

**Discussion Points**

acc1. Until recently, there had been a sharp decline in the inmate population over the last decade. At the end of calendar year 2010, the State-sentenced inmate population still totaled 25,017; at the end of calendar year 2022, the number stood at 10,741. 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. As of January 2023, the inmate population stood at 13,156. The department has responded to persistent low occupancy rates by reducing its capacity and consolidating facilities. In response to a FY 2023 Discussion Point, the department stated that in order to plan for the future, the department had established a Strategic Planning Task Force to engage in detailed analysis and provide information to guide departmental decision-making for facilities.

Facility Consolidation	Fiscal Year	Savings	FTE Reduction
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	FY 2023	\$20.3 million	497
<b>TOTAL</b>		<b>\$97.9 million</b>	<b>1,030</b>

- **Questions:** Does the department anticipate additional closures of prison facilities in FY 2024 or thereafter? If yes, which ones and what would be the anticipated savings from these closures?

**Response:** The Department is not proposing any additional closures of prison facilities in FY2024. NJDOC must maintain existing facilities to ensure adequate space to safely house the increasing prison population. The average length of sentences is increasing and the seriousness of underlying crimes is increasing. As a result, it is expected that those entering the custody of the Department will be serving longer sentences and will require housing at higher levels of custody status. This necessitates institutions that can safely house incarcerated people in maximum and medium custody. In addition, as a result of specific specialized housing needs, there is an increased demand for various specialized units and a reduced need for full minimum units. Full minimum units cannot be used to house higher custody levels, which are where current and future beds are projected to be needed. In recent years the Department has closed four (4) institutions, primarily minimum and youth facilities, plus its former intake facility. Given present and anticipated data, the Department cannot sustain any additional closures. Rather, the Department must invest in its current infrastructure, proceed with

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capital projects at facilities, and reopen housing units within existing facilities in order to meet the increasing demand for bed space.

- **What are the findings of the Strategic Planning Task Force on prison consolidation?**

**Response:** The Strategic Planning Task Force has thoroughly reviewed current housing needs based on the current population and State-sentenced incarcerated persons (IPs) in the county jails awaiting transfer to a State facility. The review also took into consideration the increasing number of individuals being sentenced and awaiting the full reopening of criminal courts.

Data related to bed fill and vacancies show that the Department is experiencing an increasing need for medium and maximum bed space. The bulk of available beds are in full minimum settings or specialized housing. Various units that offer specialized spaces are necessary for meeting the mission of the Department, including Extended Care, Infirmaries, Intake, Management Control, Protective Custody, Long Term Maximum Custody Violent Offenders, Women's Housing, Vulnerable Housing, Restorative Housing, Full Minimum, Sex Offender Treatment, Veteran's Unit, Inpatient Stabilization Units, Isolation Units, Residential Treatment and Transitional Care Units, and Substance Abuse Disorder Treatment programming. Each of these special areas requires separate housing. The Department must carefully consider appropriate housing based on such special needs and custody status.

As a result of the current population's custody status and specialized needs, as well as approximately 2,000 incarcerated individuals in custody as a consequence of parole revocations or pending revocation based on technical parole violations, bed space is limited. As a result, the Department does not have the availability to consider closures. In fact, the Department anticipates the need for increased bed space in the near future, and is actively reviewing options to potentially re-open spaces and units previously closed within existing facilities. This approach has its challenges, including infrastructure and staffing shortages.

With the consolidation of the intake facility (Central Reception and Assignment Facility) in FY2021 and no formal intake facility provided in its place, there is a particular need for increased bed space for intake purposes. This is necessary to allow for additional intakes from the county facilities, ensure compliance with Covid-19 intake procedures, and provide space for keeping separate incarcerated persons that are a threat to one another, particularly the younger offenders.

- **What are the actual annualized savings to the department from having depopulated the Southern State Correctional Facility in FY 2023?**

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**Response:** The department estimates that \$21.7 million in salary savings was realized with the reduction of an additional 260 custody FTE. This estimated salary savings was reallocated to offset increased overtime costs. In addition, there was approximately \$40 million in cost avoidance for impending capital projects at Southern State Correctional Facility.

2. The FY 2024 Governor's Budget shows a marked decline in the number of filled positions at the State prisons. In FY 2020, the number of filled positions equaled 6,953. In January FY 2022 and FY 2023, the number was down to 6,050 and 5,367, respectively. The 2024 Governor's Budget now includes funding for 5,275 funded positions in FY 2024. In response to a FY 2023 Discussion Point, the department noted that it anticipated that 5,895 positions in correctional facilities would be an optimal number given the current facilities and the inmate population projections going forward.

Moreover, the department provided the number of filled and funded positions in the department by job title. Of the 5,565 funded custody positions, some 10.7 percent, or 597 positions, were unfilled as of the pay period that ended on March 11, 2022. According to the department, hiring and retention had become "extremely challenging" since 2020 for a number of reasons, including uncompetitive compensation. As to custody staff, the reasons given were skepticism about a career in law enforcement, low general unemployment, a strong job market and individuals not wanting to be within the confines of a correctional institution during the COVID-19 pandemic. The department listed numerous strategies it newly implemented or intended to implement to reduce turnover and increase recruitment, including the development of a mentoring program, increasing community engagement efforts, and establishing a full-time team that would continuously research and implement recruiting efforts. The department also hoped that base pay increases for correctional police officers under P.L.2021, c.406 and having become exempt from Civil Service Exam limitations would strengthen retention and recruitment.

- **Questions:** Please comment on the current staffing situation at the department and the effectiveness of the department's recruitment strategies and efforts. Have vacancy rates improved or deteriorated since March 2022? Are there specific areas that are of great concern to the department? Have the pay increases for correctional police officers under P.L.2021, c.406 been successful in improving the retention and recruitment of correctional police officers? By job title, please indicate the department's number of filled positions, the number of vacant positions, and the vacancy rate.

**Response:** Current Custody vacancies are approximately 400. P.L.2021, c.406 has been helpful in reducing attrition rates, as well as enabling the Department to institute classes at the academy outside of the civil service list process.

Specifically, as a result of P.L.2021, c.406, the Department has had the opportunity to institute two classes since the enactment of the law. The Department established a

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supplemental hiring process to recruit candidates outside of the normal civil service process for both Class #253 and Class #254. Class #253 recently graduated 43 recruits. In addition, under the newly created mentorship program, each candidate was directly contacted by staff and guided through the application and hiring process. These efforts have yielded an increase in the number of recruits that began the Academy Training (82) on April 10, 2023, for Class #254. If not for the enactment of this law, neither Class would have occurred.

Recruitment continues to be a priority for the Department, given the significant need for staffing. Within the Department, there is now a dedicated Recruiting Team that is continuously out in the New Jersey and Pennsylvania communities fostering community engagement and seeking future applicants. Their objective is to create a highly visible presence by saturating businesses, institutions of higher education, community and church events, veteran events, as well as athletic and fitness events. In addition, diversity is important to the Department, and the recruiting team has linked with organizations, such as women's, Black, Hispanic, Muslim, and LGBTQ+ law enforcement organizations, to increase diverse recruitment. Moreover, the Department is establishing a scope of work for a formalized advertisement campaign to recruit for future classes. This campaign is envisioned to use social media, streaming platforms, and other publications targeting the demographics needed to fill custody positions.

Pursuant to P.L.2021, c.406, the Department was able to provide an 8 percent increase in salary for Senior Correctional Police Officers (SCPOs), which appears to have improved retention. Prior to the legislation, the custody attrition rate averaged 26 officers per pay period. The current attrition rate is averaging 15 officers per pay period. However, even with this increase, the Department's current salary structure remains less than many other county correctional departments .

