

## Discussion Points

### DEPARTMENT OF CORRECTIONS

1. The FY 2009 Budget recommends reducing the number of State employees through an early retirement initiative and layoffs. The Governor has further proposed that the ability to hire employees to fill these positions be limited to 10 percent of the positions vacated. This may place the department in the position of requiring additional overtime from the remaining staff to fill corrections posts.

- **Question:** *How many custody staff and non-custody staff are eligible for the early retirement initiative? Does the department have sufficient custody staff recruits to fill the vacancies created through early retirement? Will the department be able to replace these positions, or will they remain vacant under the governor's restricted hiring proposal? How long would it take the department to replace all those leaving through early retirement? What would be the impact in terms of overtime costs?*

**Response:**

Based on the assumption in the budget for the projected \$135.9 million net ERI savings, 547 of Department staff will be eligible for participation.

The savings assumes an overall 50% participation rate that varies by Department. The initial proposal is still under discussion and could be refined in the enabling legislation. Regardless, the Governor has stated that the backfills of participants will be limited to 10% on a Statewide basis.

2. In a report released July 9, 2007 on the Department of Corrections Central Office Activities, the State Auditor noted that the department could save \$3.2 million during FY 2007 by "adjusting shift overlap times so that all shifts and all posts would overlap, and overtime would only be incurred on the third shift, where there is the least number of staff." The audit also stated "This method of overlap would further enhance safety because all posts, not just selected posts, would overlap allowing for the necessary communication between incoming and outgoing officers." In its response to this finding, the department agreed that this alternative to shift overlap scheduling should be considered. OMB indicates that \$4.2 million in savings has been realized in shift overlap in FY 2009.

- **Question:** *What progress has the department made toward adopting this more efficient shift overlap schedule? How much has the department spent on shift overlap to date during FY 2008? What would the cost have been if the alternative recommended by the State Auditor had been in effect? What is the recommended amount for shift overlap in FY 2009? What would be the shift overlap cost in FY 2009 if the new schedule were imposed? Where is the shift overlap savings indicated by OMB reflected in the department's FY 2009 budget?*

**Response:**

The department is currently in the planning stage of this initiative. As of February 1, 2008 the department has expended \$6.9 million on custody overlap in fiscal

## Discussion Points (Cont'd)

year 2008 and is projected to spend approximately \$12.7 million by fiscal year end. If the alternative method had been implemented in fiscal year 2008 the cost would have been approximately \$8.5 million for the entire year, \$4.2 million less. \$8.5 million is recommended in fiscal year 2009 for this purpose. This is the funding required if the new schedule can be fully implemented by July 1, 2008. The reduced funding need (savings) is reflected in the custody salary accounts for each institution.

3. Senate Bill No. 531 of 2008 would require the Department of Corrections, in consultation with the Police Training Commission, to develop and implement an in-service training program for adult corrections officers who have satisfactorily completed the basic training course approved by the commission. The course would conform with standards promulgated by the American Correctional Association (ACA) for correction officer training.

- **Question:** *What are the current ACA standards for corrections officer training? How does this differ from the training offered by the Department of Corrections? What would be the cost of providing training which conforms to ACA standards?*

**Response:**

American Correctional Association (ACA) guidelines require 40 hours of training annually for custody and civilian staff in regular contact with inmates. Currently, the department provides eight (8) hours of firearms training, eight (8) hours of CPR/First Aid training and four (4) hours of additional safety training on an annual basis to custody staff only. The department's budget currently includes funding for those 20 hours. Civilian employees are not provided annual in-service training. In order to meet the ACA guidelines, the department would need an additional \$12.7 million which includes 49 staff (\$5.1 million) to provide the training at all of the institutions, together with the overtime funding (\$7.6 million) required to backfill those posts (custody and certain civilian) which must be manned 24/7 for the 20 hours additional training per year. Also included are \$82,000 for equipment and nearly \$735,000 for fringe benefits.

Areas of training specified in the ACA standards not currently covered by DOC in-service training include security procedures; supervision of offenders; report writing; offender rules and regulations; rights and responsibilities of offenders; safety procedures; key control; interpersonal relations; social/cultural lifestyles of the offender population; communications skills; counseling techniques; and cultural diversity.

4. According to the FY 2009 Budget, the Department of Corrections has implemented a new training initiative in conjunction with the Department of Personnel utilizing the Enterprise wide learning Management system (Overview Budget Page D-73). This has made on-line training available to numerous staff.

- **Question:** *Please provide a description of the Enterprise-Wide Learning Management system. What is the cost of this initiative? What topics are*

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*covered under this program? How many personnel have successfully completed each of the topics covered by this training program? What is the estimated savings in training costs? Does this training address the additional training recommended by the American Correctional Association for New Jersey's corrections officers?*

**Response:**

The Enterprise-Wide Learning Management system is a platform for computer-based training, which includes the capability to track all training conducted in order that data can be retrieved both locally and centrally for all users. This system is also designed to provide tools to assess the knowledge acquired by use of the training provided. DOP has created basic training courses in this medium, with the intent to expand its offerings in the future based on statewide enrollment and applicability of subject matter. Each department may also create proprietary training courses designed to meet its specific training needs for use on the system. At this time, no courses related to American Correctional Association standards are available.

The department has been provided approximately 7,000 licenses by the Office of Homeland Security for first responders (custody and non custody staff). However, since no additional training funds have been appropriated to expand training hours, their use has been limited to primarily Homeland Security training content for a small number of staff which, if required for the title held, is taken on State time with minimum overtime.

