

P U B L I C H E A R I N G

before

COUNTY PENAL SYSTEM STUDY COMMISSION
(Created by Joint Resolution No. 3, 1973)

Held:
March 27, 1974
1100 Raymond Boulevard
Newark, New Jersey

MEMBERS OF COMMISSION PRESENT:

John F. X. Irving (Chairman)
Gerard A. Del Tufo (Vice Chairman)
Joseph DeMarino
Bessie G. Hicks
Martin McKernan, Jr.

ALSO:

Kenneth Ginsberg, Hearing Officer
Carl E. Moore, Research Director
Douglas Cook, Secretary

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JOHN F. X. IRVING (Chairman): Ladies and gentlemen, I think, because it is past ten o'clock, we should begin. We have a full day of hearings. I am concerned about the passage of time.

Let me first, as Chairman of the County Penal System Study Commission, introduce the members.

I am Dean John F. X. Irving of Seton Hall Law School. On my right is Kenneth Ginsberg who is a candidate for a law degree at Seton Hall and one of several volunteers who is helping us with these hearings. He will serve as Hearing Officer during these public hearings.

On my left is Judge Gerald A. DelTufo of Matawan, who is Vice Chairman of the Commission. On his left is a prominent member of the New Jersey Bar, Martin McKernan, who chairs a State Bar Committee which is trying to supplement the American Bar Association on Criminal Justice.

The lady who graces our table on the right is Mrs. Bessie G. Hicks, who is a Community Relations Specialist with the Newark Human Relations Committee. Further to my right is Mr. Carl Moore who is serving as Staff Member to the Commission. And seated in the audience there is Douglas Cooke who is serving as Secretary of the Commission.

As other members of the Commission arrive, we will introduce them.

Let me make one or two announcements first for the purpose of the record.

I am pleased to tell the members of the Commission that Dean Robert McQuade of the New York University School of Law has agreed to be an advisor to us. You may know that Dean McQuade was Chairman of the Attica Commission in New York, and my hope is that we

can learn from the experience of that hard-working commission. Professor Lawrence Bershad of our Law School, who is a former Commissioner of Corrections in New England, has offered to serve as advisor and there are several students from the Law School who are helping us this morning.

Let me try briefly, before introducing the first witness, to lay out for you what the purposes of this commission and its hearings are. As some of you may know, we were created by a Joint Resolution of the 1972 Session of the New Jersey Legislature in concurrence with the then Governor, William T. Cahill, and the main purpose of the Commission is to study the county jails, work houses and penitentiaries in New Jersey, to see what their problems are, not only in relation to the buildings in which inmates and offenders adjudicated are housed, but the kinds of people who get into jails and penitentiaries, the programs available to them, the degradations which they suffer, and, equally important, the people who work in those institutions as Correction Guards or other officials. Our hope is that we will be able to make some intelligent recommendations to the State of New Jersey, dealing with the role that the State should play in implementing the rights of all of our citizens, whether they are incarcerated or free, to the health and welfare protections that the New Jersey State Constitution assures us of. As you know, people in jail have not been found guilty of anything and, even if they were, they are still citizens. They are entitled to the protections that all of us as citizens receive.

A similar comment, I think, can be made about the corrections people, those people who spend their lives trying to deal with offenders as an aid to society. They have some enormous needs that we want to comment on

and hear testimony about.

Let me say to you also that I am sure you know that the whole field of corrections in the United States is under very critical review. There is a strong feeling among everybody who is in or close to the jail and corrections system that what we do with offenders is not good enough. It is not succeeding. The corrections system does not correct; the reformatory does not reform. You may know that the United States Department of Justice created a National Advisory Commission on Criminal Justice Standards and Goals and that National Commission released standards for the entire country in January of 1973. I would like to read from the National Advisory Commission's chapter on Corrections, just two sentences, if I may, because I think it sets the tone for these hearings which, as I perhaps have not indicated, will be set up in several counties of the State. I am now quoting from the National Advisory Commission report: "The American correctional system today appears to offer minimum protection for the public and maximum harm to the offender. The system is plainly in need of substantial and rapid change."

The purposes of these hearings, as I perceive them, are to see whether those of us appointed by the Legislature and the Governor, the most recent Governor, can make some intelligent recommendations after hearing from the public.

Today we want to hear from residents of Essex County, officials of the county, present or former inmates of Essex County institutions and correction guards and others who may want to come forward and testify.

Sheriff Joseph DeMarino from Middlesex County, a member of the Commission, has joined us. Sheriff, we have just begun. We have introduced people for the purposes of the hearing.

Mr. Thomas Cooke, will you come forward and sit up here, please.

May I suggest as Mr. Cooke is taking his seat that the procedure will be that each witness will be permitted to make a statement. Of course, then I will ask some questions; Mr. Ginsberg will follow up; and then we will go across the table to the other Commission members to see if other questions occur to them.

Mr. Cooke, would you identify yourself and give us a mailing address, please.

T H O M A S H. C O O K E: Thank you, Mr. Chairman. I am Freeholder Director Tom Cooke, Essex County Hall of Records, Newark.

DEAN IRVING: Do you have a statement, Mr. Cooke, that you would like to make to the Commission before we ask you a bit about Essex County's facilities?

MR. COOKE: The only one I would like to make, Mr. Chairman, is that I am very happy to be here and appear and perhaps be in a position to provide some input for you and this Commission with the hopeful conclusion that the testimony coming out of it can do what I think our penal system should be doing, and that is rehabilitating the inmates entrusted to its charge. So that in the final analysis, as your comments indicated earlier, our public citizenry will be better protected at large as a result of our inmates having been in the correctional institutions that they have been charged to.

DEAN IRVING: Thank you. Would you first tell us - identify the facilities that Essex County runs by way of jails or correctional centers.

MR. COOKE: I would be happy to. The Essex County Board of Freeholders is charged with the maintenance and operation of two facilities, the Newark Street

Jail, which is under the direct supervision of the Essex County Sheriff, and the Correction Center at Caldwell which is under the direct supervision of the Penal Committee of the Board of Freeholders.

DEAN IRVING: Thank you. Do you have any current statistics that are perhaps more recent than the 1972-73 I&A figures on the population at those two facilities?

MR. COOKE: No, I don't, Mr. Chairman. I would think that the population figures that you have as of December, 1973 would be pretty much the same as they are today.

DEAN IRVING: We can read those into the record later rather than delay the witness.

Mr. Cooke, by way of opening it up, are you able to identify for us some problems within the Essex County Jail that we ought to be thinking about and addressing ourselves to, not only in terms of how to help alleviate the problems but more importantly from the point of view of a State Commission, what the State of New Jersey should be doing to help Essex County.

MR. COOKE: Yes, Mr. Chairman. I would like to suggest that, for instance, in the Newark Street Jail which is a facility for the primary purpose of holding inmates who have been remanded there awaiting their day in court - I think that the time itself involved is too long. It leads to the eruption of problems which I think most of us have been affiliated with in the past, and that is we've had occasions where some of our inmates have been remanded there for three months or more awaiting a date in court.

I think that the court system should be able to speed up the process so that inmates who are there awaiting a disposition of their case by the courts should be given the opportunity to be heard as rapidly as is possible.

The Board of Freeholders, in conjunction with the Prosecutor's Office, last year instituted a procedure to cut down on some of that time, and a part of that was the downgrading of some of the offenses so that they could be dispensed with at the Prosecutor's level and thereby make it possible for people who were charged to be released under their own recognizance and thereby help to eliminate the backlog of cases in our courts and to cut down on the overcrowding in the jail facility.

I thought that that was a very good measure, and so did the entire Board of Freeholders. But that in itself is not enough to eliminate the problem.

One of the other things that I would like to suggest that the State institute is the fact that our inmates need to have some other means of making known the plight that they are confronted with once having been remanded to the jail. For instance, there has been some talk about an ombudsman system, which basically has never been initiated. People constantly talk about studies and studying this and studying that. I think that we've studied many things to death and I think it is time for action on behalf of the State who is charged with the responsibility for updating the penal system.

The Essex County Board of Freeholders has taken some steps to try to do this through the institution or, should I say, the utilization of chaplains. But they alone cannot do the job that has to be done.

The Public Defender's Office has also made some inroads. But one of the biggest problems we have with that particular system is the fact that many of our inmates who are charged and are being held more often than not very rarely have the opportunity to spend what I feel should be an adequate amount of time with the Public Defender who has been charged with representing them before they appear in court.

I make visits to the institutions periodically, myself, to talk with the inmates and also with the administration and a large part of the complaint is that, yes, we do have a public defender who represents us but sometimes this representation takes place when they are being taken from their cells on the way to the court. And I think this is highly inadequate and highly unfair.

DEAN IRVING: So I think that the thrust of what you're saying is that first of all people should not stay there three months awaiting trial, and the kind of representation they get before trial ought to be increased.

MR. COOKE: Yes, that is correct.

DEAN IRVING: May I go a little further with you, sir. Do you have any feeling that some of the people who are presently put in the Essex County Jail do not need to be there?

MR. COOKE: I most certainly do, Mr. Chairman. I think there are some cases, especially the ones that are not of a violent nature and the more serious crimes. I think people should be released in their own recognition.

I am not speaking primarily of what happens as far as the inmates are concerned but this also has an adverse effect on the people who are charged with their care. We cannot eliminate the fact that a correction officer is not one of the safest jobs around. It's not. When inmates are irritated because of their being confined and waiting for a court date, it also presents a danger for the men who are charged with their safety while they are there. And we have had incidents in the past.

And I should say, and I want to specify this, several years ago - thank goodness, we've quite a forward looking administration and we have had a minimum amount of incidents over the past two years relative to physical and bodily harm. But the mental anguish is still there.

DEAN IRVING: I take it the Essex County Jail is overcrowded. Am I right in that?

MR. COOKE: I would say that it is. Primarily not because of the wishes of the Board or the Sheriff. For instance, we were, until recently when the new JINS law went into operation; we had no choice but to remand some of our more - I can't say more dangerous but some of our juveniles who were charged with more serious crimes were also remanded there by the Judge because the crimes were of such a nature that they couldn't be remanded to the Essex County Youth House. And this took up facilities that we ordinarily would have been able to utilize for the adult inmates that were there.

DEAN IRVING: Then I wonder does it follow that this Commission ought to give serious thought to recommending that certain kinds of people who are not a danger to themselves or to society, like those who don't pay alimony to their wives, that perhaps they ought not to be put in a jail in the first place since the jail admittedly can only hold them and they do not need to be held. Keep them where they are able to earn a living.

I understand there is a list, Director Cooke, but I am not certain of this, a list of people like that who get into the Essex County Jail, the runner, the neighborhood bookie who is not a danger to anybody, the vagrant, perhaps the streetwalker, these people who are at most a danger to themselves, that if people who should not be in Essex County Jail were not put there, at least the overcrowding would be reduced.

MR. COOKE: That certainly is my conclusion, Mr. Chairman. I would heartily recommend that. I think that basically has been the crux of the problem.

DEAN IRVING: May I ask you one other thing about the people who are in the Essex County Jail?

Are you aware of instances in which people are in the jail who really need psychiatric or mental care, that their problem is that they are mentally ill and not criminals, but because of a lack of other resources they are put in jail?

MR. COOKE: I would have to agree with that, Mr. Chairman. And I would like to agree with that by citing instances of this nature. For instance, many inmates who are remanded to the jail awaiting their day in court are there because of drug-related type crimes. It doesn't necessarily mean that many of the crimes that they have committed have been violent in nature. They might have been picked up on possession and because they have been picked up on possession, they are there. I feel this is a waste of space. I think that they should have psychiatric care.

As a matter of fact, one of the things that I have been most interested in since being in county government - I know that the civil rights question is important - but one of the things that I have been very much interested in and hopefully we will be able to have done is that individuals who are brought in for drug-related type crimes -- I wish that it were possible for the judge or for the courts to hear their cases almost immediately.

Now in the event that this does not take place, and it hasn't, I would like to advance the theory that if we knew that they were being charged with possession of a dangerous drug or if they have a history of having been a user, these individuals should be in a position where the court could sentence them to treatment facilities immediately awaiting their day in court. The reason for that is this: A lot of time is wasted waiting for the

decision of the courts. If, by chance, the Sheriffs' Offices or our Police Department know that they are being charged with possession and use of narcotics or dangerous drugs, I would like to have a psychiatric rehabilitating drug program that these individuals would be remanded to, pending their day in court. So by the time they come up to court, for instance, the judge could look at the over-all picture and say, "We notice that you were picked up for this. It has been verified by the psychiatrist. You have been receiving treatment." Then I think we would be in a position to cut down on the number of individuals that are being returned to our institutions because of drug-related type crimes.

DEAN IRVING: Is it your impression, Mr. Director, that there are people in the Essex County Jail who need psychiatric care and are not able to obtain it?

MR. COOKE: I would think so, Mr. Chairman. Nine times out of ten, when you look at the individuals who are coming back for drug-related type crimes, that is what they are coming back for. They have been in. They have been out. And chances are the treatment facilities have not been as readily available as they should be.

DEAN IRVING: I am sure you know, sir, that there is a growing theory that if a person needs treatment, then he has a legal right to treatment and the state has got to provide the mechanism for that. That may be an area in which the Commission may make some very strong recommendations, to increase the availability of resources that county government can utilize.

MR. COOKE: Mr. Chairman, I would be exceedingly happy to see that because basically I think you just said in another way what I have been proposing and I do know that federal funds are available for a number of things. I think, as I said earlier, that the time has come now for many of these things to be instituted.

One of the things that I found in reading the Governor's Report on the 1967 disorders here in the State is that we basically could have read the National Commission's Report on riots and what have you, and we would have seen very handily that many of the things that were being recommended as an aftermath of 1967 were some of the very same things that were recommended after the incidents in Detroit in the '30's, if history reveals the proper things to me. Basically what I am saying is that I think we have studied too many of our social problems to death. And we have gotten little or no activity where it should have been gotten simply because we have too many people in responsible positions that are overawed with the prestige of the position as opposed to doing what should be done.

DEAN IRVING: I hope this Commission will not disappoint you. We see ourselves as action oriented and we want really to get to the heart of the problem and make some recommendations and bring about some changes.

May I ask you one other question and then I will yield to the other members here. Can you tell us whether Essex County has any plans at the moment for increasing its number and design of jails, correctional institutions and drug-related programs?

MR. COOKE: Let me say this, Mr. Chairman: I have a proposal, along with the Sheriff, to secure funds with which we could possibly open an additional facility, primarily for the purpose of utilizing it for the individuals who are there for drug-related type crimes. I hope that funds will be forthcoming from the State as well as the Federal government for that purpose, simply because the county taxpayers are yelling and screaming every day. We just can't pull it out anymore at the local level. I think that the whole thing has to be shared by all of our citizens throughout the country.

I don't see us continuing to build additional facilities for corrections. I think that until we can update the philosophy behind the penal system - and many of these things have been recommended over and over again -- I think, for instance, that at the correction center, which is a longer-term type facility, we have instituted several rehab programs. But these rehab programs are impossible to institute in a short-term facility like a jail. We don't have the facilities for it. Inmates are not there for that period of time to do it. But we have instituted auto body and fender repair. We have instituted self-improvement courses for our female inmates. We have also instituted building maintenance and repair programs for our inmates at the Correction Center. Recently we were able to acquire two portable facilities through the Criminal Justice Planning Department to provide additional classroom space for our inmates. And I had the occasion on my last tour last month at the Correction Center to come across a young Vietnam veteran who was picked up - I forget what the charges were - but by chance his legal representation was such that if he had gotten it sooner, maybe he might not have been there. But he was taking advantage of the rehabilitation program in auto mechanics and transmission repair. Hopefully, when he comes out, we will be able to help him find a job and become a productive member of the community once more.

I also ran across one inmate who indicated that he had been there seven times and this was the first time that he had ever had a rehabilitation program available to him. He was happy because he knew then that something was being done.

DEAN IRVING: Thank you. Let me say that we have been through the jail and the Correctional Center. And

while we are concerned, of course, with the overcrowding at the jail and the lack of physical exercise and we have some concern about the health care and about the duration of time that these people spend, one ray of hope really is the Essex County Correctional Center. We were very impressed with the Warden there, Arthur Magnusson. Much of what he is doing, I am sure under your direction, is exemplary and I think he is a great asset to Essex County and you ought to be commended for what the Correctional Center is trying to do and achieving at least for the male population at the Center.

Let me ask Mr. Ginsberg if he has any questions.

MR. GINSBERG: One question: You mentioned the Newark Street Jail was under your auspices as Freeholder. There are other institutions. Would you care to list them for the record?

MR. COOKE: Yes. The jail is under our auspices over all, but it is administered primarily by the County Sheriff. We charged him with that responsibility three years ago. We also have the Essex County Youth House, which is another facility that we are charged with maintaining, and also the Childlen's Shelter for abandoned youngsters. And recently, because of State legislation last year, we have also been charged with the responsibility for finding after-sentence care facilities for the JINS program. These are juveniles in need of supervision. And this basically constitutes our responsibility in the area of corrections.

MR. GINSBERG: In my visits to several of the institutions that you mentioned, one thing stuck in my mind - I think nothing positive can happen in one of those institutions unless you have the proper personnel administering those institutions and actually on duty, the guards particularly. I was wondering exactly what sort

of recruitment or screening is done to get young personnel - new personnel - that have a good attitude about themselves and about the facilities, etc.

MR. COOKE: Well, we have a very active personnel department. We also utilize the personnel magazine of the State, advertising for individuals for various positions. And naturally we are always besieged by people just walking in off the street with the interest of wanting to become a correction officer or a court attendant or some of the other related type jobs that have to do with personal services. I think that the system is pretty adequate. I think we would be able to do a lot more with the personnel that we have. It is just that the space itself under the current setup is not available for certain types of activities.

Getting back to the Chairman's comments, if I may, one thing which we very much need to have improved are the medical services that are available. But, once more, people yell and scream about money. And because we have 60 departments over which we have primary responsibility, you have to exercise as much concern as you can in terms of being realistic financially.

MR. GINSBERG: It has also come to my attention that at least in the Essex County Jail you have temporary guards as opposed to permanent guards. I was wondering what the purpose of those temporary positions was and whether there was still a purpose for those positions.

MR. COOKE: No specific purpose. Basically what happens is that sometimes we find a list of permanents are not available. And knowing that there is a need for additional personnel to provide the custodial services that are needed, you hire temporary people, pending examinations. When we find that these individuals are not capable of passing the exam and a list is formed,

then permanent people are hired from the list.

MR. GINSBERG: Thank you.

DEAN IRVING: Judge Del Tufo, who is Vice Chairman of the Commission -- do you have any questions?

JUDGE DEL TUFO: What portion of the present budget is allotted for the county penal system, do you know?

MR. COOKE: Offhand I can't give you the exact percentage, Commissioner. I do know that we have had an increase in appropriations for the Correctional Center and the Jail simply because the Board of Freeholders feels that enough has not been done in the past and we have been trying to do as much as we possibly can in terms of being realistic.

JUDGE DEL TUFO: Do you find any reluctance to spend money in this area as against the other areas?

MR. COOKE: Not really. I think the only reluctance we have had as a body has been in the overtime expenditures. We are trying to cut back on that. But, by and large, I think that the Board of Freeholders in general has adopted a policy of attempting to give the additional personnel that has been requested by the administrators of both institutions to cut down on the overtime problem.

We have also given additional moneys for rehabilitation services at the Correction Center and, as I said, we have gone along with additional moneys to the Prosecutor's Office to institute the downgrading of certain types of crimes in order to alleviate the overcrowding conditions in the jail.

JUDGE DEL TUFO: You mentioned certain rehabilitation and educational programs that are presently in existence. Are you aware of any for which the inmates, those who are already sentenced, receive credits so far as degrees are concerned?

MR. COOKE: Yes. As a matter of fact, at the

Correction Center, an inmate that is there on work release or in one of the programs whereby he is taking advanced education towards college credits, providing his record is in good order, can receive additional time off. Sometimes we have had individuals coming out with a month off or two months off for good time.

JUDGE DEL TUFO: Is the county paying for the college courses or is this up to the inmate to pay?

MR. COOKE: It is basically a program that works in conjunction with Montclair State on a cooperative basis. We pay for the instructors as such that are up at the Correction Center. But they receive credit through the good grace of the college. This is an agreement that was worked out between the college and the Financial Aide Coordinator for the county.

JUDGE DEL TUFO: How about work release programs whereby the inmate is allowed to go out and pursue employment and return either in the evenings or on weekends? Are you aware of any programs like that in the county?

MR. COOKE: Yes, Commissioner, the Correction Center has had that program in operation now for several years. I think we were one of the first to do it up at our Correction Center. The only problem that I have with that which I think is wrong and there should be some recommendations hopefully from this Commission to perhaps change it -- and the thing that I think is wrong in relation to the work release program is simply the fact that currently the courts indicate that any inmate is eligible for the program, except inmates who are charged with gambling or drug-related crimes. Now it seems a little bit asinine to me that you could let a person out who might possibly be charged with murder or some other serious crime on a work release

program and still refuse to let someone go out who has been charged with a crime similar to gambling or drugs. It is just almost unbelievable. I think that that should be a recommendation, at least one of my recommendations to this Commission, that you consider it, and perhaps we can have that particular bit eliminated.

JUDGE DEL TUFO: Are you aware of any civilian groups or people who are interested as a body to regularly visit the county institutions to be in constant touch with the complaints of the prisoners or the personnel?

MR. COOKE: Well, there have been many groups that have come before the Board of Freeholders, Commissioner. By and large, I personally encourage this. We have the United Presbytery of the county that has an active interest in it. We have also had some input from the Morrow Assn. (N.J. Assn. on Corrections). We have had some input from other minority groups which have expressed an interest in wanting to go in to see what is going on. And I, personally, have taken some representatives from some of these groups to our institutions to let them see what is going on. Because, you know a lot of times, depending on who is writing, people seem to think that the institutions are trying to hide something. That is not the attitude of the Board of Freeholders. We want people to see in.

JUDGE DEL TUFO: Is it possible for the county to appoint a board of civilian visitors, for lack of a better name, who would regularly visit the penal system and report back to the Freeholders?

MR. COOKE: I would have to defer that to our County Counsel. Our actions basically are based on the legal ramifications to our doing our duty. I would say this: I personally have no objections to it. But I think the legal ruling itself would have to come from

our County Counsel as to whether or not it is legal to do so.

DEAN IRVING: The County Counsel is here and will be heard from next. So we can ask him that question.

JUDGE DEL TUFO: Fine. Thank you.

DEAN IRVING: Commissioner Hicks has some questions, I understand.

MRS. HICKS: Director Cooke, I would like to know - why are the facilities so distinctly different for the male inmates as opposed to the female inmates? As recently as last week, you had 48 female inmates and I found that the programs planned for them are not the same as for the males. You are very advanced on the other side. But when we went over to see the female facilities, I found them very lax in programs, lack of a library, lack of books to read, and also a lack of any type of vocational training.

MR. COOKE: Well, Commissioner, I can only say I suppose like other areas in just about any walk of life, many of us may have been a little lax in trying to increase the offerings for females. However, I do want you to be aware of the fact that as of this year we have done that. Some of these programs, we are currently waiting for funds to actually reach us. But we do have a secretarial training course for our female inmates at the Correction Center and we have just received a grant to institute a self-improvement course for our female inmates at the Correction Center.

As I said, I assume that like most men, you somehow overlook the basic needs of the females. But I can assure you that this attitude is rapidly changing and we are currently searching more areas for females. We know that we can't encourage them to take auto mechanics and body and fender repair, although I am

sure if they really wanted to, I don't suppose anybody would really yell and scream about it.

DEAN IRVING: If Commissioner Hicks will let me pick up on that, one of the impressions we had in visiting the women's facility, is that apparently there is a regulation, not an Essex County regulation - perhaps it is a State regulation - it must be - that precludes most of the women from ever leaving the Correctional Center. Many of the men can get out on work release. I wonder if you have any information on the reason for that or if that is a fact.

Am I not right, Commissioner Hicks, that we were told most of these women can only vegetate because the facility is precluded from letting them go back into the community on any kind of program?

MRS. HICKS: They have only two on work release, two females.

MR. COOKE: Well, Mr. Chairman, I can only say basically I don't think that we have a policy in opposition to that. I suppose it is just because of the shortage of population and the fact that many of our ladies, I suppose, may or may not have been employed prior to being charged. And if they were in a position of having had a regular job, I am pretty sure that they would be eligible for work release.

MRS. HICKS: I would like to add that I asked the reason for that at the visitation and it was because of the type of crimes that they committed. The reason the majority of the females there were incarcerated was for prostitution and drug-related offenses and they felt that to put this person in the community for a few hours of work a day was not a wise move. And also, as recently as last Wednesday, the inmates themselves complained of not having a clerical course. Maybe it

is still a pending thing, but I just wanted to bring those two questions up because I did promise them when the hearing came about, I would ask the questions of the persons responsible for the implementation of the program.

MR. COOKE: Commissioner, I am sure that your information is up to date. What I can say with relation to the clerical course is that we were supposed to secure funds from SLEPA or some of the other Federal programs through the Department of Community Affairs, to institute some of these programs. I know that some of the money has been slow in coming. The clerical program was supposed to be instituted last year. And I must honestly admit I am not sure whether it is in operation at this stage of the game. We had an additional grant of \$80,000 that came through the Department of Community Affairs for auto body and fender repair. The money stopped coming and we had to hold the program up. This is the sort of thing which I am talking about. So it is quite possible that we never really received the money, although we received the O.K. to institute the program.

MRS. HICK: That's all.

DEAN IRVING: It seems to me - and I am sure you agree - that these women are brought into the Correction Center because they have been selling themselves - they have no other skills - and at the Correctional Center they are apparently not receiving any skills - so it would be unrealistic to expect that when they are released they will suddenly change their way of living. It seems - I am sure you agree with this - a hopeless situation that these women find themselves in. It may simply be that there is a State regulation which says the street walker is not eligible for work release. If that is

the problem, I think we can make a recommendation for changing it. Is that not the problem?

MR. MOORE: I find no reference in the regulations or the law which would preclude women from work release.

MR. COOKE: Mr. Chairman, I am not sure either. However, I would like to relate to you and the Commission itself that one of the other suggestions that I am currently exploring with the Board and the Vocational School Board is this: Last fall, I made a suggestion to the County Vocational School Superintendent that I would like to explore with him the feasibility of utilizing vocational school facilities for rehabilitative type programs and skills among our inmates who might be eligible. To date, I haven't had the time to sit down and discuss this further with him, although I do know that right now he is amenable to discussing it. But I do know that it presents one other problem too and it gets back to who is charged with the more serious crime or the less serious crime because of the fact that you would have to take some of our inmates from lockup to the classrooms. So there are many problems, I suppose, we have to deal with in terms of public safety in order to get practical programs through. But I do want you to be aware of the fact that discussion has started on this and, hopefully, we will be able to recommend that we utilize our vocational school facilities to a greater degree than they have been utilized for the expressed purpose of helping to rehabilitate our inmates who need the upgrading in skills.

DEAN IRVING: I believe the Warden mentioned to us that some six mobile units were going to come on that 98-acre site to help in the educational process. He was hopeful eventually the county might have as many as 10 or 12 such units which really would be classrooms.

MR. COOKE: They are.

DEAN IRVING: As I understand it, it would be a magnificent step forward.

Commissioner McKernan, do you have any questions?

MR. MC KERNAN: Yes. Director, what facilities or what programs, if any, does Essex County maintain for the rehabilitation of drug offenders?

MR. COOKE: Right now, Commissioner, we do not have any that we are directly responsible for. As a matter of fact, three years ago, we instituted the first methadone treatment center in conjunction with the State and because of the fact that the State eventually took over the facility, we more or less got out of the business. We got the funds originally by agreeing to provide space which was an in-kind service type of an operation. Then the State decided they wanted to take over the entire operation of it, making the employees State employees, and that is what happened.

The Board of Freeholders very shortly after that went into a cooperative agreement with Liberty Village, whereby we are now providing residential space at our hospital center in Cedar Grove as a part of the Liberty Village Drug Rehabilitation program.

MR. MC KERNAN: Is it your opinion then that these two thrusts at drug offenders are working, practically speaking, into the rehabilitative area?

MR. COOKE: Commissioner, I like the program that Liberty Village sponsors. We also have, you know, another facility operating out of the hospital center which deals with drug offenders. However, they are free to sign themselves in and then they sign themselves out, whereas with Liberty Village, once they are remanded by the courts they either take full benefit of the program or they must serve their term in jail. This is why I like the Liberty Village approach. I would

say that it is working very well. I am not overly impressed with the methadone-type rehab program. I think it is just another substitute and I personally feel if we could further expand upon the offerings of programs like Liberty Village -- and we also deal in a cooperative effort with Integrity House, which is another drug rehab program, and they are doing a good job. This is the type of program which I feel we should devote our efforts to as opposed to the methadone-type clinic.

MR. MC KERNAN: Do you think that the Board of Freeholders, given the fact that so many of the crimes committed today are drug-related -- do you think that the Board of Freeholders would be willing to appropriate larger sums to make the program perhaps even more effective than it currently is?

MR. COOKE: Basically, Commissioner, I think once having seen the facts as they are, I believe our Board of Freeholders would be inclined to do that.

MR. MC KERNAN: I have another question for you, Director, and that concerns your comments about the fact that people are being held sometimes too long in these penal facilities, and, secondly, that they don't seem to be getting adequate representation in the sense that the Public Defender's staff is perhaps overworked. Now the idea of them being held too long, of course, one solution to that that has not been discussed perhaps is an expansion of the facilities for dealing with alleged criminal offenses. And certainly perhaps the solution to the problem of inadequate representation by the Public Defender's Office is an expansion of their staff.

Now the Law Enforcement Assistance Administration has recommended that plea bargaining be done away with. The District Attorney in Manhattan has done away with plea bargaining, and this is a relatively hot subject in

the Bar Association. If plea bargaining were to be done away with, of course, this would pose an even greater burden upon the courts, upon the Prosecutor and upon the Public Defender. Would you, if plea bargaining were done away with or, even now, would you be willing, or do you think the Board of Freeholders would be willing, to assume the added perhaps extraordinary financial burden that would come with an expansion of the Judiciary and a concomitant expansion of the Prosecutor's Office and the Public Defender's Office and not necessarily certainly the salaries that the State must bear in this area, but the salaries that would be the salaries and the added space and added paper work which would come with the expansion of the Judiciary? Do you think the Board of Freeholders would be willing to undertake that expense?

MR. COOKE: I don't think so, Commissioner, and I will tell you one of the reasons why I don't think we would want to bear the brunt of that expense. Currently, upwards of 80 percent of the over-all county budget is due to State mandated costs. That is the operation of the court system, the Probation Department, the Prosecutor's Office, and things of that nature. It is my feeling - and I am sure that it is the feeling of my fellow Freeholders - that the State should once and for all pick up its responsibilities. It is basically my opinion that the State should provide for any updating in procedures for dispensing justice.

MR. MC KERNAN: So that you would be for an expansion of the Judiciary and the concomitant necessary expansion of the prosecutorial staff and the Defender's staff, providing the State was willing to pick up the cost?

MR. COOKE: Yes, I would, Commissioner.

MR. MC KERNAN: Thank you.

DEAN IRVING: Sheriff DeMarino, do you want to ask any questions?

MR. DE MARINO: Yes, Mr. Chairman.

