

COMMISSIONER GEORGE HAYMAN
BUDGET AND APPROPRIATIONS TESTIMONY

APRIL 20, 2009

As with every other agency in state government, indeed, as all of New Jersey's working families have determined, we are living through an era when each expenditure must be scrutinized and every efficiency realized. It is therefore imperative that we carefully balance fiscal issues while fulfilling our mission: to ensure that all persons committed to the state correctional institutions are confined with the level of custody necessary to protect the public and that they are provided with the care, discipline, training, and treatment needed to prepare them for reintegration into the community.

We continue to effectuate efficiencies in our operations without sacrificing the safety and security of our institutions and employees. The uniformed staff of the New Jersey Department of Corrections has one of the most dangerous and underappreciated jobs in the family of law enforcement. Outnumbered by the offenders they are sworn to look after, it is imperative that they are given the tools and information they need to leave the prison at the end of the shift and return safely to their families every day.

Accordingly, as per Senator Van Drew's Gang Task Force recommendations, overlap—those few minutes between shifts when daily reports and incidents are communicated to line staff ---provide a very necessary tool to our staff. However, in the interest of fiscal prudence, in FY 2009 custody overlap was reduced from 15 minutes to 10 minutes for a

projected savings of \$4.2 million. In FY 1998, the custody staff consumed 2,356,180 hours of overtime which resulted in expenditures of \$83.6 million dollars. The National Institute of Justice and internal DOC staff conducted a post by post review and related findings were phased in during FY 2001 and 2002. These operational changes have continued to provide reductions in overtime. Our current overtime hours are projected at 1,096,526 hours, less than half of the historical high, with related expenditures of \$57.8 million dollars.

At Governor Corzine's direction, the Custody Recruitment Unit has been relocated to a state-owned facility, which generates a cost saving of over \$600,000 that heretofore had been paid to lease the space. The new location also has numerous classrooms that will be used for various in-service training courses and is centrally located, reducing travel time and the associated costs.

Other efficiencies have been realized by opportunity bulk purchases, for example, cereal and milk, resulting in savings of \$650,000, while a restructuring of the standardized inmate menu has yielded an additional \$700,000.

Finally, as discussed last year, inmate cleanup details will be limited to those that are funded; for example, Clean Shores and several other details which are subsidized through the sale of license plates, so as not to incur further expenses.

A significant component of our budget is the closing of Riverfront State Prison in Camden, a move that will save New Jersey's taxpayers nearly \$40 million dollars annually. Employee, staff and public safety will NOT be impacted by this closure, nor will it result in any layoffs. The Department of Corrections employs 412 employees who were assigned to Riverfront State Prison. This includes 293 custody staff and 119 civilian staff. These employees are gradually being reassigned to other correctional facilities throughout the department based upon on operational need. As of April 13th, 51 civilian and 92 custody staff has been reassigned to other facilities. Employees are being reassigned as the inmate population declines and services and programming are no longer needed.

To address concerns that the closing of Riverfront State Prison will cause densely populated conditions in the prison system, it should be noted that the NJDOC population peaked July 31, 1999 at 31,299. Current population is 25,613, a reduction of 5,686. NJDOC Facility Population dropped from 23,749 to 21,837, a reduction of 1,912. The population of Riverfront State Prison on April 7, 2009, was 350 inmates, leaving ample room to place all of them in appropriate settings. Riverfront is scheduled for closure in summer, 2009, and inmates are being moved to various institutions around the state. I want to make one point very clear: All inmates who are currently in Riverfront, as well as all inmates in all the other institutions, will continue to be housed in the suitable level of custody.

This action will not only assist in the redevelopment of the Camden Waterfront, it will lay the foundation for Camden City's economic self sufficiency, benefiting not only the residents of the city itself and neighboring municipalities, by extension, the entire state.

GANGS

The New Jersey State Commission of Investigation (SCI) launched public hearings in November to look into burgeoning numbers of gang inmates who are "organizing and thriving inside prison walls." The department was happy to cooperate with the SCI, and indeed, we look forward to the recommendations that will be proffered as a result of the hearings.

It is important to note that the NJDOC has been dealing proactively with gang proliferation for more than a dozen years. For instance, we lobbied for criminal penalties to be attached to the possession of electronic devices within the correctional setting, both for inmate and staff, and from January, 2008 to present, 150 cell phone cases have been presented to respective prosecutors. As we shared with the SCI, we have implemented several strategies in response to gangs in New Jersey's prisons—strategies that are emulated in prisons throughout the country.

Communication is the essential component of command and control within the hierarchal organizations. Written and telephonic communications are monitored extensively, leading to significant evidence of ongoing criminal activities, which we bring to other federal and state agencies with whom we partner. These efforts culminate in lengthy

joint investigations which have led to numerous charges filed against inmates as well as civilians in all parts of the state. Additionally, we have a zero tolerance policy for corrupted staff, and will continue to take all appropriate actions to ensure the safety and security of our prisons.

