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Transition New Jersey
Office of Governor-Elect

Final Report of the Corrections and Homeland Security Committee

January 05, 2010

Joseph Billy, Jr. -Chair

Former Special Agent in Charge
NJ Office of the Federal Bureau of Investigation

Cornell Brooks

Executive Director
NJ Institute for Social Justice

Jerry DeCicco

President
Jersey City Police Officer's Benevolent Association

Bill Fraser

Warden,
Executive Board, NJ County Jail Wardens Association

Ralph Fretz, Ph.D.

Director of Assessment
Community Education Center

Jan Gilhooly

Former Special Agent in Charge
United States Secret Service

Dan Lombardo

President/CEO
Volunteers of America Delaware Valley, Inc.

Ralph McGrane

Retired Warden
Rikers Island

Frank Luna

Staff Member
Office of the Governor-elect

John Paitakes, Ph.D.

Volunteer Staff Member

Harold Neal

Volunteer Staff Member

Cristina F. Cruz, MA

Project Analyst

Corrections and Homeland Security Report

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Mission Statement: The mission of the Corrections and Homeland Security Sub-committee is to critically review and summarize the performance of the Department of Corrections and the Office of Homeland Security and Preparedness with the objective of identifying opportunities to increase efficiency while maintaining and improving overall performance.

¹ To be provided to the Governor-elect's Office upon request. All information was reviewed in non-electronic format, and was provided by the Department of Corrections and OHSP upon request.

Executive Summary

Key Findings of the Corrections and Homeland Security Subcommittee

The following report serves as the collective findings of the members of the Corrections and Homeland Security Subcommittee. The methods utilized for this review included the following: a review of the information provided by the subject Departments, individual interviews, group interviews, on-line information, and on-site visits. With regards to the Department of Corrections (DOC), this subcommittee also examined the State Parole Board (SPB). The report also lists recommendations for the Juvenile Justice Commission (JJC). The JJC is currently being reviewed by the Law and Public Safety Subcommittee, and accordingly the JJC data compiled by this subcommittee should be shared with the Law and Public Safety Subcommittee. To facilitate the OHSP review, interviews were conducted with a wide-range of local, state and federal law enforcement and emergency management officials.

Department of Corrections

The findings of the subcommittee indicated that significant cost avoidance and savings can be realized within the Department of Corrections and the State Parole Board. Findings and recommendations were classified in the following manner: Opportunities for Change section, Cost-savings, short-term cost-savings and longer-term cost-savings. It is noted that some of the longer-term cost-savings reflect the divergent opinions of the subcommittee members. Immediate changes in the DOC, SPB, and JJC can save the State significant amounts of money while keeping public safety at its current level, or even enhancing the public safety. Some of the significant findings of the subcommittee included the following: Elimination of county parole, elimination of the Gang Unit at Northern State Prison, reduction of overtime, double bunking of inmates, minimization of the use of county jail beds, and decreasing the size of the substitute teacher pool at the JJC. These and other listed changes can be accomplished in a brief timeframe. Other solutions that would save the State significant amounts of revenue include the use of alternate methods of sanctions for low-risk drug offenders who would be better served in a community placement where they can be treated for their substance abuse problems.

Office of Homeland Security and Preparedness

The review of OHSP had to first answer the fundamental question of relevancy. Given the structure of New Jersey's existing law and public safety environment, it was examined whether the OHSP should continue to exist as a separate stand alone department. The review of this subcommittee affirmed the essential need to maintain a dedicated department that is trained and equipped as subject matter experts to guide the planning and preparedness of New Jersey's vast critical infrastructures.

To further develop the OHSP and ensure it is an effective and efficient operation, the subcommittee makes the following recommendations: The current Executive Order 5 (EO 5) is vague in setting forth the duties and alignment of OHSP within the state government. The EO needs to clarify the exact reporting chain of the OHSP relative to other state entities, especially the need to "direct" OHSP to work jointly with the New Jersey State Police, and combine efforts in the area of preparedness and Office of Emergency Management (OEM) functions. Specifically, OHSP must be responsible and accountable for preparedness planning, and NJSP-OEM must be responsible and accountable for response and mitigation during crisis events. EO 5 must further address intelligence sharing, and drive the initiative for combined resource sharing across all critical infrastructures.

The subcommittee further recommends the elimination of investigative responsibilities of OHSP, as there is a clear indication this is a redundant function that is better served by federal, state and local law enforcement operating in close coordination with the FBI-led Joint Terrorism Task Forces operating within New Jersey and surrounding states.

