

PUBLIC HEARING

before

SENATE COMMITTEE ON INSTITUTIONS, HEALTH AND WELFARE

on

REORGANIZATION OF THE DEPARTMENT OF INSTITUTIONS AND AGENCIES

SENATE BILL S-35

Held:  
April 28, 1976  
Senate Chamber  
State House  
Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Alexander J. Menza (Chairman)  
Senator Garrett W. Hagedorn  
Senator Joseph Hirkala  
Senator Anthony Scardino, Jr.

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THE STATE OF TEXAS

County of \_\_\_\_\_

STATE DEPARTMENT OF COMMERCE, AGRICULTURE AND MEATS

COMMISSIONER OF THE DEPARTMENT OF COMMERCE, AGRICULTURE AND MEATS

STATE BILL NO. \_\_\_\_\_

Enacted  
April 20, 1915  
Texas Chamber  
State House  
Austin, Texas

APPROVED AS TO FORM AND CONTENT

COMMISSIONER OF THE DEPARTMENT OF COMMERCE, AGRICULTURE AND MEATS

STATE DEPARTMENT OF COMMERCE, AGRICULTURE AND MEATS

STATE DEPARTMENT OF COMMERCE, AGRICULTURE AND MEATS

SENATE, No. 35

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1976 SESSION

By Senator HAGEDORN

AN ACT establishing and concerning a Department of Human Services as a principal department in the Executive Branch of the State Government, and making an appropriation.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. This act shall be known and may be cited as the "Department  
2 of Human Services Act of 1976."

1 2. There is hereby established in the Executive Branch of the  
2 State Government a principal department which shall be known as  
3 the Department of Human Services.

4 As used in this act, unless the context clearly indicates otherwise,  
5 "department" means the Department of Human Services.

1 3. The head and chief executive officer of the department shall  
2 be the Commissioner of Human Services, who shall be appointed  
3 by the Governor, with the advice and consent of the Senate, and  
4 shall serve at the pleasure of the Governor during the Governor's  
5 term of office and until the appointment and qualification of the  
6 commissioner's successor.

7 He shall devote his entire time and attention to the duties of  
8 his office and shall receive such salary as may be provided by law.

1 4. The commissioner, with the approval of the Governor, shall  
2 appoint a deputy commissioner to serve at the pleasure of the  
3 commissioner and who shall be authorized to exercise the powers  
4 and duties of the commissioner in his absence or disability and  
5 shall perform such other duties as the commissioner shall prescribe.

1 5. The commissioner shall have the authority to establish,  
2 organize, and maintain in his offices an administrative division to  
3 perform all necessary personnel, budget and finance, facilities and  
4 equipment services for the department and to assign such personnel  
5 thereto as may be required.

6 The commissioner shall appoint assistant commissioners, in-  
7 cluding an assistant Commissioner for Mental Health, an assistant  
8 Commissioner for Mental Retardation, and an assistant Commis-  
9 sioner for Youth and Family Services.

1 6. The commissioner, as administrator and chief executive officer  
2 of the department, shall:

3 a. Develop and implement comprehensive State plans to provide  
4 for continuity of care for all persons requesting and receiving  
5 treatment in institutions, agencies and programs under its juris-  
6 diction, including the fullest utilization of available community  
7 resources by purchase of care and purchase of service contracts  
8 with private agencies and individuals.

9 b. Appoint and remove officers and other personnel employed  
10 within the department, subject to the provisions of Title 11 of the  
11 Revised Statutes, Civil Service, and other applicable statutes,  
12 except as herein otherwise specifically provided;

13 c. Perform, exercise and discharge the functions, powers and  
14 duties of the department through such divisions as may be estab-  
15 lished by this act or otherwise by law;

16 d. Organize the work of the department in such divisions, not  
17 inconsistent with the provisions of this act, and in such bureaus and  
18 other organizational units as he may determine to be necessary for  
19 efficient and effective operation, but the organization shall include  
20 separate divisions for mental health, mental retardation, and  
21 youth and family services;

22 e. Adopt, issue and promulgate, in the name of the department,  
23 such rules and regulations as may be authorized by law;

24 f. Formulate and adopt rules and regulations for the efficient  
25 conduct of the work and general administration of the department,  
26 its officers and employees;

27 g. Institute or cause to be instituted such legal proceedings or  
28 processes as may be necessary to enforce properly and give effect  
29 to any of his powers or duties;

30 h. Make a report in each year to the Governor and to the Legis-  
31 lature of the department's operations for the preceding calendar  
32 year, and render such other reports as the Governor shall from time  
33 to time request or as may be required by law;

34 i. Coordinate the activities of the department, and the several  
35 divisions and other agencies therein, in a manner designed to  
36 eliminate overlapping and duplicating functions;

37 j. Integrate within the department, as far as practicable, all staff  
38 services of the department and of the several divisions and agencies  
39 therein;

40 k. Appoint such advisory committees as may be desirable to  
41 advise and assist the department or a division in carrying out its  
42 functions and duties;

43 l. Maintain suitable headquarters for the department and such  
44 other facilities, institutions and headquarters as he may deem  
45 necessary to the proper functioning of the department;

46 m. Perform such other functions as may be prescribed in this  
47 act or by any other law.

1 7. The commissioner shall establish a seal of office of the com-  
2 missioner and file same with the Secretary of State.

3 Every certificate, assignment, conveyance or other official paper  
4 executed by the commissioner under authority of law and sealed  
5 with the seal, shall be received as evidence and may be recorded  
6 in proper recording offices in the same manner and with the same  
7 effect as a deed duly acknowledged or proved before an officer  
8 authorized by law to take proof or acknowledgment of deeds. All  
9 copies of papers in the office of the commissioner, certified by him  
10 and authenticated by the seal, shall be accepted as evidence equally  
11 and in like manner as the original. An impression of the seal  
12 directly on paper shall be as valid as if made on wax or wafer.

1 8. The following charitable, hospital, relief and training institu-  
2 tions and noninstitutional agencies of this State are hereby trans-  
3 ferred from the Department of Institutions and Agencies to the  
4 Department of Human Services established hereunder:

5 Trenton Psychiatric Hospital,  
6 Greystone Park Psychiatric Hospital,  
7 Marlboro Psychiatric Hospital,  
8 Ancora Psychiatric Hospital,  
9 New Jersey Neuropsychiatric Institute,  
10 New Jersey Hospital for Chest Diseases,  
11 North Jersey Training School at Totowa,  
12 New Lisbon State School,  
13 Woodbine State School,  
14 Vineland State School,  
15 Woodbridge State School,  
16 Hunterdon State School,  
17 New Jersey Memorial Home for Disabled Soldiers at Menlo Park,  
18 New Jersey Memorial Home for Disabled Soldiers, Sailors,  
19 Marines and their Wives and Widows at Vineland,  
20 Diagnostic Center at Menlo Park,  
21 Arthur Brisbane Child Center at Allaire,  
22 Board of Public Welfare,  
23 Commission for the Blind and Visually Impaired.

24 Any State Institution established hereafter for any purpose  
25 similar to the above institutions and agencies shall be assigned  
26 to and maintained and operated by the Department of Human  
27 Services.

28 All of the functions, powers and duties of the existing Depart-  
29 ment of Institutions and Agencies, the commissioner thereof, and  
30 the State Board of Institutional Trustees relative to the laws of  
31 this State concerning community mental health programs and  
32 community mental health services P. L. 1957, c. 146 (C. 30:9A-1  
33 et seq.) are hereby transferred to the Department of Human Ser-  
34 vices established hereunder.

35 All of the functions, powers and duties of the Division of Public  
36 Welfare in the Department of Institutions and Agencies are hereby  
37 transferred to the Department of Human Services.

38 All of the functions, powers and duties of the Division of Medical  
39 Assistance and Health Services, established by the "New Jersey  
40 Medical Assistance and Health Services Act," P. L. 1968, c. 413  
41 (C. 30:4D-1 et seq.) are hereby transferred to the Department of  
42 Human Services.

1 9. The Division of Narcotic and Drug Abuse Control in the De-  
2 partment of Health, together with all of its functions, powers and  
3 duties, is continued but such division is transferred and constituted  
4 the Division of Drug Abuse in the Department of Human Services  
5 established hereunder.

1 10. The transfers directed by this act shall be effected pursuant  
2 to the "State Agency Transfer Act," P. L. 1971, c. 375 (C. 52:14D-1  
3 et seq.).

1 11. Unless specifically otherwise provided in this act or by any  
2 operative law, whenever, pursuant to existing law, reports, cer-  
3 tifications, applications or requests are required or permitted to be  
4 made to the department, division, bureau, board, commission or  
5 other agency, whose powers and duties are herein assigned or  
6 transferred, such reports and certifications shall hereafter be re-  
7 quired to be filed with, and such applications or requests shall here-  
8 after be made to, the department or agency to which such assign-  
9 ment or transfer has been made hereunder.

1 12. With respect to the institutions, function, powers and duties  
2 hereby transferred to the Department of Human Services, when-  
3 ever in any law, rule, regulation, contract, judicial or administrative  
4 proceeding or otherwise, reference is made to the Department of  
5 Institutions and Agencies or to the commissioner thereof or to the  
6 State Board of Institutional Trustees or the Board of Trustees of  
7 any State institution transferred hereunder, or the Department of

8 Health or the commissioner thereof, the same shall mean and refer  
9 to the Department of Human Services and the Commissioner of  
10 Human Services, respectively.

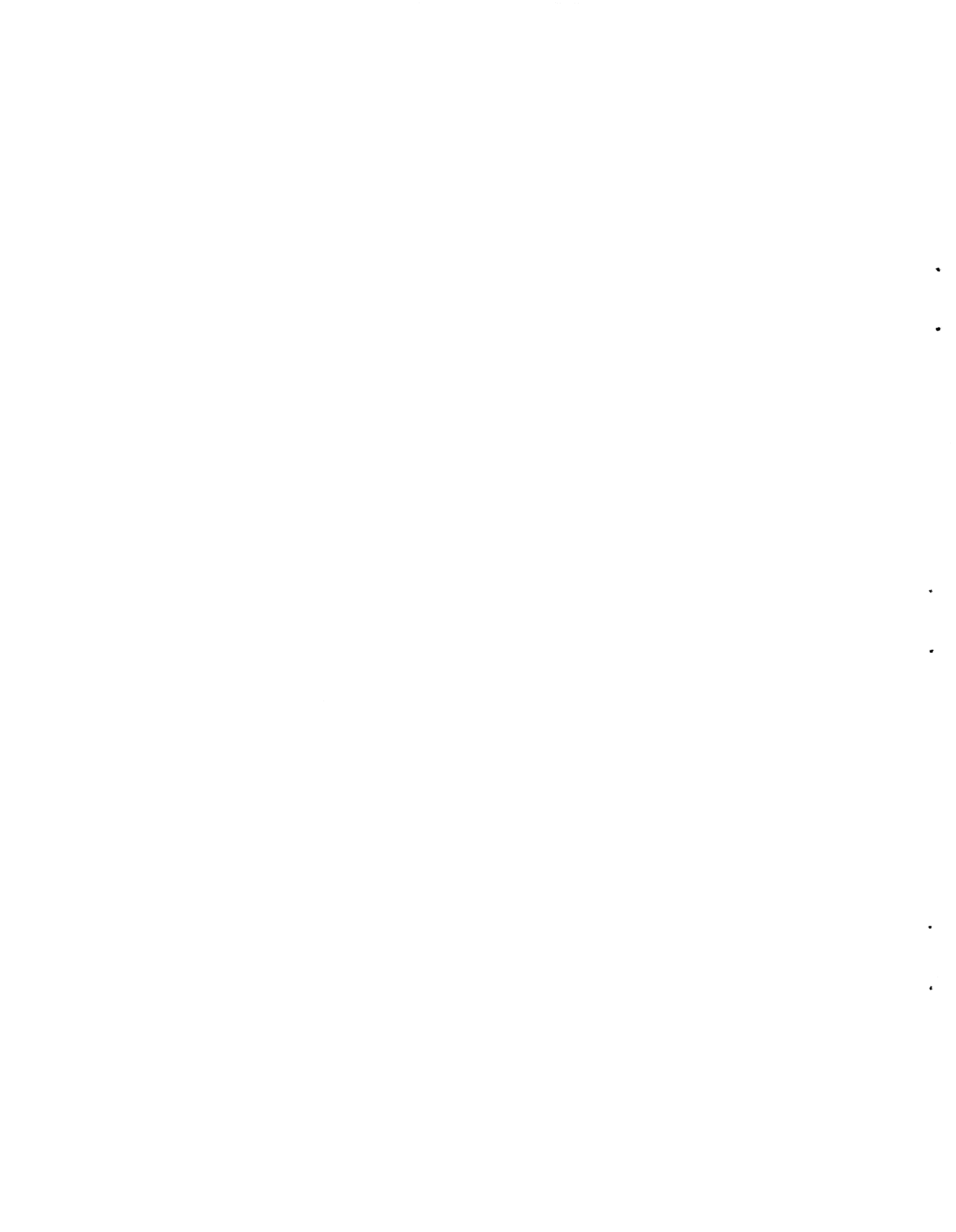
1 13. The salary of the commissioner which by provision of this  
2 act is fixed by law, for the fiscal year ending June 30, 1976, or such  
3 portion thereof remaining following the appointment and qualifica-  
4 tion of the appointee shall be based pro rata on an annual rate of  
5 \$40,000.00.

1 14. There is hereby appropriated to the Department of Human  
2 Services the sum of \$500,000.00 for the purposes of this act.

1 15. All acts or parts inconsistent with any of the provisions of  
2 this act are, to the extent of such inconsistency, superseded and  
3 repealed.

1 16. The provisions of this act shall become operative at the  
2 beginning of the biweekly pay period next following enactment.  
3 Anticipatory action to effect the establishment of the department  
4 may be taken in advance thereof including the making of authorized  
5 appointments, and confirmation or approval thereof, and, within  
6 the limits of appropriations to the department, the expenditure of  
7 funds for payment of salaries and expenses incident thereto.

1 17. This act shall take effect immediately.



1 - 18 } --#1  
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SENATOR ALEXANDER J. MENZA (Chairman): This is the Senate Institutions, Health and Welfare Committee. To my extreme left is Senator Anthony Scardino from Bergen County; to my left, Senator Garrett Hagedorn from Bergen County; and Assemblyman Donald DiFrancesco from Union County, a member of the Assembly Institutions, Health and Welfare Committee. Senator Hirkala will be joining us shortly. Senator Fay, the other member of our Committee, is ill today and can't be here. There may be other members of the Assembly Institutions, Health and Welfare Committee who may be with us. Assemblyman Deverin has other commitments. Assemblyman Otlowski may or may not be with us.

The purpose of this hearing is to talk about the possibility of splitting up or breaking up or restructuring the Department of Institutions and Agencies. Senator Hagedorn has introduced a bill in this regard. However, we are using his bill as a vehicle to hear testimony from all persons who wish to be heard relative to the splitting up or restructuring of the Department.

I should start with the premise that it is my feeling and the feeling of most of the members of the Committee that there should be a splitting up of the Department.

The gentleman who just walked in is Senator Joseph Hirkala, former Chairman of this Committee.

The list which I have of the people who will testify is as follows: Senator Garrett Hagedorn; Commissioner Ann Klein; Attorney General William Hyland; Lloyd Wescott, Former Chairman, State Board of Control of Institutions and Agencies; Benjamin Haddock, Chairman, Mental Health Planning Committee; Donald Gottfredson, Chairman, Correctional Master Plan Policy Council; Dr. Edward McGough, President, New Jersey Psychiatric Association; Philip S. Showell, Executive Director, Association on Correction; Jeffrey Faue, Executive Director, National Association of Social Workers - New Jersey; Joseph Baranyi, President, Local 105, PBA; Dan Obstein, Secretary-Treasurer, Forum Project. Christopher Dietz, Chairman of the Parole Board, contacted me and wishes to testify; and the representative of the New Jersey Mental Health Association should also be here. I also expect all gubernatorial candidates to appear.

We will start with Senator Hagedorn. It is his bill. We are using it as a vehicle.

G A R R E T T W. H A G E D O R N: Mr. Chairman, members of the Joint Committee and all present who have manifested a deep interest in the social problems of our State: I appreciate the opportunity to testify today on behalf of S 35, which is designed to establish a Department of Human Services. This bill is similar to S 1134, introduced by me in 1972, and S 613, which languished in the two-year '74-'75 session, despite my repeated efforts to have it considered.

Having been in the forefront of the efforts to pass legislation to restructure the unwieldy Institutions and Agencies Department for six years, it is a particularly gratifying experience to be participating in this public hearing.

The first victory in the struggle to revamp the structure of the Institutions and Agencies Department came in 1971 with the passage of legislation, Chapter 384 of the Laws of '71, which gave the power of appointing the Commissioner to the Governor, instead of the then Board of Control of Institutions and Agencies. This was a major breakthrough in holding the Commissioner and the Governor responsible for the conduct of this massive bureaucracy and ended the buck-passing system that had existed for fifty years between the Commissioner and the State Board of Control. That legislation

was a major step forward, but it was only an initial step.

Still dismayed with the ineffectiveness of this monstrous Institutions and Agencies Department, with its heavily entrenched bureaucracy, I sought the support of Governor Cahill during his term in office and the support of Governor Byrne when he assumed the office in 1974, to consider breaking up this gigantic department to make it more responsive to the vital needs of the thousands of persons in our State who require special care.

It is understandable that I am heartened by reports in the press that Governor Byrne and Commissioner Klein are beginning to see the wisdom of restructuring the Institutions and Agencies Department. As a member of the Institutions, Health and Welfare Committee for more than eight years, I am acquainted with the incredible mismanagement, the multiple scandals involving rapes, suicides and other deaths resulting from abuse or neglect, and the overall dehumanizing conditions in our mental institutions which have given our State a shameful reputation in the area of human concern. A glaring example of this is the present mismanagement of the Division of Children's Services, which has been in the press for the last few weeks.

A behemoth with over 20,000 employees, the massive Institutions and Agencies Department with its multiple problems simply has not been able to provide the care that our less fortunate citizens have a right to receive. This Department is presently dealing with the correctional system, the mentally ill, the mentally retarded, Medicaid and a host of other related concerns in the area of family and child problems. I have never been able to comprehend the reason for the functions of corrections to be associated with the care of those who for reasons beyond their own control are in our institutions.

When he was Commissioner of Institutions and Agencies, Mr. Clifford, now Supreme Court Judge Clifford, admitted that 46 percent of his time was spent on prison problems, with a 54 percent left for the myriad of other complicated problems which I feel should be given full-time attention. I suspect that Commissioner Klein has experienced the same demands on her time to handle the correction problem.

I would remind you of the study of the American Psychiatric Association in 1970 and its report, dated February '71, which recommended the establishment of a separate Department of Mental Health. The report noted that this step is essential in order to develop the strength, the visibility and the identity needed to revitalize and sustain a successful effort to attain an adequate mental health program.

It is important to point out that the new Department would also handle matters of concern to senior citizens, the complex problems of drug abuse, and the treatment and rehabilitation of drug users and alcoholics. In today's society, attention must be given to the delivery of services involving child abuse and welfare and family counselling. To have these areas of need overshadowed by the problems of the correctional institutions is unconscionable.

Bill S 35, which we are considering today, would establish a Department of Human Services and would separate the Division of Corrections from the delivery of care to the people of our State who are in institutions providing medical care and therapy. This bill would establish three divisions in the new Department, each division headed by an Assistant Commissioner appointed by the Commissioner of Human Services. The divisions would be: Mental Health, Mental Retardation, Youth and Family Services. There may be merit in expanding this to five divisions, such as, Medical Services, Income Security, Mental Health, Mental Retardation, Youth and Family Services.

The establishment of the Department of Human Services would, of course, effectuate

the divorcement of correctional problems and responsibilities. This points up for the need of a Department of Corrections, which I understand has the recommendation of the Commission on Correctional Planning and other interested agencies. The two programs should be developed simultaneously.

I would ask that the recommendations that are presented today be given to our Research Staff and our Joint Committee. The study should include possible overlapping of responsibilities and jurisdictions between the Department of Health and the Department of Institutions and Agencies.

S 35 may not be the ultimate answer to restructuring the Institutions and Agencies Department, but it tackles a problem this Legislature and Administration must face and solve. Together we can move rapidly with a comprehensive plan of human services of which this State can be proud. This restructuring will enable us to ensure protection and care for those too young or too old to handle their own problems. The restructuring of the I and A Department will result in a more responsive agency for the care of our special citizens with special problems.

We simply cannot continue to tolerate mismanagement, possible corruption, scandals, unsound policies and just plain neglect of important segments of our population. And I urge this Committee to move rapidly to restructure this giant blot on the face of New Jersey and bring all our citizens into the world of the "cared-for living." Thank you.

SENATOR MENZA: Thank you, Senator.

Let me say initially that this hearing was slated for today and I think the press and the public knew about it for approximately a month and a half. I understand there was a press release from the Governor's Office yesterday which suggested that the Department be broken up into Corrections and Parole and the rest in I and A. Speaking on behalf of the Committee, and surely myself, I find the press release and the announcement made by the Governor's Office yesterday, the day before this Committee hearing, offensive, to say the least. The purpose of this hearing is to hear from all persons who perhaps will give us some decent input on how we should proceed. For the Administration just to take what may very well be or may very well not be a simplistic answer as a solution to the problem, I think is totally wrong.

We here on the Committee have an open mind as to how the Department should be restructured. I presume also that the Commissioner's Office and the Administration would likewise have an open mind. The vehicle that we are using today for this open discussion is Senate Bill No. 35, which, of course, is quite different than the Administration's proposed bill to set up a separate Division of Corrections and Parole. Again it indicates a total lack of communication at times between the Administration and the Legislature, keeping in mind that we are the ones who must vote on and pass any bill that is submitted to the Legislature. We pass the laws, not the front office.

Commissioner Klein.

A N N K L E I N: Good morning, Senator Menza and members of the Committee.

Senator, I welcome the opportunity to testify on this subject and thank you for giving me this opportunity to follow Senator Hagedorn on the question of the structure of Institutions and Agencies.

I feel that one should resist, and I will resist, recommending the establishment of separate new departments simply on the premise that the Department is "too big." One could just as well argue that the country is too big or that the State is too big or a county is too big. But, in fact, there is very little evidence that smallness necessarily equals efficiency or effectiveness, that 500 municipalities or 500 school

districts result in better planning or better management or more efficient and effective delivery of service. So I think on the simple premise that the Department is large, one could not draw a conclusion that it would function better or that the needs would be met better if it were divided. That does not mean that I will not testify in favor of a separate Department of Corrections, because I will. But, before I get to that - and I will testify on that on the substantive issues rather than on the question of size - I would like to say a little bit about the problems of delivering human services to more than a half million poor, needy and physically and mentally handicapped people.

These problems cannot easily be resolved through restructuring. If we look around the country, we will find that states who have had many separate agencies move in the direction of umbrella agencies as a means of solving problems; states that have umbrella agencies sometimes move in the direction of separating out functions. The problems do not go away through the restructuring of the agency.

I would like to give you an example of what I mean by that. Right now, our Department is facing chaos, utter chaos, in the next few weeks. And that is not because of its size; it is because of factors that are beyond the control of any cabinet officer. It is chaos and it will exist and it would exist whether we were one Department or whether we were seven Departments. By this, I mean that we don't know today what our budget is going to be as of July 1976, and it seems as though we may not even know by July 1st and that, even as last year, we may be facing enormous personnel problems within the Department because of this lack of knowing how much money we have to live with in the coming year in delivering services. We are going to have to proceed on the assumption that the budget will be no greater than the balanced budget proposed by the Governor, although we will continue to hope that that is not the case. But by May 15th - and that is only a couple of weeks off - we have to begin to take the necessary steps to reduce our forces, to close institutions, and to try to get ready to live within that proposed 1977 budget. This means that employees have to have 45 days' notice; they have to be notified by May 1st. It will affect some 500 to 700 employees within the Department. It will mean closing at least two children's services, if we have to live within that budget, and reducing teaching staff, parole staff and mental hospital staff.

The machinery for reallocating these displaced personnel will have to be put into place because the laying-off or the reduction in forces means that people throughout the Department will begin bumping other people with less seniority, so that those 500 to 700 lay-offs may result in 3 to 5 thousand job changes. Parole Officers will be bumping Social Workers and clerical staff; Attendants, Nurses, people throughout the Department in all kinds of service levels will begin reshuffling. It will have profound effects upon the ability of the Department to deliver services, not to mention the devastating effect upon the people involved.

This all may change by July 1st if the budget is changed, if the budget is decided upon, but chaos is about to descend upon us while we wait for the Legislature to make decisions over the budget. The costs of this kind of upset are unestimable. We have gone through this kind of thing now for the last two years. We closed the State Home for Girls. We closed Glen Gardner, Menlo Park. We have absorbed the shock of hundreds of employees being absorbed in other parts of the Department, thousands of bumpings and the prospects that we face are even worse. This kind of problem cannot be solved by talking about the size of the Department or about restructuring the Department.

Before I discuss my own recommendations for the restructuring, which is based not

on its size but on substantive issues, I feel it is time for me to respond somewhat to the massive criticism that is laid against the Department and its size, by pointing out on this occasion some of the, may I say, usually overlooked accomplishments of the past two years - things that have been done in this Department, solid accomplishments, not in spite of the size of the Department but because of improved management and because of the kinds of resources that this Department is able to bring to bear upon problems because of the way it is organized.

