

Discussion Points

STATE PAROLE BOARD

1. According to budget evaluation data (Page D-77, D-78), two of the State Parole Board's contracted residential community programs for parolees, the Stages to Enhance Parolee Success (STEPS) Program and the Re-Entry Substance Abuse Program (RESAP), experienced program capacity reductions because the contracted provider, the GEO Group in Newark, did not renew its contract, which then expired on July 1, 2018. The budget indicates that the State Parole Board "expects to award many of these beds" through competitive bidding during FY 2019. Despite this loss of capacity, the budget shows the same number of annual community placements (1,300) for RESAP in FY 2018, FY 2019 and FY 2020, while showing an increase in STEPS placements from 900 in FY 2018 to 950 annually in both FY 2019 and FY 2020.

According to the State Parole Board's website, the STEPS program is a residential program to provide specialized supportive reentry services to address the needs of both male and female parolees who have been released from custody or have violated parole conditions. Each participant has an individualized service plan; services include: life skills development; anger and aggression reduction; substance abuse counseling and relapse prevention; job readiness skills; employment counseling; academic assistance; money management; housing placement assistance and transitional support services. The STEPS FY 2019 adjusted appropriation is about \$7.95 million, with a recommended FY 2020 appropriation of about \$7.43 million.

Also according to the State Parole Board's website, the RESAP is a residential serving parolees requiring substance abuse programming. RESAP provides an intensive and comprehensive approach to substance abuse, addiction and relapse prevention. This approach includes programming in four specific phases: Stabilization and Orientation; Intensive Relapse Prevention and Education; Release and Reintegration and Discharge Planning. The RESAP FY 2019 adjusted appropriation is about \$10.3 million, with a recommended FY 2020 appropriation of about \$10.7 million.

• **Questions:** How much advance notice was provided by the GEO Group that it would not renew its contract beyond July 1, 2018? Were any contract provisions violated when this contractor discontinued service? If so, can any actions be taken to recover damages, and are those actions being pursued? Did the State Parole Board continue providing services to the parolees in each program on June 30, 2018, and if so, how? If not, what alternative programming and residential placements were provided? Were any parolees returned to DOC custody as a result of the contract expiration?

• **Question:** What progress has been made to retain the services of another contractor? Have the programs been suspended in the absence of a contractor? How many parolees that would have placed in each program were denied program services and remained in DOC custody or were returned due to parole violations? Is the budget

Discussion Points (Cont'd)

evaluation data accurate in its estimate that the annual number of program placements remains the same in FY 2019 despite the reduction in contracted capacity?

The GEO Group advised the State Parole Board on March 20, 2018 that they would be notifying the Department of Treasury, Division of Purchase and Property (DPP), of their decision to decline the one-year contract extension period. On March 26, 2018, the GEO Group formally advised DPP of their determination to decline the one-year contract extension period. No contractual provisions were violated when The GEO Group discontinued the provision of residential program services. Following the closure of the GEO Group residential program effective July 1, 2018, the State Parole Board continued to provide residential program services at other program locations through existing contracts with vendors including Education and Health Centers of America, Volunteers of America – Delaware Valley and the Kintock Group. No parolees were returned to DOC custody as a result of the GEO Group contract expiration.

It was not necessary to retain the services of another Contractor as the State Parole Board was able to expand capacity and utilization in other residential program locations to accommodate all parolees requiring residential program services. No parolees were denied program services and no parolees remained in DOC custody or were returned to DOC custody due to parole violations as the result of the closure of The GEO Group residential program. As there is sufficient program capacity in existing contracted residential programs, the budget evaluation data is accurate in its estimate that the annual number of program placements remains the same in FY 2019.

2. P.L.2019, c.32 established several multiyear schedules for gradually raising the State minimum wage from currently \$8.85 per hour to not less than \$15.00 per hour. The increase may affect department staff, third parties that provide services to or on behalf of the department, and programs with means-tested eligibility criteria.

In FY 2020, the general State minimum wage will rise as follows: 1) on July 1, 2019 to \$10.00 per hour; and 2) on January 1, 2020, to not less than \$11.00 per hour. The general minimum wage schedule will increase to at least \$12 per hour on January 1, 2021; \$13 per hour on January 1, 2022; \$14 per hour on January 1, 2023; and \$15 per hour on January 1, 2024.

- **Questions:** Please quantify the fiscal impact to the State Parole Board/Division of State Parole in FY 2020 of the increases in the minimum wage of department employees from \$8.85 to \$10 per hour on July 1, 2019 and from \$10 to \$11 per hour on January 1, 2020, and the number of employees who will be impacted by each increase. Relative to current compensation levels, please provide the same information assuming an hourly minimum wage of \$12, \$13, \$14, and \$15.