Director Cooke, on institutional jurisdiction - I heard you mention you have several different types of institutions in Essex County and some are under the Sheriff and I imagine the rest are under the Board of Freeholders.

MR. COOKE: The only one under the Sheriff at this time is the Newark Street Jail.

MR. DE MARINO: The Jail, itself?

MR. COOKE: Yes.

MR. DE MARINO: The others then are all under the Board of Freeholders. Am I correct?

MR. COOKE: With the exception of the Youth House and the Children's Shelter. We have a Board of Trustees appointed by the Board of Freeholders who actually operate or oversee the day-to-day operations of those facilities.

MR. DE MARINO: Are there professionals in Essex County that head these various types of institutions that you have?

MR. COOKE: Yes, there are, Commissioner.

MR. DE MARINO: The Freeholders, themselves, don't play any part in the rule-making or the day-to-day operations of the Jail?

MR. COOKE: Yes, we do. We have liaison members and these various departments are responsible to various committees, as such. But as far as the autonomy is concerned, our exercise in responsibility and policy-making is limited primarily to the appropriation of funds and the Board of Trustees at the Youth House, as well as at the Children's Shelter, provide the day-to-day policy operations through an Executive Director of both institutions.

MR. DE MARINO: So no lay Freeholder or lay person in the field of county institutions is directly in charge and making decisions. That is what I am referring to.

MR. COOKE: Not really, Commissioner.

MR. DE MARINO: You mentioned that there were no plans for additional institution construction, I believe, in Essex County. Then you said earlier that you like most of us feel that the victimless crimes, the drug users, the gamblers and all that, if taken out of the institutions, will create more space. Would space in itself correct the problems in your opinion?

MR. COOKE: Of course, ---

MR. DE MARINO: Excuse me. Let's take the figure of 100. If we took 50 out and that gives you additional space, will that correct any of the problems?

MR. COOKE: Well, it would correct the problem of people being in close proximity to each other, thereby alleviating immediate physical tensions. But, right now, Commissioner, we are talking about the possible cure. I think basically that we ought to be a little bit more concerned with the over-all prevention.

MR. DE MARINO: That is the point I was leading to. I assume that half of the institutions or most of the institutions in Essex County and those throughout the State are old structures. If we were to say that there will be no additional construction, then I feel that there would be no possible chance for rehabilitation unless you construct something more or less like a school-type structure, in which our inmates can be educated. The reason I am confused is that I hear you say that there are no plans for institutional construction in Essex County. I don't know whether you are referring strictly to more jail-type institutions or are you saying there should be perhaps additional construction, bringing our institutions up to date where we can give them rehabilitation and education?

MR. COOKE: Well, I am glad that you asked for a clarification, Commissioner, and I will clarify that

statement by saying this: There are currently no plans for additional penal institutions or correction facilities. We are currently completing a brand new technical careers center which, in my estimation, gets back to what I said to the Chairman a little earlier, providing we can work out the safety angles, and what have you, as far as transporting inmates from lockup to a training facility. If we can utilize the training facilities of our vocational institutions, which are currently in existence, that to me would be doing a better service than attempting to build additional holding institutions where nothing takes place.

MR. DE MARINO: Let me just throw one idea out to you. As a Director of the Board of Freeholders, you are in my opinion in a powerful enough position where influence can be imposed upon various school boards within the county. Since most of our schools, perhaps not so many in Essex, throughout the State are million-dollar plants that lie idle at nighttime, can you foresee the possibility of recommending, if it is not already in the minds of anyone in Essex County, taking those who have committed the victimless crimes, those that are not so serious, the misdemeanors, etc., and transporting them from institutions into schools in the evening under quasi-guards, groups of 30 and 40, and giving them educational instruction in plants that are already constructed?

MR. COOKE: Commissioner, I would endorse that 100 per cent or more because it certainly is in conjunction with my thoughts of making our current vocational facilities available for the purpose of conducting rehabilitation and the upgrading of skills for people who need them who are incarcerated.

MR. DE MARINO: The reason I bring that point to you, Director, is that if in our institutions - and some

of the Commission members visited some in Essex County - we have street walkers who are not given work release -- I am certain they are not that dangerous to society that they can't be transported in a bus in the evenings to any one of your schools where a staff of people can instruct them in, say, secretarial work. That beats street walking.

MR. COOKE: Commissioner, once more I can only say that as soon as I can get back to the vocational school superintendent and the vocational school board, you can believe that this is one of the things that I hope to be able to finalize. I might add that one of the primary reasons for not being able to finalize it prior to now is because we have been sort of tied up with budgets.

MR. DE MARINO: Director, I just wanted to get that point across.- I agree with you - the public is paying on both sides. We are paying to incarcerate, to apprehend, to protect, and now with the Public Defender, we are paying to defend the various types of prisoners. However, there are schools that are lying idle throughout the State that can be utilized without any additional cost, with perhaps just the educational staff that would be needed, and perhaps solve that problem. I brought it to your attention because, as a Freeholder, I felt probably you would have enough clout to bring that idea before your Board.

MR. COOKE: Thank you so much. You can rest assured that it will be one that will be explored with the over-all picture of rehab.

DEAN IRVING: Director, you have been very patient with us. I feel we have done as much together today as we can do. But may I ask: Do you have in your mind a figure indicating what the total cost to the county is of running the jail, the correctional center, the youth house and the shelter-care program?

MR. COOKE: I don't have that total figure available. I could give you an estimate of upwards of \$20 million for the facilities involved.

DEAN IRVING: Do you have any way of knowing what it costs the county to house an inmate in the jail per day or an inmate in the correctional center?

MR. COOKE: I don't have the exact figure, Mr. Chairman. I generally utilize the estimated figure that I think the State sometimes relies on and then I compare that with what it costs to educate one of our youngsters in our public schools. I think that the average throughout the State - and perhaps maybe even the country - is just a little below or a little above \$1000 for a day-time student in our public schools to provide the education for them. Whereas, for just providing custodial care for the average inmate in our country, it costs from \$3500 to \$4500 a year, and we are not getting and they are not basically getting anything out of it.

DEAN IRVING: You know the cliché that we could send many of these people to Harvard for what it costs to keep them in a county jail --

MR. COOKE: Precisely.

DEAN IRVING: (Continuing) -- may not be too far from the truth.

MR. COOKE: Mr. Chairman, I can only say that when I look at the population at the Children's Shelter, for instance, where the law specifies that we must provide facilities to care for them, it costs us upwards of \$5,000 a year to maintain a youngster there. And certainly that money would be better spent if we were able to put it into early-education type programs to update the thinking of not only the youngsters involved, but also the parents who are charged with responsibilities in the beginning. We have to talk about people as opposed to the cost all of the time. I think one of the problems

that we have is that most of our people who constantly yell and scream about the cost for this and the cost for that is that they don't recognize the fact that if something more isn't done to make the people who are unfortunate enough to be charged with crimes self-sufficient upon their release from institutions, we will consistently continue to pay with little or few results.

DEAN IRVING: Thank you. May I, in closing, sketch out a concept for you and see how you react to it?

MR. COOKE: By all means.

DEAN IRVING: A concept, which is a possible recommendation - now I am speaking only for myself and not for the other members of the Commission - would be that we might recommend to the State of New Jersey that because of the historic tradition of home rule that the counties would retain control over the offender, preadjudication and post-adjudication, up to those who need 18 months' incarceration, but that the State of New Jersey has an obligation to do more than just inspect the facilities once a year and that the State - and I think I am building from some of what you said - must provide technical assistance at the county level, psychiatric and other kinds of medical care as needed, and State or Federal money to help the county facilities meet the standards being revised now by the American Correctional Association and by the U.S. Justice Department and others. Is that the kind of county-state relationship that you would see for the future?

MR. COOKE: Yes, Mr. Chairman. I would heartily recommend that this approach be taken. I would like to try, in corroborating your statement, just to show that sometimes we talk about many things that ought to be and eventually they come about. A number of years ago there was a new look in the thinking of our law enforcement agencies. If we were able to have more radio-controlled

cars, for instance, we would cover a larger area. That is all well and good. That's a fact. There is no question about it. But in my deliberations in dealing with the public, I have found that one of the things that has been lacking, which we can attribute to what sometimes is called progress, is the fact that we picked up cars to cover a larger area and, by the same token, we eliminated from the streets the walking policeman who knew Joe's mother and who perhaps would rap him on the backside with a night stick if he saw him doing something that he shouldn't be doing. Because he knew Joe's mother, the parents didn't get angry at him - they thanked him.

Just last year, we finally got to the point of returning policemen to the street under the Safe Streets Act. Maybe somebody is beginning to eventually or finally wake up.

So in essence what I am saying is just because it is more technically advisable to do everything by computers doesn't necessarily mean that we are going to solve our problems because we are eliminating the human touch.

DEAN IRVING: I can build on that, Director. The other day at the Essex County Correctional Center a very touching comment was made to me - at least I was touched by it. I walked over to one of the women guards, Miss Enoch, and I asked her how we as a State Commission could help her as a corrections guard - make her life and her career more interesting, more rewarding. She pointed to one of the inmates and said, by helping her. Maybe that is the human involvement that we have to be concerned about.

Mr. Ginsberg has one other matter.

MR. GINSBERG: Just a final matter - in looking over the resolution that created the Commission, we have a staggering task to perform. Now the hearings are one avenue we are using to collect facts, data and information in

order to formulate some final proposed legislation to the Legislature. Dollars and cents control a good bit of what we can do both as a Commission and the State can do to correct the facilities, along with a lot of other programs that have to do with human involvement and human dedication. You did mention some of the fiscal data that was available to you as a Freeholder and you did mention there was approximately a \$20 million expenditure for the county.

I would like very much if you would be able to supply us either by going through your own records or by going through the Freeholder's accounts and supply us with some data as to what it costs to keep an inmate, either juvenile or adult, in each institution in the county and some idea of how you arrived at that figure so we can compare this with both the State and Federal institutions and with other county institutions as we go forward and investigate some of the other counties in the State.

MR. COOKE: I would be happy to, Commissioner. That will be forthcoming reasonably soon.

MR. GINSBERG: Thank you very much.

DEAN IRVING: Thank you, Director Cooke, for coming to us this morning and we appreciate your comments.

MR. COOKE: Thank you very much, Mr. Chairman. I was very honored to be here and I hope that some of my comments might eventually be helpful in trying to bring about a correction of some of the attitudes that exist relative to corrections and penal reform. Thank you very much.

DEAN IRVING: Dr. Francis P. McQuade, County Counsel of Essex County, will be our next witness. Dr. McQuade, will you give us your name and title and mailing address.

F R A N C I S P. M C Q U A D E: Yes. My name is Francis Patrick McQuade. I live at 2 Burnett Street in Maplewood, New Jersey, in the County of Essex. I am the County Counsel of Essex County and the head of the Law Department. I am also the President of the New Jersey Association of County Counsel and also the Counsel to the New Jersey Sheriffs' Association.

DEAN IRVING: I was going to ask if you have a written statement.

MR. MC QUADE: Rather than make a written statement, I would like to make an oral statement at this time of what I consider to be the essential points at issue.

First of all, there is no lack at the present time of interest in the inmates in our jail, in our correction center, in our youth house. The Grand Jury of Essex County each month is impounded and impaneled and they come through and make a thorough investigation. Everybody can make any kind of a comment to the Grand Jury they wish. Fortunately, in the last several years, we have not only not received any presentment, but we haven't really had even a hint that anything was really illegal. But I don't think this is the day of illegality; I think it is the day of trying to improve things. So we have many groups that are voluntarily interested. And I will say that our Board of Freeholders has cooperated with them to a large extent.

Probably what will be a rather thorough investigation is a suit which I understand is going to be filed on April 8th by the Prisoners' Rights Organized Defense.

To indicate something of the attitude of Essex County and the Law Department, the correction officers themselves were very disturbed by the fact that the Prisoners' Rights Organized Defense, which is a section of the American Civil Liberties Union of New Jersey, mailed into the jail to an inmate or inmates there stacks, you

might say, of questionnaires and forms whereby these persons -- this is called a retainer form, "I, so and so, residing at such and such, do hereby retain the Prisoners' Rights Organized Defense, at such and such a place, to institute legal proceedings on my behalf in connection with blank, blank, blank."

Now I think the rights of correction officers are very, very much overlooked today and they are very confused and very disturbed about much of what they see going on, and sometimes rightly so and sometimes not rightly so.

This was brought to my attention. I was told to do something about this. Well, it is a form of solicitation. Anybody in this room that is an attorney knows this is a form of solicitation whereby a lawyer is using lay persons to solicit other persons to institute a suit against the County of Essex. My attitude, however, was technically it is solicitation. But let's be practical and realistic about it. The people who are confined there are not the type of persons who can walk out and get an attorney. They are not freely walking around the streets. And in the long run probably if there are merits to their case, if there are actually facts upon which there should be an adjudication and a possible change in the way the place is being run, fine. I mean, it is the end result really that counts. So the correction officers were told to go ahead and let them pass these around.

I say that because every day I am getting appeals from the correction officers when these new things come up, such as this business now of soliciting inmates to be plaintiffs in an action against the county and possibly naming certain guards or certain procedures, etc., as not being right. They may be right. We won't know until a court hears them. This disturbs them.

Another thing that came up was some of the inflammatory

newspapers that come into the jail, such as Mohammed Speaks, and various other ethnic groups that have newspapers that are just as inflammatory. We had one scene before the Board of Freeholders in which the Captain of the Board of Corrections was very disturbed that I had to make the ruling that under the First Amendment to the Constitution of the United States prisoners have their rights. They are entitled to read these materials.

Then the question came up: Well, if they keep these papers in their cells, don't you have an opportunity to set them on fire and have a conflagration? I suppose people thought I was being facetious when I said they can limit the amount of paper to maybe a half inch or an inch in their cells; in other words, it can be restricted because it is inflammable but it can't be restricted because it is inflammatory. I was being very serious about that, namely, prisoners have these inflammatory publications which are protected under the First Amendment of the United State Constitution. The correction officers read them and in those publications are all sorts of inflammatory remarks against the correction officers. I can understand why they would be disturbed and it is very difficult to explain to them that under our system of jurisprudence and under our Constitution, regardless of how inflammatory a matter is, if it is not immediately connected with an assault upon somebody or a violent action upon them, the persons are entitled to have that.

This leads me really to my second point. I think correction officers today, not only in this state but in every state, are facing a crisis of identity. I might add, by the way, if it is of any interest to this Commission, that the questionnaire that PROD - that is the Prisoners' Rights Organized Defense - has gotten together is probably the most thorough set of questions that any

commission could ever ask. There are 151 questions here regarding housing, discipline -- For example, they ask, have you ever witnessed a beating of a fellow inmate by a guard? What about tear-gassing, macing, hosing, open windows in winter, shackling? List the date, name of the inmate, guard or guards involved and why the beating, tear-gassing, etc., took place. After such treatment, were you or other inmates examined by a physician? Name of the physician, date of the examination, place of the examination. What were your injuries? Did the official version of the incident agree with the facts as you know them? Have you ever been attacked by an inmate in the presence of a guard without the guard interfering? When; name of the guard; why were you attacked? Have you or fellow inmates ever been punished for political or religious activity, communication with an attorney, with the press, with a public official, with a court official, with the filing of a writ, motion, complaint or request to the court complaining or expressing displeasure about jail treatment or condition, requesting medical, dental, psychiatric care? Have you ever been punished for conduct which was not a violation of written rules? Explain - give the date. Do the written rules include a description of the punishment? Is an inmate given a written notice of charges against him? How soon after the infraction occurred is the inmate given a hearing? Who serves on the hearing board? Can an inmate present evidence and witnesses?

DEAN IRVING: Are you going to file that with us?

MR. MC QUADE: Yes, I certainly am. But I would say that this is a very, very thorough questionnaire from the point of view of prisoners.

As far as the correction officers - why I say they have an identity crisis - several years ago an incident arose whereby a question was asked: Can correction officers

carry guns - hand guns - off duty? That was June 20th, 1972. The reason why that question was asked is because a correction officer considers himself to be a police officer. He looks at New Jersey Statute 2A:154-3, which states, "All county correction officers in the competitive class of civil service who have been or who may hereafter be appointed by the Sheriff or Board of Chosen Freeholders of any county in this State shall by virtue of such appointment and addition of any other power or authority be empowered to act as officers for the detention, apprehension, arrest and conviction of offenders against the law." This statute was passed in 1968 as Laws of 1968, Chapter 326.

About the same time, the Public Employees' Relations Commission Act came into effect in this State and at that time collective bargaining was permitted for all State, county and municipal employees.

Down in Gloucester County, they suggested having the Teamsters' Union represent them. An action was taken called, County of Gloucester against the Public Employees' Relations Commission - that is 107 New Jersey Superior 150, 1969 - wherein it was held that the Teamsters' Union wouldn't be a proper bargaining agent for this correction officers group. So they went to the State PBA. And the State PBA took them in. I think that is where they made an initial mistake and I have told this to several correction officer presidents and they agree with me now. Instead of starting the correction officers association, both at the county level and at the state level, which would be primarily interested in matters of correction officers, they joined the already-existing Policemen's Benevolent Association. Then they were told by their attorneys that they were policemen and that off duty they could make any kind of arrests they wish and act as police officers.

At that time, I was asked as County Attorney to make a ruling as to whether they could do this and I ruled that they could not. I was thinking primarily of the fact that if we agreed they could do this, if they injured somebody off duty, the county would be civilly liable for a suit.

There was excoriation of that opinion by the officers of our particular PBA, and I can understand why they felt that way. But within three months, the very persons that excoriated that opinion, who said it was a terrible thing that the County Counsel had made this, were arrested in Morris County for beating up a gentleman that they accused of violating one of the laws. I think it was a traffic law. And they were convicted. They were not given a custodial sentence, but they were fined a thousand dollars. At the same time, the victim brought a suit against the County of Essex and then upon releases being given, a settlement having been reached, they were reinstated to duty, understanding that they were wrong in the first instance.

Within about four months after that, another correction officer was arrested for possession of a gun - as a matter of fact, it was actually downgraded from actually threatening with a gun - and the late Francis Hayden in an opinion which I have here which I think the Commission should read agreed that the law was such that a correction officer in this State does not have the right to carry a gun off duty, regardless of the fact that he is called a policeman or not.

I point this out to you because I think this is really the problem. Correction officers are not really supported. They should all have to go, in my opinion, to training by the United States Bureau of Prisons. There should be a very thorough training as a correction officer or the State, having trained persons from the United States Bureau of Prisons, should set up a similar setup in the

State. It has been my experience as the Counsel for the Sheriffs' Association that the trouble with New Jersey is - we don't have one State - we have 21 states. Each county runs differently. Each one is a separate thieftom. Even the titles are different. We have statutory titles. We have civil service titles for various jobs. Now we have the PERC approach. Then, of course, we have the Administrative Office of the Court saying what various people should do.

We have a case pending right now in a battle between the court attendants and the correction officers as to who has custody of a prisoner when he is on the prison floor awaiting trial. And there is no guidance coming from the State whatsoever on this matter. You go from one county to the next.

There must be, first of all, the unique recognition of the correction officers' position. He should have specialized training as a correction officer, which will give him the confidence, which will give him the security, which will give him the ability to cope with the situation when he is dealing with a prisoner, which will orient him to rehabilitation and not to be just another police officer inside the jail, looking for further violations of the law. And that is what many of them unconsciously do and they don't realize they are doing it.

Also, while I am on the subject, with the relation between the county and the State, we have this situation: Presently, the State of New Jersey is suing the County of Essex because of prisoners who are getting medical treatment. That sounds like a brash statement, but that is what they are doing. They are suing us for medical treatment. It happened this way: Martland Medical Hospital while it was under the City of Newark, any time we had prisoners who were ill at the jail or the correction center, we sent them over there. Since they were mainly

residents of Newark and certainly of Essex County, we were never sent a bill. It was understood that these were people of the Essex County area and that they were being medically treated.

When the State of New Jersey took over the Martland Hospital and set up the New Jersey College of Medicine and Dentistry, we began getting bills from them and we now, according to their records, owe them one million dollars. And there is a suit in Superior Court on this. At the same time, we have tried to tell the hospital, will you do this for us - will you segregate one wing - will you segregate one ward - or if when you build your new hospital, will you build a ward, a security ward, in which we can put all our prisoners instead of what we are doing now? If we bring over more than one prisoner, with each prisoner is a correction officer, and a correction officer for eight hours, three shifts, around the clock. We can't, for example, put five or ten sick prisoners in one ward and have one correction officer guarding them or two. We have to have one on one. Their approach is, "we are running a hospital." It seems to me there could be some sort of cooperation between the State of New Jersey and the county officials, realizing that from our municipal lockups, from our correction center, from our jail, come sick people - sick prisoners. And there ought to be some correction there.

There is one more thing I want to get off my system. There is another thing that is coming from the State to reduce their prison population. But it reminds me of the story of a man having a truck that was overloaded with canary birds. And in order not to be overloaded, he had a man standing with a little whip to keep these little birds in flight so that they wouldn't be resting on the body of the truck and thus overload it. The

latest plan is the following, that there be so many prisoners each week that are State prisoners kept in the county jail. The way they do this is, as follows - and I am sure Sheriff DeMarino has heard of this because the sheriffs have all been questioned about it - instead of a prisoner of State Penitentiary being asked to come up to Essex County to testify and the penitentiary bringing him up, they are going to start a round robin of deliveries. They will drop so many off at Essex County and keep them here for 3, 4 or 5 days, either as witnesses or as prisoners, and then pick them up again. It is like the problem of having too much gasoline in the tanks when that energy crisis was on and so now we have to have less than half a tank before we can get any gasoline. The State is doing the same thing with our prison population. What they are going to say is, "we will pay you on the average of what you charge," and in most counties it is around \$14.20 a day.

These are the things that I wanted to say.--

DEAN IRVING: We very much appreciate your coming.

MR. MC QUADE: (Continuing) -- as concrete, specific issues that are really at the heart of this correction problem.

DEAN IRVING: I think it is encouraging to all of us that you as County Counsel give so much time to the duties of your post and that you have this great interest in corrections. I think the time is now when county officials are interested in corrections reform - and Director Cooke certainly exemplified that deep interest in corrections reform - for us to proceed.

We do have two or three inmates who need to testify before lunch so they can be returned to their institutions. So I think, Dr. McQuade, with your permission what we would like to do is to go on to that, unless there are

pressing questions at this time.

MR. MOORE: I would only like to say it would be very helpful if we could have the references you mentioned because I think they will be very helpful.

DEAN IRVING: I assume you will make all that material available to us.

MR. MC QUADE: Absolutely. And if you wish any further amplifications of the points I raised, I will be available up at my office.

DEAN IRVING: Thank you.

JUDGE DEL TUFO: One question, Dr. McQuade: One of the problems, and one of the main problems, that I have picked up from your testimony is the fact that the State is reluctant to pick up their share of the burdens and responsibilities in this whole area - I am sure the other counties have the same problem - and of the counties being overburdened financially. What about a regionalization approach? Is it possible? Have you discussed or investigated the possibility of a regionalization or sharing of facilities with other counties in order to have a compromise?

MR. MC QUADE: Yes. But I can tell you from my experience with the Sheriffs' Association the trend is going the other way. It used to be in some of the more rural parts of the State down in Burlington and Gloucester and Ocean Counties, if they had trouble in their jails, they would send some prisoners over to the nearby jail and nobody charged anybody anything.

I just heard at a meeting last week that they are down now to the point of charging one another. In other words, everybody is so cost analysis conscious today that they dollar-and-cent out everything. It seems to me that is getting away from the regional approach.

What a lot of people forget in New Jersey is the counties don't have home rule. We don't have a home rule concept in our counties. We are subdivisions of the

State and the State takes the attitude that the county is performing a State function. But the cost of that has to come from the property tax of the people in the county. I don't think the State will ever take a concept of being statewide conscious or aware and responsible for these various things until there is a statewide general tax.

As it stands now, everybody is talking about the State-mandated costs and the State should take them over. But being realistic, how are they going to pay for it when the only taxes the State collects now are sales tax and corporate taxes? So that is one of the real problems.

JUDGE DEL TUFO: Are you aware of any statute or regulation prohibiting, for example, the constituting of a Board of Civilian Visitors who would independently function to visit on their own, at their own time, in the county facilities and to report back and try to head off any problems?

MR. MC QUADE: No, I am not aware of any statute that forbids it. The only thing that would be forbidden is if such a group took upon themselves to actually be the trustees running the institution. That would be an unwarranted delegation of authority.

There were several groups in Essex County that wanted precisely that thing. They wanted a board in which they would have some authority to make appointments and other things. The Board of Chosen Freeholders could not do this. But I do think with the normal human reluctance about giving anything - and I think some other persons who I see in the room here will probably so testify - that there has been a cooperation with religious, non-official, non-governmental groups who are truly interested in welfare rights, and I would like to add also correction officers' rights, and they have had access to the prisons and to the jail and they also come to Freeholders' meetings and have asked for various things to be done. Some of

them have been done either cheerfully or not so cheerfully, but that is already taking place.

DEAN IRVING: Thank you again, Dr. McQuade, for your interest and testimony.

We will hear next from Donald Alston. But first we will take a three-minute recess.

(Short Recess)

DEAN IRVING: May we go back on the record. We are under enormous time pressures, so we do want to get back on the record and hear from our next witness. May I ask your indulgence so that we can hear the witness and that he can hear us.

We do appreciate the fact that all of you have stayed and I regret that we can't do anything about the overcrowding in this room. There are many of you, incidentally, in the room who have been of enormous help to the Commission. I see Mrs. Canright in the back of the room, Rev. Gibson, Rev. Hunt, members of the press corps - we appreciate what you are trying to do to help us - and Mr. Showell from the New Jersey Association on Corrections.

May I say also that because the young witness did not have any breakfast this morning that we have encouraged him to have at least a coke while he is talking to us about his experiences. Young man, will you give us your name, please.

D O N A L D A L S T O N: Donald Alston.

DEAN IRVING: Donald, are you at the moment confined to an institution in New Jersey.

MR. ALSTON: Yes, sir, I am.

DEAN IRVING: What is the institution?

MR. ALSTON: The Yardville Reception and Correction Center.

DEAN IRVING: How long have you been there, Donald?

MR. ALSTON: Just since yesterday.

DEAN IRVING: Where were you before you went to Yardville?

MR. ALSTON: New Jersey State Prison, Trenton.

DEAN IRVING: How long were you at the New Jersey State Prison?

MR. ALSTON: Almost two months.

DEAN IRVING: May I ask your age first?

MR. ALSTON: I am 21.

DEAN IRVING: You are 21 so you are an adult, although at my age, you look much younger than 21. Now do I understand, Donald, that during some recent period of time you were in the Essex County Jail?

MR. ALSTON: Yes, sir.

DEAN IRVING: When was that, sir?

MR. ALSTON: It was in June I stayed there 18 days and, in October; I stayed there from October until February.

DEAN IRVING: Now you don't have to answer this, but it may be helpful to the Commission to know why you were in the jail.

MR. ALSTON: In June, I was there for a homicide charge. And in October, I was there for possession of marijuana, possession of stolen property, and possession of a dangerous weapon.

DEAN IRVING: At the time of these alleged offenses, were you living with a family?

MR. ALSTON: I was living with -- yes.

DEAN IRVING: With your parents?

MR. ALSTON: No, not my parents - my sister and my brother.

DEAN IRVING: Were you a resident of Newark, Donald?

MR. ALSTON: Yes, I have been a resident all my life.

DEAN IRVING: Have you gone through the Newark school system?

MR. ALSTON: Yes.

DEAN IRVING: The fact that you are now in a State institution suggests to me that you were found guilty of a charge. Do you know why you are in Yardville - what you were found guilty of?

MR. ALSTON: Yes. The charge was reduced from homicide to manslaughter.

DEAN IRVING: The Sheriff has asked about your rights. He has not been sworn so that I don't think he subjects himself to any penalty at the moment.

Do you have a concern about that, Sheriff?

MR. DE MARINO: The only concern is if he's open to questions on a direct basis -- Are all these charges completed with or are there any outstanding?

DEAN IRVING: My purpose, Sheriff, was not to go into the merits of the charges of which he was found guilty, but just to give some background as to why this young man who is a citizen of the State is now in a State institution and to explore with him and with members of the Commission his experiences in the Essex County Jail.

Let us go to that then, Donald, and continue enjoying that coke. It may be a long time before you have lunch.

You were admitted to the Essex County Jail in October of 1973?

MR. ALSTON: Yes.

DEAN IRVING: At the time you were admitted, did you get any medical examination? Did you need medical care?

MR. ALSTON: Well, I had just got out of the hospital October, the 1st. I was discharged from the New Jersey College of Medicine and Dentistry for a ruptured urethra, prostatitis and a bladder infection. And I was taking medication at home. The same day I was discharged, I fell and cut my left hand and the wound had opened back up and I needed medical attention for those two specific things.

DEAN IRVING: And did you receive the medical attention?

MR. ALSTON: My hand had become infected. You know it puffed up on me and everything. Then I had gotten medical care after I complained about it. Some of the guys said like they wasn't going to lock you in until they did something about it. So they sent me up to the hospital and started giving me medication.

DEAN IRVING: Is it your position that the medical care you received was adequate?

MR. ALSTON: No, I would say it was somewhat less than adequate.

DEAN IRVING: Could you be more specific, Donald?

MR. ALSTON: I had like -- I was beginning to discharge and I passed a small amount of blood. So I got on sick call that morning and I think they called me the next day, right? And when I got upstairs, the doctor asked me, you know, did I have any urinological problems. And I explained to him that I just got out of the hospital and I knew what my problems were. And he ordered a blood test for me. I went down to my floor and they called me back out for the blood tests. They took me downstairs. And the nurse that was there asked me - she said, "Didn't you get a blood test when you first came in?" And I said, "no." She said, "Why not?" I said, "I don't know. I don't work here."

DEAN IRVING: Do you want to tell us anything else about your experiences in the Essex County Jail that might give us some ideas of how the jail ought to be better in the future?

MR. ALSTON: We had a couple of inmates and myself that got together and wrote up a platform, like a program, you know, and we sent it upstairs to the doctor. It was based on that there should be proper medical care, you know, proper facilities, to handle problems of inmates. We also stated that there should be a Social Services

Department, you know, created in the institution for the inmates who have problems, and that there should be constant qualified medical personnel there, like 24 hours a day and on holidays and weekends - like there was one fellow that was there with us on the floor I was on. He had hepatitis. It was obvious almost, right? Like when we asked the officers about it, they said that they took him upstairs and they gave him blood tests and everything. And they said it was a non-contagious form of hepatitis. He was with us for about two weeks before he found this out.

We used to eat out of the same utensils and the same spoons. You are not assigned any utensils, like spoons or anything like that. So we could have been eating out of the tray he had yesterday or the spoon that he had the day before.

DEAN IRVING: I assume that these utensils had been cleaned, were they not?

MR. ALSTON: Yeah. They have a kitchen there on the floor. They send the stuff in the back for cleaning. I still think, you know, there should have been something done. He should have been checked before he came in contact with the rest of the inmates.

DEAN IRVING: Then I take it, Mr. Alston, that your testimony is that there are deficiencies in the kind and the extent of medical care that an inmate can receive and that people possibly with contagious hepatitis are not treated quickly enough. I am not trying to put words in your mouth, but I am trying to determine whether that is really what you are saying.