For one thing, two years ago, we began reorganizing the Department so that for the first time it was truly a Department. Senator Hagedorn referred to the law which changed it from an appointment by the Board of Control to an appointment by the Governor, with direct accountability. What he did not say, and which perhaps should be said, was that historically the Department was really organized in several loose divisions, without any clear management structure that would give the Commissioner the ability to look at the programs, to evaluate the programs, to do planning and budgeting and to coordinate and develop information systems throughout the Department. A great deal has been accomplished through the Legislature establishing the two Deputy Commissioner slots and providing some of the personnel necessary to build a department structure.

In the area of planning alone, most enormous strides have been made in the last two years. For the first time, we have a Facilities Planning group. Now this is only three people, but those three people are doing an inventory of all of the Department's facilities, are able to bring their information to bear upon such things as planning for bond issues and, as a matter of fact, every renovation or change in a capital plant now goes before the Facilities Planning group for their approval, so that there is a system of planning and management in the development of facilities.

We have for the first time a real master plan in mental health, which is presently at the printers and which will lay down the guidelines and goals for the future of mental health in New Jersey. Already the impact of that plan has been felt in the Department and in the community through improved mental health services.

We have underway a master plan in corrections, which has never been undertaken before and which has already come up with some preliminary recommendations, but which will, when it is finished, provide, I hope, the new Department of Corrections with a master plan for goals and objectives and how to achieve them in the area of corrections.

We are beginning this year a master plan in retardation, long overdue, and one which will help us know what is needed in the future in the way of facilities and services.

Other things that have happened have been organizational restructuring of such things as sanitarian services, chaplaincy and volunteer services. In chaplaincy, for instance, we found that throughout the Department we were spending approximately \$500,000 a year, half a million dollars, on chaplains in each of the institutions. By reorganizing the chaplaincy service, by setting up training programs, by bringing volunteers in, by assigning them to not just one institution but perhaps to two, we have enlarged the capability of the chaplaincy and utilized that money far more fruitfully. Sanitarian services have also been organized so that sanitarians are responsible to a central sanitarian and will serve institutions within a geographical area, regardless of what division they are in. Volunteers - we have two people in the Central Office who are organizing training programs for volunteers and, as a result, our volunteer system in our institutions is not only more professional but

greatly enlarged.

Now I would like to talk about some of the accomplishments of the divisions within this Department because they should not be overlooked. Medicaid, for instance, dealt with a \$43 million loss of funds this year - in fact, saved or cut \$43 million out of its total budget. It was fifty, but you restored \$3.5 million, matched by federal money. It meant that the total saving in that Division was \$43 million. Medicaid in New Jersey has been cited by HEW and in the Congressional Record as being one of the few state where we have dealt effectively with fraud and where we are a leader in surveillance techniques. Our techniques are being borrowed by HEW in evaluating Medicaid programs in other states and helping them to accomplish the same things. We do not often in New Jersey give ourselves credit for the good things we do.

The welfare program is another area in which there has been improvement. We have one of the best records. We are a leader among the urban states in the country in the reduction of error rates in welfare over the last two years. We have moved toward putting in the Oklahoma system of processing through data machines the payment of welfare checks, which will result in considerable savings for the State and which we hope to apply to other counties in the next two years.

There has been a tremendous change in the posture of the Division of Welfare. They are willing and do meet with all kinds of groups and with the public. Their response in correspondence alone has reflected a change which has proven to be very helpful to people, despite the fact that we have not been able to get the financial resources to make really meaningful changes in the welfare program. They have developed manuals in every area of assistance so that people in the field will have up-to-date guidelines on how to administer the program. We have to realize this program is administered by 21 counties, under the guidelines of the State.

We would like to make really necessary major changes in the welfare system which we have proposed in our budget request to eliminate some of the differences in levels of welfare grants, etc. But this again will depend upon legislative action.

Now the Division of Youth and Family Services has been referred to as a division which is mismanaged. I would like to tell you some of the things that the Division of Youth and Family Services has accomplished, because I do not think we spend enough time thinking about some of the things that we do. For one thing, we have developed a tracking system on foster care in New Jersey. Not very many states have this. We can tell who the children are who are in foster care, how long they have been there, how many times they have moved, whether they are eligible for adoption. As a result of this, we have increased the adoption of hard-to-place children, a very vital and important effort by the State, the savings of which we will have no way of estimating or recording, when a child who has been in a foster home is placed permanently with a family. Some of these children are very hard to place children, children with mental and physical defects, children from minority groups, large families of children who are hard to place.

For the first time in New Jersey and perhaps for the first time in the country, there has been established a program for evaluating the residential treatment programs to which we send our children, both in the State and outside of the State. As a result of this, some of the organizations who had been accepting our children for numbers of years have been discontinued from our program. This is an important step forward because, when you place into any kind of an institutional setting, you should certainly have as much knowledge as possible about what the treatment will be there. And, if any of you have ever tried to choose a camp for your child, you know how difficult it is

to evaluate what is going to happen to the child and what the program is like. So this evaluating team is a very important thing.

We have developed standards for day care licensing, which await legislation. We have expanded programs for the Hispanic community. We have a whole new system of contracts put into place as of January, with a new system of accounting, and the day care orders which are being done now and which you see referred to are ones that we requested and which relate to a period of time prior to the establishment of the new auditing procedures.

In addition to all of these things, New Jersey is now in its second year of social services planning, our second State plan. This has enabled us to fully utilize the federal dollars which were not being used in New Jersey, \$44 million more this year than two years ago. These dollars are used for such things as programs for alcoholism, social services for the mentally ill and the mentally retarded, getting hundreds of patients out of mental hospitals and into community living, homemaker services and increased day care. Day care, alone, has increased by 15,000 slots in New Jersey in the last two years.

These are all important things that were able to be done in this Department and among its divisions. In mental health and mental retardation, despite our impatience and knowing the need for change, a lot has happened. The hospital of the Neuropsychiatric Institute has been transferred from mental health to mental retardation with hundreds of patients from mental hospitals who are retarded, but who previously were not placed in a proper setting, finding alternate settings within the Division of Mental Retardation, including MPI. We have been working on getting community mental health centers to address the problems of hospitalized patients and of the elderly. This is very important and it has been an area the community mental health centers, as a whole, have neglected since the time that they were first established. This information came to light when we did our mental health master plan. We have new goals and directions in mental health, programs of normalization, of de-institutionalization. We are now recruiting new hospital directors and, from the interviews that we have had so far, I expect that we will really accomplish massive changes in the hospitals through changing the direction of the leadership in our hospitals.

We have done things to humanize the environment. Despite everything we know about those century-old buildings and the impossibility of really delivering the right kind of care in those settings, there has been enormous progress made in these areas. For the first time, the Blind Commission is going into our State hospitals and identifying and helping the blind people who are institutionalized there. Never before was this part of their mission, but we have made it part of their mission. That means that blind people are going to learn self-help, even though they happen to be in a State hospital.

We have expanded day care for retarded children and we have reduced the waiting list for retarded children.

Even in corrections, which has been cited as the most problematical division, and perhaps it is, although it has never taken 50 percent of my time, I should say that there has been some improvement. We have been able to fully utilize all of the better facilities that were available to us and which were underutilized when we came into office two years ago. As a result, we have 800 people in that antique Trenton Prison rather than the 1300; we no longer have four men crowded into small cells. We have moved the Reception Center so that anybody coming into the prison system does not automatically go to Trenton Prison for a stop, but goes over to Yardville to a new

facility where we can have a better system of reception. The Vroom Building has improved tremendously because of new management. We have opened three probation houses. We have opened two half-way houses. We have opened the Sex Offender Unit, which was begun in 1968. We have established machinery for running a furlough program and we have moved men to Clinton Prison to establish more space for men prisoners. And we have reduced overtime in the prison system from about \$8 million to \$3 million a year, simply through management techniques.

I would like to say that the Division of Corrections has never been properly supported financially and for time immemorial the Department and the divisions of this Department have supported the deficits in Corrections to the tune of as much as \$8 million a year - this year, \$3 million. This is done through transfers from one division to another. There has been a lot of comment about transfers made within the Division of Youth and Family Services. The fact is that the Legislature provides for a process of making transfers so that departments of government can have that kind of flexibility. Anyone sitting down a year ago to prepare the 1977 budget, would have to require flexibility for the transfers from accounts. Last year alone, Youth and Family Services transferred \$150 thousand to Corrections; the year before, \$500 thousand from Youth and Family Services was transferred to Corrections. So the transfer of funds from one account to another within a division is certainly not anything that should even demand comment, let alone the kind of comment that it has mustered. There have been transfers within the divisions of our Department to support the ever-occurring deficits within Corrections over the years. The January 19th breakout attempt alone cost \$200,000 which was unbudgeted and which had to be found from resources within the Department.

I have gone over these things and I really feel in a way that I am presuming upon your time. But I do feel that in an atmosphere where we are all concerned about delivering services and about the high cost of government and where we tend to focus upon the tragedies and inadequacies of any service, and particularly these kinds of services, that we should spend a few minutes, at least, talking about some of the solid accomplishments that have been made and that are made in this large Department.

Now in addition to all of those things, this Department deals with the federal government as a single State agency for social services. We have done very effective lobbying in such matters as food stamps and day care. We answer and respond to hundreds of requests for information and guidance from Congressmen and from legislators. Before you begin dismantling such a Department, such an agency, there should be some measurement of the achievements and what the agency is able to accomplish and some questions about the causes of your dissatisfaction, whether in fact - and I have to say this since Senator Hagedorn mentioned it -- Rape in the prisons is certainly something that everyone abhors. I would have to know whether there is any evidence that in a separate Department of Correction as exists, let's say, in New York, you have less incidence of this kind of thing than you do in the Department. There are some things that may be laid at the doorstep of structure; there are other things that are inherent in the system and which cannot be solved simply through structural change.

In view of all of this and in view of what I feel have been two very satisfactory years, years in which I have felt that there has been change and accomplishment and movement, why am I here today to testify for a new Department of Corrections? Why did I suggest a couple of months ago that, if we are going to look at the Department of Institutions and Agencies with the view of reordering its priorities and structure, a new Department of Corrections might be indicated?

I think I would have to boil it down to what is looming in the future for us, the horrendous proportions of the problems that loom for this Division, and my fears as to how those problems are going to affect the other divisions. As Senator Hagedorn has mentioned, we are in a situation where the whole question of corrections is unclear as to what is mandated. There are many demands made upon Corrections which are contradictory. The demand to lock people up for long periods of time for the safety of the community is certainly a very real demand. The demand that people who are returned to the community should be returned in better shape than they come to us is another real demand. Sometimes it is unclear as to how you accomplish these two things within the framework of the Division of Corrections, especially a Division which is basically limited in its scope to the State institutions and to the system of parole, which has no control or jurisdiction over any of the other areas of corrections which are managed by the counties.

We have a situation where sentencing is increasing. Over the last five years there was a 17 percent increase in sentencing. But this year that increase, alone, has been 10 percent. But that is not the most serious matter. In addition to the fact that there are more people coming into the system, they are coming in for longer sentences because we are getting a much higher percentage of people with more serious offenses and longer sentences. So when you take the impact of a stable system which has not increased its space for quite a period of time plus increased sentences and longer terms, the impact upon that system is almost one that is insolvable.

In addition to that, we are hearing about demand for longer sentences, for more incarceration and for speedier trials. All of these things will have a tremendous impact upon the capacity of Corrections to deal with the people who come to us for services.

We have had a backup in reception now that has extended for many months - the Reception Center unable to place people in the institutions because of lack of space and beds, counties unable to transport inmates to the Reception Center because the Reception Center is filled. Over and over again, we have asked counties to hold their inmates for two weeks, for three weeks, or, on occasion, for six weeks. This does not make the counties happy and one can certainly understand why. They are not equipped either to handle that backup in their county jails. There is a lack of facilities and, even if we succeed in getting a bond issue and even if we begin to build tomorrow, it would be many years - several years - before we can hope to have these things in place.

The personnel of Corrections has many grievances. We do not have a decent career program for the promotion of personnel. There is a need for much better and more adequate training programs. We do have a training program. But sometimes people are on the job for months before they actually get into a training program. We had a situation at Jamesburg just last week where a new Correction Officer, without any previous training, was locked in a room and the key stolen and five kids escaped. They were brought back, but I know that this would not have happened if that Officer had had some training.

Another problem for the Department is that when you face these kinds of problems and when you have to set up emergency units-- for instance, right now we are getting some trailers or some mobile homes from the federal government, from Wilkes-Barre, to set up housing for about 300 inmates within the institutions that we have. But there is no provision in the budget for staffing those things. When we set up new units at Ancora without staffing, for instance, or new units at Clinton, and have to provide

more custody staff, this builds up the overtime requirements of the Division and it is the Department - it is the retarded children and the mentally ill and the other agencies of our Department - that picks up those deficits, not the Treasury.

All of these things make me feel that the problems that are facing the Division of Corrections are going to require almost a super-human effort to begin to find any solutions for them. I think the State has to come to grips with this problem. It is perhaps the most overriding and most important matter that is facing us. If there is a single area that needs to have a focal point of attention where the State has to make a genuine effort, it is this crazy-quilt problem of Corrections.

I originally felt, even two years ago, that there should be a Department of Corrections, but it was not easy for me to understand how a Division with only a few institutions and parole, by itself, could warrant being a separate department. It seemed to me that what we ought to have a unified system of corrections in New Jersey, one such as they have in the State of Connecticut, which does not have counties and doesn't have county institutions, but in which all of the correctional institutions - the jails, the detention centers, the workhouses and the state facilities - are all under a Department of Corrections so that they have the flexibility and the ability to locate inmates close to their homes. They have about fifty institutions to which they can divert and move inmates. They can have a much more comprehensive system than we can. There is very little coordination or collaboration going on, if any, between the counties and the State in the use of facilities in New Jersey. It was my feeling that a Department of Corrections should encompass that. I feel now, however, that this would be very difficult, if not impossible, to achieve, first of all, because we do not have the funds with which to provide the State money for such a department; and, secondly, because the political problems of accomplishing this, I think would be quite insurmountable, at least at this time.

It does seem to me, however, that if there were a separate Department of Corrections with the Commissioner at the cabinet level, they could begin to open up a lot more communication and collaboration between the State and the counties.

One of the problems that we have in Corrections, because of the limited number of institutions that we have, is that you get incompatible individuals or groups of individuals into the system who cannot be kept in the same institution. And, when it comes to providing for people who need protective custody, we simply do not have the right places to provide this kind of service. Protective custody is a punishment as horrendous as segregation because of the lack of facilities we have in order to do this.

I know that the Department is going to need additional resources. It is going to need additional money to be properly structured and to have a proper management system. And it is going to need additional resources to provide for the care of people who come into its custody. I do not want to see those resources provided at the expense, within our Department, of retarded children or mentally-ill individuals, through non-budgeted transfers. I think that for this reason, if for no other reason, I could with good conscience support a separate Department of Corrections.

I think there will probably be a bond issue or the necessity for a bond issue. I think there has to be a concerted effort in order to get people to be willing to put up the resources necessary to meet the problems facing us. There has to be the development of a sound management information system for the Department of Corrections and there has to be a better way of enforcing the regulations which are developed at the divisional or departmental level down at the institutional level.

These problems, which I see as very, very serious and ominous, I feel will overtake our Department and affect all our other services and diminish our capacity to

provide for the other human services, as Senator Hagedorn has said, if we continue to try to manage within the Department the problems of Corrections.

I think I should let you know some of the problems of separation because, in a sense, a Department that has existed for so many, many years in the form that it has can be compared to Siamese twins; its divisions are so intermeshed that it is going to take a real operation. To mention just a few things that have to do with that, we have great intermeshing between the institutions of the Department and the Division of Corrections. Our laundry services, farm services, the sites at State Hospitals where inmates are housed, the overhead indirect costs that are borne within the Department - I think that you might be interested in just a few of those kinds of things. There are certain expenses within the Department that could just be transferred with the budget money to the Department of Corrections, such things as the Ombudsman or the person who deals with the volunteers. But there are other things - for instance, let's just take cars. We have two people in our Department that handle all of the automobiles for the Department and that is a total budget of \$23,000, of which about 10 percent is probably used for Corrections. Now we can't give you 10 percent of two people to take care of Corrections' vehicles, so they would have to have that kind of thing provided.

Sanitarian services - we could assign two Sanitarians to the Department. That could be done without any additional cost.

As to farm operations, we have a person in the Department who supervises farm operations. It is a \$15,000 cost, of which two-thirds is probably for Corrections, but another third of it goes for the farms that are under Hospitals.

Public information we could break off, if we still had any public information people. But we do have budgeted money for public information people. We could budget a couple of those for Corrections.

As to labor relations, we have one person who deals with labor relations for the Department, and even though he spends about 20 percent of his time on Corrections, we can't really break him into two pieces.

So there will be overhead costs of a new Department, some of which can be transferred from the Department of I and A and some of which will have to be duplicated or established at the divisional level. I think that working out the arrangements between two departments for inmate labor, for use of resources and for doing the laundry and all of the other things where we are so intertwined are going to take a long period of time and probably cannot be accomplished at the moment of separation, but will have to be negotiated between the two departments over a period of time.

There are two basic elements that I think I would like to call to your attention which have not been addressed. One of those things is the location of the Garden State School District. The Garden State School District was set up to provide educational programs in all of our institutions. So far, it has concentrated upon Corrections, but it also is responsible for all the federal money and Title I programs in the other institutions. I think that some consideration should be given to where the Garden State School District would be located. I have made a tentative suggestion that perhaps it should be located in the Department of Education.

Another question that I think should be considered very carefully by the Committee is the whole question of juveniles because, at the moment, our Department through the Division of Youth and Family Services handles most juveniles who come before the courts. But there are still some - and really basically a few - who come through the courts into the Division of Corrections. Now, because that Division has been in the Department, it has been possible for us on occasion to send DYFS workers into

juvenile institutions to evaluate the children that have been placed there and sometimes to find alternatives to correctional institutions for them. This will not happen under two departments. I think if you are going to have a department which is 99 percent adult corrections, you would have to give some consideration to the question as to whether you want those juveniles who are adjudicated as offenders, juvenile offenders, to be in that department. Right now, a child can be in a JINS facility, adjudicated a JINS, and if he runs away from the facility, the judge can consider that an escape and remand him as a juvenile to one of the correctional institutions. It makes a great deal of difference whether you are a JINS or a juvenile delinquent. It will make an even larger difference, I think, if there are two separate departments handling these juveniles.

I would like to say in conclusion - and I am sure you are happy to hear that - that I really support the idea of the change of name for the Department. It is something that I have been wanting to do for the last two years. The Department of Institutions and Agencies sounds very austere, very punitive, and not very warm. I think a Department of Human Services would be a much better name. Thank you very much.

SENATOR MENZA: Thank you, Commissioner.

Senator Hagedorn.

SENATOR HAGEDORN: I noticed, Commissioner, that you indicated some of the problems that might arise by separation, but I really can't conceive why there would be major problems. Most of them, from what I can see, are questions of accounting. Certainly, in the area of the laundry - and I have had a little experience in a laundry - I don't see where that would be a great problem in a separation. The laundry can still be done in the prison; it is a question of delivery. I think that applies to many things that you have said as far as problems that could arise. The same thing with the JINS or juvenile program, there again we can address ourselves, if it is a problem in Corrections between JINS and juveniles, to that matter through legislation. We can certainly develop a policy that would probably keep the youth in the JINS program rather than to put them in a State facility.

COMMISSIONER KLEIN: Senator, I was not raising these things as objections. I was simply saying that those problems between the institutions will have to be resolved over a period of time between the two departments on a contractual and accounting basis.

SENATOR HAGEDORN: I would only like to make one other comment; and, that is, that the Department of Human Services would still be an umbrella department for the needs of the people who need medical care or therapy.

COMMISSIONER KLEIN: Yes.

SENATOR MENZA: Senator Hirkala.

SENATOR HIRKALA: Commissioner Klein, Senator Hagedorn in opening up made some critical comments concerning the Institutions and Agencies Department. In return, you have made a defense of the Department, citing its accomplishments. Toward the end of your presentation, you said you support the change of name of the Department. I would like to know if you support the change of the reorganization of the Department.

COMMISSIONER KLEIN: Yes, Senator. I am sorry if I didn't make that clear. I am testifying in support of a separate Department of Corrections.

SENATOR HIRKALA: Thank you very much.

SENATOR MENZA: Senator Scardino.

SENATOR SCARDINO: Commissioner, I think you made an excellent report here today. For whatever time it took to make it, I think it was well worthwhile because

it gives us the opportunity to know what the Department and the various divisions have been doing in the last couple of years and what accomplishments have been made in contrast with the problems that you are facing. You started off with what you considered to be the most critical problem; and, that is, lack of funds, at least in this particular year that we are now in.

COMMISSIONER KLEIN: Uncertainty.

SENATOR SCARDINO: Uncertainty, right. I am not so sure, however, that one can really establish at this point that a change in the Department structure necessarily coincides with the input of considerable dollars to support that change. I bring this up because I think it is rather vague in the minds of all of us, at least in my mind, in terms of exactly how this restructuring is going to come about and what it is going to look like after it is done -- what it is supposed to look like, at least. Since you support a restructuring - of course, you can't really move unless you, as Commissioner, and your immediate staff are in accord with this type of proposal - but, as this bill progresses, what ~~does~~ the Department and the Division plan on doing in terms of showing the legislators who have to vote on this measure what we have to look forward to in terms of a change? Or are you expecting that the legislation should be passed first and then we will see what changes are forthcoming?

COMMISSIONER KLEIN: No, I think that we would all be anxious to cooperate with the Legislature in any way to make the establishment of the Department as smooth and as realistic as possible. We have been looking at all of the indirect services that are provided to the Division within the Department so that they can be identified, so that we will know what the Division would lose if it simply moved out as a Division because of loss of central management services, which will have to be provided in a new Department. We are looking at that in terms of what they will need and what possible reductions in costs there could be in our central services to be transferred to that Department. As I pointed out, in some areas, there could be a direct transfer of functions. In other areas, it is going to be more difficult because you have one or two people serving seven divisions and you can't get rid of one of them in order to move it over. We are developing that kind of information for those who are interested in this legislation.

The master planning group in Corrections has also addressed itself to the question of the structure of Corrections; whether it is a division or whether it is a department, it needs to be restructured. They have come up with some definite recommendation, which I think you will hear about later when the Chairman of that Committee is reporting to you. But I think that you are going to get a great deal of help out of the results of the deliberation of that group. They have really looked at the whole question. They have examined not only all our State facilities, but all the county facilities. They have looked at parole and at probation. They have gotten all kinds of data about what the future needs of Corrections are going to be, the profile of the inmates that we have, the length of time that is served, etc. So I think that master plan is going to be extremely helpful, not only in structuring the Department, but also in developing the Department.

SENATOR SCARDINO: I would be very much interested in knowing what this master plan looks like from your standpoint, particularly, as the Commissioner in this case, and possibly a comparative picture of an organizational chart, if you will, of what you project as opposed to what is, outlining the various divisions in a new structure and the components that apply thereto and the cost factors involved. I think that this would be helpful to this Committee as we deliberate. We would certainly like

your input in that respect.

COMMISSIONER KLEIN: I appointed this Planning Committee, which involves all kinds of people outside of the Department. It involves representatives from all aspects of corrections throughout the State. They have a staff and they are pretty far along in developing their final proposals. They have only made a few firm preliminary proposals and I am not even sure whether they have adopted the structure that has been developed by the staff. I don't think that they have. But they certainly have given a lot of thought to it.

I think the important thing to realize is that, if it were a department, it would be probably the same structure as you would need for the division, except that instead of it being a division in a department, relating to a single commissioner over many divisions, it would be a department with a commissioner at the head of it. But the same basic structural functions are needed to make this an effective division or department. Therefore, the cost differences, I don't think, will be all that different between whether it is a division, properly structured, or a department, except for those indirect service costs which I mentioned before and which I would roughly think might be a few hundred thousand dollars. But I am not positive about that until I have the data on it.

SENATOR MENZA: Commissioner, I have a few questions. What is your total budget for the Department of I and A for the '76 fiscal year?

COMMISSIONER KLEIN: I didn't bring that with me, but I do not from my presentation to the Appropriations Committee that, if you take out Medicaid and welfare, which are direct-payment agencies, you end up with about \$300 million for the operating of the Department.

SENATOR MENZA: Of that amount, what goes to the Division of Corrections and Parole?

COMMISSIONER KLEIN: There was \$49 million budgeted, but there was a transfer within the Department this year of \$3.2 million, so that it comes out to about \$52 point something million.

SENATOR MENZA: So of the total budget of approximately \$300 million, with the exception of Medicaid and Medicare, you spent approximately \$50 million for the Division of Corrections and Parole.

COMMISSIONER KLEIN: That's right.

SENATOR MENZA: You have seven divisions. I note the proposed bill only includes the State Prison at Trenton, Rahway, Leesburg, Yardville, Bordentown, Clinton and Annandale. It is a relatively small split from the Department of I and A. To set up a separate department, budgeted at approximately \$50 million to \$75 million, doesn't seem to be much of a restructuring of the Department. Do you agree or do you not agree?

