

Discussion Points

1. On March 16, 2017, the President of the United States released the “America First” preliminary budget proposal for federal FY 2018. The proposal includes many substantial changes to funding levels of federal agencies and programs. If enacted, many of the changes could affect the finances of and programs operated by the State of New Jersey. The Governor’s FY 2018 Budget Recommendation includes a total appropriation of approximately \$984.0 million to the Department of Corrections (DOC), excluding the appropriation to the State Parole Board. Of that amount, some \$8.3 million (or 0.8 percent) represents the authorization to use funds anticipated to be received from the federal government.

- Questions: Please identify each source of federal funding included in the Governor’s FY 2018 Budget Recommendation for the DOC that the department concludes would be reduced or increased by ten percent or more if the President of the United States’ preliminary budget proposal for federal FY 2018 were to be enacted, and the estimated amount of each increase or decrease. Please evaluate the impacts the changes identified in Question a. would have on programs operated by the department absent funding adjustments from other sources. How would the clients served by these programs be affected? To what extent would the department’s monitoring, regulatory, and administrative activities, including as measured by performance metrics, be affected? What would be the impact on the department’s workforce?

The impact of federal funding changes cannot be calculated until a federal budget is enacted.

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2. The Mid-State Correctional Facility was closed in FY 2015 for repair and renovation and the inmates were transferred to other institutions within the DOC. The facility is scheduled to reopen in the spring of 2017 as a specialized substance use disorder treatment facility for male inmates. (Female inmates, in turn, receive substance use disorder treatment in the Edna Mahan Correctional Facility for Women.) This new facility will be licensed by the Division of Mental Health and Addiction Services in the Department of Human Services. According to Evaluation Data in the FY 2018 Governor’s Budget, the Mid-State Correctional

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Facility will have an operating capacity of 696 treatment beds, which are anticipated to be fully subscribed in FY 2018 (Page D-68). The DOC responded to an FY 2017 OLS Discussion Point that it estimated Mid-State's renovation cost to approximate \$24 million.

According to budget information provided by the Office of Management and Budget, the recommended FY 2018 appropriation for Mid-State equals \$30.5 million, an increase of \$24.3 million from the \$6.1 million FY 2017 adjusted appropriation. The growth reflects the annualization of operating expenditures.

- Questions: What is the projected opening date of the Mid-State Correctional Facility drug treatment program?

Mid-State opened on April 10, 2017.

At what rate are inmates planned to be relocated to Mid-State and by what date does the department expect Mid-State's occupancy to reach capacity?

The Department began transferring inmates on April 19, 2017 and will continue to do so until the facility is at capacity, but no later than May 31, 2017.

What types of services will be offered to residents of the facility?

The offenders in Mid-State will be offered licensed substance use disorder treatment. Additionally, they will receive all services offered to inmates in general population, such as: visits, religious services, recreation, commissary, educational services, social services, etc.

What are the criteria for admission into the program as opposed to providing substance use disorder treatment in other correctional facilities?

The criteria for clinical admission into the program is established by the American Society of Addiction Medicine (ASAM). The Gateway staff will be utilizing that criteria to determine admission and level of service needed. NJDOC Classification criteria will be used to identify primarily medium security inmates. Additionally, Gateway will continue to provide their non-licensed services at the other institutions which do not have the licensed program.

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How many State sentenced prison inmates are currently suffering from substance use disorders?

Current estimates place the rate of individuals coming into the correctional system with some form of substance use disorder at somewhere between 60% and 75%. However, those suffering from a severe addiction is closer to 10% – 15%.

Please update the anticipated total cost of renovating Mid-State and detail, by fiscal year, the funding sources for the project.

|                                             |                             |
|---------------------------------------------|-----------------------------|
| <b><u>FY 2015</u></b>                       |                             |
| FY 2015 Mid-State Appropriation             | \$ 8,046,000                |
| Interdepartmental Life Safety Appropriation | 3,000,000                   |
| FY 2015 NJDOC Internal Efficiencies         | <u>1,700,000</u>            |
| <b>Subtotal FY 2015</b>                     | <b>\$ 12,746,000</b>        |
| <b><u>FY 2016</u></b>                       |                             |
| FY 2016 NJDOC Internal Efficiencies         | \$ <u>11,253,000</u>        |
| <b>Subtotal FY 2016</b>                     | <b>\$ 11,253,000</b>        |
| <b><u>FY 2017</u></b>                       |                             |
| FY 2017 NJDOC Internal Efficiencies         | \$ <u>3,516,566</u>         |
| <b>Subtotal FY 2017</b>                     | <b>\$ 3,516,566</b>         |
| <b>Grand Total</b>                          | <b><u>\$ 27,515,566</u></b> |

Of the recommended \$30.5 million FY 2018 appropriation for Mid-State, what amount represents a transfer of budget authority from other correctional facilities and what amount net new budget authority?

Of the \$24.3 million increase from the FY 2017 adjusted appropriation, \$21.3 million represents a transfer of budget authority from other correctional facilities. New budget authority totaling \$3.0 million includes additional funding for the licensed Substance Use Disorder (SUD) program (\$2.0 million), and Mid-State's portion of the restoration of the FY 2017 Legislative salary reduction.

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Please identify by correctional facility any transfer of the following to Mid-State in FY 2017 and FY 2018: a) the number of inmates, b) the number of personnel, and c) the amount of budget authority.