In all, the Department continues to experience a significant staffing shortage in the rank of Correctional Police Officer, with a lack of competitive salary, overall concerns by potential applicants with working within a prison environment, and PTC mandatory physical requirements appearing to have the greatest impact on both recruitment and retention.

As evidenced by the below chart, the Department continues to experience significant vacancies in civilian titles as well. The Division of Human Resources has increased recruitment efforts to include attendance at recruitment events, listing available positions on the employment website Indeed, and posting on the Department's website.

Following is a listing of filled positions as of Pay Period #07 (ended 3/24/2023), number of vacant positions and the vacancy rate by job title:

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<b>Filled and Vacant FTE Positions as of PP#07 (ended 3/24/23)</b>			
	<u><b>Filled</b></u>	<u><b>Vacant</b></u>	<u><b>Vacancy Rate</b></u>
<b>Custody</b>			
Correctional Police Officers	3,805	381	9%
Correctional Police Sergeants	390	22	5%
Correctional Police Lieutenants	229	7	3%
Correctional Police Majors	38	0	0%
<b>Non-Uniform Custody</b>			
Communication Operators	100	23	19%
Special Investigations Division	104	6	5%
<b>Institutional Civilian Positions</b>			
Superintendent/Administrator	48	3	6%
Assistant Superintendent	34	3	8%
Custody Non-Uniform	1	2	67%
Classification*	143	28	16%
Identification Office	12	2	14%
Special Class Review Board	1	1	50%
Business Office	59	19	24%
Food Service	189	24	11%
Maintenance Grounds	140	30	18%
Power/Sewer Plant	18	12	40%
Storeroom for Institutions	29	3	9%
Laundry	5	0	0%
Religious Services	28	-1	-4%
Community Release	4	0	0%
Release Notification Unit*			
Commissary	3	1	25%
Human Resources (Regions 1,2,3,9)	35	9	20%
Social Services	70	24	26%
Education	113	29	20%
<b>Central Office Civilian Positions</b>			
Division of Operations	73	32	30%
Division of Administration	31	20	39%
OIT	41	22	35%
Commissioner/Chief of Staff	103	39	27%
Division of Programs & Community Service	37	27	42%
Social Services	5	4	44%
STARS	9	7	44%
Education	9	5	36%

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- **What explains the decrease in the number of funded positions at the prisons to 5,275 in FY 2024, which is less than the 5,367 positions that were filled as of January 2023? What positions, by job title and institution, are planned to be eliminated? What strategies does the department intend to deploy to reduce headcount? Will any employees be reassigned or laid off?**

**Response:** The 5,275 positions represent the level the Department anticipates it will be in FY 2024 based on the average attrition rate of 15 per pay period and the graduation of two (2) recruit classes. The actual need for positions at the prisons to properly staff and decrease overtime is 5,815. The result is 540 vacancies, which are funded with overtime dollars of approximately \$112 million. As these vacancies are filled, overtime dollars will decrease, and regular pay will increase. The cost of filling these vacancies at an average salary of \$86,000, plus fringe benefits at the rate of 119.15%, totals \$102 million. No positions will be eliminated.

- **To what extent are the correctional police officer vacancies affecting the department's service delivery and its ability to protect inmates from harm? Is the department contemplating any additional reorganizations of its facilities because of workforce shortages that it fears may become a permanent feature?**

**Response:** The significant shortage of correctional police officers does impact all areas of the Department. However, given the professional, trained workforce, the Department continues to meet its mission, and continues to maintain safety, security, and the wellbeing of the incarcerated population – including services, education, reintegration resources, medical, mental health, substance abuse treatment, trauma treatment, etc. The unfortunate reality of the staffing shortage is that custody staff are mandated to work overtime several days per week. This mandate to work overtime for essential posts to be covered within the facility has an impact on the staff members' health and overall wellbeing, impacts their families, and places staff in assignments that are not part of their standard duties. Although there are procedures available for each post, a steady position of responsibility increases "ownership" for the area of supervision, which, in turn, increases safety. Post coverages with "substitute" staff due to vacancies can create inconsistency in the management of various areas and has the potential to increase the IPs' ability to manipulate their surroundings and effectuate dangerous activity.

Custody staff shortages do have the ability to impact the day-to-day operations of the facility, depending on the level of the staffing shortage. When extreme staffing shortages occur (for example, on holidays or when a significant number of "call outs" occur), it becomes difficult with the lessened number of staff to fill all necessary posts. As a result, this may result in a need to reduce access to programs and/or activities on those dates. For example, if there is a large staffing shortage on a given day or shift, IP visit programs, school, work and training opportunities, and social service programming can be suspended to allow for uniformed staff to be reallocated to mission-critical posts like housing units, security posts, etc. Pro-social programming and activities are integral in preparing IPs for release and assisting them in engaging in meaningful activities, which, in turn, assist in enhancing safety. The need to fragment such activities because of a lack of staffing can negatively impact the families of the IPs, lower the continuity of

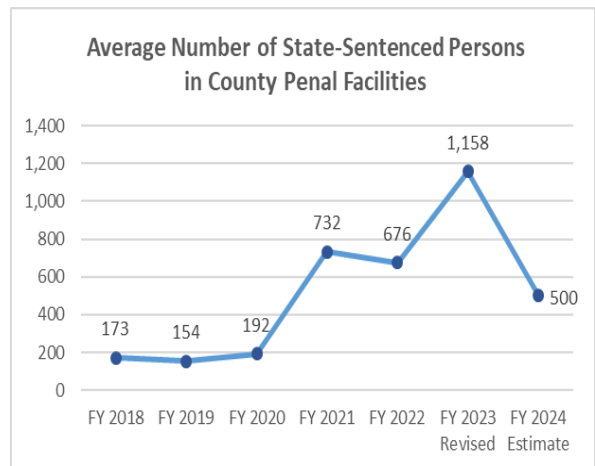
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educational programming, and have the potential to stifle the personal growth of individual IPs. Moreover, as a note, when the population does not receive the activities and programs they expect as part of their daily routine, there are times that they become frustrated and angry, and may be more likely to cause a disturbance.

Overall, the mission of the Department continues to be met, but the staffing shortage does impact the Department's overall operations. Alert, rested, and healthy staff is necessary to protect the public, themselves, and the incarcerated population. It is also noted that the significant staffing shortages are the most significant cause of the high overtime costs.

At present, given the fact that the prisons are filled to capacity in most areas, there is no ability to consider a restructuring of facilities. The Department has exhausted those avenues as a method of mitigating staff vacancies.

3. The department suspended the transfer of State-sentenced inmates from county jails to State prisons during the COVID-19 pandemic. In March 2020, 108 State-sentenced inmates were held in county jails. The revised average number for FY 2023 is 1,158. The FY 2024 Governor's Budget indicates that the department expects to resume transfers of State-sentenced inmates from county jails to State prisons but not at pre-pandemic levels due to social distancing and testing requirements in State prisons. As a result, the average number of State-sentenced inmates housed in county jails is projected to drop to 500 in FY 2024.



The suspension of transfers of State-sentenced inmates from county jails to State prisons increased the department's payment obligations to counties. As shown in the table below, in FY 2019, payments totaled \$1.0 million and were funded out of a General Fund appropriation. In FY 2022, some \$26.8 million was expended with State General Fund appropriations accounting for \$19.4 million and the State's flexible \$2.4 billion Coronavirus Relief Fund allocation under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020 accounting for the remaining \$7.4 million. It is unclear whether the presently known \$21.4 million FY 2023 appropriations from all funding sources will satisfy payment obligations.