MR. ALSTON: That is basically it, you know, that there is inadequate medical care. Because when you first come into the jail, they sit you down and they ask you just by word of mouth if you have any medical

problems. That's it. There is no physical examination. We made that a point too, that there should be a physical examination of all or any people coming into the County Jail before they are allowed to mingle with the rest of the inmate population.

DEAN IRVING: Are you not able to go on sick call if you feel poorly?

MR. ALSTON: Yes. They come around every morning - an officer comes around every morning and calls sick call and you give them your name and number - your cell number. But it is not all the time that you get to go up to the hospital. Say like if you went up Monday and something was wrong Wednesday or Thursday, then you just may not get up there. Maybe it is because like they might not have enough qualified medical personnel. And at night if you have a serious medical problem, there is no doctor there.

DEAN IRVING: Do you remember any time, Mr. Alston, when you went on sick call and had to wait a long time before you got any help?

MR. ALSTON: Yes.

DEAN IRVING: How long a period would that be?

MR. ALSTON: Well, I got committed to the County Jail - I think it was the 11th or 12th of October. I didn't see nobody until, like, after my hand was swollen up. And that was approximately, I'd say, maybe two weeks, maybe two and one-half.

DEAN IRVING: In your opinion would it have been obvious to an adult human being that your hand was festered just by looking at you?

MR. ALSTON: The officer here - he even went so far as to go out to the control room to tell them my hand was swelled up and it was open. You could see the wound was open. He called upstairs to the hospital himself and asked them to send the nurse down. He took

me up at night, you know, and just put some stuff on it and bandaged it up.

DEAN IRVING: If a person indicates he is sick at night, what procedure is followed by way of getting him medical care? Does he have to wait until the next day?

MR. ALSTON: Well, he probably gets to see a medical officer. But as far as a licensed practical nurse or a registered nurse or a qualified medical doctor there at night - no, you don't see none of them.

DEAN IRVING: Mr. Alston, in the several months you were at the Essex County Jail, did you see other inmates who appeared to you to need medical care and were not getting it?

MR. ALSTON: When I was on the 4th floor, there was a man that had an epileptic seizure there. He passed out. They didn't even have a stretcher to carry him upstairs with. They carried him up there in a chair.

DEAN IRVING: After they carried him up in a chair, do you know what happened? Did he then receive medical care?

MR. ALSTON: I am not sure. I know, myself, that several times there were people that had epileptic seizures and I helped them myself. In fact, the jail had wrote me a letter of recommendation to the court, saying that I was instrumental in saving this man's life. This was at nighttime. This was after the officers come on. I think they come on at 11:00 or 12:00 at night. All they did was like put a mattress on the floor for the guy, you know. Sometimes I sat there, not because I was told to, but because I wanted to, and watched over the guy.

DEAN IRVING: Are you saying, Mr. Alston, that because there was not adequate medical care at the jail, inmates have to help one another?

MR. ALSTON: That depends on the inmate, I think.

DEAN IRVING: But certainly in your instance, I take it from what you were saying, there was no doctor around. This man had a seizure. So you voluntarily tried to help him so that he wouldn't choke to death.

MR. ALSTON: Right. He was at the point of choking when I called the officer.

DEAN IRVING: Thereafter, he was carried out on a chair and you saw nothing of him thereafter?

MR. ALSTON: This was a different man. His name was Smith, an elderly person - David Smith is his name.

DEAN IRVING: But the point I am trying to get to, Mr. Alston, is that I take it you don't know how long it takes after a person has had an epileptic seizure, at least in the instances you have seen -- how long it takes before a doctor, a registered qualified doctor, sees that person.

MR. ALSTON: The nurses see them before the doctor does. Like Dr. Simms, he comes in in the morning. If you go up there and you say, "Dr. Simms, I have such and such a medical problem," he will say, "give him a tetro-something," you know - anything you know - some big medical word. And that would be it. You go downstairs and they give you that medication and that's supposed to be the wonder drug.

DEAN IRVING: Thank you. Is there anything else you want to tell us about your experiences at the jail. I don't know if we even ascertained if you are a high school graduate. Are you a high school graduate?

MR. ALSTON: I went as far as the 12th grade. I am not a high school graduate.

DEAN IRVING: In the several months you were in the jail, did you have any chance to take courses and education?

MR. ALSTON: No. The only reading material that was accessible to us was like the library, what they

call the library. The books are old and outdated.

We also in the program that we wrote up - our five-point program - we asked for qualified social services personnel and legal material, like a legal library, for the inmates so they can do some studying on their own cases. But as far as educational or vocational training, there is none.

DEAN IRVING: Would you tell us on a typical day when you were in the Essex County Jail, how you spent the day, briefly?

MR. ALSTON: Most of the day you stayed locked up unless you go to TV and that is either in the morning or at night or unless you go on the mess.

DEAN IRVING: Was there any opportunity for you to exercise?

MR. ALSTON: We went to the gym, I think, it was once a month or twice a month. That was it.

DEAN IRVING: Were the meals served to you in the cell?

MR. ALSTON: No. We were served in what we called the Day Room. The meals are basically the same. Like Friday there is usually fish, spinach and rice. Saturday you have spaghetti - for lunch, you have hot dogs. You could practically tell the menu after you have been there awhile. You start to remember it by heart. Sometimes on Sunday we have chicken. The chicken will be hard, you know; sometimes it will be burnt. It would be like burnt black, some pieces of it. Say you don't want to eat that piece, there is only a certain amount that comes up for a certain amount of guys, right?

DEAN IRVING: Mr. Alston, don't you know everybody complains about food, whether they are law students or servicemen or inmates of jails? Is there any reason to believe that the food given the inmates is any worse

than should be given? Is it not fit for consumption?

MR. ALSTON: I guess that would have to be based on what you like to eat.

DEAN IRVING: All right. My difficulty is that you are smarter than I am. I am having difficulty finding out what your specific complaints are.

May I yield now and perhaps I will have a chance later to ask you another question. Mr. Ginsberg, do you have any questions?

MR. GINSBERG: Yes. I don't think it should be any secret to anybody in this room that Mr. Alston was interviewed by someone a little earlier this morning because we had no opportunity to interview him before today.

There were a couple of points that were brought up at the interview that I would like to ask him about. This is, of course, no surprise to him and I don't want it to appear that I am trying to dupe anyone. These were things that were discussed previously and I would like to discuss again.

I understand that you had some trouble with the mail at the Essex County Correction Center. Could you enlighten us? Was there some problem with late delivery of mail?

MR. ALSTON: My sister informed me last month, I think it was, that she just got a letter from the Essex County Jail. She said the letter was dated sometime back in December, I believe.

MR. GINSBERG: You are talking about a three-month delivery period?

MR. ALSTON: Right.

MR. GINSBERG: On a single piece of mail?

MR. ALSTON: Yes. This happened a couple of instances - like you send you mail downstairs, right, and it is not sealed, right? One guy was writing a letter to his wife and another letter to his girlfriend. And they took the letter from his girlfriend and put it in his wife's

envelope and the letter for his wife in his girlfriend's envelope. He had problems from that.

MR. GINSBERG: The second point that was raised in this interview was the fact that you have actually seen mice in the jail - in the new Essex County Jail.

MR. ALSTON: That's right.

MR. GINSBERG: That was just built in 1970.

MR. ALSTON: That's right.

MR. GINSBERG: Can you give us any idea how many mice or how bothersome they might be?

MR. ALSTON: They will crawl on your bed. If your blanket is hanging on the floor, they will crawl on your bed. They will crawl on your bag and eat your store order. You hear people hollering at night, "Get out of here - go home," stuff like that.

MR. GINSBERG: But they are home.

MR. ALSTON: Yes.

MR. GINSBERG: Do you know whether the guards or exterminators have tried to do anything to rid the institution of this pestilence?

MR. ALSTON: I saw an exterminator one time, I think, and he was spraying. I don't think the spray was for the mice.

MR. GINSBERG: How about the guards? Have they tried to do anything to alleviate the problem?

MR. ALSTON: One time - I am not sure - but I thought it was a rat. Anyway, they said it was a rat and they said the guard was chasing him.

MR. GINSBERG: A fellow inmate said it was a rat?

MR. ALSTON: Yes. I saw something go past. I don't think it was a rat - it might have been a big mouse.

MR. GINSBERG: I also understand that you were incarcerated in the Essex County Jail from October of last year to February of this year.

MR. ALSTON: Yes.

MR. GINSBERG: I am assuming if you had the necessary cash, you could have been out on bail rather than in the institution. Is that correct?

MR. ALSTON: That is true.

MR. GINSBERG: Were you ever offered a ROR, a release on your own recognizance program?

MR. ALSTON: I was released on my own recognizance in June. At that time, that is when I had the manslaughter charge. I was released then on my own recognizance.

MR. GINSBERG: I see. But not from October until February, not during that period?

MR. ALSTON: No. All I had was like a bail reduction. I got a bail reduction.

MR. GINSBERG: And you couldn't raise the reduced bail either. Is that correct?

MR. ALSTON: Well, by the time it had been raised, the Prosecutor had found out about it and dropped a detainer on me, you know.

MR. GINSBERG: Yes. I see some complaints here on the interview sheet and I am not sure exactly what this covers, but you were complaining something about social services?

MR. ALSTON: Yes. There is no Social Services Department there.

MR. GINSBERG: What would you like to see there? What do you think would be helpful for someone like yourself?

MR. ALSTON: I think -- well, for myself, I don't plan to go back there.

MR. GINSBERG: Yes. But there will be others similarly situated, I am afraid, the nature of our society being what it is.

MR. ALSTON: Right.

MR. GINSBERG: I was hoping you could give us some direction. What would you like to see in the way of social services?

MR. ALSTON: I think that there should be a set pattern, you know, like there should be a stop somewhere. A guy comes into the jail with nothing. It is just how he leaves - with nothing - unless he goes from another State institution. I don't really know nothing about them because I haven't been in any of them that long.

MR. GINSBERG: In other words, you are saying that you can come in with a problem, you are held for a period of time, probably because you can't make bail. Then you are just released with the same problem. Nothing has been accomplished.

MR. ALSTON: If you have family problems or somebody in the hospital or you are worried about your family just existing, outside of some of the officers who really listen to you -- like some of the officers are really concerned about the inmate and his problems and they will listen to you -- but other than that, there is no Social Services Department. There is nobody you can go to and say, "I'd like to know how my family is doing," or anything like that.

DEAN IRVING: I want to ask before we leave the point completely, Mr. Alston - at one point in time you were released on your own recognizance.

MR. ALSTON: Yes.

DEAN IRVING: Between that point and the time you wound up in the Essex County Jail, meaning you were no longer eligible for that kind of release, had a new charge against you developed?

MR. ALSTON: Yes.

DEAN IRVING: That is why you were not continued with your freedom?

MR. ALSTON: Right. I believe so.

MR. GINSBERG: One other question: Do you have any thoughts about whether the institution was overcrowded during the time you were incarcerated there?

MR. ALSTON: Shortly before I left, they had people sleeping up on the 13th floor on cots.

MR. GINSBERG: That is a portion of the jail that is supposed to be kept for specific purposes, like recreation.

MR. ALSTON: Yes, the gym and the chapel, I believe, are up there. I know the gym is up there.

MR. GINSBERG: While inmates were occupying that area for sleeping and living, it couldn't be utilized for its other functions.

MR. ALSTON: Well, that is true. They were sleeping up there.

JUDGE DEL TUFO: Mr. Alston, how long did you stay at the Essex County Jail?

MR. ALSTON: Eighteen days in June and from October to February.

JUDGE DEL TUFO: The reason you were there was because you couldn't make bail? Bail had been set for the charges for which you were incarcerated there.

MR. ALSTON: Yes.

JUDGE DEL TUFO: How much was that bail?

MR. ALSTON: At first, it was \$4,000 bond and \$850 cash.

JUDGE DEL TUFO: They wanted \$850 cash?

MR. ALSTON: Yes.

JUDGE DEL TUFO: Then it was reduced you said?

MR. ALSTON: To \$1,500 or \$400 cash.

JUDGE DEL TUFO: In other words, \$400 cash, if it had been raised, would have gotten you out, pending trial?

MR. ALSTON: Yes.

JUDGE DEL TUFO: Were you represented by an attorney at this time? Did you have an attorney representing you

for the charge? Was a Public Defender appointed?

MR. ALSTON: The attorney that I had was like designated by the Public Defender's Office, you know. He said he was going to handle the case.

JUDGE DEL TUFO: When did you see him? Did you see him before you were incarcerated at the county institution?

MR. ALSTON: No.

JUDGE DEL TUFO: Did you see him after you were incarcerated there?

MR. ALSTON: Yes.

JUDGE DEL TUFO: When?

MR. ALSTON: I think it was the week after I got arrested.

JUDGE DEL TUFO: A week after you were there, you did have an opportunity to talk to an attorney?

MR. ALSTON: Yes.

JUDGE DEL TUFO: And I assume that he made this application for the reduction of bail, is that right?

MR. ALSTON: No. That was like the chaplain's doing.

JUDGE DEL TUFO: The chaplain made the application?

MR. ALSTON: Right.

JUDGE DEL TUFO: Did you have family at the time in the area, in Essex County?

MR. ALSTON: Well, my brother - my oldest brother. My mother is dead. We don't live with my father.

JUDGE DEL TUFO: You had no one who could raise that money, family or friends, that could raise the \$400?

MR. ALSTON: They tried. Like I say, by January, the money was raised, but by then it was too late.

JUDGE DEL TUFO: While you were in the institution, were there any attempts -- were there any rehabilitation programs or educational programs there for you?

MR. ALSTON: No. There is no rehabilitation and no educational programs.

JUDGE DEL TUFO: Were there any reading programs?

MR. ALSTON: Reading?

JUDGE DEL TUFO: In other words, where people come in and teach reading - test your reading level?

MR. ALSTON: No. There are no tests. There is no reading. The only reading that we get is like they send a Readers Digest around.

JUDGE DEL TUFO: Did they ever test you to find out what level of reading you were at, what your reading level was?

MR. ALSTON: No.

JUDGE DEL TUFO: While you were there, did you have visitors?

MR. ALSTON: Yes.

JUDGE DEL TUFO: Did you have any complaints about the visiting - the amount of time that visitors were allowed there?

MR. ALSTON: From what I understand, the visiting hours are supposed to be like a half hour. That's what you are supposed to have. But sometimes you come down like on a holiday or, say, like on a weekend - a lot of people come down - and they cut you short. You can be sitting there talking and they say, "O.K., it's time to go."

I went down a couple of times and I only sat in there - it couldn't have been no more than 15 minutes - and the guy says it's time to go. If you get a nice officer, he might give you a little bit more time.

JUDGE DEL TUFO: Were disciplinary charges ever reported against you while you were there?

MR. ALSTON: No, sir, not that I know of.

DEAN IRVING: Mrs. Hicks would like to ask you some questions.

MRS. HICKS: Mr. Alston, were you permitted to participate in the religion of your choice while incarcerated in the Essex County Jail?

MR. ALSTON: As far as services, there were no religious services.

MRS. HICKS: Did you inquire?

MR. ALSTON: Yes.

MRS. HICKS: Thank you.

MR. MC KERNAN: On the point of religious services, when you inquired as to whether or not there were such services, what were you told?

MR. ALSTON: That you have to fill out a request slip to see the chaplain.

MR. MC KERNAN: Did you fill out a request slip?

MR. ALSTON: Yes. You fill out a request and the chaplain comes to the floor. There is no congregation or anything like that as far as like going to church or anything.

MR. MC KERNAN: In your four months in the Essex County Jail, you knew of no organized religious services in the form of a congregation?

MR. ALSTON: No.

MR. MC KERNAN: Following up on what the Vice Chairman asked you, in that time you were never once offered any kind of participation in a rehabilitative program of any kind?

MR. ALSTON: No.

MR. MC KERNAN: Prior to going to trial on these charges, approximately how much time did the court-appointed attorney spend with you?

MR. ALSTON: I think it was about -- You mean the longest period of time?

MR. MC KERNAN: No, all told.

MR. ALSTON: Oh, all together? I'd say about a week and a half -- off and on, you know. I am not saying this was --

MR. MC KERNAN: But approximately a week and a half before trial, he sat down with you at the jail?

MR. ALSTON: Yes.

MR. MC KERNAN: Is that when he started to see you?

MR. ALSTON: About then.

MR. MC KERNAN: Over that week and a half, on an hourly basis, approximately how many hours - and I realize it is rough to give an exact amount - but roughly how many hours did he spend with you?

MR. ALSTON: I'd say each time he didn't stay any more than about maybe an hour or an hour and a half, if that long. So I would say about maybe 7 or 8 hours all together.

MR. MC KERNAN: Say then, a total maximum of 10 hours that your defense attorney spent with you?

MR. ALSTON: It might have been a little bit more, just estimating hours, you know.

MR. MC KERNAN: But he started to see you a week and a half before trial began.

MR. ALSTON: That was before they sent me to like the municipal court, going back and forth to trial at municipal court.

MR. MC KERNAN: So as an outside figure, should we say maybe 15 hours your defense attorney spent with you, that no more than 15 hours your defense attorney spent with you?

MR. ALSTON: No, no more than that.

MR. MC KERNAN: And you were charged with manslaughter, possession of a controlled dangerous substance, and possession of stolen property?

MR. ALSTON: No. I was charged with homicide in June and it was reduced to manslaughter. I was out on my own recognizance and I got arrested for possession of marijuana, possession of stolen property and possession of a dangerous weapon, which were not in my possession, right? And I went back to the County Jail on that. During that

time, I think I saw my lawyer on the street about twice and up at the County Jail. I really didn't see him that much, you know. I saw one representative from the Newark Human Rights Commission. I wrote them a letter. And I saw one representative from the Human Rights Commission. I had addressed a letter to Mr. Daniel Bloom and he sent a representative up there. I can't remember the fellow's name.

MR. MC KERNAN: O.K. Thank you.

Sheriff De Marino?

MR. DE MARINO: Mr. Alston, how many inmates were in your cell?

MR. ALSTON: In my cell?

MR. DE MARINO: Yes.

MR. ALSTON: One.

MR. DE MARINO: You, yourself?

MR. ALSTON: Yes.

MR. DE MARINO: Was there ever an occasion when you were put in an area with two or three inmates in one cell, in one cubicle?

MR. ALSTON: Yes.

MR. DE MARINO: Where at?

MR. ALSTON: Upstairs on the hospital floor.

MR. DE MARINO: Meaning upstairs of the Essex County Jail?

MR. ALSTON: Yes, sir, on the 12th floor there.

MR. DE MARINO: Mr. Alston, you were at the Essex County institution - the jail?

MR. ALSTON: Yes.

MR. DE MARINO: Then you were also at the Trenton State Prison?

MR. ALSTON: Yes.

MR. DE MARINO: For how long a time there?

MR. ALSTON: From February 4th until yesterday.

MR. DE MARINO: And then you were placed in Yardville. You are presently at Yardville, am I right?

MR. ALSTON: Yes.

MR. DE MARINO: I know you haven't been any length of time in any one of the three, but just give me a rating as to those three. I know the three institutions. I want to get your impression. Of the facilities, which would you rate the best of the three?

MR. ALSTON: Well, I really couldn't honestly answer that because I haven't had any chance to get into any programs at Yardville. I could answer between one and two, between the County Jail and the Prison.

MR. DE MARINO: All right. Between the County Jail and the Prison?

MR. ALSTON: I'd say the Prison is better as far as services towards inmates.

MR. DE MARINO: The Trenton State Prison?

MR. ALSTON: As far as services to the inmate, yes.

MR. DE MARINO: You haven't spent that much time in Yardville. You were only there a few days.

MR. ALSTON: I have only been there one day.

MR. DE MARINO: Your store order that you referred to - who supplied that? Is that supplied by your own funds or is that supplied by public funds?

MR. ALSTON: Store order where?

MR. DE MARINO: Tell me what you consider to be your store order?

MR. ALSTON: What store are you talking about - the County Jail?

MR. DE MARINO: Right.

MR. ALSTON: You could order cigarettes, candy, cakes. They just recently started selling pies and some big combs that people use for Afros. They started selling shampoos. But that was all, like, in January - around that time that they just started selling that.

MR. DE MARINO: Are you limited to any amounts or can you purchase at will?

MR. ALSTON: As far as cigarettes and cakes and stuff? Yes, you can buy as much of that as you want.

MR. DE MARINO: Are these coming out of vending machines?

MR. ALSTON: No. They come from out the back.

MR. DE MARINO: A designated store, in other words.

MR. ALSTON: Excuse me?

MR. DE MARINO: A designated area that is open more or less like a candy store on the outside, similar to that?

MR. ALSTON: Yes, except that I think the store is on Monday, Wednesday and Friday. It is not like you can go there whenever you want to and get something that you need.

MR. DE MARINO: Whose funds are used for that? Do they supply the funds or is it your own money?

MR. ALSTON: It is your own money.

MR. DE MARINO: Your own money.

MR. ALSTON: Right.

MR. DE MARINO: Let me ask you this: The laundry situation - what type of clothing is worn? It is a uniform? I am talking about the county institution now.

MR. ALSTON: You wear your own clothes.

MR. DE MARINO: Your own street clothes?

MR. ALSTON: Right.

MR. DE MARINO: They don't issue any clothing?

MR. ALSTON: Not when I was there.

MR. DE MARINO: And you were there for a few months?

MR. ALSTON: Yes.

MR. DE MARINO: What about the washing of your own clothing?

MR. ALSTON: You have to wash them yourself.

MR. DE MARINO: Each individual inmate does his own washing of his own clothes?

MR. ALSTON: Unless you know somebody that works downstairs that does the sheets and stuff and you want to

give him a couple of packs of cigarettes for a shirt -- like you are going to court and you want a shirt done. My, myself, I wash my pants and I put them under my mattress.

MR. DE MARINO: Let me ask you this: Other than the clothes that you had on your back, did you have any other clothes?

MR. ALSTON: Sent from home?

MR. DE MARINO: In the institution with you - yes, sent from home or otherwise.

MR. ALSTON: Yes.

MR. DE MARINO: So that you could rotate your clothes and wash your own. So you weren't pinned into just the clothes that were on your back.

MR. ALSTON: You could change clothes if you had clothes sent to you.

MR. DE MARINO: On the food preparation when you were there - I heard you make comments on it - was the food prepared by cooks?

MR. ALSTON: Is the food prepared by cooks?

MR. DE MARINO: Right.

MR. ALSTON: I understand it is prepared by inmates.

MR. DE MARINO: Do you know that for a fact? Have you ever worked in the kitchen? Were you ever a trusty that worked in the kitchen facility?

MR. ALSTON: No. But there are people on my floor that worked in the kitchen when I was on the fourth floor.

MR. DE MARINO: And that food is prepared and relayed to you ---

MR. ALSTON: -- by inmates.

MR. DE MARINO: (Continuing) -- by inmates, themselves?

MR. ALSTON: Right.

MR. DE MARINO: You mentioned earlier about the doctor coming in. When you went into the institution at the outset, did they not submit a medical form to

you where you were able to list any medical problems that you had, past or present?

MR. ALSTON: No, the officer filled them out.

MR. DE MARINO: Well, the officer then asked you questions and you in turn gave him answers as to your medical ailments. Is that correct?

MR. ALSTON: Right. But basically he just says, "Have you got any medical problems?" And if you say, no, he just goes down the line - that's it - unless you specifically state something.

MR. DE MARINO: Was that question asked of you?

MR. ALSTON: Do I have any medical problems?

MR. DE MARINO: Right.

MR. ALSTON: Yes.

MR. DE MARINO: What was your answer?

MR. ALSTON: I told them I just got discharged from the hospital in October for a ruptured urethra, prostatitis and a bladder infection.

MR. DE MARINO: Also the fact of your hand festering - did you mention that?

MR. ALSTON: Yeah, I told them about my hand.

MR. DE MARINO: From the time you filled out that form until the time you saw a registered doctor, an MD, what would you say the period of time was?

MR. ALSTON: Well, before I saw the doctor, they called the nurse downstairs, right? And he said, "let me see your hand." I showed him my hand. He said, "it looks all right. We will bandage it up for you later on," you know, after I get in my cell and everything. But the period that I seen the doctor - I think it was either from a couple of days to about a week.

MR. DE MARINO: It was a week before you saw a regular doctor. Am I to believe now that there is no doctor assigned to that institution here in Essex County?

MR. ALSTON: He is there, but he only comes in the morning. He doesn't stay there that long.

MR. DE MARINO: Then every morning, I assume, those that have sick call slips fill them out - the inmates submit them, right?

MR. ALSTON: No. The officer comes around in the morning and he says, "sick call," right? And if you are sound asleep and something is wrong with you, you just don't get on sick call. But he comes around every morning and he calls sick call, and he writes your cell number down and your name and he submits it upstairs. But it is not all the time that you get called. Like every day that you get on sick call, you don't get called upstairs.

MR. DE MARINO: Your hand was troubling you evidently when you went there. It was bothering you, right?

MR. ALSTON: Yes.

MR. DEMMARINO: When was the first sick call you reported it?

MR. ALSTON: It was in October, but ---

MR. DE MARINO: From the day that you enrolled in there at the institution, the first day that you got there, and you filled out this form ---

MR. ALSTON: I didn't fill it out. The officer filled it out.

MR. DE MARINO: The officer filled it out. But from that point, what period of time elapsed after you complained and requested sick call and were given attention, according to your request?

MR. ALSTON: I complained about it the next day because it was hurting me, right? I think it was about two days later, but I remember it was at night, they sent me upstairs and they bandaged it up. They put some Mercurochrome on it and some kind of salve and bandaged it up. I kept that bandage on for about, I'd say, a week or two weeks.

MR. DE MARINO: Was it still bothering you during that period of time?

MR. ALSTON: Yes, it was open - the wound was open.

MR. DE MARINO: And you continually asked for sick calls during that period of time?

MR. ALSTON: Yes, because my hand was hurting. Then after it started swelling, you know, I asked them what was they going to do. I asked the wing officer. And Wing Officer Finn when I was on the fourth floor, he went out to the control and called up there to make sure that somebody came down to see because he saw it himself and he didn't like the way it looked. The night I went up there there was only a medical officer up there.

MR. DE MARINO: One final question, Mr. Alston: Your materials for writing, your writing paraphernalia, the paper, pencils and what nor - are they supplied you or are they purchased with your own moneys? And are you limited to the amount of writing you can do?

MR. ALSTON: You have to buy your own writing materials, like pencils and paper and envelopes. I had my stuff sent in, some of it. But it had to be okayed by the sergeant before he let it in.

As far as limiting the letters that you write, no, I don't think there is anything about a limit to letters.

MR. DE MARINO: Is it a normal practice for all your letters to take two or three months to deliver or is this an isolated case you are talking about?

MR. ALSTON: Well, there was a couple of guys that complained about writing and not receiving any answers.

MR. DE MARINO: In your particular case, was this the only letter or were there others that took two or three months or a month or what have you?

MR. ALSTON: I wrote two letters. I wrote one to PRIDE on Academy Street, I think it is, and I wrote

another one to Miss Amelia Augustus, United Nations, Amnesty International, and I haven't received any reply from them yet.

DEAN IRVING: You mentioned that one of the charges that got you into the Essex County Jail was possession of marijuana. Was there any attempt by anybody at the Jail to talk to you about whether you wanted counselling having to do with drugs? Did anyone try to educate you about the dangers of drugs? Did you ask for any help in that area at all?

MR. ALSTON: There is no drug counselling or drug reform. At one time when I was there, if an addict came into the jail, he was given methadone if he got on sick call. But I have seen a guy come in - and this I have seen myself, right? - I seen a guy come in at night and if the nurse be on the floor, the guy could tell him, "Well, you know I am an addict," and the nurse would give him a pill. I think the pill was green and black. I don't know what it is. As far as counselling or anything like that, no. There is a psychiatrist there, Dr. Feldman, and I have talked to him of my own free will. But doesn't nobody come around to ask you, "Would you like to see this person or would you like to see that person?"

DEAN IRVING: Mr. Ginsberg has one other question, but before I leave this line, I wonder if there is anything you can recommend to us that would suggest how the jail could do a better job in dealing with inmates, in addition to what you have said. You have mentioned more medical care, lack of educational programs. Is there anything else that you want to call to our attention that you think is deficient or bad about the Essex County Jail that ought to be corrected?

MR. ALSTON: Deficient or bad? There was a window that had a board on it, but I don't know whether that

is relevant. One guy that just came down to the Prison from the County Jail had an infected foot and he said he contracted athlete's feet from the shower there.

DEAN IRVING: You did not see this, I take it.

MR. ALSTON: I saw his foot. It was blowed up - it was swollen up.

DEAN IRVING: I will not pursue anything further. Mr. Ginsberg, I think, has a question.

MR. GINSBERG: Sheriff DeMarino has one question.

MR. DE MARINO: Basically, what would you say about the treatment you received from the correction officers in the county institution?

MR. ALSTON: The treatment that you received from them?

MR. DE MARINO: The treatment that you received from them basically.

MR. ALSTON: I'd say that it was commendable.

MR. DE MARINO: That the treatment you received from the correction officers at the institution was commendable. Is that what you said?

MR. ALSTON: Right.

MR. GINSBERG: My question is this: I understand you were transferred now from Trenton State Prison to Yardville.

MR. ALSTON: Yes.

MR. GINSBERG: Was there a particular reason you were transferred?

MR. ALSTON: I had been there -- my second day at the Prison, I think, I was getting these real bad headaches and so I asked the wing officer for some aspirin, right? And he gave me two white aspirins and two green - I think they said they were double-dose aspirin. So I took the two white aspirins. My head was like throbbing now. I waited for awhile, right? Then I took the two green ones and I passed out. Like

the guys was telling me that I had a seizure, but I never had no seizure. I have helped people in the County Jail with them. And he said that the officer ran - like the officer said, "Do something with him/" He was telling the inmate to do something with me. And he ran, saying like, "Why wasn't this on his medical record?" So they took me to the hospital and I stayed over there until February 15th. Like my third or fourth day there, they brought an inmate in who had been stabbed a couple of times. It was too much. I guess they felt it was too much for me and I feel like it is too.

MR. GINSBERG: I see. Thank you.

DEAN IRVING: Mr. Alston, thank you for being so frank with us this morning and I appreciate the guards who have brought you up. I hope you will have some lunch before you get back to Yardville.

MRS. WINIFRED CANRIGHT: May I say that I can answer one question that Mr. Alston couldn't.

DEAN IRVING: Will you identify yourself?

MRS. CANRIGHT: My name is Winifred Canright. I am a volunteer worker in the Trenton State Prison Hospital. And the real reason that he was transferred was that Dr. Duggan saw that Mr. Alston could readily be bait for some of the young, big homosexuals and tried to keep him in the Prison Hospital as long as he could, and probably several weeks ago began applying to have him moved to Yardville, which is a much safer place. He got nowhere until a fellow inmate telephoned one of Mrs. Klein's assistants who promised that he would be out by Monday and, if he wasn't out by Monday, to let him know. Monday night the inmate called again and Mr. Alston I met yesterday going out of the prison door. Things had begun to move.

The other thing I wanted to say - and since this is not a court of law, may I make one statement?

DEAN IRVING: Yes. I would just ask you to be brief.

MRS. CANRIGHT: Yes, I will. Because there are so many newsmen in the room, I wanted to say that very often I think that a fellow inmate knows more about a man's record and whether he committed a crime or not. Yesterday, one of his associates told me that the crime of manslaughter was accidental and I think there is reason at least for you to have an open mind before you report on this. Thank you very much.

DEAN IRVING: Thank you.