- a) Transfer of inmates – 696 inmates will be transferred to Mid-State from various facilities. The decisions regarding which inmates are eligible will be determined by their clinical assessment as well as their security classification.
- b) Transfer of personnel - Mid-State will be staffed through new hires as well as transfers.
- c) Transfer of Budget Authority – See chart below detailing, by correctional facility, the total annual funding required for Mid-State:

| <b>Reallocation from consolidation of beds and associated posts:</b> |                            |
|----------------------------------------------------------------------|----------------------------|
| <u>Correctional Facility</u>                                         | <u>Amount</u>              |
| Albert C. Wagner Corr Fac                                            | \$8,652,600                |
| Southern State                                                       | \$3,978,056                |
| Northern State Prison                                                | \$1,182,000                |
| Garden State Corr Fac                                                | \$3,108,642                |
| Mountainview Youth Corr Fac                                          | \$3,864,277                |
| South Woods State Prison                                             | <u>\$1,461,683</u>         |
| <b>Sub-Total Consolidations</b>                                      | \$22,247,258               |
| <b>Reallocation from Ancora Closure:</b>                             |                            |
| Bayside State Prison                                                 | \$5,142,000                |
| <b>Additional Funding</b>                                            |                            |
| Substance Use Disorder Treatment                                     | \$2,000,000                |
| Restoration of FY 2017 Legislative Salary Reduction                  | <u>\$1,063,000</u>         |
| <b>Sub-Total Additional Funding</b>                                  | \$3,063,000                |
| <b>Total FY 2018</b>                                                 | <b><u>\$30,452,258</u></b> |

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3. The Governor's FY 2018 Budget recommends a \$775.0 million FY 2018 appropriation for institutional operations, \$4.4 million or 0.6 percent more than the FY 2017 adjusted appropriation of \$770.6 million. According to the budget, "The increase is largely attributable to the annualized cost of repopulating the Mid-State Correctional Facility, but is partially offset by savings and efficiencies at other facilities. The growth also includes an additional \$2 million for the substance use disorder treatment program at the Mid-State Correctional Facility" (Page D-61). According to budget information provided by the Office of Management and Budget, the following facilities show a decline in FY 2018 recommended appropriations of at least \$1.0 million: Bayside State Prison - \$5.6 million, Southern State Prison - \$3.9 million, Mountainview Youth Correctional Facility - \$3.8 million, Garden State Youth Correctional Facility - \$3.0 million, Albert C. Wagner Youth Correctional Facility - \$2.5 million, and South Woods State Prison - \$1.2 million.

- Questions: Please describe the actions anticipated to yield the proposed operational efficiencies in FY2018 and specify the amount of cost savings associated with each action. Savings and efficiencies were identified throughout the Department to fund the reopening of Mid-State and include the closure of the Ancora satellite unit (\$5 million), savings from the consolidation of posts (\$6.7 million), transfer of inmates to Mid-State (\$9.8 million) and the elimination of the Mutual Agreement Program (MAP) (\$1.2 million).

For each correctional facility identified above as having a proposed decline of at least \$1.0 million in its FY 2018 appropriation, please detail the components of the reduction and specify the amount of cost savings attributable to each component.

Following is a chart identifying the cost savings by component:

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<u>Correctional Facility</u>	<u>Salary Savings (\$,000)</u>	<u>Non-Salary Savings (\$,000)</u>	<u>Total</u>
Bayside State Prison - Ancora Closure/Consol Posts	\$4,604	\$538	\$5,142
Bayside State Prison - Tech Reallocation to Sys-Wide	<u>\$0</u>	<u>\$375</u>	<u>\$375</u>
	\$4,604	\$913	\$5,517
Southern State Corr Fac - Consolidated Beds/Posts	\$2,601	\$1,378	\$3,979
Mountainview Youth Corr Fac - Consolidated Beds/Posts	\$1,970	\$1,894	\$3,864
Garden State Corr Fac - Consolidated Beds/Posts	\$1,576	\$1,533	\$3,109
Albert Wagner Corr Fac - Consolidated Beds/Posts	\$2,522	\$0	\$2,522
Northern State Prison - Consolidated Beds/Posts	\$1,182	\$0	\$1,182
South Woods State Prison - Consolidated Beds/Posts	\$394	\$1,068	\$1,462

Non-salary reallocations include food, inmate wages and inmate healthcare.

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4. In his FY 2018 Budget Address, the Governor stated that due to the continuing decline in the State sentenced prison population, the DOC would be closing a satellite wing of Bayside State Prison located at Ancora State Hospital totaling 250 bed spaces in FY 2018. The satellite wing's inmates and DOC employees would be reassigned to other DOC facilities without any layoffs. According to news reports, a DOC spokesperson indicated that the Bayside's satellite wing had 71 employees and an annual operating budget of approximately \$5.0 million. According to the department's Inmates, Admissions and Releases report, as of February 2017, a total of 240 inmates were housed in this unit.

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Evaluation Data in the FY 2018 Governor's Budget indicate that the operational capacity of Bayside State Prison as a whole is anticipated to remain at 2,237 bed spaces in FY 2018 and the average daily population at 2,011 bed spaces (Page D-67). According to budget information provided by the Office of Management and Budget (OMB), the FY 2018 appropriation for Bayside State Prison is recommended to decline by \$5.6 million, of which \$4.7 million represents reductions in Salaries and Wages. OMB budget information also shows the anticipated transfer of 65 positions from Bayside State Prison to other DOC facilities.

- Questions: Does the intended closure of the Bayside State Prison satellite wing at Ancora State Hospital constitute a permanent closure, or is this wing intended to be closed for renovation and future reopening?

The closure of this unit is permanent.

If the closure is intended to be permanent, what plans does the DOC have for the property?