For FY 2024, the Governor recommends a second \$10.0 million appropriation for this purpose out of the flexible \$6.24 billion Coronavirus State Fiscal Recovery Fund grant the State received from the federal government under the American Rescue Plan Act of 2021 plus a \$1.4 million General Fund appropriation plus new language that would grant

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the department unlimited supplemental appropriation authority without additional legislative approval.

Payments to Counties for Housing State-Sentenced Inmates						
	FY 2019 Actual	FY 2020 Actual	FY 2021 Actual	FY 2022 Actual	FY 2023 Est.	FY 2024 Rec.
State Funds Expenditures or Appropriations	\$1,001,000	\$3,165,000	\$5,872,000	\$19,362,000	\$11,420,000	\$1,420,000
Allocation out of Federal Coronavirus Relief Fund Grant	\$0	\$0	\$15,200,000	\$7,416,000	\$0	\$0
Allocation out of Federal Coronavirus State Fiscal Recovery Grant	\$0	\$0	\$0	\$0	\$10,000,000	\$10,000,000
<b>TOTAL Payments</b>	<b>\$1,001,000</b>	<b>\$3,165,000</b>	<b>\$21,072,000</b>	<b>\$26,778,000</b>	<b>\$21,420,000</b>	<b>\$11,420,000</b>

- **Questions:** Please provide the number of State-sentenced inmates who are currently housed in each county jail and project FY 2023 total payments to each county.

**Response:** As of April 3, 2023, those State-sentenced with completed judicial documents, awaiting placement in a State correctional facility is as follows:

	State-Sentenced	
	Inmates Housed	FY 2023
<u>County</u>	<u>as of 4/3/23</u>	<u>Projected Payments</u>
Atlantic	31	\$1,720,939
Bergen	6	\$4,146,402
Burlington	13	\$1,016,141
Camden	15	\$3,111,811
Cape May	4	\$818,647
Cumberland	3	\$126,262
Essex	42	\$5,325,964
Hudson	37	\$4,064,541
Mercer	30	\$1,295,385
Middlesex	7	\$2,641,670
Monmouth	17	\$3,058,181
Morris	8	\$899,715
Ocean	7	\$1,301,534
Passaic	0	\$203,858
Salem	5	\$1,163,940
Somerset	61	\$4,739,912
Warren	<u>5</u>	<u>\$500,613</u>
<b>Total</b>	<b>291</b>	<b>\$36,135,514</b>

The number of state-sentenced inmates is a snapshot as of April 3, 2023.  
 The projected payments reflect actual payment through February 2023 and projected payments for March 2023 through June 2023.



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- **Please report the plan for the resumption of transfers of State-sentenced inmates from county jails to State prisons. When will transfers resume, at what rate, will transfers from certain county jails be prioritized, and to which State prisons will prisoners be transferred? For each month of FY 2023 and FY 2024, please provide or project the number of State-sentenced inmates housed in county jails as well as the cost to the State. At the end of FY 2024, how many State-sentenced inmates would be housed in county jails?**

**Response:** The NJDOC resumed transfers from county jails in varying capacities beginning in August 2020. With COVID mitigation efforts, the initial resumption of county jail transfers was limited due to the need to cohort small numbers and testing protocol. As a note, there was a brief pause in county jail transfers in January 2022 due to sharp increase in COVID positive cases. Occasionally, when a particular county experiences a sharp increase in COVID positive cases, they are suspended for two weeks to limit the spread of the virus and to protect the current NJDOC population. When this happens, the county is notified and encouraged to ensure mitigation efforts are in force. The current transfer rate is approximately 35 IPs per weekday.

In January 2021, the NJDOC reception facility was consolidated, with no new facility established for reception. As a result, there has been an expectation to attempt to squeeze intakes into an existing facility in spite of limits on available bed space. Given the limits on available bed space throughout the NJDOC and the increasing number of incarcerated persons entering the NJDOC, there is a limit on the number of intakes that the Department may accept on a monthly basis. While not ideal, through strategic planning, the Department has developed a plan to work within its existing infrastructure for intake purposes.

Specifically, the Department consolidated the Garden State Youth Correctional Facility (GSYCF) RHU (Restricted Housing Unit) to increase space for reception from County Jails. As such, effective January 9, 2023, the Department began receiving 35 IPs each working day. This has helped to increase the monthly intake count from approximately 400 to approximately 700. This also better meets the needs of individual counties that can expect smaller, more frequent transfers out.

The continued success of this plan is highly dependent upon available bed space in the State correctional institutions. The former closure of an NJDOC Intake facility, coupled with COVID quarantine guidelines for new IPs, has hampered efforts to produce transfer rates at any higher amounts.

The Department anticipates a need for approximately 500 beds in county jails during FY 2024 as long as the following conditions exist:

- bed space remains available
- Indictments and sentences to State prison do not increase
- COVID rates do not increase
- Parole violations do not increase

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- Length of Sentence does not continue to increase (if IPs stay in custody longer due to longer sentences, they do not leave and make room for new IPs from counties at a sufficient pace.)
- Violent underlying crimes do not continue to increase (IP's with more violent underlying crimes take longer to be appropriate for minimum custody settings resulting in the need for more beds at higher custody levels which are the same beds needed for intake IPs out of county jails.)

The NJDOC continues to adjust to the changes in length of sentence and underlying crimes in terms of bed space but if they were to continue to increase in length or severity, there could be an impact on needed bed space.

Based on a predicted monthly county jail population of 500, and assuming a reimbursement rate of 70%, the total FY 2024 projected payments could approximate \$24.0 million using the blended daily rate of New Jersey State Prison, East Jersey State Prison, and Bayside State Prison of \$190.21 per day. It is difficult to predict, by county, the state-sentenced population and corresponding costs.

- **What are current total projected FY 2023 payments to counties for the housing of State-sentenced inmates? Is \$21.4 million a sufficient allocation for this purpose? If not, how does the department plan to meet the currently unfunded payment obligations\?**

**Response:** See above chart. The Department will work with Treasury to identify funding to cover the FY2023 anticipated deficit of \$14.7 million.

- **Is the recommended \$11.4 million appropriation in FY 2024 sufficient to meet projected payment obligations in FY 2024 or does the department anticipate additional expenditures for which the recommended new supplemental appropriation authority would be used?**

**Response:** As noted above, the FY2024 projected payments could approximate \$24.0 million. The recommended \$11.4 million is not sufficient to cover the estimated payments. The recommended new supplemental appropriation authority could be utilized to cover payments in excess of \$11.4 million.

4. P.L. 2022, c.53 upgrades certain crimes related to manufacturing firearms from the third degree to the second degree, with second-degree crimes carrying automatic prison sentences. This law also strengthens the penalties for possession, transport, sale, and manufacture of "ghost guns" and parts for ghost guns or digital plans to make ghost guns or parts in 3D printers. In addition, in the current legislative session, several pending bills, including motor vehicle-related theft legislation, establish new or upgraded offenses of a higher degree. These bills may result in an increase in incarceration rates and possibly longer terms of incarceration.

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- **Questions:** Does the department foresee any capacity constraints if the above-mentioned law and bills were to increase the number of incarcerated persons? How many additional prisoners could the department house and care for within its existing capacity and resources? What is the current average marginal cost of housing one more person in a State prison?

**Response:** The New Jersey Department of Corrections cannot forecast future changes in the number of individuals incarcerated. Based on the bills passed by one or both houses of the Legislature (A4930, A4931, A5034, A3666) it is not possible to project the number of individuals that would be incarcerated which are all factors outside the control of the Department. However, large increases in the population, in excess of the currently anticipated 100 additional incarcerated persons per month through the end of FY2024, will create bed constraints within the current number of facilities.