COMMISSIONER KLEIN: Senator, I think that department would be comparable to many of the departments of government in terms of its physical size. In terms of the problems that it has to deal with, I think it is certainly more than equal to any department of government. In terms of the difference it would make to the Department if it did not have to deal with the problems of Corrections, I think it would be a substantial change also.

SENATOR MENZA: Is it fair then to say that although it is a relatively small part of your budget, it has the greatest problems and takes most of your time? Is that correct?

COMMISSIONER KLEIN: Well, I cannot say that that division has taken half of my time. I think it took half of Commissioner Clifford's time because he was Commissioner ---

SENATOR MENZA: Forty-six percent, wasn't it?

COMMISSIONER KLEIN: (Continuing) --- at a time when they had just come out of the Rahway riot, when there was a whole change in personnel in the Department and a whole change of philosophy in the way that the prisons were administered. So I am sure that it took at least 50 percent of his time or 46 percent of his time.

There are days when Corrections takes 100 percent of my time. There are even weeks when it takes 100 percent of my time. And sometimes it even takes not time and a half, but double time. But over the long haul, it does not absorb that much of the Department's efforts.

SENATOR MENZA: I am not trying to be facetious, but are there any times that the Division of Mental Health and Hospitals and the Division of Mental Retardation take 100 percent of your time?

COMMISSIONER KLEIN: Yes. I think that you know that. The fact is that right now we have been making real progress in the Division of Mental Health. We have new leadership and there are a lot of things going on and people are feeling much better about the Division. We don't have what we had two years ago when the Division of Mental Health was taking 100 percent of my time.

SENATOR MENZA: How much is budgeted for the Division of Mental Health and Hospitals and the Division of Mental Retardation approximately?

COMMISSIONER KLEIN: I wish I had the budget in front of me.

SENATOR MENZA: Would it be more than the Division of Corrections and Parole?

COMMISSIONER KLEIN: Oh, yes. I think the Division of Mental Health, including its aid and everything, is about \$92 million. I think the Division of Retardation is close to that.

SENATOR MENZA: And, if you include the Division of Youth and Family Services, you are talking about a substantial part of your budget.

COMMISSIONER KLEIN: Well, Youth and Family Services is only about \$32 million of State dollars, but it has, of course, responsibility for a lot of federal dollars. We have not been discussing federal dollars when we are discussing this \$300 million.

SENATOR MENZA: So if we talk in terms of Senator Hagedorn's bill, we can fairly say that approximately half of the budget would be directed at those divisions set forth in S 35. Is that correct? Do you follow me? In other words, let's assume for the sake of argument hypothetically that the State Legislature passed S 35. That would take away half of your Department and half of the funding for your Department approximately? Is that correct?

COMMISSIONER KLEIN: I am not sure what it takes out.

SENATOR MENZA: I will tell you what it takes out. It takes all of the hospitals - Trenton, Greystone, Marlboro, Ancora, NPI, Hospital for Chest Diseases - Totowa, New Lisbon, Woodbine, Vineland, Woodbridge, Hunterdon, Menlo Park, Menlo Park again, Vineland, Allaire, Board of Public Welfare, Commission for the Blind and Visually Impaired, Medical Assistance and Health Services, Narcotic and Drug Abuse, etc.

COMMISSIONER KLEIN: Narcotics and Drug Abuse are presently in the Department of Health. I think what Senator Hagedorn's bill does, if I understand it properly, is basically establish a Department of Human Services, which is the Department of Institutions and Agencies minus Corrections and which also adds into it Drug Abuse and Alcoholism from the Department of Health, which probably is a good idea, although I haven't any administrative position on this. But it is true that those two services are supposed to be planned in conjunction with Mental Health under the federal law. You know, there could be some benefits from that.

Am I right, Senator Hagedorn, is that what your bill does?

SENATOR HAGEDORN: That's correct.

SENATOR MENZA: Basically then, there is a decision to be made - I am saying this, I guess, very simplistically - whether we should split I and A, leave Corrections and Parole there, and take away the Divisions of Mental Retardation and Mental Health, or leave the Divisions of Mental Retardation and Mental Health there and take away Corrections. Why have you opted for the latter, considering it is the smallest part of the budget?

COMMISSIONER KLEIN: Well, as I said from the beginning, Senator, I did not view the problems in terms of size. I do not share what I think is your position that it is jus too big and you have to break it up.

SENATOR MENZA: That is not necessarily my position. My position obviously is that I think the divisions that have suffered the most until perhaps you took over were Mental Health and Mental Retardation - that is my opinion - not because of the massiveness of the Department, but because all of the divisions have suffered because of Corrections and Parole. Why not just keep Corrections and Parole and put the rest someplace else? That is basically my question.

COMMISSIONER KLEIN: Keep Corrections and Parole where?

SENATOR MENZA: In I and A, your Department.

COMMISSIONER KLEIN: And put everything else someplace else?

SENATOR MENZA: In a separate department, Human Services.

COMMISSIONER KLEIN: But that is what this does. That is just a question of whether I keep Corrections and everything else goes somewhere.

SENATOR MENZA: Okay. What about the possibility, let's say, of the Division of Mental Health and the Division of Mental Retardation in the Department of Health?

COMMISSIONER KLEIN: Well, the Department of Health is primarily a regulatory agency. It has not been involved in actual delivery of services in terms of running institutions and community programs. I don't understand why there would be any particular reason for it to be in the Department of Health rather than in a Department of Human Services.

I would like to point out that some of the advances that have been able to be made in Mental Health have primarily occurred because of the Department being the single State agency for social services' money and being able to deliver some of that money to those divisions. I think Senator Hagedorn is aware of the tremendous changes that have taken place in Bergen County through the utilization of these funds. When you start separating institutions from agencies or institutional functions from social service functions, you break down that communication and that ability to use these resources to develop those certain things.

As a Department, for instance, we have formed contracts with other departments for these monies: with the Department of Community Affairs, to provide meals for elderly citizens; with the Department of Health, to provide alcoholic treatment units. These contracts have not worked out as successfully as the ones we have done within our own division where we have management control and supervision of them.

SENATOR MENZA: You stated before - and I disagree to some extent with you, not totally - that largeness in itself is not a basis for splitting up the Department. I am inclined to think that it may be a factor to consider in thinking about splitting up the Department. Even if you take the Division of Corrections away, that's only \$50 million and a relatively small part of your Department, although it does create an awful lot of problems. But if you put it elsewhere in a separate department, you still have by far the largest department in the State, do you not?

COMMISSIONER KLEIN: It probably compares favorably with Higher Education.

SENATOR MENZA: Other than that, of the other 15 departments, you are still

the largest? Other than the Department of Education, you would still be the largest - I hate to use the word "bureaucracy" - but the largest department.

COMMISSIONER KLEIN: I think we have the most employees. I think we handle the most federal money. I don't know how we compare with the Department of Transportation on federal funds.

SENATOR MENZA: Commissioner, I know how hard you work. Therefore, is this not a fair proposition, that due to the largeness of the Department, even without the Division of Corrections and Parole, the bureaucracy is so large, so entrenched, there is so much money to be spent that it is very difficult to govern?

COMMISSIONER KLEIN: I really can't agree with that statement, Senator. I think I have to say something about this. The Department of Institutions and Agencies is basically responsible for the needs of the most undervalued people in our State and that means people who have various kinds of handicaps, physical handicaps, people who are poor, people who are incarcerated. I think that that is very evident in the way that the State has treated this Department.

If you look at the budgetary changes in the Department over the years, the only really major increases have come because of new federal programs, such as Medicaid. Everything else has not really had the kind of input of concerted caring that one might expect. In New Jersey we are now spending one dollar per capita for community mental health, which was only two years ago raised from fifty cents per capita. If you look at other states where they are spending L6 and \$20 per capita in this area, we are just at the bottom in some of these things.

I would like to call your attention to the fact - it is something that I think a legislator ought to be aware of - that of all the departments of State government, and I think many of them far less important in terms of services that they deliver, this is the only department that doesn't have a State Office Building, that doesn't have modern offices, that doesn't have a place where it can have the offices of its single divisions under a separate roof. This Department has traditionally and forever really suffered neglect on the part of the public and on the part of the Legislature. If you see problems, they are problems of institutions that are over a hundred years old where I think we should be grateful that the Division of Retardation can manage programs in those institutions that do not bring upon our heads every day the tragedies and the calamities and what you have seen take place in other states. I think that the people who have been operating these divisions over the years, under these enormous handicaps, have really done an outstanding job and that we get a bigger bang from our buck in New Jersey than they do anyplace else. I will say that about Corrections also.

Really, I don't know how to say it to you, but to try to attribute the problems that go on in those ancient institutions to the fact that we are an umbrella agency doesn't make any sense. It doesn't make any sense.

SENATOR MENZA: That is not quite what I said. Perhaps that is the focus that you wish to accept, but that is not what I said. We realize the difficulties of running that Department. Surely, you are aware of the fact that all the members of this particular Committee and the Assembly Committee have a great empathy with you and your personnel in trying to manage a very, very difficult Department. I feel, by the way, that we are ready to drown in that department.

COMMISSIONER KLEIN: Pardon me?

SENATOR MENZA: We are ready to drown. Really what you are saying is that you are just holding your head above water. It is only a matter of time before we drown unless we do something dramatic, and it's not all money. Perhaps it is the

Legislature's attitude, disposition, or whatever it may be. What about the possibility of making three departments out of the Division of Corrections and Parole, the Divisions of Mental Health and Hospitals and Retardation, and the remainder? This would be about approximately \$50 million for Correction and Parole, approximately \$100 million for Mental Hospitals and Mental Retardation, and approximately \$150 million in a much smaller, more manageable - I use that word - department. How about that? Other states have done that.

COMMISSIONER KLEIN: I don't think that I can really comment on it because I haven't really considered it. If it is your feeling, Senator, that if Mental Retardation and Mental Health were in a separate department, we would do something to replace New Lisbon and Vineland and Trenton State Hospital and give these divisions the resources that they need, I would be the one to be for it above all things. But I think the only way we would be able to inject any new money into those divisions and to improve their services is through, first of all, improving management at the departmental level and, secondly, giving them some of the social services money that we have made available.

SENATOR MENZA: I realize that. But many, many people for many, many years have been saying that there should be a separate Division of Correction and Parole and there is a large group of people that say there should be a separate Division of Mental Health and Mental Retardation. You know pouring money into New Lisbon School - an \$8 million budget with approximately 1200 people there, 50 percent of which don't belong there in the first place but belong in group homes and hospitals - perhaps a separate department would have a little more vision and a little more authority, a different type of plan to deal with these people and the like. That is a possibility, is it not? In other words, what I am saying is that I can understand your logic with regard to the Division of Corrections and Parole. I fully understand that. But why not also a separate department, which I think would be a much more manageable department and I think would be in the long run greatly beneficial to the mentally ill and the mentally retarded? Why not that?

COMMISSIONER KLEIN: No reason.

SENATOR MENZA: Would you have an open mind on that?

COMMISSIONER KLEIN: Do you know how many cabinet positions are permitted constitutionally in New Jersey?

SENATOR MENZA: I have no idea. All I ever wanted to be was Attorney General and Bill Hyland got that.

COMMISSIONER KLEIN: I think it is a fact that has to be considered. There is a limit. I do know that from the point of view of the Governor, from the point of view of the Legislature and from the point of view of the Budget Department, the more departments there are, the more people they have to respond to and the more people they have to hear from and listen to. You could make an argument for having seven departments. But whether that would really improve the State's ability to handle these problems or not, I don't know.

SENATOR MENZA: Two more fast questions: I understand that Ohio broke up its department and had a separate Department of Correction and Parole and shortly thereafter the department was disbanded and absorbed by another department. Do you know why?

COMMISSIONER KLEIN: No, I don't. I didn't even know that.

SENATOR MENZA: You also mentioned that the best way to restructure the Division of Corrections and Parole is to include the county jails, and I agree with that. That, however, is not in the draft bill that you have submitted. That would be a project in itself. That means you pick up in every county the county jail and the county penitentiary

Is that what you are saying? It is probably a superb idea.

COMMISSIONER KLEIN: What I am saying is there should be a coordinated, single system of corrections. We have 21 counties administering correction with very little State supervision, plus the State system which gets the end product of what happens down in the counties. It would make sense in terms of the utilization of facilities to have a coordinated system. My personal feeling is that we don't have the State dollars to pick up those costs. I haven't seen them. We would run into very huge political problems in terms of getting involved in things that are currently the prerogatives of the counties. But I do think that a department, if it really concentrated its efforts upon that, could begin to open up communication with those counties and could begin perhaps to get some enforcement powers. We inspect the county jails and deliver to them the report and that's the end of it. Maybe there could be something developed so that the State would have more firm guidelines to these things. Maybe there could be the kind of cooperation where, if there were county facilities that were not fully utilized or detention centers that were not used, the State could begin to use some of these for half-way houses back in the community or for keeping people closer.

We don't have a single State facility in Essex County, but we get 25 percent of all our inmates from Essex County. They are in Trenton or Woodbridge or Leesburg and then they go back to Essex County. Except for that one half-way house we have in Newark for fifty people, we don't have anything. Right now, some of the counties take care of people with shorter terms, up to eighteen months. If they get more than that, they come to us. But even if they have space and we don't have space, there is no way that we can work out exchanges. Maybe a new department could address that issue and there could be, if not a unified department, at least one that cooperated more and was more coordinated.

SENATOR MENZA: Assemblyman DiFrancesco.

ASSEMBLYMAN DiFRANCESCO: Commissioner, aren't you basically agreeing with Senator Hagedorn on S 35 which would create a Department of Human Services, since you already indicated a change in name is essential and, in fact, you indicated a Department of Corrections is necessary? Isn't that in effect what his bill does?

COMMISSIONER KLEIN: I have to admit that I have not studied the details of this bill enough to say that, but as I understand it, that is generally the thrust of that bill.

I read the testimony that was on the old bill, in 1972, and there seemed to be a lot of confusion in that testimony as to what they were setting up separately. But I think that is the thrust of the bill. That is what I am basically agreeing with.

The one question I want to ask of Senator Hagedorn is, if you establish a new Department of Human Services under your bill, would there have to be a new Commissioner appointed and would it have to go through the Senate for a confirmation?

SENATOR HAGEDORN: I think you better ask the Attorney General that question.

COMMISSIONER KLEIN: I want to know if I am going to be out of a job.

SENATOR HAGEDORN: I would like to say something about that, if I may, Mr. Chairman. I have served on this committee for as long as I have been in the Legislature - some nine years. I feel that Commissioner Ann Klein has done a tremendous job, in spite of what I think are some of the handicaps of multiple problems. I think that has been indicated today by her report and certainly I would be very happy to vote for her as Commissioner of the new Department of Human Services.

COMMISSIONER KLEIN: Thank you.

SENATOR MENZA: You have my vote also.

ASSEMBLYMAN DE FRANCESCO: Commissioner, Senator Menza made a point about the time that you devote to a particular area. If we were to say that you had a crisis at Rahway State Prison, such as we had previously, would you say that you would be devoting most of your time to that particular crisis? Isn't that what you indicated before? It may be a period of weeks, possibly?

COMMISSIONER KLEIN: There is no question that corrections, especially, has been a very crisis-oriented division and when crises develop, they just take precedence over everything else.

ASSEMBLYMAN DE FRANCESCO: So that if there was a similar crisis - and I shouldn't say a similar crisis - at Greystone, let's say, where would you devote most of your time?

COMMISSIONER KLEIN: You always hope that the crises won't come at once.

ASSEMBLYMAN DE FRANCESCO: Right.

COMMISSIONER KLEIN: Usually you can count on the crisis of the week and they don't usually come in two divisions at the same time.

The kinds of crisis we face in mental health are especially things around -- you know, a threatened labor walkout is a tremendous crisis in our department because you don't know who is going to be taking care of those people.

We haven't had any riots in our hospitals - maybe we should have, but we haven't. But there have been periods where there have been problems in one of the hospitals and one of the institutions and we have to, with a tremendous amount of departmental effort - not only my effort, but Deputies and everybody else - straighten out those problems. It is--

ASSEMBLYMAN DE FRANCESCO: Really, your priority is with the prisons?

COMMISSIONER KLEIN: No, my priority is not with the prisons. What do you mean?

ASSEMBLYMAN DE FRANCESCO: I thought you stated that if there was a crisis in a prison, that would have to be your priority.

COMMISSIONER KLEIN: Well, if I had a crisis at the prison - if I had a riot at the prison and a riot at the hospital, which I can't even visualize, I would have to divide myself in half and go to both of them.

It is just that the kinds of crises that happen in a prison do require concentrated and immediate attention. I have not had the experience of having two things happen at exactly the same time at two different places and I don't know what would happen. I hope it doesn't happen.

ASSEMBLYMAN DE FRANCESCO: You have Mr. Mulcahy.

COMMISSIONER KLEIN: Thank God.

ASSEMBLYMAN DE FRANCESCO: One other thing, Commissioner, on the transfers that you spoke of. I realize that you feel there should be a great deal of flexibility with transfer of funds within a department. Would you place any limitation on that if you were to have that flexibility?

COMMISSIONER KLEIN: Well, there are limitations right now.

ASSEMBLYMAN DE FRANCESCO: What are the limitations?

COMMISSIONER KLEIN: If you want to transfer funds from one operating account to another operating account, you have to go to the Budget Bureau for approval. If you are transferring from a state aid account to an operating account, you have to go to the Legislature for approval. So, it is not that the Department by itself can do these things. The Department has to go through Treasury and it has to go through the Legislature in order to do that.

We started last February, I think, to prepare the budget that goes into effect July '76/'77. There is no way that you could prepare a line item budget two years in advance to which you could be held. That is just an incredibly impossible thing to do. So, there has to be some flexibility and I think there are proper controls on that flexibility right now.

ASSEMBLYMAN DE FRANCESCO: Are you satisfied with the present system?

COMMISSIONER KLEIN: Yes.

SENATOR MENZA: Just one more question, Commissioner. I know we have taken an awful lot of your time. I presume that if there was a separate Division of Corrections and Parole that in a few years we would see a dramatic change in the way we treat the mentally ill and the mentally retarded in our State because we would concentrate more on them and we would have more money, etc. Is that correct?

What do you think? Do you think we would have more time if things were changed and they would be treated better than they are now if this were done? Because I am not particularly interested, Commissioner, with all due respect, in how hard you work and how hard Bob Mulcahy works because I work hard too. I am interested in the way these people - particularly these people - are treated in New Jersey. What do you think? Do you think their treatment will be affected dramatically?

COMMISSIONER KLEIN: First of all, Senator, I think that regardless of what happens with the Department, we are going to see a dramatic change in the way the mentally ill are treated in New Jersey because, as I said before, we have spent a lot of time in the last few years developing a suitable plan for mental health, in getting the mental health community organized around supporting such a plan, and in getting more information as to what is going on out there in those community facilities. We have 22 community mental health centers in New Jersey. We found, in our studies, that they were not really addressing after-care for patients coming out of hospitals. They were not addressing the problem of the aged.

By putting in inducements and making resources available to them, we are directing their attention to those things. There has already been a dramatic change in some of the hospitals in some places, in some counties, as to the way people are being treated. This will be more dramatic. I really believe that we are on the verge of a break-through in mental health, not because of something we are going to do in the next year, but because of the kind of planning and information that we have gotten over the last two years. So, I share your concern for people who are mentally ill and people who are mentally retarded. I believe that these things are evolving. I think that we can devote more attention to them if we don't have the Department of Corrections, there is no question about that.

Basically, when it all gets down to the final line, it is going to depend a little bit on our commitment. I mean, right now we are facing a serious problem, let's say, in community mental health because the federal government is not coming up with the dollars anymore. Hackensack Hospital Community Mental Health Center is losing its federal dollars this year. Is the State going to come up with that money? I don't know. If it doesn't come up with that money, what is going to happen to that Community Mental Health Center? If that Community Mental Health Center goes under, what happens, then, to our efforts to provide services out in the counties for those patients we want to get out of the hospitals? All of these things are related. And no matter how much time I put into it, if those community mental health centers don't survive, then everything we hope to do goes down the drain.

SENATOR SCARDINO: Commissioner, in response to the point you made concerning the Hackensack facility, isn't that a program where it was recognized at the outset

that some eight years of federal funding would be available and after that time, other provisions would have to be made to fund that particular facility? Isn't that really what the problem is in that case, and not that all of a sudden there are no federal funds available? It was a recognized fact in the beginning that those funds would not be available after a certain period of time.

COMMISSIONER KLEIN: Yes, except that we had every reason to believe there was going to be an extension of those funds this year through the federal government and it turns out that there is something in the law which says that if there are other facilities in the county, such as the Mount Holly facility that happens to be there, that the federal government will not extend those funds. So, that is why I bring it up right now because we just found out this week that the funds are not going to be available for next year. That creates a real problem. And it is one that will be duplicated because the idea was, the federal government will get these things started and then the states and counties will recognize the worth of these things and will pick up the cost. New Jersey is not doing that and so, yes, unless the federal government changes and extends its funding, or unless the state government takes on the responsibility for continuing those services, I think we are in major trouble, which could have been foreseen eight years ago.

SENATOR SCARDINO: What I am suggesting is, plans should have been made quite a while back, in terms of preparing the state for such a pick up eventually, because the whole scope of the program was based on that premise - that ultimately the state or the community, in effect, would be responsible if the program was effective and viable.

We recognized that at the outset. What bothers me is your indication that suddenly we are faced with a problem that we knew would be upon us eventually anyway.

COMMISSIONER KLEIN: Senator, there are so many problems that we know are coming and which we planned for and which we asked for. We are not-- We are facing closing down state facilities, not increasing them and it has nothing to do with planning for it, it has to do with whether or not you come up with the resources. We haven't come up with the resources. As I see it, no matter what we do to structure the Department, if we continue to be in the posture of New Jersey, which is basically state dependent upon local services and local property tax to provide the basic services to the people of New Jersey, without the state resources to do this, then the problems that we are facing now will be nothing compared to what they will be in the future. These things are just accelerating. We are much worse off now than we were four years ago, in terms of meeting these needs.

You could say, "Don't start it because you know eight years from now you won't have the money to pick it up", but, you know, in eight years--

SENATOR SCARDINO: No, that is not what I am suggesting. But the fact of the matter is that we did start it and it is effective and it would be a crime if we discontinued the program. What I am suggesting is that we should have been better prepared with the eventuality of picking it up.

You know, we accept, very often, federal support - of state support - at the local level and I think that the local level ought to be cautious and the state, in this case, ought to be cautious when it participates with the federal government and "at such and such a time, you are expected to take this on your own." One of the arguments, for example, that I raise constantly at the local level - and, as you know, I serve on the local level - is the use of revenue sharing funds. Many local levels use these funds for their current expense budgets. Some day, should that ever cease, they are going to find themselves in a lot of hot water and I feel sorry for a lot of communities

that are doing that.

So, we caution people. And I think we have the same obligation at this level with respect to what you are talking about - when we are talking about community mental health programs that we know are doing a fine job and that we know eventually will not be receiving resources from outside governmental agencies, in this case the federal government, and that we ultimately have to pick up.

I don't believe that we were prepared - from what I understand in this respect - in terms of doing just that, picking up the responsibility of maintaining this center. I hope that we do something about that and very quickly.

COMMISSIONER KLEIN: Well, we can prepare now to pick up \$20 million for community mental health centers over the next few years because the federal money apparently is not going to be forthcoming.

SENATOR MENZA: Commissioner, thank you for coming. We are sorry for taking up so much of your time but you know this committee is - to use a colloquialism - "gung-ho" and they are all volunteers. It is the only committee in the Senate that everyone volunteered to be on. So, we are, obviously, very interested. We ought to get together more often, by the way. Thank you, Commissioner.

COMMISSIONER KLEIN: It is a pleasure to be with you, Senator.

SENATOR MENZA: Attorney General Hyland.

W I L L I A M H Y L A N D: Good morning, gentlemen. I think that I can deliver my message fairly briefly, although I am at your disposal.

I do first want to associate myself with the commendations, from Senator Hagedorn and others, of Commissioner Klein. I would like to say that I have had the privilege of serving in the cabinets of three Governors for, I guess, a total of about ten years and with a number of department heads, including four Institutions and Agencies heads that I can think of. I don't know how we could find anyone more dedicated and more able and more sincere in what she is attempting to do than Commissioner Klein.

What I am here to say, specifically, today is not that this Department is too big for her, or for anybody, but rather that we seriously, tragically lack an adequate identification in New Jersey of corrections as a problem. Corrections is a part of the criminal justice cycle. Beginning with the police efforts and extending into the prosecutorial end of the chain and the courts, we pour this product, produced by all of these other law enforcement agencies - or agencies related to law enforcement - into the prisons. Somebody said this morning it was like running a hotel when you have no control over the reservation desk.

These people are poured into and thrown at the prisons and anyone of us would have to concede, I think, that in New Jersey for too long we have failed to provide the separate identity of the correctional problem and the adequate facilities to deal with that problem.

I want to say that I believe very deeply that the current preoccupation with speedy trials, and dealing with the problem of violent crime offenders, suggestions for mandatory minimum sentences, keeping the dangerous people off the streets, dealing with the repeat offenders, all of these desirable objectives and needs cannot possibly be met if we don't do something about improving our correctional institutions. When I say improving them, I am not talking about giving comfort to the prisoners - although Lord knows if you have been there, as I have, you wonder at our decency in what little we do provide.