The Department of the Treasury has been advised that NJDOC will be vacating the property effective June 30, 2017. They will determine the appropriate use of the buildings/land.

If the closure is intended to be temporary to allow for the renovation of the facility, please provide the target date for reopening the facility, the estimated cost of the renovation, the project's financing plan, and the FY 2018 budget lines in which the construction costs are located.

The closure of this unit is permanent.

What is the timeline for implementing the closure?

Effective April 1, 2017 NJDOC stopped transferring inmates into the Ancora satellite unit. The projected date for closure is no later than June 30, 2017.

Please detail by recipient DOC correctional facility, the facilities to which the satellite wing's staff, inmates, and budget authority will be transferred.

Inmates from the Ancora satellite unit will be transferred throughout the state to fill bed vacancies in the minimum units. Staff will be transferred to fill funded vacancies. The budget authority was transferred to Mid-State.

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For what reasons do the Evaluation Data in the FY 2018 Governor’s Budget not show a reduction in the bed spaces and average daily population at Bayside State Prison, notwithstanding the anticipated closure of the satellite wing?

The Ancora satellite unit will be depopulated by June 30, 2017 and it is unknown at this time if Bayside State Prison’s average daily population will be affected. However, the Operational capacity for FY 2018 should have reflected this decrease of 250 beds. This was an oversight.

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5. The State entered into a contract with JPay Inc. on February 12, 2013 for the provision of inmate kiosk services, and in June 2015 extended its term for three years through July 31, 2018. According to the DOC, JPay offers a variety of services ranging from money services to kiosk services. Money services include electronic deposits to inmate accounts from friends and family members, as well as a lock box feature for friends and family members to continue to mail money orders. Money services also include debit release cards. Kiosk services include video visitation, email and the sale of music through the purchase of an MP3 player and subsequent downloads through the kiosk. A variety of other applications can be provided to the inmate population through the kiosk including information pertaining to the inmate's account, educational materials, automated remedy forms, commissary ordering, etc. The DOC received \$301,000 in kiosk commission payments from JPay in FY 2016 and a \$341,000 account balance was carried forward into FY 2017. A recurring language provision in the FY 2018 Governor’s Budget allows for the carry forward of unexpended fund balances and appropriates account balances to offset departmental costs incurred in providing the kiosk services as well as other materials and services that directly benefit the inmate population (Page D-72).

- Questions: How much does the department expect to collect in JPay commissions in FY 2017 and FY 2018?

The NJDOC expects to collect approximately \$296,000.00 in FY 2017 and approximately \$300,000.00 in FY 2018.

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What are annual operational expenses of the kiosk program?

The NJDOC has not spent any State Funds on the kiosk program. The installation, maintenance and repairs are all absorbed by JPay, Inc.

What services are currently offered through the kiosks and what is the charge for each service offered?

The services and corresponding charges currently offered through the kiosk include:

- Secured Email - \$.40 cents per email and \$.40 cents for each attachment/e-card
- MP3 Player (JP5) - \$49.99
- Music – (\$1.06 - \$1.99)
- Games – (\$2.00 - \$25.00)
- E-Books - (\$2.00 - \$25.00)
- Inmate Trust Account Balance – No Charge
- Communication Center – Inquires/Grievances/Medical Scheduling – No Charge

Other services provided by JPay include:

Money Services

Sending Money Order via Lockbox	
Deposit Amount	JPay Fee
\$0.01 - \$1,000.00	Free

Sending Money with a Credit/Debit Card		
Deposit Amount	Internet Fee	Phone Fee
\$0.01 - \$20.00	\$3.95	\$4.95
\$20.01 - \$100.00	\$6.95	\$7.95
\$100.01 - \$200.00	\$8.95	\$9.95
\$200.01 - \$300.00	\$10.95	\$11.95

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Sending Cash at a Walk-In Retail Location	
Deposit Amount	JPay Fee
\$0.01 - \$3,000.00	\$5.95

Debit Release Card

Card, Card Materials & Activation	Free
Customer Service	Free
Purchase	Free
Purchase Decline	Free
ATM Withdrawal	Free
ATM Decline	Free
ATM Balance Inquiry	Free
Weekly Service*	\$2.00
Replace Card	\$5.00

* Fee charged weekly seven (7) days after activation.

What additional services will be added in the future and what will be the amount charged to users?

JPay has recently requested to add Educational Content on the kiosk. An example of this content would be the Reuter's News Service. The rate JPay is authorized to charge is \$2.99 - \$12.99 based on the length of service requested by the inmate, i.e. one month, two months, etc.

What savings, if any, have been generated as a result of this program?

Efficiencies have been gained through the areas of Money Services, Debit Release card processing and the electronic Inquiry/Grievance areas.

How have the inmates and other users responded to the kiosk services?

The response from the inmate population has been overwhelmingly positive. Approximately 89% of the inmate population has registered on the kiosk and around 6,700 JP5 media device players have been purchased by the inmates or their family.

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How does the department rate the performance of the vendor and does it anticipate renewing the contract with JPay?

To date, JPay’s performance has been very positive. They have been responsive to kiosk repairs as well as receptive to modifications the NJDOC has requested, including building the electronic inquiry/grievance application to replicate the paper version of our Inmate Remedy Form. JPay and the NJDOC continue to build their partnership. The NJDOC is considering extending the contract and will work with The Department of the Treasury – Division of Purchase and Property.

