

**Senate Budget Testimony Remarks**  
**September 10, 2020**

Good afternoon, Chairman and members of the Committee. Thank you for the opportunity to discuss the work of the New Jersey Department of Corrections and the proposed FY 2021 budget.

Before I begin, I would like to introduce my staff members who are here with me today: Deputy Commissioner Michelle Ricci, Chief of Staff Victoria Kuhn, Special Legal Advisor Melinda Haley, Director of Communications Liz Velez and Manager of the Bureau of Budget and Fiscal Planning Donna Gies.

**Managing through COVID**

Together, we've experienced an incredibly challenging year, managing through an unprecedented global pandemic, with New Jersey being in the eye of the storm, while the globe was still figuring out the virulent invisible force of COVID-19.

Despite these challenges, we remained committed to ensuring the health and safety of our staff and those in our care while remaining steadfast in the Department's mission of operating safe, secure and humane correctional facilities.

Our mission is realized through the effective and safe treatment of offenders and providing services that promote successful reentry into society.

The Department took the threat of COVID-19 seriously, immediately convening a taskforce of subject matter experts, while engaging stakeholders like the unions to exchange critical new information, raise and address concerns, and share public health best practices for managing the virus, along with operational implementation.

Since the onset of the pandemic, the Department's operational decisions have been consistent with the guidance of leading public health experts, the Center for Disease Control and Prevention, and the New Jersey Department of Health, in consultation with our medical provider trained in infectious disease control, Rutgers University Correctional Healthcare. Initially, public health guidance included sanitization, germ management, symptomatic testing, and masks for the infirm and those treating the infirm. That guidance has since evolved and, with it, the Department's operational practices have evolved.

Early on, the Department increased sanitization efforts. On March 11, the same day the World Health Organization declared COVID-19 to be a pandemic, the Department announced that it would be implementing health screening with temperature checks of everyone entering its facilities and suspending visitation to further mitigate the spread of the virus. To allow incarcerated people to connect with their families, we increased provisions for free communication mechanisms with loved ones. On March 19, 2020, the Department distributed masks to all inmates.

Around the same time, there was a suspension of county intakes, and on April 8, transfers of inmates were suspended across the board, with the exception of those that posed a significant security threat or involved a medical issue. Security and medical transfers are carefully assessed on a case-by-case basis by Operations through the lens of safety and security. This practice remains in place, as required. Proper PPE is provided to staff and inmates involved with these transfers.

From an employee safety perspective, PPE was provided early on. We incorporated additional provisions that included reduced rotational work schedules to limit foot traffic in our facilities and accommodate social distancing and provided non-congregate housing to our staff to help control the spread from positive employees within the community.

In the spirit of transparency, a comprehensive list of measures, along with a tracker of positive cases since the start of the pandemic, is available on the Department's COVID-19 webpage at NJDOC.gov. Our Frequently Asked Questions section has been live since April 1 and shares valuable information with the public about DOC's protocols and changes during the public health emergency. These efforts were communicated regularly to inmates via the JPay kiosk system, inmate TV cable network system, and posted on communal boards, while employees received daily memos and families received updates via our website and social media channels.

All efforts were made to ensure our facilities' security and safety. However, we cannot discount the fact that despite these efforts, COVID-19 in NJ prisons reflected what was happening within the broader community, with NJ being the epicenter for the virus. The virus has claimed almost 15,000 lives in our state. Sadly, at the height of the pandemic, 51 incarcerated individuals who tested positive passed, most of whom were over 60 years of age with co-morbidity issues.

### **Testing**

At the onset of the pandemic, the Department experienced limited access to COVID-19 testing. However, as soon as testing capacity increased, the Department began a universal testing initiative for all staff and inmates in early May – the most extensive state testing initiative. Testing for COVID-19 within our facilities has proven crucial and the linchpin in identifying asymptomatic carriers and managing positives to mitigate the virus's spread. Testing has been the game changer, helping stem the tide of COVID-19 within our facilities. From the onset of the pandemic through Phase 1 testing (April 3-through July 26), there were approximately 2,900 positive cases among the inmate population and approximately 930 among staff. Every person in our facilities, with the small exception of staff on leave, has been tested.

Phase 2 of testing, which covered the period from July 27 to Aug. 21, showed dramatic reductions in the prevalence of COVID-19 with less than 1 percent of positive cases within our system among staff and inmates.

The Department is currently in Phase 3 of testing. I'm proud of the steps we've taken to address COVID-19. Data continues to show less than one percent of active cases across our facilities indicating that our virus mitigation strategy is working to save lives. The data will help further inform the Department's strategy regarding the resumption of services.