I am talking about protecting the public. I am talking about protecting inmates from other inmates. I am talking about having facilities that are adequate enough that we can get back to the hope of rehabilitation. There has been talk about

what this new department - if one is created - should be named. "The Department of Corrections" - what hope is there with what we have now for correcting people?

There is a very clear identification of the judicial branch of government with the Chief Justice of the Supreme Court, and the prosecutorial aspects of the law enforcement chain through the Attorney General and the prosecutors. But we don't have that clear identification of a person dealing primarily, exclusively, with the problems of corrections. I believe, for one thing, that the public does not believe that a Commissioner of Institutions and Agencies can weep over the sick and the aged and, at the same time, be sufficiently stern and strict with the wicked. No matter how capable Commissioner Klein is, I say that the public doesn't believe that one department head can deal with those two very divergent kinds of people.

We are familiar, I think, with the juvenile problem today and realize that the increase in crime statistics, as far as juvenile offenders are concerned, ranges anywhere from 25% to 50% in excess of the increase in crime statistics, as related to adult offenders. I am going to ask you and the public what can we expect in 1980 and 1985 when these juveniles are adults and committing offenses that have to be dealt with in an adult fashion, rather than a juvenile fashion?

It has been reported to me that we need an increase of at least 25% in capacity in our prisons between now and 1985. I say, just looking at the juvenile crime problem alone - and I am not giving up on the young kids at all, but I am trying to be realistic and to recognize that notwithstanding all of the efforts that we have made to correct people, to guide people, to keep them from becoming offenders, that the statistics mount year after year. And we better get ready for it.

I think that a coordinated system is something that we should strive for. It makes no sense to me to have a state structure and scattered around the state a group of satellite facilities with no coordination. I am not talking about ownership. I am not saying that the state and county prisons and penitentiaries have to be owned and operated and financially sustained by the state. That isn't how we run the prosecutor's offices for example. But there has to be coordination and the Legislature had the wisdom in 1970 to pass the Criminal Justice Act that gave the Attorney General supervisory and coordinating responsibilities with regard to the 21 county prosecutors. It is the best system in the country, gentlemen. We have heard it from everybody. It is the best system in the country. Why wouldn't this be the thing that we should strive for in our prison system? We should at least have coordination so that the state has more to say about the housing of people, how they are housed, where they are housed, and so that we would have better opportunities for the exchange of available space when space is scarce, as it will be on occasion.

There are a great many things that I would like to talk about, related to this - changes in attitude about sentencing, perhaps; the use of alternative punishment for certain kinds of offenders; the weekend punishment; the substitutions for incarceration. I think all of those things are going to come about as we recognize in a more enlightened age that we must be dealing differently with many of our offenders. But let us face up to the fact that we have, and we will always have, a hard-core of people who are a threat to the rest of us and who are a threat to those with whom they are in custody. We have to do a better job in providing for those people, protecting the public, and giving us the opportunity, through some of the skilled services that are available, to do a better job of rehabilitation so that if we do create a new department and we call it the Department of Corrections, we are, in fact, correcting people and not just putting them away someplace.

So, I very earnestly support this concept. I have not attempted to address

myself, Senator Hagedorn, to your bill or to any of the other specific proposals, or what division belongs here or there. I want to emphasize my concern over the very unsatisfactory attention that we have paid to correctional facilities and the correctional process in this state, and to say that if we don't do a better job, then speedy trials and helping the victims of crimes, etc., are going to be gestures that are going to be relatively meaningless in terms of the effect upon the total population of the people that we don't protect ourselves from.

SENATOR MENZA: General, you then endorse, I take it, the administration's plan to make a separate department the Division of Correction and Parole, along the lines that you have indicated?

ATTORNEY GENERAL HYLAND: Yes, I do.

SENATOR MENZA: Thank you.

ATTORNEY GENERAL HYLAND: Thank you very much.

SENATOR MENZA: The next witness is Mr. Lloyd Wescott, former Chairman, State Board of Control of Institutions and Agencies.

L L O Y D W E S C O T T: Senator Menza and members of the committee, I am very pleased to be here and have the opportunity to talk to you. Actually, I have been associated with the Department as a citizen board member for nearly 30 years, 14 years at the reformatory at Clinton and 16 years as Chairman of the Board of Institutions and Agencies. I served under Governors Driscoll, Myner, Hughes, and Cahill and under Commissioners Ellis, Bates, Tramberg, McCorkle and Clifford. Maybe that should disqualify me as a witness at all because I may be so attached to the past, but I don't think that is true.

I was very, very sympathetic with the statements made by Commissioner Klein. They sounded so familiar, for one thing, because the Department has been struggling with these problems of funding and problems of institutions for many, many years, actually starting with the bond issue of 1947, under Governor Driscoll. Since then there has been a concentrated effort to upgrade the Department. The conditions at that time would be really hard to believe. At that time, there were 7,000 patients in Greystone Hospital. Most of them were in a four story building with wooden floors, locked wards, four stories high, those floors soaked with years of wax and human feces. How any civilized state could have put up with that -- The conditions at Vineland; the conditions at New Lisbon were equally bad.

Now, at Greystone, for instance, the population is down to under 2,000; the buildings have been fireproofed; there are new buildings; but still it has hopeless problems. Vineland, New Lisbon have been almost completely rebuilt. Two new institutions for the retarded have been built. Actually, I think in the field of retardation we can claim programs almost as good as you would find anywhere in the nation.

Even in the field of correction, we have two new institutions - Yardville and Leesburg - which certainly are as good as any correction institution in the nation.

On the other hand, we have one of the worst in the state prison system - Rahway isn't an awful lot better. But there has been an effort to overcome really extraordinary years of neglect. Almost three-quarters of a century went between the time we opened Rahway and the time we opened Yardville and in between only one correctional institution was built.

We have ignored, as a state, these problems until there is so much catching up to do. This problem of splitting up the Department has been talked about ever since I have been associated with the Department. When I first went on the Board of Control and was appointed in the first years of Governor Myner's administration, we appointed a committee called the Alexander Study Commission, to study whether the Department should be broken up. Actually, Senator Hagedorn mentioned the fact that legislation had been passed which made the Commissioner a Governor's appointee. That

was recommended by, and supported by the Department back in -- almost 40 years ago.

There have been efforts to correct the problems and overcome the inadequacies of the Department. Actually, I really don't approve the splitting up of the Department for three reasons, which are fairly simple.

First, there is interrelationship between the major programs of the Department, there is no question about that - mental health, mental retardation, welfare, and correction. Certainly, the lines between mental illness and mental retardation are very unclear. The problems of families on welfare may be due to emotionally disturbed parents, inadequate parents, or parents who have been in trouble with the law. Unquestionably, the people in our correctional institutions, most of them, can be considered mentally ill.

You talk about the problems of the youth. Who is going to deal with the problems of the youth if it isn't the other people in the Department of Institutions and Agencies? That is where the problems arise and I do think there is a significant interrelationship between the various problems that this Department deals with.

Secondly, I think it would be unquestionably true that splitting the Department would cost more money. The Commissioner mentioned a few things that are just actually a duplication of services. I think - I believe she was underestimating it. So many of the problems of running our institutions, like maintenance, purchasing, etc., are common, regardless of whether it is a mental hospital or prison. I think another thing that we tend to overlook is the enormous amount of opportunity to use correctional people in our institutions. Now, one can generalize and say that would be possible if there are two departments. I don't believe that for a second. I just don't believe that could be accomplished and it really does two things: It saves the state enormous amounts of money in salaried personnel, but it also gives really meaningful work to the prisoners. And that is the one thing, I think, that the correction system needs the most, meaningful work for the prisoners rather than "make-work."

Thirdly, I suppose my principal objection to breaking up the Department is, it seems to me that it would be another cosmetic action. It just won't-- There are deeper things than that. And to change a name, to break the Department, to reorganize the board system, the fundamental things, they have to be more than cosmetic.

Senator, your bill, which was one of the most enlightened bills of all to guarantee care in the mental hospitals, was vetoed because there was no money and now instead of having improved conditions in the mental hospitals, we are losing 500. The new budget provides for 500 less.

The problem, as I see it, is a lack of willingness of the people of the State of New Jersey to address these problems. They avoid them. They avoid them all too often by passing cosmetic legislation which really does not accomplish much.

I suppose that I don't really object too strongly to breaking up the Department. I think that it can be run. I think it can be run very well. I think that you would have to have stronger leadership at the Division level than we have had. I think it would have to be run more like General Motors, where it would have strong separate departments. I think you would need a restructuring of the board system, a very marked restructuring of the board system, not, again, a cosmetic restructuring of the board system.

I think that it is possible to run the Department and run it well, saving the virtues that there are in a unified program and gaining others. The whole problem of splitting up - Senator Hagedorn reminded us of the recommendation of the American Psychiatric Association. It is very interesting to note that the psychiatrist, who did the principal research here, was the head of a psychiatric hospital in the State of Massachusetts. It happened to be the hospital in which there was an infamous

movie made. This was made in his institution and at the time he was recommending that our programs be split up. Massachusetts, his State, was putting it together.

The basic problem is the dedication on the part of the state that it is really going to do something. Actually, Title 30 should be completely done over. It is an extraordinary piece of legislation. In the years I was there I managed to read a good deal of it. It actually provides that no prison officer in the State of New Jersey can be paid more than \$1,500 a year. How can those things stay in legislation and be so thoroughly ignored?

I believe that the Department needs help. I believe it needs help very desperately. I think that it can function without being split up. My principal objection to legislation to split it up is that it will, for another two or three years, give us all a contented feeling that we have done something and don't have to address the real problems. Thank you.

SENATOR MENZA: Mr. Wescott, what you are saying is, there is much, much more to this Department in the way of vision, attitude, money, whatever it may be, and that splitting it up may be a cop out and indicate to the public that, in fact, we are doing something when, in fact, we are perpetuating a system that is rotten to begin with.

MR. WESCOTT: I am afraid that is true. Progress has been made. Enormous progress has been made in the Department over the years - enormous. Consider what Greystone is like. Just consider it. Seven thousand people in wooden buildings with locked wards. Now it is down to 2,000. There have been two new buildings built, they have been fireproofed, and we still can't face the problems at Greystone.

Progress has been made. I think it can continue to be made. And my principal objection - really the only significant objection that I have with splitting the Department, well there are two really - is that I think the problems they are dealing with are interrelated. The Attorney General mentioned the problems of youth. Who is going to handle those problems with the youth if it isn't the Department of Institutions and Agencies? The welfare rolls and the children under the Division of Youth and Family Services - those are where the problems begin and I think there is a unanimity of problem that the Department deals with.

SENATOR HAGEDORN: Mr. Wescott, you indicated that the break-up of the Department would cause an enormous amount of money to be wasted. Do you have a figure that you would like to give this committee?

MR. WESCOTT: Well, once before, when this same issue was up, I testified that just in the matter of prison - I was active in the Department - employment in the institutions would amount to more than \$3 million. I do think that in the restructuring of a separate department, there would be considerably more than Commissioner Klein indicated.

SENATOR HAGEDORN: Well, my only observation is, it is just an estimate and your observation and we are trying to take testimony here that is going to be meaningful. I don't think that you have supported that observation with any accurate analysis of what it might cost. I think that is important to us.

MR. WESCOTT: I would be glad to give you figures. I did have the figures at the time I testified before, prepared by the Department. I will try and get those up-dated figures to you.

SENATOR HIRKALA: Mr. Wescott, with all of your experience, you can find no reason whatsoever to feel that we might make some improvement by divorcing correction and parole from all of those other human services?

MR. WESCOTT: I can't.

SENATOR HIRKALA: You cannot?

MR. WESCOTT: I cannot. I think those are human services. I think they deal with people. As I say and as the Attorney General said, the problem starts with youth. You don't just suddenly have criminals. The development of a criminal is a long-term thing, dealing with mental retardation, dealing with welfare, and dealing with state supported services.

SENATOR HIRKALA: You do not feel that a Commissioner head of the proposed Department of Human Services could utilize his efforts and do a better job with a department divorced from correction and parole?

MR. WESCOTT: I don't believe that there is any reason to think that is true. As I say, my principal reason is that if this legislation is passed, then the state can comfort itself that it has made a significant approach to the problem, when nothing will have been done.

SENATOR HIRKALA: The reason I want to dwell on that question is because Commissioner Klein, who presently serves in the capacity as head of the Department, tells us that she supports a divorcement of the Department and she feels that it would be advantageous to the state to have a reorganization, or a restructuring of the Department. I wanted to get on the record the fact that you, with your experience, do not feel that the Commissioner is right in this case.

MR. WESCOTT: I don't believe the Commissioner is right. I think that she feels that the problems in corrections have been overwhelming, but that isn't necessarily the problem of a single department. I do believe that the divisions, as I said, have to be structured so that they are more effective; the citizen board structure has to change; I think Title 30 has to be reexamined; but I don't think that just cutting off corrections and turning it loose will accomplish anything in itself - nothing.

SENATOR HIRKALA: Can you give us some primary reason why you feel the State of New Jersey has been backward in developing and administering the Department of Institutions and Agencies?

MR. WESCOTT: I agree entirely with the Commissioner when she said New Jersey got a bigger bang for its buck than any state in the nation. I don't think there is any question about that. Here we are one of the richest, one of the most highly industrialized states and we don't have a broad-based tax and we don't have an income tax. The human neglect of this state in these departments has been amazing.

I say to you that in corrections and in mental retardation we have, probably, as good a program as any. I think that if you would really compare our mental health programs with other comparable states, you would find we ranked very high. I would stack our mental hospital system up against New York State any day in the week - any day in the week.

In corrections we are not the only state that has problems in prisons. We are not the only state that has terrible prisons. California which has the reputation for a wonderful correctional system, has almost twice as many people incarcerated per one hundred thousand as we do and they have prisons like Folsom, which makes Trenton State Prison seem rather nice. We are not that bad off. We are not that bad off. We have made enormous progress in the last 40 years.

SENATOR HIRKALA: Mr. Wescott, you mentioned the imposition of a broad-based tax. How would you feel if the State of New Jersey were to impose a broad-based tax and we still wouldn't have any additional monies to funnel into Institutions and Agencies?

MR. WESCOTT: Well--

SENATOR MENZA: Before you answer that, Mr. Wescott, there is only one person here who favors an income tax, so watch it.

MR. WESCOTT: I am sure there are a lot of people in the State of New Jersey

who would not share my opinion either. But, as I say, I don't think there is any way to have your cake and eat it too. There is no such thing as a free lunch. And there is no way to believe - I believe - that just because you split off a Department and call it Corrections and you have another department and call it Human Services, and you don't put any money into it, that it is going to mean anything at all except to give us a comfortable feeling that we don't have to address the significant issues.

SENATOR HIRKALA: Going back to your years as the Chairman of the State Board of Control of Institutions and Agencies, can you give us a summary of why, or who, is responsible for us being derelict in providing funding for our state institutions?

MR. WESCOTT: I remember a comedian who had a wonderful story about a bird he found in the Antarctic that liked to fly backwards because it liked to see where it has been and didn't care where it was going. Associated with the Department of Institutions and Agencies, one tends to look backward and see where you have come from. I would say that starting with Governor Driscoll and through the successive administrations, the progress has been nothing short of astonishing.

You see, the Department of Institutions and Agencies I call the Department of too little and too late. It picks up all the problems when society fails. If a person is so retarded that they can't be taken care of in the schools, okay, send him to a state institution. If there are some mentally disturbed, or don't respond, or can't pay, send them to a state hospital. If they get beyond the pale as far as correction is concerned, send them to the state prison. It is a dumping ground. It really is the dumping ground for all the problems that society can't handle. Welfare is the same.

So, it is a no-win situation, that's for sure. It is a no-win situation. I refuse to believe that a reasonable appraisal of the situation in these services in New Jersey would compare unfavorably with most any state in the nation, with the possible exception of Wisconsin - which, incidentally, has even a more unified system than we do.

SENATOR HIRKALA: One last thing, Mr. Wescott. I would suggest and recommend that you present to this committee your reasons, in writing, why you feel it would not be a good proposal to reorganize the Department.

MR. WESCOTT: Let me state, sir, I will be only too pleased and honored to do so. I don't say that I oppose it. I just say I don't like it because I don't think it will accomplish anything and it will cost more.

But I certainly would appreciate the privilege of sending a more detailed statement to you.

SENATOR HIRKALA: Thank you very much.

SENATOR HAGEDORN: Mr. Wescott, how often does the Board of Control meet?

MR. WESCOTT: Monthly.

SENATOR HAGEDORN: Well now, my next question is this: Do you feel that the Board of Control, meeting monthly, is in a better position to make a judgment of the structure than the Commissioner of the Department, who lives with this problem 24 hours a day, seven days a week?

MR. WESCOTT: No, sir, I do not.

SENATOR HAGEDORN: And who testified as to the merits of breaking up the Department?

MR. WESCOTT: I do not believe that a Board of Control has more insight into the Department than the Commissioner does, that's for sure. Previous commissioners, I think, would have testified to keep one department. But, when I was on the Board of Control, I assure you I spent two-thirds of my time here. Thank you very much.

SENATOR MENZA: Thank you very much.

Our next witness will be Benjamin Haddock, Chairman of the Mental Health Planning Committee. Right after Mr. Haddock testifies, we are going to give five minutes to John Lydon from the Brightstones. They weren't on the agenda and we really have an awful lot to go yet.

B E N J A M I N H A D D O C K: Mr. Chairman, members of the committee, the Mental Health Plan will be presented to the Commissioner and the State Health Planning Council probably next month. This is a plan that has covered a two-year span in the collection of the data, hearing the testimony, and the writing of the plan.

What is very clear, and this came up in the testimony today, is the need to strengthen the Division of Mental Health and develop strong leadership. We must remember that we are dealing with medical problems that require continuing psychiatric supervision, but we also need to have the complimentary psychological and social services if we are going to develop a sound program.

I was pleased to read that in S-35 one of the recommendations was for an Assistant Commissioner for Mental Health. This certainly is a step toward the strengthening of this Division and the committee will be recommending that as a first step in the strengthening of the Division, but the eventual goal will be for a Department of Mental Health.

Among the proposals that are being presented are, we want to develop a mental health system which provides treatment in a least restrictive setting so that the present facilities, and those to be developed, will best serve the needs of the patients.

The plan to deinstitutionalize, or move patients from hospitals into their home communities, or residential areas, providing they can best be cared for there, does require a strong psychiatric as well as medical supervision, together with strong social services, to provide the necessary supervision of residences - if those are what is required - as well as the care of patients who live in their own homes or in rented apartments.

It is clear that the need for coordination of the welfare departments, the social security supplemental income benefits, the Division of Youth and Family Services are crucial. I think one of the problems has been that the Divisions have tended to function very independently and this is one of the reasons we feel the move toward a separate Department is crucial.

Now, there are a great many things that can and should be done in this interim period and Commissioner Klein certainly noted some of them in her testimony. One of the things is to move the Division in closer proximity to the community through the development of five regions, with leadership in each of those regions at that level, in terms of qualification and leadership similar to the leader of the Division.

We are recommending that these five regions be the same as those of the Health Systems Agencies, which are now being constituted - the one in area 2 has been approved and, I believe the one in area 1 has also - and that we have the beginning participation of three planning groups, the Health System Agencies, the County Mental Health Boards, and the Regional Directors, which would have staff as well as participation from the counties they serve.

It would also make possible for the region to look at the total mental health needs in a region and essentially prepare budget recommendations, taking advantage of the available facilities in that region, including the state psychiatric hospitals, as well as planning for where the gaps are and the proposals to fill those gaps.

Another proposal which is very important is the proposal for reception centers in each county. Now, this is not a reception center in the sense that people check

in there first but, rather, a medically-based, hospital-based psychiatric reception center which would make it possible for whoever is committed to that, or who voluntarily comes in, to have the benefits of the psychiatric, medical, and other necessary care that they need.

The proposal for a 72-hour holding time, if that is required, will make it possible to stabilize many patients with the reception center taking the important responsibility of seeing to it that if it is possible for that patient to get care in the community, one of the local agencies will be prepared to provide that care.

The commitment to a state hospital by this reception center would then follow the rules that are being prepared as part of our report in the legal division.

I think the point I feel very strongly about is that we are not going to close the psychiatric hospitals, we are going to make it possible for them to function as hospitals, not as a receptacle for a number of social and character problems, which they currently must take care of. It will also mean that the reception centers as well as the hospitals will be able to make better use of the community agencies and, as you have heard, many of these agencies were started on one premise and they are now being asked to function on another premise.

A community clinic which was to have a major preventative role in the area of mental health is now being asked to essentially serve an after-care role and a pre-care role, and these are valid proposals but you can see that it is going to take the kind of planning and encouragement to essentially change this system to mesh with public needs and local preventative needs.

I believe, in final comment, that the idea of enabling the Divisions to become viable organizations in their own right is very, very crucial and this is why I think the proposal, although this is not related to the committee report, of separating out the corrections and, hopefully, in the future - at some future time - the Division of Mental Health, will be something that will make these Divisions much more effective as well as those that remain as a part of the Human Service Department. Thank you.

SENATOR MENZA: Let me understand this. The Mental Health Planning Committee will shortly recommend that ultimately there will be a new department for mental health?

MR. HADDOCK: Yes, that is the goal that we are recommending. We see, however, that there should be some intermediate steps, particularly the strengthening of and making the Division a viable, strong organization with some of these interim recommendations, which we hope will become a part of a final department.

SENATOR MENZA: In the meantime you think, perhaps, a step in the right direction is to separate the Division of Correction and Parole?

MR. HADDOCK: My own personal feeling, rather than the committee's report is yes, because I feel that the head of that must be the responsible person to the public rather than having to go through the present Commissioner.

SENATOR MENZA: What you are saying about making the Division Director of Mental Health more viable would, of course, apply to all the other divisions.

MR. HADDOCK: Absolutely. Again, it is putting the responsibility on them and giving them the strength to represent their division before the public and the state.

SENATOR SCARDINO: I find your testimony very interesting because you gave us a glimpse of the Committee's report in terms of its recommendation concerning the five region set up. I am just wondering, what impact, or effect, does this have on the catchment area concept, Mr. Haddock? Does it eliminate that?

MR. HADDOCK: No, I don't believe it does. One of the recommendations in

terms of budgeting has an overall view of the total region to meet the needs based on the assessment of the planning groups in that region. But the basic catchment areas for your mental health centers would remain the same. There is no recommendation on that - or change of recommendation.

SENATOR HIRKALA: Mr. Haddock, in your deliberations, wherein you will probably make a recommendation for a separate Department of Mental Health, have you been able to ascertain how many states now have a separate Department of Mental Health?

MR. HADDOCK: The staff has - and that will be included in the report. I do not have that in my memory at this point.

A number have. I can tell you what has happened in Connecticut. They have a separate department of mental health. They have moved some of the children's psychiatric problems into their comperable Division of Family Service. There are other states that have. In fact, I think there are a number that have.

SENATOR HIRKALA: Thank you.

SENATOR MENZA: Thank you, Mr. Haddock.

MR. HADDOCK: Thank you.

SENATOR MENZA: We will now take Mr. John Lydon.

J O H N D. L Y D O N: Gentlemen, first I would like to thank you on behalf of the Brightstone volunteers. Approximately 3,000 students, both college and high school, have gone into state psychiatric hospitals and have literally performed a domestic peace corps operation.

I have also testified here before, before this very same committee. I understand you are volunteers too, so we actually have something in common.

Earlier today, one of the Senators asked Ann Klein, who I happen to think is an exceptionally competent person and administrator, whether or not there could be two crises and, if so, what would she do? Gentlemen, in my opinion, there are, in fact, two crises right now. One, of course, is in penal institutions and the other one is out at Greystone. Certainly things have improved but it depends upon what is meant by a crisis.

I think many of the mental patients do not respond due to some of the horrible environmental conditions that exist there, even through they have been improved.

I can remember on one occasion Senator Hagedorn was good enough to come down to Secaucus Meadowview Hospital and we had approximately 400 students painting that day. Robert Clifford, now Justice of the court, was at that time acting Commissioner of Institutions and Agencies. It was our opinion then, sir - the Executive Board and myself - that the institutions were overwhelmingly large and should be divided.

I met with Ann Klein approximately a year ago with a group of students and again we made the same suggestion. She sat with us and she said that she would think about it for approximately one year and she would make a decision.

So, I want to congratulate her publicly in her capacity as a good executive. I guess women don't have a monopoly on the capacity to change their minds. But I am very happy that she has and I salute her, not as a woman but as a good administrator.

Let me tell you one instance that happened just recently. We were out at Greystone on our monthly trip; we go out and furnish free transportation. They dedicated a new building out there, sort of a clinic and out patient care center. It is a very lovely, attractive plant. However, I was appalled to find out - and I stand corrected on this if I am wrong - that in this new building there are, in fact, four operating rooms. Adjoining these four operating rooms there are, in fact, two recovery stations, very highly equipped, very sophisticated. Not being trained in medicine but, rather, in political science, I am not qualified to evaluate them but I suspect the cost must

have been horrendous.

It is my understand that the policy at these institutions is, whenever a person who perhaps has a psychosis or a neurosis also contracts a more normal, common disease - such as we all are subject to - these people then for, say, a gall stone operation, would be taken from Greystone and brought into Morristown Hospital for surgery. Why, in fact, did Institutions and Agencies built a brand new building and include four operating theaters, along with recovery stations, when, in fact, they just sit there empty? So, it isn't just a question of pouring money into it, it is a question of good management.