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6. The Rutgers University Correctional Health Care (UCHC) program was established in 2005 to provide mental health and sex offender specific treatment services to inmates, residents and parolees of the DOC, the Juvenile Justice Commission (JJC) and the State Parole Board. In October 2008, the UCHC’s responsibilities were expanded to include medical and dental health care services for the DOC inmate population. In January 2011, UCHC responsibilities were expanded further to include medical services for the JJC resident population. The current contract with UCHC expires on December 31, 2017. According to a DOC follow-up response to the department’s hearing before the Assembly Budget Committee on May 2, 2016, in each of FY 2013, FY 2014, and FY 2015 the DOC expended between \$145.2 million and \$148.9 on medical, dental, and mental health services under the UCHC agreement.

In April 2016, the Board of Governors of Rutgers, The State University approved the creation of Rutgers Health. According to news reports, Rutgers Health will unify all of the patient-focused parts of the university’s medical practices, clinics, and schools into a single entity. Within Rutgers Health will be Rutgers Health Group, a new non-profit corporation that will be developed as a statewide faculty practice consisting of more than 1,000 Rutgers-based physicians, dentists, psychologists, nurses, pharmacists, and other clinicians who will comply with university policies and standards of care. It will also include Rutgers Health Network, a new partnership that will likely be developed between Rutgers and its affiliated

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teaching hospitals and ancillary patient healthcare locations like wellness and community centers.

- Questions: Please provide the total amounts expended by the DOC for medical, dental, mental health, and substance use disorder treatment services provided to populations under the department’s care in FY 2015 and FY 2016, and the amounts anticipated to be expended thereon in FY 2017 and FY 2018.

The Department expended \$152.1 million in FY 2015 and \$154.5 million in FY 2016 for inmate healthcare. FY 2017 expenditures for inmate healthcare are projected at \$159.7 million and the Department is budgeted at \$162.5 million in FY 2018.

Please specify the actual or anticipated expenditures of each of the four components: medical, dental, mental health, and substance use disorder treatment services.

The following chart details actual and projected expenditures by discipline:

|                   | (\$,000)                          |                                 |                                                        |                     |
|-------------------|-----------------------------------|---------------------------------|--------------------------------------------------------|---------------------|
|                   | <b><u>Medical/<br/>Dental</u></b> | <b><u>Mental<br/>Health</u></b> | <b><u>Substance Use<br/>Disorder<br/>Treatment</u></b> | <b><u>Total</u></b> |
| FY 2015 Expended  | \$109,666                         | \$35,651                        | \$6,743                                                | \$152,060           |
| FY 2016 Expended  | \$112,212                         | \$35,168                        | \$7,117                                                | \$154,497           |
| FY 2017 Projected | \$116,316                         | \$36,153                        | \$7,223                                                | \$159,692           |
| FY 2018 Budgeted  | \$116,409                         | \$37,888                        | \$8,200                                                | \$162,497           |

Note: FY 2015 and FY 2016 medical/dental and mental health actuals were adjusted to reflect pharmaceutical expenditures in the appropriate fiscal year. The FY 2017 amount reflects increased fringe benefits due to a rate increase from FY 2016.

UCHC accounted for what portion of the FY 2015 and FY 2016 expenditure totals?  
 UCHC is the provider of medical/dental and mental health services. In FY 2015, they accounted for \$145.3 million and in FY 2016 \$147.4 million.

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Does the DOC anticipate renewing the contract with UCHC or its successor entity?  
The NJDOC is currently in negotiations with UCHC.

Has the creation of Rutgers Health had any impact on the quality or cost of health care services provided by UCHC to the populations under the department's care?  
There has been no change to quality or cost specific to the creation of Rutgers Health.

Does the DOC anticipate the creation of Rutgers Health to have an impact on the quality or cost of health care services provided by UCHC or its successor entity in the future?  
No.

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7. On March 6, 2017, the State awarded a contract on behalf of the DOC to Gateway Foundation, Inc. for the provision of in-prison treatment services for offenders with substance use disorders involving alcohol or drugs. The treatment program will only be offered at the Mid-State Correctional Facility for Males (696 treatment beds) and the Edna Mahan Correctional Facility for Females (65 treatment beds). The contract has a five-year term which may be extended for a total of up to three years. News reports cited a DOC spokesperson in stating that over the contract's initial five-year term the Gateway Foundation would be paid \$29.2 million in total.

Under a separate contract, the Gateway Foundation had already been providing in-prison substance use disorder treatment services at six correctional facilities with a combined 1,376 treatment bed capacity since October 2010: Edna Mahan Correctional Facility for Women, Garden State Youth Correctional Facility, Mountainview Youth Correctional Facility, Northern State Prison, South Woods State Prison, and Southern State Correctional Facility. The initial four-year contract allowed for three one-year extensions. That contract will expire on September 30, 2017.

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- Questions: Please provide the total amounts expended by the DOC for substance use disorder treatment services provided to populations under the department's care in FY 2015 and FY 2016, and the amounts anticipated to be expended thereon in FY 2017 and FY 2018. What portion thereof was or is anticipated to be paid to the Gateway Foundation?

The following chart details amounts expended by the NJDOC for substance use disorder treatment services:

(\$,000)			
Substance Use Disorder Treatment Services			
	<u>Gateway Foundation</u>	<u>Mutual Agreement Program (DHS)</u>	<u>Total</u>
FY 2015 Expended	\$5,673	\$1,070	\$6,743
FY 2016 Expended	\$6,045	\$1,072	\$7,117
FY 2017 Projected	\$6,200	\$1,023	\$7,223
FY 2018 Budgeted	\$8,200	\$0	\$8,200

When will the Gateway Foundation begin to provide substance use disorder treatment services at the Mid-State Correctional Facility and the Edna Mahan Correctional Facility under the contract awarded in March 2017?

