

Discussion Points

1. P.L.2020, c.111 provided for the early release of eligible inmates in State prisons and county jails via the granting of public health emergency credits. Reportedly, more than 5,500 inmates were released early under the program in 2020 and 2021.

On January 11, 2022, pursuant to Executive Order No. 280 of 2022, the Governor declared a new public health emergency, which in effect extended the public health emergency credits program. As a result, eligible offenders continued to have their release dates accelerated at a rate of 122 days for each month served during the public health emergency, up to a 244-day maximum.

The Department of Corrections estimated that 852 additional State-sentenced offenders were eligible for release on March 13, 2022 as a result of Executive Order No. 280 of 2022. News reports relate that the department expected another 870 inmates to be released in the coming months. The department noted that, in addition to providing reentry preparation and pre-release services, it had also established a hotline for released inmates to provide assistance with issues that may arise subsequently. The hotline has been operational since February 10, 2022.

- **Questions:** How many inmates have been released so far under P.L.2020, c.111? Please specify the number of inmates who were released early from State and from county facilities. How many inmates have been released early and are anticipated to be released early in the coming months as a result of Executive Order No. 280?

Response:

In total, 7,619 inmates have been released under both the P.L.2020, c.111 and Executive Order No. 280. The breakdown is as follows:

Discussion Points (Cont'd)

| | |
|--|--------------|
| Releases Under P.L.2020, c.111 | |
| Initial Release on November 4, 2020 | 2,212 |
| Releases From 11/5/2020 - 6/30/2021 | 2,293 |
| Releases From 7/1/2021 - 6/30/2022 | 671 |
| Releases to Parole or Intensive Supervision Program | <u>181</u> |
| Total Releases Under P.L. 2020, c.111 | 5,357 |
| Releases Under Executive Order No. 280 | |
| Initial Release on 2/10/2022 | 264 |
| Releases 2/11/2022 - 3/12/2022 | 230 |
| Release on 3/13/2022 | 852 |
| Releases 3/14/2022 - 11/5/2022 | 861 |
| Releases to Parole or Intensive Supervision Program | <u>55</u> |
| Total Releases Under Executive Order No. 280 | 2,262 |
| Total Public Health Emergency Credit Releases | 7,619 |

Of the total releases described above, 385 were state-sentenced inmates released from county jails and 924 were released from the Residential Community Release Program.

- **Has the department analyzed the cost savings from the reduction in the inmate population? If so, what are the savings?**

Response:

Since the sharp decline in population in FY 2020, the department has closed three (3) facilities, and Southern State Correctional Facility will be consolidated in FY 2023. Following are the savings and FTE reduction for each closure/consolidation by fiscal year.

Discussion Points (Cont'd)

| <u>Facility Consolidation</u> | <u>Fiscal Year</u> | <u>Savings</u> | <u>FTE Reduction</u> |
|---|------------------------|-----------------------|----------------------|
| Albert C. Wagner Correctional Facility | FY 2020 | \$40.0 Million | 175 |
| Vroom Central Reception & Assignment Facility | FY 2021 | \$20.0 Million | 166 |
| William H. Fauver Youth Correctional Facility | FY 2022 | \$14.0 Million | 192 |
| William H. Fauver Youth Correctional Facility | FY 2023 | \$3.6 Million | 0 |
| Southern State Correctional Facility (GBM) | FY 2023 | \$20.3 Million | 497 |
| Total Savings/FTE Reductions | FY 2020-FY 2023 | \$97.9 Million | 1,030 |

It should be noted that, with each facility closure/consolidation, potential savings to the State are also realized as “cost avoidance” since the need for capital funding is decreased. Those “cost avoidance” savings are not reflected in the above chart.

- **How many inmates have made use of the hotline service provided by the department and for what particular issues were calls made, if any?**

Response:

Approximately three hundred (300) calls were received by the hotline service. While a majority of these calls were made by friends and families regarding release eligibility, a total of ten (10) calls were received from formerly incarcerated persons. Of the ten (10) calls, six (6) related to housing and/or job assistance, one (1) related to food, one (1) related to a social security card, one (1) related to a debit card and one (1) related to a lost ID. As a result of the hotline, the Department was able to assist with providing accurate information regarding release eligibility, as well as assist those who had been released with their limited number of inquiries.

- **Has the department compiled recidivism data from the early release of inmates pursuant to P.L.2020, c.111? If so, please provide the recidivism data and any observation that may be helpful in interpreting the data.**

Response:

The New Jersey Criminal Sentencing and Disposition Commission as well as Rutgers University are conducting the current study of recidivism data from the early release of inmates pursuant to P.L.2020, c.111. A traditional recidivism study is conducted over a three-year period, and as such, this data is not yet available.

Discussion Points (Cont'd)

2. Pursuant to Executive Order No. 283 of 2022, the deadline for correctional police officers to receive the first dose of the COVID-19 vaccine expired February 16, 2022. The deadline for the second dose was on March 30, 2022. About 43 percent of the department's roughly 7,280 civilian and uniformed staff had received a COVID-19 vaccine as of February 16, 2022. As of April 2022, the vaccination rate was 65 percent. According to the department, "vaccination rate" includes staff who received at least one first dose of a two-dose vaccine, or the single dose Johnson & Johnson vaccine.

- **Questions:** Please detail the number and types of disciplinary actions the department has taken against unvaccinated staff. Were any correctional police officers terminated for non-compliance? If yes, how many?

Response:

At this time, two (2) Senior Correctional Police Officers have received preliminary hearings and suspended without pay for failure to comply with Executive Orders 283 and/or 290. There are no more pending Loudermill hearings at this time for violation of the Executive Orders. (Please note that this may be subject to change as staff return from a leave of absence, and are required to submit proof of vaccination or an exemption request. For those that are noncompliant, they may be subject to a Loudermill notice.) In addition, at this time, there is also an ongoing review of medical and religious exemption requests and the interactive process, as well as the May 11, 2022 additional booster requirement for many staff as required by Executive Order 283/290.

- **Does the removal of unvaccinated officers have a fiscal impact on the department through increased overtime expenditures?**

Response:

Due to the current staffing levels, the removal of any officer would fiscally impact the department through increased overtime expenditures.

- **Is the vaccination requirement an obstacle for the hiring of correctional police officers and other staff?**

Response:

There are a number of challenges impacting recruitment of correctional police officers and other staff, including salary parity, working for a 24/7 organization with many positions that require in-person work (rather than work from home), and general hiring difficulties regarding law enforcement and vaccination requirements. That said, the Executive Orders do permit both medical and religious exemptions, and new applicants

Discussion Points (Cont'd)

are advised of the same and given the ability to submit requests for medical and/or religious exemptions.

- **What steps has the department taken to increase the vaccination rate among its staff? Going forward, how does the department plan to address the vaccine hesitancy among its staff with the next wave of COVID-19 infections building up?**

Response:

The department has made the vaccines readily available to staff through vaccine and booster clinics at the facilities and Central Office. The Department’s Public Information Office created a video to educate staff about the vaccine. Staff is continually reminded of vaccine availability through computer login, daily emails, signage in the facilities, videos, social media, staff meetings, and union meetings. The department will continue to advise staff of vaccine availability.

- **Is testing mandatory for the unvaccinated staff? If yes, what are the costs to the department, if any?**

Response:

Because the Department of Corrections is a high-risk congregate setting, the department has continued with mandatory testing for all staff, regardless of vaccination status. Testing costs total \$91.2 million for the period March 2020 through March 2022. Following is a breakdown of testing costs by fiscal year. The department is seeking FEMA reimbursement for all testing costs.

| <u>Fiscal Year</u> | <u>Agency Staffing</u> | <u>Test Kits</u> | <u>Total Testing Costs</u> |
|---|------------------------|-------------------------|----------------------------|
| FY 2020 | \$ - | \$ 1,826,010.00 | \$ 1,826,010.00 |
| FY 2021 | \$ 3,869,132.75 | \$ 42,534,635.61 | \$ 46,403,768.36 |
| FY 2022 (thru March) | \$ 2,331,910.52 | \$ 40,686,235.12 | \$ 43,018,145.64 |
| Total | \$ 6,201,043.27 | \$ 85,046,880.73 | \$ 91,247,924.00 |
| Please note that invoicing is not reflective of the testing period. | | | |
| Invoices are typically for testing six (6) months prior to the date of the invoice. The March 2022 invoice included testing costs from July 2021 and October 2021. | | | |

3. The operations of the Department of Corrections have been deeply affected by the COVID-19 pandemic. In response to an FY 2022 OLS Discussion Point, the department indicated, for example, that it incurred \$14.5 million in COVID-19-related overtime

Discussion Points (Cont'd)

expenditures in FY 2021 and that it projected \$17.9 million in such expenditures in FY 2022. Attributable to a new variant, another wave of COVID-19 infections appears to be building up.

