

VOLUME II

U B L I C    H E A R I N G

before

SUBCOMMITTEE OF THE ASSEMBLY COUNTY GOVERNMENT COMMITTEE

on

REPORT OF THE COUNTY PENAL SYSTEM STUDY COMMISSION

Held:

July 18, 1978

Assembly Majority Conference Room

State House

Trenton, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Assemblyman Chuck Hardwick (Chairman)

Assemblywoman Helen A. Szabo

Assemblyman John A. Girgenti

ALSO:

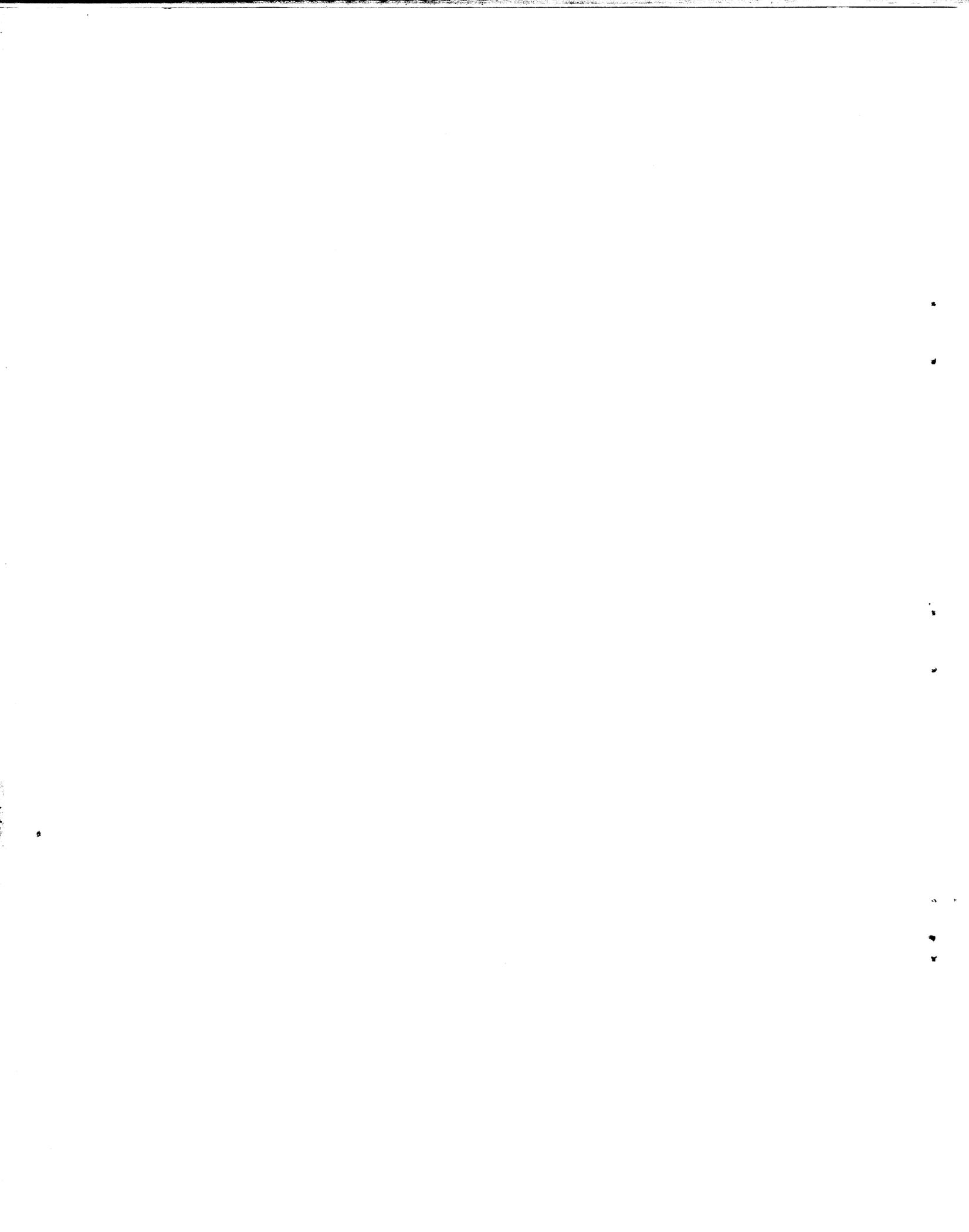
Norman Katz, Research Assistant

Legislative Services Agency

Aide, Subcommittee of the Assembly County Government Committee

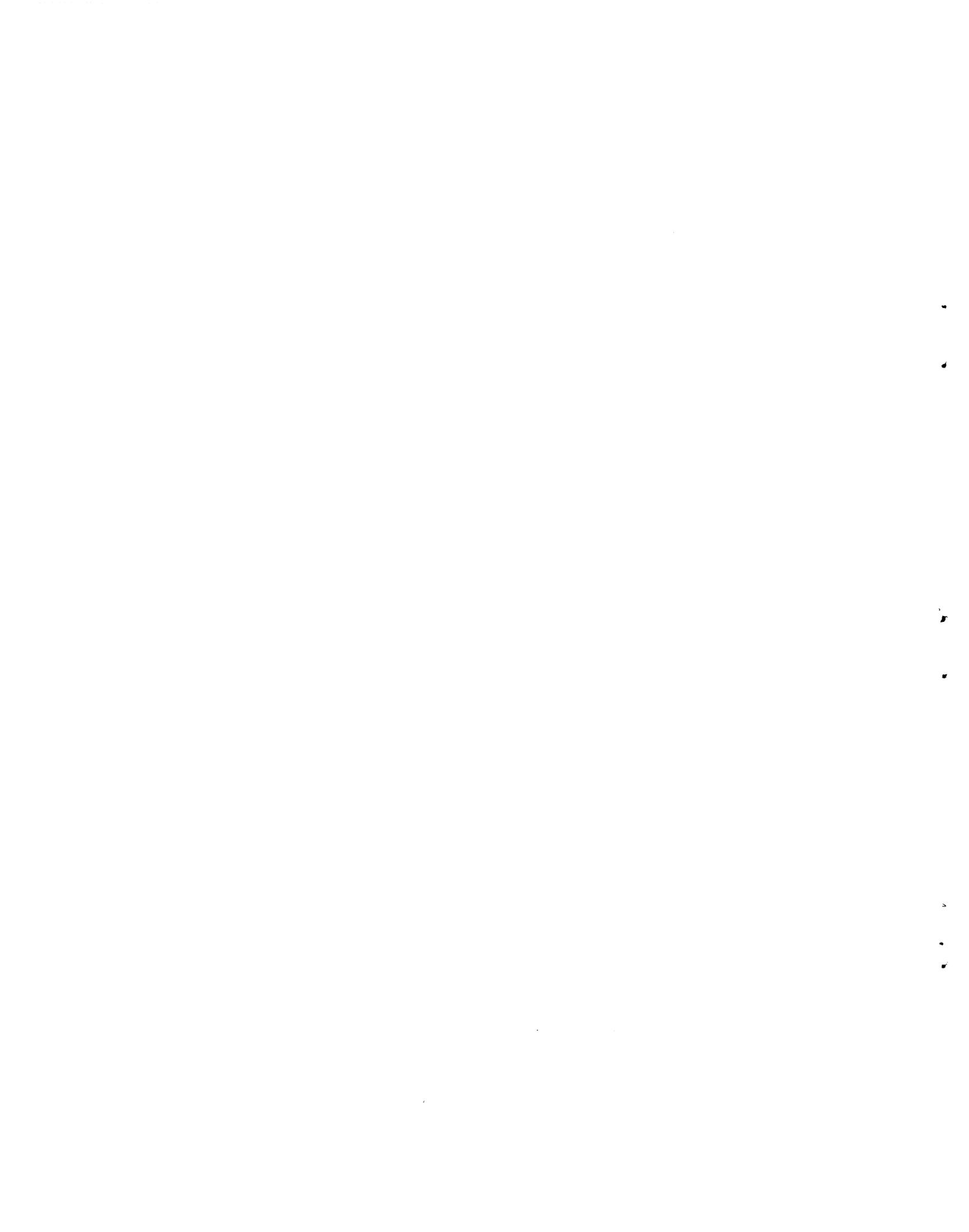
\* \* \* \* \*





I N D E X

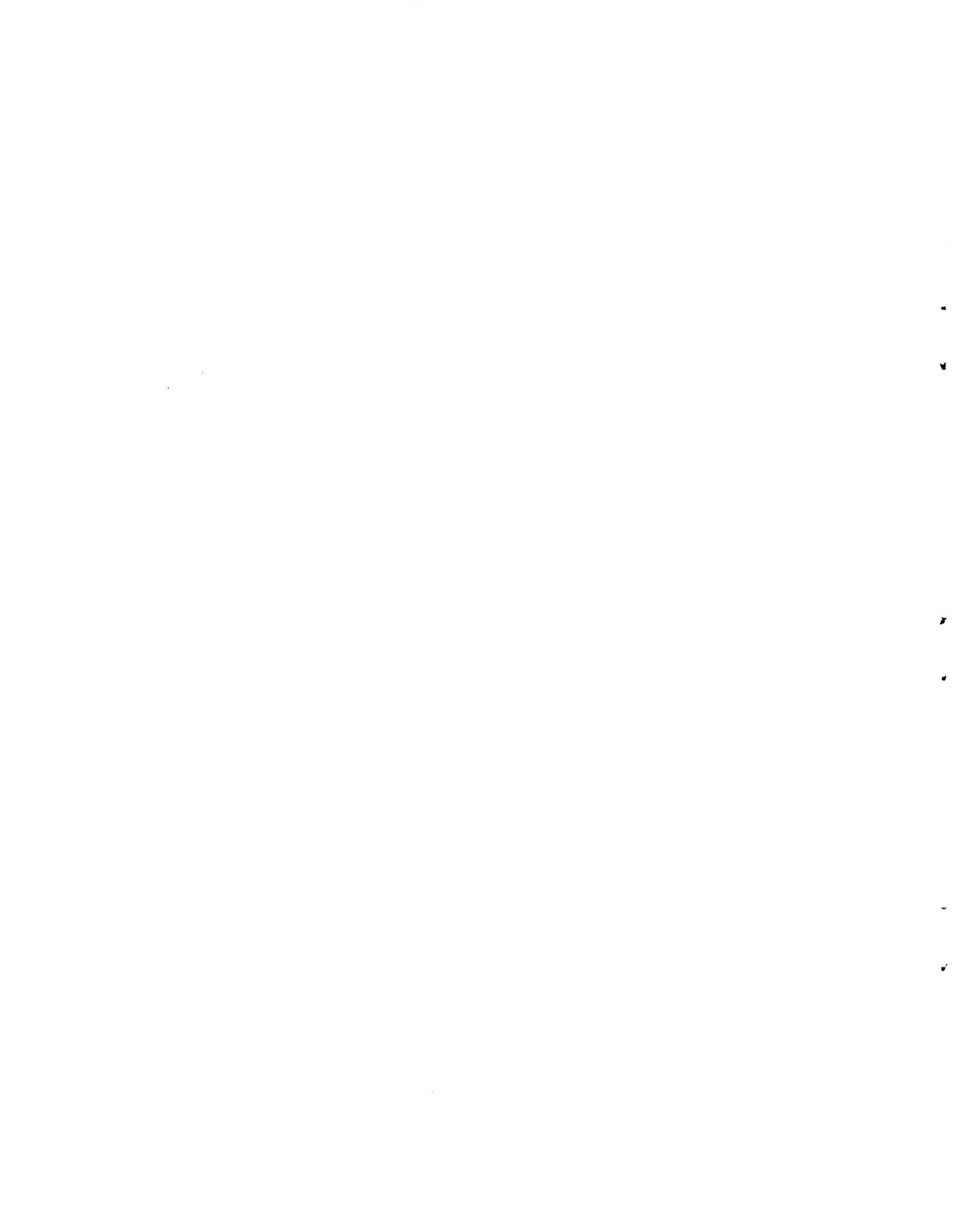
	<u>Page</u>
Arthur Brown Under Sheriff Ocean County Jail	2 & 1x
Thomas J. Walsh Deputy Warden Essex County Jail	1A
William Jones Ombudsman Essex County Jail	5A & 91X
George Albanese Union County Manager	9A
Ralph Froelich Sheriff Union County	12A
Beech N. Fox Sheriff Cape May County	20A
Edwin Englehardt Sheriff Passaic County	33A
Gilbert W. Lugossy Sheriff Mercer County	38A
Michael J. Ceponis Freeholder Somerset County	42A
<u>ALSO SUBMITTED:</u>	
Letter from Leon H. Smith Director Department of Public Safety Trenton, New Jersey	83X
Letter from John M. Fox Sheriff Morris County, New Jersey	96X



I N D E X - Continued

	<u>Page</u>
Letter from Paul C. Zanowic Sheriff Somerset County, New Jersey	98X
Letter from Ruth S. Carpenter Sheriff Flemington, New Jersey	100X

\* \* \* \* \*



ASSEMBLYMAN CHUCK HARDWICK (Chairman): Good morning. I think the hearing can begin. Mr. Katz, are we in compliance with the Public Meeting Act?

MR. KATZ: Yes, we are.

ASSEMBLYMAN HARDWICK: We sent out the notifications?

MR. KATZ: Yes.

ASSEMBLYMAN HARDWICK: I want to thank all of you for coming this morning. I am sorry for the delay in getting started. I guess, on Trenton time, we are running about on schedule, the way most of our hearings do run.

This is the third in a series of public hearings of a Special Subcommittee of the Assembly County Government Committee. We are studying the report of the County Penal System Study Commission.

I am the Chairman of the Committee. My name is Chuck Hardwick. On my left are Assemblyman John Girgenti and Assemblywoman Helen Szabo. Mrs. Szabo is Vice Chairman of the County Government Committee as a whole. We are very pleased to have her on the Subcommittee.

On my right is Mr. Norman Katz, the Legislative Aide to the Subcommittee.

The purpose of today's hearing is to hear the views and reactions of county officials who are directly concerned with the operation, management, and funding of the county penal facilities and to hear their comments on the Commission's Report. Freeholders and Sheriffs from all 21 counties have been invited to attend today's hearing. Mr. Katz has received requests from ten individuals - actually eleven - who wish to speak today and we will allow these people to testify first. If you would like to testify and you have not contacted Mr. Katz, please do so at the end of my statement so we can add your name to the list.

The Subcommittee will make every effort today to accommodate as many witnesses who wish to testify as possible.

Before beginning today's hearing, I would like to make a few brief comments. The Report of the County Penal System Study Commission, as most of you are aware, was highly critical of New Jersey's county jails and recommended some far-reaching changes in those institutions. This Subcommittee is aware that many local officials have been angered by the work of the Commission and have raised serious question about the methodology employed by that body. To a certain extent, this meeting has been called to give such officials a chance to air their opinions.

However, this Subcommittee is interested in more than just reviewing the Report. We are concerned with attempting to evaluate our county jails, with improving them, and charting their future development. Few people are more familiar with New Jersey's local penal facilities or better equipped to suggest ways to upgrade these institutions than those officials who run them on a day-to-day basis. Therefore, we are quite anxious to hear your suggestions and recommendations.

I would like to reiterate a point I made at the first two Subcommittee meetings. We began our deliberations without any biases and have made every effort to fairly assess the views of all concerned parties. We will make no firm recommendations until we have concluded all the hearings.

Our first scheduled witness today is Undersheriff Arthur Brown of Ocean County who was a member of the initial Study Commission and who is responsible for running the Ocean County Jail.

If there are any other people who have not previously notified Mr. Katz that they would like to testify, will you please do so now? I would appreciate it. Is there anyone else here who wishes to testify?

Is Mr. Brown here?

MR. BROWN: Yes.

ASSEMBLYMAN HARDWICK: Would you like to come forward, Mr. Brown, and speak into the microphone for the record?

Mr. Brown, could you give us an idea of the length of your prepared testimony?

A R T H U R B R O W N: First of all, I would like to say good morning. I would like to thank the Committee, Assemblyman Hardwick and the other members of the Subcommittee, for allowing me the opportunity to appear before this body. I think that the whole report, as it stands, needs some critical review by people like yourselves who are working in this area and who are particularly interested in county jails and county government, as well as state government.

I have attempted to put in the record, by making up a prepared report - and I have copies of my text that I will submit to all the Assembly members of the Subcommittee. I also have some additional remarks that I would like to make.

As it stands, my report consists of - to answer your question - approximately 35 pages. Most of it should be pretty easy reading, to get it on the record.

So, with that, with your permission, I would like to start. I would like to introduce one of my secretaries, Mrs. Ruth Stapleton, who has donated her time in helping me prepare this report, at no charge to the county, the state, or to the Commission. I also have with me my Lieutenant, who is also responsible for interaction with relation to the operation of the county jail and in identification of prisoners.

ASSEMBLYMAN HARDWICK: Let me be sure I understand that. You have a 35 page report which you will submit and which we will all read?

MR. BROWN: That's right.

ASSEMBLYMAN HARDWICK: Now, are your comments in addition to the report?

MR. BROWN: I just have a few comments before I start the report, if it meets with your approval.

ASSEMBLYMAN HARDWICK: Okay. Do you mind if we ask you questions during the course of your statement?

MR. BROWN: Absolutely not. I will be very happy to try and answer any questions you have. You may stop me at any time. I will abide by any rules. You are the boss and I am here to give any information I may be able to supply.

ASSEMBLYMAN HARDWICK: Okay, proceed. Do you wish to give us a copy of the report so that we can follow along with you?

MR. BROWN: If you desire it that way, yes.

ASSEMBLYMAN HARDWICK: It might be a little easier for us if you could.

MR. BROWN: As I stated, the Assembly Subcommittee has allowed me the courtesy to testify to the Commission findings, and to pertinent information relating to Joint Resolution 3, as approved February 27, 1973, which was a joint resolution creating a commission to recommend improvement in the county penal system in New Jersey. This resolution stated: "Whereas, There are a number of archaic physical plants in the county penal system..." - and I agree, there are

some old physical plants and there may still be, as there was no information in the report that furnishes ages or conditions of the buildings.

"Whereas, Overcrowded conditions in county jails are aggravated by the necessity for a physical facility for the holding of dangerous prisoners who are awaiting trial..." -- This condition is presently being compounded by the State because they are not carrying out their responsibilities in taking prisoners sentenced to the state off the hands of the county officials.

"The present facilities and programs provide inadequate rehabilitation programs." Yes, inadequate by some measure but impossible under present operating conditions, as the prisoners' average stay in most county jails is 8 to 10 days. I will attempt to elaborate on this aspect a bit later.

"Because of lack of space, first offenders are intermingled with chronic repeaters." Again, since the untimely release of the Commissioners' report, without updating new and improved county facilities, it is difficult to know if this condition still exists, as numerous improvements and new installations have been made, such as a new facility in Cape May and a new one in Burlington County.

I would like to make note at this time of a subject in the commission report and an opening page received by me, as a member of the commission, from the Chairman. It says, "Subject of Our Study" - and this was a study that was submitted to me prior to me making my first section, which incidentally you have there, up to page 19. I assume you have read this. I am sure you have. I continue with page 20. I hope to get that on the record before the commission. If I had been able to do that, we probably wouldn't be here today.

He said: "Some counties are taking the necessary steps to restructure or replace these facilities. Cape May County, for instance, has completed a new building. All counties, however, need a blueprint of future direction and this report begins to fill that need." As far as I am concerned, this report doesn't even scratch the surface in relation to needs for county jails. Mercer County has new facility; Burlington County has a new facility; and I am sure there are other new facilities in the State of New Jersey that this report failed to mention. Even at this particular time with all the research I put into this report, I, as a commissioner and as a person who has been interested in the study of jails, may not even know about.

Another thing I would like to bring up is the fact that because of the untimely release, the report has been criticized by the public. I am not blaming the press in particular for this because the press only released the information that was given to them by the commission.

A perfect example is what appeared in one of my local papers this morning. I am only going to cover very brief sections of this. It says: A third of a series of public hearings can determine whether legislation is needed to correct abuses and deficiencies reported in county jails. The commission conducted a five year study of county jails to uncover conditions ranging from drug abuse, lack of rehabilitative services, disparity of treatment from jail to jail, and homosexual attacks.

That in particular is what I most object to, that kind of publicity about the report released by the commission. I will attempt to pinpoint, paragraph by paragraph, where these items in the report appear - you have a copy -

and why I feel that this report is not actually a true testament of conditions as they exist. The report turned out to be nothing but a complete witch-hunt and as far as I am concerned, personally, I think the commission had one preconceived idea and that was to knock the people, knock the sheriffs, knock the wardens, and knock the Freeholders concerning their responsibility to try and run the county jails with the amount of money they receive to do so.

To go on with the goals, as laid down by the Resolution that was originally submitted, it says: "Short-term prisoners need special institutions such as farms, camps, and workhouses which can provide full time employment and remedial services." I wholeheartedly agree with the word "prisoner." I wholeheartedly agree if the word "prisoner" is prefixed with "sentenced." I will try to explain this later in connection with the function of county penitentiaries.

The actual legislation that was created goes on to say: "Financial limitations may make such facilities in each county impractical, now." No truer words were ever spoken and I do not know how financial limitations can be solved. I respectfully suggest that no one else does either, particularly with the threat of California's Proposition 13 staring New Jersey in the face.

To simplify today's report - as I mentioned before - page 20 is actually a continuation of my first 19 pages as they appeared in the Irving Report. I had hoped pages 20 through 45 would be accepted for at least consideration of the entire body - meaning the Commission - if meetings by the Penal Study Commission had been continued. I made several efforts to have meetings continue through appeals to the Commission Chairman, but unfortunately they fell on dead ears.

The following are copies of letters substantiating my request for continued meetings. The letters are dated January 9th, 18th, and 23rd of 1978. I am not going to read them all, but I would like to read a few excerpts from some of them.

This is to Dean Irving: "Dear Dean Irving: On September 23, 1977, I submitted to you, as a Commissioner, a nineteen page report related to Commission business. This was the first section of my two-part report. At the time I submitted my first part, I requested that a meeting be called for the Commissioners to discuss the entire matter.

"I have been informed that you released the Commission's findings to the Star Ledger. I am appalled and disheartened that there have been no meetings of the Commission in over a year and a half. I am also shocked to learn that your report was made public before the entire membership of the Commission could review it in person at an official meeting.

"I have no objection to the public's right to know. I do object to the methods employed by you at this time before a final meeting is called.

"I again respectfully request that you call an emergency meeting of the Commissioners to review the thinking of the entire body before a report is released to the Governor or to the Legislature. I would appreciate an immediate answer. Respectfully, Arthur Brown."

Of course, I got no response to this.

ASSEMBLYMAN HARDWICK: Have you phoned Dean Irving? Have you heard from him at all?

MR. BROWN: I have not heard from him at all.

I wrote a letter to Senator Hagedorn and I called him on the telephone and the gist of the conversation is as follows: "Dear Senator Hagedorn: Please find enclosed a copy of the second portion of my critique of Chairman Irving's report on his findings. When I sent him my first section of nineteen pages on September 23, 1977, I requested that he call a meeting of the Commission. This request was made in good faith for the purpose of discussing his thirteen recommendations.

"I feel that the entire body should have been allowed to vote on each of the recommendations and majority rule should prevail. I do not expect, nor do I now expect, the entire Commission to concur with my point of view, as all of us came together with various frames of reference and ideas.

"If there had been some reasonable, constructive applications in Chairman Irving's report, I am sure he would have received unanimous support for his document. As things have turned out, I feel that I wasted considerable time attending meaningless hearings that produced a fruitless paper."

I am not going to read the rest of that letter. You have it in front of you.

As a result of that letter, I received a copy of a letter from the Honorable Garrett W. Hagedorn and I am only going to read an excerpt from that. This is to Paul J. Contillo, Chairman of the Assembly County Government Committee. "I appreciate the letter you directed your aide, Norman Katz, to send to the members of the County Penal Study Commission, announcing a public meeting of the Subcommittee to review the Commission's report, on Tuesday, May 16th.

"Arthur Brown, Undersheriff of Ocean County, was a valued member of the County Penal Study Commission. He has spent considerable time and effort in developing position papers, outlining our disagreement with the Irving Report.

"The opinions expressed in the two reports by Arthur Brown, with which I am in complete accord, were arbitrarily rejected. No meetings were called to afford an opportunity to the Commission members to discuss Sheriff Brown's option." That is apparently why we are here today.

I have letters to Senator Dunn. I am not going to read them. I have other letters that I didn't place in the file in order to be concise and brief.

To save time, I feel that other information related to my requests for meetings would be repetitious, therefore I have eliminated them. It may be pointed out that this prepared statement and all subsequent pages were completed some time before January of 1978. However, I have attempted to update this section in some areas to make it more relevant and more meaningful to this date in time for the benefit of this Subcommittee.