Increased department participation requires additional funding to cover start up costs and additional overtime hours associated with backfilling posts.

5. In FY 2008 the department implemented the S.T.A.R.S. (Successful Transition and Reentry Series) program to standardize reentry preparation at each of the correctional facilities. S.T.A.R.S. is a preparatory program designed to address each major reentry barrier faced by the returning offender. The curriculum consists of fourteen chapters that address specific reentry barriers such as employment, housing, transportation, education, family reunification, finances, and others.
- ***Question:*** *How many offenders have completed the program? How has the program affected the department's recidivism rate? What are the estimated savings? Does the department maintain records on the number of inmates who obtain employment upon release? How has the S.T.A.R.S. program affected ex-offender employment status?*

**Response:**

The Department of Corrections implemented the Successful Transition and Reentry Series (S.T.A.R.S.) Program July 1, 2007 system-wide. To date, 715 inmates have completed the program, with an additional 573 enrollments anticipated to complete the program through fiscal year end. In fiscal 2008, total

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enrollment is anticipated to reach 1,720. In fiscal 2009, nearly 3,000 enrollments are anticipated.

While the program has been well received by the inmate population, its affect on recidivism rates would not be known for up to three years, the time frame during which re-incarceration, the major effect of recidivism, primarily occurs. Furthermore, isolating the specific effect of one among a number of variables potentially impacting the recidivism of individual ex-offenders is difficult or impossible to accomplish. As part of the Governor's Crime Plan, the department, the State Parole Board, and the Department of Labor and Workforce Development (DLWD) will be closely tracking those offenders included in the Another Chance project from incarceration through parole; therefore, it may be possible to identify the specific recidivism effects of S.T.A.R.S., other programs, and such other variables as employment individually or collectively as the project unfolds. DLWD will be providing proactive employment support for Another Chance participants, with the results tracked throughout the project.

The State Parole Board maintains records on ex-offender employment for parolees upon release; the department's work with the offender occurs while the offender is incarcerated. Inmates released at maximum term of sentence are unable to be tracked.

The department developed S.T.A.R.S. as an in-house alternative to the Life Skills Academy program, at a savings of \$500,000.

6. Published reports indicate that in March, 2007, the Department of Corrections transferred 40 women from the Edna Mahan Correctional Facility for Women to New Jersey State Prison. The American Civil Liberties Union filed a civil rights lawsuit against the department alleging that "by subjecting the women prisoners to more repressive conditions than male prisoners in the same prison, the DOC is violating the state constitution's guarantee of equal protection and the New Jersey Law Against Discrimination." The lawsuit also alleges that "in several ways the department's treatment of the women prisoners is so atrocious that it violates the Constitution's ban against cruel and unusual punishment." The lawsuit alleges that among other things the female inmates are confined to cells for up to 22 hours per day, are deprived access to the law library and are not eligible to participate in prison education programs.

- **Question: How many women are currently incarcerated outside of the Edna Mahan Correctional Facility for Women, and in which facilities are they located? What alternatives has the department considered to housing female inmates within a male institution?**

**Response:**

There are 70 female inmates housed outside the Edna Mahan Correctional Facility for Women at New Jersey State Prison. Thirty-one are in Administrative Segregation, with thirty-seven in general population status. There is also a female Stabilization Unit (mental health) located at New Jersey State Prison. It consists of 16 cells and is used for female inmates who are experiencing psychiatric

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episodes. As of April 4, 2008, two female inmates were assigned. The department's capital plan request included funding for construction of 200 single cell beds on the grounds of the Edna Mahan facility, which would provide much needed non-congregate housing to meet the specific needs of the female population at the facility.

- **Question:** *What is the reason for the transfer of female inmates to male institution? What alternatives were considered for housing the transferred female inmates? What provisions have been made to keep the female population totally separate from the male population and to maintain their safety? How do the services offered to the female inmates differ from the services offered to the male inmates at these facilities? What additional services, if any, are available to the female inmates?*

**Response:**

These moves to New Jersey State Prison were done to ensure the safe and secure operation of the Edna Mahan facility. The three female housing units (1EE, 1FF, 1GG) are the only three housing units on the first floor of the South Compound. They are totally self-contained to include dining facilities.

Since this matter is in litigation, no further information can be provided publicly at this time.

- **Question:** *When does the department anticipate the transfer of female inmates back to the Edna Mahan Correctional Facility for Women or another all-female facility?*

Since this matter is in litigation, no further information can be provided publicly at this time.

7. P.L.2007, c.204 eliminated the death penalty in New Jersey and directed the Department of Corrections to transfer all inmates currently housed on the Capital Sentence Unit to the general population.

- **Question:** *What provisions have been made for the placement of the capital sentence inmates into the general population? What special arrangements, if any, have been made to facilitate this relocation or to provide for the security of former capital sentence, other inmates, or the general public? What plans does the department have for the space that was previously used as the Capital Sentence Unit?*

**Response:**

The plan for a Special Sentence Unit at New Jersey State Prison to house former Capital Sentence Unit inmates re-sentenced to Life Without Parole became

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effective April 4, 2008. A 48 single bunked cell unit in the North Compound will house inmates sentenced to Life without Parole with a Murder Conviction attached to that sentence. Both treatment and professional services required for this specialized unit are available.

The former Capital Sentence Unit has already been designated to remain a close custody housing unit for 24 inmates. It is presently utilized to house close custody inmates classified as Management Control Unit inmates, or inmates housed in a State facility pursuant to N.J.A.C. Rule 30:4-85.

