

STATE OF NEW JERSEY

REQUEST FOR INFORMATION

FOR THE

OPERATION OF FACILITY(IES) FOR THE TREATMENT OF

SEXUALLY VIOLENT PREDATORS

The Department of Corrections and the Department of Human Services are seeking information from vendors regarding the relocation of the State's Sexually Violent Predator secure residential facilities. Interested vendors are requested to review the following description and send any questions and comments via email to

Edward Cotterell

At

ed.cotterell@treas.state.nj.us

STATE OF NEW JERSEY

**REQUEST FOR INFORMATION BY THE DEPARTMENT
TREASURY, DIVISION OF PURCHASE AND PROPERTY, ON
BEHALF OF THE DEPARTMENT OF HUMAN SERVICES,
DIVISION OF MENTAL HEALTH SERVICES AND THE
DEPARTMENT OF CORRECTIONS FOR THE OPERATION
OF FACILITY(IES) FOR THE TREATMENT OF SEXUALLY
VIOLENT PREDATORS**

PURPOSE

This Request for Information (RFI) seeks to gather information to assist the State in developing its requirements and identifying qualified vendors to meet those requirements for the relocation of the State's Sexually Violent Predator (SVP) secure residential facilities from their present operations under State auspices in Kearny, New Jersey and Avenel, New Jersey to an in-state site(s) and program services.

The State is open to alternative ideas that meet the requirements of the New Jersey Sexually Violent Predator Act. Respondents are encouraged to provide information about alternatives that may help the State better define its requirements and obtain a site selection/program management solution that meets its needs.

BACKGROUND

1. History of the Law

In 1996, Governor Whitman established a Task Force for the Review of Treatment of the Criminally Insane by Executive Order 58 (1996). In October 1997 the Task Force issued a report and recommended that the State of New Jersey adopt a Sexually Violent Predator Act based on the model that the U.S. Supreme Court had ruled constitutional in *Kansas vs. Hendricks*, 521 U.S. 345 (1997).

The New Jersey Sexually Violent Predator Act was adopted on August 12, 1998, as P.L. 1998 c. 71, and is codified in the New Jersey Statutes at N.J.S.A. 30:4-27.24 to -27.38. The SVPA became effective on August 12, 1999. In enacting the SVPA the New Jersey Legislature found:

- a. Certain individuals who commit sex offenses suffer from mental abnormalities or personality disorders which make them likely to engage in repeat acts of predatory sexual violence if not treated for their mental conditions.
- b. Under the existing involuntary commitment procedure, persons are subject to commitment if they are mentally ill and dangerous to self, others or property. "Mental illness" is a current, substantial disturbance of thought, mood, perception

or orientation which significantly impairs judgment, capacity to control behavior or capacity to recognize reality, which causes the person to be dangerous to self, others or property. The nature of the mental condition from which a sexually violent predator may suffer may not always lend itself to characterization under the existing statutory standard, although civil commitment may nonetheless be warranted due to the danger the person may pose to others as a result of the mental condition.

c. Therefore, it is necessary to modify the involuntary civil commitment process in recognition of the need for commitment of those sexually violent predators who pose a danger to others should they be returned to society.

d. Moreover, because of the nature of the mental conditions from which sexually violent predators suffer and the danger they present, it is necessary to house involuntarily committed sexually violent predators in an environment separate from persons committed under P.L. 1987, c. 116 ([C. 30:4-27.1](#) et seq.) or otherwise confined.

[[N.J.S.A. 30:4-24.25](#)]

2. Civil Commitment Under the SVPA

The SVPA established a civil procedure for the involuntary commitment of sexually violent predators. Residents enter the STU on a temporary commitment order signed by a Superior Court judge, pursuant to a petition signed by the State's Attorney General's office. By statute, residents so committed are entitled to a court hearing within twenty days of admission.

If the court commits the individual he or she must have a review hearing every year, or more often. Once committed under the SVPA, an individual begins the sexually violent predator treatment program.

3. Treatment under the SVPA

The New Jersey Department of Human Services, Division of Mental Health Services has designed a comprehensive treatment program for individuals committed under the SVPA. The goals are protecting society and enabling residents to attain sufficiently healthy values and pro-social skills, enabling those who are so motivated to be gradually reintegrated into society contingent upon proper supervision and support services. Treatment is designed to enhance judgment, impulse control, social skills, empathy, and many other functions. All residents are entitled to effective treatment that is humane and respectful. All residents, their families, staff, and visitors are entitled to a safe and therapeutic environment.

