

LEGISLATIVE FISCAL ESTIMATE
SENATE, No. 2929
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: DECEMBER 17, 2020

SUMMARY

Synopsis: Requires DOC to implement certain security procedures and address physical plant deficiencies in Edna Mahan Correctional Facility for Women.

Type of Impact: Multi-year State expenditure increase.

Agencies Affected: Department of Corrections; Department of the Treasury, Division of Property Management and Construction.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) concludes that this bill would result in an indeterminate increase in State costs over multiple years to implement the provisions of this bill. The bill requires various facility upgrades including secure checkpoints, demolition of abandoned structures, and an evaluation to determine whether use of the existing upholstery warehouse on the grounds of the Edna Mahan Correctional Facility for Women will continue or shut down. However, there is insufficient information to accurately project the timeline and costs required for these multiple upgrades.
- According to an informal estimate provided to the OLS by the Department of Corrections (DOC), the bill will result in a total of nearly \$100 million in estimated cost increases for capital related renovations/repairs to facility infrastructure. However, the OLS does not have sufficient information to confirm the veracity of the DOC’s \$100 million estimate as a detailed breakdown of expenditures was not provided.

BILL DESCRIPTION

This bill requires the DOC to provide for adequate security checkpoints at the Edna Mahan Correctional Facility for Women and to make improvements to physical plant deficiencies at the facility.

The bill specifically requires the DOC to develop and implement security protocols for establishing secure checkpoints at every entrance to the Edna Mahan Correctional Facility for Women, including at every motor vehicle security gate. The security protocols are to require each secure checkpoint to incorporate consistent contraband screenings of every staff member, visitor, or other person who enters the facility, as well as screening of every inmate who enters or exits the facility.

The bill further requires the DOC to conduct an inventory of structures on the grounds of the facility that are abandoned, dilapidated, obsolete, or otherwise not in use. Structures identified in the survey that pose a threat to the security of the facility or provide an opportunity for sexual assault to occur are to be demolished or secured. Additionally, the DOC is to determine whether use of the existing upholstery warehouse on the grounds of the facility should be continued; if so, unused equipment and inventory in the warehouse that poses a threat to the security of the facility or provides an opportunity for sexual assault is to be cleared. These measures are necessary to prevent supervision lapses and physical plant deficiencies in the facility from presenting opportunities for staff abuse of inmates.

This bill is in response to the April 2020 report published by the Civil Rights Division of the United States Department of Justice and the United States Attorney's Office District of New Jersey entitled "Investigation of the Edna Mahan Correctional Facility for Women (Union Township, New Jersey)."

FISCAL ANALYSIS

EXECUTIVE BRANCH

The OLS has not received a formal fiscal note on this bill. However, upon request, the DOC has indicated to the OLS that the bill will result in a total of almost \$100 million in estimated costs for capital related renovations/repairs to facility infrastructure.

The DOC noted that this amount does not include the on-going camera project and any on-going capital projects at the Edna Mahan Correctional facility. However, this amount does include the costs to demolish condemned buildings on the Edna Mahan campus (estimated at approximately \$4.4 million).

Furthermore, the DOC pointed out that additional studies and evaluations would be needed to determine exactly which renovations, repairs, and demolitions would be needed to best promote the safety and well-being of the incarcerated population.

In addition, with respect to the cost of the security protocols for establishing secure checkpoints, the cost estimate for those projects is approximately \$5.2 million. A formal Division of Property Management and Construction (DPMC) engineering study would need to be acquired and budgeted.

The DOC noted that legislation mandating physical plant construction is still always subject to DPMC and Department of the Treasury rules.

OFFICE OF LEGISLATIVE SERVICES

The OLS concludes that this bill would result in an indeterminate increase in State costs over a multi-year period. The OLS is unable to provide an independent assessment of possible project costs associated with this bill or confirm the \$100 million estimate as provided by the DOC because it is not accompanied by a full cost breakdown or timeline. The OLS notes that the department estimate of \$5.2 million to implement security protocols for establishing security checkpoints at

every entrance to the facility and an additional \$4.4 million for demolition of certain structures largely addresses the provisions of this bill. It is therefore currently unclear how the additional \$90 million of the department's estimate is to be spent, especially since the DOC has informed the OLS that the \$100 million estimate does not include the on-going camera project or any other on-going capital projects at the facility. These projects are likely to at least in part address the enhanced security protocols required under the bill. The OLS notes that the department may require additional personnel at the facility to provide consistent screening for contraband of every staff member, visitor, and inmate, and that additional studies and evaluations could be needed to determine exactly which renovations, repairs, and demolitions would be needed to best promote the safety and well-being of the incarcerated population, as stated by the department.

The Edna Mahan Correctional Facility, New Jersey's only correctional institution for women, houses inmates at all security levels and offers licensed substance use disorder treatment services. The prison provides a campus-like setting with housing units and various support buildings. Programming includes counseling as well as education and vocational opportunities. According to data made available by the DOC, as of August 2020, there were 504 inmates in the facility.

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This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).