You may note that in your papers, page 1 through 19, which actually appeared as part of the release, I have made notations to update some of the thinking. At the time I submitted that to the Chairman, I did not think it would become an actual part of the report since I wanted to review it with the Commission. I wanted the Commission - and they had some responsible members on the Commission - to at least reflect on it and come up with a majority consensus on things they felt might have been pertinent and helpful to the situations in the county jails.

I have since received a report from Jack Lamping, written by

Jonathan M. Block with relation to what happened at the first meeting. It is a synopsis of Dean Irving's testimony. It starts out saying - and I am not going to read all of this but this is what was accomplished at the first meeting when Dean Irving testified: "The New Jersey State Constitution requires the State to provide for the health, education, and welfare of all citizens, regardless of whether they are in jail or in correctional facilities." I am glad to realize - and this is my own personal point of view - that he finally realizes there is an exact difference between jails and correctional facilities, because jails in my estimation are not correctional facilities. I will try to prove that later.

I would like to reflect on Martin MacCannon Jr.'s testimony. This was related to me by Jonathan Block. "MacCannon stated that no particular reform will be possible as long as overcrowding exists, and serious overcrowding problems will continue to exist until such problems as bail, time between arrest and trial, and the entire criminal justice system are addressed." I fully agree with this.

MacCannon also stated: "For the safety of all of New Jersey's citizens, meaningful rehabilitation is essential"- and I agree - "but this is impossible until other underlying concerns are addressed." But, MacCannon failed to address these issues. They were never placed in the report and as far as I am concerned, they never came to light.

MacCannon also failed - I feel - to enumerate the other side of the coin and that is that while people are in jail, you may consider that there is a benefit to society -- that society is temporarily safer while they are in jail, even if it is because of lack of bail. Some people belong in jail in this society and no matter what you do to correct them or what you do to try and make them change their ways, there is a certain percentage of people - and this is upheld by FBI reports - that are jail-prone and no way, no matter, no shape, no form will ever get them out of jail. I have seen people in my particular county that started out as juveniles. They have gone through the juvenile system in the courts and come back. They have gone to Annandale and have come back. They have committed further crimes. They have gone to state prison. And, most of them are doing sentences - life sentences - on a part-time basis. They are institutionalized and the only way that they can cope with society is to be in jail.

Now, I am not saying jail is the answer. But, to use the word jail in the connotation of the report as it exists, is a wrong terminology. Jails were not meant to be rehabilitation centers. Jails have their purpose and I will try to cover that in my report.

Now, to get into the critique of the actual report. I would like to state that Chapter III of the Commission Report deals with the subject "Jurisdiction of the Jails." "Chapter II of the Report"- and this is a quote - "has made it clear that many prevailing conditions in our county jails call for widespread change." This is quoting Irving. As a Commissioner, I have studied Chapter II very carefully and can find no reason for such an assumption.

The Report, Chapter III, continues with the recommendations that "each county in New Jersey should, by action of its Freeholders, create a County Correctional Authority." And, I am going to cover that later. I am fully in disagreement with that. I do not agree with it. It is not called for and I

don't think the Commission members, if individually polled, would actually vote for it if the subject were broached before the Commission.

Called or identified by any other name, I would not object under certain specified conditions that I will explain later. As a Commissioner, I am vehemently opposed to any form of commission; also as a taxpayer, I am opposed to the creation of any authorities. There is a never-ending struggle by authorities to preserve their own autonomy at any cost. They are unresponsive to the desires of the taxpayers and are created with little control by the appointing authority. By their nature, they become self-serving and dictatorial; examples are municipal sewer and water authorities. The answer usually given by the advocates of authorities is stated thus: If dissatisfied with them, do not reappoint them when their term expires. Unfortunately, this never seems to be possible, as the appointing authorities - the mayors, the committeemen, the councils, the freeholders, and others responsible for appointments - are usually defeated in office and replaced before the authority's appointed expiration date comes due. It is the appointing authorities that are usually blamed for the unresponsive actions and deficiencies of authorities. Now, that is my personal point of view.

Recommendation: Delete in its entirety any Commission reference to the creation of an authority to run county jails. That is my recommendation.

The Commission Report does, in fact, attack all persons currently involved in the administration of county jails. I am talking about the Irving Report. In fact, to put it on the record, all my references here are to the Irving Report. Directly attacked were those counties where hearings were held - Passaic, Camden, Essex, Bergen, and Atlantic. Indirectly attacked were all those remaining counties where no hearings were held. In all counties, wardens under the control of freeholders were attacked equally as the sheriffs and their wardens. Administrators and all officers and staff of every county jail in New Jersey were impugned, discredited and criticized without bona fide proof. They were not allowed legal redress, as they were never faced by their accusers, the Commission, nor were they notified officially of the deficiencies or charges being prepared or preferred.

The Commission Report refers to accountability. The 126 year question in the Report - and released to the papers by the Commission, by the way - is answered every three years by the electorate who select the sheriffs, who operate some of the jails, and also elect the freeholders who operate the remainder of the jails. The Report states that there are many evils connected with the county jails. The Report fails to identify these "evils" nor does it specifically identify them with a particular county. To bluntly state all jails are equally affected with such evil is certainly not true and not fair.

The Report continues, stating: "We are aware of the tensions between the authority of the sheriff and that of a board of chosen freeholders with respect to responsibility for the administration of a county jail." As a Commissioner and as a jail administrator, I am not now aware of any such tension. I have no recollection of any statements made by either freeholders or sheriffs during hearings that portray a tension related to administration of county jails. I am aware of minor friction between sheriffs and freeholders pertaining to budgets and allocation of money for jail use. I am also aware that this problem exists between wardens and freeholders who are in direct control of some jails. Consequently, this problem related to funding is not unique to those

persons and associations affected by different political affiliations. It is prevalent often times between members of the same political party. It is not unique to jail operation only. It is openly exhibited where freeholders are trying to run austerity programs and keep spending down. It affects all county department heads - roads, parks, engineers, buildings and grounds, etc.

We all readily admitted that "the jails have not grown and developed according to any rational plan." Jails, like state institutions - prisons - have been neglected. It is easy to understand why jails receive the last and usually the least when freeholders and budget directors review their budget requests. Taxpayers are mainly to blame, as it is commonly known that the average taxpayer does not want money squandered on jails and prisons, nor do they feel prisoners should receive preferential treatment by being granted a larger measure of the niceties of life than the taxpayer himself normally has earned by the sweat of his brow. As long as there are jails and they contain inmates - enemies of normal society - the jail will remain in the lower median range of approved social funding.

The Report also states "jails have not developed in response to any particular understanding of their purpose as correctional institutions." Without going into any detailed explanation, I must state that jails were not designed nor where they intended to be considered to be "correctional institutions." This Report declares, "their growth has been one of largely disorganized reaction to pressures of the moment." If this statement is true, we must understand that in the entire United States of America, as well as in New Jersey, this is a norm. Government and all its agencies usually operate in this manner. Crash programs and problem solving become the password of the day in most walks of life. Whether right or wrong, until society is ready to finance a change, the system will remain quiescent.

The Report continues to be vague and lacks specifics. It states: "The result, as our Commission sees it, a current complex of facility and management inadequacies which have been made more difficult by historical factors." I ask: Why has the Report neglected to pinpoint these "management inadequacies" and "historical factors" if they actually exist as stated? Who are they? What are they? What do they do? Who can control them? If they are existent, how may they be controlled? These questions should be answered in this section of our "Commission Report" - but it is not - in detail, if the report is correct - and I seriously doubt that it is. Proof must also accompany any accusation. I personally think that is important. That is an important aspect of what was lacking in the entire Report. I personally find the statement inflammatory and unassociated with reality. Lacking documentary proof, it should be deleted from the Report.

The Commission Report is correct when it states that the Board of Freeholders may remove control of a county jail from the office of the sheriff and assume such control of the jail. Under NJSA 30:8-19 this allows this to happen when a Board of Freeholders votes by a two-thirds majority to do so. This law has been on the books since 1887 and there has been virtually no mass movement by boards to take control. Boards certainly are in no rush to assume control and responsibility for operation of the jail. Surely they have enough duties and responsibilities with other departments of county government without taking on added burdens. Most boards feel responsibility for funding is problem enough

without adding actual operation of jails.

I do not wish to challenge the report related to the constitutionality of the office of sheriff. I feel that the legislature may "increase, decrease or modify the power and duties" of the sheriff for just cause or to increase the efficiency of the office. However, I cannot visualize the legislature making changes in the law without justification or realistic benefit to the citizenry of the state.

The Commission Report recommends "the creation of a County Correctional Authority." The obligation for correction remains the full responsibility of the state. The state's inefficiencies along these lines are generally understood and feebly accepted by some. Counties have been forced to enter the field of correction due to the state's failings. The state is presently exacerbating this problem for the counties by forcing continued incarceration of inmates at the county level who are actually sentenced to the state prison. The state has been making a sincere effort to correct this condition since the appointment of Robert E. Mulcahy, III, as Commissioner of the State Department of Corrections. The state is also embarking on a building program to expand the state prison system. Detailed plans may be obtained by contacting the Commissioner directly. And, now, of course, we have a new Commissioner.

It may be pointed out that on July 9, 1976, the legislature approved the appointment of a replacement of Mr. Mulcahy, who has been elevated to a new position. It may also be noted that I personally feel Mr. Mulcahy did make numerous improvements in the system and corrected many of the ills found in the state prisons. I also know and respect the new Commissioner, Mr. Fauver. I know he has the experience and desire to work hard to continue improving state conditions. He has my congratulations and also the support of the county jail wardens. I would like to add in there that I am sure he has the support of the sheriffs too.

It would be my recommendation as a Commissioner and as an administrator of a county jail to eliminate correction at the county jail where it has been as much of a failure as it has at the state level and expand county penitentiaries to cover equal geographic section of the state - northern, central and southern areas - on a regional plan focusing on expanded programmed corrections at these facilities. The alternative is to eliminate all correction at the county level and have the state assume responsibility for all sentenced persons and expand correction at the state level into a responsive, meaningful program. This means, of course, for sentenced prisoners.

Should the recommendation to form an authority to operate county jails made in the "Report of Our Commission" be considered in a serious vein, it may be well for those considering it to determine what the price tag would be for such a venture. What politicians would make the appointments to the authority? What background in penology would the authority members be required to have? What educational level would they be chosen from? From what source would such an authority derive its income? All authorities, I believe, are supposed to be self-supporting. Water and sewerage customers are a viable part of the authority's success when they pay their bills for service. Motorists who use the Turnpike, the tunnels and the bridges, share in raising the revenue to operate them. Surely, the inmates would be a poor risk if the financial burden for an authority operation was vested in them.

As a Commissioner, I ask who has most expertise in the operation of

jails? The answer is simple - those who presently operate them. The wardens, the administrators and/or undersheriffs and sheriffs, who have, in many instances, devoted their lives to the profession.

I have personally conducted a poll related to those persons who presently operate county jails. The following list - which is attached - in alphabetical order of counties, attempts to equate their experience and education. It even surprised me to find the vast experience they have, individually as well as collectively. To replace these dedicated persons with the creation of an authority made up of all political appointees would be a gross error resulting in little or no change. These authority members would be as quiescent as their predecessors are supposed to be, given the same jail, the same standards, and the same conditions of operation. Remember, a rose by any other name is still a rose. Tradition would have it that an authority member would still be considered the warden, and unless large sums of money were appropriated, authorities would have the same age old problems that confront present-day wardens.

Replacing this talent would be a gross error in judgment and a travesty.

I have done a survey and I have it attached. I will run through it very fast. I am not going to cover the whole thing. Atlantic County - experience 26 years. There are various seminars and warden programs. High school education. Bergen County -- eleven years. High School. Twelve to fifteen seminars. Appointive and elective positions in public service for 12 years.

I would just like to take those seminars and run down them very fast, without going into too much educational detail.

ASSEMBLYMAN HARDWICK: Since we have this as part of the public record, would you mind not reading it?

MR. BROWN: Absolutely not.

ASSEMBLYMAN HARDWICK: Maybe you could pick up on page 25 again. Your point is well taken.

MR. BROWN: Okay. Fine. I would be very happy to do that.

ASSEMBLYMAN HARDWICK: It is kind of hard for the audience to follow it.

MR. BROWN: Rehabilitation at the county jail level is not practical for many reasons. The jail should be used primarily for holding criminals who cannot be bailed and those who are waiting criminal justice proceedings. Now, this is, I think, very important because this is where I find in talking to most of the wardens the ball game begins.

All sentenced prisoners should be sent to a rehabilitation center and those eligible for work release after sentence should also be housed apart from the jail. This I feel is very important too because work release does not actually belong in the operation of the jail. It belongs in connection with the operation but in an honest appeal to the Subcommittee, I feel that all recommendations along this line - and it is not in my summation of recommendations - should be that this program, if it meets your approval and you do get a chance to study work release, does not belong as an operative extension of the jail. It belongs out of the jail; part of the jail operation, but it does not belong in the jail. There are various reasons for that and I don't want to go into the reasons at this particular time.

If this could be accomplished, the jails would once again have the room to operate under the conditions for which they were originally intended -- getting inmates to court for their trials and, if convicted, holding them only until they are sentenced.

The final few pages of Chapter III of "Report of Our Commission" are devoted to social philosophy and personal observation having little or no meaning. This final portion of Chapter III does not deal in specifics and it is my opinion that the last two and one-half pages of this section should be entirely deleted, unless some constructive consideration can be expounded upon and deduced from its content.

Recommendation Number One of the Commission Report: Recommendation One of our Commission Report cites the National Advisory Committee on Criminal Justice Standards, Section 9.6. As a Commissioner, I concur with what Section 9.6 is trying to accomplish where such deficiencies are cited and proven. No New Jersey jail in particular was accused by our Commission of being "sadly deficient in staffing," although there were some areas where Civil Service - and that is another story - had been lacking in supplying officers for jails when they were requested by sheriffs and wardens, because of problems with titles. I am sure that there are other sheriffs here that can go into some of those problems in trying to obtain personnel from standard lists.

During the Commission hearings there was some discussion that some jail tables of organization were not filled. I am certain this condition no longer prevails. It is not fair to the jails that were not inspected by the Commission that they should be criticized in a general vein. The above analogy also applies to training, as it appears in Section 9.6.

Recommendation: The entire Recommendation One should be modified. Those jails in New Jersey where the condition existed during the Commission's inspection over 30 months ago should be reexamined to ascertain if there is actual deficiency in staffing and training. Those few which may be found deficient should be cited to prevent aspersions being cast upon those jails not affected.

Section 9.6 also recommends, on a national basis, replacement of traditional jailers with correction workers. I firmly believe this report should concern itself primarily with New Jersey jails. Since all jails in New Jersey are appointing Correction Officers to their jails - and this of course if a Civil Service recommendation - the recommendation becomes irrelevant to the report, I feel.

Recommendation Number Two: This recommendation of our Committee Report states, "that each county should create a County Correction Authority. On page 20 of my report, I recommended that any reference by the Commission to create an authority to operate county jails be completely deleted from the Commission's Report. Page 20 also indicates my reasons for the stated opposition. I have already covered that, so that is why I didn't pinpoint it any further here. Additional reinforcement on the subject may also be found on pages 22 and 23; therefore, it would serve no purpose to further expound at this point.

Recommendation Number Two states: "The state should develop a standard for the qualifications of this principal administrator. The administrator would be primarily accountable to the Correctional Authority for running civilized and humane jails and meeting state standards."

Should any Commissioner - or even the Subcommittee, in fact - consider seriously the suggestion to create an authority related to county jail operation, they must be cognizant of the fact that the appointment must be made at the county level and the qualifications would also be the responsibility of the

counties, as it would be county tax dollars required to pay the freight for such positions, and not the state -- not, of course, unless legislation was changed.

The Report continues: "We note the fact that the Atlantic County Criminal Justice Planning Department has developed such a concept." Having reviewed very carefully the Commission's transcript of the Atlantic County hearings of May 28, 1974 - and, of course, I was there - I do not find any statement supporting the above. On page 133 of the transcript, reference is made alluding to the jail operation in Atlantic County being totally transferred to the Board of Chosen Freeholders. Also, on page 135 further reference is made to Atlantic County suggesting the transfer of the operation of the jail to the Board of Chosen Freeholders and the formation of a "Department of Corrections." No reference can be found related to Atlantic County accepting or forming an "Authority" to operate the county jail.

As a result of that recommendation, I contacted the Atlantic County authorities. The letter that follows substantiates my conversation of September 12, 1977 with the Atlantic County officials, relating to the matter of the authority:

"Commissioner Arthur F. Brown, Ocean County" - and this is from Under-sheriff Leo P. Ferrara - "In reply to your inquiry, the Atlantic County Jail is the responsibility of the Sheriff of Atlantic County, Mario Floriani, as the duly elected constitutional officer.

"At the present time, the County Jail is not controlled by any outside authority and there are no plans for such a change in jail administration.

"In 1973, there was a study of the County Jails in the State. A County Criminal Justice Planner was advocating a change in the administration of the County Jail, but the idea was rejected by the County Board of Freeholders."

Recommendation: Delete from the report in its entirety Recommendation Two of Our Commission Report related to formation of a Correctional Authority to operate county jails. There are no counties presently using this form of control. My rejection of this recommendation does not mean that I would endorse state acquisition of county jails or their operation and management by the state. Before this could be acceptable, the state must prove it is capable of managing its present jail system. Until recently it has been my position the state has failed miserably in this area of operation.

I do not object to standards or adoption of standards for the operation or managerial procedures. However, the Commission must be reminded that there are, presently in existence, such standards. Copies may be obtained by writing to Commissioner William H. Fauver, of the State Department of Corrections in Trenton. Any modification of existing standards should be subject to the approval of the State of New Jersey County Jail Wardens Association.

Recommendation Number Three: "In order to provide psychiatric care as required, the Commission recommends that one jail in the northern part of the state, one in the central counties, and one in the southern section of New Jersey should be identified as Regional Psychiatric Holding and Treatment Centers."

This recommendation is absolutely a duplication of services that are supposed to be presently available to each county jail. In Essex County, inmates from the western county suburbs are sent to Greystone, inmates for Newark, Belleville, and Irvington are sent to Trenton. This is personal research that I have done as

an individual Commissioner. Overbrook receives only direct court commitments. In the central counties, Marlboro State Hospital is the receiving center, and Ancora State Hospital accepts inmates from the southern counties. In addition, Trenton State Hospital and the Vroom Building are available for use when the charges are serious and certain other conditions are met. The Commission's recommendation should be to the state for implementation of meaningful psychiatric evaluation, study, and treatment of inmates presently being sent to these state hospitals. The state hospitals presently treat inmates on a revolving-door basis. Oftentimes, they are returned in less than 10 days and sometimes in a worse state than when they were originally committed.

I think if you poll any warden here or any sheriff here, you will find that statement to be true, although that is my personal opinion. From of the reasearch I have done, I have gathered this.

I strongly recommend to the Subcommittee that they invite Ocean County Jail physician, Dr. Walter E. Corrigan, to testify on this important matter of our state's psychiatric hospital relation to county jails and their commitments, and also investigate their policies that have a devastating effect on county jails and the administrators of inmates.

ASSEMBLYMAN HARDWICK: I don't understand that line there.

MR. BROWN: Okay. I am trying to say that the state hospitals, as they presently exist, return prisoners - after the judge has signed a commitment if the application is made by a warden to send him to a state hospital - to us, the wardens and the administrators, sometimes in a worse condition than they were actually in when they were first sent to the state hospital. Through my conferences with the doctor in our particular jail, and in talking to some of the other doctors in the state, they feel that the state hospitals are not responsive to the treatment of county jail inmates and that there is something lacking.

Two years ago, with the help of my sheriff, Sheriff Rutter, we had an appointment with one of the legislators from Trenton to discuss this subject. Unfortunately, the Assemblyman who was supposed to give us a system along these lines, either was defeated in office or never ran for office again and the meeting fell through.

ASSEMBLYMAN HARDWICK: What do you mean by "return worse"?

MR. BROWN: They come back to us--

ASSEMBLYMAN HARDWICK: Do you mean psychiatrically they are in worse shape?

MR. BROWN: They have a psychosis and they are judged by our doctor as having a serious problem. The inmate is transferred to one of the psychiatric centers at the state hospital and in less than 10 days, average, most of them come back to us usually just as bad as when they were sent, with little or no treatment. There is no prognosis. There are no reports. There is no guidance for our physician - our jail doctor, Doctor Fine. And, we have to hold, in our jail, a person who is climbing the walls and has a problem that jails are not equipped to take care of. It is unfortunate that this happens. We try to make them as comfortable as possible. We try to give them medication that may calm them and soothe them. But, at the same time, my personal opinion is - and I think you will find it is the opinion of most of the wardens in the State - that these people should remain a longer period of time in the state hospitals and actually be treated.

MR. KATZ: When you send a prisoner to a state mental hospital, does this cost the county any money?

MR. BROWN: Yes. I believe that the county shares the responsibility of payment through the County Adjuster who makes the recommendation concerning what payments will be approved. The counties bear the freight.

MR. KATZ: Does your jail employ a psychologist or a psychiatrist at all?

MR. BROWN: Yes. They are not employed; they are on call. We don't have funds - never did have funds - to employ a full time psychiatrist.

ASSEMBLYMAN HARDWICK: That is a very important point you are making. It is rather disturbing.

MR. BROWN: Well, it has always been disturbing to us. It is something we have lived with for years. The approach that was made by the Commission for Regional Centers is not the answer.

ASSEMBLYMAN HARDWICK: You agree with the fact that there is a problem but you are saying that is not the answer?

MR. BROWN: Yes, I agree there is a problem.

ASSEMBLYMAN HARDWICK: It is a serious problem, but you are not sure that this is the answer?

MR. BROWN: I certainly agree that this is a problem and it deserves some consideration.

ASSEMBLYMAN HARDWICK: Mrs. Szabo has a question.

ASSEMBLYWOMAN SZABO: Is the prisoner examined and a record kept regarding his condition prior to the transfer to the state facility - or a psychiatric center?

MR. BROWN: Yes.

ASSEMBLYWOMAN SZABO: That is how you find, when he is returned, that his condition has worsened?

MR. BROWN: Let me give you an example. I can't remember the name because I didn't plan to get into this.

ASSEMBLYWOMAN SZABO: This is important to us.

MR. BROWN: Okay. We have had one prisoner that has been transferred back from Marlboro to us at least five separate times and who has spent less than two or three hours with us and has had to be recommitted again. The expense there is in sending two officers as guards; running a car on the road for 40 miles up and 40 miles back; taking the time for readmittance - and that usually takes about one hour - and then in being called up in five to ten days asking us to come and get him because he is all right. We have no alternative when they say he is all right. We have to go get him. There is nothing we can do but to go and bring him back. Of course, he is examined again and the doctor just throws his hands up in the air and says, "He is worse than he was when we first sent him." That is why I would like to have our doctor testify. He is more of an expert in the field of medical commitment than I am, or anyone else in this room is - unless we have some doctors here.

ASSEMBLYMAN HARDWICK: Does that answer your question?

ASSEMBLYWOMAN SZABO: Yes.

ASSEMBLYMAN GIRGENTI: Mr. Brown, on that recommendation that was made by the Commission concerning the three regional centers, it is your feeling then that the job of county jail, or an administrator, is to not get involved in that

type of an area - that it should be handled by the mental health people specifically? You feel that jails should not get into that on a wide-scale basis in different regions?

MR. BROWN: Let me say this: If it were an answer to the problem and regional jails could actually answer the problem and money was available - and I doubt that it will ever be - to have specific hospitals assigned just to the people coming from the jails, I think that it would be an ideal situation. But, personally, from my past experience, knowing that funding is tough, I can't see how it could possibly be feasible. I do think there could be some inroads made by contacting those responsible in I & A to make sure that the hospitals become more responsive to the needs of the inmates before they are returned to the county jails. I think this is where the problem can be solved, and not with building new facilities just to take care of the jails.

ASSEMBLYMAN HARDWICK: I think when Dean Irving appeared before the Subcommittee, he explained that recommendation. It was not to put up a new building, but it was to have a particular hospital identified where inmates who were to become patients could either short-term medical or psychiatric care without duplication.

I recall some of the testimony of your Commission said that there would be three or four police officers assigned from three or four different municipalities or counties to watch three or four inmates at one time. Because each time a prisoner goes to the hospital, an officer has to go along and be on duty to watch them.

So, the way I understood that recommendation, it was to consolidate the functions from the various counties.

MR. BROWN: All right. Let me say this, sir. If this is what is meant and I misunderstood what the Chairman meant in that particular section, I do believe that we could possibly accomplish something. But, as it stands now, we already have these hospitals. They are there. They are at our service. There are more of them than three. There are many more than three that we have access to. If they became responsive to our needs, I don't think we would have to dedicate any particular one to south, central, or north.