Ann Klein cannot be at two places at the same time. You need two competent people, I think - in my judgment and in the judgment of the Executive Board - to handle this. These two need to be severed.

I could go on for a great many more hours. The Greystones have been in existence for approximately ten years now. So, at this point I will stop.

SENATOR MENZA: Let me understand this. There is a new building. The new building was built with four operating rooms that are not utilized?

MR. LYDON: That's right.

SENATOR MENZA: Did the Department of I & A leave after the Commissioner testified? Is there anyone here from the Department of I & A?

(no response)

Okay, we will check this out. It is really no big deal. We are used to this in this bureaucracy. They built a brand new hospital in Glen Gardner a couple of years ago for \$30 million and it is completely empty.

MR. LYDON: Well, you know, the thing that is so appalling is, right next door to it is the Curry Building.

SENATOR MENZA: Don't go into the Curry Building, please.

MR. LYDON: I will be there Sunday, painting.

May I just comment by saying this, - I do feel this is my responsibility because the Brightstones have often been critical, but I have always felt they have been constructively critical - I do think that Mrs. Klein has brought about tremendous changes, all for the better.

I would also like to add that many of the individuals who work at these institutions, I really salute. Their capacity to function and perform the services that they do is outstanding. So, I am not here to throw bricks, but rather to say that for the betterment of the people in these institutions, both the employees and the patients--

By the way, there is another word - "patient". In mental institutions every now and then I hear them referred to as "inmates." That is correct legal jargon, perhaps, but not right to use in a hospital.

SENATOR MENZA: I have to respond to that. Actually, you are my forum for something that I have been trying to say for a long time. A couple of weeks ago I was down in the New Lisbon School and I was told that I was the first legislator to visit there in 10 years. We spent \$8 million in New Lisbon School and we have 1,200 of our fellow citizens there and I was the first legislator there in 10 years.

(corrected by Senator Hagedorn)

Oh, Garrett said there have been three in 10 years.

I would say that less than 3% - pardon me - of the legislators in the State of New Jersey have ever, at any time, been at that institution.

MR. LYDON: The Brightstones would be more than happy to transport them in our bus to any of the institutions. Thank you.

SENATOR HIRKALA: Mr. Lydon, I just want to make a personal comment. I sat in on a couple of paint-ins that the Brightstone Volunteers had in Passaic County and

I want to tell you that it was a beautiful and inspiring display of volunteers helping our government. It is too bad that it is necessary, but since it is necessary, it was really a beautiful sight to behold - what those volunteers do.

MR. LYDON: Thank you, Senator Hirkala. I would also like to say, if I may in public, that if it hadn't been for your help, financially, in getting us the paint, we wouldn't have been able to do it.

SENATOR HIRKALA: I'll get you some paint anytime.

MR. LYDON: And I'd like to thank you too Senator Scardino for feeding us and Senator Hagedorn, of course, for so much that you have given. So, I would like to thank you on behalf of the 3,000 Brightstones, who I wish were here with me right now.

SENATOR MENZA: Thank you very much.

We are going to break for lunch now and we are going to be back here - at least I am going to be back here - at 1:45 exactly and if no one else is here, we are still going to start at 1:45.

The next witness is going to be Donald Gottfredson, followed by Dr. McGough.

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AFTERNOON SESSION

SENATOR MENZA: The next witness will be Donald Gottfredson, Chairman of the Correctional Master Plan Policy Council.

D O N A L D G O T T F R E D S O N: Thank you, Mr. Chairman and members of the Committee. I am Don Gottfredson. I am Dean of the School of Criminal Justice at Rutgers University and Chairman of the Correctional Management Plan Policy Council. It is in that latter role that I report to you today, hopefully to report the status of that effort and some results, which we hope are found pertinent to your interest today.

I would like to tell you a little about the Correctional Master Plan Policy Council, particularly because we haven't finished that work and if we had, I think we would be much better prepared to answer questions that are, obviously, in the minds of the committee members this morning.

We have had an 18 month effort, funded by the Law Enforcement Assistance Administration, principally, through the New Jersey State Law Enforcement Planning Agency. Commissioner Klein appointed the members of our Council - 24 in number - a little over 16 months ago. We have been working for 16 months and we do expect to have that report in June.

The twenty four members of the Correctional Master Plan Policy Council are quite diverse. They come from both the public agency sector - both State and local units of government concerned with corrections - and a number of private agencies - volunteer agencies concerned with corrections.

I would like to give you the flavor of the membership of that Council because I think its broad basis is fairly important to what I want to present to you. We have, for example, the Chairman of the Board of Trustees of the New Jersey State Prison Complex as a member. We have the President of the Police Benevolent Association's local, which is responsible for corrections officer membership. We have a Superintendent of a local correctional institution; the Chairman of the Board of Trustees of the New Jersey Youth Correction Institution complex; a Deputy Attorney General; the Chairman of the State Board of Institutional Trustees; an Assistant Director from the State Law Enforcement Planning Agency; a Professor of Politics and Public Affairs from the Woodrow Wilson School in Princeton; a Correctional Captain; the Director of Corrections; a Senator - Senator Hagedorn; President of the Forum Project; President of the League of Women Voters of New Jersey; the President of the National Council on Crime and Delinquency, which happens to be headquartered in Hackensack, New Jersey; an Associate Member of the State Parole Board; and the Executive Director of the New Jersey Association on Correction; the Executive Director of the Morrow Project of New Jersey Association on Correction; the Acting Administrative Director of the Courts; Mr. Lee Stanford from Social Services in Yardville; the Superintendent of the Garden State School District; the Public Advocate; a former Superintendent in New Jersey Corrections; and Ms. Betty Wilson, a former Assembly-woman.

So, it is quite broad and diverse. We don't all agree with one another all the time. We have had some lively discussions due, I think, to the combination of circumstances described by earlier speakers this morning. Several speakers referred to the history of corrections as a history of neglect and I think that is quite supportable, that we have such a history.

If you look a little bit further at the history of corrections, not just in New Jersey but in our nation, I think it is fair to say that you would find that at worst we have been inhumane, at best we have been inefficient, and at all times we have been confused. That is where we are in correction planning, nationwide and in New Jersey.

In our correctional master plan we hope to lessen the confusion by stating the goals for our corrections agency and objectives on route to those goals, being clear and explicit about that so we know what the agency is supposed to do and that should lessen the confusion.

We hope to propose an organizational structure that could at least lead to greater efficiency and we hope to identify sub-sets of offenders that are in the charge of such an agency, together with programming needs so that we have proposals for programs that can be not only more efficient but, hopefully, more effective, as the Attorney General wanted to encourage this morning. If we can do that, we think that such programs will also be more humane than we have had historically in this nation in corrections.

On route to that, in developing the correctional master plan, the Policy Council has adopted the first set of recommendations to deal with this issue that your committee is addressing and I would like to - they are fairly short but I would like to read them, if I may - read the recommendations that the Policy Council has agreed to urge.

First, it is recommended that an Agency of State Corrections be established at the departmental level of government. The jurisdiction of the Department of Corrections shall include all offenders sentenced or committed to the custody of the Commissioner of Corrections by a court of competent jurisdiction.

Second, the purpose of this Agency shall be to provide for adult and youthful offenders those institutional and community based programs and services within its jurisdiction which best protect the public through the reintegration of offenders into society for lawful community living.

Third, the care of those juveniles adjudicated delinquent by the Juvenile and Domestic Relations Court shall not, at this time, be within the responsibility of the Department of Corrections. The Commissioner of the Department of Institutions and Agencies should immediately convene a juvenile care committee to define a plan for the provision of care for adjudicated juvenile delinquents. This committee shall be comprised of representatives of the Division of Correction and Parole, the State Law Enforcement Planning Agency, the Juvenile Court, and others.

I could report to you that Commissioner Klein already has implemented this recommendation by appointing that committee, which I understand has begun its work and is charged to report to Mrs. Klein in a month or six weeks.

This committee shall define the resources needed to establish an agency for the care of juveniles to include a statement of financial, organizational and logistical requirements. An implementation schedule should be developed to be compatible with the establishment of the Department of Corrections.

The fourth recommendation is that the Department of Corrections, with the advice and consent of local correctional officials shall define minimum standards for county and municipal custodial correctional facilities, operations, and programs. The Department shall be charged with the responsibility for inspecting the custodial facilities, operations and programs, for offering technical assistance to these facilities and may enter into contractual arrangements with the facilities for the purchase of care. Legislation should be enacted to authorize the Department of Corrections to enforce in the courts the minimum standards it promulgates.

Fifth, the Department of Corrections shall have responsibility to upgrade, expand, and utilize non-institutional services for offenders within its jurisdiction, when consistent with the demands of public safety. To accomplish this, the Table of Organization which shall be created for the Department of Corrections shall indicate a

unit with a community services mission at the same organizational level as the unit with an institutional services mission.

Sixth, the Commissioner shall be professionally qualified to administer the Department in accordance with the highest professional correctional and managerial standards.

Seventh, to ensure the highest possible degree of public support and confidence, the Departmental structure should reflect a strong professional management component, such as the proposed Management Services Unit, and the use of an Advisory Board with representation from the ranks of citizens and other components of the Criminal Justice System.

It is, I believe, safe to say that it is the Policy Council's hope that this recommendation would be implemented and that it would not be merely a cosmetic device. The Policy Council is regarding these recommendations in the context of the whole set of recommendations that they intend to make and are working on, and it is those recommendations which we feel will be instrumental in seeking to improve those objectives of increased clarity in what we are trying to do, increased efficiency in doing it, and a more effective correctional system.

I asked Jay Friedman - Dr. Friedman is the Staff Director of the Correctional Master Plan Policy Council - to join with me in case you have questions about the status of our work. He is more closely familiar with it than I am.

SENATOR MENZA: You have been in existence approximately sixteen months?

DR. GOTTFREDSON: Yes, sir.

SENATOR MENZA: You have a full-time staff?

DR. GOTTFREDSON: Yes.

SENATOR MENZA: Consisting of how many people?

DR. FRIEDMAN: Senator, if I may - the full time staff consists of myself and an assistant. What we did with our budget from SLEPA was to contract out a sizeable portion of the data gathering. The original plan called for - the budget is about \$150 thousand - a full-time staff of seven or eight. We felt that we would get more effective data gathering if we contracted out, so the full-time staff is two.

SENATOR MENZA: I agree with that concept.

A couple of things - your report is going to be out in June. Did you have occasion to look at the administration bill setting up a department Division of Correction and Parole?

DR. FRIEDMAN: I'm sorry - the administration bill?

SENATOR MENZA: Did you have occasion to look at the administration bill setting up a department Division of Correction and Parole?

DR. FRIEDMAN: No. We have looked at several examples of model legislation and model penal codes. But I am not familiar with that.

SENATOR MENZA: Were you consulted by the Governor's Counsel's office or anyone from the administration relative to preparation of a bill in accordance with your recommendations?

DR. FRIEDMAN: I have talked with the liaison from the Governor's office, who attends our meetings, yes, sir.

SENATOR MENZA: Okay.

DR. FRIEDMAN: And the recommendations that Dr. Gottfredson read have been shared with the liaison from the Governor's office.

SENATOR MENZA: These recommendations that you have made are firm at this point, are they not?

DR. GOTTFREDSON: Yes, these recommendations have been approved by the

Policy Council and they approved, also, submitting these now to Mrs. Klein as an interim report, which we did several weeks ago.

SENATOR MENZA: I have before me a bill marked, "Draft, Confidential, Secret, Super Secret, Must have Top Clearance". Have you seen this draft?

DR. GOTTFREDSON: No, sir, I have not.

DR. FRIEDMAN: I am sorry, I am being told that I have seen it. I don't know what document it is that you are referring to. I did meet with Miss Nallin earlier, as I said, in reference to the recommendations but I don't know what document it is that you have in your hand.

SENATOR MENZA: Judy, have they seen this bill and have they approved it?

DR. FRIEDMAN: Oh, if that is the one that Judy and Dave Einhorn have been working on, I have looked at it, yes.

SENATOR MENZA: Have you fellows, your committee, and your staff approved this bill? Does it encompass all your recommendations?

DR. FRIEDMAN: I just got it two days ago and we reviewed it and sent it back with comments on it.

For instance, the copy I saw did not make any mention of the new sex offenders unit at Rahway and that was one area that we felt had to be clarified. There are a few other areas like that.

SENATOR MENZA: All right. There is a distinct possibility that this bill will be moved in the Senate and/or Assembly, or both. We would like, before it gets into committee, to have your input and have it redrafted in accordance with your recommendations, of course working with the Governor's Counsel's office. I am going to give you a copy of this.

DR. FRIEDMAN: Great.

SENATOR MENZA: There is a sense of urgency about this, by the way.

The draft of this bill - and perhaps you can help me, Judy -- I am addressing the Governor's Counsel's office, the liaison with Institutions and Agencies. The draft of this bill states that, "The following correctional institutions of this State are hereby transferred from the Department of I & A to the Department of Corrections: State Prison at Trenton, State Prison at Rahway, State Prison at Leesburg - I was cleared for 'secret' in the Army, by the way - Youth Reception and Corrections Center at Yardville, Youth Correctional Institution at Bordentown, Correctional Institution for Women at Clinton, Youth Correctional Institution at Annandale..." I think it goes on to talk about the Division of Parole. I haven't read the entire bill.

DR. FRIEDMAN: Excuse me, Senator. It does not stipulate Jamesburg or Skillman as I recall.

SENATOR MENZA: Jamesburg or Skillman - that is my question after this. The question that was posed to me just now by Senator Scardino and Senator Hagedorn was whether this bill differs from S-35 in substance. Is it in conflict with it? Judy?

JUDY NALLIN: Without having completely reviewed S-35, I think there are some differences, yes. One of the big things is that the Youth Correctional Institutions, specifically Jamesburg and Skillman are not included in the draft legislation at this time. The bill does not make reference to the training center for girls since that status is in limbo. It does not deal at the present time, but probably will, with the Garden State school district.

SENATOR MENZA: Would you do this for us, then. Would you give us an analysis of this draft as it compares to S-35 - the differences - because our committee has to get a report together on this and it is a little difficult for them to do all of it.

MISS NALLION: The draft legislation takes a different approach to the problem.

and this is, rather than separating out the Youth Services Division within the present Institutions and Agencies, it separates the corrections. One of the reasons for doing that was something that the Attorney General touched on this morning and that was the ability to give corrections an ability and strength and existence of its own as opposed to being the thing that's left.

SENATOR MENZA: Just one moment, Judy. Do you know what I suggest? After we hear from this gentleman, perhaps you can--

SENATOR HAGEDORN: Well, that was going to be my objection, Mr. Chairman. I feel that if we are asking questions throughout the audience, I think it ought to be made part of the record, with identification of who is giving the testimony.

DR. GOTTFREDSON: Senator, I have a document here that is related. It is the staff paper that was prepared for the Council for the session at which the recommendations I read to you were adopted. It is not adopted by the Council. It is only a staff paper but it includes, on page 9, a tentative organization chart which will at least give the flavor of the kind of organizational structure which is being discussed in that Council. If you would like that, it is here.

Also, I would like to mention that I am sure our Policy Council would be pleased to respond to that and look at it if you would like to do this.

SENATOR MENZA: What I am trying to say is, the administration apparently prepared a bill to break up the Department and take away the Division of Corrections and Parole and make it a new Department. You have just testified after sixteen months you fellows have been working in this area.

DR. GOTTFREDSON: Yes.

SENATOR MENZA: It would seem to me that under those circumstances you should see the draft of the bill, revise the draft of the bill and give us a brand new product at your earliest convenience.

Now, before we ask that -- Where did Judy Nallin go?

We are going to take a brief recess.

(recess)

#### AFTER RECESS

SENATOR MENZA: You said you did not include the adjudicated juvenile delinquent in this new Division. Why?

DR. GOTTFREDSON: The Council's reason for excluding that now and recommending the committee was that in their arguments for and against including them in corrections the Council members felt they really needed more information from people more knowledgeable in dealing with the delinquent problem.

SENATOR MENZA: Then it would be true to say that it is a piecemeal approach at this time to only put in a bill with regard to adults and forget the ones with regard to juveniles.

DR. GOTTFREDSON: Well, hopefully, it wouldn't end up being piecemeal, due to the work of this other committee.

SENATOR MENZA: If we had to put a bill in right now to put the Division of Corrections and Parole in a separate department, at this time it would not include adjudicated juvenile delinquents, right?

DR. GOTTFREDSON: In terms of the--?

SENATOR MENZA: Jamesburg and these other facilities.

DR. GOTTFREDSON: In terms of the Policy Council's recommendations? Is that what you are asking me?

SENATOR MENZA: Yes.

DR. GOTTFREDSON: They have been unwilling to make that recommendation, so I can't speak for them. They said, "We are not ready to decide that issue."

DR. FRIEDMAN: If I may clarify that, what the Policy Council decided -- May I add that the meeting at which this was decided was held April 9th, just about two weeks ago. With the subject of "Should juveniles be included or excluded in the proposed Department of Corrections", as Dr. Gottfredson indicates, you can make equally strong arguments either way. It became very clear at that meeting, sir, that not enough information was known so, therefore, what they opted to do was to request the Commissioner immediately appoint a juvenile care committee, which she did the following Monday.

Recommendation C, regarding juveniles, that has been submitted, says that they are to recommend back in a time frame that is compatible with our making the final recommendations, which will be in about a month.

That committee has been formed and they are meeting already.

SENATOR MENZA: Well, yes. Any bill that is introduced at this time that will only deal with, let's say, Leesburg, Rahway, etc., is going to be premature, is it not?

DR. FRIEDMAN: I would say yes, sir, until this committee reports back in a few weeks to the Commissioner.

SENATOR MENZA: Okay. Judy, would you join us here, please.

SENATOR HAGEDORN: Mr. Chairman, I would like to make an observation. I am disturbed that we have here a bill that is supposed to be top secret and we have had a commission - a very dedicated commission - working on this particular project for 18 months and we have spent some \$150 thousand of public money. To me it is an insult to the commission and to the men on that staff that they have been ignored and that we are trying to hustle through a bill without real due consideration.

DR. FRIEDMAN: Senator, I would like to clarify a point. I have since received a copy of the document that you were referring to when you asked me if I had seen this. Now that I see the document, yes, in fact I have. There has been communication, as I indicated. The Governor's office has a liaison who has attended our Policy Council deliberations. Some of the language of our recommendations, you will note, is incorporated into this draft.

The draft copy that I received the other day from Judy Nallin, I have reviewed.

SENATOR MENZA: Some of the language or some of the recommendations, sir?

DR. FRIEDMAN: The recommendations and the language itself, as well as the recommendations.

SENATOR MENZA: Some of the recommendations or all of the recommendations?

DR. FRIEDMAN: Not all the recommendations.

SENATOR MENZA: Why not?

DR. FRIEDMAN: That I can't answer. That was my question - the one regarding enforceable minimum standards for county jails. That's where we are in terms of this review now. I reviewed this and said, "This is good as far as it goes, what about our recommendation thus and such?" And I returned it to Judy for her response.

SENATOR MENZA: Judy - Judy Nallin from the Governor's Counsel's office - I understand that you have been in contact with the Council and you have been working back and forth on it.

J U D Y N A L L I N: That's correct.

SENATOR MENZA: And I understand that this bill is just a draft, is that correct?

MISS NALLIN: Yes. I would like to make that point very clear, Senator. The draft bill that you have and which was given to Mr. Friedman, which has been referred to both before this committee this morning and in the press yesterday, is only a draft. It by no means represents concepts that anyone is wedded to. The language is obviously

subject to change and was done for purposes of discussion so we could get involved - we being the administration - in a meaningful dialogue with you the Legislature and also the Corrections Master Plan Policy Council. Again, this was done for purposes of discussion. I think it may be unfortunate that when something goes in writing, people take it to mean an absolute. The only absolute is the Governor announced yesterday that he does feel very strongly that corrections as an entity ought to be separate.

The nuts and bolts that go into that, exactly how that goes on, whether we create a Department of Human Services, as is done in S-35, or whether we create a Department of Corrections, we are talking about mechanistic differences which can be resolved.

But the concept is there and, at least from what I have heard this morning, I think most of the people who testified before you share the opinion - that corrections should be separated.

SENATOR MENZA: You see, what the Governor's office may not quite understand is that Senator Hagedorn's bill is similar, as far as I read it, quickly, to the administration bill. It may very well turn out in light of the Mental Health Planning Committee's ultimate recommendations, that we may wind up with three separate departments, namely the Department of Corrections, the Department of Mental Health and Retardation, and all the rest where it is now in the Department of Human Resources.

I think we ought to coordinate our efforts somehow or another. I would suggest this, with the approval of the committee: You take the draft with the Governor's Counsel's office - we will use this as a working tool - revise it, and give it to the Committee.

Please do not give it anyone to introduce. Don't give it to the leadership to introduce because it will ultimately come before this committee anyway and if Gary Hagedorn gets mad - I never lose my temper, as you know - he just won't let the bill out. So, it will stay there forever and, of course, we accomplish nothing then.

I think the Governor's Counsel's office ought to start giving serious consideration to work with the Mental Health Planning Committee and look into their proposal.

If I understand Ben Haddock correctly, and I recall this being an area of great discussion in which many people had suggested a separate department, the ultimate goal of the Mental Health Planning Committee is to have a separate Department of Mental Health and Retardation.

What I am trying to say is, this is quite a complex thing. We have your Council working and we have the Mental Health Planning Committee working and, theoretically, we and the Governor's Counsel's office should be coordinating the whole effort.

I am just thinking out loud now. Let me put it this way: We are not going to move any bill out of the Senate Committee, even if it moves out of the Assembly Committee, until such time as we are convinced that this is the way to go and we are not, in fact, attacking the problem piecemeal.

Even if the way to go, for example, is this bill - this draft - if we move a bill, such as this draft, now, and then you people, in June or July, say, "Juvenile delinquents should be encompassed in this", then what do we do? Do we amend the bill again, and again, and again, in the Senate? I think the bill, as drafted, is premature.

SENATOR SCARDINO: This bill has been floating around, as was mentioned earlier today, and I wasn't aware of how long it has been around until Senator Hagedorn described it in his comments and other people raised the point that they had been considering the separation. It just doesn't seem proper and logical that in light of the

fact that this is well known - it has been well known - that any comments, or any recommendations for an alternate approach, or an amendment to the approach, should not have come directly to this committee. Sometimes I wonder why I am sitting here.

I think it ought to be put in its proper perspective. I think now is the time to do it. I think it ought to be made clear that in light of the fact that this has been around, that the concept is well known and is in the form of some legislation, that any additions or amendments to that legislation should come directly to this committee.

SENATOR MENZA: You are right, Senator. One more point. Senator Hagedorn tells me his bill has been kicking around - he has been a legislator for a very long time, although he doesn't look it - since 1971. We used this bill for breaking up the Department of I & A and yet all we have heard so far today is taking the Division of Corrections out and making a separate department.

I don't think this is fair to Senator Hagedorn. I don't think it is fair to the New Jersey Mental Health Association, the Mental Health Planning Committee, the Association for the Handicapped, or to the millions of people and many, many organizations who for years and years have been pushing for a separate department, for example, of mental health and mental retardation. It is not fair.

I think the Governor's Counsel's office should start coordinating an effort between the staff of that council and the Mental Health Planning Committee. Don't you agree, Judy, that this is probably the best approach?

I know I am asking you-- I don't want to put you on the spot. I realize there is "a" Governor's Counsel. I won't say any more.

MISS NALLIN: I would say you are absolutely correct, Senator, when you say there has to be a dialogue between both the Legislature and the the Executive and the representative planning bodies involved. If the existence of a draft bill has helped to promote that dialogue, which, quite frankly, I think it has because we are having it now and will have it, then it may have served a purpose.

I also think that it is absolutely necessary that we coordinate all those four groups of people.

SENATOR MENZA: I can't let the Governor's Counsel get off that easily. What promoted the dialogue was not the draft bill, what provoked the dialogue was S-35, Gary Hagedorn's bill, which has been around since 1971. That is what provoked the dialogue.

I would suggest that this gentleman, his staff and Ben Haddock get together. Is there anything else that you would like to add?

DR. GOTTFREDSON: I would think that it is important to realize, Senator, that our report was only on behalf of the Correctional Master Plan Policy Council and it is the case that in that Council we have not looked at the problem of the Department of Institutions and Agencies, we have been concerned with the problem of corrections. One of the reasons that the Council wishes to urge establishment of a separate department is out of a concern that corrections has been a step child for so long. It is that intent and that approach with a focus on corrections that we are concerned with and that is why it has been a pleasure to be here to report to you the thinking of that council.

SENATOR MENZA: I am positive it is a good idea. But I will bet you \$1,000 - and I haven't heard from Dr. McGough yet, the President of the New Jersey Psychiatric Association - that he talks about a separate department for mental health. I'll bet you that the Executive Director of the Association of Corrections talks about a separate department. The National Association of Social Workers - I don't know what they are going to talk about, probably a separate department of social workers.

Do you understand what I am saying?

DR. GOTTFREDSON: Yes, I do.

SENATOR MENZA: If this isn't an example of-- I'd better not say it.

SENATOR HAGEDORN: If you don't mind, I am going to say it. This hustling of this bill was only initiated after we called for a public hearing on S-35. And the results are that you are going to try to slide through a bill - although I know it will not go through this Committee - without taking the expertise, the study, and the judgments that have been made by this Committee on Correctional Policy. And this is typical of how we operate this State in a political fashion and we make pauns of the poor people that are in our institutions. It is about time we change. I hope we do today.