- **Questions:** Please describe the steps the department will take when COVID-19 infection rates reach specific levels. What are the department's contingency plans if infection rates reach 2020 levels? How does the severity of a virus variant affect the contingency plans?

Response:

The department employs a COVID-19 mitigation strategy that restricts activities and increases precautions based on guidance from the Centers for Disease Control (CDC), New Jersey Department of Health (NJDOH), University Correctional Health Care (Rutgers), and the department's internal Health Services Unit. Examples of mitigation strategies are noted below:

- a) Frequent sanitization of common areas for both staff and the incarcerated population;
- b) Reminder to staff and incarcerated persons (IPs) about the mandate to mask while indoors on state grounds and of the department's COVID-19 testing protocols;
- c) Reminder to staff not to come to work if they are sick;
- d) All in-person programs will have a limited, identified participant/staff ratio to maintain proper social distancing, and will revert to not in-person programming as appropriate. This includes educational, transitional, social services, reentry, religious services and classes, and mental health sessions;
- e) The following activities are reduced, paused or otherwise modified to virtual if available: Restrictive Housing Unit (RHU) congregate interaction sessions, DEPTCOR shops, indoor/outdoor recreation, inmate visit programs, substance abuse programming, IP classification meetings, IP community services details, bedside and private viewing visits, chronic care clinics, non-emergent community medical appointments, dental care, county jail intake and Residential Community Release Program (RCRP) transfers;
- f) Non-emergent capital construction projects are suspended or reduced;
- g) State Parole in-person/remote hearings may be modified;
- h) Property and person searches are modified to limit contact;
- i) Health screening (temperature check and health questionnaire) upon entry;
- j) IP disciplinary sanctions are modified as necessary to limit transfers and increased space; and
- k) Quarantine and isolation procedures go into effect for positive cases, close-contacts identified through contact tracing, new admissions and transfers between institutions.

Contingency plans for infection rates for staffing include: collapsing of specific custody posts, reduced activity days, alternate shift scheduling as needed, curtailment of scheduled leave time as necessary, regionalization of services as appropriate, and

Discussion Points (Cont'd)

modification to roles of specialized units to supplement institutional staffing. Additional strategic contingency plans and Internal Management Procedures are in place for emergency staffing levels. With regard to variants, the department had to implement contingency plans in December 2021 and January 2022, and remain at the ready for any future occurrences.

All of the above mitigation strategies are driven by either a rise in actual positive cases or the COVID-19 Activity Level Report published weekly on the NJDOH website.

- **Please provide a breakdown of the FY 2021 overtime costs, and projected FY 2022 overtime costs, by institution. What portion of total overtime costs, by institution, was attributed to COVID-19? Does the department anticipate using federal grant funding to compensate for COVID-19-related overtime for FY2022 and FY 2023?**

Response:

| | FY 2021 Total | FY 2021 | FY 2021 | FY 2022 Total | FY 2022* | FY 2022 |
|--------------|----------------------|-----------------------|---------------------|----------------------|-----------------------|---------------------|
| | Overtime | COVID OT | Non-COVID OT | Overtime | COVID OT | Non-COVID OT |
| ADTC | \$3,703,730 | (\$329,347) | \$3,374,383 | \$4,624,074 | (\$6,403) | \$4,617,671 |
| BSP | \$5,135,714 | (\$439,841) | \$4,695,873 | \$6,330,199 | (\$42,465) | \$6,287,734 |
| COHQ | \$2,762,738 | (\$559,678) | \$2,203,060 | \$2,481,056 | (\$586,010) | \$1,895,046 |
| CRAF | \$2,828,437 | (\$575,248) | \$2,253,189 | \$2,750 | \$0 | \$2,750 |
| EJSP | \$5,791,530 | (\$3,196,179) | \$2,595,351 | \$8,651,231 | (\$2,944,925) | \$5,706,306 |
| EMCFW | \$4,308,449 | (\$404,096) | \$3,904,353 | \$6,266,043 | (\$8,402) | \$6,257,641 |
| GYCF | \$5,973,939 | (\$2,012,520) | \$3,961,419 | \$5,885,908 | (\$481,318) | \$5,404,590 |
| MSCF | \$2,325,716 | (\$802,234) | \$1,523,482 | \$2,448,823 | (\$477,138) | \$1,971,685 |
| WHFYCF | \$2,524,258 | (\$1,153,003) | \$1,371,255 | \$1,212,643 | (\$48,789) | \$1,163,854 |
| NJSP | \$10,330,755 | (\$3,029,374) | \$7,301,381 | \$11,487,971 | (\$1,055,966) | \$10,432,005 |
| NSP | \$6,054,753 | (\$1,697,376) | \$4,357,377 | \$9,547,634 | (\$3,097,264) | \$6,450,370 |
| SSCF | \$6,994,126 | (\$3,731,637) | \$3,262,489 | \$7,839,110 | (\$776,430) | \$7,062,680 |
| SWSP | <u>\$9,862,301</u> | <u>(\$1,114,471)</u> | <u>\$8,747,830</u> | <u>\$10,314,063</u> | <u>(\$642,612)</u> | <u>\$9,671,451</u> |
| Total | \$68,596,446 | (\$19,045,005) | \$49,551,441 | \$77,091,505 | (\$10,167,722) | \$66,923,783 |

*This figure is based on actual data received to date through 1/31/2022 and projected hours through June 30, 2022.

These figures include custody, non-uniform custody and civilian overtime.

The COVID overtime shown is directly related to custody and includes hours for temperature checks, quarantine units, Special Operations Group (SOG) staff COVID testing, SOG Halfway House COVID testing, SOG Vaccine Clinics, COVID supply distribution, PPE distribution, and escorts for inmate COVID testing.

Discussion Points (Cont'd)

Following is a detailed breakdown of custody non-COVID overtime:

| Contractual: | <u>FY 2021</u> | | <u>FY 2022</u> | |
|--|--------------------------|-------------------|--------------------------|-------------------|
| Holiday | 11,394,495 | 25% | 13,219,500 | 21% |
| Shift Change/Overlap | 1,572,116 | 3% | 2,070,363 | 3% |
| Retro OT due to Contract Settlements | | | <u>4,254,035</u> | 7% |
| <i>Subtotal Contractual</i> | <i>12,966,611</i> | <i>28%</i> | <i>19,543,898</i> | <i>31%</i> |
| Non-Baseline: | | | | |
| Training | 6,019,236 | 13% | 7,946,871 | 13% |
| Observation Posts | 3,953,020 | 9% | 4,406,500 | 7% |
| Construction Posts | 782,929 | 2% | 944,250 | 2% |
| Outside Hospitals | 2,882,030 | 6% | 3,830,633 | 6% |
| Attributable to Military Leave | 1,597,974 | 3% | 2,203,250 | 4% |
| Other | <u>17,930,313</u> | <u>39%</u> | <u>23,997,387</u> | <u>38%</u> |
| <i>Subtotal Non-Contractual</i> | <i>33,165,502</i> | <i>72%</i> | <i>43,328,892</i> | <i>69%</i> |
| Total | 46,132,113 | 100% | 62,872,789 | 100% |

Other overtime is largely due to vacancies (which have averaged between 350 for FY 2021 and 500 for FY 2022) and increased by sick callouts, emergency Administrative Leave days, and all leaves of absences (e.g., workers compensation, FMLA, medical leaves, and suspensions).

4. There has been a sharp decline in the inmate population in recent years. At the end of calendar year 2010, the State-sentenced inmate population still totaled 25,017; at the end of calendar year 2020, the number stood at 12,821. While the reduction was gradual through calendar 2019 and largely consistent with nationwide trends, several policy decisions by the State of New Jersey caused the total to plummet in calendar year 2020 with the number unlikely to return to prior levels.

Staffing largely mirrors that trend. In FY 2020, the number of filled positions at the prisons equaled 6,953. In January FY 2022, the number was down to 6,044.

The department has responded to persistent low occupancy rates by reducing its capacity and consolidating facilities. Notably, effective December 2021, the William H. Fauver Youth Correctional Facility was depopulated, and the Vroom Central Reception and Assignment Facility effective January 2021. The Albert C. Wagner Youth Correctional Facility, in turn, was depopulated effective January 2020. According to the FY 2023 Governor’s Budget, Southern State Correctional Facility will be partially depopulated in the first quarter of FY 2023 and the remaining operational facilities will become satellite facilities to Bayside State Prison. The FY 2023 Governor’s Budget includes \$20.3 million in savings from the partial consolidation.