Gateway has begun providing substance use disorder treatment at MSCF and EMCF as the license has been issued by the Department of Human Services (DHS) Office of Licensing.

Given that the October 2010 and March 2017 contracts both govern the provision of substance use disorder treatment services at the Edna Mahan Correctional Facility, how will the services provided under the terms of the two contracts be coordinated?

The services of the old contract have ended as the license has been issued to begin the services under the new contract at EMCF.

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Please indicate the DOC's plans for readvertising, if applicable, an updated contract for substance use disorder treatment services at the institutions covered by the October 2010 contract.

The new Request for Proposal (RFP) included a provision for Gateway to continue providing their non-licensed services at the other institutions which do not have the licensed program.

If the contract will be rebid, how will its scope change now that Mid-State is scheduled to reopen as a specialized substance use disorder treatment facility?

The new contract negates the need to rebid the other services being provided at institutions other than MSCF. Those services will continue.

In general, how does the DOC rate the performance of the Gateway Foundation under the October 2010 contract?

Through regular auditing of Gateway services, NJDOC has found them to be responsive to the contract and operational needs as they have arisen under the October 2010 contract.

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8. The FY 2018 Governor's Budget recommends discontinuing the \$6.0 million FY 2017 appropriation to Essex County – Recidivism Pilot Program. In reference to that budget line, the DOC's second quarter spending plan indicates that the department would terminate the grant agreement with the Essex County Correctional Facility Program -- Staying Connected (ECCF-SC) as of March 11, 2017. The report also assumes an unexpended \$2.0 million FY 2017 year-end balance in the account. In a response to a FY 2017 discussion point the DOC had stated: "ECCF-SC has demonstrated a commitment to the program by providing services and staffing as outlined in their proposal. Based upon the progress indicated in the two (2) quarterly evaluations, a recommendation was made to include continued funding in the FY 2017 budget." The goal of the Essex County Re-Entry Pilot Program is to promote individual responsibility through housing, education, employment, counseling, and family reunification so as to create the conditions for successful offender rehabilitation.

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- Questions: Please evaluate the performance and efficacy of the Essex County Correctional Facility Program -- Staying Connected. How many inmates have received services from the program? What is the reason for the termination of the grant agreement with Essex County? What has changed from the two quarterly program evaluations based on which the DOC recommended continuing the program in FY 2017?

During the period of July 1, 2015 through March 11, 2017, 378 inmates received services from this program. The internal program evaluations were positive and had nothing to do with the decision to terminate the program. Due to the overall NJDOC funding priorities and the ability to provide in-house reentry services, the Department exercised its option to terminate the Pilot Program in March 2017.

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9. The department's second quarter spending plan projects an unexpended balance of \$583,000 in the Purchase of Service for Inmates Incarcerated in County Penal Facilities account at the end of FY 2017. The FY 2018 Governor's Budget would reduce the \$2.0 million FY 2017 appropriation by \$200,000 to \$1.8 million. Budget Evaluation Data indicate that the department anticipates housing 175 State sentenced inmates in county correctional facilities in FY 2018, the same number as in FY 2017 (Page D-72).

- Questions: What is the average length of time an inmate spends in a county correctional facility upon conviction and sentencing prior to transfer to a State facility? The length of stay is dependent on the availability of the electronic Judgment of Conviction (JOC) provided through the Judiciary's system.

What is the maximum amount of time during which the DOC will house a State sentenced inmate in a county correctional facility?

Under normal circumstances state-sentenced inmates are to be transferred to the NJDOC within 15 days of sentencing.

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Are there specific types of offenders that the DOC will not house in a county correctional facility?

Generally, the NJDOC does not dictate what inmates may/may not be housed at the county jail. However, pursuant to NJSA 30:4-85.1, if the inmate poses a threat to the security of a county jail, and is deemed inappropriate, the county jail can utilize their Rule 30 option if the inmate meets the criteria stated in NJSA 30:4-85.1; upon approval the inmate will be transferred to NJDOC.

What factors go into an inmate’s assignment to a particular State prison facility?

Upon classifying an inmate for a facility assignment, the following factors are taken into review and consideration: length of sentence, type of offense(s), age of inmate, previous criminal history, objective classification score and custody status, current psychological report and any other pertinent reports.

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10. In response to an FY 2017 OLS Discussion Point, the DOC stated that it was reviewing and evaluating the capital construction needs of its correctional facilities with the goal of bringing all facilities to a state of good repair. The DOC ultimately requested \$262.8 million for 24 capital projects in FY 2018. Of this, the Commission on Capital Budgeting and Planning recommended about \$7.0 million for inclusion in the FY 2018 Governor’s Budget, all for three projects at East Jersey State Prison: Fire Alarm System Replacements; Sprinkler/Suppression System Replacements; and Roof Replacements on the Drill Hall and Administration Buildings. No capital funding is recommended in the DOC section of the FY 2018 Governor’s Budget. However, the Administration recommends a total of \$25.6 million in FY 2018 appropriations for unspecified capital construction projects, which may include the East Jersey State Prison projects, in the Interdepartmental Accounts section of the FY 2018 Governor’s Budget: an \$11.0 million General Fund appropriation for Life Safety, Emergency and IT Projects—Statewide and a \$14.6 million appropriation from non-State funding sources for Statewide Fire, Life Safety and Renovation Projects (Page D-432).

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- Questions: Does the department anticipate that it will receive a portion of the \$25.6 million proposed to be set aside for capital projects statewide in FY 2018?