SENATOR MENZA: Thank you very much.

DR. GOTTFREDSON: Thank you, Senators, we appreciate being with you.

SENATOR MENZA: Thank you. I hope I didn't embarrass anyone. I didn't intend to.

Our next witness will Be Dr. McGough, President of the New Jersey Psychiatric Association.

W. E D W A R D M c G O U G H: Senator Menza, Senator Hagedorn, Senator Hirkala, and Senator Scardino: I am W. Edward McGough, immediate Past President of the New Jersey Psychiatric Association, whose 500 members are licensed physicians, especially qualified in the practice of psychiatry. Our membership consists of physicians in private practice with hospital affiliations, staff members of public institutions and of specialized health care facilities, and those engaged in medical education. I am in the latter category as Associate Dean and Professor at the Rutgers Medical School.

For many years, this Association has supported the concept of separating the mental health functions from the State Department of Institutions and Agencies and establishing them in a separate autonomous department. I am here today to publicly restate our support. The reasons, I think, are evident and many of them have been discussed today.

New Jersey requires and deserves a mental health delivery system headed by a cabinet officer who can devote his full attention to that system. Such is not possible in the existing Department of I and A where the Commissioner's time is divided by unrelated activities.

Commissioner Klein, as other people have pointed out, since January of '74 has not ignored the mental health needs of New Jersey. Her energies are phenomenal, but mental health needs, and the needs of patients, cannot rely on the presence of a Commissioner Klein in I and A. Under current circumstances, it wouldn't be surprising to hear that Commissioner Klein and her immediate staff devote half of their time to the Division of Corrections and Parole, even though that Division proportionately is a much smaller activity within the Department.

Cabinet level representation would gain mental health and related services the attention they merit. This is particularly important as regards to funding and energies and, I think, priorities. We believe the Commissioner of a separate Mental Health Department would be in a much better bargaining position for an equitable portion of the State budget than is the head of the existing Department whose longer list of needs is both desperate and extensive. Separating I and A would also preclude the emergency transfer of general medical health funds over to prisons, which we understand can occur now to pay for employee overtime and necessary repairs resulting from prison riots and disturbances.

We believe an autonomous Commissioner would better be able to develop and implement community-based programs to which New Jersey dedicated itself some ten years ago.

In line with some of the discussion today, I think it is important to point out that the mental patient is part of a very small constituency, smaller than that of the prisoner. His place is way down on the food line, on the public interest line, and the I and A pecking order. He relies on the constant advocacy of a few interested legislators rather than the occasional interest of a Commissioner of I and A. He or she requires the responsible activity and interest and stability of a separate Department to guarantee proper care and treatment.

The reasons which Commissioner Klein and the Attorney General presented for the proper handling of our current problems with correctional systems, the arguments that they gave for a separate Department of Corrections, are the very same reasons for separation of the Department of Mental Health, which Senator Hagedorn and the rest of us who have been in mental health for the last 10 to 20 years in New Jersey have proposed.

How best to reorganize the existing Department, we will leave to those directly involved for comment. Certainly, the new department should embrace mental health and mental retardation services. I personally feel that mental retardation has a stronger advocacy than the psychiatric aspects of our patient population - they have a good track record also - and mental health would benefit by the inclusion of mental retardation or the association with mental retardation services.

In addition, many of the activities that exist in the Division of Youth and Family Services would benefit from medical input. Perhaps its wide-ranging services would be reorganized and redirected by an autonomous mental health department.

Medicaid also would seem inherent to the new department.

The suggestion that interrelated problems can be handled better by one department, I feel falls down somewhat in the fact that interrelated problems can be handled by interacting departments, as well as one department which is not interacting.

Finally, however it is reorganized, the New Jersey Psychiatric Association endorses the division of the Department of Institutions and Agencies and urges the separate Department of Mental Health, and urges the Legislature to act favorably on this important question.

ASSEMBLYMAN DiFRANCESCO: Any questions. (No response.) Thank you.

Philip Showell, Executive Director, Association on Correction. Mr. Showell, since we have many other witnesses, would you confine your remarks to as short a statement as possible. Anything you wish further to submit to the Committee can be submitted later in writing.

P H I L I P S. S H O W E L L, J R.: I have a statement in writing. I am going to try to skim through it. There are some things that I have heard already today that I would like to also address. So I will try to get through it quickly.

My Association twice within the past two and a half years endorsed resolutions supporting the creation of a separate, cabinet-level Department of Corrections. In both instances, I think, part of those deliberations were based on a view that the Department of Institutions and Agencies as presently constituted was indeed too large a governmental enterprise with too many complex problems arising from its many human services mission to be really effective and administered with equal emphasis by a single Commissioner of a single agency.

We heard the history of the number of years that the question of the size and scope of activity of the Department has been under study. There was the Alexander Commission beginning in 1959; and, if my memory serves me correctly, this is the second time that there have been hearings by this Committee on Senator Hagedorn's bills now for three sessions. And I think we understand what the present role is. I think the unifying concept that even the most recent studies have endorsed - and there was one by a transition committee appointed by Governor Byrne which filed its report prior to his inauguration -- these hearings on the Hagedorn bill and this latest transition committee report did suggest that the Department could well benefit by being limited as to its scope.

Last month, we addressed the question again. We had passed a resolution urging the creation of a separate Department of Correction in concert with the reading of Senator Hagedorn's bill two years ago. We pulled it back because the current Commissioner had asked and received permission from the Governor to continue operating the agency in its present form. I think, however, during the past two years, we have been in a period of somewhat suspended judgment on the question. But three months or more ago, we began to look at the issue again, largely prompted by evidence of gross mismanagement in the

prison furlough program, a rather dangerous cycle of increased violence met with further repression, generating further violence at Trenton State Prison, and a near "policy paralysis" that seemed to be compounded by rising commitment rates, drastic budget cuts, and disputes over paroling policy.

We voted the second resolution, after that deliberation, primarily because crisis has followed crisis in the Division of Correction and Parole, and interventions by the Commissioner and her staff have been increasingly frequent. It seemed clear to us that there was to be little of the very urgently needed change that could take place without leadership of a full-time, single-focus, cabinet-level Commissioner.

What do we specifically cite as reasons for doing this? First, there is a need to establish far clearer lines of accountability and responsibility for management of the corrections component of the criminal justice system than now exist and to develop much more effective cabinet-level liaison with the Legislature and the counterpart and related components of the same criminal justice system. It was also our view that only a cabinet-level department with full control of its own budget could really successfully manage the inevitable unification and coordination of local corrections, through standard-setting, technical assistance and cost-sharing. These are things you heard talked about earlier.

But we also think that only a separate department will really develop the kind of leadership and support that is going to be necessary to produce a far greater range of community-based alternatives and programs, which are urgently needed right now and have been for some years, to reduce what is becoming a very costly over-reliance on jail and prisons as the primary and almost exclusive means of dealing with all criminal offenders. There are some really interesting data that have been developed recently that even surprised me. Last year, the Council of State Governments surveyed 10 states where the corrections component was serving under an umbrella agency. In this survey, New Jersey led all other states by a wide margin in percent of all adult offenders who were imprisoned. The rate was 43.1 percent, some 18 percentage points higher than the next closest state, which was Missouri. Another more recent report by the National Clearinghouse for Criminal Justice Planning and Architecture indicates that our incarceration rate per 100,000 of population last year increased by 17 to 69.1. If the Division of Correction and Parole has done little to develop alternatives that would slow this trend, the Department of Institutions and Agencies has done even less.

A strong concerted effort soon must be made by a Commissioner of Correction who is willing and able to explain and price-tag the options available. Otherwise, as a colleague of mine commented just a few days ago, we may all have to turn to crime to pay the tax bills for the new prisons that are being forecast.

What are we talking about here? There is a certain sense -- Forgive me, but I am going to depart from this for a moment. Yes, Senator Hagedorn's bills have been around for three sessions of the Legislature. The Mental Health Planning Commission has been meeting for somewhat longer than the Correctional Master Plan Council on which I serve. We haven't mentioned the fact that the Department of Health is also involved in that. I would submit that there is probably an argument of urgency to be made by each one of those agencies. I am at a loss myself to understand which of those various entities bears the responsibility currently for homogenizing all of the parts of the pieces. I thought I understood Senator Hagedorn to say he wasn't sure - I know he said it and I know he meant it - that the language in S 35 was precisely the package that ought to be developed in terms of actually dividing up the Department.

Yes, indeed, everyone comes with a special message that there is a great deal of urgency. I would submit that there is indeed a great deal of urgency about the question of a separate Department of Corrections. If anyone has looked, the fact is that the commitment rates have increased to at least the rate the Commissioner talked about this morning, we have difficulties over paroling, fewer people are being released, and the county jails are backed up. We were up in Senator Hagedorn's county last night. County jails and county jail management are becoming elements of concern and discussion. We do have a very serious problem here. The fact is, that while people can talk about the great cost of \$50,000 a cell for the new prisons that might be forecast by a speedy trial rule implementation, within a one-year or eighteen-months framework or what not -- the fact is, those facilities at \$50,000 a cell cannot possibly be made available for five years. That is how long it takes to get it on a bond issued, approved, constructed, staffed and occupied. That is five years from now.

I would submit that there are indeed problems confronting the corrections area, quite apart from its need for a separate identity and the fact that it has suffered neglect. All of that is true. It is also true that the problems are urgent and most of them in terms of corrections really needed doing yesterday.

Another thing that has also concerned me today is the fact I have heard a fair amount of commentary about what the cost of such a separation of the Division of Correction and Parole, with or without the training schools, from the Department might be. People have talked about certain imbedded overhead costs that would have to be pulled out. The previous speaker spoke of some deficits, as others have, that have been borne by dog-robbing other divisions. I would simply like to point out, however, one thing that nobody has mentioned is the fact that the State Use Industries, which are staffed by inmates of the prison and correctional institutions, perform a variety of functions, in terms of the bakery, laundry, repair service, clothing, and automobile repair. The most recent estimate I heard, a little bit over a year ago, was that, if these services were to cease and had to be purchased on the open market under competitive bidding, it would cost the taxpayers and, therefore, the other institutions within Institutions and Agencies some \$20 million a year. So, I have to question a little bit whether or not there might not be some equity involved - not necessarily equity - but I don't see the extreme concern in view of the fact that that particular Department of Corrections presumably, at least in the short-term future, would necessarily continue to provide those services to the other components of the Department of Institutions and Agencies. They are worth \$20 million a year.

Incidentally, I well understand and have a great and deep feeling for the comment that Lloyd Wescott made about not doing this, or any particular division of Institutions and Agencies, in response to any statement of urgency from me or anyone else and then walking away and saying, "Well, that's it for the year." No, that won't work. Indeed, there are going to be some increased costs. But I would argue - and somebody is going to drop the roof on me - that I don't think it would be too darn wise to contemplate throwing a great deal of money at a brand new department of State government - any more than it would take it to organize and become operational. In my view, they don't know how to spend the money they have right now.

The fact is, there are population pressures. I will also tell you there are 500 inmates - non-dangerous, non-violent inmates - in the State Prisons that we have been trying to get somebody to set up a Classification Committee for and screen them out, under Court Rule 321-10, to drug and alcohol treatment facilities. There are pre-release

center networks at a cost of \$7.2 million which can handle some 650 inmates a year, at a fraction of the cost of maximum security facilities. These things need to be addressed before one starts contemplating the construction of 300 or 500 bed maximum security prisons, which can cost you anywhere from \$15 to \$25 million, each, and won't be ready for five years. There is a lot of work to be done.

One last comment and then I am going to get out of your hair. As to the talk about the umbrella concept and what one division may give to another, I think it is a great concept. We really don't abandon it when we suggest setting up a separate Department of Corrections. We think down the road it would be great, for instance, if courts would take a look at an offender and decide from time to time when it was appropriate that they might better be served by being "sentenced to a drug treatment facility - a mental retardation unit - instead of to conventional incarceration. But, you know, it just hasn't worked - the umbrella concept has just not worked - certainly with regard to corrections. I think the previous speaker hit it very well. It is not the interrelatedness of divisions - it is the question of whether or not the divisions can interact that is really important. The funny thing is that the highest degree of interaction involving the Division of Correction and Parole in the umbrella concept has come from the Department of Health in the Division of Narcotic and Drug Abuse Control.

I have copies of my statement if you would like them.

(Written statement submitted by Mr. Showell can be found beginning on page 1 x)

ASSEMBLYMAN DiFRANCESCO: Is that about everything you wanted to say basically?

MR. SHOWELL: The rest is in the statement.

ASSEMBLYMAN DiFRANCESCO: Thank you.

Jeffrey Faue. Mr. Faue, I assume you are going to summarize what you have just given me.

J E F F R E Y F A U E: For the few remaining members of the Committee, I would be happy to. I hope Senator Menza will come back so that we cannot talk about a Department of Social Work, but about some concerns that Social Workers have about the reorganization in the Department of I and A.

I represent 2300 Social Workers in the State of New Jersey who work in all of the divisions of the Department of I and A.

SENATOR MENZA: May I interrupt you for a minute?

MR. FAUE: Certainly.

SENATOR MENZA: Is Mr. Showell still here?

MR. SHOWELL: Yes.

SENATOR MENZA: I want to read you something. We just got a letter of criticism. Well, I will just read you the first three lines. Trenton State Prison inspection: A heavy cockroach infestation with live nymph and adult stage roaches flushed out of the first floor of the hospital; roaches were observed crawling on walls and on the bathtub, etc.; garbage cans heavily encrusted with food and debris; window sills in the hospital were heavily littered with old cigarette butts, etc., etc., etc.

Mr. Chairman, I'm sorry.

MR. FAUE: I had begun to explain that I represent 2300 Social Workers in New Jersey and our members find employment in all the divisions of I and A and many private agencies which receive funds from them. As such, we have, I think, some fairly substantial concerns about the reason for the reorganization of I and A and how that reorganization might take place.

I think you have my statement. If I may, I will just briefly summarize some of those concerns.

We were instructed not to respond to S 35 as much as to the general concept of reorganization and, hence, the format. I think we would like to express agreement with Commissioner Klein that the question is not a question of size of the Department as much as, in our view, what the goal of that reorganization of I and A might be. We would like to oppose sort of an administrative tinkering or the changing of names on certain boxes and instead look toward some substance to that reorganization with, hopefully, an examination of what might go on in order that we might aid the delivery of human services.

We would like to suggest three possible objectives to that: first of all, to single out the importance of correction. I think you gentlemen have received adequate testimony about the importance of that. Certainly, as Social Workers, many of our people work with the poor, who are disproportionate victims of crime as the Attorney General described them. Even though our profession tends to be optimistic about the ability of human beings to change, we recognize there are some who are just wicked and must be incarcerated.

Secondly, I think we might want to talk about the goal of reorganization as to the integration of social services. I think you have heard expressed the point of view about the need for integration in a service-delivery network. Our people have some tremendous difficulties. Social Workers tend to be assigned the responsibility to integrate social services and human services at the local level. They are the ones who put it all together for the client. As such, the current structure of I and A with its vertical fiefdoms of mental health and mental retardation gravitate against this. This is one of the problems, for example, with S 35 that changes the names on certain boxes and continues the separation of services along this line. An alternative organizational arrangement might be to see a planning unit and a unit of operation. An operation might be seen as being done at the local level where retardation and mental health and income maintenance and medical services, etc. could all be integrated by workers employed at that local level - in other words, able to draw on all those resources rather than having to shuttle the client around from the Welfare Board over to Mental Retardation, get some Division of Youth and Family Service involvement, etc. We think that kind of reorganization might look to centralized planning, procurement functions, research, in a divisional status under a Department of Human Services and might be more progressive.

The third goal that I think we might want to talk about for reorganization would have to do with administrative effectiveness. I think we are all familiar with the newspaper accounts that have alleged great difficulties along this line. I think the basic problem of administrative effectiveness is that there is not one underlying philosophy in the Department of I and A right now. Some would have it be that I and A, in any of its facets, in any of its divisions, is a provider of service, in effect in competition with private agencies funded under a variety of sources. Others would talk about it as the provider of services, the State, in a sense, being government and now funding the lion's share of all of human services. In that sense, it ought to have responsibility for delivery, planning, integration, etc. The other role that has been suggested has been that of an integrator of social services for the Department; in other words, I and A would provide no direct service - it would go into the regulation, planning business like Health is now. But no one of these philosophies have been adopted by any of the divisions or, I regret to say, by the management people

there. This has led to confusion on the part of the providers, themselves. For example, some of our Social Workers in DYFS are not told answers to such questions as: Are you the primary service provider? Are you the coordinator of service? Are you the one that pulls it all together and integrates it? The role confusion on the part of the Social Worker leads to some confusion on the part of the client. A person doesn't know, if he has a child, whether he goes to DYFS or, "Do I go to the private agency that may have a contract with the State?" or "Do I go to a mental health clinic?" I am trying to give you a feel for exactly what the problem is because there is no underlying philosophy that there is one local social service center.

This question has to be addressed before a reorganization plan for a Human Services Department comes about.

The second question that relates to administrative effectiveness is: How large a swatch are we talking about when we talk about human services? In some sense, all education or health services might be seen as human services. Certainly there has to be some sort of relationship between the size of what one talks about and the definition of human services. For example, would mental health, as Dr. McGough and the Senator have suggested, be in a separate department? Well, NASW, as an organization, probably would support that concept, to highlight the importance of mental health. But there is a cost associated with that, the cost of having extra people in liaison functions. Now, will this be taking place within a department under a final arbitrator, under the Commissioner's direction, or will it be an interdepartmental affair where there is no very clear final authority about who is going to what, when and how? That is one of the issues - the policy issues, if you will - that has to be dealt with in consideration of the reorganization of Human Services. What services are we talking about and how should they be organized?

In conclusion, I want to say that I have tried to convey some of the confusion that surrounds and encompasses today's delivery system. NASW finds itself in the position of asking that any reorganization of the major provider of human services, in our case the New Jersey Department of Institutions and Agencies, be undertaken slowly, with much thought and toward the goal of improving delivery of services to the citizens of the State.

I want to thank you for the opportunity to be here. If there are any questions, I will try to address myself to them and, if not, get you the information.

(Written statement submitted by Mr. Faue can be found beginning on page 6 x)

SENATOR SCARDINO: You raise an interesting point. You talked about administrative effectiveness and that this Committee ought to look at that very carefully in its deliberations on this particular legislation and what it does, and that before we think in terms of separating the Department - splitting up the Department - we ought to first address ourselves to beefing up and putting together a more effective package than we have at this point in terms of our administration and our approach.

MR. FAUE: I am suggesting the approach be to say, let's look at the goal of reorganizing human services. We suggested three possible goals, one of which was administrative effectiveness. The caveat on that was: If one sets that as the goal, there are problems of defining what those services are; and, secondly, is the State a provider, the only provider, or the integrator of those services. Those are only three. I am sure there are many, many other roles. There are questions like that that surround the goal of administrative effectiveness.

SENATOR SCARDINO: Is it possible that we can't adequately address ourselves to finding the answers to those questions because of the ---

MR. FAUE: ---- of the state of the art.

SENATOR SCARDINO: (Continuing) --- because of the vast bureaucracy that we are living under at this point?

MR. FAUE: I don't know whether it is a problem of bureaucracy. I think it is a problem that our knowledge of how human services should be organized is caught in a particular dilemma right now. I don't think we have the complete, administrative machinery. I don't think anyone does, not just New Jersey. I don't think anyone has the conceptualization of how human services should be fit together in such a way that we minimize costs and maximize service. I think you gentlemen unfortunately have the task of trying to come to grips with some model for doing that.

SENATOR SCARDINO: You are not suggesting that you have any examples of certain things that we might be looking at?

MR. FAUE: I wouldn't go that way; I would go quite the opposite. I think NASW might be a source that would be happy to provide you with several different ways of looking at that.

SENATOR SCARDINO: Well, through examples - and you cited some in your comments - I think it would be interesting and informative and helpful if we could have access to some of those examples and then how you might suggest correcting the situations like those you have described that have been happening.

MR. FAUE: I would be happy to work on pulling that together.

SENATOR SCARDINO: But I also think that one doesn't go hand in hand with the other. In other words, I don't think that should preclude this Committee's deliberations on the possibility of separating the department or creating another department in essence by cutting the Department of I and A up as is proposed.

MR. FAUE: I am not suggesting that we maintain the Department of I and A. I am suggesting that we examine the issues and we not move precipitously, but rather cautiously and with a great deal of thought.

As to the other question, I would be happy to canvass at least the larger states where we have other NASW chapters and get their models and bring them to your attention.

SENATOR SCARDINO: I would be very interested in that.

SENATOR MENZA: I glanced over your prepared statement very briefly and I am quite impressed by it.

My first question is: Do you think at the present time administrative effectiveness is lacking in the Department?

MR. FAUE: Well, I find myself in agreement with the Commissioner in the sense that I believe the Department did not have the management capability or had a very minimal one when she assumed office. I am supportive of her efforts to establish one. I think there are some issues of structure within the Department that could be addressed. I think the vertical integration of services that currently exists ---

SENATOR MENZA: We know she is a good Commissioner. Now, do you feel that administrative effectiveness is lacking?

MR. FAUE: I think the administrative effectiveness could be improved.

SENATOR MENZA: You mentioned words like "communication" and "management of the department" or the "lack of communication" or "you could have improved communication." You say, "Each problem area has its own division and there is relatively little cooperation between divisions," etc.

MR. FAUE: I think that is true.

SENATOR MENZA: Let me understand this correctly. What you are saying in this paper makes sense. You are saying that you are opposed to a head-long rush to do

something and in support of a careful examination of exactly what, in fact, might aid in the delivery of human services to the citizens of the State. In other words, I think I am in accord with what you are saying, namely, that merely taking out the Division of Corrections and making it a department doesn't necessarily solve the problems that have existed for years in the Department and perhaps will continue to exist if we take such a simplistic approach.

MR. FAUE: Exactly.

SENATOR MENZA: Even if we go so far as to take Mental Health and Mental Retardation and make that a division and the prison another division, we need some chain of command, better communication and a totally integrated system, and you cite what the Mental Health Planning Committee is doing.

MR. FAUE: I would point out, for example, the fact that - and I think you already said this to the Governor's counsel - we have a Mental Health Planning effort, we have a Correctional Master Planning effort, and there is an annual report on Aging. These different problem areas do have an interrelationship. The State Division on Aging just released a report that was exceptionally critical of mental health agencies and clinics for not providing mental health services to the aged. Yet I don't know that they have been in contact with Ben Haddock's Mental Health Planning Committee or with the Division of Mental Health. They are critical of the fact that those services aren't there, but are they initiating - are they in dialogue to create those?

SENATOR MENZA: Is it also fair to say, perhaps in response to Senator Scardino's question, that perhaps we can split up the Department or a segment of it or segments of it, but in addition to that take a very hard look on restructuring the Department that exists or the two or three that evolve?

MR. FAUE: Yes, I would think if the correctional master planning people here have a coherent plan ready to move, that that might be a first step. But I don't think that that solves the problem. I don't think the remaining divisions will be well integrated by themselves.

SENATOR MENZA: Assemblyman DiFrancesco just mentioned to me that perhaps we should wait - or at least work together with the two councils that are working on two aspects of the Department. But you say, in addition to that, there is more that has to be done. There has to be, you might say, a planning committee, as an example, to look into I and A generally as to restructuring it, as to the table of organization, as to change of command, as to communication, as to delivery of services, etc. You give a classic example when you talked about a DYFS social worker who doesn't know whom to contact.

What I am amazed by is that I have been here five years and I am overwhelmed by the bureaucracy. If I don't have the SCAN book and say, this is Senator Menza or Assemblyman Menza on the phone, I don't know what is going on. You have indicated to me that you as a professional are also somewhat overwhelmed by the bureaucracy and also not that knowledgeable in all respects about the bureaucracy, because nobody is that knowledgeable about the Department of I and A. Is that what you are saying?

For example, I looked at this table of organization a thousand times and I still don't know where they are. I still don't know which do what exactly.

MR. FAUE: Let me personalize that in the sense that because social workers find employment in so many agencies, my office receives probably a fair sampling similar to what each of you may receive at the local level from your own constituents of what the problems are. It is an amazing system to look at in the sense that a problem that crops up in a mental health hospital somehow has ramifications for what is

happening in mental retardation or drug abuse or something like that. Frankly, I would like to see a better service integration. I think all of my members would like to see a better service integration because of the impact it has on the clients we serve from all walks of life.

SENATOR MENZA: You said to a certain extent - and I don't want to hold you up - but you said to some extent what Lloyd Wescott was in effect saying. Lloyd Wescott was talking in terms of different attitudes, different visions, restructuring, etc. You are saying almost the same thing. You are almost saying now at this time that perhaps the whole Department can either remain the way it is or - the mere fact that it is large doesn't necessarily make it bad - be restructured so there is communication, change of command and proper management enabling it to work effectively.

MR. FAUE: Let me back up a step from that and say, we are not opposed, per se, to a separation of Corrections or Mental Health. We are not saying that that is necessarily the way that it should go. We are saying that we should move judiciously in that reorganization and with a clear goal in mind and that reorganization is not the goal, but better delivery of human services is the goal.