Discussion Points (Cont'd)

- **Questions:** Other than closing several facilities, please describe the operational changes the department has made in response to the significant decrease in average daily prison population in the last few years. Does the department anticipate the changes to be permanent?

Response:

The Department has engaged in strategic consolidations of housing units in addition to entire institutional closures, regionalized services among closely situated institutions, decreased the number of infirmary settings, decreased the number of close custody settings, evaluated and reallocated vehicles, eliminated specific inmate work details no longer necessary, and transferred programming from consolidated institutions to enhanced the offerings of other programs. Additionally, given the lower number of incarcerated persons in several institutions, the Department has been able to increase visitation space, kiosk availability, phone availability, increased speed for provision of property, outdoor visit space, and increased recreational availability in many areas.

Additionally, given the long pause in criminal courts sentencing due to COVID-19, there are two factors that must also be considered in assessing operational changes. One is the nearly 1,000 State-sentenced IP's currently housed in county facilities awaiting transfer to NJDOC. Another is the estimated 20,000 post-indictment cases pending. These have the potential to impact the Department's needs for bed space at all custody levels. Given the nature of these proceedings, the Department must ensure that it is engaging in appropriate strategic planning as it cannot consolidate to the point of having a lack of appropriate bed space for the current State-sentenced incarcerated persons currently housed in the counties and those who will be sentenced to State custody with pending indictments.

In order to properly plan for the future, the department has established a Strategic Planning Task Force to engage in detailed analysis and provide information to guide departmental decision-making for facilities.

- **How has the consolidation of prison facilities changed staffing needs? Is the January 2022 count of 6,044 filled positions at the prisons the new target? If not, what would be the ideal staffing level, given the current number of facilities and prisoner population?**

Response:

With the consolidation of institution(s), an assessment of the varying missions of the remaining institutions is conducted for factors including increasing or enhancing program offerings, identifying specific functions of specific facilities, and

Discussion Points (Cont'd)

regionalization of service potentials.. These considerations all impact staffing levels related to needs centering on safety and security and overall mission that is focused on minimizing the need for non-baseline positions.

The 6,044 positions represent the number of filled positions *in the facilities* as of FY 2022 Pay Period #02, and does not represent the Department’s new target. The budgeted positions *in the facilities* are 6,162. This figure does not include an additional reduction of 267 positions from the SSCF/BSP consolidation. Therefore, the Department anticipates that 5,895 positions *in the facilities* would be sufficient given the current number of facilities and inmate population. The total budgeted positions reflected in the FY 2023 GBM is 7,112 and includes System-Wide, Central Office and Revolving Funds but does not reflect the additional reduction of 267 positions from the SSCF/BSP consolidation. It should be noted that this consolidation will not result in job loss.

Following are the department’s total budgeted positions from FY 2019 – FY 2023:

| Budgeted Positions By Fiscal Year* | | | | |
|---|-----------------------|-----------------------|-----------------------|-------------------------|
| <u>FY 2019</u> | <u>FY 2020</u> | <u>FY 2021</u> | <u>FY 2022</u> | <u>FY 2023**</u> |
| | | | | |
| | | | | |
| 7,926 | 7,947 | 7,761 | 7,547 | 6,842 |
| | | | | |
| *Includes DSS, Federal, Dedicated and Revolving Fund Positions | | | | |
| **Adjusted to reflect the additional reduction of 267 positions due to the SSCF/BSP consolidation | | | | |
| | | | | |

The total reduction in positions from FY 2019 to FY 2023 is 1,084.

- **Please detail the plans for partially depopulating Southern State Correctional Facility. What facilities will be closed and for what reasons? What facilities will remain operational and for what reasons? To what facilities will prisoners and staff be reassigned?**

Response:

Southern State Correctional Facility (SSCF) Compounds A and B, as well as Bayside State Prison (BSP) Full Minimum, are the facilities to be closed. SSCF Compound C will remain open/operational and become a satellite of BSP.

These facilities were identified for consolidation based on several factors. The insurmountable infrastructure issues of buildings that are long past their life

Discussion Points (Cont'd)

expectancy are chief among the concerns. The pending capital construction projects reveal significant safety issues such as maintenance of safe and appropriate plumbing/sewer, reliable electrical utilities, telephone malfunctions, high mast lighting structural concerns, crumbling flooring, significant drainage issues, roof replacement needs resulting in leaks and mold issues, and requirement for evacuation during severe weather events.

Additionally, the southern region is experiencing the largest staffing shortage of the department's institutions, due to increasing retirements from South Woods State Prison (SWSP) and compounded by a lack of new employees gained through recruitment as well as the loss of employees during the initial years of employment. The staffing shortage was so significant at SWSP that an entire housing facility (996 beds) had to be temporarily consolidated just to ensure appropriate and safe staffing levels.

Further, given changes to sentencing laws, diversionary programs, and early release programs, the lower-level, non-violent offender population in the department has been reduced. Because of the fully dormitory design of the SSCF units, this is the exact type of population that can be housed at SSCF and BSP Full Minimum. SSCF cannot house maximum custody incarcerated persons or those with longer than seven (7) years to their release date. Historically, SSCF was a pathway to a reduction in custody. Incarcerated persons of medium status or lower, with few years left on their sentence, were able to be safely housed in a dormitory setting. The institution has been unable to maintain above a 50% occupancy rate for over a year. In addition, and for the same reasons, full minimum units are now finding themselves under populated. As such, there are open beds available throughout the State to house the SSCF population safely.

What are the estimated annualized savings to the department from depopulating the Southern State Correctional Facility and in what fiscal year does the department anticipate realizing these savings?

Response:

The estimated annualized savings from depopulating SSCF is \$33.6 million. \$20.3 million in savings for this year was reflected in the FY 2023 Governor's Budget Message

5. Evaluation Data in the FY 2023 Governor's Budget indicate a wide range in the average per capita costs for housing inmates in various State prison facilities. Listed below are the average daily population and annual per capita cost estimates for FY 2023. Due to upcoming

Discussion Points (Cont'd)

changes in the Southern State Correctional Facility, the facility has not been included in the table.

| State Prison | FY 2023 Average Daily Population | FY 2023 Annual Per Capita Costs | Security Level |
|--|---|--|--------------------------------|
| Edna Mahan Correctional Facility for Women | 390 | \$152,736 | Maximum, medium, minimum |
| Adult Diagnostic and Treatment Center | 423 | \$97,771 | N/A |
| Garden State Youth Correctional Facility | 1,077 | \$97,228 | N/A |
| Mid-State Correctional Facility | 448 | \$85,734 | Medium |
| New Jersey State Prison | 1,407 | \$77,085 | Maximum |
| Bayside State Prison | 1,032 | \$66,056 | Minimum, medium |
| East Jersey State Prison | 1,186 | \$53,720 | Maximum, medium, minimum |
| Northern State Prison | 1,954 | \$53,438 | Medium |
| South Woods State Prison | 2,415 | \$52,745 | Rehabilitation, long-term care |

- **Questions: What are the reasons for the wide differences in annual per-capita costs at State correctional facilities?**

Response:

The average per capita is calculated by dividing the total costs of the facility by the average daily population. Costs vary between facilities due to differences in physical plan layout, security level and associated staffing, inmate health care needs, specialized housing units, inpatient treatment services for adult male sex offenders,, substance use disorder treatment, intake of state-sentenced inmates from the county jails, as well as the facility’s operational needs (e.g., maintenance, fuel, and utility costs)

Following is a chart which details the specialized needs of each of the facilities listed above:

Discussion Points (Cont'd)

| | FY 2023 Average | FY 2023 Annual | Security Level and Specialized |
|--|------------------|------------------|--|
| NJDOC Facility | Daily Population | Per Capita Costs | Programming/Housing Units |
| Edna Mahan Correctional Facility for Women | 390 | \$152,736 | Maximum, medium, minimum; increased medical and mental health needs for female population; infirmary; increased programming needs; direct intake facility; physical plant needs. |
| Adult Diagnostic and Treatment Center | 423 | \$97,771 | Sex Offender Treatment |
| Garden State Youth Correctional Facility | 1,077 | \$97,228 | Houses all custody levels; direct intake facility; Restrictive Housing Unit; RCRP regional facility; increased medical and mental health needs; infirmary; physical plant needs. |
| Mid-State Correctional Facility | 448 | \$85,734 | Medium; inpatient substance use disorder treatment program |
| New Jersey State Prison | 1,407 | \$77,085 | Maximum; Restrictive Housing Unit; many specialized units; violent offenders; infirmary; physical plant. |
| Bayside State Prison | 1,032 | \$66,056 | Maximum, medium, minimum; community service details. |
| East Jersey State Prison | 1,186 | \$53,720 | Maximum, medium, minimum; Veteran's Unit; infirmary; step down from NJSP. |
| Northern State Prison | 1,954 | \$53,438 | Maximum, medium, minimum; RCRP regional facility; restrictive housing unit; other specialized units; physical plant. |
| South Woods State Prison | 2,415 | \$52,745 | Medium; minimum; rehabilitation; long-term care; newest and most efficient structure; large population for bulk purchases. |

- **Why are FY 2023 annual per-capita costs projected at \$152,736 at the Edna Mahan Correctional Facility for Women when the next highest facility has average per-capita costs of under \$98,000?**

Discussion Points (Cont'd)

Response:

Edna Mahan Correctional Facility for Women (EMCFW) is the only female facility, and as such, houses incarcerated persons of all security levels (maximum, medium and minimum). This requires the staffing of custody for each of these levels. The makeup of the current population has changed from previous years; 70% of the population is housed in the Max Compound.