The current average marginal cost of housing one more person in a State prison is \$10.91 per day. If there was a large increase in the population resulting from the passage of these bills, which required reopening a previously closed unit, the use of the average per capita cost (approximately \$66,000 based on the FY24 GBM) may be more appropriate.

5. In June 2021, the Governor ordered the closure of the Edna Mahan Correctional Facility for Women with an unspecified timeline for relocation of the inmates. Relocation-oriented activities, however, have been undertaken. A March 9, 2023 social media post by the department, for example, reported that the Puppies Behind Bars program at the facility had been paused as part of the ongoing closure of the facility. According to the FY 2024 Budget in Brief, the Governor recommends an appropriation of \$90 million from the off-budget Debt Defeasance and Prevention Fund to close the prison and relocate the inmates, currently numbering 399, to a more modern facility. The Governor expects the process to take five to seven years.

- **Questions:** Other than the pausing of the Puppies Behind Bars program, please detail activities that have been undertaken at the Edna Mahan Correctional Facility for Women to wind down operations since the announcement of the closure on June 2021. What is the target date for closing the facility?

**Response:** At this time, all programs, services, education, medical, mental health, substance abuse treatment, trauma treatment, training, and activities continue and expand at EMCF. Because all programs and activities are easy to relocate, there is no basis to pause in this regard.

With regard to the physical structure at EMCF, most capital projects at the EMCF location have been put on hold. Overall, the closure of the EMCF is expected to result in cost avoidance for capital projects of approximately \$200 million. (As a note, the capital projects were to keep the facility functional and ensure the long-term viability of the facility.)

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As for the timeframe, the Department has been advised by the consultant, CGL, that the phased modular construction approach would generally enable a facility to be constructed within a 2-year period. This, however, does not consider the various Treasury, environmental, permitting, and construction mandates required within the State of New Jersey.

- **Please detail, by cost component, how the \$90 million appropriation from the off-budget Debt Defeasance and Prevention Fund to close the Edna Mahan Correctional Facility for Women and relocate the inmates to a new facility would be used. Is the recommended appropriation based on a concrete plan to build a concrete facility in a concrete location? If so, please share the architectural plans and the anticipated location for the new facility as well as the target date for closing Edna Mahan and relocating its prisoners to the new facility.**

**Response:** Based on the expert evaluation by the consultant, the \$90 million estimated funding provides the ability to construct a combination of permanent and interim modular units. In addition, the consultant reviewed existing NJDOC facilities, and NJDOC property, to determine an appropriate, buildable location. Existing NJDOC facilities were deemed to be not appropriate for retrofitting for a female facility (primarily due to infrastructure issues, lacking programming space, or ability for reunification and reentry programming). NJDOC property was deemed to be appropriate. Important to the evaluation is to ensure a site that is in a centralized location and easily assessable by families for reunification purposes, by staff to ensure appropriate staffing levels, and by the community to ensure continuing support for those housed at the facility. At this time, the recommendations for location by the consultant are under review.

With regard to the breakdown in cost estimates, the consultant has provided cost estimates based on the total square footage of the modules with the cost per square foot for a 434-bed facility. As noted below, the consultant also provided in the estimate the additional anticipated costs for construction, utilities, furnishings, and oversight. The cost estimates do not account for the State procurement process or management of the project by the Division of Property Management & Construction (DPMC). Following is a breakdown of the estimated costs of the project:

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<b>Preliminary Cost Estimates for New Female Facility</b>			
<b>Number of Modules</b>	<b>Total Square Footage</b>	<b>Number of Beds</b>	<b>Estimated Cost</b>
227	149,616	434	\$ 72,141,600
<b>Project Costs</b>			
Site Work, Utilities, Security Fencing, Landscaping & Parking			\$ 3,103,540
Furnishing, Kitchen, Medical, & Electronic Equipment			\$ 4,061,112
AE, Program Manager, Legal, Testing, Transition			\$ 4,870,293
Design & Construction Costs Contingencies			\$ 5,705,866
<b>Total Estimate Project Cost</b>			<b>\$ 89,882,411</b>

- **If a location for the new facility has not yet been chosen, what are some of the difficulties the department has encountered in finding a location for the new facility since the announcement of the closure of Edna Mahan? What are the key criteria in the selection of the new facility and what are the cost implications?**

**Response:** As set forth above, the consultant reviewed NJDOC’s existing facilities and property. For various reasons, including infrastructure issues, layout, limitations on treatment, education, and/or social services space, limitations on family unification areas, and overall facility conditions, the consultant did not recommend the retrofitting of any existing facilities. However, certain existing NJDOC property was deemed appropriate for construction, and those properties are being considered for suitability at this time.

With regard to key criteria, it was deemed essential to site a facility in a central location, near major roadways and resources, in order to maximize family unification and visits, provide greater staffing resources, and enable greater connection to community resources. Through “visioning sessions” with various stakeholders, including formerly and currently incarcerated, their families, community partners, NJDOC staff, EMCF Board of Trustees, unions, and legislators, the consultant and the NJDOC reviewed the needs of the population and secured input from these groups in order to ensure all voices were heard in this important endeavor.

- **With the plans to relocate inmates to a new facility, does the department anticipate a reduction in maintenance costs for the current facility? What savings could be realized? Please provide a breakdown of maintenance costs for repairs and other infrastructural needs at Edna Mahan in the last five years.**

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**Response:** The Department does anticipate a reduction in maintenance costs with a new facility. Following is a breakdown of maintenance costs at Edna Mahan in the last five years:

	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>	<u>FY 2022</u>
Maintenance of Buildings and Grounds	\$ 518,296.89	\$ 574,370.03	\$ 551,989.41	\$ 627,547.59	\$ 800,329.42
Maintenance of Equipment	\$ 151,269.22	\$ 148,309.87	\$ 123,046.56	\$ 163,034.15	\$ 165,779.65
<b>Total</b>	<b>\$ 669,566.11</b>	<b>\$ 722,679.90</b>	<b>\$ 675,035.97</b>	<b>\$ 790,581.74</b>	<b>\$ 966,109.07</b>

In addition to the maintenance costs listed above, please note there are general costs associated with overtime and pending capital projects at EMCF. At this time, the following facility costs are ongoing, and would be abated by constructing a new facility:

- Current ongoing capital projects: \$15.3 million
- FY 24 Capital Budget Request: \$111.5 million
- Heat mitigation cost estimate: \$55.3 million
- OT costs, due to staffing shortage in geographic area and due to unique facility needs: \$10 million

- **Does the department anticipate a reduction in security costs with the move into a more modern facility, for instance, fewer security cameras? Please provide a breakdown of costs for current security arrangements driven by the physical infrastructure of the Edna Mahan facility.**

With the construction of a more modern facility that will incorporate a more efficient physical layout, the consultant has provided that there will likely be a need for less staffing, thereby resulting in a slight reduction in staffing costs. With regard to overall security, the current fixed camera system utilized at EMCF is capable of being moved to the new facility. Body Worn Cameras (BWC) would also be moved to the new facility.

Due to the physical layout of EMCF and EMCF Satellite, staffing needs in terms of ingress/egress, perimeter security, transportation, escort staff, etc. are high. With a new, modern, and strategically planned institution, staffing needs can be expected to be reduced. Additionally, with the creation of additional and new housing options for individuals that may have security issues with one another, there will be less need to assign extra staff to manage the separation of IPs in a setting that is not appropriately designed for it. Carefully planned community, work, and programming areas, supplemented by electronic surveillance should also assist in reducing staffing needs.