ASSEMBLYMAN HARDWICK: If the state hospitals were doing what they should be doing?

MR. BROWN: That is my point.

ASSEMBLYMAN HARDWICK: Okay. All right, go ahead.

MR. BROWN: The Commission should further recommend that evaluation reports, treatment reports, diagnostic determination and prognosis information should be sent to each county physician by the state hospital officials when they return an inmate patient to the county jail.

I am opposed to the regionalization of county jails and I do not support the New Jersey National Sheriffs' Association recommendation for the same. Now, the National Sheriffs' recommendation does actually support regionalization. I do not feel that regionalization for county jails is the answer and I will get into that later on when I get into penitentiaries.

Jails in New Jersey, as presently constituted, should be used as holding areas for prisoners who cannot obtain bail while waiting criminal justice proceedings. I believe state law requires jails to be within one mile of the county courts. I was told this. Mr. Thompson is here. He was supposed to furnish

me with some additional information relative to this. I couldn't actually find the statute and I didn't have time for research.

To keep a prisoner waiting for trial in a regional lockup many miles from the court of jurisdiction would cause an added county expense for transportation of prisoners. It would also cause a hardship on the family and friends of inmates who wish to visit, in that they would be forced to travel longer distances than normally experienced in most cases. A major percentage of inmates in county jails reside in the locality where the charges were made. Discussion of regional county correction centers for sentenced prisoners, similar to that in existence in Essex County, has some merit and needs added data and input before finalization of any draft release of the entire Commission. Of course, we never got to that.

Particular attention should be given to the last portion of our Our Commission Report Recommendation Three. Here it is pointed out that numerous sheriffs contributed heavily to the development of standards in cooperation with the National Sheriffs' Association. It may also be pointed out that the National Clearing House for Criminal Justice Planning and Architecture assisted in this project and all related information is available to any administrator of a jail who may be interested by contacting either organization. It amazes me how one portion of Our Commission Report can be critical of sheriffs and that this portion emphasizes their interest and dedication to areas of mutual concern.

In am in full support of Our Commission's Recommendation Four related to National Sheriffs' Association's standards and guidelines of jail administration, security, classification, discipline, architecture, jail programs, food service, sanitation and inmates' rights. Those wardens or administrators of jails not familiar with them should acquire copies and use them for guidelines in establishing procedures and policy, if they are presently lacking in these critical areas. The Irving Report failed to ascertain if in fact critical areas do exist.

ASSEMBLYMAN HARDWICK: Maybe this would be an appropriate place to ask you a question, Mr. Brown. Previous witnesses have said that when they inspect a jail and file their report, they have insufficient authority to enforce any changes or any recommendations that they would make. How do you feel about that?

MR. BROWN: I have a section devoted to that.

ASSEMBLYMAN HARDWICK: Oh, you want to come to that?

MR. BROWN: Yes.

ASSEMBLYMAN HARDWICK: Then I will hold my question.

MR. BROWN: If you want me to answer now, I would be very happy to.

ASSEMBLYMAN HARDWICK: If you would prefer to answer it later that is fine.

MR. BROWN: As a Commissioner, I cannot agree with Recommendation Five in "Our Commission Report." Under our present system, there are many avenues of redress open to inmates of county jails. Inmates have the right to complain to any legitimate agency presently established in our bureaucratic system. They may contact their public defender, prosecutor, Department of Corrections of the State of New Jersey, the Office of the Attorney General and the F.B.I when all else fails. Through experience, I find the F.B.I. follows through, particularly where civil rights violations are cited.

Recently, there was developed a sub-agency in the Office of the Public Advocate - the position of Inmate Advocacy. This position was as a result of a SLEPA grant to create a job for some unknown with funds that were earmarked for law enforcement. It may be noted that this office has projected itself with such demeanor that little or nothing has been accomplished. And, this answers your question, I think, as far as I am concerned. It may not answer your question but it does reflect my opinion. I will get into that more deeply. This office has not received the cooperation of the jail wardens. The wardens respect the office of the Public Advocate, but Jeffrey Mintz and his assistants from Inmate Advocacy have set themselves up as demagogues.

For an example of what I mean, I would like to state for the record, some of my brief encounters with the Office of Inmate Advocacy. I received the following letter on July 30, 1976, from the Office of Inmate Advocacy. I am not going to read the whole letter. "Dear Warden Brown: As you are probably aware from previous contacts with us, the Office of Inmate Advocacy was created in the Public Advocate Department two years ago for the purpose of and with the authority by statute for representing the interests of inmates in penal facilities at all levels throughout this State. Chances are that at one time or another one of our investigators has visited your institution to look into a complaint which we received." Until I received this letter, I had no such complaints, nor knowledge of any from any of my inmates.

"We would like to visit your institution on Thursday, August 5, 1976. We would appreciate it if one of your staff could be available to take us on the tour, and for about one hour to be interviewed regarding such matters as programs, facilities, services, classification, training, and related items."

I answered this on July 30. "Dear Mr. Mintz: Please feel welcome to visit our institution at your pleasure and be assured of our full cooperation.

"We will have available our Work Release Coordinator, Sgt. John Matluk, and our new inmate counselor, Mr. George Brogan.

"I will personally escort you or your representative on a complete tour of our physical plant. Very truly yours, Arthur F. Brown." This was signed by me for the sheriff.

Of course, this letter was sent to him in the spirit of good faith and cooperation.

Sometime later, I received a document criticizing the entire operation. I feel the document was a carbon copy of a criticism leveled at other wardens who had allowed similar tours, also in the spirit of good faith, prior to mine. The criticism dealt in generalities and did not fit our specific institution. Due to its length, I have not included it in this report; however, it is available on request. The following is a copy of the answer forwarded to Mr. Mintz in early May, 1977, by our County Counsel, Franklin H. Berry, Jr.

I am not going to read the whole Berry document, but it opens up with: "I am enclosing herewith draft response to the Office of Inmate Advocacy for your review and comment. Please feel free to add any information you desire."

I would now like to point out that this is from Berry to Mintz. "Dear Mr. Mintz: At the outset, I wish to make it very clear that our county recognizes its responsibility to protect the rights of inmates and to provide a suitable facility for their incarceration. In this regard, the Ocean County Board of Chosen Freeholders, prior to the receipt of your evaluation, already authorized

the engagement of an architectural firm to prepare plans for the construction of a new jail."

Mr. Mintz went into such areas as classification.

ASSEMBLYMAN HARDWICK: You have lost me now.

MR. BROWN: I am on 229. I am not reading it all because it is too detailed.

ASSEMBLYMAN HARDWICK: Oh, I see.

MR. BROWN: It goes into such areas as classification. "Ocean County does maintain a system of classification commensurate with the existing structural facilities of our jail."

"Ocean County Probation Department does maintain an ROR and Bail Survey Program."

He goes into rule books and Mr. Berry states: "This County does maintain a rule book."

He goes into grievance procedures and inmate committees.

Under "Discipline Procedures" on page 230, Mr. Berry states: "Ocean County does not maintain a system of internal discipline. Such matters are referred to the courts for disposition."

He goes into "Physical Brutality." "Your statement," Mr. Berry states, "to the effect that 'we have had unverified reports of beatings,' use of mace, and other legal abuse against disruptive inmates by the officers at the Ocean County Jail, has been emphatically denied by all concerned. Very frankly, such an unverified statement in your evaluation is not only inflammatory but, in my opinion, highly improper. Your report bears the caption of a state agency and has received public attention.

"Sheriff Rutter has never and will not tolerate abuse of any inmate by sheriff's officers."

He goes into "Visitation." "The present physical structure prohibits contact visits," Mr. Berry states, and that is very true.

While we are on the subject of contact visits, I think under the design of present jails, even though there may be requirements for contact visits in some areas - and we do allow them in certain areas - I think contact visits under jail circumstances, without knowing who the inmate is, what the inmate's background is, where the inmate is going and what his actual past record is - and we don't have this information when people are committed to county jails - are out of the question. They are a breach of security in a county jail and they are certainly a detriment to the officers and the men that are involved in the operation. They are dangerous.

He goes into telephones, correspondence, reading material, law library, general library, daily newspapers and magazines -- and, incidentally, we tried magazines in our jail and they do nothing but use them to disrupt the organization. They make brickbats out of them that they use on the guards. They use them in gathering material to be used to start fires with. We have had three fires started at our institution while we allowed inmates the use of newspapers.

ASSEMBLYMAN HARDWICK: I don't understand. What are your inmates permitted to read now?

MR. BROWN: We permit them the use of the library books. They have more respect for library books because they know they will be charged for their

destruction if they are not returned to the library.

We also allow them the use, when they request it, of our law library. We have on-board a new counsellor who is responsible for working with them and to assist them in obtaining any legal redress information that they may personally need.

In fact, we planned this program before our association with and introduction to the Office of Inmate Advocacy.

ASSEMBLYMAN HARDWICK: But, you don't permit newspapers?

MR. BROWN: We do not permit newspapers. I think you will find that there are various numbers of jails in New Jersey that do not permit newspapers.

Right after the release of this document from our County Counsel, there was a serious fire - and I don't know if the warden of the Camden County Jail is here or not - in the county jail and it was started by a collection of newspapers. If you don't have the fuel, you can't have the fire.

MR. KATZ: Mr. Brown, are those newspapers and magazines you were talking about provided by the jail to the prisoners, or where they newspapers and magazines that were sent to the prisoners?

MR. BROWN: At the time they were provided by the jail.

ASSEMBLYMAN HARDWICK: Is that the only reason you don't permit newspapers and magazines?

MR. BROWN: Yes. That is the only reason - for security purposes.

Most of the inmates are not there long enough to even be involved in this. And, since we installed television, I don't think you could get anybody to read the newspapers anyway. I would estimate that 60% of the people in our jail right now are probably illiterate.

ASSEMBLYMAN GIRGENTI: Mr. Brown, they do have access to newspapers and magazines through the library, don't they?

MR. BROWN: No, they don't. We don't allow them at all. We allow magazines, yes, but not newspapers. We do allow magazines.

ASSEMBLYMAN GIRGENTI: Just as a point of information, how often do they visit the library, or what is the setup on that?

MR. BROWN: The average inmate visit to the library is about -- Let me put it this way: Ten percent of the inmates in the county jail use the library that is accessible to them. Ninety percent are satisfied watching television. Since we have put television in, they don't want to leave the television. I am sorry that I did not have the funds to install television 15 years ago, because it has cut down my problems tremendously. My disciplinary problems have gone down to almost zero.

ASSEMBLYWOMAN SZABO: What type of books are presently in the library and how often are those books changed - periodically, monthly, weekly?

MR. BROWN: We have the use of the Ocean County librarian who comes around with a list of any book they want and gives them any book that is presently in the Ocean County library. Besides, we have purchased many volumes of educational material that we do have on board. We must have two or three hundred books on vocational training, on woodworking, on carpentry, or anything of particular interest -- getting into the building trades. We have these in our own library.

ASSEMBLYWOMAN SZABO: They have no information whatsoever on what is

going on in the outside world?

MR. BROWN: The information about what is going on in the outside world I feel is obtained through the use of the news on the television.

ASSEMBLYMAN HARDWICK: Our Committee is not going to be drafting standards. I would like to go back to the question I asked before because your response that you disagree with the Inmate Advocacy's report doesn't really come down on the question. You said you do believe in standards. When a jail is inspected, perhaps by the Department of Correction or by any authority, what do you think should be the procedure insofar as enforcement of standards is concerned?

MR. BROWN: I will cover that if you will just give me a little more time.

ASSEMBLYMAN HARDWICK: Oh, I thought you had your answer to that.

MR. BROWN: No, sir.

ASSEMBLYMAN HARDWICK: Then I will hold my question.

MR. BROWN: Ocean County now has televisions in all sections of the jail that are accessible to the inmates and they are on during all of the hours of the day when the inmates are awake, except during cleaning periods - one hour in the morning, an hour in the afternoon, and an hour in the evening.

He covered physical facilities and overcrowding. Mr. Berry's answer was: "We recognize an overcrowding situation, which incidentally has been caused in part by the State's failure to accept sentenced prisoners within 20 days as required by law."

Page 233 - Physical Recreation. "Sheriff Rutter and Undersheriff Brown have long advocated a program of outdoor recreation." Under our present circumstances, it is totally impossible - and this is not in the material. It is totally impossible for us to give physical recreation, other than allow them to exercise in the cell area. There is no outside room. I recommended in 1960, when we built the 1960 jail, that the Board of Freeholders look into the feasibility of putting a recreation area on the roof. I was turned down on the request and since that time those Freeholders have long passed on.

The Freeholders that we have now are in full agreement that we do need a recreational area and they are trying to develop it in the concept of the plans for our new jail - and our new jail is in the planning stage; it is in the architect's hands.

ASSEMBLYMAN GIRGENTI: In the area of overcrowding, how many prisoners do you presently have at your facility?

MR. BROWN: We average 100 in Ocean County.

ASSEMBLYMAN GIRGENTI: And, what was the hold-over on the state people that were supposed to be taken out? Is that a problem in Ocean County?

MR. BROWN: Oh, yes. It is a problem in every county.

ASSEMBLYMAN GIRGENTI: Right. What are the numbers?

MR. BROWN: I can't give you the numbers of the other counties, but I think we are presently holding 13. We are using 13 bunks for those who are being held for judicial proceedings.

ASSEMBLYMAN GIRGENTI: And, this problem has been alleviated somewhat since, as you stated before, Mulcahy took over as Commissioner?

MR. BROWN: Yes. Since he took over he has made an earnest effort to try and take them off our hands more readily and Fauver is following him up.

I believe that eventually, when the state gets their situation straightened out, it will take care of itself. In the meantime, I think we are going to have to live with the condition as it exists now.

ASSEMBLYMAN HARDWICK: Do you still have inmates sleeping on the floor?

MR. BROWN: We never did have any sleeping on the floor.

ASSEMBLYMAN HARDWICK: The Department of Corrections report indicated that. Was that inaccurate?

MR. BROWN: It had to be inaccurate because we have never had any inmates sleeping on the floor.

To continue, he goes into lighting: "While your report indicates that the natural and artificial lighting in the cells is adequate," and Mr. Mintz said it was in his report, "I understand you meant to state that the same is inadequate. Once again, your comment that lighting is inadequate to control dirt and filth in the cells certainly is out of order and would lead the reader to believe the sheriff is not concerned with cleanliness."

I would like to state at this point that our jail is scrubbed down from stem to stern three times a day, morning, noon, and night. And, as far as I am concerned, the report done by Mr. Mintz infuriated me. If he sent other wardens and sheriffs information along these general lines - and apparently this was a general letter and was sent to all sheriffs and wardens - then I feel there is a reason he has received lack of cooperation.

He went into environment and sanitation; other space; fire protection; and medical care. Concerning medical care he said: "An admission physical is given" - meaning admission of an inmate - "to each inmate by the admitting officer based upon a medical checklist form prepared by our jail physician."

He then goes into other services: "Our jail counsellor does give general educational development tests to inmates but the average stay is far too short..." for a "...meaningful vocational training program." That is true.

Religious Freedom -- "Religious services are offered each Sunday afternoon in the chapel...."

Food Delivery -- "The purchase of heated food carts for transporting food to the cells is not needed in the Ocean County Jail. The line of delivery is less than 100 feet and takes approximately 3 minutes to deliver same. Undersheriff Brown has not received any complaints concerning hot food."

He then goes into the treatment of women.

Mr. Berry then concludes: "The Sheriff of this County and the Board of Freeholders stand ready, willing, and able to cooperate with your office in an effort to protect the rights of inmates. We have already made a substantial commitment to rectify many of the existing problems through the construction of a new jail. We would only ask that your office recognize the current financial and practical problems faced by the County Administration. We simply cannot rebuild the existing structure to accommodate many of your requests. Final resolution of these matters must await completion of the new facility."

It is my opinion the law as presently constituted, and I quote--

ASSEMBLYMAN HARDWICK: What page are you on?

MR. BROWN: I am back to page 31.

ASSEMBLYMAN HARDWICK: Page 31?

MR. BROWN: It is my opinion the law as presently constituted, and I quote: "52:27E-12 Office of Inmate Advocacy; duties: The Office of Inmate Advocacy" - and I state 'may'; it says that in the law - "represent the interests of inmates in such disputes and litigation, as will, in the discretion of the Public Defender, best advance the interests of inmates as a class on an issue of general application to them, and may act as representative of inmates with any principal department or other instrumentality of State, county, of local government. The provisions of this section shall not be construed to expand the authority or responsibility of the Public Defender to represent inmates as individuals."

This law grants - I say - the Office of Inmate Advocacy the right to take inmates' complaints, and so forth. I feel the Office of Inmate Advocacy is overstepping its bounds and is emasculating the intent of the Legislature by whom it was conceived. As a Commissioner, I recommend that the Legislature allow this law to expire as originally intended on December 1, 1978, as I feel no constructive benefit has been derived through their efforts, and they are duplicating a function of the State Department of Corrections. Again, as a Commissioner, I recommend that the Legislature intensify the responsibilities of the State Department of Corrections in relation to inmate complaints and/or inspections of county jails.

Another example of the effect--

ASSEMBLYMAN HARDWICK: Now, are you answering my question there? Are you recommending that the Department of Corrections--?

MR. BROWN: I will get into that further. Another example of the effect of the Inmate Advocate's report of February 15, 1977, is exhibited in an unsolicited memorandum directed to me from Lieutenant Foster, a Sheriff's Officer assigned to the 2nd tour in the county jail. This letter indicates, I feel, a general consensus expressed by my entire jail staff. I also feel the report has had a demoralizing effect on all jail personnel.

This memorandum was received by me on February 27, 1977. This is on page 31B. Lieutenant Foster is referring to Mr. Mintz's report in this memorandum. "After reading this report I am of the opinion that the recommendations set forth were arrived at through a combination of ten percent observation, ten percent court decisions, ten percent guess work, and seventy percent rumors and half-truths obtained from disgruntled inmates." I would like to make that point very emphatically. I think this is what has happened to the Commission Report - the Irving Report - and that is why the Irving Report is in such disarray.

"The recommendation on page three" - and I am continuing with this memorandum from Lieutenant Foster - "that only a small percentage of inmates be confined, and the rest be allowed to move freely in the county jail, is a unique suggestion. All persons charged from simple assault to mayhem to murder come through the County Jail. It is not rational to state that inmates be allowed freedom in jail during incarceration. This recommendation obviously emanates from an uninformed community do-gooder or an over-educated social worker. Surely, the one responsible for this travesty is unrealistic and far removed from the actual jail scene. This person surely has never been brutally kicked, punched, abused, verbally threatened, and/or assaulted by any of the psychopaths that enter the jail.

"Due to the short average inmate stay, the jail authorities have little time to test, evaluate, judge or classify inmates. Time does not allow this to happen. The state system differs - they have only the sentenced to deal with and usually they have compiled sufficient data from rap sheets and from local authorities to determine if a prisoner is aggressive or docile or a threat to fellow prisoners and/or officers. Therefore, this recommendation would result in less safe conditions for all - inmates and officers alike.

"The grievance procedure on page four" - and he is talking about Mr. Mintz's report - "borders on the ridiculous, as does the procedure for discipline of inmates. The inmate's calling witnesses and cross examining would result only in his being found not guilty on the testimony of his brother inmates who would "tell it any way he wants it." The procedure would not work in a jail housing many short-term inmates. Consequently, in three years there has been no inmate charges resulting in loss of privileges. All inmates who break the law are brought before the court. What could be more direct and simple in our modern system of criminal justice?

"The report states that contact visits should be given to all inmates that are not 'known security risks.' When an inmate is given a contact visit, he automatically becomes a security risk. To institute this, we would probably need at least ten more officers."

Now, again, we are talking about money if we want to go into this type of system. I find - and I don't know how the state is going to solve the problem of money - that money is one of the problems in operating county jails.

"The unlimited use of telephones is ridiculous - the county would need to install at least ten more lines. Mail without any inspection would be a definite security risk. It would make easy delivery of contraband such as drugs impossible to control. Newspapers would become a distinct fire hazard - records available to furnish proof, if needed. Uninspected books like 'The Anarchy Cookbook,' if digested by the inmates, would not make for a smooth running institution, any more than the pornographic and unadulterated sex books would.

"The admission physical, referred to" - this is in Mr. Mintz's report - "on page 16, section B, is performed on each and every inmate by use of a prescribed and approved medical history and check list by the officers. Any problem is immediately referred to our jail doctor.

"We have been cognizant for some time that we need more room, better segregation, lighting, etc. Architectural design and planning coupled with the time required for the work to be done will eliminate those problems. The rest of this report only points out the increasing liberal trend that is attempting to dominate the field of law enforcement and penology today.

"I am of the opinion that an agency, such as the Department of the Public Advocate, armed with the same amount of tax dollars, should be made available to look after the rights of the victims of crime."

That was unsolicited. No way did I talk to him, nor did I ask him to come forth with any recommendation, as such.

MR. KATZ: May I ask you a question about the disciplinary procedures in the jail?

MR. BROWN: Certainly.

MR. KATZ: Does Ocean County now have a disciplinary board?

MR. BROWN: No, it does not.

MR. KATZ: It is my understanding, from the Public Advocate's report, that there was a court case in New Jersey - Averon v. Clifford - in 1975 which requires the establishment of a board. I am reading from the Advocate's report: "The New Jersey Supreme Court held that a disciplinary board consisting of three officers, one of whom must be a civilian or one hearing officer from outside the jail's administration, is constitutionally required."

MR. BROWN: Let me say this: In relation to that, we in Ocean County feel that the best way to handle disciplinary problems is to bring them before the courts. I don't think there is any better redress than bringing a prisoner before the courts. If he punches an officer, a complaint is signed. If he tears a table off the wall and destroys county property, a complaint is signed for the destruction of county property. If he deliberately destroys any county property, he is brought before the court. And, we haven't had many instances of disciplinary problems anyway.

ASSEMBLYMAN GIRGENTI: Mr. Brown, one other point. In the Ocean County jail - and you can speak from experience - do you presently co-mingle your detainees with the people who are there for correction? How do you handle that? Are they separate unless the conditions are too crowded? What way do you deal with that right now? How do you handle people who cannot afford bail and are awaiting trial as opposed to people who are already convicted?

MR. BROWN: We make an honest effort and we try to keep the people who are convicted on the third floor of the jail in our maximum security section. Those who are awaiting the judicial process are kept on the second floor.

There are times, due to crowded conditions, when they have to be intermingled.

ASSEMBLYMAN GIRGENTI: And, what is the difference -- Is there a difference in the treatment?

MR. BROWN: There is no difference in the treatment, absolutely not. They get the same food and the same benefits. The only thing that they don't get on occasion on the third floor is a visit to the chapel unless they have made a specific request for a specific minister, priest, or rabbi to attend our general services that are conducted by the Council of Churches. This is a lay group. To allow the third floor to come down to the second floor chapel, we would need at least five to ten extra officers. We can't afford five to ten officers for such a short stay.

If we have an inmate on the third floor who wants to see a priest or a rabbi, we make the proper arrangements to take them on an individual face-to-face basis. That is the only difference.

ASSEMBLYMAN GIRGENTI: Thank you.

ASSEMBLYMAN HARDWICK: I would like to follow up on the question that Mr. Katz asked, Mr. Brown. If there is a court decision that something is required whether you agree with it or not, do you think that an institution should be able to ignore such a ruling - such as the grievance rule? Even though you may disagree with it, what do you think should be done in that case?

MR. BROWN: If the--

ASSEMBLYMAN HARDWICK: Because you are in the business of enforcing the

law and that becomes law in effect.

MR. BROWN: If the case warranted a disciplinary hearing, then I would suggest that we would have it. We have--

ASSEMBLYMAN HARDWICK: That is not my question. My question is, when there is a court decision that lays down a guideline for a jail to use to resolve a problem instead of just ignoring it, doesn't it bother you that you don't follow this guideline? You are in the law enforcement business and this now becomes law.

MR. BROWN: I can't say I am not bothered. I state emphatically that I am not disregarding the law in any manner, shape, or form. If we had a case where there is a violation of rules of the jail - and not state law - and we felt there was a serious violation of the rules and it was a continuing thing where one could talk to the inmate to pinpoint the problem by saying, "Look, you are wasting your food" or "You are doing something that the jail rules mandates you shouldn't do" or if they are using loud and abusive language - some of these little picayune things - we would do that, yes.

ASSEMBLYMAN HARDWICK: So, you disagree then with the Public Advocate's interpretation of the court ruling?

MR. BROWN: Yes, absolutely. Absolutely. Emphatically.

MR. McQUADE: Mr. Chairman, as Attorney for the New Jersey Sheriff's Association, could I have a citation for that?