Discussion Points (Cont'd)

- Questions:** Please quantify the fiscal impact in FY 2020 of the increases in the minimum wage of the parolee caseload, and employees of third parties that provide services either to the department, including temporary employment services, or on behalf of the department according to contractual agreements. Relative to current compensation levels, please provide the same information assuming an hourly minimum wage of \$12, \$13, \$14, and \$15.

The Civil Service Commission has responded to this question for all state departments in the submission of their OLS Discussion Points. Because of the insignificant impact of the first phase of the increase, most departments are expected to fund any increases from existing salary appropriations.

The State Parole Board estimates that the fiscal impact in FY2020, with the currently enacted minimum wage increase plan will cost an additional \$541,471.

Fiscal Impact of Min. Wage Increase Currently Enacted			
			*FY20
JUL 1 - DEC 31	\$		305,991
JAN 1 - JUN 30	\$		235,480
Total FY Impact		\$	541,471

**Minimum Wage Rate will be increased to \$10.00 on July 1, 2019 and \$11.00 on January 1, 2020*

3. P.L.2017, c.93 established a compensation program for law enforcement officers and certain other employees, including parole officers, injured while performing official duties, effective as of October 1, 2017. Under the law, injured parole officers are entitled to their salary until their workmen’s compensation payments begin. Once their workmen’s compensation payments begin, the injured officers are entitled to regular supplemental payments from their employer. The amount of these payments is to be sufficient, when added to the injured officer’s workmen’s compensation, to equal his or her net wages at the time of the injury. These supplemental payments are to continue as long as the officer remains a parole officer and continues to receive workmen’s compensation for the injury. The State Parole Board indicated that no costs had been incurred for salary continuation and supplemental payments to parole officers under the law in response to an FY 2019 OLS discussion point.

Discussion Points (Cont'd)

- Question:** How many parole officers have suffered bodily injury as the result of an assault by an individual under the officers’ custody and care during FY 2018 and thus far in FY 2019? Did the State Parole Board paid salary continuation and supplemental payment benefits under P.L.2017, c.93 in FY 2018 and thus far in FY 2019? If so, please provide the total amount of salary continuation benefits paid by fiscal year and the total amount of supplemental payments paid by fiscal year. Have any training regimens, new risk management policies or strategies been instituted to improve employee safety and minimize exposure to these costs?

In 2018 the State Parole Board had three officers injured resulting in two days out of work. So far in 2019 the State Parole Board has had two officers injured resulting in no loss of work days. The State Parole Board has not had to pay any salary continuation and supplemental payment benefits under P.L.2017, c.93.

Year	# of PO's Injured	# of Days Out Of Work
2018	3	2
2019	2	0

In 2018 the State Parole Board purchased a Use of Force simulator to supplement the annual training regimen. The simulator present real life scenarios and are designed to have the trainee handle the simulation in the safest manner possible. To date we have been training staff to design lesson plans and to operate the simulator. We will soon begin training with a plan to have all officers trained twice a year. In the fall of 2019 we are planning a training for all State Parole Board officers on overall officer wellness. Additional training is conducted annually in vehicle pursuit, tactical exercises, fentanyl awareness; de-escalation and cultural awareness, tourniquet refreshers, and training on chemical hazards, biohazards, bloodborne pathogens and HAZMAT response; as well as semi-annual firearms requalification. The NJ State Association of Chiefs of Police has twice designated the State Parole Board an accredited law enforcement agency and the Board is working towards its second reaccreditation. Accreditation requires adherence to policy and performance standards the lead to, among other things, reduced risk and liability. Policy adjustments are dynamic, changing quickly with newly established legislation, administrative code changes, judicial rulings, Attorney General guidelines, and accreditation standards.

4. Senate Committee Substitute for Senate Bill No. 2703 of 2019 and Assembly Committee Substitute for Assembly Bill No. 4497 seek to legalize and regulate the production, distribution, sale and consumption of marijuana for personal use. In particular, the bills would establish grounds for post-conviction relief due to a conviction or adjudication of delinquency for certain marijuana and hashish offenses, which would permit an opportunity to have a sentence reduced or changed as permitted by the court.

Discussion Points (Cont'd)

- **Questions:** Please comment on the likely impact of these bills on the State Parole Board and the Division of Parole, the current parolee caseload population (i.e., specific parolees that may gain post-conviction relief) and the future rate of parole hearings, releases and revocations.

The State Parole Board has 724 persons under supervision for only Controlled Dangerous Substances convictions. Our system does not specify any further whether these were possession or distribution charges or if these convictions involved substances other than marijuana. A manual look at half of the 724 cases indicates that we have no offenders under supervision only for possession of marijuana and only a handful of offenders under supervision for distribution of only marijuana. Notwithstanding that post-conviction relief would be minimal for those on parole it is anticipated that there would be a significant number of qualifying individuals under probation supervision and those having completed any qualifying imposed sentence.

The State Parole Board is not in the practice of revoking parole for marijuana use. Typical sanctions would be required attendance at treatment to include self-help groups, outpatient, intensive outpatient, and residential treatment programs. Marijuana use may be a factor in revocation when combined with other violations however it would take a significant amount of time to manually go through cases and determine the impact.