JUDGE DEL TUFO: Mr. Alston, there has been some mention here of extensive homosexual relationships going on at the county institution and there was some fear that you might be involved against your will and that was the reason for your transfer to Yardville.

MR. ALSTON: No. That was at the prison.

JUDGE DEL TUFO: At the State Prison?

MR. ALSTON: Yes.

JUDGE DEL TUFO: Was there any homosexual activity or extensive homosexual activities going on to your knowledge at the County Jail?

MR. ALSTON: Yes. I walked up on a case unexpectedly, you know. I saw two guys, yes.

JUDGE DEL TUFO: You indicated basically you were in a cell by yourself most of the time when you were confined.

MR. ALSTON: Yes.

JUDGE DEL TUFO: Is that right?

MR. ALSTON: Yes.

JUDGE DEL TUFO: And where would the opportunities exist for this to go on? Under what conditions?

MR. ALSTON: Between the time of 10:00 and 11:00 o'clock in the morning, you know, like when the visits started. The officer in the tiers - like more or less a rectangular shaped tier - an officer has to walk around the back over onto the opposite side if he

wanted to get out and go to the control. And anybody wanting to do anything, they would have ample time to do it because you could hear him getting through the grille gates. He has two grille gates to get through before he can get back on the catwalk.

JUDGE DEL TUFO: Were there any problems with inmates as far as forcing people to become involved in this activity against their wishes? Were there threats?

MR. ALSTON: From what I understand, there was a homosexual who was fond of me, right? But I didn't never get into anything with him. That is not my thing. A couple of the guys told me that he had told the guy before that if the guy didn't kiss him, he'd beat him up and stuff like that. I just, you know, stopped associating with him altogether.

JUDGE DEL TUFO: By your just not associating with these people, you would be able to withdraw yourself from the scene without any fear of any harm to yourself, and any other inmate would be able to do this.

MR. ALSTON: I think that would depend on the inmate and the person that he is dealing with.

DEAN IRVING: Mr. Ginsberg?

MR. GINSBERG: My questions were answered. Thank you.

DEAN IRVING: Is there anything else?

MR. ALSTON: I think that there should be some type of system set up whereby people coming into the prison, into the County Jail or into any institution should have some opportunity to sit down and discuss basically what it was that brought them there, the circumstances and condition that brought them there, because there is a beginning and an end to everything, you know. And I think that there should be an end to the things that are going on, especially like in new institutions like the County Jail.

DEAN IRVING: Thank you very much. Mr. Alston, you

are excused now. And, gentlemen, thank you for arranging this for us. I think it will be very helpful to us.

May I mention to the Commission members that we have one other inmate who should testify before lunch so that he can be brought back during the regular work day.

(Short Recess)

DEAN IRVING: May we reconvene. May I ask the next witness to identify himself, please.

J A M E S F A U L K N E R: My name is James Faulkner.

DEAN IRVING: Mr. Faulkner, are you at the moment an inmate of a New Jersey institution?

MR. FAULKNER: Yes, I am.

DEAN IRVING: Would you identify the institution?

MR. FAULKNER: The State Prison, Trenton.

DEAN IRVING: Do you care to tell us - and you don't have to - of what you were convicted that causes you to be in Trenton Prison?

MR. FAULKNER: I was convicted of armed robbery.

DEAN IRVING: Before you went to Trenton State Prison, were you a resident of Newark or of Essex County?

MR. FAULKNER: Yes.

DEAN IRVING: Had you spent most of your life in Newark or Essex County?

MR. FAULKNER: Yes.

DEAN IRVING: Did you go to schools here?

MR. FAULKNER: Yes, I did.

DEAN IRVING: Do you have a family in Newark?

MR. FAULKNER: Yes, I do.

DEAN IRVING: Can you identify for us, Mr. Faulkner, your first contact with a jail system in Essex County? When were you first in a jail in Essex County?

MR. FAULKNER: When you say jail, do you mean the Youth House or confinement in general?

DEAN IRVING: Were you at one time in the Essex County Youth House?

MR. FAULKNER: Yes, I was.

DEAN IRVING: When was that, sir?

MR. FAULKNER: Oh, I believe back in the early '50's.

DEAN IRVING: It may have changed substantially since then.

MR. FAULKNER: Yes, it has.

DEAN IRVING: What other institutions were you in in Essex County?

MR. FAULKNER: Well, I was in the Essex County Jail, the old jail on Wilson Street. I was there twice.

DEAN IRVING: Do you remember the period of time, the dates?

MR. FAULKNER: I was there in 1960 and I was there again in 1969.

DEAN IRVING: And you are now in Trenton State Prison?

MR. FAULKNER: Yes, I am.

DEAN IRVING: Is it your impression, Mr. Faulkner -- please understand if there are any questions you don't want to answer, we will respect your right and your desire not to answer them.

MR. FAULKNER: Yes, sir.

DEAN IRVING: Is it your impression that many men who get to State Prison have gone the whole route. They went through the Youth House first. They went through the County Correctional Jail and that they ultimately get into prison - State Prison?

MR. FAULKNER: Definitely.

DEAN IRVING: Based on your experience and your contact with other prisoners, can you tell us what the reason for that is?

MR. FAULKNER: Well, speaking from my own experience, the majority of the young men who grew up in the neighborhood I grew up in were victims of broken homes. We were

victims of parents who had numerous children and didn't have the time to give a problem child, what we call a problem child, the proper attention. And a lot of us sought this attention in the street. A lot of us sought guidance in the street. And unfortunately, not having the proper guidance and the proper understanding and concern from the people, we fell victim to the law. We done things that at that time was exciting to us, see. Like I say, a lot of us broke the law because you might need a new pair of shoes and there was no way that you could purchase the shoes. So you had to find the best way to get you a pair of shoes.

Some of us were hungry. We would go in supermarkets as a team and one would get the bread and one would get the meat. We would get a meal this way. Unfortunately, we might get apprehended and go to the Youth House. So this is how our early crimes began, out of necessity of existence basically. And as you go through these institutions, you become jail wise. They don't rehabilitate you in the institutions. You go in an institution and you are there for a period of time and there is really no humane concern for a young man at the tender age of 8, 10, 11, 12 or 13. When he goes in these institutions, he goes in with the understanding that he has violated a law and he violated it because he was in the necessity of something that he needed to exist.

From that point, you graduate. You come out of the institutions and you learn how to do other crimes from other men who have been in institutions or the fellows that you have been in institutions with. So when you come out, you fail out of school most likely or your interest to go to school is void because of family problems or some other problems and you just give up.

DEAN IRVING: Mr. Faulkner, you know the charge has been made that these institutions, not only in Essex

County but throughout the country do more harm than good; would it be your opinion that you might not be in Trenton State Prison today if you had not gone through the local jails?

MR. FAULKNER: Well, I can say this here, that the men I have met in prison and the men I have known personally that are on the street now, the majority of them, I would say, if at an early age they would have had the proper guidance and concern, they wouldn't be in prison.

DEAN IRVING: How long have you been at the Trenton State Prison?

MR. FAULKNER: Since January 1970.

DEAN IRVING: Are you on any work release program?

MR. FAULKNER: No, sir, they don't have that for men doing extensive time.

DEAN IRVING: I am not sure whether you told us whether you have a family in Newark or not.

MR. FAULKNER: I do, yes, sir.

DEAN IRVING: Does that mean that the only way relatives can visit you is if they come to Trenton?

MR. FAULKNER: That is true.

DEAN IRVING: And does that cause any financial difficulty?

MR. FAULKNER: Well, yes. Primarily with myself, and I can say with other inmates -- because speaking with some inmates, their families are not able to come down as often as an inmate would need to see some one of his loved ones, you see. This is what causes a lot of inmates to get into trouble. When you take a man and you put him away from his loved ones for a long period of time and you exclude him from his loved ones, you don't treat him like a human being. All you see is a number. You don't look at the individual.

An officer in a prison may not even know what you are there for. So, therefore, he is not really concerned

about you as another human being. He comes there to do his job and that is to make sure that all inmates are present and accounted for, and that you abide by the rules and regulations of the institution.

Now, as far as your receiving a letter from your wife saying the baby is sick or she is sick, and this particular day you just feel down in the dumps and you don't react normally like you should, then you get a charge. He is not concerned about your feelings or about your personal problems. You see what I am saying? So the whole humane aspect is lost - it is gone - it is void - it is not there. So this is the way you get a lot of retribution from the men.

DEAN IRVING: Mr. Faulkner, are you close to a release date from Trenton?

MR. FAULKNER: No, sir, I am not.

DEAN IRVING: Is there at the moment, to your knowledge, any program that would enable a man who is a resident of Newark, before he leaves Trenton State Prison, to begin to work his way back into the community? Do you understand what I mean by that?

MR. FAULKNER: Yes, I do - a work release program or something like that. They have one in Trenton, but it only functions for a man when he is six months short, which means if you are doing a five-year term and you go to the Parole Board and they give you, let's say - they grant you parole and say, "You are going to go home in six months - you can go on a work release program and work those six months before your release." That's the only time that you can go outside and work on a work release program when you have a date for parole. No time prior to that are you eligible to go outside and work.

DEAN IRVING: Sometime in the future, you are going to come back and live in the City of Newark, I assume,

on release.

MR. FAULKNER: I would like to.

DEAN IRVING: Are you receiving any skills at Trenton State Prison, any training, that would help you to earn a living and be gainfully employed when you return as a citizen here?

MR. FAULKNER: Here recently, around 1971, Mercer County College instituted a program at Trenton State Prison which I enrolled in. I presently have 33 credits. In 1972, they had a vocational training program they entered in the New Jersey State Prison. Some of the inmates have enrolled into it. However, there is really no motivation to enroll in some of these programs because of the fact that if you graduate from college - if you are a student and you go to college and you graduate from college and all the time you are attending college you have good grades and your conduct and behavior in the institution is above board - these are no criteria for eligibility for parole.

So a man looks at this and he says, "If I go to college or if I go to vocational training and even if I graduate and even if I get good grades, it don't mean I am going to get out." The man in prison, he wants to get out. So things have to be drawn up in a way where if a man is in prison and he is really trying to rehabilitate himself as a human being -- He is trying to rehabilitate himself because he knows if he is going out back there in the street, he cannot go out there without some type of skill, trade or education.

DEAN IRVING: May I ask you this: Do you have any skill that you think will enable you to get employment when you return to Newark?

MR. FAULKNER: Well, my desire now really is to be an attorney-at-law. Unfortunately, I am not sure that I will be able to practice law with a criminal

conviction. But I would like to work in a law firm.

DEAN IRVING: But at the moment if you were released, for example, tomorrow from Trenton State Prison, I take it that you have no skills that you could go to an employment agency with and say, I can do this or that, - get me a job.

MR. FAULKNER: None but clerical - typing and things like that.

DEAN IRVING: Do I understand you to say that at Trenton State there are educational programs, but they don't teach you job skills? Is that what you are saying?

MR. FAULKNER: In the vocational training program, they have body and fender work. They have refrigeration and air conditioning. They have graphic art and electronics, some type of electronics, I believe they have there now. Like I say, these programs are there. However, you don't have a large percentage of the population enrolled because of lack of motivation. There is no incentive. If you have these things here for men to enroll in and to better their condition, but don't give them the incentive to enroll, it is not really serving its purpose. It is just there for show.

DEAN IRVING: My own feeling, Mr. Faulkner, is that law schools like the State of New Jersey and like the City of Newark have got to accept the fact that people can be rehabilitated. So I hope the day will come, maybe in your case, when you would be eligible not only for admission to our law school, Seton Hall, or the Law School at Rutgers, but also eligible to practice in the profession. I think we who are lawyers and who are guardians of the temple of justice have got to recognize that we must practice what we preach by way of equal opportunity and equal justice under the law.

MR. GINSBERG: I would like to digress a bit to the

time that you were incarcerated in the Essex County Jail. I understood you were incarcerated in the old Newark Street Jail?

MR. FAULKNER: Yes, sir.

MR. GINSBERG: That was before the new jail was opened. I think that is going to be part of the difficulty with this particular aspect of the testimony - that it is old. I think from 1970 to 1974 is not a tremendously large period of time and we can learn a little bit about what has happened in the past and, hopefully, what has been improved and what yet has to be improved.

Again Mr. Faulkner was interviewed by a law student, and he elicited some of these points that I would like to discuss with you now.

MR. FAULKNER: Yes, sir.

MR. GINSBERG: How long were you in the Newark Street Jail?

MR. FAULKNER: For approximately 9 months.

MR. GINSBERG: And is there any reason that you were in the jail that long?

MR. FAULKNER: Well, basically because you can't make bail. The bail is too excessive for an indigent individual to obtain.

MR. GINSBERG: My question really is: Why did it take so long to be both arraigned and tried? That normally isn't a nine-month time period.

MR. FAULKNER: Yes, it is. Well, the law states that due to the crowded conditions and the backlog of cases in the court - this is why it takes so long for a defendant or an accused to be brought to trial. Sometimes it takes two years. They have men who have remained in the Essex County Jail for a period of 18 to 24 months.

MR. GINSBERG: In other words, you are saying in the jail where there really is no rehabilitative program at all and all you can do is be locked up or watch

television --

MR. FAULKNER: Right. You may remain there over a year.

MR. GINSBERG: (Continuing) -- you may be there almost a year, entirely unproductive?

MR. FAULKNER: Correct.

MR. GINSBERG: Were there overcrowded conditions in that jail?

MR. FAULKNER: The time I was there?

MR. GINSBERG: Yes.

MR. FAULKNER: The time I was there, we were sleeping two to a cell. There was one man slept on the floor and one man slept on the bunk.

MR. GINSBERG: I was in the new jail. I was not in the old jail. And it impressed me that the cells were quite small even today. Now were the cells in the old jail any larger? I guess you haven't seen the new jail.

MR. FAULKNER: No, I haven't.

MR. GINSBERG: That is really not a fair question. Did it pose any particular problems aside from the fact that one person had to sleep on the floor and another one in the bunk?

MR. FAULKNER: There was many problems. It was unsanitary - that is one. The visiting setup was deplorable. You had to look through the screen and you could barely see your visitor.

MR. GINSBERG: Did they give you adequate time?

MR. FAULKNER: You got approximately 15 minutes.

MR. GINSBERG: -- for a visitor who might have travelled quite a distance to see you.

MR. FAULKNER: That is true.

MR. GINSBERG: Say your wife and three children came. Could you see each one for 15 minutes?

MR. FAULKNER: No. You could see your wife and children for 15 minutes. You have visits for women and

visits for men. If you had a visit from a male relative and a visit from a female relative, you had 15 minutes apiece.

MR. GINSBERG: What about now at Trenton State Prison - is that any better?

MR. FAULKNER: They have instituted since October of last year contact visits at Trenton State Prison.

MR. GINSBERG: Back at the Essex County Jail, the old jail, what about the medical facilities there or the lack of them?

MR. FAULKNER: At the time, I didn't have any medical problems. But there were inmates that did have medical problems and from what I have observed personally that the conditions at the time was understaffed - it was understaffed and they didn't get the proper medical attention that they desired for the particular ailments that they had. If you got sick during the evening hours, you had to wait until the next morning before you saw a doctor.

MR. GINSBERG: Thank you.

DEAN IRVING: Judge Del Tufo, do you have any questions?

JUDGE DEL TUFO: You indicated before, Mr. Faulkner, that as far as inmate problems are concerned, you felt in view of the fact they didn't have sufficient visitation, that more liberal visitations would help to eliminate ---

MR. FULKNER: Are you speaking now of Trenton or of the County Jail?

JUDGE DEL TUFO: I am speaking generally of both systems.

Do you feel that more liberal visitation, contact visits, for example, or adopting of prisoners by local families, as some systems in California have it, where they would come to visit you on a more frequent basis, would help to relieve some of the tension with the

prisoners?

MR. FAULKNER: Some yes. But that is not really the paramount problem, no, sir, but it would help individually. But as an over-all solution, no, sir.

JUDGE DEL TUFO: What do you feel then is the paramount problem?

MR. FAULKNER: Well, parole.

JUDGE DEL TUFO: You feel parole is the paramount problem?

MR. FAULKNER: Yes, I do.

JUDGE DEL TUFO: And what complaints do you have about parole?

MR. FAULKNER: Well, the majority of the time - and the records will prove me correct - a man will go to the Parole Board and they will deny him parole for something he has done when he was 7 years old. They reflect on your record and say, "When you was 7, you had an argument with your mother and you kicked her in the leg, and she called the police on you. At this time, we don't feel that you have served the punitive aspects of your sentence nor have you really rehabilitated yourself." And parole is denied.

JUDGE DEL TUFO: And you feel that this contributes primarily to the problems?

MR. FAULKNER: It surely does. Yes, it does greatly. This is the number one issue with inmates at this time - parole.

JUDGE DEL TUFO: Thank you.

DEAN IRVING: I understand there are no other questions. I do want to make it clear to the Commission, staff and the people in the room that our State staff people inform me, Mr. Faulkner, that the six-month limitation on work release is a department regulation, that the law of New Jersey does not impose such a restriction, and long-term inmates could be employed in work release before

six months. That would be an area where we could make some very strong recommendations.

Mr. Faulkner, I do thank you for coming today and thank the officers for assisting and making it possible. We hope that the future is good to you and I hope to see you in Law School one day.

MR. FAULKNER: Thank you for letting me speak.

DEAN IRVING: We will recess for one hour for lunch.

(Recess for Lunch)

Afternoon Session

DEAN IRVING: May we reconvene. Thank you for re-joining us after lunch.

The morning session we felt was very positive, very successful. One question was raised this morning that I would like to respond to on the record and that was how we came to invite certain inmates of State institutions rather than others. The answer is quite simple that noninmates who work with the State institutions advised us that some inmates had requested to testify and we responded and reacted to that by asking that the Department of Institutions and Agencies make available the two men who spoke this morning and we asked for a woman from the Reformatory at Clinton who wanted to speak and she is not here yet. We will go on in any event.

It appears now that although everybody who has asked to testify today will be heard from, there are several people who want to tell us about Essex County and we will schedule a second hearing tentatively for next week. I hope we will have the same room here April 3rd, beginning at ten o'clock. At that time we will hear largely from people who have suggested remedies, while today we are dealing with identifying the problems. We will try to publicize it if there is any change in the April 3rd date.

Now Mr. Yacovino is here. Mr. Yacovino, will you

come up and introduce yourself. Give us your full name and address, please, and your job responsibilities.

P H I L L I P P . Y A C O V I N O: My name is Phillip P. Yacovino, 459 Amboy Avenue, Woodbridge, New Jersey. I am President of the New Jersey State Policemen's Benevolent Association.

DEAN IRVING: Do I understand that the Policemen's Benevolent Association is the bargaining agent for the correctional guards in the Essex County Jail and Correctional Center?

MR. YACOVINO: Yes, sir. I would say 99 percent of the correction officers throughout the State belong to the New Jersey State PBA.

DEAN IRVING: Mr. Yacovino, today we are talking primarily about Essex County. But since you represent all of the guards, I assume your testimony will be relevant to all of them.

Is there anything you can tell us about the needs of the guards, the standards for finding and recruiting guards, that might be of help to us as a State Commission?

MR. YACOVINO: As the PBA President, I can give you some of the gripes that come to our attention at our state meetings from correction officers.

Being that you said Essex County, we have quite a few gripes from Essex County. The thing that they are disturbed about is the temporary appointments by the Sheriff or the Freeholders. By this I mean, they take in anybody off the street whether it is a political appointment or not or whether it is a political favor for a man. They do this when they have an existing list of people who have passed the test given by Civil Service. This is one of the main gripes as far as Essex County is concerned. And I believe it is a legitimate gripe.

Another thing that I am disturbed about as well as the correction officers that we have in the Association is the lowering of the standards of a correction officer.

You know when I see an application where it says "able to read and write English" or "speak English," I think that is a shame because a correction officer's job is not that easy. It is a complex job, more so than a lot of people think. When you lower the standards of a correction officer, that means that you are going to lower the standards of your procedures in the jail or correction institution. By lowering the standards, how can you give these fellows an education? They give them college-related subjects - psychology, sociology, etc. How are these fellows going to comprehend when they don't even know actually what is going on? Their education isn't there. I feel that is another justified gripe. By lowering the standards, it does hurt the institutions.

DEAN IRVING: Do you know why the standards were lowered?

MR. YACOVINO: I presume you could ask the County Freeholders and the State who are in charge of the institutions and agencies and Civil Service. We have gone to Civil Service and they give us the story that it is the appointing authority's prerogative and it is what they want. We feel that it isn't. One time the standards were high school education or its equivalent and we feel they should have been kept as such. Because if it isn't, your education background for the correction officers is going to be lowered. How are they going to cope with inmates -- of course, you get some inmates that are highly-educated -- but how are they going to cope with the necessary training to be able to handle the situations in the institutions right now?

DEAN IRVING: Mr. Yacovino, do you know what the salary scale is for corrections guards?

MR. YACOVINO: Well, different counties -- I wish you would have told me you wanted that, I would have had the salary scale with me. In different counties, the salaries vary. In the southern part of the State, the

salary is very low in comparison with most of the other institutions up here. But actually the salary of a correction officer is not as high as it really should be.

DEAN IRVING: In your opinion, talking now about Essex County as we are today, is the salary sufficient to attract and keep competent men?

MR. YACOVINO: No, it isn't.

DEAN IRVING: Is there an effort on by the PBA to negotiate for better salaries?

MR. YACOVINO: Absolutely.

DEAN IRVING: Is there a role for the State of New Jersey in all of this, since we are a State Commission and we have responsibilities to make recommendations to the State -- is there something the State of New Jersey ought to be doing by way of helping in the recruitment and salary payments for better performance?

MR. YACOVINO: I believe the job of a correction officer is the same in one institution as it is in another. Therefore, I feel that the salary should be stabilized or made one for correction officers. Why should a county like Cumberland County pay maybe \$9,000 a year, while in Essex County they probably pay \$10,500 or \$11,000 a year for a correction officer? The inmates are no different down there than they are up in Essex County. We know this. A criminal is a criminal, no matter where you pick him up from.

DEAN IRVING: Do I take it - and I don't want to put words in your mouth-- do I take it that what you are saying is that people employed as corrections guards tend to be employed because somebody wants to find a job for an individual rather than because he wants to work in corrections?

MR. YACOVINO: No. I have found that many people do want the jobs in the correction field. Actually it is a very interesting job, as much so as a police officer.

A police officer's job is very interesting, so is a correction officer's. The fellows that take the job and stay there for years, you know they have made this their career. And to attract men to make it their career, I think the job should be attractive enough by working conditions, benefits and the salaries, so you can get better qualified men into the institutions.

DEAN IRVING: Thank you. We talked to some corrections guards before the hearing and there was a concern raised about the fact that it appeared to them at least that there were many guards who were on "temporary status." Can you give us any reasons for that?

MR. YACOVINO: I just said it before.

DEAN IRVING: I am sorry.

MR. YACOVINO: In Essex County you have many temporary appointments. This is maybe for a political favor. Instead of taking the men from the civil service list, they are making temporary appointments which we griped to civil service about. That is why I think the State should step in and make civil service put the Sheriffs or the Freeholders or whoever it is -- make them appoint the people that are on the list and not appoint temporary employees when there is an existing list. A temporary feels today or tomorrow he will be gone so what interest does he really have in the job, itself? He doesn't have any.

DEAN IRVING: Is it possible that a man has been temporary for ten years or more?

MR. YACOVINO: Yes, it is. That is one of the gripes with civil service, but it looks as though it falls on deaf ears at times.

DEAN IRVING: Let me yield to Mr. Ginsberg.

MR. GINSBERG: Again we have spoken with several

corrections officers in the course of our preliminary examination before this hearing. I was wondering if you thought it wise to have a psychiatric examination of an applicant for the position of corrections officer before he is even considered for the job on his academic or other abilities?

MR. YACOVINO: I think if a man is to be considered, once he passed the test, that wouldn't be any problem at all to give him a psychiatric exam. Most police departments do that now.

MR. GINSBERG: Would you encourage that?

MR. YACOVINO: I certainly would. Because I wouldn't want to see a man not fit to be a correction officer or a policeman take the job and later on you are going to have trouble with him.

MR. GINSBERG: I don't have anything else.

MRS. HICKS: I would like to know what provisions are being made for temporary employees with five or more years. The statement was made that a person can be temporary in that position for ten years or longer.

MR. YACOVINO: Here is what does happen in cases such as that: A man is a temporary for maybe ten years and all of a sudden he is overage. He can't pass the test. He can't be appointed to the job. He won't be allowed into the Pension System because he is overage. Now that man there is hurting and I believe that is the fault of your Freeholders or your State institution that allowed it to happen to that man, and it is not right for everybody concerned.

MRS. HICKS: Back to your initial statement - you are saying that the standards for the examination were lowered sometime ago.

MR. YACOVINO: That's right.

MRS. HICKS: So it is sort of on a walk-in basis.

They walk in off the street, take the examination, and they still have to be appointed.

MR. YACOVINO: That's correct. They are put on the list.

MRS. HICKS: And you are saying temporaries can be appointed when there is an outstanding list?

MR. YACOVINO: That's right. They are doing it right here in Essex County.

MRS. HICKS: O.K. Thank you.

DEAN IRVING: Sheriff DeMarino?

MR. DE MARINO: I happen to know Patrolman Yacovino, who is the President of the State PBA, well. I had the privilege of working with him in the Woodbridge Police Department. In some respects, I could say he was a teacher of mine going back some years.

Instead of questions, most of what I will say will be answers. If you disagree with me, Phil, of course, you can interrupt. Let me try to explain the situation. This is probably unorthodox to be answering the questions rather than asking them. This is the way the game works with temporary appointments: Civil Service says you can keep a temporary employee for six months. Then what they do is discontinue him for maybe a period of a week. Then they put him back on. Some counties use that method. I would agree with Mr. Yacovino that generally the correction field becomes a field of patronage for politicians. Politicians and sheriffs, - and I, myself, happen to be a sheriff - don't adhere to the rules of Civil Service. The rules are clear. If there is an existing list, there is no reason for temporary employees. So what happens is that when there is an existing list, the appointing authority, whether it be the sheriff of the Freeholders, would in turn put people on a temporary basis. To give you an unfortunate situation --- First of all, I might say in Middlesex County we don't operate

that way. I carry temporaries only until I have a list. When I have a list, there are no more temporaries. I go one, two, three, right down the line. All of our employees take psychiatric exams, including our correction officers. What has happened in the case of temporary employees - and I want you to visualize this happening - Middlesex County has four people right now that I have to go ahead out of sheer pity in my heart and have them made permanent. One has 27 years as a temporary. One has 20 years as a temporary. Two have 16 years as temporaries. And I think there are two female correction officers that have at least 12 to 14 years temporary who operate in the field but yet never, never passed the written exam. It is unfortunate that I wasn't the sheriff when they started because if they hadn't passed, they wouldn't have been there. If they had been there at all, it would have only been for a few months.

Now what happens to these people? They gave 20, 27, 16, 14 years of their life to their job and they don't have ten cents in the pension fund. You turn those people loose and they become wards of the State. They have to go on welfare. They can't pay in the pension system.

Without belaboring the point, what is happening is this, as Mr. Yacovino brought out: Every county varies. In some counties they are all called Sheriff's Officers; those working in the correction field are all titled Sheriff's Officers. Some maintain these other titles: Correction Officer, Court Attendant, Process Server, etc. To me, that latitude and that imbalance of titles should be straightened out on a State level. There should be one title; either it should be Correction Officer clear across the State on a State or local level or it should be Sheriff's Officer clear across the State, or what have you. Again that is a problem for the State and for Civil Service.

On the standards, I am going to have to agree with Mr. Yacovino that it is unfortunate in trying to open our doors to minority groups we lowered the standards not only for correction officers, but we lowered the standards in all fields, police work, etc. This may come to a shock to some of you, but I venture to say there are policemen patrolling the streets as there are correction officers in institutions who don't understand a word of English or can't read, write or comprehend the English language.

So I believe the State was in error when they lowered the standards. I think they could have done a lot more if they took those minority groups and educated them in speaking, in writing and in reading English. If there is a need for people who can speak Spanish, for example, in institutions work, which I agree there is, then you either teach the Spanish person to learn to speak English or you instruct the person who speaks English to learn to speak Spanish. But you don't drop the standards for officers.

What is happening in our institutions is exactly that. We are now having people appointed as correction officers that come from a hard-core background, some that perhaps have had even a tougher bringing up than the inmates that they are watching. And before you know it, you have nothing but sheer chaos. When the inmate starts telling the guard his problems, the guard tells the inmate about his problems. And sometimes they want to switch places. But these are the types of things that are going on with the lowering of the standards.

I think what we are going to have to do is upgrade the standards. Now if the salaries of correction officers were equal to police officers --- Let me give you an example. Counties vary. We mentioned, I believe that the starting salary in Essex County was \$10,000. In

Middlesex County, \$7300 is the starting salary. Now for \$7300 a year you are not going to get a man to come in and make that his vocation. It may be a stop-over place where he will grab a job for a period of time. But you get a fast turnover in this field of correction because you are asking a correction officer to give up his liberty and rights since he is locked up the same as the inmate is. It is true he goes home at night. But you are telling him for \$7300 a year, he must go in there and take all the physical abuse, and in some counties it is for \$6000 a year, and in some counties, \$5800 a year. If you look across the State, these are some of the salaries of correction officers. You can't scream for a professional and pay them mediocre salaries. So the salary is an important factor.

If the salary was \$10,000 or \$11,000 as a starting rate or put on a comparable rate with the police, it is my opinion that the intelligent ones in the minority groups, the ones that can read, can write and can comply with the laws, would be applying for these jobs. Now they are not applying for these jobs because their abilities would entitle them to more than the \$7,000. So you are forced to either say, we must pay so much, or drop the standards. And I believe, as Mr. Yacovino said on behalf of the correction officers, the police, etc., throughout the State, we are going backward. We are lowering the standards of a vital position, the incumbents of which should be attempting to rehabilitate or correct.

I hope I didn't take too much of your time.

DEAN IRVING: It has been very helpful. Do you want to react to that?

MR. YACOVINO: Yes. Mr. DeMarino and I are old friends, as he said. He is right in what he said about trying to recruit from minority groups and it is bad to lower the standards. I have had dealings with many good,

young fellows from minority groups and what we must do is attract the ones who are qualified. I don't care whether they are Spanish-speaking or Black or Italian or what. As I said, if the job is not attractive enough, you are not going to get them. So that is why they are lowering standards and they are getting people who are actually not interested in education or anything else, but just want a job. I don't think that is right.

MRS. HICKS: May I respond to that remark? As to lowering the standards on exams, you are aware when this guy comes up on the list and obtains his appointment, he goes into a training program that will upgrade him and give him some opportunity for upward mobility. If the standards have been lowered based on ethnic background, I think training programs should be instituted along with the lowering of the standards. Let's give everybody some freedom or some way to go up, including the correction officers.

MR. YACOVINO: As far as training programs, I sit on the Police Training Commission - I am a Commissioner with them - every time we have anything in connection with a correction officer, we have to run to Trenton, have a special bill drawn up and have it passed so they can get special training. I try to get them into the Police Training group to have them trained. We don't only train them on police tactics; they have courses in psychology, community relations, and what not. That would help a correction officer also. We have fire-arms training. I don't like to see a correction officer just pick up a gun and because he is allowed to use it, use it. But the training programs are just not there. It is not our fault. We did all we could to try to get this.