The health needs of this female population are greater resulting in higher medical/mental health costs than other institutions. EMCFW is a direct intake facility which means the incarcerated persons come directly from county jails and must undergo the full intake procedures similar to Garden State Youth Correctional Facility (the intake facility for male IPs).

Additionally, due to litigation and Settlement Agreements, EMCFW has increased its administrative staff. Finally, due to the age and infrastructure issues of this facility, maintenance costs have increased. In summary, while the female inmate population has decreased over the past two years, many of the fixed costs still remain which drives up the per capita costs per inmate.

- **Why are projected FY 2023 per-capita costs only at \$52,745 at South Woods State Prison?**

Response:

SWSP has the largest amount of appropriated funding among all of the institutions, however, it also has the largest average daily population. This drives down the per-capita costs.

- **Do differences in programming account for the wide range in costs? If yes, please provide a breakdown by component and the dollar amount for these costs.**

Response:

Programming may account for a small portion of the range in costs.

6. The FY 2022 Appropriations Act includes \$5 million for Internet Infrastructure for Inmates. The funding is to upgrade and improve internet infrastructure to access, education, employment, and legal materials for inmates.

- **Questions: Have the internet infrastructure improvements and upgrades been accomplished? If not, please indicate the anticipated completion date, by facility. Does the department anticipate funding any further upgrades for internet**

Discussion Points (Cont'd)

infrastructure? If so, please describe the additional upgrades, including a cost estimate for each anticipated upgrade.

Response:

The infrastructure improvements and upgrades will be a long-term project, and the department is currently in the planning phase. It should be noted that the COVID-19 pandemic did cause delays to this project. The following steps have been taken thus far:

- a) Approximately 125 housing units at the facilities have been identified and prioritized for the installation of high-speed Internet. The initial plan was to select two (2) housing units for each facility to facilitate the educational needs of the incarcerated population.
- b) Several meetings were held with the New Jersey Office of Information Technology (NJOIT) to discuss this project.
- c) The System Architecture Review (SAR) process is currently in progress to buildout the Inmate Network.
- d) Heat Map studies are required by NJOIT and will determine the placement of Wireless Access Points (WAPs). These studies are currently out to bid with various vendors. Once a vendor is selected, walkthroughs will be scheduled in all facilities.

The Department, with assistance from the Governor's Disaster Recovery Office (GDRO) and Department of Community Affairs, Division of Disaster Recovery and Mitigation, has submitted an application to the U.S. Treasury for Coronavirus Capital Projects Fund (CPF) for Digital Connectivity in all of the facilities. The application is for up to \$15.0 million. This project, if the funding is approved, would span three (3) years. The department has not yet received a decision from U.S. Treasury.

7. The FY 2022 Appropriations Act included \$6 million for the placement of State-sentenced inmates in the Essex County Re-Entry Program, "Staying Connected". As of the end of the first quarter of FY 2022, the department anticipated no such placement in all of FY 2022. The Governor now recommends no funds for the program in FY 2023. In response to an FY 2022 OLS Discussion Point, the department had indicated that the Essex Re-Entry Program was relaunched on October 1, 2020 but that the Essex County Correctional Facility was unable to house State inmates due to the COVID-19 pandemic and the facility being filled to capacity.

- **Questions: Is the department ending or suspending the agreement with Essex County to place State prisoners in the Essex County Re-Entry Program? If**

Discussion Points (Cont'd)

placements are only suspended, by what date does the department expect resuming placements?

Response:

The department has temporarily suspended the acceptance of applications from the inmate population for the Essex County Re-Entry Program. Essex has communicated that they are currently not in a position to resume this program due to bed space issues.

8. In an April 2020 report the United States Department of Justice noted that conditions at the Edna Mahan Correctional Facility for Women “violate the Eighth Amendment of the United States Constitution due to the sexual abuse of prisoners by the facility’s staff....” From October 2016 to November 2019, five Edna Mahan correction officers and one civilian employee were convicted or pled guilty to charges related to sexual abuse of more than 10 women under their watch. In April 2021, a \$20.8 million settlement was reached with regard to allegations of sexual abuse by inmates at Edna Mahan dating as far back as 2014.

In addition, in August 2021, the State reached a consent decree with the United States Department of Justice under which the Department of Corrections committed itself to, among other things, implement policies and practices to ensure that prisoners are protected from harm due to sexual abuse through appropriate prisoner supervision; effective and confidential methods for reporting of sexual abuse; and protections against retaliation for reporting sexual abuse. The consent decree also includes measures to ensure staff are held accountable for misconduct and appoints an independent monitor who will oversee and assess the State’s compliance with the terms of the consent decree.

In June 2021, the Governor ordered the closure of the prison. On March 4, 2022 in a public meeting held as part of a consent decree with the United States Department of Justice, plans for a new facility for women were discussed. However, the timeline for relocation of the inmates remains unclear.

- **Questions: Please assess the department’s performance to date of implementing reforms to meet the requirements of the consent decree with the United States Department of Justice.**

Response:

NJDOC and Edna Mahan have made steady progress since the effective date of the Settlement Agreement, August 24, 2021. Pursuant to the Settlement Agreement, the Monitor issued their report to the Court on April 29, 2022. The Monitor indicated progress has been made with areas of the Settlement Agreement as well as areas that are not covered by the Settlement Agreement. Only two issues of noncompliance

Discussion Points (Cont'd)

were noted in the Monitor's report; one noncompliant issue is now compliant and the other is in progress.

Pursuant to the Settlement Agreement, the Department has proceeded with the implementation and compliance of various provisions of the Agreement. The addition of the Assistant Commissioner of Women's Services has been tremendous assistance with the implementation of the Settlement Agreement, as well as Women's Services within the Department.

Examples of the significant progress being made at EMCF follow.

- A full-time PREA Compliance Manager who is responsible for ensuring EMCF is compliant with the Federal PREA (Prison Rape Elimination Act) standards written to prevent, detect and respond to sexual abuse and sexual harassment and provide sexual safety for the population at EMCF has been hired. This person's sole focus is to implement institutional sexual safety policies and training, monitor retaliation, enhance support services, conduct facility audits and provide support as needed to the population and staff.
- A newly formed Board of Trustees is comprised of advocates for women's rights, advocates for diversity and transgender offenders, a formerly incarcerated person, educators, and physicians.
- A staffing plan compliant with PREA was designed and implemented.
- A staffing analysis is underway as well as a review and revision of current policies and procedures.
- Staff training has occurred in the areas of gender responsiveness, PREA, and women offenders training.
- A public meeting was held on Friday, March 4, 2022, and received a positive reception.
- The Department of Justice and Federal Monitor performed site inspections on October 5-7, 2021, October 26-28, 2021, and February 25, 2022 through March 3, 2022. The Monitor was very pleased with what she saw during the tours of the facility as well as with staff and prisoner interviews. Although in need of maintenance upgrades, the housing units were clean, free of clutter, and clear of blind spots.
- Both the stationary and body worn cameras have added to increasing supervision while protecting incarcerated persons' privacy.
- The Monitor and Department of Justice representatives reviewed 178 documents in addition to receiving ongoing monthly and quarterly reports. They interviewed 124 staff during their monitor site visits as well as held several Incarcerated person and staff, focus groups. Without exception, every staff and prisoner that the Monitor spoke with was aware of the Settlement Agreement and the right of incarcerated persons to be free from sexual abuse and sexual harassment, and retaliation for reporting such. Additionally, without exception, every staff and prisoner that the Monitor spoke with knew how to report incidents of sexual abuse and sexual harassment, and retaliation. Each staff member knew their responsibilities when a prisoner reports an

Discussion Points (Cont'd)

allegation and how to respond appropriately. All staff and incarcerated persons have received training, or have been re-trained, specific to the Agency's zero-tolerance for sexual abuse and sexual harassment and the protections in place at Edna Mahan to ensure such abuse and harassment do not occur. This training occurs annually.