MR. BROWN: I have never seen it.

ASSEMBLYMAN HARDWICK: If you would like to see it, please see Mr. Katz later, but please don't interrupt the hearing.

MR. McQUADE: It is a hypothetical question which may or may not be cited.

ASSEMBLYMAN HARDWICK: I didn't intend it to be hypothetical. It is based on the citation from the Public Advocate. I am not posing a hypothetical question. He charged in his report that the county jails are not following the guidelines laid down by a court decision. That is what I am saying.

MR. McQUADE: I don't know of such a decision.

ASSEMBLYMAN HARDWICK: If you would see Mr. Katz, he would be happy to give it to you.

Okay, go ahead, Mr. Brown.

MR. BROWN: Let me say that if there were such a decision I would abide by it.

On March 11, 1977, I forwarded a copy of the Public Advocate's report of February 15, 1977, to Mr. Thomas Kelaher, at his request. Mr. Kelaher is Chairman of the Ocean County Jail Study Commission; he is not just a interested private citizen.

Mr. Kelaher was Ocean County Assistant Prosecutor for a number of years and has visited the jail on numerous occasions. My letter to Mr. Kelaher answering his request expresses wholeheartedly my feeling related to the Advocate's report.

This is to Mr. Kehaer: "Please find attached the copy of a report forwarded to us by Mr. Jeffrey A. Mintz, Assistant Deputy Public Defender." That is what his title was then.

"I have perused through this thesis and find it to be completely unreliable. It is filled with innuendoes and not based on reliable data.

Accusations related to censorship, for instance, are unfounded, as are numerous other finds they cite.

"I am not altogether convinced that their authority carries with it the scope they cover or try to portray - see attached NJSA 52:27E-12. I have not received any notice of litigation from any inmate nor have there been any disputes. There may very well be cause to seek redress of the courts for an order to show cause why they should not be restrained until they conform to the law as intended.

"The court cases they cite may or may not be pertinent as they have not furnished the context of each citation. It will take some time for Mr. Berry's office to evaluate their implications. I feel that it may be premature to forward any of their literature to the architect until we, the local governing body, have had a chance to meet and discuss the matter."

Now, as I said, my letter to Kelaher expresses wholeheartedly my feelings related to the Office of the Public Advocate in relation to Inmate Advocacy, not the Public Advocate per se -- only that section of the Inmate Advocacy.

I am fearful that the appointment - as recommended by the Commission - of an Ombudsman would result in further discord; it could create added chaos without accomplishing any purpose.

I would recommend, as a Commissioner, that the Office of Inmate Advocacy be disbanded, and all complaints not satisfactorily handled under already established agencies be directed to the State Department of Corrections for disposition. Under state statutes, the law provides in 30:1-1 for the state to inspect local and county institutions; this includes county jails, workhouses, and penitentiaries.

For the record, I would like it noted that I fully support the Department of Corrections, and in particular its new Commissioner, Mr. Fauver. I also support the existing law that provides for them to inspect county jails. As a warden, or administrator, I cannot and do not object to their inspection. I have personally always cooperated with them and, in fact, welcome their inspections. I know of no warden who takes this inspection lightly.

Now, somewhere along the line - and this is not in the prepared text - I have read - and it may have been in one of these reports - that somebody from the Department of Corrections was critical of some wardens not cooperating. Well, if that is the case, I would like to know who those wardens are. I think it is very important that the Subcommittee find out if there are actually wardens who are not cooperating with the State Department of Corrections because I feel this is where the power lies.

I know of no warden who takes this inspection lightly, or who does not cooperate fully. I feel that the state should continue to supervise these inspections. As a Commissioner, I recommend the law be amended to give them more than suggestive power. I recommend that the counties be given 30 days to improve conditions after receiving the inspection reports. The counties should be allowed 30 days to correct any unfavorable conditions and reinspection should be made by the state as soon as practical after the 30 day grace period to determine if the violations are, in fact, corrected. I further recommend the law be amended to create an office in the State Department of Corrections, designated as Chief

County Jail Inspector to supervise such inspections. This Chief Inspector should have the power to obtain an order to show cause, before the appropriate court, when conditions are not corrected. I further recommend that the results of the hearing should be ruled on - and I am talking about the inspection hearings - by a blue ribbon panel called to render a final and binding decision when county authorities completely disagree or disregard the findings. I also recommend that the state adopt standards for inspections of county jails equal to those approved and imposed on the state penal institutions; not less or more stringent, but meaningful and manageable.

I would further recommend this law be amended to encompass the purpose of the above recommendations. Of course that is something I believe the Subcommittee could be involved in, by making these recommendations.

ASSEMBLYMAN HARDWICK: Now, before you go to the next recommendation, I would like to go back to the Department of Corrections Report. We talked about inmates sleeping on the floor. You emphatically denied that ever happened. Their inspection report is dated September 27, 1977. Did you file a response, comparable to the one you did based on Mr. Mintz's inspection, saying that they are wrong? Because they said that two inmates were found sleeping on a mattress on the floor in dormitory one. There were no beds available for them. Did you go back to the Department of Corrections and tell them they made a mistake?

MR. BROWN: No, I didn't. I would say that it is very possible that there may have been times that maybe inmates had to sleep on the floor, as I think back. I have been reflecting on that ever since we talked about it before.

When I said I denied it, in most instances no inmates are required to sleep on the floor. There was one instance. Our jail holds a total of 130 some odd bunks. We had several raids in one night at the shore beach area related to drugs and we did have a population of 140, as I now remember.

I apologize for making that mistake.

ASSEMBLYMAN HARDWICK: Oh, so you think it happened one time?

MR. BROWN: I have a recollection of it happening at least one time. It may have happened more. But, this is an uncontrollable situation. We only have 130 beds and if the police bring in-- Let's say we have 100 in population and they bring in 45 people, we are going to have to put mattresses on the floor.

ASSEMBLYMAN HARDWICK: To me that wasn't the first issue. The more overriding issue is the credibility of the Department of Corrections Report. You said that was an inaccurate report.

MR. BROWN: No, I take that back and I apologize. I think it probably was accurate, as I reflect on it. We are talking about -- what did you say, 1972?

ASSEMBLYMAN HARDWICK: No, 1977.

MR. BROWN: 1977?

ASSEMBLYMAN HARDWICK: September 27, 1977. So, that was nine months ago they wrote this, approximately; or it was ten months ago.

MR. BROWN: It is very possible. I can emphatically state that it is not for prolonged periods.

ASSEMBLYMAN HARDWICK: All right. You made the recommendation that all jails should have 30 days in which to bring the recommendations from the Department of Corrections into line. Is that right?

MR. BROWN: That is correct, yes.

ASSEMBLYMAN HARDWICK: Now, the Department of Corrections made 14 suggestions for your facility in September. Have you brought all of those into line?

MR. BROWN: I have tried to, yes.

ASSEMBLYMAN HARDWICK: You have tried to?

MR. BROWN: Yes.

ASSEMBLYMAN HARDWICK: I understand that you can't necessarily dismantle a jail in nine months. I understand that.

MR. BROWN: That's true. We tried to correct each and every one of them as they were cited.

ASSEMBLYMAN GIRGENTI: Mr. Brown, how often are you inspected by the Department of Corrections?

MR. BROWN: I believe once a year.

ASSEMBLYMAN GIRGENTI: Once a year?

MR. BROWN: Once a year. We are also inspected by the County Department of Health and we are also inspected by the township Department of Health.

ASSEMBLYMAN GIRGENTI: Now, according to what you are saying, if I read it clearly, you feel that the authority should continue to rest with the Department of Corrections to inspect the jails and set whatever standards are necessary so you would have a period of time to comply with them?

MR. BROWN: I have absolutely no objection to that. I think there should be inspections. I think there should be somebody over and above me that would give me some guidance and give me some input as to what they feel should be done.

ASSEMBLYMAN GIRGENTI: But, you also don't feel that the Department of the Public Advocate, especially the Inmate Advocacy, should have this authority?

MR. BROWN: I don't think the law was designed for that. I think if you interpret the law and read it as written, they are involved in one aspect of this. I think they are overstepping their bounds. I think they are getting into areas that they shouldn't be concerned with. They should be concerned with complaints by the inmates. Fine. I have no objection. That is the way the law was written. But, they are creating a monster, I feel.

ASSEMBLYMAN HARDWICK: I don't have a personal opinion as to whether or not there should be a disciplinary committee board, but since that was brought up earlier, the Department of Correction's suggestion number nine was: "Establishing a formal disciplinary committee board, composed of three members, one of which at least should be civilian staff member to adjudicate violations of institutional rules."

Now, my question is not on the merits of that; my question is, you respect the Department of Corrections, in general, you endorse the concept of their inspecting jails, but when you disagree with one of their findings do you choose to ignore it?

MR. BROWN: I didn't disagree with the finding.

ASSEMBLYMAN HARDWICK: Wait a minute. Earlier you said: "The way to handle complaints is to take them before a court." You disagreed with this concept. Now, I am not arguing the merit of the concept. Put that aside. What I am saying is, from a legislator's viewpoint we have a state agency making a recommendation and you respect the state agency. Should a jail then be

allowed to ignore their recommendations?

MR. BROWN: No, absolutely not. I think it is a bona fide law and I think we should have it. If they recommended it, I think it is fine. But, in our particular case, we don't have any inmates who meet the requirements so as to have a board for. If it ever reaches the point where we have to have disciplinary action taken against an inmate for the violation of a minor rule, then I say we are in a position where we should use this. But, where there is an outright breaking of the law, I think the law has provided for this - it has provided for us to sign a complaint against the inmate. I don't think any other inmate should be involved in this. This is a managerial problem relating to the--

ASSEMBLYMAN HARDWICK: You are talking about the merits of that issue and I am not getting into that. I said I didn't even have an opinion on it. To me the point is, a state agency makes this as a suggestion for improvement. Should jail wardens and administrators have the right to accept the recommendations they like and turn down, or ignore, the recommendations they don't like?

MR. BROWN: No, they shouldn't. They should accept the recommendations as they are stated.

ASSEMBLYMAN HARDWICK: But, you don't feel this one applies to you?

MR. BROWN: Oh, no, I didn't say that, sir. I said that I don't think I have any inmates that meet the requirements for this type of situation. I say that I am not picking on inmates for little things. I can have inmates boards. I could have ten inmates a day before a board. I don't think it is necessary. I think there are other ways to handle those minor problems. But, I think when there is a violation of the law and a crime is committed, the law is specific. In fact, the charge should be made and action should be taken by the court. I think that is our system.

ASSEMBLYMAN HARDWICK: Okay. Are you picking up on page 33 now?

MR. BROWN: I think so. Do you remember where I was?

MR. KATZ: You were on the last paragraph before recommendation six.

MR. BROWN: The last sentence?

ASSEMBLYMAN HARDWICK: That is where you were, yes.

MR. BROWN: All right. The last sentence of Our Commission's Recommendation Five makes reference to "creation of an atmosphere of fairness and humanity in the county jail." If the entire body of Commissioners approves Recommendation Five, I wholeheartedly recommend that the above underlined citation be deleted. There was no evidence presented at our Commission hearing to warrant the insertion of such language. As a Commissioner, I further recommend that Nunber Five be omitted in its entirety.

Recommendation Six: The theory of this recommendation is very good and possibly could work if professionals in this area were readily available. Unfortunately, I have looked far and wide and have not been able to find too many with the necessary credentials. I am presently developing an experimental program designed along the suggested lines. I am fortunate to have found, after an intensive and exhaustive search, a counselor who meets our criteria. I am also fearful the program will have little impact if enacted at the county jail level. I have stated earlier my position on rehabilitation at the county jail level and firmly feel time and testing will result in my projection that it cannot work on a local level. As a Commissioner, I recommend that institution of the suggested program be developed in the state system or, alternatively, at

county penitentiaries. I further recommend Recommendation Six be withdrawn by the entire Commission or modified to meet the requirements and needs at the county setting.

Recommendation Seven: I cannot subscribe to this recommendation of Our Commission Report nor can I condemn it in its entirety. I do not find any supporting material enclosed with the report as referenced, "American Medical Association, Division of Medical Practice." I cannot subscribe to references made in Our Commission Report that state there was in fact, "Grossly Inadequate Medical Care and Treatment in Jails." I feel I covered my objection when I submitted my first section making reference to Chapter II of "Our Commission Report." In other words, in my first section I believe I covered that.

I heard of no evidence nor read in our Commission transcripts that there was, in fact, "Inadquate Medical Treatment in County Jails in New Jersey." I request this unproven, improperly documented reference be deleted.

As a Commissioner, I recommend that the New Jersey County Jail Wardens Association be asked to form a committee to study medical needs in the county jails in New Jersey and submit a detailed report of their findings after properly interviewing jail doctors and nurses and those closest to the situation. It is my personal observation that some county jails far surpass what is expected in rendering medical attention to inmates. Some jails provide services not presently rendered in some of the smaller hospitals.

I also suggest that the Subcommittee study this aspect.

ASSEMBLYMAN HARDWICK: You included a medical form?

MR. BROWN: Yes.

ASSEMBLYMAN HARDWICK: Could I ask you a couple of questions about that?

MR. BROWN: Yes.

ASSEMBLYMAN HARDWICK: If I understand this correctly, it is filled out by a jail officer, rather than a physician.

MR. BROWN: Yes, it is filled out by a jail officer who takes the immediate booking area information by examination of the individual and a strip search to show any bruises, cuts, marks, or wounds. If there are any, he calls the doctor directly in order to have him attend the inmate and/or he takes him immediately to the hospital.

ASSEMBLYMAN HARDWICK: If there is apparently nothing wrong with the inmate, is the inmate seen by a physician?

MR. BROWN: The inmate is seen at the earliest convenience. If the inmate is brought in at 12:00 at night and there is apparently nothing wrong with him, he is seen by the doctor the first thing in the morning because the doctor is usually there at 7:00 A.M.

ASSEMBLYMAN HARDWICK: So, every inmate who is there more than 12 hours, or more than 24 hours is given a physical exam, whether the inmate has any complaints or not?

MR. BROWN: No, I can't say that. I would state that in most instances, yes, because every inmate that comes into a county jail, just to get out of the cell area and take a walk - and this is why I push for a recreational area; I think this is one of the things that jails lack, a recreational room - will take a walk down to the medical area when he is asked if he wants to go to medical. He will take a walk down and receive an examination then. The doctor

does not examine, personally, and do a medical history on every inmate that comes in.

ASSEMBLYMAN HARDWICK: What kind of dental care do you provide for longer-term inmates?

MR. BROWN: We have a dentist that is on call. I think the jail doctor, upon a complaint from the nurse - and it doesn't have to be the doctor, the nurse is on board from 8:00 A.M. to 4:00 P.M. - will make a recommendation about an inmate who has a toothache or a problem to have him taken to our dentist.

ASSEMBLYMAN HARDWICK: There were some comments in the Report that the only dental service provided was extractions. Is that true in your jail?

MR. BROWN: Not altogether, no.

ASSEMBLYMAN HARDWICK: You will do fillings?

MR. BROWN: We do fillings, yes. We do fillings in cases where the doctor recommends it. The doctor examines a patient and if a filling can save a tooth, yes. But, the majority of inmates that come into jail -- their teeth are in such a fearful condition because they haven't been to a dentist for thirty years in most instances, that to save the tooth would be out of the question. If they develop a toothache at that stage, the only remedy is to remove the tooth to give them relief.

ASSEMBLYMAN HARDWICK: If the patient is on a prescribed medication, how is that handled? Suppose the patient is taking a doctor's prescription, how is that handled?

MR. BROWN: Do you mean a drug from the outside?

ASSEMBLYMAN HARDWICK: Yes.

MR. BROWN: He relates to the officer that he is on a prescription. If he has a bottle of the drug with him, we will call the pharmacist and he will substantiate the fact that the drug was prescribed. He will then confirm this to our doctor through our nurse and our doctor will continue the medication.

ASSEMBLYMAN GIRGENTI: Mr. Brown, what does your staff of professional people consist of at the present time? Do you have one full-time doctor? How does it work with nurses and doctors?

MR. BROWN: We have two doctors who are on call and we have one full-time nurse on board. We have one relief nurse, who is on call.

ASSEMBLYMAN GIRGENTI: One impression that I seem to get throughout your report is that a lot of the findings - and this is also in the minority report of Mr. Cornblatt, I think - were more or less dreamed up somewhere; there was no documentation nor sufficient evidence.

MR. BROWN: That is correct. That is one of the problems with the Report. The Report did not document the actual cases where these problems were found. In fact, where they were alluded to in the Commission Report, they were taken from inmates' testimony and not verified through investigation of the particular authorities, or investigation of medical records, or by talking to the authorities whom the complaints had been lodged against by the inmates.

ASSEMBLYMAN GIRGENTI: Yes. Because I see that you make reference to it repeatedly and so does the other minority member -- the fact that there is insufficient documentation in a lot of these areas and that there were assumptions made in a lot of areas. I just wonder how does something like that come about

with this type of Commission? Do they sit down somewhere and decide that "these are the problems" without getting the opinion of the minority at that point, or did this come about in your presence or the presence of the other members of the Commission? How did this come about? Were there preconceived ideas in the back of anyone's mind before they were appointed to this Commission? Is that a thought you have?

MR. BROWN: I think - and, of course, I am only talking as one person on the Commission - that it was actually a preconceived idea. Chairman Irving, to my knowledge, had done a Commission study similar to this in another state. I think that he was using the experience and expertise he gained by doing this type of study in another state. I think he applied it to the State of New Jersey. I feel also that the Commission Chairman was not - and I made a notation here - responsive to the actual mandate, as laid down by the Legislature. I feel that the mandate itself was completely circumvented.

He stated to you, I believe, in this Report - and I didn't want to belabor this but you raised the question and this is quoted from the Report - that, "One of the chief reasons that the Report took four years" - and this is Irving speaking - "to prepare was the lack of cooperation in certain localities and the lack of coordination and guidelines from the State." I say that Irving created his own atmosphere of poor cooperation by conducting his investigation as a witch hunt.

The State, incidentally, produced, I feel, a good mandate if it had been followed. But, I don't think the mandate was followed in any manner, shape, or form.

ASSEMBLYMAN HARDWICK: Mr. Brown, we have 14 other people who would like to testify today. Do you think you will be able to conclude in another 15 minutes?

MR. BROWN: I can try.

ASSEMBLYMAN HARDWICK: We would like to take a short lunch break and give some of the other people a chance to testify.

MR. BROWN: I have approximately 10 more pages.

ASSEMBLYMAN HARDWICK: Well, we definitely will read them. Why don't you highlight - if you don't mind - what you think are the most important points? I am thinking of the other 14 people who came to testify today. Could you do that?

MR. BROWN: I'll try.

He alludes to inadequate medical treatment and I suggest that the Subcommittee study this.

His Recommendation Eight, in relation to a Rehabilitation Service Counselor, I think has some merit, but I think it is going to be very expensive for the counties to institute.

This, I think is important. He makes a recommendation in his Report - and I quote - "that a registered nurse assigned to each shift be authorized to secure a more complete medical and psychological history prior to placing each entrant in quarantine for a minimum 48-hour period." He was so uninformed and lacking in knowledge while gathering the information he put in this Report he submitted that he does not know that there is no county jail in the State of New Jersey that has quarantine. This is something that is done in State prisons, not in county jails. No jail that I know of in New Jersey actually

has quarantine.

I will pass by the medical report. I wanted to make reference to it for many reasons, but you have it and I am sure you will be able to cover it.

Another thing I objected to is his use of the word "client" in his Report. I object to the term "client" being used to describe an inmate. They are not clients of society. They are not clients of the establishment. They may have this relationship with their attorney or the public defender. I believe the victims of the crimes would vocally object to this terminology. I have heard inmates called all sorts of things, but this term is new and non-descriptive. As a Commissioner, I recommend that Recommendation Nine be eliminated in its entirety.

Recommendation Ten: Our Commission Report recommends that, "living quarter assignments should be based on relevant facts, not arbitrarily on the basis of where an empty bed exists." I agree with this in some instances. I think that this is a problem that has to be solved not only by the State but by the counties when expanding their facilities. His report, of course, lacked the proper clarification of where new facilities were planned and where old facilities are being expanded to rectify these problems.

Recommendation Eleven: "Our Commission Report recommends that each county jail employ a counselor." I don't find anything too wrong with that. I do go into the fact that we have done some experiments with counselors. I find that they like television and it is proving to be sort of a benefit. I go into our Counselor's qualifications. I think that the qualifications of the counselor we were able to get are good.

Recommendation Thirteen: "Our Commission Report recommends that inmates be programmed for a smooth transition back into society upon release." I think we are really getting into the core of my suggestions now. If we have the time, I would like to go into them.

As a Commissioner, I feel this is a good recommendation and has much merit. However, for reasons previously explained, this provision should be inaugurated at a county penitentiary affecting persons who have completed their sentence.

Continuing Recommendation Thirteen, the following quote appearing in the second paragraph, "At the core of this Recommendation is the ultimate goal of changing the jail from a degrading and dehumanizing experience to a safe, positive environment in which the client has a chance to express his feelings, develop his abilities and determine an attainable future," should be omitted as there is no proof of the allegation. It is opinion and not supported. It tends to become inflammatory and impugns the integrity of every person assigned to work in the county jails in New Jersey, including administrators, wardens, officers, and matrons alike. The statement, like most of the foregoing, has no constructive critical value. If statements like these are allowed to remain in the Report, then the Report will have a demoralizing effect on all employed in jails, and morale will be seriously affected.

The Commissioners who voted for the document as it was submitted either did so for self-serving interests, as in the case of Commissioner DeMarino who voted yes for approval because it served his best interest. He stated to me on the telephone almost immediately after I learned that the report had been submitted to the Governor, that "yes, he had voted for it" and in his telephone

conversation to me he said, "I don't agree with all of the report but I want to get rid of the jail and the report serves my need in this area." Commissioner Hicks - another Commissioner who voted for it - said, (she) "voted for it only after she was called by the Chairman soliciting her support." Commissioner Martin McKernan, Jr., of Camden County stated, "he was for the report as amended." When I questioned him about the amendment, he stated that he disagreed with one section.

The reason DeMarino wanted to get rid of the Middlesex County Jail is that he had an inmate by the name of Joanne Chesimar and he couldn't cope with her. Actually, I think she created a problem that he couldn't cope with so he felt that by giving the jail back to the Freeholders, he would get rid of future problems like Chesimar.

McKernan also said that he called the Chairman to advise him of this section that he questioned. He said that Chairman Irving agreed to delete this section if McKernan would vote for the remainder of the Report. Apparently this was done since McKernan did, as a Commissioner, vote for the Report. I have no idea of what was deleted or what was changed, if anything. McKernan would probably be willing to testify. Of course, he is already here so there is no sense of asking him back to testify as to what he asked be deleted.

I feel the Commission fell far short of its mandate and did not effectively accomplish its goals. In fact, I feel the Commission Report, as presently constituted, does nothing more than try to embarrass Wardens, Sheriffs, and Freeholders. After the report was released, penologists in New Jersey were editorialized, some unfavorably, and I can't blame the press, as they only had part of the story. Cartoons and articles were numerous. As an example, here is one here: "The costume? It goes with the job!" This shows what is supposed to be Irving talking to a jail guard that is in an 1850 suit of armor.

Another one was in the New York Times: "A Fat Target." The Commission Chairman is pointing his hand out of the county jails at a Sheriff running through the door and it is called, "A fat Target." I think this was demoralizing and degrading and I think the way the Report was released to the press -- and, again I say, it is not the fault of the press; the press only had one side of the story -- places the Sheriffs and Wardens in a ridiculous situation.

Mr. McKernan also said he was surprised to hear the Report was released to the press before it was submitted to the Governor.

I also spoke to Senator Hagedorn, but I won't go into that now. Most of that is in the report.

It is my opinion the Irving Commission Report did not adequately study such subjects as outlined by the mandates of the Joint Resolution, and they were: to study the subject of county prisons and to evaluate the physical conditions and programs presently existing therein; to inquire specifically into the adequacy of and location of present facilities; to review security regulations and procedures; to study the advisability of an expanded program of State inspection and technical assistance and increased use of existing community resources for rehabilitation programming such as work and study release; to make recommendations as to the possibility of state and intercounty cooperation and sharing of facilities; to evaluate the classification procedures used to segregate different types of prisoners; and to study all such other matters relating to the subject

of county prisons as the commission may deem appropriate and to evaluate the financial impact of any recommendations it shall make."

I listed them here because I am sure that Irving was not familiar with them. This was to go to the Commission.

As a Commissioner, I recommend the entire document be rejected by the Legislature.

As a Commissioner, I recommend that Chairman John F. X. Irving be required to give to the Legislature a complete audit covering all expenditures during the Commission operation.

I feel the public has a right to know where the money was spent, and how much, in producing what I feel is a worthless document.