Financial countermeasures include targeting money launderers who assist inmate gang members in the movement and laundering of proceeds from gang activities on the streets and in the prisons. These steps can be used to forensically identify, link and analyze patterns of financial activity and those who participate in them.

Through meticulous efforts to identify associates and their position within these organizations, we are ready to move on to the successors of individuals that would be expected to fill any "power vacuum" created when individuals were neutralized as a response to our findings.

- Additionally, the department commenced training cellular detection K9s in June 2008 (using three handlers), and they have been active since October 2008. In that time period, the cellular K9s have searched 16,411 inmate bed areas as well as 2,203 common areas, locating fifteen (15) cellular phones, five (5) cellular phone batteries, numerous cellular phone accessories (i.e. blue tooth, chargers, sim cards, etc.). The cellular K9s have also given indication on several areas providing intelligence which has led to the recovery of additional cellular phones and accessories.

- The process for hiring custody staff has been revised, and the employment application for correction officers was changed from a 7-page document to a 27-page document to collect more background information on prospective recruits. Additionally, home interviews are now being conducted for the same reason. This will enhance our ability to identify possible gang members attempting to infiltrate the department.
- Sharing gang identification intelligence in corrections has been noted, nationally, as a necessity. The NJDOC recognizes the need for law enforcement managers within the department to access gang identification data; as such, the department has authorized each facility Administrator, Chief and a Captain at each facility to access the gang identifications.
- The NJDOC instituted intelligence committees in each facility in 1994 that were designed to work in conjunction with the original statewide, Inter-Institutional intelligence Committee that meets once a month to discuss statewide gang and radicalization intelligence trends in the department. The facility committees are designed to collect and disseminate timely intelligence to the rank and file. The department has recently drafted a policy to rejuvenate and standardize participation in the committees.
- The department sought, and was awarded, federal funds to improve on the current intelligence and analytical technology. The new applications will help proactively identify suspicious or criminal activity between inmates and the community. The technology will help monitor activity between gang members and departmental

systems, specifically the visit, inmate financial database and the inmate phone system.

- In 2003, the gang identification database was moved from a standalone system to the inmate management system. This transition enabled investigative staff throughout the department to access gang intelligence in real time. In 2004, the process began to build upon the established database structure. This year, the project has been completed. The database captures progress through the Security Threat Group Management Unit, intelligence and affiliation details. Access to this new information will improve investigations making the process more efficient and effective.
- The Intelligence Center, a unit within the Special Investigations Division, has conducted gang sweeps at our youth facilities and Northern State Prison over the last seven months. Administration, custody and investigations work as a team to identify gang-affiliated inmates. Although it is becoming more difficult to identify a gang inmate because they have less tattoos and obvious gang paraphernalia, identifications have increased by 10% in some facilities following a sweep.
- The department's inmate phone vendor has created a patch that will intercept and drop a third-party call on the system. The patch will be applied during the next several months, which will help safeguard the inmate phone system by disrupting attempts to use it inappropriately.

In essence, we are using every investigative procedure—be it dogs or the most sophisticated technology--to “build a better mousetrap” and prevent gang-affiliated inmates from continuing their nefarious business behind the walls of our prisons.

INMATE HEALTH, EDUCATION AND RE-ENTRY

Governor Corzine has made offender re-entry efforts a cornerstone of his administration, and his reasoning is clear—with the cost of incarceration over \$39,000 annually per inmate, every effort must be made to lower recidivism among offenders. Added to the emotional price paid by victims of crime and inmate families, it is imperative that our department and our partners--the State Parole Board, the Attorney General’s Office and community corrections--work in tandem to prepare inmates for a crime-free life post incarceration

The NJDOC undertakes to educate and prepare inmates to rejoin society while providing adequate sustenance and medical attention as defined by statute. It is no accident that many of the inmates who come to us are burdened with physical and emotional illnesses and substance abuse issues, perhaps a by-product of their environments. Therefore, it made fiscal sense to enter into an agreement with University of Medicine and Dentistry of New Jersey (UMDNJ) to provide medical services, in addition to the inmate mental health services they already deliver. Motivated by a need to reduce costs and the impending expiration of Correctional Medical Services (CMS) contract extension for inmate healthcare, the NJDOC requested a cost proposal for inmate medical and dental

healthcare from the University of Medicine and Dentistry of New Jersey, (UMDNJ). The cost proposal submitted by UMDNJ was \$3.4 million less than the CMS proposal for the same period and included with the proposition of obtaining additional discounts for pharmaceuticals as part of the federal 340B program. Based on these fiscal incentives and a history of satisfactory mental healthcare services, the department entered into an agreement with UMDNJ (2 years, 9 months with three 1-year extensions) expanding its service delivery to include medical and dental care.

On August 14, 2008, CMS terminated its dental service 45 days earlier than anticipated. To ensure continuity of the inmate dental program, UMDNJ accelerated the dental services component of its agreement. Shortly thereafter, CMS ceased to provide healthcare services to the NJDOC, and the university took over as primary inmate healthcare provider.