- The Monitor recognized a positive and proactive culture in both NJDOC and Edna Mahan. Much of the leadership in both NJDOC executive positions and in Edna Mahan Administration are new and energized to change the "culture" of the prison to a culture of safety and dignity. The Monitor saw progress during the six months of this reporting period and looks forward to furthering progress for this facility.
 - More specifically, three major areas of improvement by the Department were seen by the Monitor during the compliance visits: 1) communication with both staff and incarcerated persons specific to the terms of the Settlement Agreement, 2) updating of the Post Orders and Post Order books, and 3) the continuation and completion of thirty-minute rounds in every housing unit which is directly supervised.

Additionally, NJDOC and Edna Mahan have made considerable progress in areas that are not covered by the Settlement Agreement. Some of those actions include:

- Installation of a state-of-the-art video surveillance system. The new camera system has 353 cameras, with 700 views, and 4 viewing stations. The system went live on 12/13/21.
- The Body-Worn Camera (BWC) pilot program at Edna Mahan began in April 2021. NJDOC began by issuing cameras to supervisors, and to officers assigned to areas that had a higher incidence of inmate violence, such as the restrictive housing units. The number of BWCs incrementally increased until on June 1, 2021, Edna Mahan reached full deployment with 190 BWCs in shift rotation, equipping all staff on each shift having regular contact with incarcerated individuals.
- Acting Commissioner Advisory Groups with the population on both the "grounds" (minimum units) and "max compound" (medium/maximum custody units), as well as a staff advisory group. The Acting Commissioner has established advisory groups with the incarcerated population, as well as staff at the facility, to have direct contact in order to address concerns, and ensure all voices are heard.
- Increases in Vocational Programs offered. The population was issued a survey to assist in the establishment of vocational programs that are in areas of interest to the population.
- Staff received Understanding and Inclusion training relating to working with transgender individuals.

Discussion Points (Cont'd)

- The Empowering Women Speaker Series launched in March 2022 .
- In April and May 2022, we offered the SOUL Sisters Conferences titled, "Girl Get Up" featuring eight dynamic and powerful speakers and authors hosted by the EMCF Chaplaincy Services and the Office of Victim Services focused on spreading the message that healing from trauma can be found through spirituality, meditation and relaxation.
- The new implemented and well-received Releasing Trauma and Embracing Faith Program is a gender-informed program designed to assist participants with the techniques to activate various pathways to healing from multi-dimensional forms of trauma such as incest, molestation, domestic abuse, sexual assault, poverty, and racialized trauma. Eighteen participants completed the program. Seventeen out of the eighteen participant completion surveys rated the program "excellent" and "highly recommended" for other women dealing with trauma.
- The HEART program; Healing and Empowering those overcoming Abuse Trauma (HEART) is a gender-specific, trauma recovery program designed to educate and empower female participants who have experienced post-traumatic stress from abuse and/or sexual assault.
- Structured Incentive Activities: Incentive programs have been structured to utilize recognition rewards selected by the incarcerated population to reward and motivate desired behavior. In an effort to curb disciplinary action, in a non-traditional manner, special incentive activities have been implemented for those who remain infraction-free such as the opportunity to participate in fun, congregate gatherings such as bingo night; gather and paint; sweet treat gatherings.
- Addition of extracurricular activities. Following a survey of the population, extracurricular activities, including crochet/knitting, adult coloring, aerobics, yoga, walking, book clubs, and themed monthly bulletin board contests.
- Honors Dorm: Edna Mahan has created an "Honors Dorm" for those persons who are discipline-charge free, and enables them to live cohesively and work together to help maintain their living space. The greater goal is to help motivate persons living in other units to change their behavior as they wait to move to the Honors Dorm. Incentives for living in this unit range from increased recreation time, weekend late nights, approved craft items, and/or additional unit activities.

Discussion Points (Cont'd)

- **Please detail any measures the department has implemented in FY 2022 or intends to implement through the end of FY 2023, to enhance the security of inmates at the Edna Mahan Correctional Facility for Women. Please provide the costs for each security enhancement undertaken at Edna Mahan.**

Response:

A newly established unit, the Special Victims Unit, was created and will be overseen by the Assistant Commissioner of the Special Investigation Division, who was formerly with the Hunterdon County Prosecutor's Office. A PREA Coordinator specifically for EMCFW was recently hired. This is an additional staff position dedicated solely to PREA. An additional Major position was also approved that is specifically assigned to the 2nd shift. The state-of-the-art camera system is fully operational and the BWC program is fully implemented.

- **What is the status of equipping all officers at Edna Mahan with body-worn cameras? Please provide the associated costs.**

Response:

The BWC system at EMCF is fully operational. All custody staff at EMCF who have contact with the incarcerated population are outfitted with a BWC. Costs in FY 2022 for the purchase of the cameras, as well as all peripherals, totaled \$245,000.

- **Please provide an update on the planned closure of the Edna Mahan Correctional Facility for Women and the relocation of its inmates to other facilities. Will a new prison be built?**

Response:

CGL Companies (CGL), a national and international leader in justice facilities, was subcontracted through The Moss Group in November 2021 to evaluate available properties for relocation of the female incarcerated persons. There are two key phases of the initial project:

- a) Review of available property, starting with NJDOC properties. The review of available property is complete, with the consultant having toured several properties. Two options are currently being reviewed. Both are centrally located and on existing NJDOC property close in proximity to major roadways enabling easier visits and more staffing options.
- b) Consultant meetings were held with various stakeholders to determine the needs for the next facility. CGL met with stakeholders of the department, from executive and senior staff, to custody, medical, social services, education, religious services, mental health, maintenance, food service, and currently incarcerated persons at EMCF. There were additional stakeholder meetings with

Discussion Points (Cont'd)

individuals outside of the department from those interested in the wellness of the women at EMCF, including formerly incarcerated, their families, advocates, re-entry organizations, legal organizations, interested members of the Senate and Assembly and the EMCF Board of Trustees.

The evaluation is under review/discussion and includes both short-term and long-term options that range from “modular” type housing to longer-term permanent construction.

9. The Rutgers University Correctional Health Care program was established in 2005 to provide mental health and sex offender-specific treatment services to inmates, residents and parolees of the Department of Corrections, the Juvenile Justice Commission, and the State Parole Board. In October 2008, the program’s responsibilities were expanded to include medical and dental health care services for the Department of Corrections inmate population. In January 2011, the program’s responsibilities were expanded further to include medical service for the Juvenile Justice Commission resident population. According to its website, the Rutgers University Correctional Health Care program currently has cost-based service agreements with a total budget of over \$175 million and approximately 1,100 staff serving inmates and residents of Department of Corrections, Juvenile Justice Commission facilities and New Jersey parolees. The Governor’s FY 2023 Budget includes an additional \$9.1 million because of growth in inmate healthcare expenditures.

- **Questions:** Please provide the amounts expended for inmate healthcare under agreements with Rutgers University Correctional Health Care for FY 2020, FY 2021, and the amount projected to be spent for FY 2022 and FY 2023, broken down by medical services, dental services and mental health services.

Response:

| (\$,000) | | | |
|-------------------|----------------|---------------|------------|
| | Medical/Dental | Mental Health | Total |
| FY 2020 Expended | \$ 127,362 | \$ 36,872 | \$ 164,234 |
| FY 2021 Expended | \$ 117,923 | \$ 37,246 | \$ 155,169 |
| FY 2022 Projected | \$ 123,476 | \$ 37,587 | \$ 161,063 |
| FY 2023 Budgeted | \$ 122,584 | \$ 43,413 | \$ 165,997 |

- **Do inmate healthcare expenditure trends since FY 2020 track the declining trend in the prison population? If not, please explain why there is not a strong correlation.**

Discussion Points (Cont'd)

Response:

Following are some key points that explain why there is not a strong correlation between decreased inmate healthcare expenditures and the decline in the prison population:

- a) As the census drops, the department is still required to provide all primary and specialty services. In response to the decline in population, the department has decreased the overall number of prisons with an infirmary.
- b) The complexity of the incarcerated population has increased due to multiple diversionary programs in the community. Most all diversionary community programs select the least violent, least sick, and least likely to have unstable home environments in order to qualify to be kept in the community. As a result, those sent to correctional settings are more violent, have a multitude of health care issues, have less stable households, and have fewer support systems. This trend leads to a more complex incarcerated population in prisons.
- c) Medical care continues to be expanded into health care areas not traditionally treated or identified 10-20 years ago. Examples of costly diseases that are either new or involve costly newer treatments include
 - i. Hepatitis C and antiviral medication.
 - ii. HIV/AIDS disease and its related medication treatment.
 - iii. Renewed emphasis on the treatment of psychiatric brain disorders and costly new medications. In 2005, only 16% were on the Mental Health Special Needs roster. That figure is now up to 23% in 2022, and forecasted to grow rather than decline.
 - iv. Treatment of Opioid Use Disorders and licensed Substance Use Disorder treatment including medication assisted care and co-occurring mental illness.
 - v. COVID 19 and its related long term physical and neuropsychiatric effects and costly hospitalizations.
 - vi. Increased rates of chronic diseases in the community are reflected in the incarcerated population. These include, Asthma, Cardiovascular Disease, Arthritis, Obesity, Cancer, and Neuropsychiatric problems.
- d) There is a nationwide aging of the incarcerated population. DOC now has 20.59% being age 50 and over, which increases the likelihood of all the diseases mentioned above, plus the need for more complex end-of-life care including on site palliative/hospice care.
- e) The care of and medical needs of the transgender population have grown with the advent of sexual affirming surgery and hormone replacement therapy.