I should like to recommend to the Subcommittee that penitentiaries be utilized to a higher degree to help alleviate the high population presently found in county jails. I would like to furnish some information related to penitentiaries in New Jersey. There are only two county penitentiaries in New Jersey. They are Essex County, located in Caldwell, and Hudson County, located in Jersey City. The former is called the Essex County Correction Center. I am favorably impressed with their development of numerous meaningful programs such as educational programs in English as a Second Language, High School Equivalency, Adult Basic Education, and Essex County College courses, which I won't go into in order to save time. They are in the report concerning the Essex County Penitentiary.

The Essex County institution is also operated under the supervision of dedicated professional management. Most of the prison appeared to be geared to a relaxed atmosphere where the inmates seemed to enjoy their assignments. I think this is important to you. For example, those assigned to chicken farming and gardening worked like they enjoyed their duties. The interplay of the inmates and custodial officers appeared to be congenial and the officers were dedicated to their particular work functions.

The Correction Center in Caldwell is ideally located - and I give the locations and I also point out why it is located there and how accessible it is to the parents and visitors of the inmates.

I then go on to say, research of the various State Statutes governing the operations of penitentiaries in New Jersey revealed the following - and I give a history of the penitentiaries as related to the statute governing wardens and physicians for county jails and penitentiaries of first class; terms; vacancies - NJSA 30:8-15. I also covered NJSA 30:8-39 which specifically allows joint workhouses: "The boards of chosen freeholders of two or more counties may unite in establishing or acquiring and maintaining and operating a workhouse..." and I think this is important for the Commission to follow up on because it may be an avenue to address in allowing joint workhouses. And, again, I emphasize that this is after a prisoner is sentenced.

I then continue on with the history of penitentiaries and the law which relates to them. I will pass by that because it is covered in the report.

I also suggest that one could be built, if you change the name under the law to workhouse, in Central Jersey, South Jersey, and in Northern Jersey to take off the hands of the county jails those persons who are actually sentenced. I also recommend that if this can't be done, then the alternative to this would be to allow the State to pick up all those sentenced people.

I have one final page. I will submit my recommendations as a unit.

I have one final page and paragraph that I would like to recommend after I submit these. I have approximately eight pages of recommendations that have been taken partly from my report and from other information I have received since I tried to develop my research.

To finalize, I would like to state that as a Commissioner, I recommend that Chairman John F. Irving - and don't misunderstand; I am not mad at Irving and I respect him as a man, but I certainly don't go along with the way the hearings were held - be required to give to the Legislature a complete audit covering all expenditures during the Commission operation. Also, as mandated in Joint Resolution Three of 1973, Chairman Irving should be required to prepare a complete statement of financial impact covering any recommendations he has suggested in his Report. That is something that the mandate required and that wasn't done in the Report.

Gentlemen, I would like to say thank you for your time. If I can be of any further assistance to the Subcommittee, I will be very glad to volunteer my time, either as a consultant at no charge to the State, or in doing investigative work. I am familiar with investigative work. So, I would be very happy to devote my time and services to assist the Subcommittee in any manner, shape, or form. Thanks again.

ASSEMBLYMAN HARDWICK: Are there any final questions?

ASSEMBLYMAN GIRGENTI: Mr. Brown, will you be here later? Are you staying?

MR. BROWN: I will stay, yes.

ASSEMBLYMAN GIRGENTI: We may have questions for you later. Right now, because of the time I will hold any questions. I want to thank you for your information. It was very informative and I found it enlightening.

ASSEMBLYMAN HARDWICK: Thank you very much for coming, Mr. Brown.

MR. BROWN: Thank you. (full report on page lx)

ASSEMBLYMAN HARDWICK: We want to take about a 30 minute lunch recess. We should reconvene about 1:15.

(Lunch Break)

Afternoon Session

ASSEMBLYMAN HARDWICK: I would appreciate it if we could get started now.

We will begin with Deputy Warden Walsh.

T H O M A S J. W A L S H: My name is Thomas Walsh. I am Deputy Warden of the Essex County Jail with 30 years' experience. I am going to talk on training and the table of organization of our medical staff. There have been some comments made here about the Correction Officers being unprofessional and also about the medical staff of the Essex County Jail, it being one of the five counties that were criticized.

First of all I would like to tell you about the training I have done. I have been training there for seven years. I attended Modern Methods and Techniques of Instruction at Fort Monmouth, New Jersey. This is an outstanding instructor's course for two weeks in residence. Then Methods of Instruction by the Police Training Commission - I sent two superiors to this. FBI Sidearm and Shotgun Instructors' Course - three superiors for one week. National Riflemen's Association - that is through the Correction Officers' Training Academy, which I will refer to as COTA from now on - two superiors, myself and one officer. Smith and Wesson Armory School - one officer for two weeks. Commanders' Supervision School - the FBI conducts this school for one week. I sent 28 superiors to this. Mid-management - Correction Officers' Training Academy - 2 superiors for one week. Sub-executive Seminar, Correction Officers' Training Academy - 3 Captains for 3 days. Inmates' Rights and Officers' Rights, Correction Officers' Training Academy - 2 days, 8 superiors. Advanced Correction Officers' Training at the Correction Officers' Training Academy - 16 officers for 1 week. Basic County Correction Officers' Training at the Essex County Jail, which I conduct for a 3-week period. I have given the curriculum there to you. This was run before the Correction Officers' Training Academy started in 1972. This is what I inaugurated myself. One hundred and twenty-six officers went through that. I ran eight correction courses for three weeks.

We constantly have on-the-job training, vestibule training, at the jail, and emergency training. I was a former Fireman for the City of Newark for two years and I know emergency procedures.

Then there is the Basic County Correction Officers' Course at the Correction Officers' Training Academy. I sent 43 officers down there for three weeks. Emergency Medical Technicians' School at Martland Medical. I have given there a table of organization of our Medical Department. I have supplemented the Medical Department by sending 4 officers up to Martland Medical Center to become EMT's, Emergency Medical Technicians - 88 hours on their own time. Coronary Pulmonary Resuscitation Course - I put 126 officers through this course. This course is 16 hours put on by the Heart Association of East Orange. Coronary Pulmonary Resuscitation Course for Instructors - I have two instructors at the jail that teach cardio-pulmonary resuscitation. Standard First-Aid Course for Officers. Hostage Negotiations at West Point, New York. I have been there myself with two officers. You saw the other night something about Captain Boetz. He was involved in the World Trade Center. He is the instructor who teaches this course in Hostage Negotiations.

On the State level, we have a lady here who is in charge of the coordinating

of training with the county, Marie DiStefano Miller. I called her a couple of weeks ago and asked her if she could put together what has been done for the County Correction Officers at the State level. It is broken down on this sheet I have here. All I will mention is the County Basic Corrections program. This quarter, they have trained 40. For the year 1978, they trained 156. They have trained a total of 848 Correction Officers. There are other areas, such as Advanced Training, 166; Middle Management; First Line Supervisory; and Sub-Executive, 73 people. They have specialized courses: Advanced Defensive Tactics, Firearms (Instructor), Basic Spanish Language & Culture, Legal Rights/Staff - Legal Rights/Inmates. I mentioned before that I have sent officers down there. There is a total of 2,112 people who went through these courses.

Marie has told me that they no longer get a grant from SLEPA and that this year they are applying to the State for a grant. We of the Wardens' Association advocate that the officers should attend, whatever it is, three or four weeks.

I appeared before Dean Irving's Penal Study Commission on Raymond Boulevard in 1973 and I spoke on correction then. Sheriff DeMartino heard me say at that time what I thought about training at the State level. I feel and the Wardens' Association agrees that the State should require either three or four weeks basic training. It is required for Police Officers. It is a longer time. But a Correction Officer doesn't go into areas such as traffic control or investigations or incident reports to the degree that Police Officers do, plus the fact that they go into a 3-week course in sidearms, whereas a small percentage of Correct Officers carry sidearms. We don't need 11 weeks. We could possibly use 3 or 4 weeks.

The other thing I want to mention is about our medical staff. We were accused of having officers prescribe and hand out medication. Now we have two doctors - Dr. Sims who comes in in the morning, and Dr. Alfano comes in in the afternoon. We have a dentist five days a week. We have a psychiatrist, Harold Feldman. He is with the New Jersey Medical and Dental College. He brings his students in. We have a forensic unit for psycho-prisoners. He is paid through the State. We have a Supervisory Nurse and 7 LPN's, x-ray technicians, medical aides, a pharmacist - and courses have been taken by these people. So we have a sufficient medical staff.

That is all I have to say. You have this 3-week course. That is one of the 10 that I conducted at the jail and it covers all areas. Are there any questions?

ASSEMBLYMAN HARDWICK: I would just like to make a couple of comments. By and large, I think the Essex County Jail has received pretty good marks from the Department of Corrections and from the Inmate Advocacy ---

MR. WALSH: We have. We just had Institutions and Agencies inspect our place. They came up with about four recommendations, which we always try to comply with. It is the same cry for outdoor recreation, which is an impossibility there; contact visits, which I am against; maybe a couple of toilets had a chip; and that was it. As to the advocate, we have never had any complaint from an inmate. As Undersheriff Brown said before, we have inmates that bring charges against officers. We take them out of there. If we think a case warrants criminal action, we do the same as the Undersheriff. If an inmate wants to make a charge against an officer, we take him down. We have an officer before the Grand Jury now in Essex County.

ASSEMBLYMAN HARDWICK: What are your regulations pertaining to newspapers and magazines. Undersheriff Brown this morning said that he was afraid newspapers would

be a source of fuel for a fire.

MR. WALSH: I am not a lawyer. But in a discussion with respect to security of our institution, I was opposed to pornographic literature coming in and I was opposed to Mohammed Speaks. County Counsel McQuade was sitting there. A group of reverends came in and he knocked me down and said, "Why do you have to bring out sex?" I didn't bring out sex. In fact, it was brought out today by Art Brown. If they can bring in pornographic or homosexual magazines, this could encourage a fellow to go into this. But the County Counsel ruled that, in accordance with the First Amendment, these things can come in, and they come in. Right, counsel?

MR. MC QUADE: Yes.

ASSEMBLYMAN HARDWICK: Do you permit newspapers as well as ---

MR. WALSH: All publications. He ruled anything that is published on the stands can come in, but you can't have hand-outs. I can't stand outside the jail with hand-outs and pass them out as they come in. I gave my opinion on it, but he knocked me down.

MR. MC QUADE: That is subject to security. If there is any accumulation of those magazines and papers anywhere and they could be used to start a fire, on that ground, they could be confiscated and taken out.

ASSEMBLYMAN HARDWICK: What is your policy concerning telephone usage?

MR. WALSH: We have a telephone on each block and we have an inmate who does the monitoring. He just lists who is going to make the telephone calls. All telephone calls are collect. We run into the same problem as anybody else does that puts telephones in. If you give inmates something, they will find a way to beat you. They have third-party calls. They claim that the lawyers are home on the weekend; or they call up somebody on the outside and have them relay the call. We have no problem other than that. We have the telephone company investigators come in. We work with them.

ASSEMBLYMAN HARDWICK: Do you have any limit on how many calls a person can make?

MR. WALSH: No, only a limit as to time.

On the other thing about the Grievance Committee ---

ASSEMBLYMAN HARDWICK: Can you speak louder. We can't hear you.

MR. WALSH: On the Hearing Board for inmates, most superiors in our place have taken the Inmates' Rights and Officers' Rights course. We do have a Board. We have one inmate who is committeeman on the floor. We have the head committeeman and we have two superiors. If there is anything that smacks of a criminal act, we handle it promptly. I had an incident about a month ago. They started yelling, "fire, fire," in the jail. I was in the basement. I jumped on the elevator. When I hit the first floor, water was pouring out. You don't use an elevator when there is a fire. So I grabbed an internal key and went up to the third floor and the block was completely filled with smoke. There were 40 girls in there. I ventilated the place and, when I did that, there were two girls there yet. Some of the girls were in the pantry. I evacuated them down the staircase. When I ventilated the fire, it re-ignited itself. But we knocked it down. We saw that county property was being destroyed. Within a half an hour, we took the girl and the girls who were witnesses against her right down to Municipal Court. The girl was found guilty and she got six months.

ASSEMBLYMAN HARDWICK: Mrs. Szabo, do you have any questions?

ASSEMBLYWOMAN SZABO: Yes. Do you have contact visits in your jail presently?

MR. WALSH: No, we have no contact visits.

ASSEMBLYWOMAN SZABO: How do you feel about that if it were permitted?

MR. WALSH: I feel it is bad.

ASSEMBLYWOMAN SZABO: Why do you feel it is bad?

MR. WALSH: Well, anyplace that you have contact visits, your security goes right out the window. I can come up to you and pass you anything on a contact visit. I could pass you dope. Even if they were to take the inmate and strip-search him, there is still a certain amount of contraband that could have been passed to him. You are talking about pre-trial detainees. In the case of a man who is sent away to an institution, yes, he should have contact visits. He should have his family visits. I believe in night visits. Some women work in the daytime and can't get to see their loved ones. Maybe they can't see them on the weekends. I believe in night visits, but I don't believe in any contact visits.

ASSEMBLYMAN GIRGENTI: I have just a couple of questions. From what I can see, you have quite an elaborate staff in terms of your professionals.

MR. WALSH: Yes.

ASSEMBLYMAN GIRGENTI: Is your doctor on call at all times? Is he at the jail?

MR. WALSH: One doctor is in East Orange and the other one is in Union. I had the doctor call me the other night. If he has a problem superiorwise, his medical staff calls me; and he is on call. Sometimes he will just tell the medical staff to transfer the inmate to Martland Medical.

ASSEMBLYMAN GIRGENTI: One of the problems that we have heard about is the guards dispensing drugs. You say that is not the case in your institution.

MR. WALSH: Not at all.

ASSEMBLYMAN GIRGENTI: One of the things that came out in this report is that inmates of jails are being given pills and this is making them drug dependent. Because they are idle all day and become restless at night, they are given pills. This brings them to the point of being drug dependent once they leave the jail. Have you experienced this situation?

MR. WALSH: Excessive use of drugs - no. We have a methadone program. Dr. Simms has instituted that. When someone comes in, he checks them thoroughly. If they were on methadone on the outside, he decreases the maintenance in a four-day period. The guards have nothing to do with medication.

ASSEMBLYMAN GIRGENTI: In terms of your own specific institution, do you find that rape, drugs, tranquilizers, lack of guard training and these other things that were mentioned in the report are major problems?

MR. WALSH: No problems. I can quote what was said in the paper by the Dean Irving Commission: drugs, death, rape, homosexuality, coercion, filth. We have a \$13 million plant there. We have mice. There is a \$26 million court house across the street. They have mice. Newark Airport is a \$450 million airport. They have mice. All you have to do is walk in and see them. But we don't let them run rampant. The same thing applies to homosexuality. There are latent homosexuals and there are non-homosexuals. We segregate them when they come in. We don't condone homosexuality. But if you take a bunch of guys who have been doing it on the street and you get them in there - we control it.

ASSEMBLYMAN GIRGENTI: What is your relationship at the present time with the Department of Public Advocate?

MR. WALSH: Good.

ASSEMBLYMAN GIRGENTI: Inmate Advocacy?

MR. WALSH: Good. I believe it is good. We have always cooperated with them. The inmate advocate came up. I forget the guy's name. I believe it was Donato. He came up about a supposed inmate beating. We cooperated with him fully and found out it had nothing to do with us. We have a tunnel that goes from the jail to the Court House. It was an incident that was supposed to have taken place across the street. Other than that, there has been no problem.

ASSEMBLYMAN GIRGENTI: This morning we heard Undersheriff Brown say that he, personally, would prefer to work with the Department of Corrections as opposed to Inmate Advocacy. Do you have any feelings on that?

MR. WALSH: I think I agree with him and not just because he is here. I think the Department of Corrections has trained individuals in this field. I think they have more expertise than Inmate Advocacy. I didn't like one remark that the man made that day, and there are some people that can attest to it. He came in and said, "I am sick and tired - I want to put some guards behind bars." I said, "Before you put your feet on the floor in the morning, that is your objective." I don't like that.

ASSEMBLYMAN GIRGENTI: Have you read the Irving Study Commission report?

MR. WALSH: No, not as thoroughly as some of the other people. The only thing I read was what was in the newspaper. I can remember the words. I can remember the lambasting of the Essex County Jail - death, drugs, homosexuality, coercion, filth. It made great reading. And I appeared before the Irving Commission.

ASSEMBLYMAN GIRGENTI: Thank you very much.

ASSEMBLYMAN HARDWICK: Thank you Mr. Walsh.

We also have Sergeant William Jones, Ombudsman, from Essex County.

W I L L I A M J O N E S: I am Sergeant William Jones of the Essex County Jail. I am in my 22nd year working at the Jail. I have been the Ombudsman for the last six years. I will read my statement.

I must interview each inmate upon admission, making all necessary contacts with the Social Worker and try expeditiously to resolve their problems, both domestic and legal.

I make contacts with the various courts for those inmates who in many instances have problems with bail procedures, reductions, etc.

I contact the Public Defenders Office or other legal services for inmates who may need legal assistance.

I set up programs for various activities at the Jail, such as shows, church services, various exhibitions, etc.

I represent the inmates with the many problems that arise in the institution. I attend inmate committee weekly meetings and make reports to the Deputy Warden and the Warden.

I make contacts with the various outside agencies.

The above duties are performed daily for an average of 550 inmates. Six hundred and 50, I think, is the capacity of the County Jail.

We recently employed a Social Service Worker, who was a Correction Officer. She went to school and got her Master's degree. We have two Social Workers who work closely with me. I also work with two outside agencies: the American Friends Service Committee and the Joint Connection. I have six officers and one female

officer who work in the department. We operate out of the library. We have a library of over 5,000 books, with a law section. As of yesterday, since 1975, we have serviced over 26,000 inmates. We also have given out over 27,000 books.

Most of us have found that we have less trouble since the Warden set up our department. It seems that the inmates feel that they have someone to go to. When I first started, I was the only one - sometimes it might take a week before I could get to them - but they would say, "At least we know we have somebody to go to." I think we have had less trouble. Also we find that the Inmate Committee we now have has been working out very well.

ASSEMBLYMAN HARDWICK: Sergeant Jones, do you report to the Warden?

MR. JONES: I report to the Deputy Warden and the Warden. My immediate superior is Deputy Warden Fleming, to whom I report.

ASSEMBLYMAN HARDWICK: Some people feel that an ombudsman should not report to the administration of the jail because the problems perhaps would be directly related to that administrator and that the ombudsman should be someone independent of the Warden, in case you have a conflict between what the Warden wants and the way the prisoner feels. How do you feel about that?

MR. JONES: Fortunately, our Warden has given me a lot of leeway. If there are any problems, I can contact the individuals. If there is anything wrong with the food, I can talk to the proper people and try to resolve it. The Warden does not try to hide anything. I think it is a problem if you have somebody hiding something. I have had no problem with that. Just the other day, we had Mr. Tozzi from the Public Advocate's Office come in on a complaint from inmates in the mental section. The Warden called me and told me to take Mr. Tozzi and give him all the cooperation that he needed. They are allowed to write any letters about any complaints. We meet with them at least once or twice a month. We have a newspaper that is run by the inmates. It is not censored except I go over it because we don't want any profanity in it.

I do believe that someone who has had experience in the jail and also has rank can accomplish more than a person who comes from the outside because a lot of the things that you have to do, as far as getting the inmates places, etc., an outsider would not be able to do. Unless you have the rank to do it, it is sort of tough. I think an ombudsman should be someone from the institution.

ASSEMBLYMAN HARDWICK: Do you feel what you do duplicates what the Office of Inmate Advocacy does, or do you feel that what they do duplicates your job? Do you feel that their office is necessary if there is an ombudsman, such as yourself, inside the jail?

MR. JONES: More of less, the way I understand it, they come in on the complaints of the inmates, things that I can't handle. For instance, we have to take mental patients. That is the mandate of the courts. In other words, if he is on the street, he doesn't go to Martland; he comes to us. They put a charge on him. We have that problem now with them. Sometimes we have a special tier for them; sometimes we mix them with other inmates. They are troubled. Inmates have this problem and they write to the Advocate. That is something I can't handle. I think in those cases, whoever it is, a civilian or a uniformed officer, should have someone that they can go to who is able to handle the situation.

ASSEMBLYMAN GIRGENTI: Mr. Jones, Assemblyman Hardwick asked a few of the questions I had. I wanted to talk to an ombudsman because I wanted to understand exactly what your function is in the jail. You have been pretty descriptive in

terms of what you do.

One thing I would like to know is whether you have any authority as an individual to make any changes in the jail yourself, or do you have to go through certain channels?

MR. JONES: No. I have more or less an open-door policy to the Warden. I have monthly meetings. Although my rank is a Sergeant, I am the only Sergeant that attends meetings because of my position. I make a report so that all the other superiors know what is going on. They may wish to discuss it with the Warden. We have that type of thing.

ASSEMBLYMAN GIRGENTI: Do inmates come to you generally or what is the procedure?

MR. JONES: The officer can call and say an inmate would like to see me. Also on each floor we have a request slip that says, "Request to see Sergeant Jones or a Social Worker." These slips are picked up every morning and brought up to the library. If we feel it is necessary to call them up, we call them up. Plus I also go on the floor and see if I have missed any complaints or anything like that. Plus we have the Inmate Committee which has two members on each floor, the north side and the south side. Inmates can bring complaints to them and they are allowed to come up any time they would like to see me. We have a Chairman who is allowed to go on any of the floors. He has more freedom. We can call an inmate who gets on the elevator and comes up to the 13th floor.

ASSEMBLYMAN GIRGENTI: Just one last question that touches on what Assemblyman Hardwick said: What kind of a relationship do you have with the Department of Inmate Advocacy at the present time? When they come to the jail, do they work through you? What is your procedure in terms of them? Do you work together?

MR. JONES: When they come in, I set up a meeting. Like the other day, I took him around all over the building. He sat down with the two Deputy Wardens and asked questions. Then he came upstairs with me. I called the Inmate Committee. He sat down with the Inmate Committee. They then told him what their problems are. We take minutes of it. We keep them and forward a copy to the Warden of what is going on.

ASSEMBLYMAN GIRGENTI: Do you specifically present problems to them or do you always work through the Warden first or the Deputy Warden?

MR. JONES: What do you mean?

ASSEMBLYMAN GIRGENTI: If there are problems that arise inside the jail, do you present them to the department or do you go through the Warden first?

MR. JONES: No, no. I do not, myself, go to the department. The inmates do. I inform the Warden what is going on. But they, themselves, go to the Department of Advocate. They are the ones who write the letters or make telephone calls, which they can make collect. I don't myself go directly to them.

ASSEMBLYMAN GIRGENTI: Thank you.

ASSEMBLYWOMAN SZABO: It seems you have a big responsibility on your hands. You have 550 inmates and your duties are performed on a daily basis. What if you are not available when the prisoner asks to see you personally?

MR. JONES: I have six officers and a female in the library. Plus we have two officers who run the gym. We have 30 or 40 inmates come each morning and afternoon to the gym for basketball, exercise, pool or ping-pong. We have basketball tournaments between the floors and ping-pong tournaments between the

floors. So when I am not there, the department still runs. The men under me take over. Every inmate that comes in the building, we see the next morning.

ASSEMBLYWOMAN SZABO: What if an inmate requests to see you personally and wants to speak to you, how long does he have to wait? Is it one day or two days? What if it is an urgent thing?

MR. JONES: If it is urgent and I am not busy, I call him up and see him right away.

ASSEMBLYWOMAN SZABO: That is what I was thinking that with all the duties you have, you are busy. Is there someone to take your place?

MR. JONES: Yes. We have the officers now and we are more or less like a department. At one time, I was the only one. Now I have other people. Plus, we also have a Spanish ombudsman. When a person who speaks Spanish comes in, I refer him to the Spanish ombudsman also.

ASSEMBLYWOMAN SZABO: Do you have anyone, such as an assistant, who is responsible ---

MR. JONES: Well, Deputy Warden Fleming and I work very closely. If something important comes up and I am not there, it would be referred to Deputy Warden Fleming. Between him and me, there is always someone to handle things. We also have a school which he and I run. We have it three nights a week. Plus we have a teacher upstairs in the library, on a one-to-one basis, every day. We work together on this. Before he became Deputy Warden, he was a Captain. In fact, he was directly over the department. He and I worked together. When I am not there, anything can be referred to him if my assistants can't handle it.

ASSEMBLYWOMAN SZABO: Thank you.

ASSEMBLYMAN HARDWICK: I have one last question. If the State drafted uniform standards, would you recommend that the standards include the requirement for an ombudsman in each jail?