**Discussion Points (Cont'd)**

6. The Governor’s FY 2024 Budget includes an additional \$8.5 million for inmate healthcare services, which are provided under contract by the Rutgers University Correctional Health Care program. The 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 reply to an FY 2023 OLS Discussion Point, the department indicated 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. The trend was not strongly correlated with the decline in the inmate population for which the department offered a number of reasons.

(\$,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

The department noted that inmate healthcare costs were concentrated within specific segments of the inmate population that were less likely to benefit from diversionary programs in the community. Consequently, those sent to correctional facilities tend to be more violent and have more health care issues. For example, the department pointed out that its mental health special needs roster had grown from 16 percent of the total prison population in 2005 to 23 percent in 2022. Furthermore, the department noted that the medical needs of the transgender population have grown with sexual affirming surgery and hormone replacement therapy. In addition, there was a general aging of the prison population with older inmates needing more medical care.

- **Questions:** Please provide the amounts expended for inmate healthcare under agreements with Rutgers University Correctional Health Care for FY 2022 and FY 2023, and the amount projected to be spent for FY 2024, broken down by medical services, dental services and mental health services.

**Response:** See below chart:

**Discussion Points (Cont'd)**

(\$,000)			
	Medical/Dental	Mental Health	Total
FY 2022 Expended	\$ 117,413	\$ 35,752	\$ 153,165
FY 2023 Projected	\$ 132,303	\$ 34,959	\$ 167,262
FY 2024 Budgeted	\$ 138,497	\$ 36,000	\$ 174,497

- **Please list the main drivers of the projected \$8.5 million growth in healthcare costs by component and dollar value.**

**Response:** The main drivers of the projected \$8.5 million growth in healthcare costs include increased costs resulting from the use of long-term acute care facilities (LTACHs) estimated at \$5.0 million and \$3.5 million will support healthcare related salary increases, fringe and other operating costs.

Rutgers UCHC has increased the use of LTACHs for IPs requiring acute in-patient rehabilitation. LTACH facilities specialize in the treatment of patients with serious medical conditions that require care on an ongoing basis but no longer require intensive care or extensive diagnostic procedures. An average stay is approximately 25 days but may be significantly longer or shorter depending on the patient’s needs. The number of IPs currently residing at an LTACH facility averages 7-10 per month. In FY 2023, costs associated with the use of LTACHs total approximately \$7.0 million. These costs are not covered by Medicaid.

- **Have diversionary community programs helped ease the costs related to drug, alcohol, and opioid use disorders? If yes, by how much?**

**Response:** Diversionary community programs do appear to have decreased the number of individuals sentenced to NJDOC with underlying crimes/base offenses related to CDS charges (overwhelmingly manufacturing, distribution, and sale). In the last decade, those “base” charges have decreased from 25% of the total population base offense to 13% of the total population base offense.

NJDOC costs related to drug, alcohol, and opioid use disorders have not been reduced in a corresponding fashion. The FDA approved medications for addiction treatment, and in 2017, the Department expanded access to all FDA-approved medications for addiction treatment. Costs for these medications have totaled approximately \$20.0 million over the past five (5) years. In addition, in 2016, the Department transitioned from a therapeutic community treatment model to a licensed medical model for the treatment of substance use disorder, as this licensed model is deemed more successful but is more expensive than the non-licensed model. Costs total approximately \$42.0 million since this program was established. Therefore, while diversionary programs have reduced those coming into prison, the treatment costs for substance use treatment have increased as the quality of treatment has improved.



## Discussion Points (Cont'd)

- **Please provide a breakdown in costs for sexual affirming surgery and hormone replacement therapy for the transgender inmate population. How many inmates have availed themselves of these services?**

**Response:** In FY2022 there was one sexual affirming surgery. In FY2023 (February and March), there were four sexual affirming surgeries. Costs to date for these surgeries total \$351,659, although the hospitals may not have submitted all claims since the surgeries just occurred in March. Hormone treatment costs to date total \$114,807. Based on information supplied by Rutgers UCHC, there are approximately 93 IPs associated with a diagnosis code labeled Gender Identity in the Electronic Medical Records system.

7. The department responded to a FY 2023 OLS Discussion Point that in 2021, pursuant to *Doe v. NJDOC, et al.*, and as part of a settlement with the American Civil Liberties Union (ACLU) of New Jersey, the department revised its policy on transgender, intersex and non-binary inmates. The presumption is that inmates will be housed in line with their gender identity. The department noted that under the terms of the settlement, it might review and revise the policy one year from the date of the agreement, or as of June 28, 2022. Last spring, the new policy came into the spotlight after a transgender inmate had allegedly impregnated two inmates at the Edna Mahan Correctional Facility for Women. It was reported that in July 2022, the transgender inmate was moved from the Edna Mahan Correctional Facility for Women to the Garden State Youth Correctional Facility.

- **Questions: Has the department reviewed and revised its policy on housing transgender inmates since June 2022? If so, please indicate the modifications it has made. Was the transgender inmate who allegedly impregnated two inmates at the Edna Mahan Correctional Facility for Women transferred to the Garden State Youth Correctional Facility in accordance with modifications to the policy?**

**Response:** The policy, formerly entitled "Transgender, Intersex and Non-Binary Inmates," was revised and signed on October 19, 2022, and now provides the ability for the safety of all incarcerated persons to be considered when determining an appropriate housing location. The prior policy provided that, at the request of the incarcerated person (IP), an IP be housed in line with his/her/their gender as they identified. The only limitation to the housing assignment was if the IP's safety would be jeopardized at the requested housing/facility. This policy led to safety and security concerns for those housed at EMCF.

At this time, the modified policy is written to provide a rebuttable presumption that an incarcerated person may be housed in line with their gender identity based on a voluntary request, but taking into consideration a number of safety, security, and treatment factors. Once requested, voting members of the NJDOC PREA Accommodation Committee (PAC) which consist of executive members from the Divisions of: Women's Services, Health Services Unit, and Operations, will meet with each incarcerated person to review their

## Discussion Points (Cont'd)

housing request. A non-voting representative from the LGBTQIA+ community may attend each PAC meeting in an advisory capacity. The PAC will ask questions and take into consideration the following factors prior to making a facility housing determination:

- Safety of others in the potential receiving facility
- Safety of self in the current and potential receiving facility
- Vulnerability to sexual victimization in the current and potential receiving facility
- Gender expression
- Reproductive considerations
- Medical and mental health recommendations and assessments
- Criminal or institutional disciplinary history

Once a report is issued, the requesting IP receives a summary notification of the decision made by the PAC, broken down into the various factors listed above. Should the IP disagree with the decision, the IP has 14 business days to appeal the decision to the PAC Appeals Committee which consists of executive members of the Chief of Staff Office, Division of Operations, and Division of Diversity and Legal Affairs appointed by the Commissioner. The PAC Appeals Committee will review the appeal and relevant documentation and make a final determination which is submitted to the IP with the final determination within 14 business days.

Decisions may consist of one of the following determinations:

1. Continue housing based on gender assigned at birth with routine gender affirming services offered at each NJDOC facility
2. Approval to be housed at a facility in line with one's gender identity
3. Housing at an NJDOC Vulnerable Housing Unit (VHU) which is a smaller unit while receiving the same privileges, programming and treatment as any other IP housed in the general population. The VHU consists of a diverse population with various risk factors including, physical size, appearance, occupation, notoriety of offense, etc.

All IPs requesting facility housing based on gender identity receive the following review based on the revised policy. The IP referenced in the inquiry is no longer housed at EMCF.

- **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. Are there any additional costs associated with housing transgender and non-binary inmate population? Please provide a breakdown of the costs, if any.**

**Discussion Points (Cont'd)**

**Response:** The current method used for the creation of this list was by extracting the data from cases who continue to self-identify as transgender. Note that this may not capture all cases including but not limited to cases such as when someone no longer identifies as transgender persons.