8. In FY 2008 the Department of Corrections received \$52.845 million for the Purchase of Service for Inmates Incarcerated in County Penal Facilities, an increase of \$19.067 million over the FY 2007 adjusted appropriation for this account (Budget Page D-85). A total of \$7.948 million of the \$19.067 million increase was earmarked for the expenses anticipated in housing general population inmates in county jails as they are moved out from an as-yet undetermined facility to allow for the refurbishing of this facility to accept civilly committed sexual offenders. The department has stated that the general inmate population and the civilly committed sexual offender population must be segregated. Budget evaluation data indicate that the department will be housing 394 civilly committed sexual offenders in FY 2009 (Budget Page D-81). As of April, 2008, the transfer of inmates had not begun.

**Question:** *Where does the department anticipate that each of these populations will be moved? Does this new location have the capacity to accept the increasing numbers of civilly committed sexual offenders? When does the department anticipate that the move and renovations will commence? When will the move and renovations be accomplished? What plans, if any, does the department have for the use of the vacated civilly committed sexual offender facility and the civilly committed sexual offender facility annex? What is the estimated cost, if any, of retrofitting the new location for the needs of this special population?*

**Response:**

The Department of the Treasury, Purchase Bureau has issued a Request for Information (RFI) to assist the State in developing requirements and identifying qualified vendors able to meet those requirements for the relocation of these sex offenders to an in-state, privately operated residential facility. Responses are due to the Purchase Bureau by April 30, 2008. Costs associated with this alternative are not available at this time.

Upon vacating the current facilities, the department plans to use the Annex for medium security prisoners, while the month-to-month rental arrangement with the County of Hudson for the Kearny unit would terminate.

9. In an audit released July 9, 2007 on the Department of Corrections Central Office Activities, the State Auditor noted that the Central Office Revenue Unit (CORU), which is responsible for entering fines, penalties, and restitutions into the court imposed Judgment of Conviction, had a nine month backlog. A judgment of

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Conviction is a court issued final judgment of guilty in a criminal case and the punishment imposed. The department responded that this backlog was due to two causes: staff vacancies which remained unfilled because of a hiring freeze; and the shift to electronic transmission of the judgment of Conviction from the Central Reception and Assignment Facility (CRAF) to CORU. This shift required CORU to print the electronically transmitted documents to hard copy, a task previous performed by CRAF.

- **Question:** *What is the impact of reassigning staff from other functions to the CORU data input function to Central Office operations? What is the current status of CORU's fine, penalty and restitution posting backlog? When does the department anticipate that this backlog will be eliminated?*

**Response:**

With a combination of temporary services staff and reassigned in-house staff, the CORU backlog was eliminated. Since that time, however, with the departure of other CORU staff, a sixty-day backlog has developed. Additional staff reassignments will be made to assist in controlling the growth of this backlog; however, this is only a temporary solution. The ongoing hiring freeze and limitations on the use of temporary services staff may cause backlogs to occur in the future.

10. On October 15, 2007, the State Inspector General released a report entitled, "Department of Corrections Inmate Dental Services Report". The report exposed numerous problems with DOC's monitoring of the contract for the provision of dental services by Correctional Medical Services, Inc. (CMS). The Inspector General found that the DOC did not "accurately monitor contractual requirements resulting in the inability to guarantee that DOC was receiving services for which it paid." The Inspector General recommended that DOC develop an electronic system allowing it to monitor contractual compliance by providers of medical and dental services, review dental service invoices to assure proper billing, determine the amount of damages to be assessed against CMS, and review the entire inmate health services contract for contract compliance and proper billing.

- **Question:** *Please provide an update on the implementation by the department of the Inspector General's recommendations. Has the DOC developed an electronic system capable of storing, utilizing and analyzing current and historical data in order to monitor contractual compliance by the medical/dental service provider in accordance with the recommendations of the Inspector General? What would be the estimated cost of implementing such a system?*

**Response:**

At the time of the publication of the Inspector General's (OIG) report regarding the dental services provided to inmates, the department had completed and put into use automated exception monitoring reports system wide, which specified for each performance indicator, one or more specific measures per report applicable to these indicators. In all, 31 reports had been created applicable to each institution, field tested, and were used in weekly joint review by the medical provider and the

## Discussion Points (Cont'd)

department's health services unit staffs. Of the total 13 performance indicators, 8 were found to be auditable in this automated manner by use of the 31 automated exception reports site by site. Four of the remaining 5 indicators require traditional internal audit by department auditors due to all or some of the data being available only in hard copy. The final indicator, acquisition and retention of National Commission on Correctional Health Care (NCCHC) accreditation, is evaluated by that commission. All facilities remain certified.

In the interest of time, these automated reports were initially developed without inclusion of releases. As of October 2007, at the time of the release of the OIG report, the department had partially completed reprogramming of the 31 reports to account for inmate releases, a criticism of the reports noted by the OIG. As of January 16, 2008, all reports had had release inclusive versions completed.

It should be noted that at no time during the eight years of the first contract with CMS did the State fund or install an automated solution to effectuate monitoring of the contract. The current contract specified and contemplated audit by use of small sets of sample data using traditional methods, then to be extrapolated to the whole. The determination to apply automation was made due to limited department audit staffing, further reduced by job freezes, coupled with the realization that in order to understand results system-wide as well as specific to each institution, automation had to be brought to bear to the greatest extent possible in order to identify the specific exceptions to standards site-by-site.