SENATOR MENZA: Thank you.

We have three more witnesses. I know you gentlemen are on the agenda and have been on for a month.

I will call next Joseph Baranyi, President, Local 105, PBA.

The Mental Health Association is not here, right? Then we have two more witnesses, Dan Obstein and Christopher Dietz, and that is all. No one else is going to testify? Great.

J O S E P H B A R A N Y I: I want to thank the Committee for the opportunity to be heard. I hope I am not repetitious. I will try to be brief and to the point. However, at times, I may say things bluntly. I believe it is needed.

I am a member of the Policy Council and I would like to elaborate presently on that. I am also the representative of all State Correctional Officers. That means all the prisons, the complexes, their satellites, etc. It encompasses the entire State, with 1500 Correctional Officers - juvenile, cottage and other titles that we have for people working in the institutions - and all Supervisors.

The officers' position and the union's position is that, if within the next hour we had a department split and a new Department of Corrections and Parole, it wouldn't be any too soon. It is long overdue. It is something that was needed a long time ago and more so today than ever before. We are dealing - and this has been mentioned repeatedly today - with crisis after crisis. I believe all the crises we have had recently in our prisons are the real reason for the Policy Council coming to a head after 15 months of meetings. In the past few months, the issue of the Department of Corrections has come up and we moved full speed ahead. It was a key issue and I am glad to know that we are now going to be heard and that something is going to be done. There is movement toward incorporating the Policy Council's recommendations in the bill the Senate Committee has.

For 15 months we were sort of floundering and a lot of people felt let down. They wondered what the purpose was and where we were going. It was such a vast project, with all the problems in Corrections and Parole, that it was hard to decide what the priorities were. I think the crises determined what the priorities were. This is why recently, in the past few months, I believe the Policy Council arrived at the key issue of the Department of Corrections and Parole.

I believe the reason we support this is that I and A has tried everything in the past, every possible method and means, to hold Corrections together. When these crises come about, we can put them down and learn from them. But as fast as we can get rid of one, there is another. Sometimes there is more than one a week.

I feel one of the main advantages in having a separate Department of Correction would be that you would have better communication from the bottom to the top. Today with the Department as large as it is - and you mentioned the SCAN numbers and not knowing who to reach and how it works - it is really pathetic. Very few people know what is happening at any one time. Quite often, only the officer working knows what is really happening in the institution. Other times, the inmate population knows what is going on - the officers don't and I and A doesn't. Other times, I and A knows what is going on, but all of the other people don't. There are very few times where everybody in I and A in the Division of Corrections and Parole knows what is going on - very few times does the left hand know what the right hand is doing. That is one of our major problems.

A separate department would give us better communications and understanding. We would be able to work together. Right now, it is pretty hard to do that. I understand these other divisions would like to be separate also, but the question is which one has the priority and which has the biggest crisis. Every one of our institutions are tinder boxes ready to blow at any minute. By that I mean I feel custody has lost control of our institutions; even though some of them aren't acting up, we don't really have control. At any one of our penal institutions the inmates, if they feel they have reason or want to, can take over control of an institution.

SENATOR MENZA: What did you say?

MR. BARANYI: They could take over control of an institution. They have not. Fortunately, we are going along. But we are in a position now, if we don't get a separate department and have better communications and try to build up the morale of the officers and work at these problems as soon as possible -- I might say that when most problems are presented, they just lay there and grow and grow until they become crises. You can't solve all the problems at once, but some should be given priorities, which they try to do. But with I and A as large as it is, we feel they can't handle it. It has been admitted that it can't be administered properly and managed. In a separate department, there would be more opportunity to do this. We could be wrong. It is possible a separate department could be a mistake. But at the rate we are going now, we have to try something else. Something has to be done. We can't continue the way we are.

I have been an officer for 18 years and I wish during those 18 years we could have said once in a while like Westinghouse, "Progress is our business." We are not making any progress. We are moving backwards.

We realize rehabilitation is a total failure. The only thing we are doing is confining, rewarding and trying every method to appease people - I'll be honest - the employees, the officers, the inmates, administration and everybody else. That is no way to run a department. If there is going to be a Department of Corrections, that should be our business - corrections. The juvenile institutions such as Jamesburg and Skillman should remain in the Department of Corrections. I truly believe and all my officers believe that juveniles can be rehabilitated. But when you have someone 30 or 40 years old, their character and their behavior is molded. Then, too, your officer working corp and some of our administrators have been sort of sitting in a rut. I feel that there is an opportunity to work with the juveniles and they should

be kept in a working force for all institutions, especially the younger officers and employees. They should be dealt with on a much better basis.

To give you an example, with the Department of Corrections, you could attend to problems more efficiently and immediately, and I am speaking about one institution, and it happens to be the one I work in. They have corridor beds, and they keep expanding each week the number of corridor beds. The other problem is they are escaping. They are taking off from the medium facilities like rabbits, and, of course, the line officer in the end will get the blame. Somebody has to take the blame, but the blame has to be shared.

SENATOR MENZA: Just a moment, Officer. You are saying they have corridor beds?

MR. BARANYI: Corridor beds, yes, in the corridor.

SENATOR MENZA: What facility?

MR. BARANYI: Bordentown. It started a month ago, and it is still growing.

SENATOR MENZA: And you say they are taking off like rabbits, where?

MR. BARANYI: No, no, no. I mean escapes, or whatever we want to call it in different facilities.

SENATOR MENZA: You mean the situation is acute?

MR. BARANYI: Yes, very acute. Because of the rapid changes and movements and classification movements, it seems like no matter how efficient they are trying to be, in order to keep on top of it, it is not being done.

SENATOR MENZA: Well, like, how many escapes do you have in a week, or a month, do you have any idea?

MR. BARANYI: I can't remember the date, but I think in Bordentown in the past year we have had 16.

SENATOR MENZA: Sixteen, over what period of time?

MR. BARANYI: I am talking about from inside the building. Lately our escapes have been where the numbers are increasing in amounts. It isn't where an escape is one, because it is usually three or more.

SENATOR MENZA: You mean 16 during one period of time?

MR. BARANYI: This past year out of our facility.

SENATOR MENZA: You work in Bordentown?

MR. BARANYI: Yes. The changes are coming about so fast within the Department - in fact, all departments. I will give you an example. Say an employees bulletin board, which I & A covers completely for all seven departments, it is pretty hard to find any applicable change or rule that is mostly coming out of Corrections or Mental Health or such, because Institutions has different employees for different departments, and it is very confusing, with the changes that keep coming about. I feel with a separate department any changes could be more efficiently handled or worked with if it was one department. Right now, if the changes come about, they are so radical, I doubt if anybody knows even all the changes over at I & A that come about. There may be certain people in certain fields, and project specialists may know, but for any one person to know it all, and understand it, it would take a monumental effort.

SENATOR MENZA: Don't you think the situation would be the same whether it would be a division or department? It is a division now.

MR. BARANYI: No, it wouldn't.

SENATOR MENZA: Do you think it would have a lot better chain of communication?

MR. BARANYI: Absolutely.

SENATOR MENZA: Your boss now, for example, is Fauver.

MR. BARANYI: Yes.

SENATOR MENZA: He is the guy in charge.

MR. BARANYI: Yes.

SENATOR MENZA: Suppose he were the Commissioner in charge of a Department, how would it change?

MR. BARANYI: I believe he would have the opportunity to have a more direct supervision over management and administrations over all institutions. One of the key problems - and I could be wrong for saying it, but I have to - is you have a prison complex of three prisons. You have a complex of the reformatories of three. None of them work similar. They are all run differently and independently due to physical location and make-up. This is understandable to a degree and should be, but in general, they all run independently, which in effect is wrong for the name they are giving them, the complex of the prison or the complex of the reformatory. I think with a separate department this could be smoothed out and ironed out.

SENATOR MENZA: In other words, you are saying, if the division was in fact a department, a couple things would be effectuated: One, you would have somebody with some real authority in a Commissioner.

MR. BARANYI: Yes.

SENATOR MENZA: Better communications; standards throughout the system.

MR. BARANYI: Absolutely.

SENATOR MENZA: And you say there is a desperate need.

MR. BARANYI: Absolutely, desperately needed.

SENATOR MENZA: Are you saying also that - and I am not trying to put words in your mouth - there is a time-bomb situation?

MR. BARANYI: Yes. The classic example I can give you is Rahway. They were manufacturing silencers for the visitors to receive and take out. They were selling them for a certain price. I don't want to be quoted. I could be wrong. I heard it was \$75.

SENATOR MENZA: Repeat that again.

MR. BARANYI: You asked, why is it a crisis proportion? At Rahway Prison they found silencers that were being manufactured in the prison and that were supposedly being taken out by visitors - in other words, they were selling them from inside the prison to the street.

SENATOR MENZA: Selling what?

MR. BARANYI: Silencers for guns or weapons.

SENATOR MENZA: They make them in the prison and sell them outside?

SENATOR SCARDINO: Not the weapons, the silencers.

MR. BARANYI: And a weapon. They did find a shotgun. They made a weapon too.

SENATOR SCARDINO: They make weapons too?

MR. BARANYI: They made a weapon. They found it and have confiscated it.

SENATOR SCARDINO: You talked about the number 16 in Bordentown. What did you mean by that? Will you repeat that? You said there were 16 escapes? Is that what you are talking about?

MR. BARANYI: I am not referring to walk-offs from satellites or from outside Skillman or New Lisbon units where there is no confinement and no locked doors and no bars. I am excluding that. I am talking about where they are confined, where they will go over a fence, or cut through bars, or---

SENATOR SCARDINO: How do you feel specifically about making corrections a department in and of itself; will it correct a problem like this?

MR. BARANYI: We could have more immediate communications; we can have more direct help down to the line officers and administrators. Because right now, as we heard

today, and I don't mean to be foolish in my remark, but one department watches the other, and one division watches the other. When one gets funding or one gets a benefit or a help, everybody wants it. And quite often Mental Health is neglected or Corrections is neglected because of the other people in the other divisions.

Now, just recently I went to Civil Service and I looked for support from I & A, and I don't know whether I was let down intentionally or not, but I made every effort to get somebody from I & A to go with me to Civil Service to try and have a better understanding of officer candidate recruitment, as far as past records, past convictions and drug or alcohol and mental illness. There have been complete changes in Civil Service as far as hiring and recruitment practices. I am well aware of the fact that policemen on the street have a more stringent recruitment. They can go by past histories. The same thing applies to the State Police. We are law enforcement status, and we cannot utilize, or we don't have, the benefit of a more stringent recruitment like the policemen have and your State Police, so I asked I & A and I asked other people to help me with Civil Service and to help me find out what we could do and then continue to the Attorney General's Office. Well, I was let down. I went alone. I am still pushing it. I am asking the lawyer for the union what we can do, and what direction we can take, because I have to admit, we are hiring a lot of officers that are not officer caliber. It is not the officers' faults who are working or the union that is in operation now, and I can't say it is any individual's fault at I & A. But there has to be an effort made by management and the union to try and find out what is wrong and make some move toward improving the situation. A separate department would give us this advantage, I truly feel.

SENATOR MENZA: Thank you, sir, you have been very helpful. Christopher Dietz, Chairman of the State Parole Board. Before you proceed, Mr. Dietz, the Senate Committee on Institutions, Health and Welfare, as I mentioned to you on the phone the other day, would like very much for you to meet with them. Perhaps the Assembly Committee also would like to find out about the criteria for parole, and exactly what is happening. I think you would probably be pleased if we invited the press at that time.

C H R I S T O P H E R    D I E T Z: By the way, it was in today's paper - and you were talking about Bordentown, Senators - "Three inmates flee Bordentown Center last night." One of them was a 30-year rapist, and one was an armed robber. What it is, there is a homogenization - and I am just going to mention this briefly, because I will talk about it again when I do appear before the Committee - that is alarming, where we are taking some of our dangerous, dangerous people and we are putting them into facilities that were intended for the indeterminate sentence, which brings me to one of the five points that I want to address this afternoon to you.

I think what we should do - and I hope you would consider this respectfully - is maybe take the title parole out of the department name, and instead of the confusion that it has created, unify parole for the first time, or perhaps make the bureau of parole much like the probation department serves with the courts, and make it available to the parole authority in the State of New Jersey, instead of having the possibility for not unified approaches toward a paroling concept and a paroling policy, instead of a part-time people serving, as may be projected in one of the bills that is pending we could have seven members, three of them assigned. If we do continue with a policy determination of the indeterminate sentence, handling the indeterminate sentence concept, those not transferred by the Commissioner, and then three handling the State Prison, with the Chairman functioning as the Executive Officer for the paroling authority, so that at least you can hold someone responsible and culpable for whatever judgements, or misjudgements, that are made and the enforcement of their direction, one paroling authority, I think, is good.

I know some people have spoken against this, but I strongly urge point number two, and that is, concurrent with this, don't saddle the new Commissioner, whoever it might be, without a commitment for new facilities. When you talk about corridor beds, and when you talk about the overcrowding and the dangerousness in the heat of the summer, et cetera - if it is going to take us five years to have a new prison, then, please, in God's name, start it now, so that at least in five years from now, 1981, we will have the facilities and the projection population of the State is going to be much greater than it is now. It is only reasonable arithmetically to expect that there will be more people. Assuming that the rate of crime does not increase, you are just going to have more people to house, because there are more people around, and to not build - especially when there is a five-year delay - is a terribly dangerous situation which you are imposing. I would hope that would be something you would consider.

The other thing I would strongly urge, point number three, is that concurrent with that we please, please consider a criminal justice coordination effort. The prosecutors and the police - the blue knights on the street, so to speak - have to be tied into a coordinated public policy of criminal justice for the State of New Jersey. There are four elements, the prosecutorial element, the judicial element, the corrections element, and the paroling element. And the way you define an element in criminal justice is if it has the power to frustrate any of the others, and it is very simple to understand, a policeman doesn't have to arrest you; the prosecutor doesn't have to indict you - the power of prosecutorial discretion; the judge doesn't have to incarcerate you or the jury doesn't have to indict you. The Corrections Department can make - and again I urge that when you are doing this, please don't be hypocritical. There is a fiscal note that is going to be involved. The Head of the P.B.A. talked about the rehabilitation failures, and that is because the lowest priority is the treatment.

I don't know whether there is a right to treatment in our current punitive deterring concept of punishment in the State of New Jersey, but I believe with every fiber of my body that there should be an equal opportunity for treatment, and if a person has a drug program problem where he has shot dope at \$200 a day, then in God's name, don't put him in a facility where there is no drug counseling. He can then say to the parole board, "My God, what are you doing? Why are you holding me in a max?" Unless you are going to make this counseling available --- You have to be honest with the inmate, and you have to be honest with society, I would think. If we are not going to have rehabilitation as a primary effort, and it is not going too high on our public policy, then abolish parole. Don't lie. Say that we are not going to give you this, and we are not asking you to be rehabilitated, and we are not going to spend the money, and we are not going to have parole. For every one day you are good, we are going to give you one day off, and that is it, and we can do what Illinois is talking about, or what some of the armchair generals suggest in the books they have been writing lately.

The last point that I want to discuss is one that I discussed with my Board yesterday. We had a meeting - we do talk to each other. And there was strong feeling that I present for your consideration the possibility of considering what existed before there was a change-- the insulation. I am not suggesting there is political influence. If the the public thought that a board of control had the power of appointment over the Commissioner, perhaps then there would be greater trust, because some of our members who have been in the corrections system an awfully long time - and I do respect their judgement a great deal - feel that it is important to try to do whatever we can right now to build public trust in corrections, to build public trust in criminal justice, in the system of trying to do the job and protect society. We think

society is starting not to believe we are capable of doing the job. So whatever it is, I would hope that maybe in the back of your minds you would consider that point. Senator, did I do it in three minutes?

SENATOR MENZA: That is absolutely amazing. For a guy who talks as much as you do, that is absolutely amazing. (Laughter)

Mr. Dietz, do you think there should be a separate department of corrections and parole?

MR. DIETZ: I will tell you, if there is a concurrent commitment of funding, if what we are doing is going to create a Cinderella, a weak sister that is not going to get the funding, then what I think it would be an outrage. It would be a crime against humanity. If you are going to put the bucks up front with a commitment that we are going to do something and we are not going to put "the time bombs on the street," then, great, it is a wonderful thought.

May I address another point? What you are saying is, "Why doesn't Bill Fauver --- It is a very valid point, because what it is, the Commissioner's staff - and this is not meant derogatorily - has staff assistants who must involve themselves in all the areas, the multitude of areas, that I & A has. And when there is a problem or a crisis, they come in, not with maybe the greatest expertise, but with superseding authority, so that the specialist in corrections doesn't necessarily always have to have the last word, and I think what the P. B. A. President was saying - and I don't want to put words in his mouth - but what I sort of empathetically feel through a brief tenure is that maybe what we have to do is think about turning corrections over to specialists with longstanding experience. And I don't mean this derogatorily against anyone.

If my understanding of the criteria is correct, that is what I would suggest, but if we are talking about that not being the criteria, but of having expertise with the ability to react maturely in moments of crisis - not that we have it - but to have some basis of experience to tap upon, if we are not going to make that our criteria, then I would say to you, "What are we doing." It would be like a scene from Blazing Saddles.

SENATOR SCARDINO: In order to accomplish what you are suggesting, in other words, in putting more into the system, into corrections, in terms of resources, capital construction or whatever it is that you are mentioning, that perhaps by separating the departments, you have an opportunity now to place greater emphasis on it than we have at the present time.

MR. DIETZ: There is no question about that.

SENATOR MENZA: Chris, I am anxious to know what happened in Ohio - perhaps that gentleman back there can help you - where they split up the departments, and had a separate Department of Corrections and it was a short thing, to say the least, and they put it back where it was before because it had no political backing. There was no commitment to be formulated, therefore no money, and so forth and so on.

MR. DIETZ: This is a major problem that you are going to run up against, because the one person who has no constituency is the offender, and ---

SENATOR MENZA: That is a problem that could very well exist if you have a separate department of corrections, and that maybe the stepchild all the time.

MR. DIETZ: Oh, sure, and that is one of the points I raised.

SENATOR MENZA: There is no constituency there, and they may be the ones to suffer. That is a practical problem.

SENATOR HIRKALA: Mr. Dietz, you recently brought to the attention of the public that in your deliberations concerning parole cases certain information and records were not made available which would have brought a complete file before you. Is that correct?

MR. DIETZ: Yes, sir.

SENATOR HIRKALA: Can you just give us a short summary of exactly what was happening?

MR. DIETZ: Well, basically, the money for psychiatric evaluations was cut, and for a period of time we were not able to give psychiatric evaluations for the assaultive types of crimes such as murderers, rapists, and that sort of thing - we can't make a decision without something like that. It would be impossible. We have no budget. We have \$357,000 or whatever it is, and the New Jersey College of Medicine wants me to give them \$200 for two, and that is \$100 per examination.

The person who is subject to this Board's jurisdiction - out of 6,000 inmates - is your absolute, most difficult case, because these are the ones that the judges have almost abandoned to the secular arm, so to speak. These are the people with the longest sentences, the hardest criminals, the ones that sort of offend the sensibilities of society, so that when we are looking for a judgement, I think we have a responsibility to have the psychiatric or the social work or the counseling. We don't have the commitment to treatment. It is true, we are hypocrites right now - and I will spend time when I come back to talk to you on these things.

But right now, because of homogenization, it is very possible for me as a Parole Board Chairman to put a condition down knowing full well that it is not available, but I don't have the jurisdiction to be able to say, "Please transfer this man to a facility where he can have the adequate rehabilitation." But I cannot in good conscience put him on the street unless he has this. If he has done, for several years, say, four or five, \$200 or \$300 a day mainlining, and there is no drug counseling whatsoever, there is no programming. And that is something you have to understand. You have to start coordinating this together.

The other thing I bring to your attention is that we don't have the authority right now anywhere in the State of New Jersey to accredit and certify drug programs. Do you know what a horrible thought it is to sit as Chairman and to look at some youngster and know in your heart, "My God, I may be taking him out of the frying pan, and putting him into a fire." He says to me, "Mr. Dietz, please let me go to 'X,Y,Z.'" How do I know if they are shooting drugs there? How do I know if I haven't put them in -- he will do anything to get out of prison, because, as you mentioned in your letter earlier, anyone who goes through our facilities right now will see that they are not antiquated. They are the dungeons that should have been used in the Inquisition back in Spanish days 400 years ago. You know, they are gruesome facilities, and if you are talking about rehabilitation being truly rehabilitation and not an opportunity to dehumanize, degredate to a point where there is no sense of self-respect -- if an individual has no self-respect, then you have to understand that he is going to have no respect for you or for society or for society's norms, and when he "max's out," he will be a time bomb, because he will go on that street and he will hurt, because what can you do to him, nothing; you have done it all.

SENATOR HIRKALA: Mr. Dietz, do you feel that since you have brought some of these things to light that you are getting a greater degree of cooperation from everyone all around or not?

MR. DIETZ: Senator, I would hope to God that we are going to. We need the information. We must have the information. We can't function without it. We cannot put people on the street, because it is unfair. We will have it. I have the Commissioner's commitment to that.

SENATOR HIRKALA: Do you believe that in some instances information may have been deliberately withheld?

MR. DIETZ: Absolutely, no question about it. I was told that I may not even have the authority to have the right to that information, and I said, "That's ridiculous." But the problem that we are faced with, and I hope we have resolved it, is getting inmates out of the clerk's facilities.

I recently had a case before me where the class material said, "No previous prison record." But the guy had a 10 to 15. No judge would do that. One of my colleagues said, "Get the rap sheet." I said, "It says no previous prison record. There is no rap sheet." He said, "Get the rap sheet." We put an issue out. Our investigator went out and got the rap sheet. There was a rap sheet an arm long. Why was it written, "No previous record"? I don't have the slightest idea, but there is no culpability. There must be not only responsibility but culpability. Someone must be held accountable.

Senators, thank you very much.

SENATOR MENZA: Thank you. Our last witness is Mr. Dan Obstein, Secretary-Treasurer of Forum Project, and that will conclude the hearing.

D A N O B S T E I N:

I represent Forum Project, an inmate initiated group founded in Trenton State Prison in 1972 while the present Director William H. Fauver was Superintendent. Forum Project is a non-profit, tax-exempt corporation serving the inmate community with jobs, housing, food and clothing.

For the past eight years I have seen Trenton State Prison go from one of the worst prisons in the country to one of the best and now, back downhill again. The whole system suffers from the ills that are laid at Trenton's doorstep. The problems are not the fault of any one person or any group of individuals; but with the archaic system that we have.

Commissioner Ann Klein has stated on a number of occasions that all though corrections is only six percent of her budget, it gets 60% of the headlines and takes 50% of her time.

This statement is the most important reason for the creation of a Department of Corrections. When any part of a department overshadows all other parts of the department, the Legislature must look to see why and how to correct this problem. It is unfair to the people in the spotlight who are doing their job the best they can and it is unfair to other divisions of the department who are not getting their share of the Commissioner's time.

I believe that nothing can be done within the divisional structure to correct the ills of New Jersey's Correctional system. There will have to be a capable and knowledgeable Commissioner who, like the other cabinet officers,

has direct access to the Governor. Corrections gets almost 70 million dollars a year and with that kind of money, should have a more direct route to the Governor, then just a Divisional Head.

There are other reasons to separate Corrections from the rest of the Human Services represented by the Department of Institutions and Agencies. Other people arrive at the doorstep of I & A because of needs; people in the Correctional system arrive at that doorstep because of Court order and with that comes a whole host of individual problems, that the rest of Human Services do not encounter -- chief among these, is custody.

Custody itself is beset with problems. In the past few years, we have changed the name from "Guard" to "Correction Officer," but we have even downgraded the qualifications for the Correction officer. They no longer need a high school equivalency; to be able to read and write and pass a walk in examination is all. A number of officers I have talked with tell me they are even ashamed to walk downtown wearing their uniform. American tradition is pride in a job. How can a man without pride in his job be responsible to himself and his community, as well as to the people in his charge and they deal daily in human lives, their own as well as the people placed there by the Courts.

With the change from Guard to Correction Officer, a number of Correction Officers took advantage of Federal funding to get an education. Some going so far as Master Degrees, and they became outcasts in a system that should have welcomed them with open arms. Most of them have either left the system or have been placed in non-sensitive and usually meaningless jobs. It is my belief that under a Department of Corrections, both the dignity of the Correction Officer and the upgrading of the position can become a reality, and until we have "Correction Officers" in the system instead of just "Guards", there can be no real change.

Because of present economic conditions and the fact that it costs \$15,000.00 per year per person to keep a person incarcerated, there has to be a change from our present large Correctional facilities to community-based facilities. Again, this is a full time job and requires the power of a Commissioner's staff rather than just a divisional staff. The change, over the next few years, to community based Correctional facilities in and of itself will take more than six percent of a Commissioner's time.

It is plain that in terms of financial outlay only, the structure should be reorganized. At the present time, Corrections has the most emergencies and these emergencies usually necessitate overtime. These funds are many times drawn from other funds within the Department of Institutions and Agencies. This could not go on under a separate Department of Corrections. It would have to stand on its own two feet and would have to deal with situations "down the road" and not function only by crisis. Also, from my understanding of Federal funding, a separate Department of Corrections would open the door to Federal funds which are not available at the divisional level.