Discussion Points (Cont'd)

- **Please list the main drivers of the projected \$9.1 million growth in healthcare costs by component and dollar value.**

Response:

The department reimburses Rutgers, University Correctional Health Care, fringe benefits on staff salaries. The increase of \$9.1 is driven by the increase in the fringe benefit rate for FY 2022 (from 45.6% to 53.4%) and the projected increase in the fringe benefit rate for FY 2023 to 60.0%. The fiscal impact for FY 2022 is \$4.9 million and \$4.2 million for FY 2023.

10. In March 2022, the federal District Court for the District of New Jersey approved a class action settlement agreement in Adam X. et al. v. New Jersey Department of Corrections and Department of Education et al.

Under the terms of the settlement, individuals incarcerated in a New Jersey State prison after January 11, 2015 who were born after January 11, 1993 and who as students were entitled to special education services and reasonable educational accommodations can submit claims for make-up educational and vocational services and resources for services that were not provided between January 11, 2015 and October 31, 2020. The award may consist of: services provided by the Department of Corrections or from a list of approved third-party educational, vocational, and reentry service providers; or funds to pay for correspondence courses, college, technical school or any other educational, vocational, or reentry program. Eligible class members may receive up to \$8,000 in educational, vocational, or reentry funds for each year that they should have received services but did not. The American Civil Liberties Union of New Jersey estimates that there may be over 400 class members.

Operationally, the settlement requires the Department of Corrections to overhaul its policies regarding special education and related services. The settlement requires several new policies for the Department of Corrections' special education program and related services. Notable policy changes include requirements to provide at least four hours of instruction per day in a regular classroom setting and to develop and implement special education plans tailored to the individual needs of each incarcerated student.

The implementation of the reforms will be monitored over five years by the New Jersey Department of Education and a court-appointed External Monitor. During this term, the monitors will conduct site visits, observe live instruction, interview students and Department of Corrections staff, review records, and prepare reports and, if necessary, remedial plans.

- ***Questions:* Please provide a timeline for implementing each special education policy change in State prisons that is required under the Adam X. et al. v. New Jersey Department of Corrections and Department of Education et al. settlement**

Discussion Points (Cont'd)

agreement. Please project the cost of implementing each initiative and, once fully implemented, the cost of providing the enhanced services.

Response:

As a result of the settlement agreement, seven new policies are in place, and six existing policies were enhanced to include additional language from NJ Code 6A and its applicability to a correctional educational setting. Policy amendments and enhanced student services within the correctional facility did not result in additional costs to the department. The department completed and implemented all policies in 2021.

- **Please provide the estimated total cost to the Department of Corrections of the make-up educational and vocational services. How many claimants are seeking up to \$8,000 in educational, vocational, or reentry funds for each year that they should have received services in a State prison but did not. What is the total cost estimate of the educational, vocational, or reentry funds?**

Response:

As per the settlement agreement, claimants have up to two (2) years after the signing of the agreement to file for compensatory education funding. The monitor has up to one (1) year after receipt of the claim to make a determination as to the claimant's eligibility and the amount. If the claimant is still in DOC custody, the DOC has the opportunity to provide the needed services in house if such services exists. In any event, any funds awarded for compensatory education will be paid directly to the education provider. All funds must be distributed within the agreement's five (5) year term.

As of this writing, there have been ninety-four (94) submissions for consideration for compensatory education. To date, the monitor has made no determinations. It is estimated that the earliest determination will be made within the next four (4) months.

11. The Governor's FY 2023 Budget proposes increasing the Release Support Partnership Program appropriation by \$4 million from \$3 million in FY 2022 to \$7 million in FY 2023. The budget line funds the New Jersey Locally Empowered, Accountable, and Determined (NJ LEAD) grants program. Local non-profit organizations use the funding to assist people leaving prison in the transition to life in the community. In FY 2022, over \$2 million was awarded to 17 grantees with individual grants amounts ranging from \$50,000 to \$200,000.

Discussion Points (Cont'd)

- **Questions:** Please explain the rationale for increasing the appropriation for the Release Support Partnership Program from \$3 million in FY 2022 to \$7 million in FY 2023, especially considering that only \$2 million in grants was awarded in FY 2022. Please set forth metrics that show the successful outcomes of the initiative that support and justify the higher program appropriation.

Response:

FY22 was the inaugural grant year that required operational planning and systems to be established, such as developing and publishing the RFP, evaluation, review, and selection of grantees. Applicants were given a short turnaround, which may have reduced the applications received. Awards were made in January 2022. After carefully considering funding availability for FY23, the department utilized a conservative funding approach to determine the awards for each applicant in Categories B and C, which achieved their budgeted cap of \$1 million, respectively. On May 2, 2022, a new RFP was published for the remaining funding in category A. It is anticipated that the remaining \$1 million will be awarded before the end of FY22. Increased funding would advance the department's strategic plan of establishing a reentry service partner in all twenty-one counties. It will also support awarding additional providers in the counties where the most formerly incarcerated will return after release from prison.

- **How does the department plan to utilize the \$7 million? Does the department intend to expand the program to additional grantees or does the department intend to increase grant award amounts? Please provide a breakdown of the recommended program appropriation by component and dollar amount for FY 2023.**

Response:

The NJLEAD initiative intends to expand its reentry partnerships to include service providers from counties throughout NJ. Additionally, service providers will be increased in the counties where most of the sentenced population will return. FY22 grantees will be allowed to apply for additional funding to expand and enhance consumer services. Local organizations that previously did not apply or were not awarded will be provided technical assistance on how to apply for funding and proposal development.

It is currently anticipated that \$2.5 million in funding would be dedicated to municipalities for category A: Reintegration Service Coordination in Urban Communities. \$3 million will be set aside for category B: Reentry Supportive Case Management Services and Transitional Housing Assistance, and \$1.5 million for category C: Innovative Reentry Initiatives.

Discussion Points (Cont'd)

12. The Office of the Corrections Ombudsperson is allocated "in but not of" the Department of the Treasury. Among its responsibilities, the office fields, investigates, and assists in the resolution of complaints regarding the living conditions and treatment of State-sentenced inmates housed in State prison facilities and residential community release programs. In recent years, there have been concerns regarding the fulfillment of the office's mission. For FY 2023, the Governor recommends an increase of \$495,000 in the office's FY 2023 salaries and wages appropriation for six new positions so that the office can hire additional investigators to protect the rights of the incarcerated.

- **Questions: Please comment on the department's interactions with the Office of the Corrections Ombudsperson in FY 2021 and FY 2022.**

Response:

The Department allows access to all institutions and incarcerated persons. The Ombudspersons are often invited to department head meetings, property claim committee meetings, and institutional inmate liaison representative meetings. The Department's Correspondence Unit meets with them regularly, and the Commissioner meets with them quarterly.

For each of FY 2021 and FY 2022 to date, please indicate the number of visits by an Office of the Corrections Ombudsperson representative to a department facility to investigate a complaint. For each of FY 2021 and FY 2022 to date, please indicate the number of interactions with an Office of the Corrections Ombudsperson representative regarding a: a) specific individual complaint, or b) general concern related to the living conditions and treatment of inmates.

Response:

The Ombudspersons have office space at the institutions to work and interview incarcerated persons. The Department does not track or impede access of the Ombudspersons. This information would need to be obtained from the Office of the Corrections Ombudspersons.