MRS. HICKS: Is there any orientation involved e this guy comes off the list and goes into the job.

MR. YACOVINO: Some places there is very little and some places none. Now they started a course in Skillman --

what is it, for two weeks? for three weeks? -- for correction officers. It seems to be helping a little bit. Three weeks is not enough actually. I agree with you, if you want to upgrade them, you must have an in-training program in your institutions.

DEAN IRVING: We are going to talk about training with specific officers later. So I don't think we have to go into that in too much detail now.

JUDGE DEL TUFO: I wanted to ask what programs, if any, were in effect to train these officers to handle the very sensitive job of contact with the inmates. Apparently from your answers, there is either very little or none.

MR. YACOVINO: That's correct.

JUDGE DEL TUFO: They are trained basically in police work and security work and administrative work, but none in the area of psychology or dealing with the psychological and sociological problems of a prison. So this is one area we might be effective in, in solving your problem which, of course, is our problem also.

MR. YACOVINO: Another problem you do have which I believe is a serious one is the lack of segregation. I think the institutions should be segregated. I don't mean by black and white, but by the types of crimes committed. You don't put a young man on his first offense in with hardened criminals. If you do, what is going to happen to this man? This is what is wrong with our institutions right now I believe. They should segregate the criminals by the type of crimes, how many times they committed the crime, etc.

JUDGE DEL TUFO: You said the job of correction officer was somewhat attractive. What are those factors which make it attractive. It has a low pay scale. What are some of the factors that make it attractive to someone?

MR. YACOVINO: Some look for security. Some like to work with people.

JUDGE DEL TUFO: They are motivated initially?

MR. YACOVINO: That's right. They are motivated initially to take the job. But once they are in there, they are disillusioned with the job. Many of the correction officers are looking elsewhere. Some of them take police exams. Some of them become police officers. They still want to be in law enforcement. Unless they do something about the institutions, I am afraid the standards are going to be constantly lowered. You are not going to get the rehabilitation programs going the way they should be. If you keep the prisoners all lumped in together, all in one big group without segregating them, I am afraid you are going to have problems from now until the end of time.

DEAN IRVING: Mr. Cook has a question.

MR. COOK: Do you think that the PBA can adequately represent the correction officers? There has been some question whether the two should continue to have one organization.

MR. YACOVINO: Yes. Why not? We have representatives from the correction officers attend all our meetings. We know their problems. Without us, how are they going to get any legislation passed? We have over 17,000 members in the PBA. It is not a small organization. So, without us, what are they going to do?

You know, darn well, when you go for legislation, you have to exert a little pressure on some of your Assemblymen and Senators to get the legislation passed. With you people making suggestions, maybe legislation wouldn't be necessary. Set up a decent training program for these people. Have them set it up. I tried to get them in the police training system, but I was only one man. I speak for my group and the rest of them vote me out.

MR. DE MARINO: Let me throw out some facts. First of

all, in the State of New Jersey, there are no schools, per se, to instruct correction officers. One reason correction officers fall into the PBA category is because by State law they must go to a school sanctioned by the Police Training Commission out of Trenton, which now means we are taking correction officers who apply for the field of correction and we instruct them in the only schools which there are, which are police schools. And those schools are geared varying anywhere from 8 to 13 or 14 weeks to the police field, which makes a beautiful opportunity for correction officers to use the correction job as a door to get into the field, be trained as policemen and then bolt to the police field because there the pay is more and there are other avenues.

The one program started was a SLEPA-funded program at Skillman, which is a three-week program and that is going to disappear soon because the funds are running out. So the only one that they do have which is sanctioned by the Sheriffs of the State and the correction people throughout the State may be lost within the next couple of months. As I understand it from a meeting I attended, perhaps by August they will be out of funds and that program will die.

There is no two ways about it - if the State feels there is a difference between police, which is debatable and there are many different opinions, and corrections, then it is incumbent upon the State to have a training school strictly for correction officers to train them in the field. And there is no such legislation pending right now. Maybe the Commission can think along those lines.

DEAN IRVING: Thank you, Sheriff. Mr. Yacovino, before we conclude, is there anything else you would like to tell us about what you think the State of New Jersey could do or should do for corrections officers?

You talked about training, salaries, pension. Is there anything else?

MR. YACOVINO: Update the salaries. Just like they have a police training school, have a correction officers' school. Have training before they become permanent and make it compulsory. That is what we did with the police training. Before you are appointed permanently, you have to pass the police training course. And I think there should be the same thing for correction officers. Whatever program they set up for correction officers, should be set up in a training school that should be established.

DEAN IRVING: Anything else? If not, let me thank you, Mr. Yacovino, for coming and expressing your thoughts on the plight of the corrections officers in the State of New Jersey today. We want to try to be helpful to them if we can.

Mr. Novosedlik will be our next witness. Will you give us your name and mailing address.

S T E V E N O V O S E D L I K: I am Steve Novosedlik. I live at 536 Clifton Avenue in Newark. I am a corrections officer at the Essex County Jail. I am also a first-year law student at Seton Hall Law School.

DEAN IRVING: We will talk only about your experiences in the one kind of institution. How long have you been employed?

MR. NOVOSEDLIK: I am a corrections officer since June of 1973.

DEAN IRVING: What shift do you work?

MR. NOVOSEDLIK: I started out on the daytime shift from 4:00 to 12:00 through September. In September, I was appointed to the Midnight shift and I work Midnight to 8:00 in the morning.

DEAN IRVING: You are presently on the Midnight to 8:00 shift?

MR. NOVOSEDLIK: That's right.

DEAN IRVING: This morning, Mr. Novosedlik, we heard some distressing testimony about one or more people who at the Essex County Jail have experienced epileptic seizures and have not received any competent medical care, at least immediately, to the knowledge of the witnesses. Have you witnessed any epileptic seizures? If so, can you tell us how they were handled?

MR. NOVOSEDLIK: Yes, I have witnessed several problems like this and I am critical of the whole medical procedure inside the jail at the present time. On several occasions I have witnessed inmates go through epileptic seizures on my shift, on the Midnight shift, and on our shift there are no medical staff, not even a male nurse. Obviously there is no doctor.

So the responsibility for the care of that individual is placed upon the corrections officers who are present. For instance, in the case I witnessed personally, I would notify my sergeant and he will notify the captain or the lieutenant who would take responsibility. What has been done -- I have never seen an epileptic taken to the hospital yet. It was usually a decision somewhere above me to keep the inmate inside the prison and to watch him while he was having the seizure. I don't think that is proper medical attention to have a corrections officer who has never been trained in first aid or any type of medical skills to watch a man go through an epileptic seizure.

DEAN IRVING: Can you make any comments to us of what you have witnessed having to do with other medical problems at the jail - people who are perhaps alcoholics or maybe have been on drug use?

MR. NOVOSEDLIK: I have also witnessed a couple of inmates - I think it is DT's they go through, either from drugs or they are alcoholics. And on these occasions we have to again just sit there and watch the inmate and

be sure that he doesn't hurt himself. Our main concern is to protect him from hurting himself. Still on our shift there is no medical staff to take care of him or his problems.

I would recommend that every inmate coming into an institution within 24 hours see a physician personally, whether or not it is obvious that this inmate has a medical problem because it is possible an inmate will come in with an infection or a rare disease or contagious sickness, and the corrections officer who is taking his medical history is in no position to evaluate this inmate. Therefore, I would recommend that a doctor personally within 24 hours view each new prisoner who comes into our institution.

DEAN IRVING: Let me shift for a moment from the field of medicine to the field of education and training which we talked a little bit about today. We talked about it this morning. Mr. Novosedlik, I don't know whether you were here for all of it. What training have you received as a corrections officer?

MR. NOVOSEDLIK: I came on the job last June and I received the sum total of approximately 5 days of training. Now it is my understanding that prior to my acceptance for employment there was very little, if any, formal education or training programs for new corrections officers. So under Captain Walsh, whom I have to commend for his initiative, we did have a very minimum training period which lasted for 5 days. Basically we covered the functions of the corrections officer, the daily routine of what a corrections officer does, his responsibility, his paper work. Other than that, there was no formal training.

DEAN IRVING: Who conducted the five-day program?

MR. NOVOSEDLIK: The program I was in was by Captain Walsh. He is the Security Captain in our prison.

DEAN IRVING: Do you mean to say that Captain Walsh

spent 5 days with you?

MR. NOVOSEDLIK: Just about. He gave just about his undivided attention to us.

DEAN IRVING: -- over a 5-day period. Do you consider that to be adequate by way of training?

MR. NOVOSEDLIK: Definitely not. Well, this is a blanket statement, but if you give a corrections officer more money and more fringe benefits, this would help his morale. Your basic problems in the institutions, the way I see them, are attitudes of indifference and punitive attitudes on the part of corrections officers, and this has to change. The only way you are going to change this is by getting a corrections officer who is educated and whom you can put through a formal training program so when he comes on the job, he can meet the needs of inmates whom he is supposed to serve. I would envision a corrections academy similar to a police academy where before I am given a key and assigned to a specific wing, I would go for training for maybe two or three months, similar to what a police officer goes through. So I could learn about the law, about corrections, about sociology and problems of institutions, jail problems. I feel you would have a much better corrections officer and the system itself would gain an aura of professionalism.

It is my observation, and very candidly I feel a corrections officer is a very low job, quite frankly today. I feel it should be upgraded to a level of professionalism. The only way you are going to do this is by proper training in the field.

Also I feel after a man is on the job and he has gone through this training academy, he should be routinely fed through an in-service program, so he can keep his skill sharp and learn new methods and new ideas of rehabilitation.

DEAN IRVING: I am asking this because I take it we

may not all agree: Is a corrections guard in your opinion a policeman? Is he something more than a policeman? Is he not a policeman at all?

MR. NOVOSEDLIK: I hesitate to answer that specifically.

DEAN IRVING: Do you follow what I am driving at?

MR. NOVOSEDLIK: Yes.

DEAN IRVING: The collective bargaining agent is the Policemen's Benevolent Association and you are talking about training in sociology and human behavior. I thought perhaps you were implying that the corrections guard was something other than a police officer.

MR. NOVOSEDLIK: I think a corrections officer has a more important role because a policeman in society, when he comes in contact with someone who breaks the law, it is only for a very short time. But in my job for 40 hours a week, I have to establish a rapport with inmates. I am with them. My whole job is working with inmates. So I feel not only must he know specific laws which a police officer should know, but he should be able to be trained in relating to inmates because these men have problems. If you take a corrections officer who goes in there with a blank attitude that these men are all guilty and they are only here for punishment, he is going to have a difficult time relating to these prisoners. He should be properly trained as to the meaning of corrections.

DEAN IRVING: Let me ask you about a specific kind of training, riot control training. Have you had any training in that area?

MR. NOVOSEDLIK: Yes, I have an amazing total of one hour in riot control training. I don't mean to be sarcastic; I apologize for that. But during the summer I was working the 4:00 to 12:00 shift. On several occasions we had had confrontations in the day room with inmates which bordered on the line of violence. And the only type of training that I have had personally was one

hour in use of the billy club and a helmet. And I think that is inadequate.

DEAN IRVING: How about training in the use of firearms?

MR. NOVOSEDLIK: Firearms? This also I think verges on the borderline of being ludicrous because as a corrections officer I am assigned to certain details - either Martland Hospital or outside security around the jail where I am given a firearm, a loaded weapon, and told to go out and do my job. Now I have had a sum total of about 4 or 5 hours of actual firearms safety and firearms shooting. I feel this is completely inadequate. I think the minimum standards for any man to carry a gun, for any corrections officer, should be the minimum standards which the State sets up for police officer. If this means for a week or two weeks of classroom training on the use and non-use of firearms, plus training at the firing range, then I think you could say a corrections officer is responsible enough to handle firearms. Presently I don't feel that any corrections officer should carry a weapon.

DEAN IRVING: Do I understand in your preliminary discussion with Mr. Ginsberg about your training or lack of training that you indicated that in transporting a prisoner to Martland Hospital, you deliberately keep your gun unloaded?

MR. NOVOSEDLIK: Personally, no. I will say this: I am aware of certain officers who do not load their weapon in Martland Hospital and there are several reasons for this. One, Martland Hospital is where most of our escapes have taken place. On several occasions, officers have been overpowered and relieved of their weapons at the hospital. On one occasion, the officer did not load his weapon. The weapon was shot and, thank God, it wasn't loaded. If it was, he would be dead today.

I feel a solution to this possible, in addition to giving us adequate firearms training for these specific duties at the hospital, would be to set up a security wing in Martland Hospital. I will give you a specific example. One time this past fall, I was assigned to Martland Hospital to guard an inmate. This was on the 12:00 to 8:00 shift. I arrived there and found my inmate. He was in a room with four other inmates. There was one corrections officer from the jail - that was myself. There were two Newark policemen. They were guarding one or two inmates from Municipal Jail. And there were two corrections officers from the Correction Center. They were guarding another inmate. There were five of us for eight hours sitting outside this one doorway, watching these inmates. I think if there was a way that inmates could be confined to a security wing in the hospital so they could receive proper medical attention and at the same time maintain security, not only for the rest of the people in the hospital - and I think they should be separated from the public - this way you may need only one or two corrections officers to guard these inmates.

DEAN IRVING: May I go back for a minute to the unloaded guns because I don't fully understand why some officers tried to guard inmates without having their guns loaded? Is it because they fear the guns will be taken from them?

MR. NOVOSEDLIK: I think so. I think that is the major reason. Another example - one night I was at Martland Hospital. I was guarding an inmate and this was in a wing with approximately 20 or 30 patients. Now everybody in this wing was a public citizen from Newark with the exception of this one inmate. Before I relieved the officer who was on the shift previous to mine, he told me - he said - "Steve, come here." He walked me down

the corridor and he showed me where in the same room in a different corner was another former inmate from Essex County Jail. He told me just to be careful because you don't know what type of contraband these other people could slip into this inmate while he was in a public hospital.

So I am aware of fears of certain fellow officers who refuse to load their weapons at the hospital because they fear they may be taken and used against them.

DEAN IRVING: It sounds to me like science fiction. It is hard for me to believe as a non-corrections person.

MR. NOVOSEDLIK: I find it hard to believe that corrections officers today are assigned without proper training to a detail on which they are given a firearm. As I said before, the minimum amount of training I feel this Committee should recommend for corrections officer is the same training that a police officer goes through for firearms.

DEAN IRVING: Certainly it would seem to me we have an obligation to these public employees to make certain their lives are reasonably safe and that they are trained to be effective in dangerous situations which we as society put them in. I am very troubled by what you say.

Mr. Ginsberg?

MR. GINSBERG: I have several questions to ask you, Mr. Novosedlik. I am going to ask you for a conclusion, based on your contact with the inmates, and that would be whether you thought a good number of the inmates that are now incarcerated in institutions could be let out in society prior to trial, released on their own cognizance, without any substantial danger to the community at large?

MR. NOVOSEDLIK: I would agree to that. I feel -- see, a basic problem I find is that inmates - of course,

they are in prison for 24 hours a day. What can they do? They can sleep. They can eat. They can watch TV. And they can take a shower. I think this is an injustice to most inmates in the prison. I also remember the fact that these men are not found guilty yet. So actually you cannot start a corrections program or rehabilitation program. But I believe there are ways under the present system by which men in the jail could receive some type of job training or education. For instance, say 10 percent of the inmates, of the approximately 600 inmates in the jail right now, have poor reading skills. If these men are going to be in there for three or four months before they are acquitted or released, why not take the 60 inmates, put them in the south wing or one floor which will accommodate them and in the mornings instead of letting them watch TV one day a week or two days a week bring in a teacher and let these men learn something.

I feel there is room to bring in some type of program by which these men could do more than just sit and waste their time.

MR. GINSBERG: I agree with you wholeheartedly. In our discussion, we spoke about access of the inmate to his attorney or Public Defender or lack thereof and also the fact that many inmates are not apprised of the activities of their defense in defending them or the status of their cases. Could you comment a little bit about that?

MR. NOVOSEDLIK: Right. This is particularly when I was working in the summer on the 4:00 to 12:00 shift. The biggest complaint I found, besides medical problems, was that these men were not receiving notice from their attorneys as to what the disposition of their case was. A lot of inmates complained to me about not being given adequate time to make a phone call or maybe not even making a phone call since the time they were arrested, that the family doesn't know what they are doing, that

they have no way of getting in touch with an attorney or, if they have a Public Defender, they haven't heard from him. So I think there is a definite communications barrier which has to be broken.

MR. GINSBERG: Would you have any immediate suggestion as to how we could alleviate that besides appointing more Public Defenders at public expense?

MR. NOVOSEDLIK: I really don't know.

MR. GINSBERG: Maybe access to telephones?

MR. NOVOSEDLIK: Possibly, but I think it is a difficult thing to put into our institution.

MR. GINSBERG: Religious services - you spoke about those. You mentioned that there were no formal services. That has been reenforced by this morning's testimony of the inmates. Whether they be religious services or other types of services, do you think they would be a problem for the jail to handle as far as personnel and that sort of thing?

MR. NOVOSEDLIK: There might be a security problem if you are going to transfer any great number of prisoners to the auditorium or to the chapel. But if you could bring religion down to the day-room level -- on each floor you have two wings and you have a day room in the middle -- maybe if it is once a month, just so they could rotate throughout the jail and you have a religious service in that day room for the inmates on one wing or on the whole floor, maybe you could bring religious services into the jail.

MR. GINSBERG: You really see no mechanical problem.

MR. NOVOSEDLIK: Just a break in routine maybe.

MR. GINSBERG: You spoke about food. Would you care to apprise us of the quality or quantity of the food that is given inmates on a regular basis?

MR. NOVOSEDLIK: I think I am capable of commenting on this, even though I am not an inmate. But when I

see the food inmates receive, I think the inmates are justified in complaining about it. I have seen both in my experience in the service and in different camps when I was young, going away to summer camps, food served to large numbers of people and the food preparation was adequate and they served good, wholesome food. I seriously think there is a lot of room for improvement in the food service in the jail.

DEAN IRVING: May I ask, Mr. Novosedlik, do you as a guard not have the same food offered you as the inmates do?

MR. NOVOSEDLIK: Yes. Every shift is given the opportunity to eat a meal.

DEAN IRVING: Do the guards not eat the food?

MR. NOVOSEDLIK: Some do. I eat box cereal usually.

MR. GINSBERG: You try to insulate yourself then. You are there at night. I think maybe you could either reenforce or quash a statement that was made earlier and, that is: Do you at night hear or see mice or other rodents or any sort of vermin in the prison?

MR. NOVOSEDLIK: Yes. As a matter of fact, there are a lot of mice in the jail - in great numbers, I would say. I have never seen any rats. But I have seen them maybe a half-inch high. They are real tiny. They get through any doorway.

MR. GINSBERG: Do you know of your own knowledge of any attempt on the part of the administration to alleviate that problem by extermination, etc.?

MR. NOVOSEDLIK: This I don't know. Maybe they have exterminators on the day shift. I don't know.

MR. GINSBERG: Thank you.

DEAN IRVING: You have never seen any attempt at extermination?

MR. NOVOSEDLIK: In the locker room in the morning at 8:00 o'clock when I was leaving, usually an exterminator

will be in there. What he does after I leave, I don't know. Maybe he goes upstairs.

JUDGE DEL TUFO: Mr. Novosedlik, I think we all have - I know I have - a misconception of what a corrections officer does. Can you specifically tell me what your duties are when you are on the day shift, for example? My conception is that you just herd prisoners back and forth and that's it - that's the extent of it.

MR. NOVOSEDLIK: Primarily I think a corrections officer's job at the present time the way I see it is security, maintaining security inside the facility. And this means not only preventing escapes, but being sure that inmates - for instance, homosexual inmates - do not attack a weaker inmate; being sure that if there is a fight, you get assistance there to break it up so that an inmate will be prevented from being hurt. In addition to this, your job is one of a mover. For instance, in our jail we move the men from the wing to the day room for supper. We move them back for showers and move them back for TV and move them back in for lockup on the evening shift. You see that everything runs smoothly and that during the course of this security is maintained. When you are not moving prisoners, you have some time to walk around and this is when you start to relate to prisoners. You have to be able to establish a rapport. On several occasions, I have had problems with Black Muslims. Primarily my initial encounters with Black Muslims were distasteful because I didn't realize what the Black Muslims religion was until I got in the prison. Somehow, from working experience, I have learned, I think, to accept what a jail house Muslim is and this way I can relate to them, whereas before I had a very blank attitude. I don't know if I have explained that correctly.

Sometimes my attitude and a Black Muslim's attitude will clash, very verbally and violently possibly.

JUDGE DEL TUFO: Is this what you meant when you said you noticed that guards had a punitive attitude to prisoners?

MR. NOVOSEDLIK: Sometimes. You have to walk in with an open mind. You have to realize that these men are there for 24 hours. They have their problems. If they are in a particularly bad mood sometime, you have to give them a little leeway to let off steam. And if you try to come down hard on them right away, then you will be asking for trouble.

JUDGE DEL TUFO: Do you feel that the punitive attitudes are caused by lack of understanding of the guards for the particular inmates or because of the fact that you are there with those prisoners, wherever they are, in a confined area, a dismal and mouse-infected area, for eight hours a day, five days a week? Do you feel that this factor contributes to this punitive attitude, the fact there is a resentment to being there?

MR. NOVOSEDLIK: Possibly, but I would say minimally because I chose to be there. I voluntarily assumed the duties of working 40 hours a week inside the prison. When I say punitive attitude, I would think society in general feels the work of the prison is just punitive. They don't look at rehabilitation. That is why I think so many prisoners come out of prison and people don't offer them jobs. These men aren't rehabilitated. I think proper training of what the actual work of the facility should be is essential. If you could train a corrections officer, maybe he will go in there with the attitude, "Perhaps I could help this guy because he has to be rehabilitated." But if I go in there and say, "This guy has just got to be punished. Let me lock him up as much as I can," then I am defeating the whole purpose of what correction should be, I think.

DEAN IRVING: Mrs. Hicks, do you have any questions?

MRS. HICKS: Yes. We discussed previously the lowering of standards to give minority people equal opportunity in employment. Would you say that the Essex County Jail reflects a sufficient number of minority groups in its work force?

MR. NOVOSEDLIK: I really don't know. I don't know.

MRS. HICKS: O.K. We have also said that a corrections officer does not necessarily have to have the qualifications of a police officer. So don't you feel that correction officers can have their own bargaining agency? Don't you think you should operate independently of one another? You are not really accepted as a policeman and you really don't have any place to go. Do you feel that you could one day become an independent group and select your own bargaining agency from your own peer group?

MR. NOVOSEDLIK: I don't see why not. I don't see why there can't be a corrections officers' association in the State of New Jersey. I think - and this is only conjecture on my part - but I believe the reason we are members of the PBA is because PBA is much larger and they have some political pull which we don't have at the present time.

MRS. HICKS: All right.

DEAN IRVING: Sheriff, do you have any questions?

MR. DE MARINO: Yes, Mr. Chairman. I noticed that you have a good educational background. How did you get appointed to this job? Did you take the exam or were you appointed first temporarily?

MR. NOVOSEDLIK: In January of 1973, I took an exam, a civil service exam, and I was appointed last June 27th approximately.

MR. DE MARINO: Off the list?

MR. NOVOSEDLIK: Right. Off the list.

MR. DE MARINO: And do you intend to make this your vocation because I notice you have a year of college?

MR. NOVOSEDLIK: No. I have graduated from college and I am in my first year of law school now. I definitely do not want to make corrections officer my career. This is another point which I think is important. With the exception of myself, I don't know of any other officer in the institution right now who has intentions of making it anything less than a career. So I feel any money spent on training and education of these officers would be well spent because everybody is there for a career so they might as well train these men properly.

MR. DE MARINO: Would you say there is a fast turnover of correction officers, those who came and went, in the short period of time you were there?

MR. NOVOSEDLIK: No, definitely not.

MR. DE MARINO: Would you say there are others like yourself who perhaps have college degrees and who are using this more or less as a background for another field, such as law, to give them an insight on the inmates?

MR. NOVOSEDLIK: Actually I think there are very few people with a college degree on the job. There are a number of men who are working their way through college now part time. But I think there are very few college graduates.

MR. DE MARINO: Let me ask you this: You, yourself, did you take the job just for an experimental background?

MR. NOVOSEDLIK: Yes, that plus the fact that I couldn't afford law school just as a student.

MR. DE MARINO: I see. You said earlier that Captain Walsh gave you some training. Is this a designated training given to everyone? Or is this on the initiative of Captain Walsh on his own?

MR. NOVOSEDLIK: I think it is on the initiative of Captain Walsh on his own.

MR. DE MARINO: Was the training you received really training or was he telling you that this is floor one, Wing A, Wing B - we have this here and that there? Was he

familiarizing you with an institution that you were taken off the street and thrown into to watch inmates?

MR. NOVOSEDLIK: This is what I think it was. It was just a means of making you aware of where everything in the jail was and specific assignments.

MR. DE MARINO: You really didn't receive any training. He only made you familiar with the place where you were going to work.

MR. NOVOSEDLIK: Right. I would say training to the extent that he let us work during this 5-day period for a couple of hours with different officers in the wings, in control rooms, so that you could learn the routine. If this is what you term just familiarization, then that is what it was.

MR. DE MARINO: Then let me ask you this: Was this done of your own volition or was it compelled of you that you go with Captain Walsh?

MR. NOVOSEDLIK: I was compelled.

MR. DE MARINO: You were compelled to go. All people who come into the position the same as you are made familiar with the institution by either Captain Walsh or a superior.

MR. NOVOSEDLIK: I hesitate to say yes to that because it is my understanding from officers who came on before me that they received little or no training at all. The 5-day training period I went through was relatively new.

MR. DE MARINO: I am going to sound like a machine going down the line now. Did you have any first-aid training?

MR. NOVOSEDLIK: On the outside, yes, because I am a member of a first-aid squad.

MR. DE MARINO: But other than that which you had on the outside, do the correction officers get any first-aid training in the event you had to deal with somebody with TD's or withdrawals or minor injuries as a result of fights breaking out? Did you get any minimal

first-aid training?

MR. NOVOSEDLIK: On-the-job training, no.

MR. DE MARINO: Riot control training you already touched on - none. Firearm training, you said 4 or 5 hours is all you had. Let me ask you this: Whether or not you are a correction officer, do you carry a weapon?

MR. NOVOSEDLIK: Definitely not. I only carry a weapon when I am assigned to a detail through the jail or, for instance, at the hospital, or the transportation of prisoners.

MR. DE MARINO: Then let me ask you - and you are an educated man - do you feel that it is wise or intelligent on your part after only four or five hours of training to carry a weapon on any kind of a detail?

MR. NOVOSEDLIK: No, I don't think it is wise at all

MR. DE MARINO: Would you say because of the little bit of experience you have had with a weapon, if you were to have to use it, you could do more damage than good with it?

MR. NOVOSEDLIK: Definitely. This is one of the reasons I am here today because I wanted to bring this out specifically. Firearms is something I have discussed with the Dean.

MR. DE MARINO: Are there others who have possibly gotten jobs as correction officers and been issued a weapon on the first day on the job or immediately thereafter, without any training at all?

MR. NOVOSEDLIK: Usually they require that minimum - they call it qualification where they send you to the Verona Police Range for four hours and you shoot 300 rounds. This is what they determine to be training or qualification. But until you do that, you can't be assigned to a detail to carry a weapon.

MR. DE MARINO: You are talking about under an ideal situation - a fixed target, a clear day, no wind, etc.?

MR. NOVOSEDLIK: Right.

MR. DE MARINO: Did you have any self-defense training?

MR. NOVOSEDLIK: No.

MR. DE MARINO: Did you have any human relations training?

MR. NOVOSEDLIK: No.

MR. DE MARINO: Did you have any training on how to handle abnormal people within the institution?

MR. NOVOSEDLIK: Formally, no.

MR. DE MARINO: Martland Hospital - is that a county hospital?

MR. NOVOSEDLIK: It is a State hospital.

MR. DE MARINO: Would you know as a correction officer if the County of Essex has a county hospital?

MRS. HICKS: I could answer that. Yes, and it is very close to Caldwell Penitentiary. It could be very well utilized rather than bringing them all the way up to Newark.

MR. DE MARINO: I can only throw this out as a suggestion because I compare it with a situation I was faced with in Middlesex County. Does it not make sense for your own benefit and your own safety as well as the inmates, that the County have a section of the county hospital, perhaps a wing, set aside so they can keep inmates incarcerated at the county hospital, thereby eliminating the cost of doctors, hospital bills and what not? I assume the county pays the State.

MRS. HICKS: They do.

MR. DE MARINO: Well, in Middlesex County it doesn't cost anything - and I only throw this out as an idea - because we made certain rooms in a section of that hospital a quasi-retaining area, strictly for inmates. I only throw that out to you so you can bring it back to your membership.

Is any of the food prepared by dietitians, do you know?

Who makes up the food? Does the cook just go in and decide what he is going to cook on any given day or is there a preschedule of food for a period of time?

MR. NOVOSEDLIK: There is a preschedule of food because you can see it consistently week after week. The inmates eat the same type of food, the same meals. As I understand it, I think there are two or three cooks employed by the county in the daytime and I think they supervise roughly seven or eight inmates. So maybe you have a force of nine or ten people in the kitchen.

MR. DE MARINO: Are the cooks correction officers or are they cooks by trade or profession?

MR. NOVOSEDLIK: I think they are cooks by profession.

MR. DE MARINO: You are not sure?

MR. NOVOSEDLIK: I am not sure.

MR. DE MARINO: And, of course, you wouldn't have any knowledge as to the salary of cooks, I assume.

MR. NOVOSEDLIK: No.

MR. DE MARINO: Do their salaries vary?

MR. NOVOSEDLIK: I have no idea.

MR. DE MARINO: Did you as a guard ever come up with any opinion as to what you can do to help a particular inmate? As was brought out earlier, you felt maybe 10 percent of the people can be released on their own. Did you as a guard ever bring to the attention of anyone in authority prior to coming to this hearing that perhaps there was an inmate within that institution - for instance, one who was in there for nonsupport - that you felt perhaps had a job or could get a job --- Have you done anything on your own outside of the realm of your responsibilities as a correction officer on the outside in attempts to try to help inmates?

MR. NOVOSEDLIK: You mean help them outside of the institution?

MR. DE MARINO: Yes. Take, for instance, a person in for nonsupport who does have a job or a job was

breaking or there was a possibility of his getting a job. I am almost sure if you built up any rapport with an inmate, he would suggest to you, "Would you contact so and so for me and see if there is a job available so I can go to my probation people?"

MR. NCVOSDLIK: I prefer not to answer that question.

MR. DE MARINO: How long have you been a guard?

MR. NOVOSDLIK: Since June of last year, approximately nine months.

MR. DE MARINO: In nine months, have you been to any training whatsoever, police training or correction training?

MR. NOVOSDLIK: No.

MR. DE MARINO: Are you aware of a statute that is on the books that states one year from the time you are appointed that you must pass an accredited police training school sanctioned by the Police Training Commission?

MR. NOVOSDLIK: No, I am not aware of that, sir.

MR. DE MARINO: -- which means in three more months, if you don't get to a school, someone should be held responsible, not you in your case if they are not setting up the school. But I suggest you as a correction officer can go back to your group and get some legal help. Since you have a legal background, I would suggest you look that up. Then perhaps you can, in view of the statute, force the hand of the authorities who are not giving you training you should be getting.

MEMBER OF AUDIENCE: May I interrupt? Would you please repeat that about the statute?