The NJDOC anticipates funding to address Fire and Life Safety issues at East Jersey State Prison.

What is the status of the department’s plans for the renovation of DOC facilities to bring them to a state of good repair? If available, please detail the plans.

The Department continually reviews and evaluates the institutions’ capital construction needs with the goal to bring all facilities to a state of good repair.

What would be the impact on the department’s facilities should no funding become available in the next three fiscal years?

If there were no capital funding appropriated over the next three years, the department would continue to defer capital projects and emergency relocations of inmates could occur due to a failure of roofs, plumbing, electrical, heating, ventilation or air conditioning systems. Additionally, the operating budget would be negatively affected due to increases in maintenance and repair costs.

Will it become necessary to close any facilities or portions of any facilities because of the lack of capital funding? If so, please elaborate, identifying the facilities and the number of beds affected.

It is difficult to predict if any facilities or portions of any facilities would be closed due to lack of capital funding. However, if Life, Safety and Security projects are not undertaken it is likely that the number of available beds throughout the system will be negatively impacted. Additionally, emergency relocations of inmates will be necessary due to infrastructure failures such as roofs, plumbing, electrical, heating, ventilation and air conditioning systems.

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11. In January 2017, four DOC corrections officers were indicted on allegations of having sexually assaulted inmates at the Edna Mahan Correctional Facility for Females, located in

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Hunterdon County. The indictments were the result of "ongoing investigations" by the Hunterdon County Prosecutor's Office. News reports indicated that, according to the DOC, six employees were terminated last year over inmate claims of sexual abuse, five of them from Edna Mahan.

- Questions: What avenues are available for inmates to report sexual abuse by corrections officers?

As part of the NJDOC's compliance with the Prison Rape Elimination Act (PREA), inmates who have been victimized or who have knowledge of sexual abuse or harassment can immediately report an incident of sexual abuse/harassment directly to any custody or civilian staff member. Additional methods of reporting sexual abuse/harassment are:

- NJDOC inmate Remedy/JPAY System
- NJ Office of the Corrections Ombudsman – inmates may use the free confidential telephone hotline, complete the "Office of the Corrections Ombudsman Request for Assistance form" or send written correspondence to the NJ Office of the Corrections Ombudsman. Correspondence may be sent interoffice mail with no postage required.
- Special Investigations Division at inmate's facility
- Institutional PREA Compliance Manager at inmate's facility
- Special Investigations Division Locked Confidential Mailbox at inmate's facility

Note, third parties on behalf of an inmate (family, friends, etc.) may contact the NJDOC or the NJ Office of the Corrections Ombudsman to report an incident of sexual abuse/harassment. It is also noteworthy to add that NJDOC has been audited and is in full compliance with the PREA. Even prior to the implementation of the PREA, most of the aforesaid reporting avenues were in place.

What procedures does the DOC have in place to investigate, penalize, and report to prosecutors allegations of inmate sexual abuse by DOC employees?

The NJDOC Special Investigations Division (SID) is the designated Investigative body that is tasked with conducting Administrative and/or Criminal investigations pertaining to allegations of staff on inmate sexual abuse, as well as conducting investigations into other matters. The SID Investigators are trained law enforcement officers that also receive

Discussion Points (Cont'd)

additional training, to include sexual abuse investigations in confinement settings. Furthermore, the SID has multiple Internal Management Procedures specifically dedicated to conducting Sexual Assault/Abuse investigations, in addition to procedures for conducting Investigations and communicating with Prosecutorial entities for potential criminal prosecution.

Substantiated allegations of staff on inmate sexual abuse are addressed administratively through the disciplinary process with a sanction of removal. Additionally, all allegations of staff on inmate sexual abuse are reported to the appropriate prosecutor's office.

What controls does the DOC have in place to ensure the prevention, discovery and reporting of inmate sexual abuse by DOC employees?

All NJDOC employees receive initial and biennial retraining in the department's Zero Tolerance for Sexual Assault policy/procedure and the Federal Prison Rape Elimination Act (PREA). Additionally, all employees are issued a PREA employee booklet which provides guidance regarding the expected coordinated actions to take place in response to an allegation/incident of sexual abuse/harassment.

All NJDOC Facilities have multiple surveillance type camera systems, to aid in the detection and investigation of inmate sexual abuse. Staff are also made aware that, in addition to reporting matters of inmate sexual abuse to their supervisors and/or Administration, they can also report said incidents directly to Special Investigation Division Offices in person, in writing or via telephone. Upon the completion of all inmate sexual abuse investigations, the investigative reports are reviewed by multiple NJDOC staff to, in part, ascertain if any additional measures could be undertaken that would assist in the prevention, discovery and reporting of inmate sexual abuse.

Have the recent revelations regarding inmate sexual abuse by DOC personnel caused the department to change any of its policies and procedures? If so, please explain.

The NJDOC's Policies and Procedures, as well as its training courses, have consistently prohibited and made staff aware of the prohibition of staff on inmate sexual abuse, which did not require any additional changes. Recently, a more entailed manner of refresher training for staff in Staff Undue-Familiarity/Inmate Sexual Abuse has been implemented at

Discussion Points (Cont'd)

the EMCF. Moreover, additional video surveillance measures have been deployed, as well as technological upgrades to databases for informational and reporting purposes.

Are investigations ongoing? How many instances of alleged inmate sexual abuse by its employees have been brought to the DOC's attention as part of recent investigations? Please provide the number of employees, delineated by correctional facility, who since the beginning of 2016 have been: a) accused of sexually abusing inmates, b) disciplined because of sexual abuse allegations, c) terminated therefor, and d) reported by the DOC to prosecutors therefor.