11. The report of the Inspector General also identified areas where the DOC could recoup monies from CMS for failure to perform under the contract and improper billing. For example, according to the report, CMS could be assessed between \$85,000 and \$1,000,000 in liquidated damages for 17 months of the two-year contract commencing on April 1, 2005 because of failure to comply with contract timeliness requirements. Also, the report indicates that CMS improperly received payment from DOC of \$132,345 for a service for which CMS was not permitted to separately bill DOC.

**Question:** *Has the improperly billed amount of \$132,345 been withheld from future payments to CMS in accordance with the recommendation of the Inspector General or otherwise recovered from CMS? Have liquidated damages been assessed against CMS? If so, how much? If not, why?*

**Response:**

Based on the report of the OIG, CMS agreed to credit the State for payments made for oral surgery services, although, as CMS has noted, the specific language in the Request for Proposal is not clear in regard to whether oral surgery delivered on-site should be treated as regular compensation based on clinician hours worked as is the case for on-site dentist services. The department performed a complete review of accounts payable detail and identified \$158,370 paid to CMS for oral surgery services delivered on-site in the correctional facilities. This amount was confirmed by CMS and withheld from their January 2008 payment.

**Discussion Points (Cont'd)**

The Department of the Treasury, Purchase Bureau Contract Compliance Audit Unit is conducting the accounting-related review that must precede the assessment of liquidated damages. Upon completion of this review, it will determine what liquidated damages are warranted and, if so, what the appropriate amount of that assessment should be.

- ***Question: Who is the current provider of dental services to the correctional population of the State? What is the current status of the contract between the State and the dental service provider and when does it expire?***

**Response:**

AllCare Dental Group is the current subcontractor to the medical contractor, Correctional Medical Services, providing dental services in the department.

12. In FY 2007, the department received \$8 million to replace the high temperature hot water underground distribution system at South Woods State Prison which was installed from 1995 to 1997 and which has experienced a complete and catastrophic system failure. The department received another \$6 million in FY 2008 (FY 2008 Budget Overview, Page D-72). In response to a FY 2008 OLS discussion point the department stated that the final forensic report of the system failure was due in June, 2007. Construction was expected to begin in August, 2007.

- ***Question: What is the status of the repair/replacement of the hot water system? What is the status of the department's efforts to recoup the cost of repairing/replacing the system?***

**Response:**

Bids on the South Woods State Prison replacement project were returned on March 11, 2008. The Department of the Treasury, Division of Property Management and Construction (DPMC) is evaluating the bid proposals.

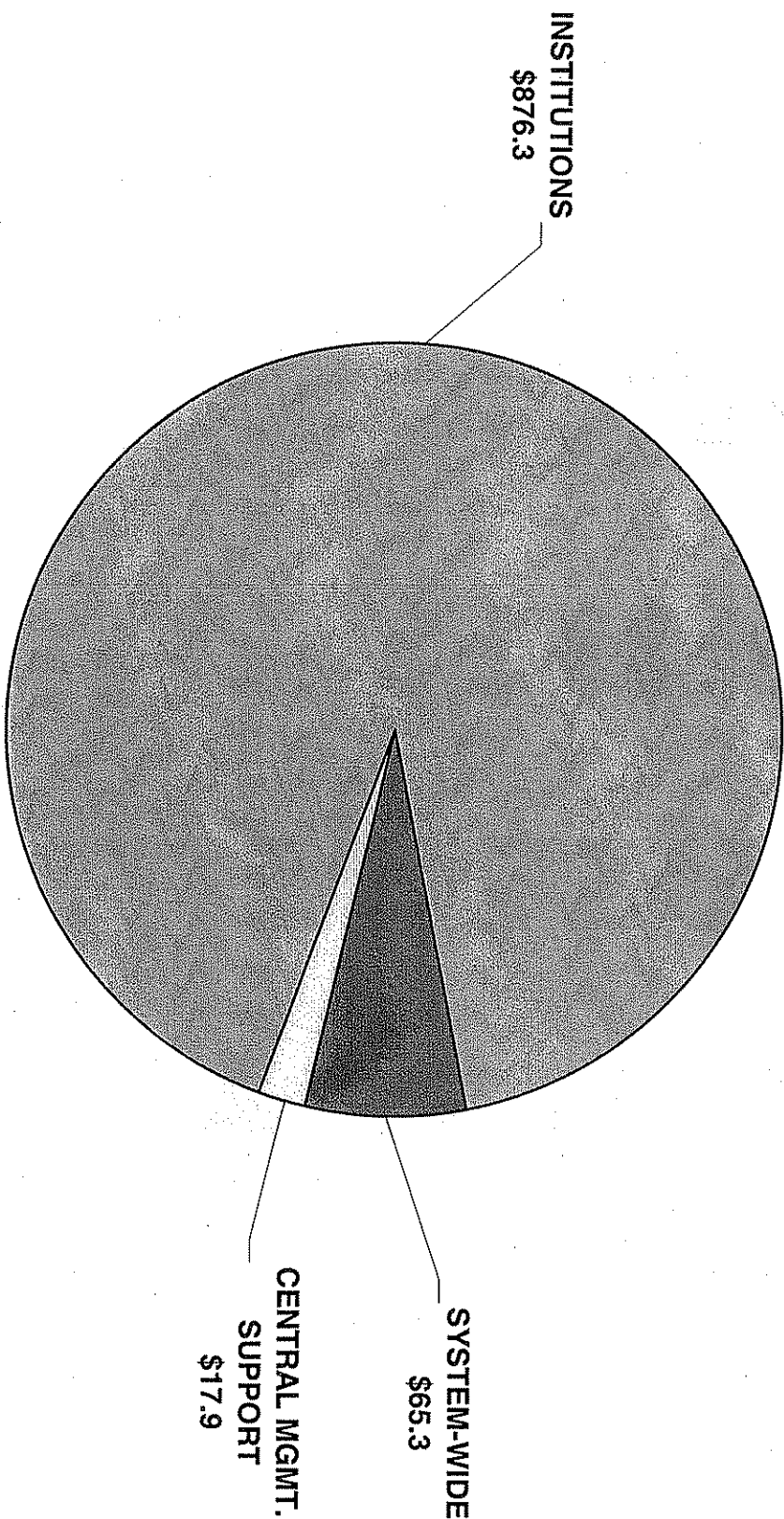
The Office of the Attorney General, in conjunction with the Treasury Division of Property Management and Construction, is pursuing litigation to recover damages as a result of this catastrophic system failure.