MR. DE MARINO: The New Jersey Training Commission states that from the date of appointment that you must, within one year, be enrolled in a police training school - you must go to the school within one year or give a reasonable explanation as to why it hasn't been done. The reasonable explanation that is accepted by them is,

for instance, if you have 400 people that haven't been to school and you only can get 350 in, then it is only logical that you will have to go a year and a half or two years to get them all in. You can check with the Police Training Commission and find out.

DEAN IRVING: Are you finished, sir?

MR. DE MARINO: Yes.

DEAN IRVING: I want to thank you very much, Mr. Novosedlik. I do appreciate, as I know the Commission members do, your courage in coming forward and talking to us.

Mr. Rodney Bottone will be our next witness. Will you state your name, please.

R O D N E Y B O T T O N E: My name is Rodney Bottone. I live at 114 King Street, Nutley. I am a correction officer employed at the Essex County Jail.

DEAN IRVING: How long have you been employed at the jail?

MR. BOTTONE: Approximately six years.

DEAN IRVING: Do you work on the day shift?

MR. BOTTONE: Yes, I do - 8:00 to 4:00, sir.

DEAN IRVING: That means perhaps you can give us a different perspective from the last witness who talked about what happens in the evening.

First of all, Mr. Bottone, do you have anything you want to say before we ask you specific questions about your job?

MR. BOTTONE: I would like to use my professional testimony as a spring board to any questions that might have been answered inconclusively or inadequately before in your opinion, and put myself up as one who has experienced just about all the phases of correction work, except and excluding the superior positions, which I now am on a list for, that I have passed.

In regard to a question that the Sheriff asked the

last witness, I didn't hear the question. But I would be obliged to answer it if I knew the answer. So if you would like to repeat that question, Commissioner, that you asked the last witness that he declined respectfully to answer ---

MR. DE MARINO: I asked him whether he on his own had ever assisted any inmates with any problems that they may have had. You have been in the business. I have been in the business. You get to know these inmates pretty well when you are in there every day with them and you begin to form opinions as to those you can take stock in who are sincere and those that are not. I asked, first, if he ever came to a conclusion on any of those opinions, and, second, if he ever did on his own anything to help those inmates that he felt deserved a break that were in the institution?

MR. BOTTONE: Yes, I would say that there is a rapport that is substantiated by your being in there one-third of your life every day with particular inmates. And with those with whom you are able to communicate on a friendly basis, you do start to favor personalities, as we all do in all phases of life. And in some ways you may be able to assist them in their legal problems. For instance, Mr. Matty Rocco is influential in the Probation Department in Essex County and he happens to be someone who I have come to respect and know quite well through his familiarization with the institution and my job. On occasion where I thought a particular inmate was seeking some advice or trying to seek aid through that department and was for some reason or other not being satisfied, I would extend myself and meet Mr. Rocco when I knew he was in the institution and express the desire of that inmate. On another occasion when I was in charge of the cleaning detail, I was allowed to take trusties. Now, depending

upon after the charge was determined, if he was eligible or not to be a worker, I would speak to this inmate to determine his mental attitudes in conjunction with mine and with my knowledge of corrections, I would make a judgment on whether he should be on the gang or not. In those ways and some others that are related to that, you do extend yourself in different ways that you are not required to.

MR. DE MARINO: The reason I asked that - and, of course, I didn't get an answer from the previous witness - was two-fold. The question I am really concerned with is: Are there any restrictions placed on the correction officers, discouraging that type of help?

MR. BOTTONE: Inasmuch as there is a very unprofessional atmosphere in the Essex County Jail and that the powers that be do not recognize the needs of, in my opinion, the officers or the inmates, this would be correct. The position that we should aid them in every way may be mentally impounded in the officer's mind, but we are handicapped. We don't have the facilities to help them when we want to. We don't have the list of judges at hand. If an inmate wanted to write to a judge, we could say to him, you write to the Essex County Court House. But that may be incomplete in the mind of an inmate. And it should be in writing so we could offer him that assistance or the Probation Department or the legal counsel. If he wants to write to Civil Liberties for assistance, we don't have these addresses printed so that we could give them to them. Unless we go out of our way for a particular inmate and secure that information, he is going to be more frustrated. Then he waits a period of not three months which was stated previously as an average waiting period. I think we ought to get away from that three months. On heavier crimes, it may be six months to a year. That is

where the officer and the institution get in conflict with the inmate because they become irritated by not having such facilities as the gymnasium available to them on a daily basis and not being able to work off their anxiety that doctors say we all need to do, even those outside of incarceration. These men tend to become tense.

I might add that a situation was mentioned earlier by Dr. McQuade concerning officers that were convicted of a crime - and this has never been said before - at that trial or at any other hearing - but in defense of those officers who were found guilty, I might add that in the years of '69 and '70, the Essex County Jail was experiencing very heavy riot conditions and these officers were under extreme tension. We have a 20-minute lunch period, for instance, in case anyone doesn't realize that the officer is under a heavy stress for 8 hours. The tensions of the inmates with riots going on I believe carried with those officers, carried to the outside where they committed a crime, as said, that stands as a conviction against them. It was never brought up that the county and the State might be enjoined in that suit for not training them and having them know their rights. It could be that they attempted to do something good and it wound up very bad. And I feel sorry for those officers and it is incidents like this that promulgate attitudes of the sort that were described by the last witness as punitive because it is not only towards the inmate that the attitude develops; it is toward the county government, the structure of the State, the inconsideration for the officers and their plight and the lack of administrative direction.

So in regard to Mr. McQuade's statement about identity, we do have a very difficult time identifying ourselves. I believe that there seems to be some type

of association between the officer's status and the inmate's status at the Essex County Jail. Even at that, I think the county is wrong because they call us correction officers. But my understanding of the law is that a man is innocent until proven guilty. So what are we trying to correct - men that are not defined as guilty yet? I think there is a very bad understanding between the employee and the employer.

MR. DE MARINO: Just a quick "yes or no." You got a little astray from what I was looking for.

MR. BOTTONE: Go ahead, sir. I'm sorry.

MR. DE MARINO: Were there any repercussions or any correction officers brought up on charges for volunteering on their own to assist inmates that you know, to your knowledge - yes or no? There is no hard-core written rule saying you can't do it, is there?

MR. BOTTONE: Not to my knowledge, there is not a hard-core rule. I am searching my past histories. You caught me at a moment without records in front of me.

MR. DE MARINO: That is quite all right.

MR. BOTTONE: I can't recall, but if I do remember, I will bring it up again.

DEAN IRVING: Mr. Bottone, you heard a previous witness talk about the lack of substantial training. Is your experience any different in terms of the kind of training you received?

MR. BOTTONE: Yes, inasmuch as I had -- I won't call it the opportunity to work in the Essex County Jail, the old one -- I did have extensive training because we were on the job every moment. We had a very serious situation on our hands and I am sure that it was only because of the life-and-death situation that the county realized that they had to abandon that building. The rate of work was so high, the intensity. You were forced to perform all kinds of duties that the officers of the new jail are not experiencing in a shorter period of time, such as epileptic fits. I didn't witness one

before I went to the jail as a correction officer. And, to be frank with you, it is not a pleasant sight to see. But as a human being, I tried to extend myself when I didn't know what I was doing to an inmate who suffered an attack. Consequently I almost lost my finger because I tried to stick my finger in his mouth because he was gagging on his tongue. I didn't realize that his jaw could actually break my bone or possibly take my finger off. It was through that experience that I went to the Medical Department and asked what should I do in the event that should happen again.

DEAN IRVING: Can you place this in time for us? What year was this?

MR. BOTTONE: 1969. I was employed at the Essex County Jail in December of 1968. By the time the summer of 1969 rolled around, I had encountered quite a lot of experiences in the old jail. There were many physical confrontations that went undetected by the press as well as the other people of the State that might be responsible to make it known to the citizens exactly what was going on in the institutions. I think this is one of the problems why situations get out of hand because by the time they do reach the media, they are a gigantic problem. And had they been recognized earlier, I am sure the county has terrific powers of mind that sit in high places to deal with these problems and correct them. They are not so great that they will overcome us.

DEAN IRVING: I take it your testimony is that you had additional training, but it was in the nature of on-the-job, emergency training. You learned by doing. You had no more formal classroom training, no opportunities to go to any State program.

MR. BOTTONE: No, there was no formal training. But there was another situation that was there at the

old jail that is not at the new one, which is that I was taught by senior officers, men that had been there for 15 and 20 years, working hand in hand with a new officer. And that was a tremendous aid in my learning the job. Today a new man could come in and be trained by a man that's there less than three months. I view that as a very detrimental factor as far as his training and mine are compared, although I am in agreement that we should have a full training course, one that encompasses both types of work, police and correction officer, because we seem to be bordering somewhere in between.

In regard again to Mr. McQuade's statement on the gun bill. The reasons we want to carry weapons are unlike the ones he described. A lot of the correction workers that work at the Essex County Jail live in the area that these men that they house and close gates on also live. They have to go home to communities that are called riot areas and high-crime areas and they need to protect themselves because they are confronted on the street by ex-inmates. We have occasions where officers are being shot at at their homes and they are registered in the Essex County files. But this goes unrecognized. They feel that we want to be gung-ho police officers. That is not the case.

Another strong reason we want to carry guns, as I am sure the Sheriff is aware, is that the Policemen's Pension and Retirement System is unlike our own and we view it as better. And to get into that system, you have to be a gun-carrying officer. And that is another reason we want to get permits to carry guns. I also think that society would be served a great deal if they allowed correction officers to be trained properly first and then carry weapons. Because in a time of such high crime, with everybody complaining they can't walk the

streets, it seems odd to me that the State would take a position of withholding trained officers to protect the citizens of this State.

DEAN IRVING: Let me shift emphasis a bit. Mr. Bottone, would you say that your morale as a corrections officer in the Essex County Jail is high or low?

MR. BOTTONE: I would say ~~that~~ my morale as a correction officer is low, but that my spirit is not broken.

DEAN IRVING: In addition to the absence of training, are there other reasons for the low morale?

MR. BOTTONE: Oh, definitely, one of which is the political arena that enters into the Essex County Jail. Political contributions are made inside the confines of an Essex County building on Essex County time and I view this as a very detrimental aspect to a professional career and I feel that it is bordering on violation of the law. I have allowed myself to view the act on the wrong side of the law through the Hatch Act and I am not a lawyer and I don't know really whether it is illegal or not. But I wish somebody would recognize, including a high superior that I brought this to, to seek County Counsel's advice on whether this is legal or not. But since County Counsel is partisan and elected by the party that is in the government's favor at the time by the people, we seem to be in an ambiguous position trying to serve the people - and people who are opposed to that.

DEAN IRVING: Would you go back a bit and tell us the kind of person who has asked for the political contribution and how it is asked for and the general situation?

MR. BOTTONE: Realizing the severity of the testimony that I am giving, I will mention only the party that I am familiar with who has come to me and asked me.

DEAN IRVING: I am not sure you need to mention any names.

MR. BOTTONE: No, I wouldn't even if I was asked to.

But the party asked me to contribute to a political figure. The patronage system is well known to many people in this country as being the fundamental structure of it, and that is all well and good. I participate and recognize that. At the same time, I don't expect to be solicited at the job that I am working at. If I wish to make a contribution, it will be voluntarily by my going to the party that I wish to make the donation to. I don't expect one who is running for office to have someone else solicit on the job premises.

DEAN IRVING: Is this an employee of the jail who comes and asks for the contribution?

MR. BOTTONNE: Yes.

DEAN IRVING: Are you told how much to contribute?

MR. BOTTONNE: There is a standard set - from time to time it varies - on the action that it is being collected for.

DEAN IRVING: Would you be willing to tell us how much a person like yourself is expected over the course of a year to contribute? Is there a figure?

MR. BOTTONNE: Well, that depends on the ethics and morals of the officer. I, myself, when I became a permanent officer, I refused to give. I have been a permanent officer about five years. But while I was a temporary, I was forced to contribute -- well, I won't say forced -- I was convinced to contribute a hundred dollars at one collection. On other collections, I was asked to give a hundred dollars that I refused. On other occasions - \$50. On other occasions, tickets were being sold for political affairs.

DEAN IRVING: Is this practice continuing today?

MR. BOTTONNE: Yes.

DEAN IRVING: Do you know whether it is limited only to yourself or is it true that every guard is asked to make a contribution?

MR. BOTTONE: I would say that all the guards are asked. I would say that shift to shift varies on their willingness to give, based upon certain circumstances.

DEAN IRVING: Now you have civil service protection, do you not?

MR. BOTTONE: Yes, I do.

DEAN IRVING: So if you refuse to give, are you immune? Nobody can punish you, I take it.

MR. BOTTONE: Well, that is not so inasmuch as the authority that designates your assignments can put pressure on you. Years ago they used to change our shift if we did something they didn't like. But through the contracts that we have negotiated with the county, we have implemented a safety precautionary measure for the officers' sake to protect them against such a cruel and unusual measure for their misunderstanding of the person's reason why he may not want to give. And there are other ways that they can bring pressure on you.

DEAN IRVING: I will yield to Mr. Ginsberg. Do you have any questions?

MR. GINSBERG: Yes. I would like to get back a little to your training, the training you have had. You suggested to me earlier that, in fact, we had professional inmates here testifying earlier and you'd like to represent a professional corrections officer.

MR. BOTTONE: Right.

MR. GINSBERG: The Commission will need some guidance in its formulation of legislation, particularly in the area of training. We would like to know exactly what you would propose for a corrections officer, what sort of training you would propose he undergo before he is permitted to spend the first minute on the job. Could you give us some guidance there?

MR. BOTTONE: Well, I thank you for even asking me for my opinion because I feel that there are those who

are much more qualified than myself who could give that, but I would be glad to give it to you.

In all fairness to the Sheriff, whose opinions today I respect, it seems that the political arena has to be extracted from the penal system. By that I mean, for four years you may have an outstanding Sheriff and one who means well. But then you may get one in who doesn't view the jail or the penal system with professional regard or he may not have the background, even if he is interested, to handle it properly. So what I suggest is that the State formulate a penal system, a code, where wardens may not be political plums, as the Herald News so eloquently put in the paper not long ago, that we at the Essex County Jail have been without a warden for two years, and they are looking for a warden. I doubt whether it will be a penalogist. We want a professional. I am certain that the Seton Hall Law School requirement is a law degree to sit in your position. Well, as a professional correction officer, I only feel that that is fair that we have a professional corrections man in charge of us because we are talking about life and death. We are not talking about political plums.

There is a serious thing at stake here. This country complains of crime on the street and what we are going to do about it, but as long as we continue to let these men come out of jail with bitterness in their mouth and anger in their hearts, crime is going to grow in this country. And the figures by the FBI are that such is going to happen by 1980 - that the figures of crimes will grow. So it is assumed by the FBI that we are not going to overcome this problem. I don't agree with them. I don't think that that has to be. But if we continue to allow the penal institutions to be run on a political basis rather than a professional basis, I believe that that is exactly what is going to happen.

MR. GINSBERG: I appreciate your comments and thank you for them. But my question was more directed towards nuts and bolts for new corrections officers, what sort of training should they be exposed to before they spend the first day on the job.

MR. BOTTONE: The type of training that should be given, in my opinion, to a new correction officer is one likened to a police officer. I am sure that no city official would dare put a gun on a man's hip on the first day that he was a police officer and send him onto the streets. But as a correction officer, I did enter the Essex County Jail and on my first day was allowed to enter what was considered at the time in the old Essex County Jail the most dangerous area in the jail. And another correction officer who had been there a short time wanted to see how brave I was. So he sent me into an area of homicides to step over there and by-pass them and take a count of them. Not knowing the operation, I did so. After I got back, he explained to me what he had done. I was quite angry at the officer for having me attempt that feat because it was very stupid. But it is this type of action that can happen and cause deaths and injuries to officers.

It seems to me that there is a lack of concern for the officers and training seems to be secondary in the minds of those who control us. And until that changes and we have a professional course to go through, whether it is eight weeks, ten weeks, fifteen weeks -- they complain about manpower - they can't send us because it is costly -- I believe that the county taxpayers are losing money by not sending us to this type of training because the injury rate of the Essex County officers is high and the insurance for coverage of these jails is expensive.

And as long as the inmates and the officers don't get along, there is going to be riots and riots are very costly.

MR. GINSBERG: Thank you.

DEAN IRVING: Judge Del Tufo?

JUDGE DEL TUFO: Yes. You said you had low morale and this is reflected by several other correction officers at the institution. You have testified to this irregularity of requiring political contributions in public. What other irregularities have you seen?

MR. BOTTONI: Well, I see an irregularity in the promotional system of officers. It seems that once again, besides your professional qualifications, that you have to be in favor of the dominating political people that are in office in some cases to obtain a promotion that would otherwise be automatically granted to the officer on the merit of his background.

JUDGE DEL TUFO: Other than politically - how about drugs? Are you aware of any drug problems in the institutions? Are they able to get drugs into the Essex County Jail?

MR. BOTTONI: In all institutions, I would say there must be attempts being made for that to happen. We do have a system where we try to stop that.

JUDGE DEL TUFO: Are you able to?

MR. BOTTONI: At times, yes. We have caught narcotics coming into the Essex County Jail many times.

JUDGE DEL TUFO: Do you consider that a problem there right now or just routine?

MR. BOTTONI: Certainly. We have a more dangerous situation than the drugs.

JUDGE DEL TUFO: What is that?

MR. BOTTONI: The fact that the security of the jail is such that the screens can be removed by the inmates and they can work on the bars that house them presents

a danger that a weapon might be brought in. As a matter of fact, the screen can be cut. The screen is on the inside. The window is opened and it has the louvered windows. A gun could fit through those louvers. That's a danger to the institution and it can be done.

JUDGE DEL TUFO: Has an incident like that occurred?

MR. BOTTONE: Not a gun, but we have had outside instruments enter into the jail or attempts. On one occasion I remember we were right in line with a scene that the screen was broke while the attempt was being made. And officers were sent outside and they were trying to send in a hypodermic needle and it was found on the ground. We didn't catch them.

JUDGE DEL TUFO: Can they correct that situation?

MR. BOTTONE: Well, nothing is impossible. I am sure it is not tantamount to being the impossible, correcting that problem. In my opinion, it should be corrected immediately.

DEAN IRVING: Mrs. Hicks, do you have any questions?

MRS. HICKS: No.

DEAN IRVING: Sheriff De Marino?

MR. DE MARINO: Mr. Bottone, let me ask you this: Are there any lists of judges or cases or court calendars, trial lists, sentencing lists, pleas lists, that are presented to you people, you correction officers, in the institution in advance? For instance, can you tell me today what judges are sitting next week or the week after by a list as to what cases they are hearing, who is hearing pleas, etc.?

MR. BOTTONE: Correction officers in general in the Essex County Jail are not connected with that phase of incarceration. We have a record room where all that information is kept and the pleading dates are sent to the record room. But if an inmate wants to know if a date has been set up for him, he comes to a correction officer and if the officer has the time, he will

call the record room and obtain that date for the inmate.

MR. DE MARINO: Is that record room within the confines of the jail, itself?

MR. BOTTONE: Yes, it is.

MR. DE MARINO: So if an inmate says to you, "I am Joe Smith. I have been here six or seven months. I've already pled guilty. I'm waiting to be sentenced," can you find out for him within a reasonable time whether or not he has been sentenced or when his sentencing date is set and by whom, what judge?

MR. BOTTONE: Yes. Like I said, Commissioner, if an inmate comes up to me and he wants to know something about his records, I have accessibility to the phone and I could call the record room, which is located in the basement of the jail. And if they are not busy and if they are willing to divulge that information to me, I can give it to the inmate.

MR. DE MARINO: Would you consider that to be an asset to you if you had that stuff available?

MR. BOTTONE: Oh, absolutely.

MR. DE MARINO: Then wouldn't it seem logical that you should ask the record room to post an additional copy on the bulletin board in the foyer where each day you can see it or you can walk from the inmate to a bulletin board to check it?

MR. BOTTONE: Well, in answer to that, I will give you an example of the extent that I have gone to in trying to do such things. I wrote to Boston because there was an article in the paper stating that a sheriff was doing a fine job up there running a jail and that he had gotten a pamphlet together that told the inmate what he could do, what he couldn't do, what his rights were, etc. I wrote away to Massachusetts, Boston, as a matter of fact, and they sent me the pamphlet. I brought it to the attention of the Sheriff. I verbally heard

the Sheriff order a high-ranking officer of the Essex County Jail to write the rules and regulations up like this. He said it was a good idea. It never came about.

Now recently there was an officer killed in Boston. I don't know how true it is, but I have been made to understand that one of the inmates that escaped from the Essex County Jail was involved in that crime. It is possible that had the inmate that assisted him in that escape knew what the possible repercussions were of such an act, he may not have helped that inmate to escape, the inmate initially may not have escaped, and possibly a human life would have been saved. What I am trying to tell you is that as correction officers we have made recommendations on all levels, to the County Freeholders, to the County Sheriff - before the Sheriff took over to the County Freeholders - and to the Penal Committee and to the administrators of the jail, and when we had a warden, we made recommendations to him.

It appears that there is some clog in the professionals who work at the Essex County Jail to communicate with the superiors and the county leadership in changing an archaic system that is stopping the possibility of a better institution from being run.

MR. DE MARINO: So that there are no lists of judges who may be sitting within the next week or two weeks posted, no trial lists posted, no sentencing dates set as to who may be sentenced and when?

MR. BOTTONI: Not available to the average officer that works on the floors with the inmates, no.

MR. DE MARINO: When a correction officer reports for duty, let's say on the day shift, 8:00 to 4:00, what does he do, just check in and goes to his post?

MR. BOTTONI: No, there is a lineup. He is given his assignment and any important notices are read at that lineup concerning the institution, directives

by the Sheriff or what have you. We go to our assignment posts where we are relieving a shift that is on. They don't leave until we secure the count and the safety communications are made of what inmate might have had a fit last night, or this or that. Then that shift leaves. Then we start the productive process of the judicial system of getting these men to court, having them transferred to other institutions, placing them in the day room, if they are going to the day room, or keeping them incarcerated in their cells or letting them out on their walks in the tier areas.

MR. DE MARINO: Don't you think it would be wise that a request be made of the assignment judge here in Essex County to make a list available so that the correction officers can at least answer that phase of the questions, and, as you know, the most-often asked question by inmates is, "when am I going, when am I being sentenced, and how much time," etc? Not to go any further on that, but I do suggest you make that request of the assignment judge.

The question Mr. Ginsberg asked you here on training, I don't believe you answered. You had no formal training?

MR. BOTTONNE: No.

MR. DE MARINO: None whatsoever?

MR. BOTTONNE: None whatsoever.

MR. DE MARINO: Most of your training was on-the-job experience?

MR. BOTTONNE: That's right.

MR. DE MARINO: -- where you learned by trial and error.

MR. BOTTONNE: Yes.

MR. DE MARINO: Have you made any errors?

MR. BOTTONNE: I have made a lot of errors.

MR. DE MARINO: Any errors that caused injuries to either you or the inmates?

MR. BOTTONNE: I lost a lot of blood.

MR. DE MARINO: You said that this is a profession, and I agree with you that is what we should try to make it, a profession, if it isn't, and that you are a professional in the field. Have you ever given any of your own time, on your own, to pick up any information or schooling that you felt would aid you in this position?

MR. BOTTONE: Presently, I am attending Montclair State Teachers College on my own time. I am being paid by the Federal government to go, but it is on my time. Aside from that, ---

MR. DE MARINO: Just a second -- Is that to pick up credits for corrections or for teaching?

MR. BOTTONE: For corrections.

MR. DE MARINO: To aid you in corrections?

MR. BOTTONE: They have the law enforcement program instituted in the Montclair State Teachers College.

MR. DE MARINO: You are talking about the law enforcement program?

MR. BOTTONE: Yes, I am. Aside from that, I have given in my opinion a great deal of time and effort in the field of correction in trying to correct certain avenues that I view as being incorrect. For example, in 1971, I instituted a suit against the county, charging them with violations not only to my personal rights but on a professional level, that the jail is dangerous. That has taken a great deal of my time. It has taken money out of my pocket that was all unnecessary because had the powers that be been more cooperative, I wouldn't have had to obtain a lawyer to get paid for time that I had put in the jail that would have been respectfully paid for by anyone who viewed the situation with a high regard. I feel that the goings-on at the Essex County Jail extend into the officers' rights as well as the inmates' rights.

MR. DE MARINO: Are you finished?

MR. BOTTONE: I may not have answered that question properly.

MR. DE MARINO: It is interesting because you opened my mind to another question. You saw fit when your individual rights were being infringed upon to institute a suit on your own, I assume, by what you said.

MR. BOTTONE: Yes.

MR. DE MARINO: Let me ask you again about political contributions. Did you or did you not think that they were right or wrong?

MR. BOTTONE: The political contributions?

MR. DE MARINO: Yes.

MR. BOTTONE: At no time did I feel that political contributions being solicited on the job are correct. I have a full and comprehensive understanding of the patronage system in this country and I am all in favor of it, but not while I am on the job.

MR. DEMARINO: Let's put it more direct. You were asked to give a political donation. Did you feel that that was against the law?

MR. BOTTONE: Yes. I posed this situation before. I said to myself, I am not sure, because the Hatch Act says that these things are not supposed to happen. But I am not a lawyer and I brought it to the attention of the Deputy Warden at the Essex County Jail. I asked him: Is this legal or not? He told me that it was my responsibility to find out. I think that is being very foolish on his part. When in sincerity I go to him with a breach that may be against the law, I think it is for him also to investigate.

MR. DE MARINO: Don't you have as a correction officer the right to grieve? Don't you have grievance procedures?

MR. BOTTONE: PBA members do have a grievance procedure. I am not in the PBA.

MR. DE MARINO: Does that mean you don't have a right to grieve because you are not in the PBA?

MR. BOTTONE: I don't know. As a matter of fact my lawyer is inquiring into that right now because I sustained a suspension and the PBA said that they couldn't back me up and I thought that I was right. They are still bickering as to --

MR. DE MARINO: -- as to whether or not you would have counsel. You are a civil service employee?

MR. BOTTONE: Right.

MR. DE MARINO: Have you ever gone before the Department of Civil Service?

MR. BOTTONE: With what?

MR. DE MARINO: With the complaint that you have been approached on political donations.

MR. BOTTONE: No, not knowing whether it was legal or not and seeing it so widely accepted in the institution, I was rather led to believe that it was legal.

MR. DE MARINO: Are you saying to me now that you are under the assumption that political donations demanded of you while you were on the job were legal?

MR. BOTTONE: Well, in view of the fact that it is highly accepted within the institution, that there are superiors who know about it - I brought it to their attention - and they don't do anything about it, I would say, yes, to that question.

MR. DE MARINO: Apparently, from what you said, first, that you are not sure and then maybe they are legal -- I would tell you if I was in your position and someone asked me for a political donation and I didn't wish to give it, I would have found a thousand and one ways of bringing that to the attention of the authorities, whether it be within the institution or outside of the institution. This, of course, is my opinion.

MR. BOTTONE: You are in the position to understand those things as a Sheriff. That is why I went to a Deputy Warden because I figured with 20 years' experience

that he should also have that type of knowledge.

MR. DE MARINO: We don't want to belabor that point. You said that you want to carry weapons for your own protection, which I buy. Is that with training? I am pretty sure that is what you said.

MR. BOTTONE: Oh, absolutely.

MR. DE MARINO: With training prior to carrying?

MR. BOTTONE: Absolutely.

MR. DE MARINO: And I assume you carry a weapon.

MR. BOTTONE: No, I don't own a weapon other than the jail issue that I get when I am on the job.

MR. DE MARINO: You are just issued a weapon while you are performing your duties?

MR. BOTTONE: Yes.

MR. DE MARINO: In the six years that you were there, have you done anything on your own as far as qualifying for that weapon or using any of your own initiative to go ahead and pick up training on that weapon?

MR. BOTTONE: No.

MR. DE MARINO: So that in the six years that you have been there, you only get a weapon when you go on duty? They hand it to you and when you go off, you hand it back in.

MR. BOTTONE: Right. That's only on special details.

MR. DE MARINO: Did you have any familiarization with that weapon?

MR. BOTTONE: None whatsoever.

MR. DE MARINO: Did you ever fire it?

MR. BOTTONE: Well, they took us to a firing range. They made us qualify, what they called qualify.

MR. DE MARINO: How many times?

MR. BOTTONE: In the six years I have been there, I might have qualified about three or four times. I understand that the State law says you are supposed to qualify once every six months, but I don't know.

MR. DE MARINO: You opened up something I was trying to bring out to the Commission earlier that there is a reason the politicians or sheriffs, in some cases, do want temporaries. The livelihood of the temps depends on that appointed official. In other words, they can go to the temps. While you were a temp, you gave donations. You gave donations at that time whether you knew they were legal or not more or less to secure your position. Is that what you are telling me?

MR. BOTTONE: Absolutely.

MR. DE MARINO: If you didn't give a donation, would you say you would have lost your job?

MR. BOTTONE: I am under the understanding that I wouldn't be there now.

MR. DE MARINO: Let me ask you: Do you know - and I don't want you to mention names - any temps that failed to give donations that lost their jobs?

MR. BOTTONE: Yes.

MR. DE MARINO: Those that gave donations, did they get better positions, meaning a day shift steady as opposed to a night shift or rotating shift?

MR. BOTTONE: That's a knowledge that seems to be commonly understood in the Essex County Jail.

MR. DE MARINO: Those that give donations, do they get rank without an exam?

MR. BOTTONE: I wouldn't exclude it from possibility.

MR. DE MARINO: Do you know of any officers within the Essex County institution that received rank without passing the civil service examination for rank?

MR. BOTTONE: Only on a temporary basis.

MR. DE MARINO: Which means that a person in authority, whether it be a sheriff, a freeholder or whatever, can say to a temporary, you are now a Captain?

MR. BOTTONE: Acting.

MR. DE MARINO: -- Acting Captain.

MR. BOTTONE: You will understand that.

MR. DE MARINO: So he has now not only a temp position, but he also has a temporary officer in that position, meaning that he gets paid the salary of a Captain under an acting position.

MR. BOTTONE: Right now we are brinking on -- not my unwillingness to testify, but my knowledge on the subject.

MR. DE MARINO: If you have no knowledge ---

MR. BOTTONE: Civil service gets involved in this. I think a man could be made an Acting Captain if he is a Lieutenant. If he is a Lieutenant, he can be made an Acting Captain with the salary.

MR. DE MARINO: Let's back up a little. First of all, if you don't know, I prefer you not answer. O.K.?

Do you know of any officer that acquired an acting rank, not a permanent rank, an acting rank, whether it be an officer that is going to be an Acting Sergeant or whether it be a Sergeant to be an Acting Lieutenant or a Lieutenant to be an Acting Captain -- I don't believe that anybody would jump from officer to Captain -- because they gave a donation? Would you say a donation aided them in securing an acting rank?

MR. BOTTONE: I will answer your question like this: The individual who was soliciting me for a contribution was put in an acting position of superiority. Does that answer your question, sir?

MR. DE MARINO: Would you give me that again?

MR. BOTTONE: The man who asked me to make a contribution was promoted on an acting basis after the collection was made. Does that answer your question?

MR. DE MARINO: That gives me a good idea.

Do you know of any guards that received any moneys from inmates for special privileges, yourself included, if you feel like answering?

MR. BOTTONE: I think there have been such incidents that are recorded where officers were caught doing such acts.