MR. JONES: Yes, I find through my relationship that it is a good thing to have an ombudsman for a jail. But I still think that it should be a uniformed person because I don't think a civilian can come into the jail and do the job as well as a uniformed person. I suggest a superior; but, if not, at least a uniformed person. You have to have freedom. I am allowed to come and go as I please. I am allowed to go anyplace, check anyplace. I have the freedom to do that. You see, a civilian is not going to be allowed to go into the wings and different places where things can happen. So I think it would not be effective unless it is a uniformed officer.

ASSEMBLYMAN HARDWICK: How about someone not from the outside, but someone who reported, say, to the Freeholders instead of reporting to the Warden, someone who was outside the direct control of the Warden? How would that work?

MR. JONES: If you report to an outside person, you are going to have problems because you have to have the cooperation of the people in the jail. So if you don't have a good rapport with the Warden, it is not going to work.

ASSEMBLYMAN HARDWICK: Any other questions?

ASSEMBLYMAN GIRGENTI: What would your feelings be for having an independent individual completely?

MR. JONES: I don't think he could do the job. I think it should be someone from inside the institution. He would have to like the job and he should have the cooperation of the Warden or the Sheriff or whoever it may be.

ASSEMBLYMAN HARDWICK: Mr. Jones, thank you very much.  
George Albanese, Union County Manager.

G E O R G E A L B A N E S E: Thank you, Assemblyman Hardwick, for inviting me here.

Hopefully, I would like to provide for your committee a comprehensive viewpoint of, you might say, a layman in the area of corrections, a different approach or a different look at the county jail problem in the State of New Jersey. Having dealt with sheriffs and jail personnel over the past ten years, I have had the opportunity to look at it from a variety of points of view.

In looking at this particular problem, I would like to look at it in terms of administration and in terms of the facility. And I would like to look at it beyond the four walls of a county jail because I think a major part of the problem has to do with external forces on the jail facility.

First, in the administrative area, having read the County Penal Study Commission Report and the County Correctional Authority recommendation, I am totally against that, on the basis that you are adding another layer of government to deal with a problem that can be dealt with within the existing structure of county government if it is done properly. When I speak, I am speaking only of Union County at this point in time and what I am familiar with within Union County.

As far as the elected officials and the sheriff, there are problems. The fiscal administrative dichotomy does present problems between the Board of Chosen Freeholders and the sheriff. We have a new sheriff in Union County and to date, there has been a very cooperative approach in dealing with the problem. However, nothing prohibits the election of a person that might not be qualified for the position of sheriff. We handed out a jail administration survey we did for the Board of Chosen Freeholders, looking at it from different viewpoints, as to an elected official running the jail as opposed to the Board of Chosen Freeholders. That is a serious problem in the elected official area in terms of ultimate accountability and we have experienced some problems in the past in Union County in that particular area. In a charter county such as Union, Mercer, Atlantic and Hudson, there is another mechanism in terms of the Chief Executive or, in my case, the County Manager, where we run similar institutions, such as Reynolds Hospital, JINS shelters, etc. I see that either working through the Board of Chosen Freeholders or the County Manager or Chief Executive as a much more viable way as opposed to a County Correctional Authority.

Fortunately, I must add, we do have a sheriff who is meeting some of the challenges of our particular jail problems. So it is not an attack on our particular sheriff, just an attack maybe on accountability in a particular process.

So as I opposed the Rahway River Flood Control Authority Bill on the basis of adding another layer of government, I also oppose the County Correctional Authority as just putting on another layer of government. I say there are mechanisms within the existing system to deal effectively with county jails.

As far as the facility is concerned, we dealt with this problem in Union County in terms of having an architect develop a plan for a county jail that ultimately wound up to be approximately \$16 million about four years ago. It was voted down by a non-binding referendum in conjunction with a Hall of Justice facility. My experience has been that it would be a very expensive construction proposition because of the steel and the concrete required for a jail. There are

changing views on jail facilities. If you go out to Urbana, Illinois, to the National Clearing House - I have gone out there twice - you will find that there is a difference of opinion as to the maximum security, the minimum security and the layout. It leaves one who tries to construct a jail, who is responsible for the funding and the architecture, in a quandry. That was one of the problems we had in Union County: what really constituted a county jail?

To date, we have taken the approach of renovating the jail - the plumbing, the heating, the electric system, the ventilation - to the tune of almost \$2 million, to hold the existing facility.

I would just like to re-emphasize, as I emphasized to the people in Union County and the Freeholders, that our jail is a holding facility primarily for those people awaiting trial for Grand Jury action, as opposed to a sentencing facility, which I would like to talk about a little more later on. But the sentenced people represent a very small portion of our particular population.

Looking beyond the four walls of our jail, as we did several years ago, our population was skyrocketing and we introduced some programming in Union County, as you will see in the report that I have handed out, which had a tremendous effect on jail population. We instituted bail units and removed the alcoholics from the County Jail facility. The programming we instituted within the jail and outside the jail helped stabilize the population and eventually decreased the population from where it was previously.

One of the big problems for the County Jail, at least in Union County, is the courts. You will see a chart, Exhibit 4, in the report, which shows a direct correlation between the closing of the courts in the month of August and our population problems. For ten years, I believe we have plotted it and shown a direct correlation; when the judges go on vacation, the population increases and the tensions within the county jail increase.

ASSEMBLYMAN HARDWICK: Excuse my interruption. Do you mean that literally? What percentage of the judges go on vacation in August?

MR. ALBANESE: I can't speak about this particular year because I understand they are going to be operational. I sent to the Musto Commission a little while ago a report which showed more than half the judges were off in the month of August, going to different schools, vacations, etc. They also closed down partly in July. That correlation is in there. You can see the utilization of the courts and the population of the county jail.

I think the courts have to be looked at. You can't build jails to accommodate those kinds of peaks.

In addition to that, we have had a tremendous problem in Union County in the past, which has hopefully been rectified to some degree, with the State of New Jersey. We are not a holding facility for state prisoners. At times, I have been called before the assignment judge, and asked, "What are you going to do about the population in the county jail?" At one point in time, we had 60 prisoners awaiting placement in State institutions. We didn't have a population problem.

But I had better go back and say this causes tensions and problems in a facility as old as the one we have. One individual was held nine months waiting placement in a State institution. When we go back for reimbursement, we don't even get the full cost. Money is not my problem with the County Jail as far as space is concerned. It is space, not money. I don't need the reimbursement. So the

state problem has compounded the problem that exists in Union County.

Finally, not to belabor the point, as to the Public Advocate's Office, I certainly agree with all the positions taken, although I recognize that it is not Jeffrey Mintz mandating that we do certain things; it is probably the courts - the interpretations of the court. I say the monitoring of county jail facilities is a very healthy mechanism. For instance, the report they did on Union County, was ultimately investigated by the Grand Jury and it was factual.

I might not agree with the permissiveness they want to allow or the elaborate facilities or that the guard is always wrong. But I think there is certainly a role for an independent, removed agency to overlook the situation within county jails. I have found them to be very cooperative. I have found them to be very factual. And they are useful in interpreting judicial decisions and giving us the facts. So I would say the continuation of that particular agency can strengthen the jail process. It keeps all of us on our toes. As I mentioned, I won't say that I agree with all of their positions, but they are healthy to the county jail situation.

ASSEMBLYMAN HARDWICK: I imagine you have toured the Union County Jail on a few occasions.

MR. ALBANESE: Several occasions.

ASSEMBLYMAN HARDWICK: We have heard a lot of talk about standards. How do you feel about regulations for prisoners at the Union County Jail, as far as visitors, mail and that kind of thing - contact visits, etc.? Are you in basic agreement with the standards that are in force there now? Or do you personally think any of them should be changed?

MR. ALBANESE: At this point in time, there have been several changes by the new sheriff in Union County. The way I feel about it is that it has been presented as a judicial decision that these people have certain particular rights and it is not for me to argue about it. So whether I agree with contact visits or not, I think it is a matter of a person's rights as interpreted by the courts. I don't always agree with the court.

One of the problems, as I see it, is that some of the demands of the Public Advocate or those in the report would be hard to meet because the County Jail in Union County is not constructed for absolute security. It is not like something you see on television. It is not a state prison with guards walking around the walls. There is a security problem. In some of those areas, I do see security problems that I consider paramount to a person's rights, because I think guards have rights. They have to be protected also from the inmates.

ASSEMBLYWOMAN SZABO: Are the emotionally disturbed prisoners housed separately from the other prisoners?

MR. ALBANESE: This I can't tell you. I am not a specialist in this particular area. You would have to ask the Sheriff of Union County. I assume they are, but I can't answer that question.

ASSEMBLYMAN GIRGENTI: I have just one question which I think has been brought out earlier. You say you are against the Commission's recommendations in terms of these authorities for each area. You feel that it can be handled by the Sheriff or the Board of Freeholders, if not the Sheriff, and that there is no need to put another layer in the bureaucracy. Is that your position?

MR. ALBANESE: Definitely.

ASSEMBLYMAN GIRGENTI: That's a good point.

ASSEMBLYMAN HARDWICK: If the Department of Corrections were empowered to impose standards on the jail and enforce them, would you perceive that as another encroachment upon home rule or upon local government that wouldn't be advisable? Or would you support that?

MR. ALBANESE: I think we have to be realistic. We are right now in a suit with the State of New Jersey about mandated costs, and jail construction is very costly to county governments. It depends upon how realistic they are going to be in these particular standards. I have to say right now probably the cells in the Union County Jail are substandard. But it is a holding facility. It is not a country club for long-term sentencing. I think those cells are adequate. That is my own personal opinion. But when you keep a person there for a year or over a year because the State does not have the proper prisons, then that presents a problem. In my opinion, that is when you start developing tensions within the jail facility. Let the State of New Jersey assume its obligation. Let the courts be more responsive in terms of keeping the population down. And that will solve some of the county problems because we have to go on overtime shifts when we have extensive numbers of people in the County Jail. That affects the budget. These are the external factors out there that we have to deal with.

I asked the Assignment Judge in Union County if he could give me a court order to do something with respect to the County Jail, why doesn't he give the State of New Jersey a court order to take the State prisoners because that is not my problem. I think my problem or the Sheriff's problem is two days of holding a person going to State prison.

ASSEMBLYMAN HARDWICK: But some people actually spend over a year in the County Jail.

MR. ALBANESE: We have one, at least according to our records, that has been nine months awaiting placement in a State institution. This happens with most of our facilities - in JINS and other facilities. It is not our problem. If we had more room by a reduction in the population, we could make available the recreation facilities that are necessary.

ASSEMBLYMAN GIRGENTI: One quick question: How many prisoners approximately are there in the Union County Jail right now?

MR. ALBANESE: The Sheriff probably could answer that.

ASSEMBLYMAN GIRGENTI: I will ask the Sheriff.

MR. ALBANESE: Thank you very much.

ASSEMBLYMAN HARDWICK: Thank you.

Sheriff Ralph Froehlich, Union County. Would you like to introduce your associate?

R A L P H F R O E H L I C H: This is Mr. James Scanlon, who is at the present time, I am very happy to say, the Jail Administrator.

My name is Ralph Froehlich, the new Sheriff of Union County. I took office on January 1st of this year. I will say a little bit more about myself at this time because of some comments which were made last month and also in Mr. Irving's report, which I hope not to discuss at length. I will refer to my own qualifications because there was some indication that our Sheriffs, and perhaps our Correction Officers, had limited knowledge, experience and education.

At the present time, I have a Bachelor's degree in Sociology and a degree from Northwestern University in Administration. I am on the adjunct faculty of Union College and Kean College, and also a member of the New Jersey State Training Commission for Training Police Officers.

I am very happy, by the way, to be here and to see the openness with which our people are accepted. I commented on Mr. Irving's report. I did say I would limit my comments on it because I had a difficult time reading it. It is the only time I read a publication that I could not pick up and go completely through it. My blood pressure rose considerably and it must have taken me at least four weeks to complete it.

I hope to discuss some things here and open some doors to a different area. Those are areas over which the Sheriff has no control - absolutely no control or limited control.

I will read what I have to say about that, if my glasses will cooperate. I have heard some very critical blanket comments concerning the Sheriffs of our State. Frankly, I have not been impressed by the negative testimony to date. It is unfortunate that the attitude and position of some of the witnesses seems to be one of adversary instead of indicating a combined effort to face and solve the problems. However, let the facts be known and the referees be impartial. You ladies and gentlemen, of course, are the referees.

Many of the problems that have been commented on here are certainly not of the Sheriff's choice. Not only are the problems not of his choice, but the solutions are not completely within his control. I would ask this committee to make itself aware of these variables.

The first one is the selection process where we deal with Civil Service. I am very concerned and surprised to look at Job Opportunities, the latest one presented, and find the people that stand in our courtrooms need only a high school equivalency certificate. From the information presented to me by my officers, the last time a test was given for Corrections Officer, you didn't even need that. The report indicated a lack of education of our officers. Well, what can you expect? How can you lower standards and expect prime competition or excellent new people?

I have asked that our probation period be changed from 90 days to a year. At the present time, our probation period is 90 days. Apparently, it takes legislation to change this. I wouldn't be the least bit surprised, if you contacted the Sheriffs and the Wardens, that they would be very much in favor of this. It is an interesting thing when you have to evaluate an individual in 90 days. Not only is that a handicap, but there is no psychiatric evaluation for our new officers. Apparently this is statewide because I saw nothing in the Civil Service requirements to that effect for our new officers. How can you tell whether a man can stand that gaff, if he can stand that pressure, without some kind of guidelines? We talk about standards, we talk about guidelines, and we don't even have them in our selection process - the base that is the concrete foundation.

I would like to appoint within a week, two weeks at the most, six new Sergeants in my facility. There is no structure that I am content with within our organization. The Civil Service requirement is one year in grade, meaning that a Corrections Officer after one year can take the exam for Sergeant. I don't feel that this is sufficient. I am quite sure I will have to have a battle

with Civil Service before I can change those requirements. This is again an area the Sheriff has no control over.

The training - up until 1972, there was no true, specific training for our officers. By the way, my people have been going to a facility in Trenton since shortly after my taking office. I have been very impressed with the operation of the Correction Officers' Training Academy. The content is good and the instructors are excellent. The people work with you very, very well. But until 1972 - and if I recall correctly, we commented and had witnesses state that in the 1800's changes that should have been made, took us until 1972 - and I say "us," not just the Sheriffs -- it took every one of us until 1972 to have our own facility in the State of New Jersey for Correction Officers. Apparently the Correction Officers are a step-child.

Another area over which the Sheriff has very little control is the physical plant. I have a building that my officers jokingly call the new jail. Well, the new jail is approximately 50 years old. The original building is probably over 70. That physical plant has an effect on inmates and Correction Officers. I am well aware of standards and I am well aware of the need for the rights of our inmates. But let's not forget the individuals who work there.

Going back to training, there is one thing that I neglected to comment on. A witness last month testified, referring to Mr. Irving's report, that we needed the negative things like riot training, self-defense and firearms training. With all the other more liberal things that he had discussed, I was surprised he mentioned those. I was surprised he mentioned those and left out the training that is needed in basic psychology and sociology, to make our officers aware of abnormal behavior. These are things that my men need to work inside. Again, up until Miss Miller took over the facility in Trenton, this was not available. Perhaps now it will be available.

Another thing with regard to training which you may not be aware of, if you are a Sheriff and want to improve your education and your ability, you will probably have to go to Boulder, Colorado. It is the best school in the nation, but it is a long way to go. But the cost involved would probably turn away some of the people in our smaller communities. These are areas over which I have no control.

Public opinion -- I was very happy to hear Mr. Albanese comment that referendums in both the county and State which were voted upon by the taxpayers were turned down when it came to changes and improvements in the penitentiaries and jails. When you start talking about taxpayers, you are talking about voters. When you start talking about voters, the Freeholders, the Sheriffs and the elected officials are going to be concerned. It is another area over which the Sheriff does not have complete control.

Municipal courts and the population of our facility -- In an urban community like Union County or Elizabeth, more specifically, at any time the Prosecutor's staff can walk out, have a raid and arrest anywhere from 40 to 100 people. When I was a Police Officer for 20 years, I arrested 97 people in one night. They were all shipped up to the County Jail. Can you imagine what that does to your population, your controls and your security with a limited space? How do you plan for that? I don't have any control over the municipal courts. If anybody

dumps individuals into county jails, it is our municipal judges, not our county judges. It is not the Sheriff. It is not the Police Officers. Last week, I had to send two people to Marlboro and one to Reynolds Hospital right from the municipal court. The county takes the burden. The county has the expense. The county takes the criticism. As one of your earlier witnesses stated, the odds are that those two men who went to Marlboro will come back the same way that they left.

Of course, the big thing that hinders us and over which I have very little control is money. I am happy to say as far as money goes, George Albanese is very sympathetic, knows what is going on in the county, and I think our county is working more as a team than as adversaries. But still, without the money, you don't have the space, you don't have the programs, you don't have the training, you don't have the equipment, and you don't have the personnel. You can sit down and set all the standards the civil rights organizations and inmate organizations want - they can scream all they want. But I cannot paint a house without paint and a brush. We cannot make changes without some dollars. Our critics are many, from legitimate official agencies to citizen groups that may have little factual information, or perhaps a new attorney or a political figure that can use our problems for some attention in the news media. Of course, there are always the inmates. They can be critical. Their allegations may be true, they may be imagined or they may be designed in an area again that I have no control over. What I can do with these critics, what I can do with these inmates, is at least investigate truthfully the allegations made.

There is one thing I would like to say in the area of inmate advocacy. In my short term of office, I will admit that I have possibly used the Inmate Advocacy Office as an informal part of my staff. You may say, how do you do that, Ralph? For one thing, I have used his recommendations from last year as guidelines for this year. I have been able to make reasonable progress, certain attainable goals were reached, and I have developed a relationship that I think is very good because I can call the Advocate's Office, discuss a problem, get a response and they evaluate it. Of course, I don't always take the advice. I don't always turn it down. As the administrator, I have to evaluate it. But it is there and I am happy for it. I am happy that there is an outside agency that does remain a little aloof from my organization because, if it became too friendly, there might be other charges.

These are just a few of the variables over which your Sheriffs have little or no control. Sheriffs of New Jersey - and, for that matter, the whole country - are obviously not happy with some of these conditions that exist. I say "the Sheriffs of the whole country" because last month I went to Minneapolis and, interestingly enough, the discussion in Minneapolis was the jail crisis in the United States. I like the title they had on this. I will leave this report for you to read and digest. I like the title. It says, "New Partnerships for Reform." I commented in the beginning of my testimony that it looked like an adversary type thing: your team, our team; the grey versus the blue; whatever. I like the idea of partnerships. Although I act as a Sheriff, I should be open-minded enough to reach out and look for input from other agencies, whether it be the Legislature, whether it be the Inmates' Advocate, a college professor, or even an inmate. I hope we can do this. I don't like to see a steady banging of

heads.

The National Sheriffs' Association must be concerned because they have developed their own library and their own recommendations. As I said before, I had problems reading Mr. Irving's report because of my blood pressure. When these men worked so hard to develop these guidelines, it bothers me that they are not given credit for it.

There was a comment made earlier with regard to the qualifications of Sheriffs and Correction Officers. If I recall correctly, it was said that law enforcement would conflict with the corrections' aspect. I have been a Policeman for 20 years. I hope I acted as a professional Police Officer. Some time ago, two inmates that I, personally, had arrested a number of times in the street saved the Union County Jail, and possibly some of its inmates from serious injury and perhaps death, when another inmate started a fire. These inmates reacted by coming to the Correction Officers, telling them where the fire was, helping them put out the fire, and then helping them clean up. If things were so difficult, the building was so dirty, the situation was so tense, and everyone was so unkind within our facility, no way would we get that cooperation from our inmates - no way. Do we get it from all? No, of course not. But I am happy to say we get it from some.

We do have standards at this particular time that we try to abide by. I would ask, if you have any inclination to change these standards, that you allow the Sheriffs to have some input in any change. Thank you very much.

ASSEMBLYMAN HARDWICK: Thank you, Sheriff. I appreciate your coming very much.

I would like to ask you a couple of questions. First, we have heard the Office of Inmate Advocacy characterized this morning in rather harsh terms, including being demigods. You don't seem to view them in that light. Would you mind commenting on whether or not you think they are fair or reasonable? How do you feel about most of their recommendations and their worth?

MR. FROEHLICH: My personal contact with them has been good. When I first went into office, one of the representatives, Mr. Tozzi came up. We did have a little confrontation for a short period of time, about a half an hour; and we found out that actually we were both on the same route perhaps, but we were taking different transportation. We found out we had the same ideas, similar ideas. Of course, I wasn't quite as liberal in some areas as he was. Since then, my relationship has been very good. As I indicated, I can call and make a presentation and actually inform them that they are going to get a complaint. The relationship, as I say, has developed where I feel there is trust that the complaint will be investigated properly and whatever it entails will be covered, and a good report presented - a fair and honest report.

ASSEMBLYMAN HARDWICK: You spoke of lower standards for Correction Officers. It is not clear to me what you would advocate be changed. If you could write the standards for Correction Officer, how would you change them, Sheriff? What would you specify?

MR. FROEHLICH: Very definitely, a high school education. We are trying to develop professional Correction Officers. He is not a Guard; he is a Corrections Officer. By the way, my Warden is in the back and every time somebody calls one of our officers a Guard, he cringes. We are talking about professional Correction Officers. Even though the inmates, for the most part,

don't stay long in our facility, the man is not a Guard. He doesn't carry a gun. He doesn't walk around with a bayonet. He has to be aware of abnormal behavior. He has to be able to see and evaluate tense situations. You cannot have someone without the ability to learn, comprehend, and be sympathetic. He must be fair. Sometimes he has to be hard, but he has to be fair.

I would like to see a high school education. I would like to see a psychiatric examination, very definitely. I would like to have the 90-day probation extended to at least a year.

ASSEMBLYMAN HARDWICK: What problems are you trying to get at with the psychiatric exam? What do you observe that causes you to say that?

MR. FROEHLICH: Most of your law enforcement agencies today investigate their prospective officers. When it comes to the use of force - and that may be the use of a gun, a firearm - how stable are you? Remember now, we are not dealing with completely stable people. If I am unstable and my inmate is unstable, we are going to have confrontations that will escalate every day. You have to have stable people in your employ.

ASSEMBLYMAN HARDWICK: How much money do Correction Officers make for a beginning salary?

MR. FROEHLICH: \$13,000.

ASSEMBLYMAN HARDWICK: Mrs. Szabo, do you have any questions?

ASSEMBLYWOMAN SZABO: Yes. I asked Mr. Albanese this question before. Are your emotionally disturbed prisoners housed in the same area as the regular prisoners?

MR. FROEHLICH: No, they are not. They are in a separate section.

ASSEMBLYWOMAN SZABO: Do you have a full-time doctor or nurse on the premises?

MR. FROEHLICH: We have a doctor who comes in six days a week, a very qualified doctor. At the present time, I, along with the Jail Administrator, have requested Mr. Albanese and his staff permission to hire paramedics, so we can have 24-hour a day service for our people. You might ask, "Why, Ralph, not a nurse?" Well, in the first place, money. In the second place, the Union County Jail is unique in the fact that across the street is the Elizabeth General Hospital, which gives us excellent access to emergency treatment for our inmates.

ASSEMBLYMAN GIRGENTI: Sheriff, what is the present population of your jail?

MR. FROEHLICH: At the present time, it is approximately 160 to 165.

ASSEMBLYMAN GIRGENTI: What percentage or what number of them are State hold-overs?

MR. FROEHLICH: Possibly 6 or 8.

ASSEMBLYMAN GIRGENTI: Has that been a problem in your facility?

MR. FROEHLICH: When I first took over, yes. When I first took office, we had approximately 220 to 230 inmates, as many as 50 or 60 of them, State inmates. In the last three months, our population is more in the area of 150 to 160, with perhaps 8 to 10 State inmates.

ASSEMBLYMAN GIRGENTI: You said you read the Commission's report.

MR. FROEHLICH: Yes.

ASSEMBLYMAN GIRGENTI: You said it was a great ordeal, but you read it. Some of the problems outlined were rape, drugs, tranquillizers, lack of

Correction Officer, or, as they put it, Guard training. What are your feelings on that? And you can be brief about it. Are these prevalent problems within your facility at the present time?

MR. FROEHLICH: No, very definitely not. The facility, itself, is designed in such a manner that during the day the inmates on each tier have a walk area, a section in which they can walk back and forth. They do not stay within their own little house, as we refer to it. At night, each man is housed alone. It is very difficult to leave one house and go into another to effect some kind of a rape. The only area where we could have that kind of a problem would have been in our dormitory. We have since emptied our dormitory, repainted it and part of it will be used for a recreational area. The dormitory, possibly when our facility is very crowded, will be used for trusties. So again that would knock down the potential there.