Eliminating the OHSP investigative function would be cost effective, saving the state several million dollars. It is further recommended to consolidate all operations of OHSP to the Hamilton Township facility and the Regional Operations Intelligence Center (ROIC) in Trenton. This would eliminate rent charges being paid to the other locations OHSP is presently operating at, while forging a much needed partnership with the NJSP-OEM at the ROIC. Finally, the only item identified by the Corrections and Homeland Security Subcommittee for a "Red Tape Review" is to examine New Jersey State Policy regarding current procedures to move designated funds to their intended recipients. This review would further examine the OHSP/Grants Bureau policies that could enable the identification of new federal funding streams that would further help the financial support provided to the State of New Jersey by the federal government. This was a consistent concern voiced by OHSP customers throughout the review process, and the subcommittee has determined there is merit to concerns over the lengthy procurement timeline of the grant approval process.

Part I, Corrections

I. Overview

The **New Jersey Department of Corrections (DOC)** is responsible for the safety, security, and rehabilitation of approximately 27,000 inmates located in 13 youth and adult correctional facilities, county jails, and community-based halfway houses. For Fiscal 2009, the DOC's fund appropriations was \$1.02 billion, of which about three-quarters supports the operation of 13 state prison facilities. Fiscal year 2010 adjusted appropriations was listed as \$1.04 billion in the documents provided by DOC. The DOC employs over 9,000 personnel.

New Jersey State Parole Board (SPB). The SPB is responsible for assessing the parole readiness of inmates and supervising them once paroled. Each year the SPB conducts approximately 20,000 parole hearings and nearly 2,900 revocation or rescission hearings, and supervises more than 15,000 offenders. For Fiscal 2009, state funding for the SPB was over \$105 million, funding 732 personnel positions, of which 512 (70%) were parole supervision staff positions and 166 (23%) State Parole Board staff positions.

The **Juvenile Justice Commission (JJC)**, responsible for juvenile offenders is currently under the Department of Law and Public Safety. For Fiscal 2009, State appropriated funding for the JJC was approximately \$158 million (includes educational budget), funding over 1,200 employees. The main recommendation for the JJC is to merge the agency with the Division of Youth Services.

II. Structure, Mission, Organization, and Initiatives

A. Structure of State Offender Management

Three separate state administrative units process and manage state inmates. They are: the Department of Corrections (DOC: adult offender population), Juvenile Justice Commission (JJC: juvenile offender population), and the State Parole Board (SPB: adult population). Organizationally, the SPB is "in-but-not-of" the DOC; likewise the JJC is "in-but-not-of" the Department of Law & Public Safety. Each unit has its own population, jurisdiction of function, staff, organizational structure, and budget.

B. Mission of State Offender Management Units

The DOC provides residential and rehabilitative services to adult offenders. The service mission of the DOC has historically focused on incapacitation, with less than 5 percent of the corrections budget allocated to rehabilitation services.

The SPB has two primary functions: (1) to conduct parole and revocation hearings and (2) to supervise parolees residing in the community. The primary focus of the SPB is readiness for release and supervision once released. The majority of parole resources are allocated towards parole supervision, which includes a variety of innovative supervision initiatives. Parole serves as the major reentry agency in New Jersey.

The JJC integrates all programs and interventions related to juvenile offenders through a model that includes community-based programs and services, education, residential care, juvenile parole and transitional services, and gang awareness and prevention.

C. Organization

Of the three agencies described above, the organizational structure for the DOC is the most complex. In general, the DOC has five Directors, a Chief of Staff, and Deputy Commissioner, each of whom reports directly to the Commissioner. There are three assistant commissioners and a deputy commissioner, with 14 directors reporting to assistant commissioners and another set of directors reporting to directors of specific offices.

The SPB is comprised of eight units, under the direction of the Chair. The Office of the Chair includes: Chair, Vice Chair, 15 Associate Board members, Executive Director, Deputy Executive Director and other executive staff. There are three divisions: Parole (with a director), Adult Release and Juvenile, and Community Programs (with a director).

Organizational leadership at the JJC is provided by nine executive staff, including the Executive Director, two Deputy Directors, and six Directors. Service responsibilities are divided into two units, operations for facilities and programming, each with a deputy director. Administration of the JJC is under the director of administration.

D. Performance Measurement

All three state inmate management units, DOC, SPB, and JJC collect standard operations data regarding bed occupancy rates, recidivism rates, population characteristics, number of participants in educational programs and so forth. Reports are produced annually by the DOC and are posted on its website. Similar reports are not routinely available on the SPB websites but some of this information can be found in State Budget Reports.