# DEPARTMENT OF CORRECTIONS

FY 2009 GOV. REC.

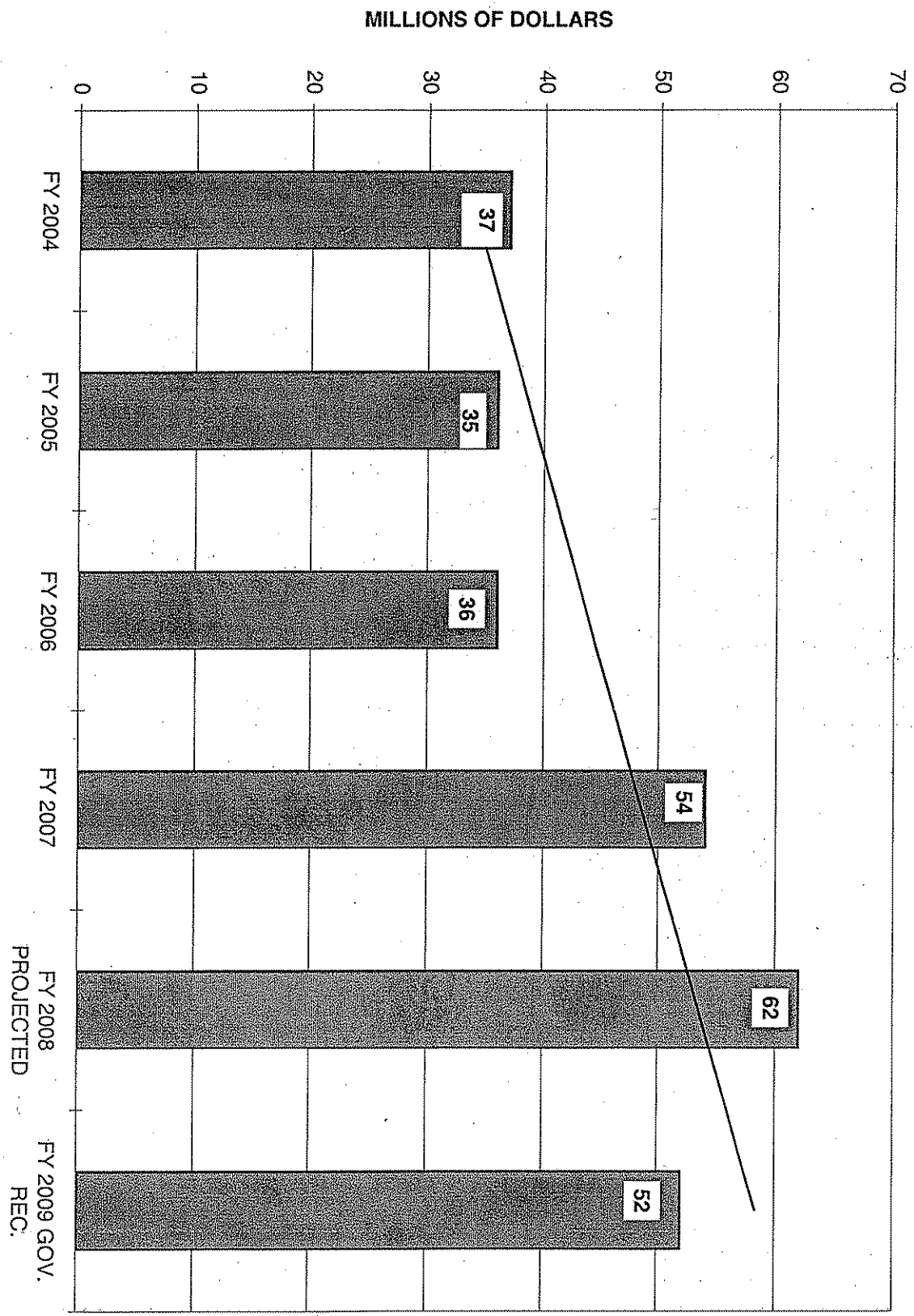
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## DISTRIBUTION OF DSS FUNDS BY ORGANIZATION