- **For each of FY 2021 and FY 2022 to date, please specify each instance in which the interaction with the office resulted in a change in the general manner in which the department supervises, controls, and protects inmates either in a specific facility or in all State facilities generally. For each of FY 2021 and FY 2022 to date, please specify the number of complaints handled by the office concerning individual inmates that were resolved with the department agreeing to adjustments in the treatment of individual inmates or whole classes of inmates.**

Discussion Points (Cont'd)

Response:

This information would need to be obtained from the Office of the Corrections Ombudspersons.

- **How would the recommended increase of six positions in the Office of the Corrections Ombudsperson affect Department of Corrections operations? Does the department anticipate more interactions with, and on-site investigations by, the office? How many department staff hours are typically allocated to an on-site visit by an Office of the Corrections Ombudsperson representative?**

Response:

This information would need to be obtained from the Office of the Corrections Ombudspersons.

13. P.L.2021, c.305 expands the basic training curriculum for aspiring correctional police officers and the annual in-service training requirements for correctional police officers from a 20-hour to a 40-hour program, effective as of June 2022. The enhanced curricula are intended to advance the treatment of inmates with dignity, fairness, and respect; and include training in de-escalation, minimization of use of force, cultural diversity and implicit bias, communication skills, and inmate rights. The FY 2023 Governor's Budget recommends an additional \$6.0 million appropriation to the department to cover higher overtime expenditures expected to be incurred because of the increase in annual in-service training hours.

- **Questions: Please provide an update on the implementation of the basic and annual in-service training requirements for correctional police officers under P.L.2021, c.305. When will the new curricula be implemented and the first officers be trained in accordance with the requirements of that law?**

Response:

The Department's State Basic Curriculum was revised and approved by the Police Training Commission (PTC) in February 2022. We have begun to utilize this enhanced State Basic curriculum, with a focus on treating every inmate with dignity, fairness and respect, for our recruits in Class 252 that began March 7, 2022.

In order to complete the mandatory increased in-service training for 2022 NJDOC began training in January of 2022. De-Escalation, cultural diversity and implicit bias, engaging with diverse cultures, religions LGBTQ+ inmates, communication skills,

Discussion Points (Cont'd)

lifestyle stressors, self-awareness, and self-regulation are among some of the enriched In-Service trainings taking place. Our training is scheduled through the remainder of the year at each facility as well as regional training throughout the state.

- **Other than training, what steps is the department taking to reinforce the cultural norms and expectations articulated in P.L.2021, c.305 to the extent that the norms and expectations are inconsistent with entrenched culture? Is the department aware of any cultural resistance among its personnel to the norms P.L.2021, c.305 aspires to instill? How does the department plan to manage and temper any staff resistance to change?**

Response:

The Department is in the development phase of an Officer Apprenticeship/Mentorship program to tap into the existing knowledge, skills, and experience of senior officers, and to reinforce the standards and culture that we are cultivating. The Mentorship Officers will receive enhanced training in communication, critical thinking, de-escalation and wellness to assist the Recruits in dealing with stressful situations. The mentorship program will allow recruits to cope with these situations and make informed decisions based on facts and assessments rather than impulses and emotions.

In addition to classroom training, the Division of Training has begun organizing practical exercises for staff in the institutions. They incorporate real-life scenarios to enhance officer's communication skills (inclusive of de-escalation) and tactical skills, while observing the rights of inmates and maintaining officer and inmate safety. The department plans to continue to improve training courses to encourage culture change.

Finally, the Department has partnered with researchers from UCLA Berkley to develop a module for officers designed to reduce the instances of negative interactions between incarcerated persons and custody staff. The Empathetic Supervision project is in the data gathering and research approval stage. The module will be developed specifically for the Department and will include ongoing support and follow up.

The current administration also believes in leading by example, and for example, the Acting Commissioner engaged in regular "advisory group" meetings with the women at EMCF and staff at the facility to reinforce communication, gender responsiveness, respect, dignity, reintegration, and Division leaders, Assistant Commissioners and Directors are in the facilities reinforcing and supporting cultural change.

Discussion Points (Cont'd)

14. P.L. 2021, c.305 seeks to advance the treatment of inmates with dignity, fairness, and respect. To that end, the law also requires the department to train correctional police officers in appropriate methods of engaging with inmates of diverse cultures and religions and inmates who identify themselves as lesbian, gay, bisexual, transgender, or gender non-conforming.

- **Questions:** Has the department made any changes to the prison infrastructure in the spirit of P.L.2021, c.305? For instance, has the department designated any separate bathrooms and restrooms to accommodate gender non-conforming inmates? If yes, please provide a breakdown of costs.

Response:

There were no changes to the prison infrastructure. The department is PREA compliant for these areas to limit any access to cross-gender viewing and to provide availability for single showers for the transgender population.

- **As society's views of an individual based on the individual's biological sex or gender identity shifts, is the department assessing its policy of housing inmates in sex-segregated prisons? Are changes being considered? How would New Jersey's prison system change if biological sex were no longer a factor in housing inmates? How would housing policies for sex offenders change?**

Response:

In 2021, pursuant to Doe v. NJDOC, et al., and as part of a settlement of a litigation filed by a transgender female, the DOC revised its policy on transgender, intersex and non-binary inmates. Currently, per policy, the strong presumption is that an inmate will be housed in line with their gender identity. Deviation from the presumption is permitted only when an individualized assessment determines that such placement would jeopardize the inmate's health and/or safety or the inmate requests to remain in a facility in line with their sex assigned at birth. Per the settlement agreement, the department may review/revise the current policy one (1) year from the date of the agreement (agreement dated June 28, 2021.)

- **Please specify the number of State-sentenced inmates who are currently self-identifying as a gender that is different from their biological sex and the number of State-sentenced inmates who are self-identifying as gender non-conforming.**

Discussion Points (Cont'd)

Response:

As of April 27, 2022, there are forty (40) state-sentenced inmates who are currently self-identifying as a gender different from their biological sex. There are twenty-six (26) Transgender females, thirteen (13) Transgender males and one (1) Nonbinary.

15. Many New Jersey employers have experienced personnel shortages related to the COVID-19 pandemic. In order to attract qualified employees, some businesses have significantly increased hourly wages and offered enhanced employee benefits, such a remote work options. Nevertheless, some businesses still struggle to hire a sufficient number of workers to return to pre-pandemic operations.

- **Questions:** By job title, please indicate the department’s number of filled positions, the number of vacant positions, and the vacancy rate.

Response:

| Filled and Vacant FTE Positions as of PP#06 (ended 3/11/22) | | | |
|--|---------------|---------------|---------------------|
| | Filled | Vacant | Vacancy Rate |
| Custody | | | |
| Correctional Police Officers | 4,245 | 549 | 11% |
| Correctional Police Sergeants | 443 | 36 | 8% |
| Correctional Police Lieutenants | 248 | 9 | 4% |
| Correctional Police Majors | 32 | 3 | 9% |
| Non-Uniform Custody | | | |
| Communication Operators | 110 | 29 | 21% |
| Special Investigations Division | 115 | 0 | 0% |
| Institutional Civilian Positions | | | |
| Superintendent/Administrator | 54 | 1 | 2% |
| Assistant Superintendent | 32 | 6 | 16% |
| Custody Non-Uniform | 2 | 2 | 50% |
| Classification | 139 | 17 | 11% |
| Identification Office | 12 | 2 | 14% |
| Business Office | 54 | 27 | 33% |
| Food Service | 200 | 24 | 11% |
| Maintenance Grounds | 160 | 18 | 10% |
| Power/Sewer Plant | 21 | 7 | 25% |
| Storeroom for Institutions | 31 | 3 | 9% |
| Laundry | 5 | 0 | 0% |

Discussion Points (Cont'd)

| | | | |
|---|-----|----|-----|
| Religious Services | 27 | 1 | 4% |
| Community Release | 4 | 1 | 20% |
| Release Notification Unit | 21 | 7 | 25% |
| Commissary | 3 | 1 | 25% |
| Human Resources (Regions 1,2,3,9) | 33 | 5 | 13% |
| Social Services | 83 | 18 | 18% |
| Education | 121 | 17 | 12% |
| Central Office Civilian Positions | | | |
| Division of Operations | 70 | 13 | 16% |
| Division of Administration | 33 | 18 | 35% |
| OIT | 44 | 19 | 30% |
| Commissioner/Chief of Staff | 104 | 19 | 15% |
| Division of Programs & Community Services | 42 | 11 | 21% |
| Social Services | 6 | 3 | 33% |
| STARS | 10 | 6 | 38% |
| Education | 10 | 3 | 23% |

- **How has the current job market affected the department’s hiring and retention of employees? Has there been an increase in employee turnover at the department relative to historical levels? What strategies has the department adopted to attract qualified new hires? Have these strategies been successful?**

Response:

The hiring and retention of civilian staff at the NJDOC has been extremely challenging, particularly during the course of the past two years. It has been noted that turnover has been relatively high, wherein the incoming staff do not appear to have the desire to remain in the same area for any length of time, but rather seek higher titles and pay at other locations/agencies as soon as they are qualified and the opportunity arises. Although we have attempted to advertise on a broader basis and encourage a secure future, unfortunately, some staff still choose to leave the Department. The Department also competes with neighboring states such as Pennsylvania.