The clinical program is based on a group-oriented, cognitive behavioral/relapse prevention model. The staff is organized by treatment teams consisting of program coordinators (team leaders), psychiatrists, psychologists, social workers, and substance abuse counselors.

4. Care and Custody of the Current Population

Under the SVPA, the Department of Corrections is responsible for housing civilly committed sex offenders who have completed their term of incarceration but who have been classified as sexually violent predators and are considered to be a danger to the public. The Division of Mental Health Services in the Department of Human Services is responsible for treatment tailored to address the specific needs of these individuals.

There are currently two secure residential facilities providing housing for civilly committed sex offenders administratively attached to the Adult Diagnostic and Treatment Center, the Special Treatment Unit (STU) is located in Kearny and was leased from Hudson County in 1999 as a temporary location for a facility. In 2001 a temporary space was added at the Special Treatment Unit-Annex in Avenel (Middlesex County).

As of February 25, 2008, the present population is 373. For the last two years, the population has been growing at a rate of approximately 1.5 residents per month.

Scope of Services

The three major functions that are required to run the program are Care and Custody, Treatment and Coordination with Other Entities. The description of services provided is intended as an overview/summary of the services that are required to run a program, to enable a vendor to assess its own capabilities to respond to this RFI, and not as an exhaustive description of actual program requirements.

1. Provision of Care and Custody

A. Housing

The vendor would be responsible to provide a secure residential facility and the staff to house the individuals committed under the SVPA. The vendor will provide a secure residential facility to house those committed under the NJ SVPA and to accommodate all treatment program space, including the single occupancy rooms for the Modified Activities Program. The vendor and all programming provided must conform to all DOC security requirements. Currently, security includes but is not limited to perimeter security, security of all internal doors, gates and resident rooms. Residents are accounted for during formal counts. Room and Unit searches are conducted regularly.

B. Medical Care including Mental Health Care

The vendor will provide for all medical and mental health care, including all evaluations, medication and monitoring for individuals committed under the SVPA.

C. Security and Current Facilities

The current facilities are medium security. Presently, security includes perimeter security, security of all internal doors, gates and residents rooms. Residents are accounted for during formal counts. Room and Unit searches are conducted regularly. There is no smoking in the facilities. Visitation areas are available for the residents and visitation policies and procedures

must be adhered to. It may be necessary to place residents in Modified Activities Program or Temporary Close Custody for the protection of residents as well as others.

The current facilities provide vocational rehabilitation opportunities to residents, for example programs such as computer skills training and culinary arts training are available. Personal Computers are currently prohibited. No connection to any outside internet providers is allowed.

D. Transportation

The providers must arrange and provide all secure transportation to and from the facility for purposes of treatment including but not limited to professional service appointments, furloughs, discharge interviews and outside court related appearances.

E. Financial Business

The provider must account for and report all residents' financial transactions including but not limited to purchases made from the facility commissary or mail order and posting of revenue, be it wages earned from the facility established-employment or sent from outside.

2. Provision of Resident Treatment

A. The Treatment Program

The vendor would be responsible for providing resident treatment that is consistent with the Division of Mental Health Services' written plan for the provision of resident treatment. Provision of treatment (and the written plan) must comply with the requirements of the New Jersey Sexually Violent Predator Act and its regulations, as well as applicable New Jersey and federal case law.¹

The Division of Mental Health's current written plan for the provision of resident care, which the Division believes satisfies all requirements under the SVPA, its regulations and state and federal case law, is attached as Attachment A. DMHS' plan is revised as necessary to accommodate new approaches to treatment. The written plan is reviewed annually for legal sufficiency.

In addition, a Resident's Guide, setting forth the rules, regulations, expectations, and responsibilities of residents in the program that are consistent with the written plan, must be provided to residents within 10 days of admission. The Resident's Guide is attached hereto as Attachment B.

¹ At any given time, there is a significant number of state and federal court cases pending that have the potential to result in changes to the way in which resident care must be provided. A complete list is attached as Attachment D. In the event that a state or federal court decision requires a change to the way in which resident care is provided, the vendor would need to modify the provision of resident treatment consistent to comply with the court decision and update its written plan for the provision of resident treatment accordingly.