As far as the drugs, there are efforts to smuggle drugs in all the time. In fact, my officer just made an apprehension this week. Someone tried to smuggle marijuana in, in a shoe, in a sneaker. He was apprehended and a complaint signed. But as a serious problem, I would say, no. I think you have commented earlier on contact visits. I think it is humane to have contact visits, but I think we are hindered by money, space and personnel.

ASSEMBLYMAN HARDWICK: I recall when I visited your jail that you had a trained Correction Officer dispensing medication.

MR. FROEHLICH: Yes.

ASSEMBLYMAN HARDWICK: Would you support a State standard that requires a pharmacist to visit the jail, if not full time, to supervise the dispensing of medication? Do you feel that is necessary?

MR. FROEHLICH: I don't think a pharmacist would be necessary. The medication could be dispensed under the direction of the jail physician and your paramedic could be given this authority. No matter who it is, whether it is a physician, whether it is a pharmacist, or whether I go out and give it, the most important thing with medication, number one, is that it is not distributed indiscriminately, which is why you have your doctor - and he is a very fine doctor. We have no problems in that area. The second thing is that you must see that the inmate takes his medication. You stand there and you watch him swallow it. Don't let him stock it - don't let him store it.

MR. KATZ: Sheriff Froehlich, both the Department of Corrections and the Department of Public Advocate pointed out that the Union County Jail was somewhat unique in that it had no progression from Correction Officer to Deputy Warden. I noted earlier on you said you were looking to appoint some people to the position of Sergeant. Does that mean you have changed that?

MR. FROEHLICH: Yes, absolutely. Again, I do this only with the cooperation of the people who hold the purse strings - and that would be the County Manager. We have been able to cut down our overtime - in fact, almost cut it in half - by making steady shifts. As a result, we will possibly this week, at the latest next week, appoint six Sergeants. These will be appointed pending a Civil Service exam. That will be the beginning of a reorganization.

MR. KATZ: Do you think that having this progression would improve the quality of Correction Officers in line with the other things that you mentioned before?

MR. FROEHLICH: Improving the quality of the Corrections Office is done through selection and training, not just making positions. By making a man

a Sergeant, we now have to train him as a supervisor. What it does do is give us better control, better direction and more accountability.

MR. KATZ: Earlier you said that the starting salary for Correction Officer was \$ 13,000.

MR. FROELICH: Around \$13,000.

MR. KATZ: Can you tell me what the maximum is?

MR. SCANLON: No more than \$14.5 thousand.

ASSEMBLYMAN GIRGENTI: Sheriff, how old is your facility?

MR. FROELICH: The portion that they jokingly call the new jail is approximately 50 years and the other section I would say over 70, closer to 80, I would imagine.

ASSEMBLYMAN GIRGENTI: One last question: Do you mingle people who can't afford bail and have not been convicted with convicted people? How do you deal with that? Are there separate facilities? Do you have the space?

MR. FROELICH: For the most part now, we classify our inmates. We try not to do that.

ASSEMBLYMAN HARDWICK: Any other questions? (No questions.)

Thank you very much.

Sheriff Beach Fox of Cape May County.

B E E C H N. F O X: Thank you for the opportunity of speaking here today. My name is Beech N. Fox. I have served as Sheriff of Cape May County since November of 1969. Prior to that, I had law enforcement experience as a local police officer and was a member of the New Jersey State Police for nine years, just prior to being elected sheriff.

It might interest you to know that we have just completed construction of a new county correctional facility, which we occupied in May of 1977. This past March I spent three days, in which I incarcerated myself in that institution with the inmates.

As you know, Cape May County, like the majority of New Jersey counties, operates the County Penal System, or jail, under the administration of the elected sheriff. It is on the basis of practical first-hand experience and knowledge in working with a county jail system over several years, that I feel compelled to speak out on the John Irving Penal Study Commission Report.

I have studied this Report by Chairman Dr. Irving, and am fully aware of what he would like to see done and why. While I, of course, would have to agree with some of his findings and recommendations, and in a few instances concur wholeheartedly with them, the overall report and its recommendations, in my opinion, are a travesty in relation to the realities of root causes of penal system problems. These misapprehensions have been exceeded in error only by the Report's 13 recommendations, most of which reflect the typical bureaucratic approach by attempting to solve society's problems through multi-faceted programs, requiring layers upon layers of high salaried social and academic idealists, each needing his or her supporting staffs, and none of who would know any more about the practical problems and operations of a county jail than the ordinary citizen.

This Report is wrong and misleading because primarily it is devoid of common sense, or an appreciation of how to tie in the considerations for basic human needs and legal rights of prisoners with the necessary 'nuts and bolts' operation of a county jail on a day-to-day basis. It totally concerns itself with prisoners' programs, rights, services, and amenities, while ignoring or failing to understand the very real problems of security, scheduling, administration, logistics and economics. These are all matters that a competent and effective administrator must be concerned with, in addition to legitimate prisoner needs and rights we are all aware of. Obviously there is a balance needed here, and no sensible person would deny this. If this and previous studies such as this, and there have been several, indicate an imbalance in administration of jails which was detrimental to prisoner needs, then this Report surely overreacts to the extreme with recommendations that would now create equally chaotic problems, but merely for alternate reasons. Surely, this is not progress.

The balance we all seek in properly operating county jails, whereby prisoners receive their basic rights and privileges and at the same time having the administration instead of the prisoners or specialty staff operate and control the system can be successfully maintained in the existing structure of county jails. This is not to say many improvements are not needed or wanted for they are, but to implement the main thrust of Dr. Irving's Report and recommendations would result in centralized state control, and would be still another effort at using bureaucratic techniques to circumvent and usurp the democratic process of direct control of government by the citizens. Dr. Irving obviously does not trust or understand that the citizens have enough intelligence to make

their own changes in public officials where needed for improvement, even if that public official is an elected sheriff and the improvement needed is at the local jail. He advocates total destruction of the system whereby an elected official accounts directly to the electorate for his actions, and would have you believe that the citizens would be better served by a "County Correctional Authority" instead. Hogwash. We do not need a lesser number of elected persons who must publicly answer for competency and budget, I say that we need more of them. Perhaps higher level government bureaucrats, judges, administrators, and law school deans, for example, should have their names placed for approval on a non-partisan ballot from time to time. This may be the only way they will understand why the direct voice of the people through our constitutional structure is so important, and not meant or wanted to be rushed or deviated from through an responsive substitute bureaucratic maze so commonly seen and detested by so many citizens today.

I now submit a point to you that however seemingly obvious and basic must never be lost in any of your considerations throughout this entire matter. It is the basis upon which I speak of all things offered by me, and the basis upon which I can comfortably and accurately condemn the recommendations of the Penal Study Commission: There are only two groups of persons and no other who really know anything of value and substance concerning county jails, or for that matter prisons in general. They are of course the prisoners themselves and all those persons who work in prison systems personally and directly on a day-to-day basis - and then only those in this group who have attained a respectable degree of longevity.

The Penal Study Commission, who in Chapter 3 of their Report, couldn't even properly determine the length of a New Jersey sheriff's elected term of office, the courts, the psychologists, the sociologists, the attorneys, the police, and all the other so-called "experts" sometimes associated with jail problems, know pitifully little about the true problems or realities of a jail system, and therefore come up with absurd, impractical and illogical schemes to "reform prisons." It has been going on for ages. Unless there is a sudden change in human nature, I suppose it will continue, but it won't change one thing. Most of these misguided, though well-intended persons, such as Dr. Irving and the majority of his Commission members, didn't know and don't know or understand ideology vs. reality or how to create a viable compromise between the two forces.

If enough members of the Committee had proper credentials, including some practical working experience, or at least a reasonable number of staff members who did, more credibility by myself and others would be due, but on the original Commission only one sheriff was appointed, who at that time was a new sheriff having little jail administration experience and even today is certainly not considered by the majority of his peers as representing in any way the collective thinking or proven abilities of those having jail administration responsibilities. Only Undersheriff Arthur Brown, Commission member from Ocean County, offered the background abilities to be able to analyze and contribute valuable raw data which the Commission could have and should have used in their efforts to make a valid report to the Legislature. They did not do this as well as other serious points which will be, or have been, covered by Undersheriff Brown himself. I know of no working staff consulting members supporting the work of the Commission who were drawn directly from the ranks of jail correctional

or sheriff's officers so they could have provided on-going inquiries and/or reports desperately needed if the study was to be valid. While such people were talked to by the Commission during the investigations, actual on-going staff support should have been sought from this category of key people who would have known what to look for while providing a balance and perspective on day-to-day jail problems and operations.

I would like to complete my comments in the balance of this statement with as positive an approach as possible, offering constructive alternatives to points in conflict with the Irving Report. I feel these comments can be better expressed if separated into broad categories, rather than a point-by-point rebuttal of the Report. Appropriate categories chosen are as follows: 1. Philosophy; 2. Legalities; 3. Government; and 4. Economics.

The first category is Philosophy. The Irving Report wrongly assumes that almost everything being done by current county jail administrators is anti-inmate and lacking in professional expertise. I don't believe this in general and I know it not to be true in Cape May County. Again, there is no question that some sheriffs do not do their jobs as well as it might be desired, but what guarantees do we have under the recommended restructuring of the recommended jail system that a "professional administrator" will be so flawless and continually effective merely because we have a different person bearing a new title? The main difference will be what his increased salary will cost the taxpayers, and the fact that the electorate can't remove him if they don't like his work.

There is also a great tendency on the part of this Report not to consider the realities of human laws and nature among typical jail inmates. No question that we must strive to improve our system and search for better ways to make a jailed person want to become a law abiding and productive citizen, but many of those people will never respond to programs or like efforts of any kind simply because they don't want to and never will want to, no matter how much time, money, and effort is expended on their behalf. Idealists have a tendency to disregard certain realities such as this and accuse persons who accept real life percentages as calloused or uncaring, but this is not true.

The Irving Report also seems to assume that a plethora of highly educated jail staff members in each county jail will provide a new wave of "rehabilitated" persons who will suddenly find a new way of life as a result of their jail experience. These counselors, teachers, psychologists, and social workers who will swarm over each inmate to examine, question, classify, counsel, educate, and rehabilitate him in concentrated form is an insult and an outrage to the community in general who will have to pay the astronomical costs for many of these services.

First of all, the success rate for "rehabilitated" prisoners will not vary much from years past in spite of such extreme and impractical efforts. Success with such principals can be achieved on a lesser grandiose plane through already existing community services, in coordination with the county jail system as it already being done in many cases. We do this in Cape May County, and with success. It is also somewhat distressing to see the Penal Study Commission join the ranks of so many other persons and groups who falsely misuse and mislead public thinking about that overworked word, "rehabilitate." The correct word and method is "habilitate," not rehabilitate. If we are going

to offer far-reaching and sophisticated reports, let's get the basics straight.

While the Commission Report seems to acknowledge the very real problem of county jails being more of a short term and temporary holding facility more than anything else, which they are, they also attempt to convince the Legislature that "rehabilitation" or "habilitation" at county level is generally a realistic goal, which it is not. While such programs may do well - although to date they generally have not - in longer-term state facilities, county jail staffs must accept such promises on a more realistic and knowledgeable basis. Certain work release programs, basic education programs, and arts and crafts type programs do well in many jail systems and are valuable tools when used properly. A competent, positive thinking and objective corrections staff knows full well, however, that for short term, fast moving, and ever changing jail populations, he must rely on proven basics - providing basic human needs and treatment under the law, fair and firm application of local jail rules and standards, good food, housing and medical services, as well as exercise and other activities. A good officer under such conditions may be able to sway or influence an inmate in a positive way so that he or she will not be resentful of the jail system. But to offer complex or shop-sophisticated social and so-called "rehabilitative services" beyond those mentioned as basic, is a waste.

Again, the Irving Report and similar studies sometimes ignore some very basic facts associated with jails. They place a lot of emphasis on first-time offenders and persons who are young and/or minor offenders. This sounds sensible, and of course to a point it certainly is. I can't imagine a responsible jail administrator who would not also be concerned with such persons, and deal with them as helpfully and deliberately as possible. Many times, however, the actuality of the status of so-called "first time or minor offenders is misleading. The American judicial system, especially in recent history, will repeatedly and correctly make sincere efforts to avoid jailing a new and/or younger offender. Invariably, many admonishments, warnings, probations, fines, etc., are exhausted on such persons long, long before they are actually placed in jail itself. Only rarely has such a person been committed who is not quite experienced in problems with the law, or has not knowingly abused several opportunities and chances to avoid incarceration. In the majority of cases, he or she has lengthy experience and records as a juvenile offender. Rare then is the so-called "first offender" or "minor offender" found in a jail who does not have experience with problems concerning the law long before that first incarceration. This is not to say that every effort shouldn't be made to continue helping such persons away from crime, for such efforts should be made, but there are those who would have you believe that many naive first-time offender, misled choir boy types are found in jails, and it just isn't so.

Much of the same philosophy is offered about the many unsentenced persons who are being held in jails on charges in lieu of bail, but are legally innocent until trial, and must be treated as an ordinary citizen walking the street insofar as possible. While this is legally correct, what is many times omitted from such discussions due to legal irrelevance, is the fact that while unsentenced prisoners being held for trial may be innocent of the current charge or charges, a large percentage of this group often times are persons who have long jail records, have serious pending charges in other jurisdictions, may have been previously convicted of serious crimes, and in general may be seasoned and jail-wise inmates who are more difficult to deal with than many of the sentenced

inmate doing county time. The solution to this dichotomy of administering two totally separate systems under one jail roof will never be solved through the mere hiring of a "professional administrator" as the Report would have you believe.

My own observations and experience in jail administration is that certain principals, human characteristics, human behaviors, and life's table of percentages will change, but only slightly, and that any efforts in this direction will succeed only if basics are adhered to. Fair and honest treatment, reasonable standards of conduct, rightful supplying of good food, medical treatment and personal consideration all add up to fulfilling the community's responsibility to jail inmates by providing basic human needs and opportunities, while simultaneously protecting the community at large as intended by the laws. Inmates should be properly housed, fed, and clothed in a healthful way. They must be truly provided with these basic human needs, and given an opportunity to occupy their time productively. For longer term detainees, basic academic and vocational opportunities should be provided so as to increase basic skills for those who wish to be helped. Inmates must also have a valid grievance procedure, and be offered human understanding, compassion, and an opportunity to express themselves. A connection with family and available supporting community services should be maintained.

Legalities -- Much to do about the need for rigid standards for county jails is made in recommendation one of the Irving Report. It is my observation and opinion that a bountiful number of standards, guidelines, laws, court decisions, and other references are already in great supply for the county jail administrator to refer to as needed or mandated. Most administrators already are doing this from what I have been told, and in Cape May County, we enjoy professional standards of operation and personnel second to none in the State, in spite of the blanket indictment against all sheriffs as levelled by the Irving Report.

I am opposed to the further mandating of any such standards which are optional at this time. Many of the so-called standards, no matter how desirable, convert into terms of higher costs, sometimes extremely high, and should not be forced until financially feasible to the supporting community. Programs in Cape May County were thought of and implemented at our county jail long before it became a "popular" thing to do, and at a pace comfortable with available budgetary considerations over a period of time.

As far as the question of creating a mandatory list of standards to be followed by all jails, we all know this is a euphemism for total control by a state program or so-called county correctional authority, whereby the county taxpayer agains has no say in the operation of the jail but will be expected to pick up the operating costs of the system which under the Irving Report recommendation would become astronomical.

The implication in much of the Commission's Report is that without forced standards of some sort, jail inmates won't receive their rights. While that may have been true to some degree in the past, and in some cases even exists at this time, there are all sorts of current mechanisms to correct any wrongdoing or mistreatment of a prisoner or any violation of his rights. In addition to a much more aware public who today take a faster interest in this subject, the inmate can now rapidly bring attention and pressure through a relatively sympathetic news media, obtain ready help from the Office of the Public Advocate, the local Prosecutor's office and Grand Jury, the local Public

Defender's office, The Federal Attorney's office, pressure from the New Jersey Department of Corrections, and help for the asking from such agencies as the ACLU, PROD, NAACP, and a host of others. No one can convince me that prompt, effective relief from modern day jail ills, should they develop, is not within easy grasp of any county jail inmate wishing to make a complaint.

Governmentally -- I strongly disagree with the Penal Commission's recommendations that the power and authority to control all county penal institutions should rest with a newly created "county correctional authority" in each county. This offer was of course accompanied by a further recommendation for such an authority to then appoint a "professional jail administrator" from sources I am not quite clear about, but I have no doubt of what the salary range for such a position would be, along with the necessary supporting staff upon which a newly created government bureaucracy would be built, one which would now have the luxury of spending thousands of tax dollars with little, if any, checks and balances through the essentially autonomous "correctional authority." It seems to me that at this moment in time, this very problem is not only what the taxpayers are loudly complaining about; ladies and gentlemen, they are indeed screaming against government by the courts, by regulating agencies, non-descript countless bureaucracies, and by other indirect means.

Fortunately, and regardless of the Commission's recommendation, most county freeholder boards throughout the State not only are aware of the taxpayers resistance to this type of government growth, but many of the boards have had regrettable experiences after creating sewer authorities, parking authorities, housing authorities, etc., many who later turned out to be causing more problems than they solved, especially with regulation and budget matters.

While much criticism of the sheriff as an elected official in charge of the jail was levelled unfairly against all sheriffs, I still feel the best way to examine a person's record of accomplishments, or lack of them, is in the public arena where those who "pay the bills" have the opportunity to approve or disapprove of all actions by a public official. As to allegations of politicking in the jail through improper use of personnel or political pressure, I would agree that any sheriff guilty of such petty and unprofessional conduct should be exposed and identified as the political hack that he is. The public will take care of such things through the ballot box when shown to be true.

I am very resentful that if the Penal Study Commission had evidence of politicking in jail systems, such information was not given to the proper investigative and prosecuting agencies, along with the specific names of the sheriffs involved. As it stands, all 21 of us share blame and suspicion apparently caused by a few.

The premise that a county correctional authority and professional jail administrator would free the sheriff for law enforcement duties is also false and misleading.

While there are some sheriffs in New Jersey involved with the investigation, detection, and apprehension of criminals, the overall percentage of such work is small. If the Penal Study Commission was concerned in its report that no provisions are currently available in the Constitution which set forth qualifications and standards which would qualify one for penal work, why is there no concern by this body that neither are there any such qualifications laid down for police work, also a complex and sophisticated modern science.

While the Penal Study Commission may want to push the sheriff out of his historical role as the responsible administrator of county jails, and into the laps of the municipal police departments and prosecutors' offices, someone better talk to the Attorney General first. If any member of this Subcommittee has any doubts about the desirability of an unqualified, untrained, elected sheriff getting involved in active police work, he or she need only to make one fast telephone call to the Attorney General's office. If his answer on the subject is as honest to you as it was to me a few years ago, you will know this suggestion to free the sheriff for law enforcement work as suggested in the Penal Study Commission's report was unrealistic and it won't happen that way.

Let's just leave the county sheriff alone as to who he is and what he is. The framers of our constitution weren't all that dumb as some would have you believe. The voters will provide for the qualifications and changes in sheriffs as required. Several sheriffs in New Jersey have already been elected by the people who chose them on the basis of their background and qualifications in law enforcement. In most cases this type of individual can successfully adjust to learning about and becoming a successful jail administrator while simultaneously maintaining a sensitivity to the legitimate wants, needs and expectations of the electorate.

If changes are needed to eliminate some of the inherent political problems, perhaps the Legislature would prefer the sheriff to run in a non-partisan election process, similar to the way school boards are chosen, perhaps at the same time. It would be an excellent time to also choose by non-partisan election of the county judges, county prosecutor, and one or two other government officials who just might be a little more responsive to the people when having to stand for public approval or disapproval at the ballot box from time to time.

Economics -- If any member of this Subcommittee on County Government has somehow become convinced that what is offered in the Penal Study Commission's Report should be implemented as is, or even partially as is, perhaps a cursory estimate of nothing but the annual costs of increased personnel would cause as much concern to you as it does to me -- and, were they to know, I am sure most other people.

Throughout the list of recommendations suggested at the end of the Commission's Report are many inmate services and programs offered as "immediately or urgently" essential. Such services and programs under the plan clearly provides for college educated specialists to be supplied in each of the county penal systems. The positions range from a social worker and registered nurse for each shift to a staff psychologist and medical doctor, both of who would essentially have to be on 24 hour call.

I have scoured the entire Report, including the thirteen recommendations - I can't find recommendation number 3 - and will list these minimum recommended staff members. The estimated salaries inserted by me are relatively conservative and I am sure may be higher in other parts of the State: In recommendation #2 in this Report a "jail administrator," estimated salary \$20,000 to \$40,000; In recommendation #5, an "ombudsman," estimated salary \$16,000 to \$22,000; In recommendation #6, a "social worker" for each shift which would mean a minimum of four such persons, probably five - estimated salary \$16,000 to \$20,000; a "drug counselor," estimated salary \$14,000 to \$20,000; a "basic education teacher," estimated salary \$12,000 to \$18,000; a "Vocational training teacher,"

estimated salary \$12,000 to \$18,000. In recommendation eight, a rehabilitation services counselor for each shift, meaning a minimum, again, of four persons, estimated salary, \$16,000 to \$20,000. A registered nurse for each shift, again meaning a minimum of four such persons, estimated salary, \$14,000 to \$18,000; a doctor or medical service providing doctor's care and full medical services, estimated cost, \$25,000 to \$75,000 per year. In recommendations nine and six combined, a staff psychologist, estimated cost \$25,000 to \$75,000 per year.

These services, programs, and salaries are listed to cover the minimum recommendations in this Report. This illustration does not allow for costs of fringe benefits, supporting staff personnel needed, additional costs for capital improvements, equipment, materials, supplies, and maintenance. It does not allow for the cost of all the current jail budgets and personnel now in existence. No consideration is given to trying to find some of these type employees, even if one could afford to pay for them, i.e. nurses, doctors, and psychologists. And one other that is out of context here, I did not mention this so-called county correctional authority. I don't know if they would be paid or have a staff or what.

If you total the estimated salaries of the proposed positions listed for each county jail, the estimated annual cost for this expense alone would be between \$250,000 and \$500,000 per county, to be added on top of all other current jail budgets. Many other costs mentioned, such as staff and capital improvements, would be unavoidable, plus others I have not considered and this should give you an idea of where this Report takes us.

If it weren't so frightening that the Commission members who proposed this boondoggle were serious, I would tend to laugh, but I know better because I look around at big government and constantly see and read about evidence of this very same type of formula having been used over and over again, and it doesn't take long to come to the realization as to why big government is where it is, or how it got there.

Spending millions and millions of tax dollars to revamp county jails in the recommended fashion will not provide the social answer to crime or prisons or rehabilitation. Those questions and answers don't cost a penny, because they are nothing more than the sum total of what people gathered together as a society collectively produce in the form of ideals, attitudes, customs, standards, morals, ethics, and all those other things that result in our collective character as a society. One cannot change these things in a county jail by staffing a system with "high powered" academicians and idealists, some of who themselves may need some form of social guidance.

Help, understanding, compassion, and legitimate assistance to jail prisoners all can be effectively offered in the current county jail structure without spending much more than is already being spent and with effective results. Now, I do not naively imply that in some cases old buildings or equipment should not be replaced, or that personnel shortages shouldn't be corrected, etc., for they should. Neither would I imply that all county jails shouldn't provide basic human needs and basic human services for inmates, for again they should; but outside of the specialized medical care required for all inmates, most other services are usually available from the community sources in an acceptable form. To duplicate these government services into a personalized system at the jails is wrong and wasteful. Acquiring these needs takes only effort, determination and guidance, something perhaps that could be provided

legitimately by the State.

I will conclude my statement with the following personal recommendations in contrast to those offered by Dr. Irving.

Recommendation #1: That the Legislature reject the Penal Study Commission Report in general as being totally unrealistic and highly impractical; that it flies in the face of the New Jersey Constitution, the right of county taxpayers to maintain proper control of their own government, and totally failed to produce a viable, practical list of recommendations which concerned themselves equally with the very real needs of the prisoners, the jail administration and staff, the board of freeholders who must generate operating funds, and the community at large who expect the jail system to run legally, safely, professionally, and economically.

Recommendation #2: That the Legislature reject the notion conceived in the Commission Report that the County Jail must be the ultimate panacea of goods and services to all persons who come into lawful contact with its system, and to recognize that what the Commission is recommending is a wasteful, unnecessary duplication of existing systems, services, and expertise already available in the community for use and adoption to county jail systems.

Recommendation #3: That the Legislature allow the individual board of freeholders and county sheriff to decide within the county community as to who will administer the county jail, and under what controls which might be left available to them.

Recommendation #4: That the Legislature recognize that the key to success in improving county jail systems lies in the current and potential abilities and expertise of the people who currently work at all levels in the county jail systems, and in that pursuit.