E. Budget and Statistical Data

A brief overview of the budgets and statistical data on the three Departments has been provided above. Given the complexity and scope of the three Departments, a detailed listing of business activities and operating information are beyond the scope of this report, but are readily available through the Departments' websites and Central Offices. Under the Opportunities for Change section, this report will list potential areas where efficiency may be increased and where spending may be reduced.

G. Initiatives

1. Department Of Corrections (DOC)

- The DOC has implemented a number of programs including the following: Workforce Learning Link, Project PRIDE (a program that brings select minimum custody inmates to schools to present their experiences with drugs, alcohol, and the effects of incarceration), Juvenile Awareness Program, STARS (Successful Transition and Reentry Services), the Thinking for a Change curriculum, and the Helping Offenders Parent Effectively.
- Therapeutic Communities (TCs), intensive drug treatment programs, have been established in six correctional facilities with 1,376 beds available.
- The Office of Transitional Services (OTS) has been established and assists offenders returning to their communities in a variety of ways including assisting with securing valid identification cards. OTS has published a number of Smart Books for inmates as they return to their respective counties, for example, the Essex County Smart Book.
- Children of Prisoners Mentoring Identification Program (**Nicholson Grant**)
- Disability and Medical Benefits Early Application Processing Program (**Nicholson Grant**)

2. State Parole Board (SPB)

- A continuum of graduated sanctions has been established for technical parole violators including electronic monitoring, day treatment centers, and residential treatment centers including the recently developed Residential Assessment Centers (RAC). This activation of these graduated sanctions has played a role in the reduction of 50% of the technical parole violators being returned to prison from 2004 through 2008.
- America Works (**Nicholson Grant**)
- FORGE (**Female Offender Resource Group of Essex**) (**Nicholson Grant**)
- Enhanced Resource Development and Housing Services Project (**Nicholson Grant**)

3. Juvenile Justice Commission (JJC)

- The JJC developed a strategic plan to enhance the efficiency of its operations in October 2008.

- Implementation of best practice programs for adolescents including Functional Family Therapy.
- Recruitment of MSW interns to assist with the Social Work Department
- Housing Coordination Program (**Nicholson Grant**)

III. Opportunities for Change

This section will outline recommendations from the subcommittee members and be divided into two subcategories: 1) Immediate cost-savings and increased efficiency recommendations and; 2) longer-term cost-savings and increased efficiency recommendations. Under the long-term subcategory, some recommendations express the divergent viewpoints of subcommittee members.

A. Cost-Savings Recommendations:

1. Department Of Corrections (DOC)

- **Eliminate the Use of Shift Overlap and Unnecessary Shift Overlap Posts.** Currently, correctional officers are paid for 10 minutes overtime each shift (down from 15 minutes). In an audit conducted by the State Auditor on NJ State Prison dated May 26, 2009, it was found that 74 overlap posts did not require an officer for the following shift. At NJ State prison alone, a savings of \$380,000 in 2007 would have accrued had the DOC followed the audit's recommendations. Eliminating the unnecessary shift overlap posts would have saved an additional \$230,000 in 2007 at NJ State Prison for a total savings of \$610,000 in 2007. Extrapolating that figure to the other 12 institutions would result in approximate savings of \$7 million dollars per annum if the shift overlap and overlap posts were eliminated.
- **Review the Sick Time Policy for Corrections Officers.** Sick time policy and procedures need to be reviewed and current policies need to be enforced. Reducing abuses of sick time would save the State conservatively \$1 to \$2 million per annum.
- **Review the Use of Overtime and Minimize Overtime through Alternate Methods.** The overall use of overtime should be reviewed immediately for savings. Management needs to ensure that the squads are balanced equally, given the scheduling of holidays/days off/vacation time/emergency time. Each facility squads need to be balanced throughout the departments commensurate with their actual manning formula..

• **Eliminate the Chief of Staff position at the Central Office and Review non-classified positions.**

Savings of approximately \$150,000 per annum for the elimination of the Chief position. In addition, all non-classified/political appointment positions should be audited. Positions that have terms like governor representative should be targeted for close review. These non-classified positions should be considered for elimination in DOC, Parole, and JJC.

• **Minimize Purchase of Jail Beds.** At present, the State spent approximately \$30,036,000 FY 2009 housing state inmates in county jails. The DOC is requesting \$57 million for FY 2010. It is likely that this figure can be reduced by 50% or more by more efficiently moving state inmates into the prisons.

