

# ASSEMBLY, No. 3503

## STATE OF NEW JERSEY 215th LEGISLATURE

INTRODUCED DECEMBER 3, 2012

**Sponsored by:**

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**District 20 (Union)**

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**District 14 (Mercer and Middlesex)**

**Assemblyman GILBERT "WHIP" L. WILSON**

**District 5 (Camden and Gloucester)**

**Assemblyman CHARLES MAINOR**

**District 31 (Hudson)**

**Assemblywoman BONNIE WATSON COLEMAN**

**District 15 (Hunterdon and Mercer)**

**Assemblyman SEAN CONNORS**

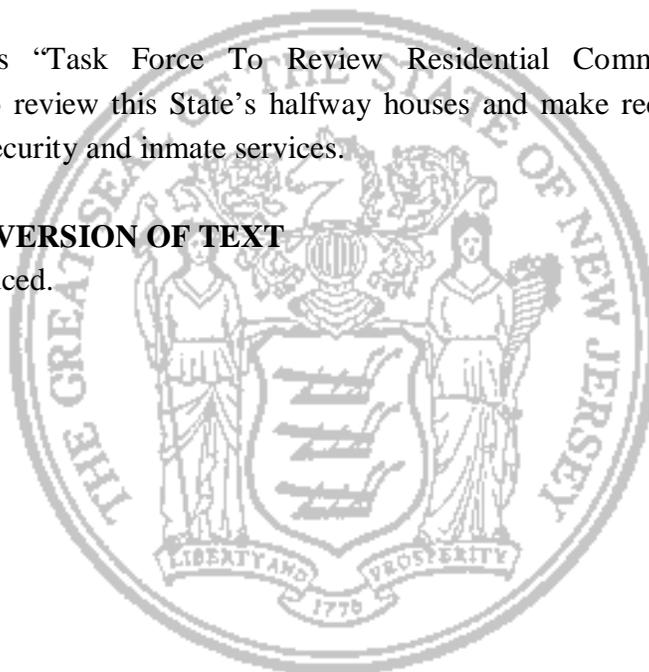
**District 33 (Hudson)**

**SYNOPSIS**

Establishes "Task Force To Review Residential Community Release Programs" to review this State's halfway houses and make recommendations concerning security and inmate services.

**CURRENT VERSION OF TEXT**

As introduced.



(Sponsorship Updated As Of: 12/4/2012)

1 AN ACT concerning residential community release programs.

2

3 **BE IT ENACTED** by the Senate and General Assembly of the State  
4 of New Jersey:

5

6 1. The Legislature finds and declares:

7 a. The purpose of this State's residential community release  
8 programs (RCRP), commonly referred to as halfway houses, is to  
9 prepare inmates for a successful transition from prison back into  
10 their communities.

11 b. Under the jurisdiction of the Department of Corrections  
12 (DOC), RCRPs include assessment and treatment centers, halfway  
13 houses, and substance use disorder treatment centers. Inmates  
14 initially are released from prison to assessment and treatment  
15 centers where they are provided with comprehensive assessments of  
16 their needs and risks, treatment programs, and referrals to halfway  
17 houses or substance use disorder treatment centers. Halfway houses  
18 provide inmates with opportunities to engage in employment and  
19 educational activities while being treated and rehabilitated.  
20 Substance use disorder treatment centers provide alcohol and drug  
21 treatment to inmates whose evaluation indicated a need for these  
22 services.

23 c. The Fiscal Year 2011 appropriation for RCRPs was \$64.6  
24 million.

25 d. The Office of the State Comptroller issued an audit report  
26 dated June 15, 2011 concerning the DOC's oversight of contracts  
27 with RCRPs. The report identified weaknesses in DOC's program  
28 relating to the monitoring of RCRPs, disciplining of RCRP  
29 residents, and contract payment and performance.

30 e. A June 2012 three-part New York Times series highlighted  
31 serious problems in this State's RCRP programs, including escapes,  
32 violence, drugs, and gang activity.

33 f. In response to the State Comptroller's audit and the New  
34 York Times expose, the Legislature held investigatory hearings  
35 concerning the RCRPs. The Senate Legislative Oversight  
36 Committee held a hearing on July 19, 2012 and the Assembly Law  
37 and Public Safety Committee similarly held a hearing on July 23,  
38 2012.

39 g. In light of the State Comptroller's report, media reports, and  
40 testimony heard at legislative hearings concerning halfway houses,  
41 it is fitting and proper for a task force to be created to study and  
42 make recommendations concerning the safety and security of these  
43 facilities and the effectiveness of services provided to inmates  
44 transitioning from these facilities into the community.

45

46 2. a. There is established a task force to be known as the "Task  
47 Force To Review Residential Community Release Programs."

48 b. The task force shall consist of 15 members as follows:

- 1 (1) two members of the Senate to be appointed by the President of  
2 the Senate who shall each be of different political parties;
- 3 (2) two members of the General Assembly to be appointed by the  
4 Speaker of the General Assembly who shall each be of different  
5 political parties;
- 6 (3) the Commissioner of Corrections, the Commissioner of Labor  
7 and Workforce Development, the Commissioner of Human  
8 Services, the Chairman of the State Parole Board, the State  
9 Treasurer, or their designees, who shall serve ex-officio;
- 10 (4) six public members, three of whom shall be appointed by the  
11 President of the Senate and three of whom shall be appointed by the  
12 Speaker of the General Assembly. The public members shall, to the  
13 greatest extent practicable, have special expertise, training or  
14 experience in prison security, substance abuse counseling, prisoner  
15 advocacy, or faith-based programming.
- 16 c. All appointments shall be made within 30 days of the  
17 effective date of P.L. , c. (C. ) (pending before the  
18 Legislature as this bill). Vacancies in the membership shall be  
19 filled in the same manner as the original appointments. The task  
20 force shall select a chairperson and vice-chairperson from among  
21 the public members. The chairperson shall appoint a secretary who  
22 need not be a member of the commission. The members of the task  
23 force shall serve without compensation but may be reimbursed,  
24 within the limits of funds made available to the task force, for  
25 necessary travel expenses incurred in the performance of their  
26 duties.
- 27 d. The chair shall call a meeting as soon thereafter as a quorum  
28 of its members have been appointed and hold hearings at the times  
29 and in the places it may deem appropriate and necessary to fulfill its  
30 charge. The commission shall be entitled to call to its assistance  
31 and avail itself of the services of the employees of any State, county  
32 or municipal department, board, bureau, commission or agency as  
33 it may require and as may be available to it for its purposes.
- 34 e. The commission may seek the advice of experts, such as  
35 persons specializing in the fields of criminology, psychology,  
36 education, criminal or family law or other related fields as deemed  
37 appropriate by the membership of the task force.
- 38 f. The task force shall issue an interim report of its findings,  
39 along with any recommendations it may have, to the Governor and  
40 each member of the Legislature no later than 12 months after the  
41 date of its initial meeting. The task force shall issue a final report  
42 one year following the issuance of the interim report.
- 43
- 44 3. The purpose of the task force is to study and make  
45 recommendations concerning this State's residential community  
46 release programs (RCRPs). Issues for the task force to consider  
47 include, but are not limited to:

- 1 a. the Department of Corrections oversight of the RCRPs, such
- 2 as the method for establishing per diem rates; announced and
- 3 unannounced site visits; collecting damages for nonperformance of
- 4 contract provisions; and discipline of inmates;
- 5 b. appropriateness of the DOC contracting with a non-profit
- 6 entity to provide services for inmates in RCRPs, but allowing for-
- 7 profit entities to actually provide those services;
- 8 c. requiring fiscal accountability and transparency in
- 9 governance of for-profit providers of services to inmates in RCRPs;
- 10 d. limiting market share of a for-profit provider of services to
- 11 inmates in RCRPS;
- 12 e. size of RCRPs and whether the number of beds in an RCRP
- 13 should be limited;
- 14 f. ascertaining the specific evaluations and services provided at
- 15 assessment and treatment centers and appropriate length of stay;
- 16 g. security in the RCRPs, particularly in regard to the
- 17 availability of alcohol and drugs, number of inmates who escape or
- 18 abscond, and safety of the employees who work in these facilities;
- 19 h. availability and effectiveness of services provided to inmates
- 20 to prepare them to reenter the community;
- 21 i. qualifications, education, and training of RCRP employees;
- 22 j. coordination of services between the DOC, State Parole
- 23 Board, and the RCRPs; and
- 24 k. populations being housed in RCRPs, e.g. inmates under
- 25 DOC jurisdiction, parolees, county inmates, and federal detainees,
- 26 and process of inmate movement from DOC jurisdiction to parole
- 27 jurisdiction.

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29 4. This act shall take effect immediately and shall expire upon  
30 submission of the task force's final report to the Governor and  
31 Legislature.

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#### STATEMENT

35

36 This bill establishes the "Task Force To Review Residential  
37 Community Release Programs" to review this State's halfway  
38 houses and make recommendations concerning security and inmate  
39 services.

40 Specific issues for the task force to consider include: (1) the  
41 Department of Corrections oversight of the RCRPs, such as the  
42 method for establishing per diem rates; announced and  
43 unannounced site visits; collecting damages for nonperformance of  
44 contract provisions; and discipline of inmates; (2) appropriateness  
45 of the DOC contracting with a non-profit entity to provide services  
46 for inmates in RCRPs, but allowing for-profit entities to actually  
47 provide those services; (3) requiring fiscal accountability and  
48 transparency of for-profit providers of services to inmates in

1 RCRPs; (4) limiting market share of a for-profit provider of  
2 services to inmates in RCRPs; (5) size of RCRPs and whether the  
3 number of beds in an RCRPs should be capped; (6) ascertaining the  
4 specific evaluations and services provided at assessment and  
5 treatment centers and appropriate length of stay; (7) security in the  
6 RCRPs, particularly in regard to the availability of alcohol and  
7 drugs, number of inmates who escape or abscond, and safety of the  
8 employees who work in these facilities; (8) availability and  
9 effectiveness of services provided to inmates to prepare them to  
10 reenter the community; (9) qualifications, education, and training of  
11 RCRP employees; and (10) coordination of services between the  
12 DOC, State Parole Board, and the RCRPs.

13 The 15-member task force is to be comprised of two members of  
14 the Senate as appointed by the President of the Senate and who are  
15 of different political parties; two members of the General Assembly  
16 as appointed by the Speaker of the General Assembly and who are  
17 of different political parties; the Commissioner of Corrections, the  
18 Commissioner of Labor and Workforce Development, the  
19 Commissioner of Human Services, the Chairman of the State Parole  
20 Board, the State Treasurer, or their designees; and six public  
21 members, three of whom are appointed by the Senate President and  
22 three of whom shall be appointed by the Assembly Speaker. The  
23 public members may have special expertise, training or experience  
24 in prison security, substance abuse counseling, prisoner advocacy,  
25 or faith-based programming.

26 The task force is required to issue an interim report of its  
27 findings, along with any recommendations it may have, to the  
28 Governor and each member of the Legislature no later than 12  
29 months after the date of its initial meeting. A final report is due one  
30 year after the interim report.

31 This bill is in response to testimony heard by the Assembly Law  
32 and Public Safety Committee on July 23, 2012 concerning oversight  
33 and accountability of this State's halfway houses.