MR. DE MARINO: In other words, inmates will give money for special privileges by these correction officers.

MR. BOTTONE: Yes, I think there is a record of that. I mean, all institutions, as we can well see in the White House, have problems from time to time.

MR. DE MARINO: Of your own knowledge, do you know of this?

MR. BOTTONE: Yes, it is a matter of record.

MR. DE MARINO: Mr. Bottone, are you telling me that the Essex County Jail runs without any rules and regulations book printed for the inmates?

MR. BOTTONE: That is an ambiguous question. It is an ambiguous question for this reason. We do have something that is handed to us. It is said that this is the rules and regulations of the jail.

MR. DE MARINO: Maybe you didn't understand, just so we separate the rules and regulations. I asked if there is a set of rules and regulations for the inmates to abide by as to what they can do - visiting privileges, watching television, etc. Are there any such rules and regulations posted or given to the inmate so that he knows in advance while he is there what he can and cannot do? Yes or no - do you know of any?

MR. BOTTONE: No.

MR. DE MARINO: Have you ever seen any in six years?

MR. BOTTONE: I have seen some memorandums telling us what an inmate could do or couldn't do, but I have never seen -- Oh, wait - excuse me.

MR. DE MARINO: Let me see if I can go one step further. I am judging it by my institution now. Are there any rules and regulations physically handed and given to the inmates when they come in and left with

them so they know what they can or cannot do while they are in the institution?

MR. BOTTONE: There is something to my knowledge that is given to him that partially explains some of the things you are talking about.

MR. DE MARINO: Just partially?

MR. BOTTONE: Which in my opinion is very inadequate and the things that should be discussed on that paper are not. He is in the dark just as much as if he hadn't been given it.

MR. DE MARINO: I am just trying to find out some of the problems at this institution in order to aid the commission and we may be able to bring them to our legislators.

As to the rules and regulations pertaining to the officers, are there any such rules posted or given to the officers which they must read and acknowledge and sign that they have read and they are aware of?

MR. BOTTONE: There is such a distribution at the Essex County Jail. They are given a set of rules and regulations and made to sign for them. They are not given a test on them to make sure they understand them. I, being one who is familiar with the rules and regulations, can tell you that they in many cases cannot apply to the new jail, which have been carried, some of them, from the old jail, the rules and regulations of the old jail.

MR. DE MARINO: They have never been updated?

MR. BOTTONE: They have never been updated. And the ones that have been updated are not workable - not all, but most of them. For instance, we are supposed to give inmates pencils when they want to write a letter and take them back when they are done. That practice is not done in the Essex County Jail. Inmates are allowed to keep pencils and they write their letters, but that is one of the rules and regulations.

MR. DE MARINO: That is all I have.

DEAN IRVING: I want to thank Mr. Bottone for his courage and interest in coming forward and testifying so frankly today.

We will now take a three-minute recess.

(Short Recess)

DEAN IRVING: We are back on the record. Thank you all for your patience during this long, but productive day.

Our next witness is Peter Bridges. Will you please identify yourself, Mr. Bridges, by way of address, and tell us your occupation because perhaps there is one person in the room who doesn't know who you are.

P E T E R B R I D G E: I don't know whether anybody knows who I am or not. My name is Bridge, not Bridges, for one thing.

I was incarcerated in the Essex County Jail for 20 days in 1972 for my refusal to testify before a Grand Jury in Essex County, claiming a newsman's privilege to testimonial immunity, a privilege in not revealing sources and unpublished information.

DEAN IRVING: I take it, Mr. Bridge, that the document you have handed me is a prepared statement which you want us to have inserted into the record, but in the interest of time you will not read it.

I think we would all appreciate having a summary of your position, having gone through this experience.

MR. BRIDGE: Before I begin with the summary, Dr. Irving, I would like to make one correction which has been called to my attention only today. On the top of page 5, I made the point, "Methadon, I was told by those dispensing it, was administered for three days to any inmate who requested it. That was without physical examination - without certification of need." That was, in fact, the practice at that time. I understand that

practice has been changed now, to what I don't know. I haven't been there lately.

DEAN IRVING: All right. Then I think the record should show that a new sentence should be added to concur with this to the first paragraph on page 5, indicating that you understand this practice has now been changed.

MR. BRIDGE: Yes, sir.

DEAN IRVING: Thank you.

MR. BRIDGE: To recapitulate, I was an inmate for 20 days in the Essex County Jail, October 4, 1972, to October 24, 1972. I was a civil prisoner, not a criminal prisoner. I was incarcerated on the 12th floor, which houses the civil detention area, the infirmary, the pharmacy and the dispensary; and there are some quiet cells up there, etc. But because of the circumstances surrounding my incarceration, I was constantly running up and down to talk to reporters, to talk to visitors, and so on. As a result of that, I came in contact with prisoners from other floors.

The essence of what I have said in this statement is that I believe that probably the main problem of the Essex County Jail is the lack of administration because of corruption by political forces. That is not the same as political corruption, if I may explain. I am saying that the political air within the confines of the jail so corrupts reason and logic that there is absolutely no expertise of administration in the jail. Guards have no idea what the rules and regulations are or if, in fact, there is such a thing. I can state that as a matter of fact because I made it my business to ask guards what the rules and regulations were. Ninety-nine point nine percent said that they did not know. They didn't know.

I found that the superior officers are superior in rank only. They are arbitrary in their judgments,

sometimes very foolishly. In my statement, I call attention to my first morning in the jail. The guard outside the door of my area had been acting rather coolly and consistently, which I found in my 20 days was what inmates appreciate. In other words, they don't want a guard to be friendly during an eight-hour period and then suddenly as the shift changes come in and get a guard who is, in fact, a nasty, ugly person who challenges the inmates. In fact, even if all guards were nasty and challenging, it would be better than to have a friendly one and a nasty one and a nasty one and a friendly one. Consistency is what most inmates, I found, appreciated almost more than anything.

On this particular morning, after the shift had been in process for a little over an hour, I would guess, one superior officer appeared on the floor and I knew instantly when he got off the elevator because he began shouting obscenities, he began countermanding orders of another superior who had been there earlier. In other words, he caused just plain bedlam on the floor among the correction officers. But probably worse than that was, he held these correction officers to be fools in front of the inmates. Now if any inmate feels that he can respect a guard who has just been dressed down in front of him by a superior officer, he is a pretty strong man.

Fortunately or unfortunately, I found that the inmates that I was in with-- now remember I was in a civil detention area, even though the 19 other inmates in my area were all in on criminal charges. I was not segregated, which, as I read the rules of the jail, is mandated. But I was happy for that because I didn't want to be by myself and, frankly, I found, despite the negative nature of incarceration, those 20 days one of

the most interesting periods of my life because I talked at length - we used to have rap sessions to two or three o'clock in the morning - all sitting on bunks in my area. I was listening; they were talking. They just wanted to talk and they couldn't talk to guards for the most part. You could with some of the guards.

The system of political contributions was discussed here briefly. I worked in the pharmacy. I was assigned to work in the pharmacy there. And I witnessed a jail employee request of an officer a political contribution and I heard the officer refuse the political contribution. Now a correction officer in the pharmacy has a pretty nice job. It is not the same high-tension job as in the tiers. The solicitor said to him, "Do you like your job? Do you like being assigned to the pharmacy?" And the officer said, "Yes, I do like my job, but I am not going to contribute." One week later the officer was transferred - coincidence, I guess.

The political situation in the jail is really bad. It is absolutely corrupting of morale, corrupting of procedure, corrupting of administration, plus the fact that most of the people don't know anything about running a jail. They don't know anything about running anything as far as I could determine.

On October 13th, the Grand Jury which had held me in contempt had returned a presentment, which was delivered to me in the jail by the Secretary to the Grand Jury. This took place in Deputy Warden Trezza's office. I was warned by the clerk that Judge Giuliano -- in fact, there was a letter attached saying that if any part of this presentment was divulged before it was made public that that person divulging it could be held in contempt of court. Well, I already had one of them and I didn't need another one. So I asked Warden Trezza if there was some place I could put this thing so as to

allay any suspicion in case this did happen, and it does happen occasionally, because the essence of the entire presentment had already been published in my newspaper four months previously. So we know that the essence of that presentment was already known. But if it became an issue again, I didn't want to be blamed for it because I didn't want to stay in jail anymore. He refused. He would not provide a place for me. In fact, he wouldn't even let me let go of the envelope. I had to hold that thing and take it back with me.

When they shake down an area in the jail, they take everything and look at it and they read it. My worry was that if someone grabbed that presentment - and I would have no control over that - and started to read it and then started to discuss it outside, which would be beyond my control, nonetheless, I was eligible for another contempt citation. This one might be a lot longer. It bothered me a great deal.

Drugs - methadon. Methadon was dispensed in the Essex County Jail as if it were orange juice and some people, I understand, did believe it was orange juice and drank it even though they weren't addicts. Those things were not made public, I understand. I have no first-hand knowledge of that, but the stories were consistent enough from floor to floor that I came to believe them.

Prisoners who come in who look might they might be overactive are sedated immediately. They are given librium or some other tranquilizer. One man I was in with was a bank robber. He gave me the whole run-down on his life. Since he was six years old, he had been in trouble. But he was not a junkie. And he was becoming dependent upon these drugs and he was sedated so that he wouldn't give anybody any trouble. At least, that was my estimation of it.

Medical treatment. I was there about a week and I walked out of the detention area and the elevators were right outside the detention area. Next to the elevator was this heap of human flesh. It was a man - I don't know whether it was a seizure or what; I am not medically competent - but he was stupefied lying there. One eye was going this way, one eye that way, his arms were curled, and he was lying on top of a body bag, if you know what a body bag is. You have seen them on television.

The medical personnel, the nurses, were running around screaming. Martland apparently could not be contacted or wouldn't take the man or whatever. He laid there for an hour and a half. An hour and a half he was there on that concrete floor on a body bag. Finally they took him out, but they didn't take him out on a stretcher - they took him out in a body bag.

Communications. One man that I was in with couldn't communicate somehow with the outside. He had been convicted. He was waiting transfer. He was waiting transport to Trenton and he wanted to get ahold of his family and he couldn't. He didn't know how, even though he was a professional prisoner, as it were; he had been in and out of jail since he was 12 years old. I through my visitors arranged for his wife to contact him, to help him.

Religious services. There were never any religious services as long as I was there, as far as I know. But there was close-order drill by the Muslims on Sunday morning. You could hear that throughout the jail and the guards were intimidated by this. They never interfered. Whether it was right or wrong, I don't know. But I do know that it occurred.

Mice. We had a man in our area who kept one as a pet.

I don't know if you know how ingenious inmates can be at making their own weapons. I am sure you know, Sheriff. I heard some testimony before about pulling them through windows, but they can make them, themselves. You can take this light and pull the metal from around the edge of it and grind it on a concrete wall and make a sabre out of it. I saw three of these, which, believe it or not, a correction officer brought into the confinement area where I was to show them to me. They were sharp as razors. But I wonder what would have happened if the guys that were in there with me had grabbed them and stabbed him.

There is a great lack of judgment, probably because of the lack of training, on the part of correction officers. I mentioned to the Sheriff before about the dingaling that used to run through the area at 5:30 in the morning blowing a whistle. Now an alarm clock is bad enough, but if ever you have been hit with a whistle in the morning, you don't know how quickly you wake up.

Another guard at night used to wait until the television program was ten minutes into the program and then would come in and pull the television set out of the area. And he came in alone. What would happen if somebody really got mad about that. There were 20 of us there, you know. He could have been hamburger in a minute. I don't think he realized that. I don't think he still realizes it because he is probably still doing it. He will probably still do it tonight.

All of these things, I hope you realize, go on seven days a week, twenty-four hours a day, and that's why it is so bad. When you sit at a hearing and hear about these things, sometimes I suspect that you may think these are only occasional occurrences, and they are not, at least not while I was there. It's all the time. It is like the Chinese water torture. And it

wears on guards and inmates alike.

If I were to recommend anything that could bring about improvement of institutions in this State, I would recommend the California system of Standing Grand Juries that do nothing else but investigate governments and institutions and once a month issue a report. That happens all over the State of California. And, incidentally, the Grand Jury transcripts are made public within a specified time, as I understand it. That may happen in other states. But I think if it were a standing thing, a constant thing, and a consistent thing, that even a prosecutor couldn't keep the lid on it for very long, as they do now. I don't think it would be a corruption of the Grand Jury system; I think it would probably be an improvement in the Grand Jury system. I happen to think the Grand Jury system in this State in many instances has been corrupted grotesquely.

That is essentially what I had to say in this statement. I will be glad to answer your questions.

(Mr. Bridge's written statement can be found beginning on page 172.)

DEAN IRVING: Thank you, Mr. Bridge. Now that I know your name I will say it properly and I apologize for not knowing it earlier.

One of the prior witnesses said that he thought the key to the jail is in the selection of a sensitive and well-trained penalogist as Warden. Would that be your thought in terms of another ingredient in correcting the situation over and above training itself?

MR. BRIDGE: There is no doubt about it. As you read through this statement, you will know that I had a lot of complaints about the food and I had made a request that food be sent to me from the outside. It was my understanding that was my privilege as a civil prisoner. Unfortunately, nobody in the jail knew

whether it was or not and particularly not the Deputy Warden to whom the request was passed and that caused all kinds of problems. There is no professional leadership in the Essex County Jail. Yes, I would have to agree that professional administration is an absolute necessity.

DEAN IRVING: Another matter I would like to ask you about briefly -- a few people this morning raised questions and talked about the availability or lack of availability of the Public Defender. Did you perceive that there was a state of tension or anxiety in existence among the inmates which could have been alleviated had, number one, a Public Defender been more available, or, as Sheriff DeMarino has mentioned several times very effectively today, the people knew when their cases were coming up?

MR. BRIDGE: That is a constant problem among the inmates. They just don't know. They are not communicated with.

Incidentally, you asked the officer if an inmate was given rules and regulations when he came in. No, they are not. There is a piece of paper hanging on the wall of the receiving room that has two or three points on it which don't mean much to a guy just coming into the jail for the first time, and you forget them. Like myself, I was very tense, very confused, and a little bit afraid when I went to jail -- a lot afraid, as a matter of fact. And those things just didn't sink in. You are never given any rules and regulations as an inmate. It is a matter of the blind leading the blind. The inmates don't know anything; the correction officers for the most part, except for those few that have taken the trouble to find out, don't know anything; and they are guided by superior officers who don't know anything, who are administered by administrators who don't know

anything.

DEAN IRVING: Sheriff, do you have any questions?

MR. DE MARINO: Did any of the correction officers - I assume they must have -- did any of the correction officers know that you were a reporter for a news media?

MR. BRIDGE: Everybody in the jail knew who I was before I got there.

MR. DE MARINO: My second question: That would include the inmates also?

MR. BRIDGE: The inmates and guards alike.

MR. DE MARINO: What media do you work for?

MR. BRIDGE: The Newark News.

MR. DE MARINO: You still are employed with that paper?

MR. BRIDGE: That paper died two years ago.

MR. DE MARINO: I'm sorry. You're right. I am thinking of the Star Ledger. Are you no longer a reporter for a paper?

MR. BRIDGE: No, I am a freelance writer and I lecture some and I do some public relations.

MR. DE MARINO: You mentioned the fact that the correction officers and the inmates knew you were a reporter. Did you solicit this information or did it come to you voluntarily? Or did you give them the impression that you would be getting out sooner or later, and they confided in you?

MR. BRIDGE: No. As far as I was concerned, I was in there forever because the Grand Jury had already been extended three times. I was in there for the term of the Grand Jury or until I decided to talk. It was my impression that the attitude of the judges and the prosecutor was that I was going to sit in there until I rotted, and I was planning to rot there. I just didn't allow myself to think that I would be getting

out at any time. I might still be there if it hadn't been for a very noisy public which forced them to allow me to get out. As a matter of fact, there was no way for me to promise that or even imply that to anybody.

MR. DE MARINO: You weren't put with certain people, were you, by the description of crimes that they were being incarcerated for?

MR. BRIDGE: No. I was in this area with 19 other people. They were there for a variety of things. They ranged from one kid who incidentally turned 21 while I was there, who was in on violation of probation. He had gotten into some mischief. There was a man in there accused of murder. One of my fellow inmates who slept in a bunk right across from me was a guy by the name of Robert Petrocco who was convicted of murder yesterday or the day before. There were drug addicts who were in for drug violations. There was a man that called himself "Black George." I don't know why he was there, but he kept slapping the walls with a wet towel and screaming. There was an assortment of people in there.

MR. DE MARINO: Were you in an individual cell or was this a block?

MR. BRIDGE: It was neither. It was an open area with cubicles around the outside of this area. There were showers, toilets and tables that ran down the center of this large room. It was about 20 by 40 - maybe three times the size of this room.

MR. DE MARINO: I see. But all 20 of you were in the confines of this one room?

MR. BRIDGE: Right. We could circulate within that area.

MR. DE MARINO: Were you not there as a civil prisoner?

MR. BRIDGE: Yes.

MR. DE MARINO: Was any consideration given to you as a civil prisoner as opposed to the murderer or those suspected of murder or high crimes, as far as segregation within the institution?

MR. BRIDGE: No. I was not segregated from them. As I said before, even though it may have been a violation, I am rather happy about that. You know, Bill Farr went to jail in California for 46 days in an 8 by 10 cell with a slit in the door. He tells me it wasn't pleasant. And I am glad that I wasn't.

MR. DE MARINO: You being a reporter and working in - did you say a pharmacy?

MR. BRIDGE: Yes. It is a pharmacy, dispensary kind of thing. They held sick call there and they dispensed prescriptions. It is the Medical Department, I guess you'd call it.

MR. DE MARINO: While we are on that, was there a registered pharmacist available or was that a correction officer?

MR. BRIDGE: No, there is a registered pharmacist available there.

MR. DE MARINO: A civilian employee?

MR. BRIDGE: A civilian employee. There was a doctor who comes in a couple of hours a day.

MR. DE MARINO: Is the pharmacist there all day or just a period of time?

MR. BRIDGE: No, he is there for a period of time. I don't know what his hours are to be honest with you. But I think he is there most of the day, but I don't know.

MR. DE MARINO: Was the attempt that you overheard in the pharmacy - was that an attempt made on the pharmacist who was a civilian employee?

MR. BRIDGE: No, it wasn't made on the pharmacist; it was made on a correction officer stationed in the pharmacy. There was a correction officer stationed

in the pharmacy. Another employee in the jail who did not work in the pharmacy was soliciting political contributions. He solicited this particular correction officer who was in uniform. He had nothing to do with the Medical Department, except that he happened to be a correction officer assigned to the pharmacy.

MR. DE MARINO: What was his job?

MR. BRIDGE: Security.

MR. DE MARINO: Did you ever attempt -- I imagine the paper was alive when you got out ---

MR. BRIDGE: No, the paper died August 30, 1972. I went into jail October 4, 1972.

MR. DE MARINO: You being a writer in that jail, did you ever do anything to bring this to the attention of the public?

MR. BRIDGE: Not in writing so much as in lecturing. As I made my way around the country lecturing, I did, and in New Jersey.

MR. DE MARINO: I am talking about political contributions. Did you ever bring that out, either by lectures or by news releases?

MR. BRIDGE: I don't recall, but I don't believe so. I don't think I ever wrote an article about it, if that is what you mean.

MR. DE MARINO: Did you ever bring to the public's attention or to the attention of any officials who perhaps could have helped change the situation about guards with unusual behavior?

MR. BRIDGE: Yes.

MR. DE MARINO: By means of what - the media or what?

MR. BRIDGE: I can remember one time, and there were others, but I can remember one time in particular. Shortly after I was released, I was in a restaurant in Newark, which was populated very heavily by politicians, including those responsible for running the jail,

the Freeholders, the Sheriff, etc., when I brought this to their attention, and very vociferously, I might add, brought it to their attention. My impression was that they took affront to it. Now if you are going to ask me, did I go to the prosecutor with it, no, I didn't because, frankly, I don't trust the Prosecutor's Office, and I don't think that they would do anything.

MR. DE MARINO: Let's go a step further. How about the Attorney General's Office?

MR. BRIDGE: No, I did not. That is what I am doing here. This, as far as I am concerned, is the first opportunity, because it is public, to bring this to the attention of authorities, which I consider you to be. You are a Governor's Commission.

MR. DE MARINO: Other institutions - and I assume you are a resident of this area.

MR. BRIDGE: I live in Essex County.

MR. DE MARINO: Other than the jail itself-- I keep hearing jail, jail, jail, and I know there are other institutions within the county structure that have different titles. I don't know what they call them, whether they are work houses, correction centers or whatever they are.

DEAN IRVING: Correctional Center.

MR. DE MARINO: Do you think that they are run any better or worse? Do you have any knowledge?

MR. BRIDGE: I can only give you my impression from visiting the Correction Center which I did on an assignment, a freelance assignment, for a television station last summer. I went to the Essex County Penitentiary or Correction Center to interview a prisoner. My feeling was - and it is only a feeling because I wasn't there long enough to know - that the penitentiary is a whole different place than the jail, that even though you have some guards of the same nature which I described, you

still have a certain feeling for human dignity that is totally absent in the Essex County Jail. You have a certain secure informality in the Essex County Penitentiary that tends to make the inmates a little less aggressive - let's put it that way - in their attitudes and in their actions. Their frustrations are not pent up as they are in the jail. In the jail, for example, you get no exercise. The gym is never used. They had juveniles there that they let use the gym twice a week. But if they were bad, they didn't get to use the gym. So the whole 13th floor is vacant.

MR. DE MARINO: You mentioned about the lack of professionals running the institutions, which I agree with, not only here but throughout the country, throughout the State for sure. Do you have any knowledge whether these Wardens, Deputy Wardens and those in authority within the institutions, including the Sheriffs and possibly the Freeholders who are sitting over the direction of institutions, have any professional background within the field?

MR. BRIDGE: I can't answer the question. I don't know.

MR. DE MARINO: Would you know whether or not the Wardens and Deputy Wardens are political appointments? Are they people appointed by the Sheriff once he gets elected or are they people that have been within the institution a number of years and have attained that position?

MR. BRIDGE: They are people whose position is supported by the Sheriff. There isn't a Warden at the Essex County Jail. I am sure you heard that testimony before I got here.

MR. DE MARINO: There is no Warden?

MR. BRIDGE: And there hasn't been for two years in the jail.

MR. DE MARINO: Who runs the jail?

MR. BRIDGE: Two Deputy Wardens. I cannot testify as to their professional capability or training. As to their capability, I can, but not their training and their background. Whether they are secure in their position under civil service or under tenure, I don't know. I don't know what the rules and regulations are that govern that particular aspect.

MR. DE MARINO: The point I am trying to reach is this: Are they people who work - and if you don't know, just say you don't know - a number of years within the institution and achieve that position?

MR. BRIDGE: I don't believe so, but I don't know.

MR. DE MARINO: It is a possibility that the Sheriff who is in charge of the jail, I believe, here in Essex County, can appoint Wardens; is that what you are saying?

MR. BRIDGE: Yes. For example, there is a vacancy in the warden's job right now. It is the Sheriff's prerogative to appoint the warden. He can appoint the warden. The jail is his responsibility and his solely under court ruling. So he can make that appointment and he will make that appointment, and there is a good chance that it won't be either of the deputy wardens.

DEAN IRVING: If there is nothing else, I would like to thank you, Mr. Bridge, for being with us and being so helpful. We will read your statement very carefully.

MR. BRIDGE: Thank you.

DEAN IRVING: Sir, would you give us your full name and mailing address.

P A U L D I E T R I C H: My name is Officer Paul Dietrich. I work at the Essex County Jail. I live in the City of Newark, at 261 Wainwright Street. I have been a resident of Newark all my life. I am presently employed at the Essex County Jail. I have worked there

since April 18, 1970. I started as a correction officer at the old jail and I came off a civil service list.

Mr. Bridge has hit on my biggest complaint that I am bringing to this board and I brought to the attention of the Board of Freeholders, that I have brought to the Penal Board of Essex County many times, not just once - I have been there many times - and that is that there is no management or proper organization at the Essex County Jail. This includes jail policies. The jail has no written policies of what an officer should do or what an officer should be. The jail has no operating methods. An officer is not informed of anything as far as the operation of the jail. And my biggest complaint is that there is no work routine. No superior officer there does the same thing the same way. Everybody has a different way of doing things. In other words, what I am trying to say is we are a group of Indians. The correction officers are a group of Indians and each correction officer has a chief. Every one of us have a chief. If it is not a superior that we could run to to get a favor or a job change, we have a political friend that we can run to. This is one of the big morale problems because everybody runs to somebody else.

There is no organization whatsoever. There has not been any in the four years -- Excuse me. There has not been any type of organization since we got rid of the old warden, and this was at the old jail. We got rid of him and the officers, I think, outsmarted ourselves because the old warden was a tyrant, a dictator, more or less, but he did run the jail. No matter how bad he was, he did run the jail. We knew that he was running the jail. We outsmarted ourselves when we got rid of him. Now we have ten people that run the jail and

nobody does the same thing the same way. We have no superior, no sergeant, no lieutenant, no captain. Neither Mr. Carlton, who is the jail administrator, or Mr. Trezza, who is the deputy warden, will take a stand on any issue. They are all riding the waves. They will not take a stand. They are all riding the waves. This is the biggest of our problems. Once we get this straightened out, then we can go to the training of officers, which is badly needed. There is no training.

We did have training for 30 officers. After the riot in 1971, which forced the opening of the new jail earlier, the PBA got a little backbone and we went before the Board of Freeholders - and I remember this distinctly because I stood in front of the Board of Freeholders, another officer and myself who has since resigned and gone to another position - and we told them that there was a riot coming. We told them that this was the condition. We told them what they could do about it to avert a riot.

The reason Essex County has not had more problems than it has is because of the officers that have been there for some time, the officers that have worked in the old jail and carried on to the new. It is the officers, themselves, without training, by their own initiative, who have worked out relationships with the inmates. They get their respect or their disrespect. Certain officers work those positions, like I, myself, if there are problems -- I have been assigned to a floor. If there was a problem on one floor one day, I can be assured I will be assigned to that floor the next day.

DEAN IRVING: Officer, may I ask you this, before we leave it: You heard the testimony by the other corrections guards about the limitation on training in their experience at the Essex County Jail. We don't have time to go into it in detail, but would your testimony be

pretty much the same?

MR. DIETRICH: No. They did leave something out. I did receive approximately four to six weeks' training. By my rambling off at the mouth, I missed what I was saying. As a result of the riot at the old jail, we moved into the new jail. The PBA got a little backbone and we went before the Board of Freeholders demanding some training. They selected 30 officers to go take a special training. We had some people come from the State Community Relations. We had the basic hours needed for the Public Relations Program. We had this gentleman from the State who works out of Sea Girt. We had instructors come from the Newark Police and we went to the Essex County Police Academy where we got riot training and we received hand-to-hand combat training.

DEAN IRVING: I take it that this was a one-time opportunity for 30 men?

MR. DEITRICH: This was a one-time opportunity for 30 men. It was supposed to be the beginning of our training program. In 1972, it started. It was supposed to be the beginning of our training program. Of the 30 men, 3 officers, I believe, did not go through the whole thing. The other 27 went through the complete thing. And they stopped it after that. They did not continue. They were saying there was no money or something that they couldn't work up no schedule. But that was supposed to be the beginning and it stopped right then and there. The reason -- we were never able to get a good reason.

DEAN IRVING: Could I ask you a question on a somewhat different subject? You may have heard one of the prior witnesses say that a person being admitted to the Essex County Jail is sedated immediately if it appears that he is very active and might be troublesome. Do you know whether that is so or not?

MR. DIETRICH: Yes, it is so. There are some inmates that come in there that are bigger than I am and stronger than I am and, if we think they are going to be a problem and if they complain of having a headache, they will give them something to make them sedated - keep them under medication.

DEAN IRVING: Only if they complain about a headache?

MR. DIETRICH: I don't know exactly how it comes about, but I know that they are sedated. As it stands now, no one can get medication without the doctors' approving that medication. Before, a nurse could give an inmate any type of medication that he wanted to give him at that time. But there was a big stink about so much medication being used out of the jail and so much money being lost during medication, this was the reason for bringing in the pharmacist to handle the medication, with the approval of a doctor for that inmate getting the medication.

DEAN IRVING: Thank you. Mr. Ginsberg, do you have any questions?

MR. GINSBERG: In my investigation prior to this hearing, I was told that the guard on a particular wing in the morning would go down the tier, I suppose, and ask inmates which ones had medical problems and would like to see a doctor that particular day.

MR. DIETRICH: Right. That is called sick call in the morning. It is done on the 12:00 to 8:00 shift.

MR. GINSBERG: Have you been on that shift?

MR. DIETRICH: I haven't worked that shift. I have only worked the second and third shifts.

MR. GINSBERG: So you never would have been involved with that?

MR. DIETRICH: No, I would never have been involved. I just know the procedure.

JUDGE DEL TUFO: We have heard testimony now from you and the other guards that there is no policy and procedure there and it is a haphazard operation, and that this may be the source of most of the problems. Do you feel that the appointment of a warden would correct most of these problems?

MR. DIETRICH: Not just the appointment of a warden. We have to go further than that. We have to get the Essex County Penal Commission to sit down and say, "this is the way the jail should be operated." Then they should appoint people to operate the institution. We do not have this at the present time.

I don't think the Penal Board of Essex County really knows what happens at the Essex County Jail.

DEAN IRVING: Mrs. Hicks, do you have any questions?

MRS. HICKS: Just one: I would like to know, were you assigned to the floor where the guard was severely injured last month?

MR. DIETRICH: He was on the 8th or 9th floor. I had been on that floor. I was on that floor before they had a problem, the one day that I was off and things had quieted down, but it happened on a different shift.

MRS. HICKS: What is his physical status now?

MR. DIETRICH: I honestly don't know. I know he is walking around. He is out of the hospital, but I do not know his physical status.

MRS. HICKS: Thank you.

DEAN IRVING: Sheriff, do you have any questions?

MR. DE MARINO: Two quick ones. You say there was a training program given after the fact, after the riot.

MR. DIETRICH: After the riot.

MR. DE MARINO: And that program consisted of four to six weeks?

MR. DIETRICH: Yes, it was approximately that.

MR. DE MARINO: It was mainly to teach you about riot control and self-defense?

MR. DIETRICH: No. We had one of our nurses, who is an LPN. He came down to explain some first-aid procedures.

MR. DE MARINO: Was it a variety of education --

MR. DIETRICH: Yes.

MR. DE MARINO: (Continuing) -- that would aid you in your position?

MR. DIETRICH: Yes. It was run on the basis of what I think we should receive in training, but it should be more in depth.

MR. DE MARINO: You said 30 officers. Now when you say "officers," are you referring to correction officers or superior officers within the correction field?

MR. DIETRICH: Thirty correction officers were chosen from within the institution; so many officers from each shift were assigned to go to this training program.

MR. DE MARINO: Were there any superiors within that number of 30? You would know that if you were one of the members of that class, right?

MR. DIETRICH: There were no superiors.

MR. DE MARINO: So they picked 30 officers to go out and learn about a position, but they didn't train, to your knowledge, any of the superiors?

MR. DIETRICH: None of them.

MR. DE MARINO: Is there any officer training for superior officers in any of the institutions?

MR. DIETRICH: As far as I know, all of the superiors have learned while on the job.

MR. DE MARINO: Trial and error, right?