• **Eliminate the Gang Unit.** The Gang Unit should be dismantled and the inmates reassigned throughout the DOC system. The beds within this unit could be reallocated for general use. The elimination of this unit would result in a net increase of 320 general population beds and 80 administrative beds. In addition, the savings would include the elimination of 1 Captain, 3 lieutenants, 10 sergeants, and 16 corrections officers. The savings from the staff reductions would be conservatively in the \$2-3 million range, besides the increase in available beds.

• **Eliminate the Special Sentencing Unit.** The New Jersey State Prison has a 48-bed Special Sentencing unit for inmates sentenced to life without parole (formerly death row inmates). It is recommended that inmates in this unit be reclassified in accordance with the objective classification policy and that the Special Sentencing Unit be dismantled, with those beds reallocated for general use.

• **Use Double Bunking of Beds Where Appropriate.** Interviews with senior staff indicated that bed capacity could be increased by 400-500 beds by double-bunking. These beds could be used to house state inmates currently housed in county jails. Also the elimination of the Gang Unit or STGMU at Northern State prison and reallocation of the Special Sentencing Unit beds (cited above) would help in that regard.

• **Review the Sex Offender Units.** The two sex offender units need a thorough review of their facilities, staffing requirements, and management needs. One of the units (Kearny) is under court order to close April 2010. There does not appear to be a strategic plan to address this serious issue.

- **Outsource the Food Service.** Experience has shown that outsourcing commissary and food services reduces waste and theft, yielding significant cost savings. A pilot study is recommended of outsourcing these functions at a single facility. If cost-effectiveness is determined, expansion of outsourcing could be considered through the DOC. The outsourcing of food services could lead to savings in the millions of dollars due to not having to hire state workers in the kitchens along with lower food costs due to a private entity getting lower prices on food and other supplies.
 - **Maximize SCAAP Payments.** The payments received by the DOC from the State Criminal Alien Assistance Program (SCAAP) programs are below expected levels. It is recommended that DOC redouble its efforts to identify and record foreign nationals. Guidelines are needed for the allocation of SCAAP funding. For example, for FY 2008, New York State (county jail and prison combined) was awarded \$48.9 million, while New Jersey (county jail and prison combined) was awarded \$13.6 million. It is likely that New Jersey may be conservatively missing out on another \$10 million or more in federal funding.
 - **Reduce the Size of Special Investigation Division (SID).** This unit currently has 90 SID officers. It is likely that 10% or higher of these staff can be reassigned to other duties or lost through attrition. By reducing this unit by 9 officers, the State stands to save approximately \$720,000 (9 x \$80,000).
- 2. State Parole Board (SPB)**
- **Elimination of County Parole.** Due the fact that county inmates serve brief sentences, there is little chance that they will have an opportunity for parole supervision. There are currently 5 hearing officer and 13 district officers assigned to county parole supervision. Elimination of this program would conservatively save \$2 TO 2.5 million per annum.
 - **Reduce the Parole Board from 14 Full-time Slots to 10 Full-time Slots.** There are currently 12 (2 slots are vacant) full-time Board members (including the Vice-Chairman) with 3 Alternate Board members. Increasing in addition, alternate Board members to fill the full-time slots would save money as the Alternates are paid per diem with no benefits. Reducing 4 Board members slots would save the State approximately \$500,000 per annum.

- **Institute Earned Credits for Parolees.** Currently, parolees do not earn any credits off their sentence during their parole supervision. This is in contrast to an inmate earning 11-13 days a month off his sentence for not incurring an institutional infraction. This lack of earned compliance credit for parolees is a disincentive for inmates to apply for parole. In addition, earned credits for parolees would shorten their parole supervision time saving the State money for the cost of parole supervision and leading to more inmates applying for parole and possibly decreasing the prison population. Savings in this area are difficult to calculate but probably represent millions of dollars. It is possible (depending on the AG's interpretation of the Commissioner's jurisdiction) that the DOC Commissioner can mandate this change without having to go through the Legislature.

- **Increase the Number of Video-Conference Parole Board Hearings.** To initiate cost savings in transportation & time and resulting in conducting more hearings.

3. Juvenile Justice Commission (JJC)

- **Review of the Use of Substitute Teachers at the Institutions.** JJC employs 45 Substitute Teachers who are paid as full-time employees and receive full benefits. Using an average annual salary with benefits of \$60,000, these 45 teachers cost \$2.7 million dollars annually. This figure is probably closer to \$3 million or higher. If these substitute teachers were paid at the high end of the substitute school rate of \$110/day with no benefits then the figure would be around \$1 million with a net savings of \$1.7 to \$2 million.