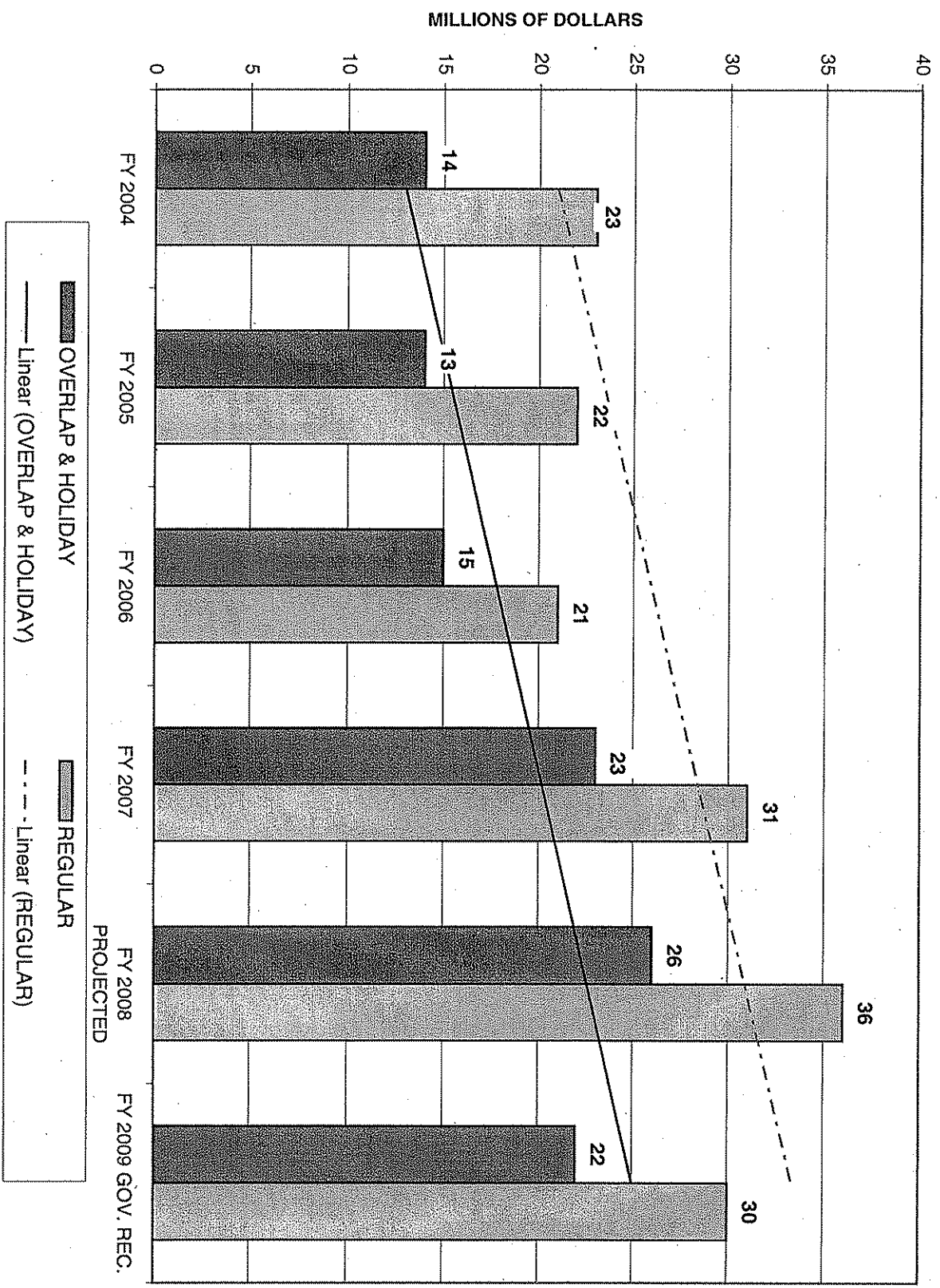


TOTAL = \$959.5 million

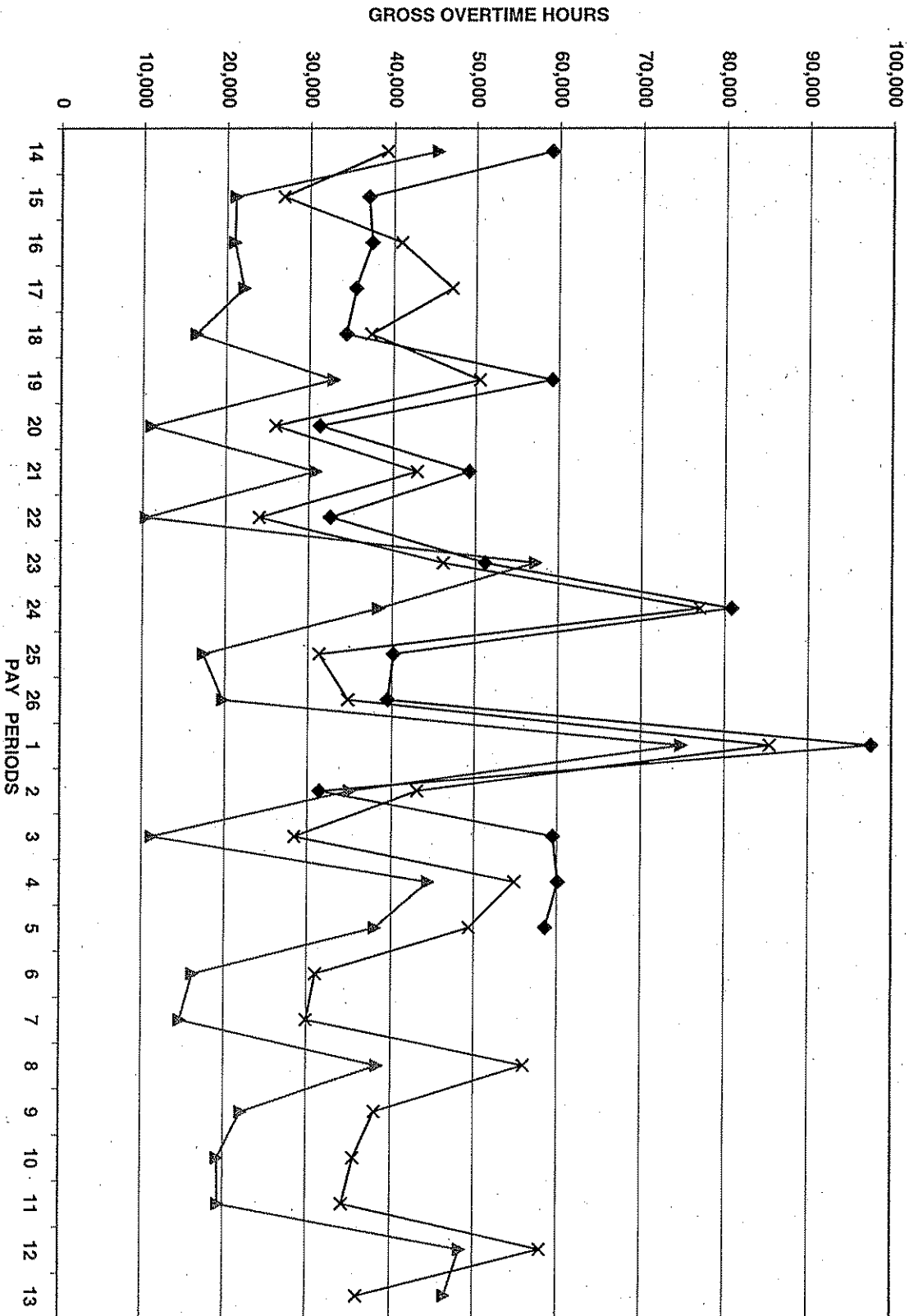
NEW JERSEY DEPARTMENT OF CORRECTIONS  
BUREAU OF BUDGET AND FISCAL PLANNING  
UNIFORM CUSTODY NET OVERTIME DOLLARS IN MILLIONS  
FISCAL YEARS 2004 THROUGH 2009



**NEW JERSEY DEPARTMENT OF CORRECTIONS**  
**BUREAU OF BUDGET AND FISCAL PLANNING**  
**UNIFORM CUSTODY OVERTIME DOLLARS IN MILLIONS**  
**FISCAL YEARS 2004 THROUGH 2009**