As to custody staff, skepticism about a career in law enforcement, compounded with the low unemployment, a strong job market and not wanting to be within the confines of a correctional institution during Covid-19, has made it difficult to recruit for the department. The number of Candidates on the Civil Service lists have declined over the past ten plus years, and upon speaking to individuals who have declined the opportunity of employment with NJDOC, they have stated the low starting salary and the salary steps as the main reason. Prior to the new legislation that raised the starting salary to \$48,000, the NJDOC was ranked 17 of the 21 counties in salary compensation.

Discussion Points (Cont'd)

The new legislation has allowed the NJDOC to be competitive with other Law Enforcement agencies.

We have increased our recruiting strategies tremendously both in-person and virtually. Some of the strategies that have been or will be implemented follow:

- Establish a full time Recruiting Team that continuously researches and implements current recruiting efforts.
- Established a Recruitment Committee with the purpose of developing creative ways to target females. This committee is also responsible for examining our current recruiting practices both internal and external to identify weaknesses and make recommendations that will assist with recruiting and retention efforts;
- Created Marketing & Advertisement campaigns including Social Media Campaigns that target females and highlights women in corrections
- Created a Correctional Police Officer power point presentation for recruiters to use when presenting to high schools, colleges, and universities;
- Made revisions to the Recruitment Brochure that includes our female officer presence;
- Increased our recruiting/community engagement efforts and presence in the community by career presentations to high schools and colleges throughout the state as well as partner with community organizations;
- Created a recruitment video that will serve as a marketing tool that targets females;
- Established relationships with minority and women organizations to partner on events in an attempt to gain exposure and recruit females within their communities;
- Assigned female officers to all events to increase our presence in the community;
- Developed a mentoring program for recruits in hopes this will help to minimize the number of recruits who withdraw specifically our female recruits;
- Implemented the Pre-Employment Preparation Program (PEPP) - an initiative that provides candidates an opportunity to participate in a voluntary physical training program prior to the beginning of the academy. The program is designed to enhance the candidates' ability to increase their chances of successfully completing the Police Training Commissions Physical Training Assessment. The program is scheduled at multiple times and dates, including weekends, to allow maximum participation.
- Adjusted the current hiring process that will allow candidates the opportunity to schedule all processing at various dates and times. Thus permitting candidates more options to attend.

Discussion Points (Cont'd)

Finally, as of recent, we are no longer required to work within the limitations of a Civil Service Exam allowing us to reach many more candidates. Recently, the base pay for Correctional Officer Recruits has increased, this may allow for more recruiting and retention of our staff.

- **Have any of the department's contracted service providers closed their doors during FY 2021 and FY 2022 and, if so, how many have gone out of business during this period? Has the department found other contractors to replace those who have gone out of business during the pandemic?**

Response:

To the best of our knowledge, no contracted service providers closed their doors during FY 21 and/or FY 22.

- **How has the current job market affected service capacity of providers contracted with the department? Have there been any service disruptions in FY 2022, and are there any concerns for disruption in FY 2023, due to challenges in hiring and retaining employees?**

Response:

The Department experienced delays with respect to the delivery of goods and services in a variety of areas, including but not limited to, Commissary merchandise, Office Supplies, Cleaning Supplies and paper products (copy/printer paper, paper towels, toilet paper, etc.). However, we cannot ascertain exactly how many of these delays were caused by staffing issues, or by nation-wide supply chain issues. Vendors have indicated both aspects of the delivery process were causes for delays. Service disruptions were minimal during FY 22, and at this time, we do not anticipate any service disruptions in FY 2023, due to challenges in hiring and retaining employees.

16. On December 23, 2021, the department issued a request for proposal for a comprehensive study of the department's staffing with a proposal submission deadline of January 17, 2022. The department was especially interested in recommendations to reduce its overtime expenditures and information on the underlying causes of "excessive or unexpected" overtime. The department noted that its FY 2021 overtime expenditures totaled almost \$46 million, when only \$34 million was included in its budget for this purpose. The department intended to pay up to \$175,000 for the study.

- **Questions: Please provide a status update on the request for proposal for a comprehensive study of the department's staffing. How many responses has the department received to the request for proposal? Has the department awarded a contract? If not, when does the department anticipate that a contract will be**

Discussion Points (Cont'd)

awarded? By what date does the department anticipate receiving the contracted study?

Response

The Overtime Scope of Work was completed and the initial Request for Proposal (RFP) was posted to the DOC website on December 22, 2021. The Questions deadline was January 3, 2022 and the Proposal Submission date was January 17, 2022. No proposals were submitted.

Additional research was conducted and the RFP was mailed out to four (4) potential bidders on February 3, 2022. Questions were due by February 10, 2022 and final proposal submissions are due February 18, 2022. No proposals were submitted.

In the Department's most recent attempt to secure the overtime consultant, the Scope of Work was sent to five (5) vendors on March 14, 2022. Questions were due on March 21, 2022 by 5:00 p.m. and responses were due back March 30, 2022 by 5:00 p.m. Submissions of proposals were due on Monday, April 4, 2022 by 2:00 p.m.

There was one bid received from CGL Companies LLC in the amount of \$171,580. The Department's Procurement Unit is currently working with the vendor to secure all of the proper paperwork. A date has not yet been determined for when the study will begin.

- **Please explain and illustrate how vacancies and difficulties in hiring contributed to the \$46 million in overtime expenditures in FY 2021. If the department were fully staffed, what does the department project would be its FY 2022 overtime expenditures? What are the current projections of FY 2022 overtime expenditures?**

Response:

In FY 2021 the custody attrition averaged slightly over 18 per pay period resulting in the loss of 479 custody positions. In FY 2021, only 120 recruits graduated from the academy resulting in 359 vacancies. FY 2022 custody overtime is projected at \$73 million. The average custody vacancies are projected at 506 and attrition is currently 24 per pay period. The number of recruits to graduate from the academy is estimated at 113.

Overtime includes both contractual (holiday and overlap) and non-baseline overtime (training, hospital trips, construction and observation posts and military leave). Even if the department were fully staffed, contractual overtime as well as some non-baseline overtime would still occur, however, it would revert to lesser amounts, such as the pre-pandemic level of \$38 million, likely plus \$6 million relating to the additional twenty (20) hours of in-service training that was legislatively mandated.

Discussion Points (Cont'd)

17. Pursuant to the federal American Rescue Plan Act of 2021, the State received a flexible \$6.2 billion Coronavirus State Fiscal Recovery Fund grant. All stimulus funds must be obligated by December 31, 2024 and expended to cover such obligations by December 31, 2026.

- **Question:** If the department were given the opportunity to expend \$500 million in Coronavirus State Fiscal Recovery Fund balances on priorities of its choosing that meet federal guidelines for fund usage, to what initiatives would the department allocate the funding and for what reasons?

Response:

The Department will continue to work with the Governor's Office to access recovery funds that provide services and meet Department needs as US Treasury deems eligible.

18. The FY 2023 Budget in Brief states that "[t]he Governor is committed to ensuring that New Jersey remains a leader in combating climate change, preparing for its impact, and mitigating environmental harms."

- **Questions:** What initiatives is the department undertaking to combat climate change, prepare for its impacts, and mitigate environmental harms? What is the anticipated cost to the department of each initiative?

Response:

In accordance with P.L. 2019, c.362, at least 25% of the department's non-emergency light duty vehicles shall be plug-in electric vehicles by December 31, 2025. The department has determined it will need to purchase thirty-nine (39) vehicles. The cost would be based on the delta between the price of a gas engine vehicle with that of an electric vehicle.

In accordance with P.L.2020, c.117, the department must transition from polystyrene foam food service products and single-use plastics. The annual estimated cost of this transition is \$1.1 million.

The department is a participant of the Environmental Justice Taskforce (no cost).

An Energy Savings Improvement Program (ESIP) project is in the final stages at Edna Mahan Correctional Facility for Women with the installation of high-efficiency boilers and air conditioning units. The savings in energy costs is anticipated to cover the costs of this project.