For the past few years, we have given lip service to a myth called "rehabilitation". But 95% of every dollar given to Corrections is spent for security and maintenance and only 5% to "build the myth". There must be, over the next few years, a complete restructuring of our Correctional and Criminal Justice System, keeping in mind, of course, political boundaries, civil service regulations and turfs of various interested parties.

Again, a divisional structure as now exists, does not have the authority or planning capabilities to carry out such massive changes. These programs are being planned not to pour more money into the system but to try ultimately to save the taxpayers dollars, to reduce crime and to re-integrate our institutionalized population into society as useful citizens.

Under a Department structure there can be a full time planning and research staff developing plans for both institutional services and community services; there can be a liaison developed with other departments for support services - none of these options are available on a division level, except up through respective departments.

I have heard it said that Corrections fairs better by its budget being buried as a small part of a division rather than standing on its own merits as a Department. If the system is to remain as it is, that is - run by crisis, than this is correct, but if the system is to evolve into an efficient Correctional Statewide System, then it must be fully exposed to Legislative scrutiny as only a Department can be.

I am not advocating statewide take over of the entire Correctional System, but rather a degree of unification and improved communications between varying components which make up our statewide system. I am advocating change over a period of time within the limits of political and economic feasibility, both of which can only be set forth by this body. It is time, therefore, that adult corrections no longer be treated as a step-child to be dealt with only in times of

crisis when newspaper headlines scream of some atrocities; it is time for it to be a well-planned, organized and integrated function of Government.

I have presented the foregoing as a citizen of New Jersey, as a member of Forum Project which deals with over some 300 people per month, half of which are ex-offenders, and as an inmate of Trenton State Prison for the past eight years.

SENATOR MENZA: Thank you, sir. You are at Trenton State Prison now?

MR. OBSTEIN: Yes, sir, I am.

SENATOR MENZA: At the present time?

MR. OBSTEIN: Yes, sir.

SENATOR MENZA: This is almost an aside, but the officer before stated that a time bomb situation exists in some of our prisons.

MR. OBSTEIN: I agree with him. Especially now with the curtailing of funds for some of the programs, such as the furlough programs, and it is just a matter of time before there is a problem somewhere else, and of course there is still overcrowding. Even Trenton down to 800 today is still overcrowded.

SENATOR MENZA: I think when he talked about a time bomb situation, he talked about the possibility of something out of the ordinary happening, if we continue to react the way we do react to the prisoners and to the system.

MR. OBSTEIN: I think we heard quite a few remarks about that. We heard about the planned escapes, which is probably extreme left politics spilling into the prison, which the prison isn't geared to handle. You have the large volume of drug offenders in prison, which the prison isn't geared to handle. They have dumped all these problems into the Department of Correction's lap, and you have not given Corrections the wherewithal to take care of it.

SENATOR MENZA: This is an aside again, the members of this Committee have been receiving a great many letters from people at the Trenton State Prison. We would like to meet with some of the representatives of some of the groups. If we so desire to do that, is it possible that you could arrange something like this through your group?

MR. OBSTEIN: I could try. I actually live in the work release house across the street from the prison, and I come down town every day to an office, but I would be glad to try, if you would like me to.

SENATOR MENZA: Do you think it would be worthwhile for the Committee to go down there to the Trenton State Prison and speak to the inmates?

MR. OBSTEIN: Yes, if only to see what it is and get their point of view. There are a lot of times when you sit in a cell and don't really know what is going on in the world, and you get very stilted points of view. You can realize, with some of the points of view that they have developed in the prisons, they can't make it in society, and changes have to be made, so that their views and society's views are more equal.

SENATOR MENZA: Sir, thank you for your point of view. We appreciate your coming. That concludes the hearing for today. We intend to develop a report and perhaps evolve bills as a result of this hearing. Our staff will continue to do further research on the subject. Thank you.

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NEW JERSEY ASSOCIATION ON CORRECTION

Testimony

Before the State Senate Committee on Health, Institutions & Welfare  
April 28, 1976

Twice within the past two and a half years the New Jersey Association on Correction has endorsed, by resolution of its Board of Directors, the creation of a separate, cabinet-level Department of Corrections. In both instances our action was based, in part, on our conclusion that the Department of Institutions and Agencies, as presently constituted, was simply too large a governmental enterprise --with too many complex problems arising from its multi-faceted human services mission-- to be effectively administered by a single Commissioner of a single agency.

The size and scope of the Department's activity has been officially questioned, with increasing frequency, over the past 17 years. In 1959, when the Department's caseloads, payrolls and budgets were far smaller, a study commission urged that it be kept intact to fulfil the promise of an "umbrella" agency which could address the multiple needs of individuals or families "in trouble." More recently Senator Garrett Hagedorn has introduced bills in the last three sessions of the Legislature to "split up" the Department by restricting its functions to those involving provision of treatment or economic assistance to the ill, the handicapped and the disadvantaged. The report of a "transition" task force filed shortly before Governor Byrne's inauguration reached a similar conclusion.

Last month the Association sent Governor Byrne a copy of our second resolution urging creation of a separate Department of Correction, explaining that it was essentially a restatement, with new emphasis, of a position taken shortly before he took office, and put aside when the newly-appointed Commissioner of Institutions

and Agencies successfully urged that the Department be kept in its present form. Our reconsideration of the issue began more than three months ago, prompted by evidence of gross mismanagement of the prison furlough program, a dangerous cycle of increased violence met with increased repression at Trenton State Prison, and a near "policy paralysis" produced by drastic budget cuts, increased overcrowding and disputes over paroling policy.

Last month the Association's Directors voted their second resolution calling for a separate Department of Correction. As crisis followed crisis in the Division of Correction and Parole, and interventions by the Commissioner of Institutions and Agencies and her staff became more frequent, it seemed clear to us that little of the urgently needed change could take place without the leadership of a full-time, single-focus, cabinet-level commissioner.

Our resolution cited the "need to establish clear lines of accountability and responsibility for management of the corrections component of the criminal justice system and to develop more effective, cabinet-level liaison with counterpart and related components of the same system." It stated the view that "only a cabinet-level department with full control of its own budget could cost-effectively manage the inevitable unification and coordination" of local corrections ~~as through~~ standard-setting, technical assistance and cost-sharing.

We further believe that only a separate department could develop support for small community-based facilities and services, which we urgently need to reduce our costly over-reliance on jails and prisons as the primary means of dealing with criminal offenders.

Last year the Council of State Governments surveyed 10 states where corrections operated under an "umbrella" agency; New Jersey led all others by a wide margin in percent of adult offenders imprisoned at 43.1. A recent survey by the National Clearinghouse for Criminal Justice Planning and Design indicates that our incarceration rate per 100,000 of population last year increased by 17 to 69.1. If the Division of Correction and Parole has done little to develop alternatives that would slow this trend, the Department of Institutions and Agencies has done less.

But a strong concerted effort soon must be made by a Commissioner of Correction who is willing and able to explain and price-tag the options available.--Otherwise, as a state colleague of mine recently commented, "we may all have to turn to crime to pay the tax bills for new prisons."

In a broader perspective the current state fiscal crisis has dramatized two fundamental facts about the Department of Institutions and Agencies:

1. It has experienced enormous growth in the number of its "clients" and employees and in the size of its budget since 1959, when it was more reasonable to argue that the state's biggest agency should be kept intact.

2. The inter-divisional cooperation that was expected to thrive under the "umbrella concept" has not developed; in fact, as their problems have intensified, the divisions appear to have grown increasingly parochial in outlook and function.

One Commissioner, two Deputies and a staff of legal and budgetary aides are too thinly spread to give equal attention to the very different problems that confront the various divisions --alleged fraud by Medicaid service providers, accounting

irregularities in the Division of Youth and Family Service, loss of accreditation by mental hospitals, inability of the Division of Correction and Parole and the Parole Board to agree on computation of eligibility for parole hearings.

During the past two administrations we have observed that corrections has been the principal thîef of the Commissioner's time. Each of the last three Commissioners has estimated that they spent up to half of their time on problems arising within the Division of Correction and Parole. For that reason alone, we would assume that the other divisions within the Department would welcome creation of a separate Department of Correction.

We should note that we do not abandon the ideal of the "umbrella" concept in urging that corrections be separated from the Department of Institutions and Agencies. We pray for the day when courts may look at an offender and decide that he or she would benefit more from a drug treatment program, mental health program or mental retardation unit than from conventional imprisonment. We look forward to greater cooperation from the entire range of human resource agencies in helping released offenders to make a crime-free return to their --and our--communities.

Experience to date, however, suggests that these cooperative arrangements might be made sooner by a Commissioner of Correction negotiating solely in the interest of his or her "clients" than by a Commissioner of Institutions and Agencies obliged to compromise the competing interests of division directors. Let me illustrate:

Following a 1972 report by a study team of the N.J. College of Medicine and Dentistry, which rated prison medical and psychological services as "deplorable," we proposed that all inmates be enrolled in Medicaid so that health care could be improved with a fifty percent federal reimbursement. Medicaid officials termed the proposal "a luxury we can't afford" and the Commissioner wasn't able to get them to meet with prison officials to discuss the idea. Prison health care remains "deplorable."

Two years ago the Commissioner proposed that ninety prison inmates assigned to work at the Ancora State Hospital laundry be housed in a separate facility at the hospital rather than commute daily from Leesburg Prison. Division of Mental Health officials helped arouse opposition among residents of nearby communities. Ultimately, the courts upheld the Commissioner's right to make transfers within the Department.

As a recent Star-Ledger editorial cartoon suggested, Correction and Parole has been getting pretty wet out there and needs a new "umbrella" of its own. It also has been suggested that a new Department of Correction could be "left out in the rain" by an unfriendly Legislature. To be sure, elevating the status quo -- sometimes defined as "the mess we're in" -- to Department level will do little to ease the crisis now confronting the correctional system. It will indeed take more than that.

However, the state's first Correctional Master Plan is nearing completion and should offer a roadmap out of the wilderness. A new Department of Correction would provide a vehicle with more horsepower to make the trip. We will also need a Commissioner with the track record of a Mario Andretti to take the wheel. New Jersey needs a new map, a new vehicle, a new driver...yesterday.



*Jeffrey Faue*  
NATIONAL  
ASSOCIATION  
OF  
SOCIAL  
WORKERS  
INC.

Testimony for Public Hearing-Reorganization of  
Department of Institutions and Agencies-April 28, 1976

NEW JERSEY

110 West State Street, Trenton, New Jersey 08608

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Mr. Chairman and distinguished members of the Committee:

My name is Jeffrey Faue. I am Executive Director of the National Association of Social Workers-New Jersey Chapter. The New Jersey Chapter of NASW represents over 2,300 social workers in New Jersey alone and NASW Nationally, has over 65,000 members in chapters in each of the 50 states, the District of Columbia, Puerto Rico the Virgin Islands and Europe. I appreciate the opportunity to present to you NASW-New Jersey's views on the reorganization of the Department of Institutions and Agencies.

Social workers are major provider group associated with the Department of Institutions and Agencies. Our members are employed both directly by the department and through its multi-faceted programs and projects provided by the private social services sector. NASW-New Jersey's members are found in other departments as well, and in all the divisions of the department. From this base of experience, the Association can speak to both the need for an examination of the crucial questions facing human services, and to the suggestion for how these services might be better organized.

NASW-New Jersey is not fully in agreement that the reorganization question, is a question of whether or not the department of Institutions and Agencies is too large, i.e. a question of size. Perhaps the question is better expressed as to the goal of the reorganization of the Department. In this sense, NASW would not like to see

administrative tinkering, without a consideration of the objective of the outcome. Similarly, the Association would like its testimony today to be seen as opposed to a headlong rush to do something, and in support of a careful examination of what exactly might aid the delivery of human services. Having said that, the Association would like to suggest three objectives for human services reorganization which might have far reaching implications for the Department. These three goals might be characterized as; singling out the importance of corrections; second, integration of human services and third, increased administrative effectiveness.

First, as an Association, NASW-New Jersey is most concerned about the increase in crime. A disproportionate amount of crime is inflicted upon the poor and indigent. These individuals are often referred to social workers and may become clients with whom the social workers spend much time. The Association is aware of the debate in the corrections field concerning the different approaches to corrections captured in the "justice system" and the "rehabilitative" system models. While no easy solutions are available, increased attention to this essential problem of our society is called for. However, NASW-New Jersey does not at this time, choose to side with one point of view, or another. If such a policy statement is forthcoming, it is probably that NASW would choose to separate the Justice system as it applies to adults and juveniles, and would probably choose to place all who have not reached the age of majority under the supervision of an improved Division of Youth and Family Services.

Second, one might wish that any plans for reorganization would take into account the recurrent problem of the integration of social services. Currently, each system, or problem area such as mental retardation, or health care, is a fiefdom unto itself. Even in the

Testimony of Jeffrey L. Faue

National Association of Social Workers-New Jersey

area of regions within New Jersey, there is pathetically little coordination. One noteworthy exception is the work of the Mental Health Planning Committee, which graciously, and appropriately agreed to observe both county lines and the Health Service Areas (HSA's) and thus moved toward integration of health and mental health services. The issue involves a central administrative organization. Currently services are organized on what may be regarded as a vertical base. Each problem area has its own division and there is relatively little cooperation between divisions. Similarly, support services are either drawn from the division, or from other governmental bureaus, e.g. purchase and property. Only recently has the Commissioner's office been given the staff capability to improve communication and management of the department. Without the resources to integrate human services, there is a proliferation and duplication of services and at the same time, crying needs in the state go unmet. The integration of human services is a major problem and as such should be addressed by any reorganization of the major department rendering human services. Social Work as the major discipline around which services are provided, is concerned about the lack of service integration because in one locale, competing services and fragmented administrative rules make client services difficult. In another locale, and this is the more common problem, the absence of social services retards the ability of the social worker to address the client's needs. Better integration of human services will not in and of itself result in adequate services. It will allow for a better picture of what services are needed and where.

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Testimony of Jeffrey L. Faue

National Association of Social Workers

There is a third goal to which a re-organization of the Department of Institutions and Agencies might be addressed. This is the goal of administrative effectiveness. Recent newspaper accounts have alleged mismanagement in the Department. While NASW probably would argue that social workers would have been better managers of the social services delivery system, the whole management capability of the Department is so new as to require some flexibility in reviewing it and criticising it. The administrative effectiveness issues that the Association would like to raise today are the issues of policy on how the Department is organized and how human services might themselves be organized.

There is a question of enormous impact that has not been answered in any definitive manner. This is the question of whether the Department of Institutions and Agencies is:

- a provider of service, or
- the provider of service, or
- only an integrator of service.

Some would have the Department and its many divisions, programs and offices seen as one of many providers of service. In this role the state's services have been seen as the "last resort," or the dumping ground for the failures of other systems. Generally, this view is unfair to other providers of service since they do not have the State's resources, or force. It is unfair to the clients. And finally it is extremely costly for the State. The second option is to view the State as the only provider of services. This view would observe that the

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government finances the lion's share of human services. Even historically private services, are today dependent on government for their financial survival, and are hence, at best, quasi-public services. If the state has this overriding importance in the social services system, shouldn't it be viewed as the only service provider?

Is the state in the best position to integrate social and human services? This is the third option. Given the state's all pervasive presence in the system, certainly the state can play a major role in service integration. But should it get out of the service delivery business altogether?

Each of these three options has many proponents and detractors. Not to adopt one of the three positions results in confusion for providers, agencies and clients. The outcome of this confusion is increased costs. Any discussion of reorganization of human services must address the basic question of a philosophy of service delivery captured in a very simplistic fashion in this presentation.

The second issue surrounding administrative effectiveness is the unresolved question of the structure of the human services system. As social life becomes more and more complex, it requires an ever more keenly attuned professional delivery system. The well endowed, both financially and intellectually, are forced to seek recourse to professional for much of their functioning, and those/less well-gifted are at that much more of a disadvantage. In response to this need more and more services have been professionalized. In this development, no one has as yet organized the array of professional services, commonly

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known as human services, into a coherent, comprehensible whole. In some ways to even ask the question, begs the question, which human services? Are education, health care, manpower training to be included? How do these relate to the problem areas of mental retardation, corrections, mental health, youth services, counseling, drug abuse and so many more.

It is from this confusion which surrounds and encompasses today's delivery system that NASW finds itself in the position of asking that any re-organization of the major provider of human services, the New Jersey Department of Institutions and Agencies, be undertaken slowly, with much thought and toward the goal of improved service delivery to the citizens of the State.

Thank you. If there are any questions, I will try to address myself to them, or get back to you with the information.

April 28, 1976

STATEMENT BEFORE THE SENATE INSTITUTIONS AND  
WELFARE COMMITTEE ON THE REORGANIZATION OF  
THE DEPARTMENT OF INSTITUTIONS AND  
AGENCIES

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I am pleased to have this opportunity to add my comments concerning Senate Bill #35 entitled "Department of Human Services Act of 1976".

The Department of Institutions and Agencies was established by the legislature in 1918 under a plan which consolidated under one head all the state's activities in the field of mental health, corrections, and social welfare. This design was well suited to meet the needs of another generation.

Over the past 58 years, while a revolution has occurred in the philosophy of social welfare, New Jersey has been operating its program under substantially the same administrative system.

1976 is not 1918. Far reaching changes have taken place. In 1918 when it was known generally as the Department of Charities and Corrections the budget for Institutions and Agencies was approximately \$3 million dollars. The Department's recommended budget for fiscal '77 on the other hand, exceeds \$546 million dollars and will represent one-fifth of the State's total budget allocation. There is no doubt that the work of this department is the State's biggest single job. This rapid growth has seen the Department of Institutions and Agencies evolve into a complex, cumbersome, bureaucratic maze. Like the dinosaur, the Department has become too large to be efficient in its environment.

Looking at the present situation from the local level, we find in our administrative judgment that social welfare has been placed at the bottom of the department's list of priorities. Because of its size and complexity, it appears that the Department's Commissioner spends the greater part of her time in matters concerning institutions, and delegates responsibility for agency-related matters to other levels.

The appeals procedure in welfare is an example of one such function which has been delegated. In this area, the Commissioner has abdicated her responsibility to hear appeals from local agencies and has placed this function within the office of the Director of the Division of Public Welfare, who in essence, is empowered to rule on the propriety of his own decisions, a definite conflict of interest.

Under law, New Jersey has a state-supervised welfare program with local administration. In reality, however, the State through its arbitrary edicts and procedural changes has, to all intents and purposes, taken over the local administrative function contrary to State statute.

As far as the proposed legislation is concerned, I am in favor of restructuring the Department of Institutions and Agencies to a more manageable size.

Insofar as Welfare is involved, I find that we are placing the cart before the horse if we do not conduct a complete systems review of that department to more clearly define lines of authority, accountability, and responsibility.

For its part, the State has not hesitated to place the local level under a microscope. Several years ago, this unwieldy department, through a series of telephone calls within the State and local welfare boards, conducted an audit

of our operation. The Division of Public Welfare was not made a part of this process. We now find that history is repeating itself. The State, which regards itself as a sacred cow, above reproach and above critical examination, is conducting yet another study of the local operation. Although presented to us as a sample study, we now find that its design requires that all supervisory employees be interviewed and all field eligibility workers queried. That's quite a sample! Whoever heard of such a research design? It is hard to escape the conclusion that we are confronted with a very clearly designed witchhunt. Again, the State's operation will not be extensively studied even though organizations like the County Welfare Director's Association have repeatedly gone on record in calling for such reviews.

The lack of coordination among the various agencies has been a chronic problem in program administration. Relationships have been strained and policies have not been developed in a uniform pattern. The result has been frustration and confusion.

Nowhere has this lack of coordination been more apparent than within the Department of Institutions and Agencies. County Welfare Boards, for example, are actually responsible to three (3) masters. In the area of financial investigations we are responsible to the Division of Public Welfare, for Social Services to the Division of Youth and Family Services, and finally, for Medicaid matters, to the Division of Medical Assistance and Health Services. This fragmentation creates unnecessary and expensive duplication of services, is a waste of time and effort, and creates confusion, frustration and dismay at the local level.

I would, accordingly, recommend that supervisory authority for Social Services

which was moved by administrative fiat from the Division of Public Welfare to the Division of Youth and Family Services be transferred back to the Division of Public Welfare, so that County Welfare Boards can report to one authority for financial and social service matters.

I would also recommend here today that an amendment to Senate Bill #35 be considered which would create a Division of Human Resources within the New Department of Human Services to encompass the functional responsibilities of the present Division of Public Welfare and Youth and Family Services. This plan would reduce fragmentation and waste to a minimum, and ultimately result in savings to the taxpayer.

Doctor Kwalick

Doctor Sussman

April 26, 1976

Inspection at Trenton State Prison Hospital

An inspection was made at the Trenton State Prison Hospital based on a complaint from the inmates/patients in the facility. Present during the inspection were Jerome Kozak and Tom Sikorski of Consumer Health Services, and Samuel Perrone and Paul Cardiciotta of Institutions and Agencies. The following conditions were observed:

- (1) A heavy cockroach infestation with live nymph and adult stage roaches flushed out of the first floor of the hospital.
- (2) Roaches were observed crawling on walls and on the bathtub. This area is directly open into the patients' sleeping and living quarters with patients' beds approximately six feet away.
- (3) Garbage cans heavily encrusted with food and debris. These cans are kept in the hospital area during the day and emptied the following morning.
- (4) Window sills in the hospital were heavily littered with old cigarette butts, old dried food products and debris.
- (5) Paint was observed peeling from the ceiling and walls in the operating room and in the laboratory where tests are conducted. Some portions of the peeling paint were directly over the operating area and operating equipment. Operating room was visibly clean except for the peeling paint. Some walls within operating room contained bare wood and remained unfinished, making adequate sterilization techniques an impossibility.
- (6) A hole approximately 5 inches in diameter was observed in one wall in the operating room. This hole was in a hollow wall which could allow vermin to enter the room.
- (7) The area designated for portioning of foods to the patients in the hospital was a hallway with peeling paint, inadequate lighting, food splattered walls and dirty floors. This area should have never been used to portion foods.
- (8) In other areas of the prison such as the second floor hospital room and the other food service areas, all the inside ledges were heavily littered with old cigarette butts and food debris. Bread which had been just delivered in the bakery area, was laying in pools of water directly on the floor.

An inspection of the inmates' store revealed that the store was kept in an orderly, clean manner. No major violations in the store were observed during the course of the inspection.

We received the cooperation of Messrs. Perrone and Cardiciotta; however, it was evident during the course of the inspection that Mr. Perrone's ability to discern proper environmental health techniques was limited. As an example, it was noted that he sprayed insecticide

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flushing agent directly into an electrical socket which could cause a potentially dangerous situation. At another point, he was not very helpful to a patient who was distraught because the hand urinal he was using was apparently not clean and was heavily encrusted. He said: "What do you want to p--s in"? The patient was visibly and understandably upset with this statement. As reported to me by our inspectors, it personally gives me the feeling that some of our troubles with the inmates is management's own fault.

Mr. Perrone assigned Mr. Cardiciotta to the facility until proper corrections were made. Mr. Cardiciotta exhibited professionalism during the inspection and gave instructions to the staff of Trenton State Prison Hospital in eliminating and correcting the deficiencies.

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Oscar Sussman, D.V.M., M.P.H., J.D.  
Director, Consumer Health Services

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COUNTY WELFARE DIRECTORS' ASSOCIATION  
of  
NEW JERSEY

TO: Senator Alexander J. Menza and Members  
Senate Institutions, Health and Welfare Committee

FROM: Mary L. Hollis, President  
The County Welfare Directors' Association of New Jersey  
P.O. Box 311  
New Brunswick, New Jersey, 08903

SUBJECT: Testimony to be entered into the record at the public hearing  
on proposals to reorganize the Department of Institutions and  
Agencies.

I am Mary L. Hollis, President of the County Welfare Directors' Association of New Jersey. This association is the organized body of the twenty-one County Welfare Directors of the State of New Jersey. On behalf of the Association I speak in support of a reorganization of the Department of Institutions and Agencies.

The County Welfare Directors' Association has long urged that this massive Department be split into two or more manageable Departments. Attached are position papers released by the Association, dating from June 1, 1972, to March 22, 1976, which clearly demonstrate the Association's belief that the Department as presently constructed is too massive, has too great a span of responsibility and control, too diverse program functions to be an effective and efficient organization.

We believe, further, that those Divisions to which the County Welfare Boards are now responsible--the Division of Public Welfare, The Division of Medical Assistance and Health Services and the Division of Youth and Family Services--comprise a sufficient program function and task load to be structured as a separate, independent Department from the Division of Correction and Parole, Mental Health and Mental Retardation, etc.

The stresses presently being placed upon these three Divisions, in the form of complex, everchanging federal regulations and demands for performance at an error-free level dictate full time and full effort by a Commissioner or Department Head toward attainment of the goals of effectiveness and efficiency in the public welfare functions.

From the programmatic point of view Directors, and County Welfare Boards, have had great difficulty in implementing the variety of programs with which they are charged, because of inadequate coordination of instructional materials forwarded by the State Divisions. This dilemma has necessitated the establishment of liaison personnel to review the multitude of regulations in an attempt to minimize the conflicting procedures imposed. It is hoped that a Department with a smaller scope of responsibility would relieve this problem to some extent.

At a time when fiscal accountability for program expenditures is prominent in both federal requirement and justification of need, it is vital that the Department structure be organized to effectuate manageability to optimal capacity. Only by division of the now massive Department into smaller units can this be accomplished within a reasonable time frame.