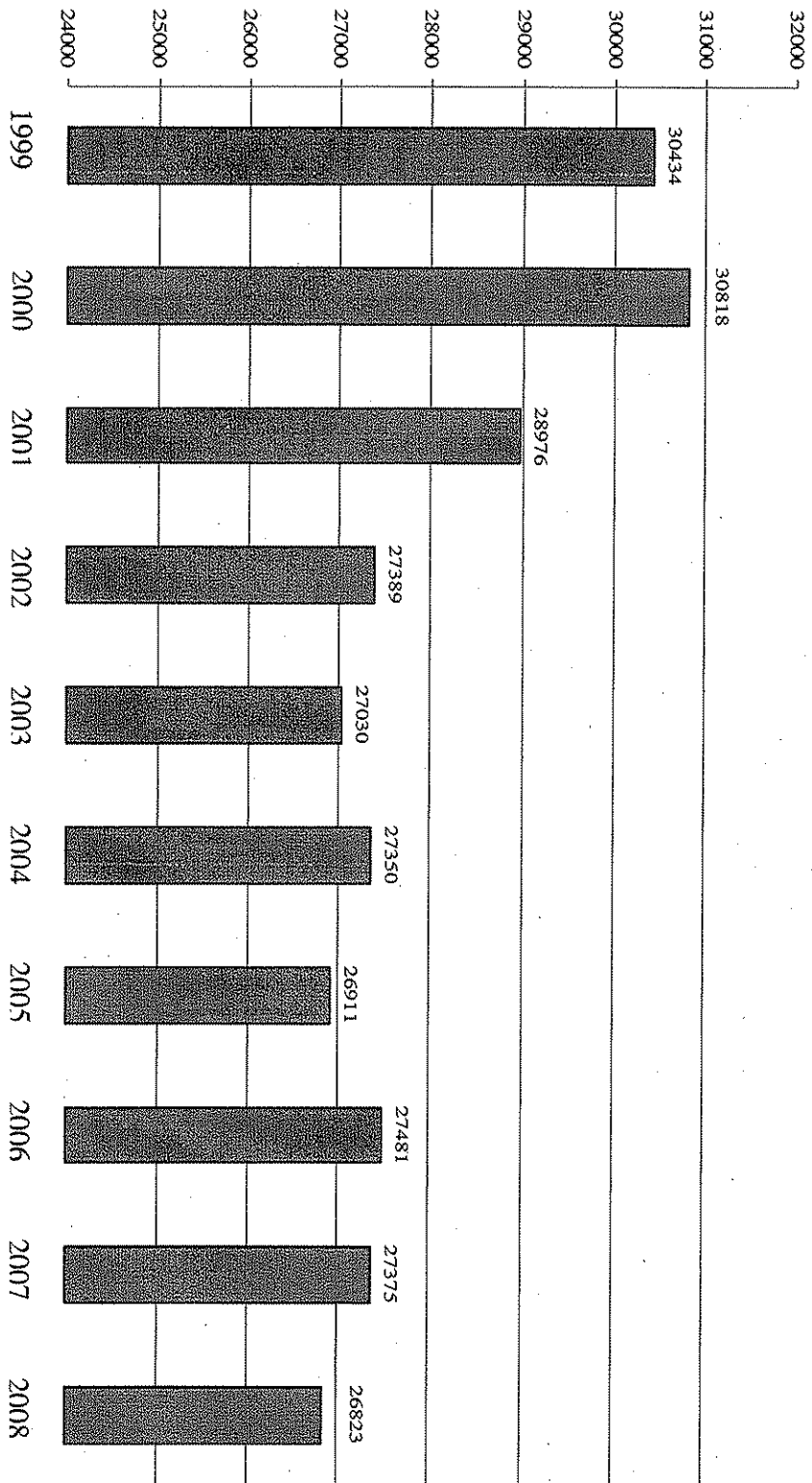


DEPARTMENT-WIDE SUMMARY  
 BUREAU OF BUDGET AND FISCAL PLANNING  
 DEPARTMENT-WIDE SUMMARY  
 UNIFORM CUSTODY GROSS OVERTIME HOURS  
 FISCAL YEARS 06, 07 AND 08 TO DATE



▲ FY 2006 HOURS    X FY 2007 HOURS    ◆ FY 2008 HOURS

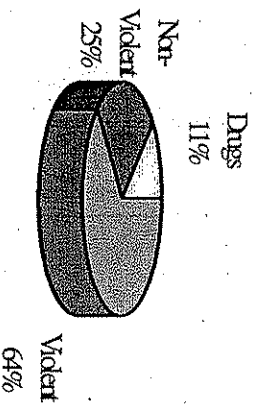
# NEW JERSEY DEPARTMENT OF CORRECTIONS January 1 Adult Inmate Population



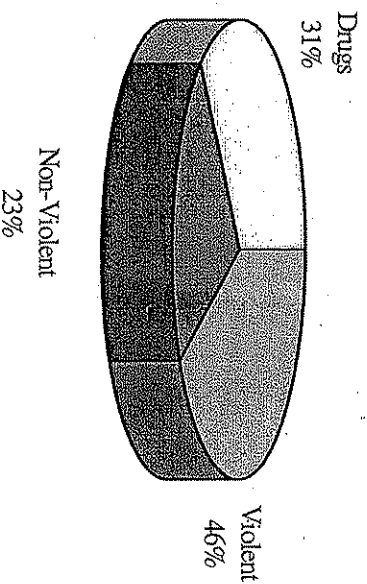
Since January 1, 1998 the Department's adult inmate population has dropped by 3,611 (-8.9%) from 30,434 to 26,823. The inmate population peaked in July 1999 at 31,300.

# ADULT INMATES BY OFFENSE TYPES

January 1, 1987  
(14,300 Inmates)



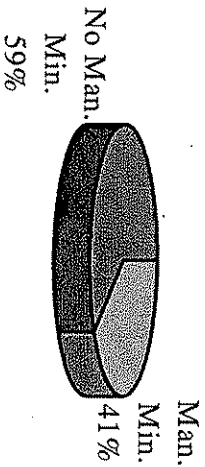
January 1, 2008  
(26,823 Inmates)



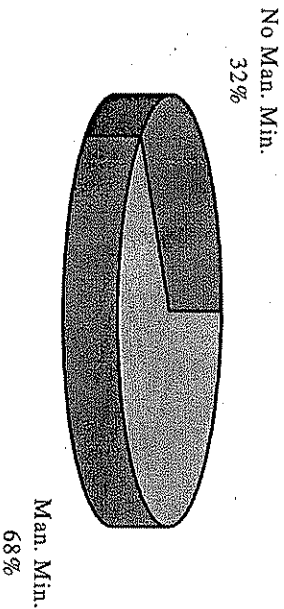
- > From 1987 to 2008, DOC jurisdictional population increased by 88%, from 14,300 to 26,823 inmates.
- > At that time (1987), only 11% (approximately 1,600) of 14,300 state inmates were incarcerated for drug offenses.
- > Currently, 31% (approximately 8,342) of 26,823 state inmates are incarcerated for drug offenses.
- > Since 1987, DOC population has increased by 12,523 inmates. Fifty-four percent of that increase is attributable to increased incarceration and length-of-stay for drug offenders.

# ADULT INMATES BY MANDATORY MINIMUMS

January 1, 1987  
(14,300 Inmates)



January 1, 2008  
(26,823 Inmates)



- Prior to enactment of the Comprehensive Drug Reform Act of 1987 (CDRA), drug offenses were not part of 2C and sanctions precluded imposition of mandatory minimum terms.
- As depicted in our previous chart, during the period of 1987 to 2008 DOC jurisdictional population increased by 88%, from 14,300 inmates to 26,823.
- In 1987, 41% (approximately 5,900) of 14,300 inmates had mandatory minimum terms.
- Today, 68% (approximately 18,320) of 26,823 inmates have mandatory minimum terms.
- In 1987, there were no drug offenders with mandatory minimum terms.
- Today, of 18,320 inmates with mandatory minimum terms, 30% are drug offenders.
- Since 1987, inmates with mandatory minimum terms have increased by 12,420 (111%). Of that increase, 43% is attributable to drug offenders with mandatory minimums.