## **EO 124**

To further our efforts to promote social distancing within the prisons, with the Governor and NJ State Parole Board's support, the Department implemented Executive Order 124, allowing certain at-risk inmates who have not committed a serious offense to be released to emergency medical home confinement during the public health emergency.

The EO was signed on April 10, 2020. Under state statute, inmates with convictions of murder, manslaughter, sexual assault, robbery, kidnapping, and aggravated assault were not eligible for emergency medical home confinement. Following the announcement, the Department worked around the clock to build a comprehensive release plan, balancing public health against public safety.

The plan included soliciting input from prosecutors and victims. It also included in-person home investigations to ensure the safety of those being released and those residing in the dwelling and it connected individuals to transitional support services.

Individuals were directly notified by the Department of eligibility. Interested family members who dialed in to the Department were informed of the EO 124 process and supplemental process materials were made available on the Department's COVID FAQ page at NJDOC.gov. Those listed as a community sponsor were notified to help coordinate inmate pick-up procedures.

The time between the EO's signing to process establishment and the first release was approximately two weeks. Since then, more than 1,000 individuals have benefited from the order, between the DOC and parole, with about a 15 percent return rate.

## **Population Reduction and Budget Items**

Since the onset of the pandemic, the inmate population decreased by approximately 2,200 largely due to the number of individuals who completed their sentences and those released to emergency medical home confinement and expedited parole -- both under Executive Order 124. Since May 2018, about the time I became Acting Commissioner, the population has reduced by almost 3,500 allowing the Department to further realize efficiencies in several areas, including the proposed closure of the Central Reception Assignment Facility and reduction in medical expenditures.

Additionally, due to the pandemic and limitations on transfers to halfway houses, the Residential Community Release Programs (RCRPs) experienced an increase in vacancies. The Department values its relationships with RCRPs and finds them to be a critical transitional resource in support of reentry and recidivism reduction. Until recently, the Department continued to pay for these vacant beds, even as the RCRP population was decreasing. However, the Department will realize additional efficiencies during this fiscal crisis by only paying for actual housing usage as a temporary cost-saving measure. This reduction would not impact inmate programs. It is our hope that this would be a one-time reduction and that the Department could increase support for these crucial programs when the resident population increases.

Furthermore, we will seek to reduce expenditures by reviewing our staff resources to ensure we are operating effectively and efficiently.

### Edna

Regarding Edna Mahan Correctional Facility for Women, let it be known the Department has a zero-tolerance policy for inmate abuse of any kind and those who go against our mission of operating safe, secure, and humane facilities will be held accountable. The Department of Justice report as part of a multi-year investigation focused on events that occurred under a previous administration and we are committed to partnering with the DOJ on ensuring inmates' safety, transparency, and changing the facility's long-standing perception. We've already set a number of initiatives in motion that increase accountability and provide greater oversight, including:

- increased reporting mechanisms;
- third-party best practice guidance from the National Institute of Corrections;
- increased female leaders and officers;
- increased camera surveillance;
- oversight from a major;
- inmate and staff training; and
- victim support.

Additionally, in an effort to strengthen oversight and accountability the Department is in the process of hiring a Women's Liaison from the Office of Victim Services who will report directly to a central office Assistant Commissioner; providing a women's trauma program; and evaluating current policies, procedures, and programs to ensure that gender responsiveness is being incorporated and recommend new programs and policies.

### Staff

The success of the various programs and initiatives I've discussed would not be possible without our Department's single most valuable asset: our outstanding staff. It is my priority to provide the tools and resources they need to effectively and safely carry out their responsibilities.

Employees have access to a wide array of training opportunities – both inside and outside the Department – to enable them to navigate Corrections' ever-evolving field.

We also have introduced an Employee Wellness Program, through which our dedicated staff will have access to the resources they need to address the often challenging aspects of their jobs. This program promotes whole-person wellness – including physical, mental, and spiritual health – and is available to both custody and civilian staff throughout the NJDOC.

Additionally, the Department implemented a resiliency training program that is now part of the new recruit training process and includes a train the trainer component to continue distributing this vital resource throughout the Department. Employees also now have access to a dedicated 24-hour helpline, with individuals trained in corrections issues that help connect callers to mental health resources.

As a Department, we will continue to strive to maintain the highest standards of professionalism as we meet modern correctional management's ongoing challenges.

**Looking ahead-- 2021 Budget**

In conclusion, as we seek to realize efficiencies in the areas mentioned earlier, we'll also seek to explore new technologies to assist in the resumption of activities in the new reality that is COVID-19. Increased technological capabilities will help us increase telemedicine and remote education. We are also committed to doubling down on our continuous improvement efforts at Edna.

We thank you for the opportunity to present the Department's budget and look forward to a continued partnership. I am happy to answer any questions you may have.