<b>Transgender Women</b>	<b>#</b>
ADTC	3
EJSP	2
EMCF	10
GYCF	10
NJSP	10
NSP	7
SWSP	9
<b>TOTAL Transgender Women</b>	<b>51</b>

<b>Transgender Men</b>	<b>#</b>
EMCF	24

<b>Total NJDOC # Transgender IPs</b>	<b>75</b>
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<b>Non-Binary</b>	<b>#</b>
EMCF	5

<b>Gender Identity Total NJDOC #</b>	<b>80</b>
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There are no known differing costs for the housing of transgender and non-binary IPs.

- **What steps has the department taken to ensure the safety of the population who are self-identifying as a gender that is different from their biological sex and the inmates with whom they are housed?**

**Response:** NJDOC maintains a zero-tolerance policy regarding the mistreatment or exploitation of all incarcerated people. All allegations of abuse, neglect, or violations of an incarcerated person’s rights are investigated. The Department uses sound methods for prevention and detection of safety concerns. There are a large number of methods that IPs can report safety concerns regardless of gender identify. These concerns are promptly responded to. IPs have access to both law enforcement and civilian staff in reporting. Third party reports are also accepted. The Departments additionally employs an objective classification system in consideration of housing, along with PREA Accommodation Committee for those making housing requests based upon their gender identity. Finally, the Department maintains housing units for those deemed more vulnerable within the population – for example, those who may be of slight build, or committed a notorious crime which could subject them to harm – and those who identify as a gender that is different from their biological sex have the ability to house in such a unit as well.

**Discussion Points (Cont'd)**

8. The FY 2024 Governor’s Budget recommends an appropriation increase of \$2.6 million for higher wages for incarcerated persons. According to a September 2022 article on the New Jersey Monitor news site, prisoner wage rates were last adjusted in 2001 and jobs currently pay between \$1 and \$7 a day.

- **Questions:** Please describe the reasons for the anticipated prisoner pay increases as well as the timeline for implementation.

**Response:** During the overall strategic planning process, and review of commissary costs and communication costs, it was determined that a slight pay increase was appropriate, along with a bi-annual review. More specifically, IP wages have not been formally adjusted for over 20 years. However, costs within the commissary continue to rise, along with potential costs for communication (phone, video visits.) As a result, it was deemed important to provide a slight increase in IP pay in order to help off-set other rising costs and encourage greater participation in jobs by incarcerated persons.

And, in an effort to ensure future review of IP pay and other costs, the policy now mandates a review be taken every two years to determine whether the current rate of pay is appropriate, as compared to costs for commissary and communication.

- **What is the overall policy regarding prisoner wage increases in FY 2024 and beyond? Will the new wage policy include periodic increases or cost-of-living adjustments? Per job available to prisoners, please list the current pay rate as well as the anticipated FY 2024 pay rate. For each fiscal year since FY 2018, please indicate the total amount in wages paid to prisoners.**

**Response:** The NJDOC policy now mandates that a wage review (and a review of commissary costs and communication costs) take place every two years. This shall ensure that an overall evaluation continually occurs.

In addition, the policy requires a central office committee review, on an annual basis, the individual IP wages and assignments. The central office review evaluates and determines the need for possible policy revisions, job creation requests and potential need for individualized job assignment pay increases. Please see below list for the current wage scale for job assignments. If the budget request is granted, the wage scale will increase by a minimum of \$.25 per day for each job assignment, with the ability to either provide a slightly larger increase or – to provide a commissary stipend for behavioral compliance.

Incarcerated Persons Wage Scale (Per Day) for Job Assignments

Job Title	<u>Step1</u>	<u>Step 2</u>	<u>Step 3</u>
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**Discussion Points (Cont'd)**

AUTO MAINTENANCE	4.00	4.50	5.00
CLERK I	3.00	3.25	3.50
CLERK II	2.25	2.50	2.75
CLERK III	1.75	1.85	2.00
COMMISSARY	4.00	4.50	5.00
COOK	2.80	2.90	3.00
CREDIT ONLY	0.00	0.00	0.00
FOOD SERVICE I	2.80	3.00	3.20
FOOD SERVICE II	2.35	2.75	3.10
FOOD SERVICE III	2.00	2.30	2.60
Gateway - Long Term Residential	3.50	3.50	3.50
Gateway - Intensive Outpatient Prog.	4.00	4.00	4.00
Gateway - Outpatient	4.00	4.00	4.00
GROUND & GARDENS I	3.00	3.35	3.70
GROUND & GARDENS II	2.80	2.90	3.00
GROUND & GARDENS III	1.75	2.25	2.50
HIGHWAY DETAILS	2.00	2.50	3.00
LAUNDRY WORKER	1.25	1.60	2.00
MAINTENANCE	2.00	2.25	2.50
MEAT/PRODUCE PROCESSING	3.00	3.80	4.55
PARALEGAL	2.50	2.75	3.00
PARA-PROFESSIONAL I	3.00	3.50	4.00
PARA-PROFESSIONAL II	2.50	2.60	2.90
PARA-PROFESSIONAL III	1.40	1.85	2.30
PARA-PROFESSIONAL IV	6.00	6.50	7.00
PARA-PROFESSIONAL V	5.50	6.00	6.50
PAYING BACK COMMUNITIES	4.00	4.50	5.00
SEWAGE DISPOSAL	4.00	4.50	5.00
SKILLED TRADESMAN I	3.00	3.35	3.70
SKILLED TRADESMAN II	2.00	2.35	2.75
SPEC. COMM. SERVICE PROJ.	2.00	2.50	3.00
Unskilled	1.30	1.35	1.40
Semi - Skilled	1.50	1.50	1.50
Skilled	1.60	1.60	1.60

<b>Fiscal Year</b>	<b>Amount</b>
2018 Actual	\$11.8 million
2019 Actual	\$11.6 million
2020 Actual	\$11.1 million
2021 Actual	\$9.6 million
2022 Actual	\$9.2 million
2023 as of 3/30/23	\$6.2 million

## Discussion Points (Cont'd)

9. The March 2023 report by the New Jersey Criminal Sentencing and Disposition Commission recommends establishing a “Rehabilitative Release Program” allowing inmates who reach a certain age and length of incarceration to apply to a judge for resentencing based on proof of adequate rehabilitation. The report notes that State-specific data show that individuals released at age 55 or older are less likely to reoffend. According to nationwide data, of those convicted of violent crimes, only one percent of individuals released at age 55 or older were re-incarcerated for new crimes within three years. Rehabilitative Release would focus on older inmates, 60 years or older, who have served lengthy sentences and shown significant rehabilitation for whom the Department of Corrections could issue a certificate of eligibility, which would allow them to file a motion in the court for resentencing.

In response to a FY 2023 Discussion Point, the department noted that 20.6 percent of the incarcerated population was 50 years and over. The department also pointed out that older inmates needed more complex end of life care including palliative and hospice care. For prisoners, these costs fall on the State. Once released, the formerly incarcerated may receive health insurance coverage through the Medicaid program, which is co-financed by the federal government.

- **Questions:** If the Rehabilitative Release Program were to be established, how would it affect the department’s prison population? What would be the anticipated fiscal impact to the department? How many inmates does the department anticipate would qualify under the program?