MR. DIETRICH: Trial and error. Even myself, when I first came to work there, I came to work there on a Saturday, they handed me a set of keys and I went into the West Wing.

MR. DE MARINO: Did you get a gun that day?

MR. DIETRICH: No, I didn't get a gun and I didn't have any hospital training. I mean I didn't go to any outside duties until I went to the range to shoot the 300 rounds.

MR. DE MARINO: You weren't issued a gun until you were trained?

MR. DIETRICH: Until I shot the 300 rounds, I don't think. I don't call that training.

MR. DE MARINO: I was going to ask: Do you consider 300 rounds training?

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

MR. DE MARINO: Tell me, are the warden and the deputy warden appointed there? You said you eliminated the warden, meaning that you must have made a grievance through the PBA and put enough pressure on so that you got rid of an old, antiquated warden, I assume, judging by your testimony. Am I right?

MR. DIETRICH: Yes.

MR. DE MARINO: If you have no warden, are the deputy wardens appointed people now by politicians or are they people within the rank of correction officer?

MR. DIETRICH: Everyone that is employed at Essex County Jail that I know of now are prior correction officers, but they are appointed to their positions.

MR. DE MARINO: You said you had one warden that used to run the jail, whether he ran it right or wrong. Then you say there are ten different people running the jail now. Are you telling me that there is no one in authority?

MR. DIETRICH: There is no one that will take a stand. If you go to one captain about a ---

MR. DE MARINO: Well, who are these ten people?

MR. DIETRICH: Who are these ten people?

MR. DE MARINO: Every shift captain? Is that what you are talking about?

MR. DIETRICH: The captains, the lieutenants, the jail administrator and the deputy warden.

MR. DE MARINO: So there is no one riding over them, in other words, so each one in a sense is the warden for the day.

MR. DIETRICH: Right. The only time anybody may listen is if the Sheriff gives a verbal order to do something. They may do it for an hour and then they go back to whatever system they want to use.

MR. DE MARINO: I have no other questions.

DEAN IRVING: Mr. Cook has a question for you.

MR. COOK: Are you a member of the PBA?

MR. DIETRICH: Not at present, no.

MR. COOK: I was going to follow that up and ask whether you thought the PBA was an adequate representational organization of correctional officers.

MR. DIETRICH: I do not believe so. The correction officers throughout the State are not organized themselves and this is one thing I think needs to be done. The PBA - their largest membership are police officers and they are going to see to the needs of the police officers first before they see to the needs of correction officers. I think they have the police officers' interest at heart more than they do ours.

MR. DE MARINO: This is not a question, Mr. Chairman, if I may, but it may be informative to the Commission and yourself to carry back to your officers, that as recent as a month ago down in Trenton in Mercer County there was an organization being formed for correction officers throughout the State. Letters were sent out to all departments throughout the State and correction officers can get involved in a statewide organization. Whether you know that or not, I don't know.

Also, besides the Sheriffs Association, which has as its members the 21 Sheriffs of our counties, there

is also the Wardens Association throughout the State. And there is now, as I said before, being formed one for correction officers. So it seems to me if you feel you are not getting proper representation by the PBA, whether you belong to it or not, you should get involved in this other organization, I would think, if I were in your shoes, of correction officers that is being formed on a statewide level out of Mercer County.

MR. DIETRICH: Let me say this: Rehabilitation begins in the county jail. Even though the individual that comes there is not convicted of a crime, he is accused of a crime. But his respect for authority begins in the county institution and this is where rehabilitation starts. Without the proper training, without the proper organization behind the officers that are in control of the institution, there cannot be any rehabilitation. And this is very important. There is no organization at Essex County Jail whatsoever.

DEAN IRVING: Mr. Ginsberg has one final question.

MR. GINSBERG: You mentioned you are not a member of the PBA, but do you pay any PBA dues presently?

MR. DIETRICH: See, I just was reinstated. I had resigned from the Essex County Jail as a correction officer and I asked for my job back in October and I was rehired in December.

One point that the Sheriff made was that I was number one on his list for the Sheriff's Department in Middlesex County and I went down there to check out the job. The starting salary made me run right back. I am on several other civil service lists, but I am not the only officer that is looking to leave. I like the work of a correction officer if it was done right. I have visited Cooke County Jail in Chicago. I have gone to Wayne County Jail in Detroit and I

intend to go to other institutions around the country because I am interested in the work. I feel that you can help an individual. A lot of people in jail do not need to be there and it is because the correction officer is not trained properly on how to help this individual.

The Sheriff has asked one question of an officer, would he go out and do anything for an inmate with reprisals being made. Well, I have done things for inmates like make a telephone call to their parents. I only do it for inmates that I know. I am not going to do it for a strange inmate because I don't know him coming off the street. But I have done this because maybe I know his parents or I know his brother or I know his sister. I would make a call for them to try to help this inmate get out. But there are reprisals if the officer is caught doing this. The thing that an officer has to be watchful about is that the superior officers - deputy warden and the jail administrator or the captains of the shift - have spies of inmates in the jail telling things on officers. You know, it is a corrupt system.

MR. DE MARINO: Mr. Chairman, just one thing I think should be brought to the attention of the Commission and none of us have mentioned it all day and he just hit on it. Especially in Essex County there is a great exodus of officers out of the Police Departments, the Sheriff's Department. I am fortunate to get one or two of them and they had to be pretty desperate to take the starting salary in my county. But he was one of them. Paul Dietrich was one of them. I think something is going to have to be done not only in Essex County, but we are losing them out of state. If you look down at Florida, they are picking up a lot of experienced personnel

in the correction field and police field here in New Jersey. They are stealing them actually down in Florida because of a better salary and a better working environment.

DEAN IRVING: Thank you. I think Mr. Dietrich's testimony and the testimony of the others makes very clear that we have substantial problems. I think, speaking for myself, at least, Mr. Dietrich, that I have some insights as a result of your testimony that I didn't have before the day began. It may be that our Commission can be very helpful in upgrading the life of a corrections officer and encouraging you to spend your career in it. I think we are all very impressed with the correctional officers who appeared here today. It is our responsibility to try to make some recommendations to the State that will upgrade corrections and upgrade the whole penal system. So your spending the day with us has not been in vain, let me assure you, and I appreciate your waiting the entire day.

I want also before we go off the record to thank those people who helped make the day successful, the members of the Commission, Mr. Ginsberg, Mr. Cook of our staff, Mrs. Canright, members of the Metropolitan Ecumenical Ministry who are here, and the members of the press who are making it possible for us to put the spotlight on some apparent deficiencies of an urgent and deep nature.

I would mention to the members of the Commission and to those in the room that we will recess now. Our plan at the moment is to reconvene in this room next Wednesday at ten o'clock. Several witnesses want to be heard. If Wednesday, April 3rd, at ten is not convenient in terms of availability of a room or stenographic help, we will notify the members of the Commission.

MR. DIETRICH: May I say one more thing. You mentioned

before that you visited the Essex County Jail and the day you visited I was waiting for you to come to our floor, the floor that I was working. So often people come in to visit the jail and they ask no questions of the correction officers who are working the wings.

Let me say this: At the Essex County Jail, the officers that are working in a showable position, let's say, are generally put there for that day because you are coming there. They want you to ask questions. I think they showed you the basement, the kitchen, the second floor, the third floor and the thirteenth floor. You didn't hit the floors in between where the problems are.

DEAN IRVING: We have visited several institutions in New Jersey to date. We are amazed that every one we have visited has been freshly painted. The paint is not dry yet. The food looks excellent. We were not born yesterday. Thank you very much.

(Hearing Adjourned)

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STATEMENT OF PETER BRIDGE

MY TESTIMONY HERE TODAY MIGHT BE CONSIDERED BY SOME TO BE AN ACT OF BITING THE HAND THAT FED ME FOR TWENTY DAYS IN 1972. BY THAT I MEAN THAT THERE ARE MANY PEOPLE IN THE ESSEX COUNTY JAIL WHO WERE EXTREMELY KIND AND CORDIAL TO ME WHILE I WAS THERE. THEIR ATTITUDES AND ACTIONS MADE AN OTHERWISE UNPLEASANT EXPERIENCE JUST A LITTLE EASIER. BUT THE GENERAL ATMOSPHERE IN THE JAIL, INCLUDING A RAMPANT NEGATIVE ATTITUDE, MAKES THINGS A GREAT DEAL HARDER FOR MOST INMATES AND CORRECTION OFFICERS. I AM HERE TODAY IN THE HOPE THAT MY WORDS WILL BE WEIGHED FOR THEIR VALUE TO PROGRESSIVE CHANGE, RATHER THAN A SIMPLE HARPING CRITICIZM OF AN INSTITUTION I HAVE HATED SINCE THE FIRST DAY I REALIZED I WOULD HAVE TO SPEND TIME THERE.

I AM TOLD THERE ARE, IN FACT, RULES AND REGULATIONS FOR THE RUNNING OF THE JAIL. MY EXPERIENCE SHOWED ME, HOWEVER, THAT THERE WAS ONLY ONE RULE: *DON'T MAKE WAVES*; AND ONLY ONE REGULATION: *PLAY ALONG WITH THE POLITICIANS*.

DURING MY STAY THERE, I MADE IT MY BUSINESS TO DISCUSS THIS SUBJECT WITH AS MANY CORRECTION OFFICERS AS POSSIBLE. BY MY OWN ESTIMATION, I TALKED WITH ALMOST HALF OF THE 200 GUARDS WHILE I WAS THERE. FRANKLY, I WAS MORE THAN A LITTLE DISGUSTED TO FIND OUT THAT ONLY A FEW HAD EVER EVEN HEARD OF RULES AND REGULATIONS, AND THAT MOST DEPENDED UPON THE LEADERSHIP OF THE SUPERIOR OFFICERS AS A GUIDE FOR THEIR DAILY ACTIONS.

UNFORTUNATELY, NEITHER GUARD NOR SUPERIOR IS TRAINED IN THE PROPER RUNNING OF A JAIL, SO DAILY ROUTINE IN THE ESSEX COUNTY JAIL BECOMES A MATTER OF THE BLIND LEADING THE BLIND. THANK GOD FOR US ALL THAT THERE IS A SMALL CORE OF PERSONNEL IN THE JAIL THAT HAS MADE IT THEIR BUSINESS TO EDUCATE THEMSELVES IN

IN THE LIVELY ART OF RUNNING A JAIL. AND THANK GOD, BELIEVE IT OR NOT, THAT THERE ALSO APPEARS TO BE A CORE OF INMATES WHO HELP INCITE A SMATTERING OF PENAL LOGIC FROM THEIR LONG EXPERIENCE IN VARIOUS INSTITUTIONS. IF IT WERE NOT FOR THIS SMALL BAND OF MEN, I SUSPECT THE CHAOS THAT REIGNS IN THE ESSEX COUNTY JAIL COULD EASILY BECOME DISASTER. IT MAY ANYWAY.

I SPOKE TO GUARDS, FOR EXAMPLE WHO HAVE BEEN TRYING FOR YEARS TO BRING ABOUT CONSTRUCTIVE CHANGES AT THE JAIL TO NO AVAIL. THEIR ATTITUDES AT THAT TIME WERE ONE OF TWO: EITHER THEY HAD CAVED IN TO THE CONSTANT POLITICAL PRESSURE, OR THEY WERE LOOKING FOR OTHER EMPLOYMENT. I FAIL TO SEE HOW THAT CONCLUSION CAN BE OF ANY HELP TO ANY PENAL INSTITUTION.

THERE IS A MALIGNANCY AT THE ESSEX COUNTY JAIL AND IT HAS A NAME: *POLITICS*. I HAVE BEEN TOLD IT HAS NO PARTY EXCEPT THAT WHICH HAPPENS TO BE IN POWER AT THE MOMENT. BUT IT DOES HAVE A CONSISTENT FORM. IT CONSISTS OF POLITICAL APPOINTMENT OF CORRECTION OFFICERS AND PROMOTION TO SUPERIOR RANKS. IT CONSISTS OF APPOINTING--OR NOT APPOINTING THE ADMINISTRATIVE LEADERSHIP AT THE JAIL. IT CONSISTS OF FAVORITISM FOR THOSE WHO SUPPORT THE CONTROLLING POLITICAL FACTION AND THE OPPOSITE FOR THOSE WHO DO NOT. IT CONSISTS OF RAMPANT INDECISION ON SOUND PENALOGICAL GROUNDS, WHICH, IN TURN AFFECTS THE ATTITUDES OF THE INMATES, WHO MUST PUT UP WITH ALL OF THIS NEGATIVISM.

THOSE ARE THE GENERALITIES. I'LL NOW GET IN TO SOME PARTICULARS BASED UPON MY OWN OBSERVATIONS AT THE JAIL AS AN "INSIDER."

I ENTERED THE JAIL ON OCTOBER 4, 1972 AMID MUCH PUBLICITY, MUCH CONTROVERSEY. EVERYONE--AND I MEAN EVERYONE--KNEW WHO I WAS, AND WHY I WAS THERE.

MY REASON FOR BEING THERE--MY REFUSAL TO TESTIFY--ENDEARED ME TO INMATE AND GUARD ALIKE. I WAS GREETED AT THE IDENTIFICATION ROOM BY SHERIFF JOHN CRYAN HIMSELF. I REMEMBER HIM SAYING TO ME: " I ADMIRE YOUR GUTS, PETER. BUT I THINK YOU'RE CRAZY." HE MEANT IT AS A COMPLIMENT, BUT FRANKLY, I DIDN'T CONSIDER IT AS SUCH. I WAS RAISED TO OBEY MY PRINCIPLES UNTIL THEY WERE PROVEN TO BE FRAUDULANT. TO DO THAT, I HAVE BEEN TAUGHT, ASSURES YOU A PLACE IN HEAVEN AND LETS YOU SLEEP WELL AT NIGHTS WHILE ON EARTH. I DID NOT CONSIDER MYSELF CRAZY, AND FRANKLY, I ALWAYS CONSIDERED THAT TAKING THE OPPOSITE COURSE WOULD HAVE TAKEN MORE GUTS FOR ME.

IN ANY CASE, I WAS LED INTO THE JAIL AFTER PHOTOGRAPHING AND FINGERPRINTING. AS I LEFT THE ELEVATOR, I WAS GREETED BY A COMMITTEE OF CORRECTION OFFICERS WHO HAD OBVIOUSLY BEEN WAITING FOR MY ARRIVAL. EACH STUCK OUT HIS HAND TO SHAKE MINE, AND OFFERED ME A MIXTURE OF CONGRATULATIONS AND SOLACE.

I WAS TAKEN TO THE TWELFTH FLOOR--CIVIL CONFINEMENT,-- WHERE I WAS ONCE AGAIN GREETED BY GUARDS AND INMATES WHO KNEW ME. DEPUTY WARDENS TREZZA AND CARROLTON CAME TO THE FLOOR AND TOLD ME I WOULD BE ASSIGNED TO WORK IN THE PHARMACY, WHICH WAS LOCATED ON THE SAME FLOOR. THEY TOLD ME IF I WANTED ANYTHING, I SHOULD CONTACT THEM THROUGH THE CORRECTION OFFICERS ON THE FLOOR. I REMAINED A GUEST FOR SEVERAL DAYS.

ON THE SECOND DAY, I BEGAN TO FEEL LIKE A PRIEST HEARING CONFESSION, AS CORRECTION OFFICER AFTER CORRECTION OFFICER SOUGHT ME OUT TO TELL ME ABOUT IRREGULARITIES AT THE JAIL AND HOW IT AFFECTED THEIR ATTITUDES. FRANKLY, I WAS OVERWHELMED. A NEWS REPORTER NORMALLY IS A MAGNET FOR THIS KIND OF THING, BUT IN THE

IN THE ESSEX COUNTY JAIL I WAS A WHIRLPOOL, COLLECTING INFORMATION I HAD NOT SOLICITED, AND WHICH, FRANKLY, I DID NOT FULLY UNDERSTAND. BUT THAT WAS A TEMPORARY PROBLEM. IT WAS NOT LONG BEFORE I CAME TO UNDERSTAND THESE COMPLAINTS FULLY. I WAS ABLE TO CORROBORATE ^(Some of) THEM BY MY OWN OBSERVATIONS.

FOR EXAMPLE, ON THAT FIRST MORNING AFTER MY JAILING, THE CORRECTION OFFICER OUTSIDE MY AREA DEMONSTRATED AN EVEN-HANDED COOLNESS WHICH I LEARNED IS BY FAR MORE APPRECIATED THAN THE INCONSISTENCY OF GUARDS WHO SOLICIT THE FRIENDSHIP OF INMATES.

AN HOUR AFTER BREAKFAST, A SERGEANT APPEARED ON THE FLOOR WHO BEGAN TO SHOUT OBSCENITIES AND LITERALLY REVERSE EVERY ACTION THAT HAD BEEN TAKEN BY THE CORRECTION OFFICERS ^{and Supervisors} IN THE PAST HOUR OR SO. THERE SEEMED TO BE NO LOGIC TO HIS ACTIONS, AND THERE CERTAINLY WAS NO RESPECT FOR INMATE OR GUARD AS HUMAN BEINGS.

HE LEFT THE FLOOR AND THINGS REVERTED TO THE WAY THEY HAD BEEN BEFORE HE ARRIVED. BETTER.

I WENT TO WORK IN THE PHARMACY, INTO A MUCH MORE INFORMAL ATMOSPHERE, WHICH I APPRECIATED. THERE WAS A COFFEE POT WHICH HELPED ME WASH OUT THE TASTE OF A TERRIBLE BREAKFAST. THERE WAS SOME, BUT NOT TOTAL RESPECT AMONG THE WORKERS THERE, MOSTLY MALE NURSES.

BUT WHILE I APPRECIATED THE CORDIALITY TOWARD ME, I COULD NOT HELP BUT DETECT THAT THE INFORMALITY AMONG PEOPLE EXTENDED TO THE MEDICAL TREATMENT.

METHADON, I WAS TOLD BY THOSE DISPENSING IT, WAS ADMINISTERED FOR THREE DAYS TO ANY INMATE WHO REQUESTED IT. THAT WAS WITHOUT PHYSICAL EXAMINATION. WITHOUT CERTIFICATION OF NEED.

See p.144, correct- ing this.

METHADON WAS SPILLED ON THE FLOOR IN MY PRESENCE METHADON WAS LEFT UNSECURED, AND IN PLAIN VIEW OF EVERYONE, WHILE UNGUARDED INMATES MOPPED THE FLOORS.

METHADON WAS ADMINISTERED TO INMATES IN A FASHION THAT INVITED DISASTER. IT WAS PREMIXED IN SMALL PAPER CUPS WITH ORANGE JUICE: PLACED ON A CART, AND WHEELED THROUGH THE CONFINEMENT AREAS, WHERE INMATES DRANK IT. I DID NOT WITNESS THEM, BUT I AM TOLD THERE HAVE BEEN AT LEAST TWO INCIDENTS RELATING TO THE METHADON DISTRIBUTION, WHERE NON-ADDICTS ACCIDENTALLY DRANK CUPS, THINKINT IT TO BE ORANGE JUICE.

DRUG PRESCRIPTIONS WERE CONTINUED ENDLESSLY. IN OTHER WORDS, IF DRUG TREATMENT WAS PRESCRIBED FOR AN INMATE, IT WAS REFILLED REGULARLY WITHOUT CHECK. I SAW THIS PRACTICE STOPPED BY THE PHARMACIST IN THE JAIL, WHO REFUSED TO FILL PPESSCRIPTIONS ON A CONTINUING BASIS. THIS SAME MAN SECURED THE PREVIOUSLY UNSECURED DRUG STORAGE AREA, WHICH, I WAS TOLD, HALTED THE SELF-MEDICATION BY CORRECTION OFFICERS.

INMATES THAT "LOOKED LIKE" THEY MIGHT BE OVERACTIVE OR POTENTIALLY DANGEROUS, WERE ADMINISTERED TRANQUILIZERS. ONE MAN CONFINED WITH ME TOLD ME HE HAD NOT TAKEN MORE THAN AN ASPIRIN ON THE OUTSIDE, BUT WAS BECOMING DEPENDENT ON TRANQUILIZERS IN JAIL.

INCIDENTALLY, IN CASE ANYONE IS WONDERING WHY I BELIEVED HIM, I DISCOVERED IT WAS NOT DIFFICULT TO TELL THE JUNKIES FROM THE CLEAN GUYS. FURTHERMORE, THIS MAN WAS A PROFESSIONAL BANK ROBBER, NOT A JUNKIE, WHO TALKED AT LENGTH ABOUT HIS PAST LIFE. THESE DISCUSSIONS ARE NOT EVIDENCE OF UNPUNISHED CRIMES, BY THE WAY. THEY WERE STORIES ABOUT INCIDENTS THAT HAD LED TO FORMER JAILINGS.

MAYBE YOU'RE WONDERING WHY A CIVIL PRISONER WAS CONFINED WITH CRIMINAL PRISONERS. SO AM I, CONSIDERING THAT WHAT RULES DO EXIST FOR THE ESSEX COUNTY JAIL MANDATE SEGREGATION OF PRISONERS. BUT IN MANY WAYS, I'M GLAD I WAS NOT SEPERATED FROM THE OTHER INMATES. ASIDE FROM THE NEGATIVE ASPECTS OF CONFINEMENT, IT WAS PERHAPS THE MOST INTERESTING TWENTY DAYS I HAVE EVER SPENT IN ONE PLACE.

TWO INCIDENTS OCCURRED THAT DEMONSTRATED VIVIDLY THE LACK OF KNOWLEDGEABLE LEADERSHIP AT THE JAIL. THE FIRST WAS ON OCTOBER 13, 1972, WHEN THE CLERK TO THE GRAND JURY DELIVERED TO ME A COPY OF THE PRESENTMENT WHICH THE GRAND JURY HAD HANDED DOWN. THIS TOOK PLACE IN DEPUTY WARDEN TREZZA'S OFFICE, WHERE I WAS ALSO WARNED THAT DISCLOSURE OF ANY ASPECT OF THE PRESENTMENT BEFORE IT WAS RELEASED BY JUDGE GIULIANO COULD LEAD TO A CONTEMPT CITATION. WELL, I ALREADY HAD ONE OF THEM, AND I DIDN'T WANT ANY MORE, PARTICULARLY FOR DISCLOSING DETAILS OF A GRAND JURY PRESENTMENT WHICH HAD ALREADY BEEN PUBLISHED IN MY OWN NEWSPAPER SOME FOUR MONTHS PREVIOUS.

I ASKED MR. TREZZA IF HE WOULD SECURE THE DOCUMENT FOR ME IN A SAFE PLACE TO PREVENT ACCIDENTAL DISCLOSURE IN THE CASE OF A SHAKEDOWN IN THE CONFINEMENT AREA DURING WHICH GUARDS READ EVERYTHING.

NO, SAID MR. TREZZA, HE DIDN'T WANT TO GET INVOLVED IN ANY GRAND JURY PRESENTMENT. TAKE IT BACK TO YOUR AREA WITH YOU, HE SAID.

BY THIS TIME I WAS SERIOUSLY SUSPICIOUS OF THE MOTIVES AND ACTION OF THE PROSECUTOR'S OFFICE AND THE COURTS. TOO MANY THINGS HAD HAPPENED FOR NO LOGICAL REASON, FOR ME TO ACCEPT ANYTHING AS A SIMPLE LEGAL GESTURE. FRANKLY, I WAS AFRAID OF A SETUP. HAPPILY, IT TURNED OUT NOT TO BE SO.

BUT WHY WOULD MR. TREZZA NOT HONOR MY WISHES AND GUARD THE DOCUMENT FOR ME, OR AT LEAST PUT IT WITH MY OTHER EFFECTS IN THE STORERCOM. FRANKLY, HE DID NOT, AND I'LL BET DOES NOT KNOW OF ANY LEGAL BASIS FOR HIS REFUSAL. I BASE THAT OPINION ON ANY NUMBER OF MINOR INCIDENTS, INCLUDING THE FOLLOWING, WHICH WAS NOT MINOR.

MY CELEBRITY STATUS DIMINISHED AS TIME PASSED, AND BEFORE LONG, I WAS CONSIDERED A "TROUBLEMAKER." I WAS RECEIVING INFORMATION ABOUT COMPLAINTS CONCERNING MY TREATMENT, ABOUT ALLEGED "SPECIAL TREATMENT" I WAS SUPPOSED TO HAVE BEEN RECEIVING, AND ABOUT THREATS TO REMOVE ME FROM THE POPULATION AND PLACE ME IN WHAT AMOUNTED TO SOLITARY CONFINEMENT.

ON WHAT TURNED OUT TO BE MY LAST DAY THERE, I FINALLY GOT FED UP, IF YOU WILL PARDON THE PUN, WITH THE SLOP THEY CALL FOOD IN THAT JAIL. AS A CIVIL PRISONER, I HAD UNDERSTOOD FROM THE BEGINNING, THAT I COULD HAVE FOOD SENT IN FROM THE OUTSIDE IF I HAD MONEY TO PAY FOR IT. IT DOESN'T MATTER FOR THE SAKE OF THIS STORY WHETHER THAT IS VALID OR NOT.

THE FACT IS THAT THE JAIL ADMINISTRATION DIDN'T, AND PROBABLY DOESN'T KNOW^{if} WHETHER IT IS VALID.

I REQUESTED THE CORRECTION OFFICER ON MY FLOOR TO ORDER ME AN OUTSIDE MEAL, A REQUEST HE PASSED ON TO HIS SUPERIOR.

HIS SUPERIOR LITERALLY BEGAN TO SHAKE. HIS VOICE QUAVERED WHEN HE ASKED ME TO REPEAT THE REQUEST TO HIM. THEN HE DISAPPEARED.

FOR THE NEXT THREE HOURS, A MEETING RAGED IN THE WARDEN'S OFFICE CONCERNING MY STATUS AND WHETHER OR NOT I WAS ENTITLED TO OUTSIDE FOOD. AS FAR AS I KNOW, THE PROBLEM WAS NEVER RESOLVED. THEY STILL DON'T KNOW.

BUT FINALLY, AS I WORKED IN THE PHARMACY, A CORRECTION OFFICER DELIVERED TO ME A WHITE MEAT TURKEY SANDWICH ON A HARD ROLL AND A PITCHER OF HOT, UNSUGARED COFFEE. IT WASN'T BAD AT ALL.

I ASKED THE GUARD WHERE THE FOOD CAME FROM. HE TOLD ME FROM THE JAIL KITCHEN. WHEN I ASKED HIM IF THERE WAS FOOD LIKE THIS IN THE JAIL KITCHEN, WHY IS IT THE INMATES NEVER SEE IT, HE TURNED AND BOLTED OUT OF THE DOOR. ALL I SAW WAS A STREAK OF BLUE.

THAT AFTERNOON I WAS RELEASED, EIGHT POUNDS LIGHTER THAN I WEIGHED WHEN I WENT IN. THAT IN ITSELF WASN'T SO BAD, BUT THE FACT THAT I LOST THE WEIGHT WITHOUT EXERCIZE BECAUSE I COULDN'T EAT THE FOOD IS BAD, I THINK.

NOW I AM CERTAINLY AWARE THAT A JAIL IS NOT A HOME, NOR IS IT INTENDED TO MIMIC ONE. I KNOW THAT FOR THE MOSTPART, THOSE

CONFINED TO THE JAIL ARE AT LEAST ALLEGED TO BE CRIMINALS, MANY OF THEM DANGEROUS. IT WOULD BE FOOLHARDY TO EXPECT THAT PRISONERS, AND THAT IS WHAT THEY ARE, BE TREATED LIKE HOUSE GUESTS.

BUT I WONDER HOW MANY GUARDS REALIZE THE POTENTIAL DANGER TO THEIR LIVES. I KEEP REMEMBERING THE GUARD WHO ALWAYS WAITED UNTIL TEN MINUTES AFTER THE HOUR TO REMOVE THE TELEVISION SET FROM OUR AREA. DID HE REALIZE THAT HE WAS TAKING HIS LIFE IN HIS HANDS. DID HE KNOW THAT IF ONE OR MORE INMATE TOOK REAL AFFRONT TO THAT ACTION THAT HE COULD HAVE BEEN BEATEN TO DEATH IN A MINUTE?

FORTUNATELY FOR HIM, THE INMATES IN THAT SITUATION SHOWED OBVIOUSLY BETTER JUDGMENT THAN HE, WHO APPARENTLY FELT NO DANGER. THEY GRUMBLED A LOT, AND THEY COMPLAINED. BUT THEY DID NOT ATTACK HIM.

I WONDER IF THAT MAN WERE TRAINED IF HE WOULD DO THE SAME THING.

I WONDER IF THAT INSTITUTION DID MORE THAN HOLD PEOPLE, HOW MANY SOULS COULD BE SAVED.

I KNOW SOMETHING, FOR EXAMPLE, OF THE BERGEN COUNTY JAIL. I KNOW THAT SHERIFF JOB HAS INSTITUTED EDUCATIONAL AND REHABILITATIVE PROGRAMS WITHIN THE JAIL. I KNOW THAT THE BERGEN COUNTY JAIL HAS 24-HOUR MEDICAL SERVICE BY MEDICAL DOCTORS. HAVING VISITED THERE, I KNOW THAT INMATES ARE TREATED CIVILLY, BUT WITH PROFESSIONAL CAUTION.

BERGEN COUNTY HAS ITS POLITICS, TOO. BUT IT DOES NOT NECESSARILY SPILL OVER INTO THE JAIL ADMINISTRATION. WHEN A PATRONAGE APPOINTMENT IS MADE AT THE JAIL IN HACKENSACK, THE MAN IS TRAINED TO FILL THE POSITION.

QUITE THE OPPOSITE IS THE CASE IN ESSEX. NOBODY IS TRAINED, AND VIRTUALLY EVERYBODY IS POLITICAL.

MEDICAL SERVICES, WHAT THERE ARE, ARE GENERALLY PERFORMED BY NURSES. A DOCTOR VISITS THE JAIL A FEW HOURS A DAY, AND NOT EVERY DAY, AT LEAST WHILE I WAS THERE.

THERE IS NO ATTEMPT TO PROVIDE EDUCATION OR EVEN RECREATION PROGRAMS FOR THE INMATES. THEY ARE COOPED UP WITH THEIR FRUSTRATIONS, WAITING TO DISCHARGE ENERGY.

JUVENILES WERE HELD IN THE JAIL WHILE I WAS THERE. THEY WERE "TREATED" TO A BIWEEKLY BASKETBALL GAME, IF THEY WERE GOOD. IF THEY WEREN'T, THIS "PRIVILEGE" WAS WITHDRAWN.

NOW, THEY WERE TROUBLESOME KIDS, TO BE SURE. BUT KIDS *now in the hands* EXPECTING KIDS TO STAY OUT OF TROUBLE, PARTICULARLY IN CONFINEMENT, IS A LITTLE TOO MUCH TO EXPECT, I BELIEVE.

I WILL SUBMIT TO YOUR QUESTIONS, AND ANSWER THEM TO THE BEST OF MY ABILITY AND MEMORY. PLEASE REMEMBER, I AM NO PENAL EXPERT, NOR AM I A LAWYER. I AM, HOWEVER, A TRAINED OBSERVER, A CITIZEN AND TAXPAYER, AND A PERSON WHO WANTS NOTHING MORE THAN IMPROVEMENTS AT THE ESSEX COUNTY JAIL. IF MY TESTIMONY WILL HELP TO BRING THAT, I WILL BE SATISFIED.

THANK YOU