The NJDOC Special Investigations Division conducts investigations into all allegations of inmate sexual abuse/harassment and is in continuous contact with Prosecutorial entities pertaining to the investigations.

Since the beginning of 2016, the NJDOC SID conducted twenty-nine (29) investigations pertaining to staff on inmate allegations of sexual abuse. As per SID protocol, all investigations pertaining to inmate sexual abuse are referred to Prosecutorial entities. From the twenty-nine (29) investigations conducted in 2016, five (5) investigations led to criminal charges being filed against five (5) NJDOC staff members. It is worthy to note that based on an additional SID investigation initiated in 2015, pertaining to staff on inmate sexual abuse, an additional staff member was criminally charged in 2016, for a total of six (6) staff members criminally charged in 2016 pertaining to staff on inmate sexual abuse. Of the six (6) staff, five (5) were from EMCF and one (1) from New Jersey State Prison. All six (6) have been terminated.

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12. P.L.2009, c.329 requires the DOC, in conjunction with the Juvenile Justice Commission and the State Parole Board, to establish a program to record and analyze the recidivism of all inmates and juveniles adjudicated delinquent who are released from a State correctional facility or a training school for juveniles. The law also requires the DOC to prepare and disseminate semi-annual reports summarizing the recidivism rates, patterns,

## Discussion Points (Cont'd)

and other findings and analyses resultant of the information gathered. The last report available on the DOC website analyzes the recidivism levels within the three years following release of offenders released in 2012.

P.L.2015, c.144 added that the reports must include summaries of the treatment received by releasees and any releasee participation in reentry initiatives. The DOC is also to make recommendations concerning the effectiveness of the treatment programs and reentry initiatives. The DOC replied to an FY 2017 OLS Discussion Point that it was working toward finalizing a fully functional Data Mart that would allow for an automated review of the effectiveness of treatment programs and reentry initiatives. In addition, the DOC pointed out that the metrics would be tied to the mission and goals of the specific treatment and reentry programs.

- Questions: Please provide an update on the DOC's implementation of P.L.2015, c.144. Has the department established a fully functional Data Mart that would allow for an automated review of the effectiveness of treatment and reentry programs? If not, please provide an updated timeline for finishing the project and explain the reasons for any delay. Please summarize data comparing the recidivism rates of inmates who have participated in each reentry program to the rates of those who have not participated. Which reentry programs does the DOC perceive as being effective, and which reentry programs does the DOC perceive as being ineffective? Please explain the basis for arriving at the conclusion for each program.

Significant improvements have been made to the current data mart and a new section specifically designed to retrieve educational data is being developed and expected to be completed by the end of CY 2017.

NJDOC is implementing the requirements of P.L.2015, C.144, and will include information in the Release Outcome report for the 2013 cohort which is currently being developed. This report reviews inmate outcomes three years post release. Although we do not have enough time with a fully functioning data mart to generate specific recidivism results for individual programs, early indications denote positive measures. It is also important to note that although information from the data mart will be useful in reviewing our programs, reentry effectiveness is a collaborative process which involves in-prison programs, community-

Discussion Points (Cont'd)

based linkages, and sustainable employment opportunities post release. A program cannot be viewed in isolation in order to determine effectiveness and must be assessed collectively.

Taking into account that different inmates will fair differently based on factors discussed above, when assessing overall program effectiveness, the NJDOC uses three key factors to determine which programs and services allow the offender to achieve the best results. First, the department examines how facility-based programs and services compare to nationally recognized evidence-based practice research on "what works." Secondly, there is a continual examination of internal data on those released offenders that return to NJDOC custody. Third, the department examines the inmate's progress with practicing skills they developed from programming. Lastly, inmates are provided an opportunity to express which departmental programs they believe best assisted them with achieving their fullest potential and their recommendations for program improvement by completing feedback surveys.

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13. Among its total capital assets, the State has considerable land holdings, valued by the FY 2016 Comprehensive Annual Financial Report at about \$5.22 billion (Land and Easements, Page 26). Land and easements may be held for future use, restricted as to future uses, or not needed for public purposes and available for sale, lease or other disposition. Knowledge about the extent, location, condition and intended use of these properties and property rights does not appear to be readily available. There could be potentially beneficial uses of some properties, other than those intended by the state agency in control of the properties, depending on the size, location and condition of those properties.

- Questions: Please list each property under ownership or control of the department comprising unimproved or vacant land one acre or more in size, excluding land comprising all or part of a State park, recreation or wildlife management area, identifying each property by county and municipal location, street address, tax map block and lot number and, if available, Global Positioning System coordinates. Please provide the size of the property, its current use, intended future use within the next five years, and any known or suspected

Discussion Points (Cont'd)

environmental contamination that would impede its future use. Please also describe any deed restrictions affecting current and future use. What are the department's policies and procedures for determining future uses of its land holdings that further the department's mission, and for allowing beneficial uses of its land in ways that are outside the department's traditional mission?

If a NJDOC-owned property becomes vacant, an assessment is done to determine if the property can be used for other departmental purposes. If the property is no longer necessary to the department in meeting its mission, the Department of the Treasury is notified. Current law establishes the procedure for its disposition. Attached is the most current listing of NJDOC vacant properties referred to The Department of the Treasury for disposition.