**Response:** As of March 32, 2023, a total of 59 IPs would be eligible under the Rehabilitative Release Program. While the anticipated fiscal impact is difficult to quantify, taking into consideration certain factors – such as the age of those who would qualify under the program – it is likely that the Department would realize savings with regard to medical care and potentially long-term care facilities. For example, for one (1) incarcerated person to be placed by Rutgers UCHC in a long-term care facility costs the Department/State \$-2.0 million per year for the long-term care, and approximately \$304,000 in overtime for the officers mandated to oversee the IP at the facility. In addition, the marginal cost per day for a single IP is \$10.91. As such, while difficult to quantify, there is the possibility for savings on an annual basis by releasing those that would have potentially been placed by the medical provider in a long-term care facility.

10. In reply to an FY 2023 OLS Discussion Point, the department noted that it had received one bid from CGL Companies LLC for \$171,580 in response to a solicitation for an overtime study. On December 23, 2021, the department issued its initial request for proposal for a comprehensive study of the department’s staffing. The department was especially interested in recommendations to reduce its custody overtime expenditures and information on the underlying causes of “excessive or unexpected” overtime. According to the department’s FY 2023 OLS Discussion Point response, it anticipated FY 2022 custody overtime expenditures to reach \$73 million.

## Discussion Points (Cont'd)

- **Questions:** Please provide an update on the department's intended engagement of a contractor to study its staffing and overtime. Has the department awarded a contract? If not, when does the department anticipate that a contract will be awarded? By what date does the department anticipate receiving the contracted study? If the study has been received, what were the findings and recommendations and which recommendations has the department begun to implement and which recommendations does it still intend to implement?

**Response:** The Department contracted with an expert in staffing analysis to thoroughly evaluate NJDOC practices as they related to overtime. That expert, CGL, has completed its review, and while no final report has been received, provided preliminary findings that indicate that the chief factor in high overtime costs is staffing deficiencies. Similar to internal NJDOC examination of overtime drivers and mitigation, lack of staff produces exorbitant overtime. OT use is further ballooned by the various posts required every day that would have historically been covered by positions on a daily schedule for various unexpected events, training, etc.

The NJDOC engages daily, in every institution and COHQ, in the oversight and mitigation of OT while meeting all security positions to ensure that safety is maintained. NJDOC does not employ a practice of closing posts related to institutional security, which, given the severe staffing shortages, requires mandated OT.

Overall, the final CGL report is expected to recommend that the NJDOC vastly reduce its vacancies and build in additional positions to increase the pool of relief staff for absences, training, and unexpected events.

With Custody vacancies at approximately 400, OT, which has traditionally been utilized to cover unexpected posts or sick calls, is now used for nearly every single staffing need. It is clear that those institutions with the highest overtime are those with the most severe staffing deficiencies.

Further burdening the need for more staff due to vacancies, there are areas that exhibit the costliest overtime in the NJDOC:

**Unscheduled Medical trips:** The population within NJDOC custody is aging, resulting in increased overtime costs for unscheduled medical trips. Overtime costs totaled \$12.3 million in FY 22 and projected at \$18.5 million for FY 23. This is under the authority of the healthcare vendor and demand for increased outside medical care despite a reduced population.

**Long Term Care in Community Settings:** NJDOC has experienced an unprecedented increase in long term care placements in the community for acute rehabilitation and specialized care. This is also under the shared purview of the healthcare vendor and community hospitals when discharging IPs. Such settings require safe staffing which, given staff shortages, is overwhelmingly on overtime. FY 23 overtime related to staffing of long-term care facilities is projected at \$4.1 million.

## Discussion Points (Cont'd)

NJDOC and AG Mandated Training: Training must be completed, and with no "relief" staff available, it is completed with OT. Overtime costs for staff training, including the mandated 40 hours of training, totaled \$19.7 million in FY 22 and is projected at \$25.1 million for FY 23.

Additional Staffing needs related to Isolated Confinement Act: ICRA requires an increased number of escorts of IP for various out of cell activities, increased searches due to contraband, increased emergency responses due to incidents in close custody areas, and increased need for custody supervision to oversee all activity on these units. Overtime costs related to ICRA total \$7.8 million for both FY 22 and FY 23.

Staff off duty pending OPIA investigations: Investigations, though necessary, place staff off duty (often with pay if no preliminary information is able to be provided to NJDOC to remove them). With such staffing shortages, each of the posts that the individual was assigned must be covered with overtime. Overtime costs associated with staffing these posts due to OPIA investigations total \$3.3 million for both FY 22 and FY 23.

Short- and Long-Term Leaves: With a workforce that is also more senior (26% of total uniformed staff with over 20 years of service), there is an increased availability of accrued time and an increased use of long term and short-term leaves; and, given the rise in violence, and an increase in workers compensation leaves.

- **What were custody overtime costs in FY 2022 and what are projected custody overtime costs in FY 2023 and FY 2024? Please provide a breakdown of FY 2022 and anticipated FY 2023 and FY 2024 overtime costs, by institution.**

**Response:** Following is the requested breakdown of overtime costs by institution:



Discussion Points (Cont'd)

<u>INSTITUTION</u>		<b>FY 2022 Actual Overtime Custody</b>	<b>FY 2023 Projected Overtime Custody</b>	<b>FY 2024 Budgeted Overtime Custody</b>
ACWYCF-7120	*	\$22	\$0	\$0
ADTC-7090		\$5,897,383	\$10,087,643	\$11,118,000
BSP-7060		\$7,875,625	\$7,582,747	\$8,521,000
CENTRAL OFF.-7025		\$2,270,429	\$3,082,077	\$3,139,000
CRAF-7045	**	\$2,750	\$0	\$0
EJSP-7050		\$10,261,858	\$10,399,448	\$12,073,000
EDNA MAHAN-7080		\$7,361,224	\$9,216,359	\$10,626,000
GARDEN STATE-7110		\$7,228,828	\$14,168,189	\$16,360,000
MSCF-7070		\$2,884,369	\$3,539,668	\$4,264,000
W. H. FAUVER-7130	***	\$645,018	\$84	\$0
NJSP-7040		\$13,784,103	\$16,839,170	\$18,412,000
NSP-7085		\$10,549,149	\$14,784,962	\$16,521,000
SSCF-7065	****	\$8,287,899	\$27,349	\$0
SWSP-7055		\$11,656,099	\$11,446,758	\$11,521,000
<b>TOTAL OT</b>		<b>\$88,704,754</b>	<b>\$101,174,454</b>	<b>\$112,555,000</b>

Note:

- \* Albert C. Wagner was depopulated in January 2020.
- \*\* CRAF was depopulated in January 2021.
- \*\*\* William H. Fauver was depopulated in December 2021.
- \*\*\*\* Southern State Correctional Facility was depopulated in July 2022.

- **How have unfilled positions contributed to the overtime costs? Please provide the number of unfilled positions by penal institution.**

**Response:** Significant staff shortages are the greatest driver of overtime costs within the NJDOC. With a current budgeted FTE of 4,869 for correctional officers and positions filled at 4,463, on a daily basis the facilities are short slightly over 400 officers. As such, overtime is mandated on a daily basis in order to cover mandatory posts that ensure perimeter security, provision of custody supervision to IP housing areas, infirmaries, close custody units, intake areas, provision of food, programming, education, supplies, legal access, transportation, threat suppression, searching, emergency response, etc. In addition to these standard “baseline” posts, there are a myriad of other posts that are necessary to meet the mission of the NJDOC, protect the public, and ensure IPs have all what is required by Statute and Administrative Code, including mail, recreation, visitation, laundry, parole hearings, work opportunities, religious services, etc. Every institution must ensure the safety of the staff, visitors, and IPs and must have adequate staff to be successful. When a shortage is experienced, these posts will be covered by staff on overtime. Non-essential posts will be collapsed as possible and in consideration of the IP needs.