- **Review of the Parole Release Decisions.** The percentage of juvenile parole releases is in the 4-5% range. The JJC Parole Board needs to efficiently and effectively establish a procedure to increase parole releases without compromising public safety. Increasing the parole board releases by 20% would save the State a significant amount of money per annum. Using the 20% figure with 952 youths in residential beds (610 youths in secure facilities and 342 youths in residential community beds), there would be 190 less youths in a residential bed. At \$65,000 annual cost for a residential bed, the savings would be \$12,350,000 per annum. If 50% of the savings were allocated to community aftercare for these youths then the savings would still be \$6,175,000 per annum.

B. COST-SAVINGS RECOMMENDATIONS

- **Use Alternative Methods to Deal with Low-risk, Non-violent Offenders Incarcerated for Drug-related Crimes.** The GEAR commission (the Government Efficiency and Reform Task Force under Governor Corzine in 2007)) found that there were approximately 6,600 state inmates who fit the above-cited criteria. These inmates would be better served in substance abuse treatment centers and other types of community release centers. Using Commissioner Hayman's recent testimony that a state prisoner costs \$49,000 per year, the State would save a substantial amount of money if cheaper, and more effective alternate methods were used. For example, using $\$49,000 \times 6,600 = \$323,400,000$. If the State spent half of that amount on treatment for these low-risk prisoners, then it would save approximately \$161,700,000 per annum. These savings will only be realized if there is a reduction in workforce and prison closings as a result of the decrease in inmate census. For example, it is likely that, at least, one to two prisons could be closed as a result of this diversion method. If properly administered, this diversion method would not only save a substantial amount of money, but also increase public safety through a potential reduction in recidivism.

- **DOC/ PAROLE/JJC Audit Recommendations:**

- **Central Office Workforce Audit.** The Central Office appears to be overstaffed. A comprehensive desk audit is recommended for each position and titles should be adjusted, re-deployed, or eliminated. Also recommended is an evaluation of each Division and Office assigned to Central Office with the goal of consolidating and/or eliminating units in ways that will reduce fragmentation of function.
- **Prison Facility Workforce Audit.** A similar audit is recommended for the individual prison facilities. Given the close proximity of some facilities, careful consideration is recommended for the consolidation of some administrative staff functions.
- **Audit the Special Investigations** it appears that Special Investigations Division (SID) may be performing functions traditionally by on-site supervisors.
- **Audit the Effectiveness of the Objective Classification System.** Conduct an audit of the instruments and performance of the Objective Classification System to ensure that inmates are accurately matched to security level.

- **Audit Use of Leased Vehicles.** An in depth review of the policies and practices regarding the use of department leased vehicles are recommended.
- **Audit the Existing Rehabilitation Capacity.** Conduct an inventory of in-prison workforce development, educational, reentry, and treatment programming and evaluate their effectiveness. Explore the extent to which existing programs are maximizing opportunities to secure external grant funding, as well as volunteers, capital donations, and other in-kind support to build its capacity.
- **Increase the Use of the NJ Correctional Industry Program (DEPTCOR).** In the past, DEPTCOR has provided vocational training and has been self-supporting as it produces products that can be sold and/or used in the prison system. In addition, inmates are exposed to real-life working conditions that improve their job opportunities on release.
- **Increase External Grant Funding.** Staffing resources are needed to develop the capacity of the DOC/SPB/JJC to secure federal and non-federal funding to support program innovation.
- **Increase Volunteer Donations.** Performance targets are recommended for all facilities in terms of securing volunteer donations of educational classes, support groups, and other professional services, as well as in-kind supplies) that fit with rehabilitation and reentry function of the DOC and Parole.
- **Increase the Collaboration with Universities and Colleges.** Increasing the availability of internships, externships, and the like is a win-win for the Universities and the State. Both entities gain by having interns placed in DOC/SPB/JJC as the interns are volunteers who have access to the current information about the field while the interns gain a “real life” experience.
- **Review Criteria for Position Bidding in Union Contracts.** The provision within the union contract that requires management to assign custodial staff to positions based solely on seniority may be detrimental to the good running of any correctional system. Broader criteria are recommended, including but not limited to seniority, attendance record, disciplinary record, and special skills and experience for the position sought. This issue is recommended for renegotiation with the unions for DOC/SPB/JJC.