NEW JERSEY DEPARTMENT OF CORRECTIONS
LBAM
Identification of Vacated Buildings [as of February 2017]

<u>#</u>	<u>Facility Name</u>	<u>Building Name</u>	<u>Address</u>	<u>County</u>	<u>Inside Secure Area</u>	<u>Outside Secure Area</u>
1	Albert Wagner Youth Correctional Facility	DOC Commissioner Residence	464 Ward Ave, Chesterfield, NJ	Burlington		Yes
2	Albert Wagner Youth Correctional Facility	Farm Supervisor Residence	456 Ward Ave, Chesterfield, NJ	Burlington		Yes
3	Albert Wagner Youth Correctional Facility	Staff Residence #1	458 Ward Ave, Chesterfield, NJ	Burlington		Yes
4	Albert Wagner Youth Correctional Facility	Staff Residence #2	458 Ward Ave, Chesterfield, NJ	Burlington		Yes
5	Albert Wagner Youth Correctional Facility	Staff Residence #3	458 Ward Ave, Chesterfield, NJ	Burlington		Yes
6	Albert Wagner Youth Correctional Facility	Pump House #4	500 Ward Ave, Chesterfield, NJ	Burlington	Yes	
7	Albert Wagner Youth Correctional Facility	Farm - Piggery/Slaughter House	500 Ward Ave, Chesterfield, NJ	Burlington	Yes	
8	Bayside State Prison	Assistant Superintendent House	4293 Route 47, Leesburg, NJ	Cumberland		Yes
9	Bayside State Prison	Superintendent's House	4293 Route 47, Leesburg, NJ	Cumberland		Yes
10	Edna Mahan Correctional Facility	Administrator's Residence	30 County Route 513, Clinton, NJ	Hunterdon		Yes
11	Edna Mahan Correctional Facility	Auto Repair/Service/Utility Repair	30 County Route 513, Clinton, NJ	Hunterdon		Yes
12	Edna Mahan Correctional Facility	Barn 2 Story	48 County Route 513, Clinton, NJ	Hunterdon		Yes
13	Edna Mahan Correctional Facility	Cottage C Storage Shed	48 County Route 513, Clinton, NJ	Hunterdon	Yes	
14	Edna Mahan Correctional Facility	East Cottage 80-Bed Traylor	30 County Route 513, Clinton, NJ	Hunterdon	Yes	
15	Edna Mahan Correctional Facility	Fielder Dormitory	30 County Route 513, Clinton, NJ	Hunterdon	Yes	
16	Edna Mahan Correctional Facility	Greenhouse Storage Shed	48 County Route 513, Clinton, NJ	Hunterdon		Yes
17	Edna Mahan Correctional Facility	Hillside Assoc Administrator Residence	30 County Route 513, Clinton, NJ	Hunterdon		Yes
18	Edna Mahan Correctional Facility	Maint- grounds Storage Shed	48 County Route 513, Clinton, NJ	Hunterdon		Yes
19	Edna Mahan Correctional Facility	Old Fire Station/Storage	48 County Route 513, Clinton, NJ	Hunterdon	Yes	
20	Edna Mahan Correctional Facility	Paddock Cottage	30 County Route 513, Clinton, NJ	Hunterdon	Yes	
21	Edna Mahan Correctional Facility	Residence Hall #1	30 County Route 513, Clinton, NJ	Hunterdon	Yes	
22	Edna Mahan Correctional Facility	Residence Hall #2	30 County Route 513, Clinton, NJ	Hunterdon	Yes	
23	Edna Mahan Correctional Facility	Residence Hall #3	30 County Route 513, Clinton, NJ	Hunterdon	Yes	
24	Edna Mahan Correctional Facility	Root Cellar	30 County Route 513, Clinton, NJ	Hunterdon		Yes
25	Edna Mahan Correctional Facility	Silo	48 County Route 513, Clinton, NJ	Hunterdon		Yes
26	Edna Mahan Correctional Facility	Winter Storage/Grounds Detail	48 County Route 513, Clinton, NJ	Hunterdon	Yes	
27	Edna Mahan Correctional Facility	Wittpen Dormitory	30 County Route 513, Clinton, NJ	Hunterdon	Yes	
28	Jones Farm	Farm House 1 - Employee Housing	731 Bear Tavern Road, Ewing Twp., NJ	Mercer		Yes
29	Jones Farm	Farm House 2 - Employee Housing	731 Bear Tavern Road, Ewing Twp., NJ	Mercer		Yes
30	Knights Farm	Employee Housing	Wilburtha Road, Ewing Twp., NJ	Mercer		Yes
31	Knights Farm	Knight House	Wilburtha Road, Ewing Twp.	Mercer		Yes
32	Mountainview Youth Correctional Facility	Fauvers House	59 Petticoat Lane, Clinton Twp., NJ	Hunterdon		Yes
33	Mountainview Youth Correctional Facility	Anderson House	61 Petticoat Lane, Clinton Twp., NJ	Hunterdon		Yes
34	Mountainview Youth Correctional Facility	Donato House	61 Petticoat Lane, Clinton Twp., NJ	Hunterdon		Yes
35	Mountainview Youth Correctional Facility	Hamlin House	61 Petticoat Lane, Clinton Twp., NJ	Hunterdon		Yes
36	Mountainview Youth Correctional Facility	Love house	61 Petticoat Lane, Clinton Twp., NJ	Hunterdon		Yes
37	New Jersey State Prison	Administrator's House	498 Second Street , Trenton, NJ	Mercer	Yes	
38	Skillman Farm	Brookview House	1010 County Route 601, Montgomery Twp., NJ	Somerset		Yes
39	Central Office Headquarters	Thompson Building	1400 Stuyvesant Avenue, Trenton, NJ	Mercer	Yes	