number. DOC has proposed as an alternative, to expand existing Residential Community Release Programs. An open competitive process to include the full spectrum of community services would provide the department a system to accommodate fluctuating needs. This alternative would allow expansion without forcing the department to place higher risk inmates in the community.

Senate Bill No. 2614 SCS stipulates that funds cannot be diverted from educational, vocational, or reentry programs. It should also be noted that Federal funding is dedicated to support specific programs and cannot be reallocated to support the general purposes of the proposed program. These restrictions further erode funding to support the inmates that remain in the department's custody and place an unwarranted mandate on how the department spends valuable program funding, which could result in the continuation of ineffective programs.

Initially, only marginal savings such as food, clothing, inmate wages, medical, etc. may be realized as inmates transition to the Earn Your Way Out of Prison Program. Many fixed costs will remain constant until such time that the program is at full capacity. Therefore, it cannot be assumed that the entire \$30,000 per inmate (cost in year one) will be realized as savings or available to be reallocated during the initial stages of the proposed program. If the department's funding was to be decreased by \$15 million in the first fiscal year and \$25 million in the following year without regard to actual savings, it would pose a financial hardship on the department.

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.

- ***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?**

The Department of Corrections has developed a Population Forecast Performance Report in an ongoing effort to monitor the inmate population throughout the Department. From April 2010 through April 2011, the female population at Edna Mahan Correctional Facility has continued to decline. The reductions have resulted in housing unit closures of approximately 200 beds. Temporarily inactive beds space would be considered for use should the female population increase.