- **Review Alternative Provision of Health-related Services.** Health-related services are the biggest single contract for the DOC. Contracting with a single provider limits the ability of the DOC to control its health care costs over time. It is recommended that a pilot study be conducted of using a hybrid-public-private model in which DOC employs the nursing staff and contracts for specialty services, such as doctors.
- **Improve the Management of Parole Violations.** Reverting parole violators back to prison or holding them in county jails is expensive. It is recommended that parole violators be diverted from county jails to assessment centers.
- **Development or Expansion of Medical Parole,** which allows people who are seriously ill to be released to supervision, where they can receive appropriate care in the community, often using federal funds that are inaccessible when a person is in prison.
- **Consolidation of JJC and the Department of Children and Families (DCF).** It is recommended that the JJC be moved from “in but not of” the DLPS to either “in but not of” or a division of DCF. This consolidation merges overlapping missions that focus on the needs of youth.

C. COST SAVING RECOMMENDATIONS (LONG TERM)

1. **Consolidation of DOC and SPB.** Organizational, informational, and production efficiencies may result from the reunification of the DOC and SPB. Reunification warrants independent review. A review conducted of resources in both programs to see if combining some or all of the resources is recommended.
2. **Bring to Scale the Rehabilitation Capacity of DOC Facilities.** The capacity for the DOC to develop and implement a reentry and rehabilitation function may be limited by its annual purchase of services from third-party residential treatment programs for offenders under community supervision. The DOC could build its treatment capacity by purchasing in-house treatment services from community-based providers instead of treatment services and beds. These community-based beds would be available for the expansion of alternatives to incarceration, which is a cost saving to the State if incarceration is avoided altogether for those with treatment-related problems while also building the DOC’s capacity to rehabilitate inmates while they are incapacitated.

The committee was of two minds on this last recommendation. On the one hand, if the DOC is able to reorganize and provide a fluent and seamless continuum of care then the Department may be able to take over the community release portion of the reentry continuum. On the other hand, the separation of DOC from community release programming may reflect a difference in the missions such that the DOC remains responsible for in-prison programming and supervision while the community beds are maintained by outside vendors whose sole mission is to provide reentry services while the inmate or parole is being supervised in the community.

- 3. Pilot Test “Vouchers” for Community-based Reentry Services.** Releasing inmates without access to community-based services increases the likelihood of recidivism. To facilitate the transition to the community, inmates could be released with vouchers or debit cards for substance abuse treatment, employment services at one-stop centers, transportation, and housing. It should be noted that vouchers in other States have been attempted with limited success. Caution should be used in implementing this strategy using a small pilot program to evaluate its effectiveness.

SITE VISITS AND INTERVIEWS

Site Visits:

- DOC Central Office
- New Jersey State Prison
- Edna Mahan Correctional Facility
- Northern State Prison
- Garden State Youth Correctional Facility
- Talbot Hall
- Tully House
- JJC Central Office
- Parole Central Office

Staff Interviews:

- DOC Commissioner
- DOC Deputy Commissioner
- DOC Chief of Staff
- 4 DOC Administrators
- Director of Talbot Hall
- President, Commanding Officers Association
- President, Superior Officers Association
- President, Supervisors Association
- President, P.B.A. Local #105
- Director of Tully House
- JJC Executive Director
- Deputy Executive Director of JJC Programs
- Parole Board Chair

DOCUMENTATION REVIEWED

GEAR Commission Reports and Findings
Transition Report DOC

- Vice-Chair Parole Board
- Executive Director, Parole Board
- Parole Board Member
- Deputy Executive Director, Parole Board
- Director of Community Programs, Parole Board
- Staff member, CRAF, DOC
- Staff member, S.I.D., DOC

Part II, Homeland Security

I. Overview

The **New Jersey Office of Homeland Security and Preparedness (OHSP)**, under Executive Order 5 is responsible for the administering, coordination, leadership and supervision of New Jersey's counterterrorism and preparedness efforts.

The OHSP mission is to coordinate homeland security and preparedness functions among the state's departments and agencies, and among:

- State and county governments and related agencies
- State and local governments and related agencies
- State and various federal departments and agencies
- The state and the Private Sector

Historically, the OHSP absorbed the functions of the former New Jersey Office of Counter-Terrorism, which include terrorism threat-related investigations, as well as intelligence gathering and analysis, and intelligence and information sharing functions. The OHSP also oversees the New Jersey Domestic Preparedness Task Force, the state's multi-agency cabinet level policy body for homeland security, counterterrorism and preparedness issues. The Director of the Office of Homeland Security and Preparedness serves as the Task Force's chair.

I. Overall Structural, Mission, Organization, and Performance Measurement Assessment

A. Leadership

1. Leadership within the OHSP is provided by the Director, who is assisted by two Deputy Directors, two Assistant Deputy Directors, a Chief of Staff, a Chief Administrator, numerous Bureau Chiefs and Deputy Bureau Chiefs.