With the majority of uniformed staff at Step 10 salary, this can be expected to be Step 10 overtime.

Additionally, with approximately 26% of uniformed staff with over 20 years of service, there is increased access to accrued time for use that results in absences that must be covered.

## Discussion Points (Cont'd)

Staffing shortages create the vast majority of overtime. When that is further burdened by additional requirements that reduce the available pool of staff because of mandatory training, staff out pending an investigation, unexpected events and incidents such as hospital trips, mental health, and detoxification watches, increased staffing needs in response to legislation (ICRA, Dignity Act), the overtime snowballs.

Historically, such unexpected events and training could be sufficiently mitigated via available relief staff in institutions (known as ASOPS/GA's). This is no longer the case. With approximate shortages of 400 uniformed staff, there is no relief staff, and any needs will be covered in overtime.

The Department's consolidation of Southern State Correctional Facility (SSCF) Compounds A and B and the Farm unit at Bayside State Prison (BSP) enabled existing custody staff to be transferred to other facilities to ease the burden of overtime, in particular at South Woods State Prison. Overtime in the Southern Region has decreased by an average of 34% a month as compared to FY 2022.

### ***The most significant non-baseline overtime drivers experienced in FY23 are:***

- Medical Trips: \$18.5 million
- Long Term Care in Community Settings: \$4.1 million
- ICRA Staffing: \$7.8 million
- Mandatory Training (NJDOC and AG Mandated) \$25.1 million
- Lengthy OPIA Investigations \$3.3 million

### Non-Baseline Overtime Increases

- Training Costs increased (due to mandatory training and less staff available to cover staff while they are at training (increased by nearly 27% from FY22 to FY23).
- Constant watches (mental health and detox/withdrawal)-NJDOC is experiencing an increase in IP's utilizing illicit substances that require special staffing
- Outside hospital trips 51% increased from FY22 to FT23.
- LTACH Coverage 487% increase from FY22 to FY23.
- "Other" FMLA & vacancies 53% from FY22 to FY23.

Following is a chart detailing the unfilled positions by institution based on our internal staffing needs:

**Discussion Points (Cont'd)**

	Custody	FTE Filled	Over
	<u>FTE CAP*</u>	<u>Pay Period 07</u>	<u>(Under)</u>
NJSP	736	635	(101)
EJSP	399	364	(35)
SWSP	834	766	(68)
BSP	375	421	46
MSCF	230	222	(8)
EMCF	326	337	11
NSP	680	583	(97)
ADTC	401	357	(44)
GSYCF	592	503	(89)
System-Wide	<u>296</u>	<u>275</u>	<u>(21)</u>
<b>Total</b>	<b>4,869</b>	<b>4,463</b>	<b>(406)</b>
*The FTE CAP reflects the FY 2024 reduction in FTE for SSCF (250) and Jones Farm (50).			

11. The Department of Corrections’ Bureau of State Farm Operations operates two crop-producing farms and two processing plants at correctional institutions. The bureau’s farm products are sold to State institutions. In November 2022, the department discontinued its dairy operations after determining that it would be more cost-effective for State agencies to purchase milk, fruit drinks, and ice tea from State contracts rather than the department’s farm operations at Bayside State Prison and Jones Farm in Ewing Township. Accordingly, the value of the Bureau of State Farm Operations’ farm products is projected to fall from \$12.3 million in FY 2022 to \$11.3 million in FY 2023 and \$10.3 million in FY 2024.

In addition, news outlets reported that in November 2022, the department had moved inmates and staff out of Jones Farm, a minimum-security State prison, in order to streamline operations. Reports noted that, at the time, only 19 inmates were housed on the farm. Although the farm is not expected to close, plans for the facility were still to be determined.

- **Questions:** How many cows were housed at the farms in each fiscal year since FY 2018? How many cows were housed at the farms at the beginning of FY 2023? Please indicate how the decision to cease the department’s dairy farm operations affected the cows. If the cows were sold, what were the sales proceeds?

**Response:** Following details the cows housed at the farms:

Fiscal Year	Cows Housed at NJDOC Farms
2018	438
2019	397

**Discussion Points (Cont'd)**

2020	379
2021	384
2022	381
2023 (until November 2022)	375

Through the strategic planning process, it was determined that the dairy production was not efficient, could not be maintained with the staffing shortages (both custody and civilian workers needed to run the dairy), a shortage of minimum custody incarcerated persons to work the dairy, lack of interest by incarcerated persons in working the dairy, and little demand for jobs following release, that the dairy was not producing the appropriate dietary recommended product for the population, and dairy costs were greater than if milk was secured from an outside vendor. As a result, the consolidation of the dairy was necessary and appropriate. The determination to consolidate the dairy resulted in the need to humanely auction the cows. As such, the cows were auctioned through New Holland Auction Sales Stables. The total sales proceeds totaled \$327,730.15. The funding was applied as revenue for FY23.

- **Please explain why the cost of producing milk became more expensive than purchasing the milk from State contracts. Was the development related to an adverse impact on economies of scale of the State farms when the State released thousands of inmates during the COVID-19 pandemic? For each fiscal year since FY 2018, please provide the cost of producing a gallon of milk through the Bureau of State Farm Operations and compare the cost to the applicable State contract.**

***Response***

Contract T-0032- Dairy Products has multiple vendors with various products and prices. The pricing from FY18-22 cannot be researched as NSTART does not store previous fiscal year prices that the agencies can see. This information would need to be provided by Division of Purchase and Property. For FY23, the cost varies depending on the type of milk (whole/low-fat, 2%, 1%, chocolate) and the size of the container that the requestor is trying to purchase. When the price assessment was conducting by NJDOC staff prior to closure, the sizes and costs were broken down by serving. The analysis showed that AGRI prices were \$.40 higher per serving.

Staffing shortages (both IPs and civilian staff) caused disruptions in production that are untenable for a 24/7 operation responsible for providing products to the entirety of the State incarcerated persons for whom we are responsible.

- **Please comment on the plans for Jones Farm. How will the property and the facilities be used? Will the property be made available for sale? Could the property be used to support the expansion of Trenton-Mercer Airport?**

## Discussion Points (Cont'd)

**Response:** The Department anticipates maintaining the property for use for regional training, meeting areas, and to continue to house our Custody review team. There are no plans to transfer the property.

12. The FY 2022 Appropriations Act included \$5.0 million for Internet Infrastructure for Inmates. The funding was to upgrade and improve internet infrastructure to access, education, employment, and legal materials for inmates. In response to an FY 2023 OLS Discussion Point, the department noted that the infrastructure improvements were a long-term plan and were in the planning phase. The department noted further that it had submitted an application to the U.S. Treasury for Coronavirus Capital Projects Fund for Digital Connectivity in all of the facilities. The application was for up to \$15.0 million.

- **Questions:** Please provide an update on the status of the planned internet infrastructure improvements and upgrades. Have any improvements and upgrades been accomplished? If not, please indicate the anticipated completion date, by facility. Please provide a status update on the department's application to the U.S. Treasury for Coronavirus Capital Projects Fund for Digital Connectivity in all of the facilities.

**Response:** A Heat Map Study has been conducted at GSYCF in order to determine the number of WiFi Access Points that would be required to provide wireless internet access throughout the facility, including each of the housing units. It is estimated that it will take approximately nine (9) months to conduct Heat Map Studies and the remaining eight (8) facilities.

The Federal Funds Recovery Coordinator at the Governor's Disaster Recovery Office received feedback from U.S. Treasury on March 22, 2023, on the Department's program plan submitted for consideration under the Coronavirus Capital Projects Fund. Supplemental data has been requested, and the Department is in the process of obtaining the requested information.