The examination of cost reimbursement data through January indicates that UMDNJ is on target to achieve not only its anticipated savings but also those required by an unanticipated decrease in available FY 2009 funding. In regard to this agreement, responsive and thoughtful fiscal management exercised by the contract administrators has made it possible for the University to continue a quality program despite serious economic restraint. UMDNJ has taken a proactive position to maintain the most cost-effective service delivery system possible. In just 4 months of business, staff has renegotiated its pharmaceutical, ambulance contracts and re-bid its prosthetic contracts to effectuate necessary additional savings.

Consistent with the department's monitoring of CMS, UMDNJ performance is reviewed weekly using the same automated system developed to measure performance indicators and assess liquidated damages as required by the former healthcare contract. Because UMDNJ is a public entity, not a profit-generating firm, our agreement is structured on a cost reimbursement format, the concept of assessing liquidated damages is precluded.

A review of CMS performance indicators reported for the week immediately prior to receiving notice that its contract would not be extended, reveals that CMS, while continuing to improve, achieved 94.47% collective compliance with performance benchmarks. The first week of UMDNJ service measured a collective 94.91% compliance to performance benchmarks, steadily improving to an aggregate 98.79% compliance as of March 30, 2009.

Addressing offender addiction is a key public safety issue. Incoming offender population is screened, and reveals that nearly 60 percent have a moderate to severe substance abuse issue. An additional 20 percent display some level of substance abuse. The NJDOC continues to implement sound, evidence-based strategies to address this problem. The Therapeutic Community modality remains the department's primary in-prison approach. With 1,420 beds set aside for this program, approximately 3,500 inmates participate in the program on an annual basis. Additionally, we maintain access through the NJ Division of Addiction Services to community based licensed residential treatment beds. During the current fiscal year, the department has experienced a 50 percent increase in

offender participation in these opportunities. During the past year, we have expanded our addiction services to a broader cross-section of offenders under our jurisdiction.

Students attending coursework at Garden State and Albert C. Wagner Youth Correctional Facilities under the federal Project Inside now have access to the Substance Abuse Education and Awareness program funded under a federal grant. It is believed that participation will satisfy the addiction programming requirements related to the federal prohibition of certain offenders from receiving student aid post release, a key to addressing inmate recidivism.

Especially in challenging economic times, the NJDOC maintains and further builds collaborative relationships with national treatment expertise. Under the National Criminal Justice Drug and Alcohol Treatment Studies (CJ-DATS) initiative funded through the National Institute on Drug Abuse, the Department participates in a steering committee process as a criminal justice partner with the nationally recognized University of Delaware, Center for Drug and Alcohol Studies in the determining of the national research agenda related to correctional treatment efforts. The CJDATS design provides practitioner input throughout the study process to ensure utility and meaning to the correctional professional who is facing tight budgets and real public safety concerns.

Our Office of Community Programs has obtained accreditation of all Residential Community Release Programs (RCRPs) in the state of New Jersey. This seal of approval ensures that New Jersey contracts with organizations that adhere to the highest

professional standards, and that all residents of the programs receive quality programming and services that will facilitate a successful reentry into the community.

Since 2008, the NJDOC has increased the number of programs offered to inmates. In addition to cognitive behavior change, anger management, parenting, as well as our reentry curriculum (STARS), we currently offer Successful Employment and Lawful Living through Conflict Management (SEALL) program. SEALL is a continuation of the STARS program with a specific focus on maintaining employment. Participants learn how to maintain pro-social behavior at work when conflict occurs on the job. Participants attend SEALL once a week for two hours per session for six weeks. Since inception in September 2008, 906 inmates have been enrolled with a completion rate of 79 percent.

During last year's budget, I reported more than 715 inmates had completed the STARS Program. During FY 09 currently 2,219 inmates have been enrolled with a completion rate of 80 percent. Additionally, 2,274 inmates requested and received the "Living on the Outside," a guide to preparing for a successful transition.

The department successfully passed our federal audit with the Social Security Administration and was granted a new five-year MOU which allows the department the authority to continue to assist inmates with obtaining duplicate Social Security Cards. We continue with the initiatives mentioned during the previous hearings, such as assisting each offender leaving NJDOC facilities with obtaining a DOC issued ID card and their social security card, if eligible. More than 2,500 offenders have been provided

with transportation assistance. In partnership with the Motor Vehicle Commission, all NJDOC offenders are released with a temporary ID card which they can use towards obtaining formal state identification, part of the six-point ID process required by the MVC for a driver's license or state identification card.

In accordance with federal and state requirements, the NJDOC provides mandatory educational services in all of the department's facilities housing inmates under the age of 21 who have been identified as being in need of special education intervention. Additionally, adult basic skills instruction is provided on a voluntary basis for the adult inmate population. In fiscal year 2008, 169 high school diplomas were awarded to the school age population, and 1,169 GED tests were administered to both school age and adult students, with 816 passing, or a 77 percent passage rate, while the public sector who took the GED in fiscal year 2008 attained only a 67.8 percent passage rate.

In conclusion, with this budget, we strive to use every resource available to spend the taxpayer's money wisely without compromising the safety of our institutions, staff or the public.