B. Discharge Planning and Conditional Discharge

Upon a Department of Human Services recommendation or a court order for conditional discharge, discharge plans are developed by the resident's treatment team. Discharge planning includes, specification of the process for identifying housing, services, treatment and supports that a resident will need upon discharge and the potential providers of such services, as well as a period of gradual de-escalation of restraints, required by the Court. During discharge planning, visits to potential housing or service providers, and furloughs from the secure facility must be coordinated, along with the participation of the New Jersey State Parole Board, because of its role in pre-discharge community trips/furloughs and post-discharge supervision.

Most residents who are discharged are conditionally discharged with specific and detailed conditions to ensure treatment participation and minimizing the risk to public safety. The Parole Board and DMHS work together to provide on-going supervision until the conditions are removed by the court. The provider would work with the Parole Board to provide necessary supervision.

C. Current Treatment Staffing

The current treatment staffing schedule reflecting composition, quantity and hours is attached hereto as Attachment C.

3. Coordination with all Entities Involved with the SVPA

Operation of the facility and provision of the treatment under the SVPA requires formal and informal coordination with several state agencies. The vendor will be required to facilitate this coordination.

A. Interagency Oversight Board

The SVPA requires an Interagency Oversight Board between the DHS and DOC. Policies and procedures of the facilities are coordinated through this Board. Presently DHS and DOC meet twice monthly, with key administrative staff to review issues, and develop solutions for problems and issues as they arise. If the operations and sites are transferred to a private vendor, this oversight would continue with provider attendance at and participation in the meetings as necessary.

B. Attorney General (AG)

The AG is responsible to prove to the court that individuals should be committed or have their commitment continued. SVPA commitment and continued commitment of individuals under the SVPA has specific required proofs. In order to prove the case for commitment and recommitment, the AG must have:

- (1) trained evaluators and clinicians who are qualified and available to provide detailed written expert witness reports and testimony to the courts at every hearing;

- (2) individuals to testify to factual or policy matters when necessary;
- (3) timely notice of significant developments in an resident's treatment or behavior that may, in the AG's discretion, need to be reported to the court; and
- (4) copies of all treatment records for specified time periods;
- (5) all cooperation of the agency(s) housing and treating the individuals that is necessary to ensure compliance with court orders.

C. New Jersey Superior Court

Presently, the New Jersey Superior Court, Law Division holds SVPA commitment and review of commitment hearings in a designated space in the Kearny facility and DOC transports and escorts residents to all court appearances. The provider would need to provide a suitable courtroom for legal proceedings and chambers for the judges, all appropriate transportation and escorting for hearings as required by the Court, and security for the courtroom and chambers.

D. New Jersey Parole Board

The New Jersey Parole Board has devoted considerable resources to a Sex Offender Management Unit, which cooperates in the discharge planning and monitoring of residents who have been discharged from the program. The provider will need to continue to coordinate with the Parole Board for discharge planning and post-discharge monitoring.

STATEMENT OF CAPABILITIES

Vendors that believe they are able to fulfill the State's requirements and/or can offer viable alternatives to the current program are encouraged to submit a Statement of Capabilities which should include the following elements:

1. General Information

A. Name of company, contact person, title address, phone, fax, cell number and email address;

B. Copy of company organization chart, with contact information for the individual responsible for running programs similar to New Jersey's SVP program;

C. Financial statements for the responding company for the past 3 years; and

D. Whether the company would provide all services or would be a prime contractor to one or more subcontractors, and the information provided for the first 3 bullets for each subcontractor, as well as an organization chart for how the project would be organized.

2. Programmatic Capabilities

A. Descriptions of similar programs that the vendor is currently running including the location and number of residents in the program, how long the program has been run under the vendor's aegis;

B. Sample resumes of staff running such programs for the vendor as well as the number of staff that could be made available; and

C. General description of how the vendor would approach running the SVP program in New Jersey.

3. Site Characteristics

A. Identification of a potential site in New Jersey for the secure residential facility(ies)and a description of how the site meets the requirements for the program, including the scalability of the site;

B. Whether the site is currently owned or leased by the vendor; and

C. If not currently owned or leased, an outline of the steps that would be required to obtain ownership/control and a timeline for how long it would take to obtain it.

DISCLAIMER

This RFP is issued solely for information and planning purposes and does not constitute a solicitation. Responses to this RFI are not offers and cannot be accepted by the State to form a binding contract. Respondents are solely responsible for all expenses associated with responding to this RFI. Responses to this RFI will not be returned. Respondents will not be notified of the results of the State's review.