²The overall complement of OHSP is 117 FTE Positions. Within this total complement of personnel are 27 Analysts, 35 Investigators and 18 Assistants. Various administrative support employees comprise the remaining balance of the OHSP workforce.

2. The general findings of the subcommittees are as follows:

- A review of management, reporting streams and staffing is recommended within the OHSP to ensure that the appropriate structure is in place and functions as designated by Executive Order 5.
- It is recommended that the independent investigative function within the OHSP be eliminated as there has been no identification by this subcommittee as to a clear defined mission for this investigative body consistent with Executive Order 5. Additionally, the investigative function of OHSP is redundant to the existing terrorist threat investigation protocols established by the FBI-led Joint Terrorism Task Forces (JTTF) operating in the State of New Jersey and surrounding states. Specifically, terrorist threat investigations that are not handled by the JTTF are appropriately deferred to the appropriate local, state or federal law enforcement agency for resolution.
 - The recommendation for the elimination of the investigative body within the OHSP will produce a cost savings of approximately \$2.5 million.
- As a result of extensive research of the OHSP's staffing levels, it is recommended that a thorough review be conducted consistent with Executive Order 5 to ensure that the appropriate staffing ratios have been adequately addressed and administered as a deficiency in personnel levels may cause difficulties in executing OHSP's mission .
- It is recommended the Planning function of OHSP be co-located and worked jointly with the New Jersey State Police-Office of Emergency Management. This co-location would occur at the New Jersey Regional Operations Intelligence Center (ROIC), and would greatly facilitate the synergy that must exist between the "preparedness" (OHSP) function and the "response and mitigation" (NJSP-OEM) that will occur during crisis events.

² Total OHSP State Funded FTEs is 109. This information was provided in the Transition Report for the OHSP. As of 11-19-2009 three state funded positions and eleven federally funded positions are in various stages of completion.

B. Facilities

1. The OHSP is located in three different facilities, (Hamilton Township, Quaker Bridge and Newark).

The subcommittee's findings relative to the facility structure and administration are as follows:

- The facility located in Hamilton, New Jersey has adequate space to house the majority of all OHSP personnel. By following this recommendation, it is the subcommittee's consensus that co-locating the majority of the OHSP workforce at the Hamilton Township facility will provide a better environment for management accountability, information exchange, mission evaluation and, will become a cost saving measure.
- **Regional Operations and Intelligence Center (ROIC):** The Office of Homeland Security and Preparedness works closely with the State Office of Emergency Management, housed in the Division of State Police. In 2006, the New Jersey State Police opened the Regional Operations and Intelligence Center (ROIC), which operates as an intelligence "fusion center". The concept of a Regional Operations and Intelligence Center located in New Jersey is relatively new, although law enforcement agencies in the United States and United Kingdom have been adopting this fusion center model since 2001.
 - It is the subcommittee's recommendation to unify the efforts of the New Jersey State Police's Office of Emergency Management with the Preparedness Division of OHSP to ensure a seamless operation in the event of any disaster. This could allow the Preparedness aspect of the OHSP to accurately plan and develop policy, and allow for the New Jersey State Police Office of Emergency Management to prioritize the response and mitigation actions that will be required.
- C. It is recommended that funding streams within the OHSP be reviewed. Additional grant money should be appropriated and obtained to include distributions allocated in support of the ROIC joint operations proposed above.

D. Revenue Management

1. A brief overview of the budgets and statistical data related to revenue management; (to include federal grants appropriations) was conducted by this subcommittee. Budgetary reviews were centric on Fiscal 2008-2009.
 - FY State Appropriation was \$8,891, 000; FY09 Carry Forward was \$3,606,859; and State Aid was \$5,750,000. Of the \$8,891,000 originally appropriated to OHSP, \$491,000 was from Direct State Service (DSS) and \$³8,400,000, (Rental Vehicle Surcharges), was from a revenue account. The total operating budget as of 7-1-2009 is \$12,497,859.
2. A review of the management of federal grant monies allocated to OHSP should be conducted to determine a more efficient way of obtaining grant money in an expeditious manner for recipient allocation. It was determined by this subcommittee that over a course of several years the OHSP Grant and Program Management Bureau managed \$460 million in federal and state homeland security and preparedness grant funds. These funding streams support over 100 sub grantees each fiscal year and more than 420 homeland security and preparedness projects.
 - There was a 3.18% national decrease in federal funding for FY2007-2009, however, New Jersey's share increased 19.8% which is 23% above the national average. Federal funding from the DHS for the Urban Area Security Initiative (UASI) and State Homeland Security Program (SHSP) experienced a 2.3% increase for FY 2006-2008.
3. It is recommended that increased applications of grant money occur which will allow for increased staffing levels appropriated through funding. With increased funding, OHSP would be in a better position to develop OHSP specific training that will ensure its analysts are afforded a commensurate career track and provided the resources necessary to perform their duties.
 - State policy regarding the disbursement of grant money should be reviewed and considered for revision as this has impeded expeditious appropriations in the past. This item has been specifically identified for **“Red Tape Review”**.