5. Videoconferencing technology can enable criminal justice proceedings, including preliminary court activities, parole hearings and deportation hearings, to be conducted without the transportation of inmates from the secure confines of the correctional institutions. As a result of this technology, the New Jersey Department of Corrections among other agencies involved in criminal justice administration has reduced costs, enhanced public safety, and expedited the administration of justice.

- **Question:** What uses of videoconferencing technology are currently employed by the State Parole Board? How has adoption of this technology affected the cost and effectiveness of the State Parole Board's mission? Based on best practices and the experience of other state's parole agencies, could greater use of videoconferencing technology be effectively implemented if resources were available? If so, please elaborate.

The New Jersey State Parole Board has utilized video teleconference to conduct Initial Parole Release hearings, Board panel hearings, Juvenile, County panel hearings, Rescission hearings, and Revocation Hearings.

The adoption of this technology has enabled the State Parole Board to conduct hearings from one location to multiple locations within a prison or jail enabling decision makers to provide hearings to inmates in secure areas of the facility while maintaining the safety of the decision

Discussion Points (Cont'd)

makers. For Revocation hearings, the Hearing Officers, witnesses and the Parole Offers can all video teleconference from different locations saving time and travel. The State Parole Board is also able to conduct hearings at multiple facilities to ensure offenders eligible for parole consideration are provided timely parole hearings. This also cuts down travel costs by allowing Board Members to travel to one location instead of several locations.

The State Parole Board also utilizes video teleconference to provide Board Panel Hearings for offenders serving time outside of the State of New Jersey. Without teleconference, these hearings would be done by telephone or administratively where the inmate would be unable to participate.

Internally the Division of Parole utilizes Skype which allows for meetings without the time and cost of travel.

Greater use of videoconferencing would assist the State Parole Board in accomplishing its mission.

The State Parole Board also utilizes videoconferencing to assist the needs of the inmate population with family visitation that is conducted in District offices. This allows for the inmates to be able to keep their family support system intact.

6. The FY 2020 Budget in Brief (page 27) suggests that the budget reflects introduction of geriatric parole, which exists in 17 other states, and expansion of medical parole reforms enacted in 2017. Newly recommended budget language (page D-82) authorizes transfer of DOC Institutional Care and Treatment appropriations to State Parole Board appropriations for Parole, the Supervision, Surveillance, and Gang Suppression Program, and the Stages to Enhance Parolee Success Program to provide necessary assistance to geriatric and medically released parolees.

P.L. 2017, c. 235, which took effect in April 2018, expands eligibility for medical parole by allowing inmates who have a permanent physical incapacity to be released on medical parole, in addition to those suffering from a terminal condition, disease, or syndrome. The release of an inmate on medical parole for a permanent physical incapacity is to occur only if the board determines that the conditions of the inmate's release would not pose a threat to public safety. The State Parole adopted rules and regulations to implement this act in July 2018. DOC data on offender characteristics on January 2, 2019, report a total of 459 offenders age 65 and older, 500 offenders age 60-64 and 950 offenders age 55-59, the population most likely to be affected by a geriatric parole policy. The DOC informed the Legislature during the FY 2019 budget process that less than one percent of the offender population, which totals about 19,200, were at least age 70 and age 80, respectively, which suggests that up to 400 offenders may be likely to benefit from geriatric parole. As of March 23, 2019, one bill is pending to establish geriatric parole, Assembly No. 4944.

Discussion Points (Cont'd)

- **Question:** How many parole hearings for medical parole based on permanent physical incapacity have been held? How many offenders were granted parole based on this condition? What are the costs per parolee for medical parole compared to a non-medical parolee? Is the State Parole Board prepared to implement geriatric parole in FY 2020? How would the cost per geriatric parolee differ from the non-medical parole-related costs?

Since the Parole Board adopted regulations in July 2018 to implement the Medical Parole Act (P.L. 2017, c. 235), there were only two (2) applicants that met the medical threshold outlined in N.J.S.A. 30:4-123.51(c) and N.J.A.C. 10A:71-3.53 (d), and therefore, were scheduled for a medical parole hearing. The Board panel granted medical parole in both cases. Both cases were inmates who were diagnosed with having "a terminal condition, disease, or syndrome" wherein the prognosis was less than six months to live. There was a total of nine requests for medical parole during that time. There were no medical parole hearings/decisions by the Board panel that were based on the inmate having "a permanent physical incapacity." The cost has been minimum for the Division of Parole as the majority of these cases are eligible for SSI/SSD, Medicare/Medicaid or other Federal government programs that provide funding.

The State Parole Board is prepared to implement geriatric parole. Non-medical costs that may be in addition to normal population parolees would be for additional supervision, housing and transportation. Transfer language has been added between State Parole Board and DOC in order to handle any additional reallocations of funding in FY2020.