³ The revenue account is from “receipts derived from the agency surcharge on vehicle rentals pursuant to section 54 of P.L. 2002”. This information was extracted from the Transition Report provided by the OHSP.

- Funds currently being appropriate for “confidential informants” will be eliminated if the investigative body within the OHSP is removed.
- Internal budget allocations for in-house training were estimated at \$10, 000.00. It is the recommendation of this subcommittee that all budget allocations related to training and awareness for OHSP employees be reviewed. In order to ensure Analyst career paths are established and appropriate analytical tools are developed, training must be mandated and provided.

II. Legislative Considerations

1. Although not deemed to be a legislative function, it is the consensus of the subcommittee that Executive Order 5 be revised. The current authority of Executive Order 5 is vague in nature and does not allow for the appropriate interpretation of its intention nor does it allow for the identification of mission to be allocated to the OHSP. The Executive Order needs to be rewritten to reflect the exact reporting chain of OHSP relative to other state entities, especially the need to “direct” OHSP to work jointly with the New Jersey State Police, and combine the efforts of Preparedness with Office of Emergency Management functions. Specifically, OHSP must be responsible and accountable for preparedness planning, and the NJSP-OEM must be responsible and accountable for response and mitigation during crisis events. The Executive Order must further address intelligence sharing, and drive the initiative for combined resource sharing across all state critical infrastructures.

III. Opportunities for Change

- Partnership between the OHSP and county homeland security representatives will facilitate greater reach to local law enforcement and emergency management agencies regarding information sharing. This will result in improved communications and assessments.
- Re-evaluation of the Domestic Security Preparedness Task Force as a true working group, with recommended oversight by the Governor’s Office.

- Review and assessment of homeland security and preparedness planning.
- Increased public/private sector partnerships, this will allow for increased communication and funding opportunities between the OHSP and the private sector which will further ensure information is being shared across all critical infrastructure industries.
- Formulate a sharing structure between the Urban Areas Security Initiative (UASI) funded counties and the private sector infrastructure community at the County level.
- Redefine mission, update Executive Order 5 and evaluate the roles of the OHSP/NJSP/OEM, and the use of the Regional Operations and Intelligence Center (ROIC).
- Structural evaluations to determine which current OHSP roles are best serving the mission and function, and are appropriate within budget allocation.
- Institute a 5-year Strategic Plan to evaluate all budget appropriations, grant management and expenditures.

IV. Other Points for Consideration

As stated in the Executive Summary, the review of OHSP had to first answer the fundamental question of relevancy. The review of this subcommittee affirmed the essential need to maintain a dedicated department that is trained and equipped as subject matter experts to guide the planning and preparedness of New Jersey's vast and complex critical infrastructures. The OHSP must exist with both the tools, training and resources needed to plot a direction that ensures New Jersey is applying all available assets wisely and in accordance with threat-based analysis. Rounding out this process requires further emphasis on Preparedness, which can only happen in a meaningful way when the OHSP subject matter experts are brought together in a directed intelligence sharing environment, where they plan hand-in-hand with the OEM experts who are responsible for responding to and mitigating crisis events.

SITE VISITS AND INTERVIEWS

Site Visits:

- Office of Homeland Security and Preparedness
- Regional Operations and Intelligence Center (ROIC)
- 2 Federal agencies with close liaison with OHSP
- 2 State agencies involved in the security/ preparedness mission
- 8 County Prosecutors Offices (all regions of NJ)
- 5 Municipal Police Departments (small and large)
- Several private sector infrastructure partners
- 3 Sheriff Departments
- UASI Executive Board

Staff Interviews:

- Director, OHSP
- 2 Deputy Directors (OHSP)
- 5 Bureau Chiefs (OHSP)
- 3 Deputy Bureau Chiefs (OHSP)
- 1 Training Specialist
- 2 Former State Commissioners (Voluntary contacts)
- 3 Mayors
- 2 Additional Township Administrators

DOCUMENTS REVIEWED

Transition Report for OHSP
NJOHSP Five Year Action Plan
NJOHSP Overview and Grant Funding