Recommendation #5: That the Legislature, in concert with the county sheriffs, the Attorney General's office, the Public Advocate, and the New Jersey Department of Corrections, move immediately to create a highly professionalized state and county funded corrections academy with a staff and curriculum which will address itself to the critical needs and problems of modern penology, such an institution to be required training for all state and county corrections personnel during initial and refresher training periods through an ongoing, comprehensive program.

Recommendation #6: That a law be passed requiring all county jail administrators, and senior staff personnel, including sheriffs, undersheriffs and wardens, to attend basic and periodic refresher courses in techniques of supervisory penology, and related subjects through special courses at the said correction academy.

Recommendation #7: That the Legislature create a legislative/legal/corrections committee consisting of several county level representatives, which would meet, adopt, and recommend as a guideline standards selected from the several lists now in existence, and for this committee, which should be well represented with sheriffs and wardens, to discuss new and improved jail inspection procedures through the New Jersey Department of Corrections Inspection System, which I feel could be modified but which is a proper system for conducting county jail inspections with reports to the boards of freeholders.

Thank you.

ASSEMBLYMAN HARDWICK: Thank you, Sheriff. I appreciate your testimony.

I have a few questions to ask, if I may.

On your recommendation about creating standards, are you saying that the state should then have the authority to enforce them?

MR. FOX: Yes. I think the mechanism basically exists and is happening already through the state system of corrections. Yes, sir.

ASSEMBLYMAN HARDWICK: Well, currently the Department of Corrections, after they conduct an investigation, has to follow suit to have many of the standards enforced. There is not a mechanism ready to do that. How would you see that being handled? What mechanism for enforcement would you recommend?

MR. FOX: In my recommendation creating the legislative and county committee, which would bring into play the people who are involved, the sheriffs, the wardens, and checks and balances through the Public Advocate's office and through the State Correctional System, there is no reason why this body cannot create sensible standards which are applicable, using as a guideline the court decisions. It could also develop a mechanism for policing and correcting inspection reports which were not complied with or which were way off base.

ASSEMBLYMAN HARDWICK: Now, doesn't that conflict with, or contradict, what you said on page 9, where you said: "As far as the question of creating a mandatory list of standards to be followed by all jails, we all know this is a euphanism for total control by a state program or so-called county correctional authority, whereby the county taxpayer again has no say in the operation of the jail"? Aren't you contradicting yourself? That is inconsistent.

MR. FOX: No, I am not. You will notice that the difference in what I had to say included representatives from the sheriffs' departments themselves in the form of actual sheriffs on the committee, the wardens, and an interplay with these other people. I think you will realize in context on page 9 that I am concerned about people who are outside the basic operation of the system setting the standards. That is my basic concern. There are people, such as those in the Public Advocate's office, who wish to set standards, and I know they are based on existing law and decisions. But, I think the people who set the standards would be more successful if they themselves were inside the system, with checks and balances. We keep our own house clean.

ASSEMBLYMAN HARDWICK: When you were talking about a training academy, how would it differ from what we have now? There is a training facility for the Department of Corrections.

MR. FOX: If there is any place that the Legislature can help us with sincerely, this is it. The difference would simply be that - you talk about standards, and this is the place to apply standards, in training - this would be, as we envision it, a master, or single academy, curriculum. I don't know if the building would necessarily be in one location. It could be a satellite. The length of the course, the subject matter of the course, and the actual training would relate directly to the work these people are going to do. The academy you have now is a very short three weeks. It is no where near enough training. It has no way near the type of curriculum and the potential and ability to give the training. Most of the training, sir, actually results from on-the-job experience for these people. That might provide somewhat of a minor guideline but that is it.

ASSEMBLYMAN HARDWICK: Okay. The last observation I had about what you said is, I don't think anyone would disagree with your statement on page 8, that what a jail really needs to do is to provide the basics of fair and honest

treatment, reasonable standards of conduct, rightful supplying of good food, medical treatment, and personal consideration. These all add up to fulfilling the community's responsibilities to jail inmates. I guess the question is, how well are the jails doing what you have described there? I guess that is the question the Public Advocate has raised and the Dean Irving Report raised, even though it does so erroneously, in your opinion. That is the question I think we are raising. I don't think there is any disagreement on that.

MR. FOX: There is no question. I think you must have noticed that I did not take issue with specific problems that were addressed prior to my speaking. I took issue with what the approach was going to be in order to solve those problems. And, I don't think they are going to be solved in individual sheriff's offices and at the county level by the Public Advocate or by anyone like that. They are going to be solved by the counties themselves. The people will solve those problems. There are plenty of mechanisms to relieve those problems if they aren't being solved.

ASSEMBLYMAN HARDWICK: Assemblyman Girgenti?

ASSEMBLYMAN GIRGENTI: Sheriff, I want to commend you on your statement. It was very well articulated and very interesting.

I read some of the articles that you forwarded to us and they were very interesting. What is the present population of your jail?

MR. FOX: The actual population, the warden tells me, is 89 this morning. The capacity, sir, is 125.

ASSEMBLYMAN GIRGENTI: Do you have a problem, as we have heard from the other counties, in terms of the hold-overs -- people that the State has not taken out? Has that been a problem in your county?

MR. FOX: No, sir, not as heavy. We have had some but right now we do not have any. It fluctuates. It is never a serious problem.

ASSEMBLYMAN GIRGENTI: You are familiar with the Irving Report?

MR. FOX: Reasonably, yes.

ASSEMBLYMAN GIRGENTI: Some of the problems that we have discussed - and I just want your opinion, or judgment, or, since you are the administrator of a jail - involve drugs, lack of adequate training for correctional officers, and other things of that nature. What is the extent of those problems in your jail, as you see it?

MR. FOX: Let me say this: I don't know of any county jail, nor have I heard of any prison - and I will speak only from our experience in the "trade," let's say, for nine years - that is free of these particular problems. It happens in varying degrees. I think you can expect it to happen, no matter what system you develop.

Fortunately in Cape May, especially since we have a new building which lends itself to proper supervision and proper control, we have a very small percentage of these problems.

There is, again, another jail and we have the problem where drug contraband is introduced into the system. We attempt to minimize it and we do. But, we have it.

Fortunately homosexuality, which is one of the few points in this report, is something we have no problem with because we have complete, easy, continuous observation because of the physical layout of the plant.

I invite the Committee and hope the Committee will come down and look at the Cape May County institution so you will see why I say these things.

ASSEMBLYMAN GIRGENTI: Also, in terms of what we spoke of concerning prisoners' rights, based on court decisions, do you allow contact visits in your jail?

MR. FOX: No.

ASSEMBLYMAN GIRGENTI: How about the censoring of mail?

MR. FOX: Censoring of mail is illegal. The inspection of mail, which is a very important key and critical step, is done.

ASSEMBLYMAN GIRGENTI: What is the situation with telephones?

MR. FOX: We, of course, allow the usual call, or calls, at the outset. When an inmate is brought to us, he is allowed to call anytime there is a change in his legal status - if he goes to court, or his attorney requests it. Beyond that, if he hasn't had visits or hasn't had other occasions to call, he will call on the average of at least every ten days. As far as open book and wide open freedom for calling, no.

ASSEMBLYMAN GIRGENTI: One other point. What is your relationship or rapport with the Department of the Public Advocate, Inmate Advocacy Office?

MR. FOX: Personally speaking, I met Mr. Mintz. He came down and visited us. I have no problem with him personally. And, I understand what they are trying to do. I understand why they are trying to do it.

Professionally speaking, in my personal opinion, I don't think they are needed. I don't think in the final analysis they are going to change the real things that need changing. I don't think they are in a position to do it. If we are prejudiced because we work in one way with the jail inmates, they would have to be prejudiced in another way because they have no experience inside the prisons, and that is needed.

ASSEMBLYMAN GIRGENTI: Do you feel that is, as it was labeled before, an unnecessary bureaucracy?

MR. FOX: If I never see a representative from the Public Advocate's Office again, I wouldn't miss them. They wouldn't be needed.

ASSEMBLYMAN GIRGENTI: Thank you. That is basically all I have to ask.

ASSEMBLYMAN HARDWICK: Mrs. Szabo?

ASSEMBLYWOMAN SZABO: The several questions I wanted to ask were already answered - relating to drugs and also the training courses. These were answered already.

MR. KATZ: According to the Department of Corrections, at the time they did their last inspection you have no prisoners involved in work release. Are there any prisoners involved in work release at the moment?

MR. FOX: Yes, five.

MR. KATZ: I understand that you have a common dining room which was not in use at the time because there was insufficient manpower. Do you believe a common dining room should be used and is it in use yet?

MR. FOX: I believe it should be used and being the key official responsible for having that institution built, I was in agreement with having it put in. However, we haven't been able to use it, not because it is our intention to circumvent the use of it - or we wouldn't have built it - but because we found, upon occupying this institution, that we came up very, very short of staff people. We used those we had in the old jail and when we moved in we found that we needed a higher percentage of people than I realized we would need.

We haven't been able to operate the dining room simply because of staff

support and the security system that is needed to move inmates in and out. We will do this. We will do this.

ASSEMBLYMAN HARDWICK: I would like to assure you, in closing, that to the extent the Legislature has any say about the local official's input, your knowledge would certainly be solicited when drafting any standards. It will not just come out of Trenton out of the blue without input from local officials. Thank you again.

MR. FOX: Thank you.

ASSEMBLYMAN HARDWICK: We will now take a five minute recess and we will start again at five minutes to four.

(recess)

EDWIN ENGLEHARDT: I am Sheriff Englehardt of Passaic County. I don't have a prepared statement, but I do agree with every word, sentence and paragraph of the prepared statement that was read by Sheriff Beech Fox from Cape May.

I want to make a couple of brief remarks and answer any questions you may have.

I am very much opposed to the Irving Report because, in my opinion, it was nothing more than a witch hunt. It was an attempt on Mr. Irving's part to create another monster agency which would cost the taxpayers hundreds of thousands of dollars and ultimately he would become the head of that particular agency. I don't feel we need it. I think too much authority has been taken away from the taxpayers in our counties throughout our State. I think the jails should remain under the control of the Sheriffs because if the jails aren't run the way the citizens feel they should be run, they have an opportunity to vote the Sheriff out of office.

I was fortunate to have served as Acting Sheriff for one year. I then ran and was re-elected by 6,000. I ran my second campaign on my operation of the County Jail. I opened up the County Jail. There were 2500 senior citizens, veterans groups and Boy Scouts who came in there and checked over that jail. My campaign was run on the way I operated the County Jail. As a result, last November, I won by the largest majority in the history of the County of Passaic.

I think it is only right that the citizens should remain in a position where they have an opportunity to vote for an individual who represents their views, as well as vote against an individual who is not supporting their views.

As far as the County Jail is concerned, we have no serious problem in the Passaic County Jail. We did have some overcrowding, but that overcrowding was the result of the State breaking the law every day. The law specifically states that the State of New Jersey should accept inmates who are sentenced to State institutions within a 24-hour period. We have had as many as 75 prisoners in the Passaic County Jail for as long as 9, 10 and 11 months waiting to be shipped to State institutions. They were in the County Jail at that time creating severe overcrowding conditions, causing all kinds of problems because they didn't want to stay in the County Jail. Why didn't they want to stay in the County Jail? Because in Passaic County we run a jail the way I feel and the way our citizens feel a jail should be run, not as a country club. They wanted to go to State Prisons so they had a hunger strike which lasted for about 24 hours. As a result, the pressure was put on the State to accept most of those inmates.

Why do these inmates not want to spend time in County Jails? Why do they want to go to State Prisons? It is because of the programs implemented by bleeding hearts, such as Mr. Mintz and Dean Irving. They are country clubs. To give you an example, not long ago we had to go down there and pick up an inmate who was about to be sentenced on another charge in Passaic County. My officer with an officer from the State Prison walked into a cell-block area - they have private rooms - knocked on the door of an inmate. The inmate said to the officer, "Who is it?" "Officer So and So." "What do you want?" Can you imagine that.

I will give you another example. When I was Police Commissioner of Paterson in the late '60's, we had two men walk into a tavern and viciously, brutally beat one individual and for no reason at all killed three innocent people

who were sitting at the bar. They were brought to trial. They were convicted. They were sentenced to State Prison. Using all the legal channels and procedures, they finally had a second trial. I might add they were convicted the second time. But while they were going through the court procedures and legal procedures in the second trial, one of the inmates who was sentenced as a result of being convicted for killing three people appeared at the second trial with a college degree. He left the State Prison every morning, went to college and went back in the afternoon. That is why they want to go to State Prison. There are more drugs in the State Prison than they have got on the street. The inmates have more weapons than the guards do. That is why guards are constantly getting beaten and molested by inmates in State Prisons. We don't have that in the Passaic County Jail. I have been the Sheriff four years. We haven't had an officer beaten. We haven't had any complaints of officers beating inmates. We haven't had a riot. We haven't had a major disturbance. We haven't had a death or a suicide. We haven't had a break. This is because we run our County Jail the way a County Jail should be run.

I submit to you, if any of these recommendations in Dean Irving's report are implemented, the County Jails will become country clubs like our State institutions are. And then watch crime rise.

I will answer any questions you may have.

ASSEMBLYMAN HARDWICK: Thank you, Sheriff.

ASSEMBLYMAN GIRGENTI: Sheriff, presently how many people do you have in your jail?

MR. ENGLEHARDT: Today we have 270.

ASSEMBLYMAN GIRGENTI: Is the State hold-over still a problem at this time? You said it has been alleviated to some degree. Do you still have any?

MR. ENGLEHARDT: We don't have that problem any longer for some mysterious reason. As the result of a class action suit instituted against me, all of a sudden after four years the State found room to take the 70 prisoners that we had for three years.

ASSEMBLYMAN GIRGENTI: You heard me ask the other Sheriffs this question, and I feel I want to have your reply on it too. The Irving Commission outlined certain problems, such as rape in the jail, drugs, tranquilizers being used on inmates because of being idle with nothing to do and as a result they may become drug dependent, and also the lack of Correction Officers' training. Could you respond to that in terms of the Passaic County Jail?

MR. ENGLEHARDT: As I said at the outset, the Dean Irving report is very, very general. We were one of the five or six jails of the State where Dean Irving conducted hearings. As Sheriff Job stated, he singled out certain prisoners. When he conducted that hearing, he told us what prisoners he wanted to talk to and question at that public hearing. We didn't even know who they were. There were no accusations concerning the operation of our County Jail, publicly or otherwise. However, there was one public statement made. Dean Irving said that the Medical Department of the Passaic County Jail was the best of any County Jail he had been in so far. Yet the report states that all the Medical Departments in all County Jails in the State leave a lot to be desired. He didn't single out anything he found, good or bad, pertaining to any one of the jails that he visited. Yet he generalized the conditions of all the jails, those he visited and those that he

didn't visit.

As far as training is concerned, all of our Sheriff's Officers have had the same training that any Policeman has had in any major Police Department in the State of New Jersey. Our Correction Officers go down to Trenton for a period of three weeks and have the minimum training that is required, according to the State Department of Institutions and Agencies.

As far as drugs are concerned, we don't have any drug problem in the Passaic County Jail.

ASSEMBLYMAN GIRGENTI: How about in the area of personal contact visits? You don't believe in that, right?

MR. ENGLEHARDT: I am violently opposed to contact visits. Let me tell you something. I was drafted into the Army during the Korean War and I served two years in a fox hole in Korea. I never even saw a girl. I never had a contact visit. The only crime I was convicted of committing was serving my country. These County Jails are primarily holding facilities. The longest stay of any inmate in a County Jail that is sentenced is 27 days. He doesn't deserve a contact visit. He is in jail. That right and privilege should be taken away from him as long as he is in jail. Then, in addition, there is the security problems that we would have as a result of contact visits.

ASSEMBLYMAN GIRGENTI: What about the telephones?

MR. ENGLEHARDT: We installed coinless telephone boxes. There is a coinless telephone box in every cell block in the County Jail. And every inmate can make as many telephone calls to whomever he cares to call between the hours of 3:00 in the afternoon and 11:00 at night, and Saturdays and Sundays and holidays.

ASSEMBLYMAN GIRGENTI: One other point was brought up earlier and I have been to your jail so I know the answer. But I would like you to answer it for the benefit of everyone. It is about the magazines and newspapers which have caused a problem. You do not allow them in the cells upstairs, right?

MR. ENGLEHARDT: No, we do not allow newspapers and magazines in the cell-block areas. However, newspapers and magazines are available to the inmates in the gymnasium. Every inmate has an opportunity to go down to the gymnasium twice a week for a period of 2 hours. That is 4 hours a week. The magazines and newspapers are there for them to read. We do not allow them in the cell blocks for security reasons. We used to have newspapers and magazines in there. What was happening was that they were setting the newspapers on fire just to create confusion. We would have to open the cell-block gates and remove them from one cell block to another until the smoke was cleared. Or they would take the magazines, tear the sheets out, flush them down the toilet, and there would be human waste all over the floor. We would have to clear them out of the area, clean it up and bring them back to the cell-block area. So I will not permit newspapers and magazines in the cell-block area. But they are available in the gymnasium for every inmate.

ASSEMBLYMAN GIRGENTI: What is your relationship with the Department of Public Advocate -- Inmate Advocacy?

MR. ENGLEHARDT: What is my relationship?

ASSEMBLYMAN GIRGENTI: --- at the present time.

MR. ENGLEHARDT: They are nothing but a bunch of trouble-makers. I never had any problems of any kind until they came into my jail. All they do

is go around the County Jails trying to stir up trouble.

ASSEMBLYMAN GIRGENTI: You are at the present time in litigation, I believe you said.

MR. ENGLEHARDT: Yes, I am. They are more concerned about the rights of the poor inmate and couldn't care less about the poor victimized citizens that are robbed and beaten and mugged. I had to order them not to solicit in my County Jail. They came down as a result of having a letter of complaint from an inmate. I let them in. When they got in there, they were going around trying to solicit complaints from various inmates. I stopped it. Trouble-makers, that's all they are. We don't need them. Let them straighten out the State and not worry about the County Jails. I have no problems. I have a clean record in my County Jail. As I said, there have been no riots, no muggings, no suicides, no escapes, no deaths, no drugs. They can't say that about the State. Let them straighten the State out before they start probing the County Jails.

ASSEMBLYMAN GIRGENTI: I have two questions. Number one has to do with the State standards. What is your feeling about the State being able to enforce standards on the County Jails?

MR. ENGLEHARDT: I believe there should be standards and I think the standards should be under the control of the Department of Institutions and Agencies because I have found the State Department of Institutions and Agencies to be very, very fair. They have come to our jail since I have been the Sheriff, unannounced, at least once a year. They make a total and complete inspection. As a result, they make various recommendations. I have found the recommendations are very, very fair. Where it was possible to implement the recommendations, they were; and they gave us time to do it. They are very, very fair.

ASSEMBLYMAN GIRGENTI: What about the idea of an ombudsman?

MR. ENGLEHARDT: We have one. We had one before I was the Sheriff and we will continue to have one as long as I am the Sheriff. It is very, very necessary and solves a lot of problems.

ASSEMBLYMAN GIRGENTI: You, as you said, are in agreement with what was recommended by Beech Fox, the Sheriff of Cape May County.

MR. ENGLEHARDT: One hundred percent.

ASSEMBLYMAN GIRGENTI: And you feel that this is just another trend toward more bureaucracy if this type of commission is implemented?

MR. ENGLEHARDT: It is creating jobs for these bleeding-heart liberals to come in and open up these County Jails that are well run and make country clubs out of them, and be more concerned about the rights of the poor criminal and less concerned about the rights of the citizens. They would be taking more and more rights away from the people that foot the bill. I say leave the County Jails as the responsibility of the elected Sheriffs. If the Sheriffs aren't doing their jobs, the people have a right to throw them out of office. If they are satisfied with the job he is doing, let them re-elect him and put him back in office. It is their right; they are paying the bill.

ASSEMBLYMAN GIRGENTI: What about the question of the Freeholders controlling the jails? I know in certain counties they do do it at the present time. The reaction in our county, I think, is that they wouldn't even want to control the jail.

MR. ENGLEHARDT: Quite frankly, I have offered the County Jail to the

Passaic County Board of Freeholders on numerous occasions. They said, "Thanks, but no thanks." But I might add that the majority of the Board is the opposition party and they have been extremely cooperative, so much so that we have an architect now drawing up plans for an addition to our County Jail. We will be breaking ground probably the end of this year for a new floor.

ASSEMBLYMAN GIRGENTI: You do have an exercise area, don't you?

MR. ENGLEHARDT: Yes, we do.

ASSEMBLYMAN GIRGENTI: I know it is not much of an area, but you do have some.

MR. ENGLEHARDT: We have the gymnasium that was constructed approximately four years ago and we have the most modern gymnasium equipment in our County Jail of any County Jail in the State of New Jersey.

ASSEMBLYMAN GIRGENTI: When they build the fourth floor, there is supposed to be more of an area for that?

MR. ENGLEHARDT: When they build the fourth floor, the roof is going to be constructed so it will be a recreation area to be used day and night, seven days a week, 365 days a year.

ASSEMBLYMAN GIRGENTI: I just want to make a personal observation. I did have the opportunity to go down to Sheriff Englehardt's jail - and for the record I see Warden Young here from the Passaic County Jail - and I feel that the jail is in excellent shape. I checked the sanitary conditions. When we went through, we saw programs that were being developed by the jail, for instance, in the bakery area where people were actually learning a trade which they will be able to use. It was interesting that the work in the jail, in terms of the maintenance and equipment work, is being done by the inmates, thus saving the taxpayers money. I was very impressed with the jail and the job that our Sheriff is doing there. It wasn't a set-up visit. I didn't notify them ahead of time that I was coming. It was an unexpected visit. The Sheriff knew I would be coming at some point, but not when. We went down there and checked over the premises. I will tell you, I found for the amount of space and limited funds that he has to work with that the jail is being run very well. I commend the effort that you are making, Sheriff in that regard.

I agree with your philosophy. I don't feel that a jail is supposed to be a country club. I don't think we should make the conditions there such that we are giving people an incentive to come off the streets because they feel they would be better off in jail. I don't think that should be the goal of a county jail. I think people are there because they have done something wrong to society. I don't believe we should have air-conditioning everywhere nor do I think we should have contact visits and all these other liberal concepts. I know there are some good points in what has been said. I certainly agree there should be standards. But from my observation, I think a lot of our Sheriffs and jails have been wronged by this report. And in some ways, it is a disgrace.

MR. ENGLEHARDT: I want to say one more thing. I want to quote something that the Honorable Mr. Jeffrey Mintz said in my office in the presence of my Warden, Jack Young. We started a program about four years ago whereby the inmates in the County Jail do all the laundry for two hospitals that are operated by the Passaic County Board of Freeholders. Before the inmates were doing that laundry, the Freeholders were paying \$170 thousand a year to private industry to do that

laundry. We now do it at a savings of \$170 thousand a year, at least, because that is what it was four years ago.

We instituted a bake shop in the County Jail. On bread alone, we saved \$20 thousand. Every piece of bread, the rolls, pies and pastries - all the baked goods - that are used in that County Jail are baked by the inmates themselves right in the County Jail. I don't believe there is a County Jail in the State that has a bakery. I don't believe there is anybody in this room that has home-made, baked bread every day. But the Passaic County Jail inmates do.

As a result of these things, we have been able to keep our costs down. It is a matter of record that the cost per inmate is less than any County Jail in the State of New Jersey. The cost per inmate in the Passaic County Jail is \$18.10. No County Jail compares with that. In the State, the cost is almost \$100 a day.

I explained that to Mr. Mintz; do you know what his response was? Obviously - and that's proof positive - you are not doing right by the inmates because that savings should be spent on the inmates. He is concerned about the inmates, not about the people who are footing the bill. As long as I am the Sheriff, I am concerned about the people footing the bill and the law-abiding citizens, not the inmates.

ASSEMBLYMAN HARDWICK: Mrs. Szabo, do you have any questions?

ASSEMBLYWOMAN SZABO: I have no questions.

ASSEMBLYMAN HARDWICK: Thank you very much, Sheriff.  
Sheriff Lugossy of Mercer County.

G I L B E R T W. L U G O S S Y: Thank you, Mr. Chairman. I will be very brief. I know the hour is late.

ASSEMBLYMAN HARDWICK: Thank you for waiting.

MR. LUGOSSY: As a resident of Mercer County, I think it is only proper to have some of the others who have travelled some distance to be heard first. Assemblywoman Szabo and I don't have too far to travel from here. So there is no problem at all with that.

I am Gilbert W. Lugossy, the Sheriff of Mercer County. I served some six years as a member of the Mercer County Board of Chosen Freeholders. During the year 1976, I also served as President of what was then known as the New Jersey Association of Chosen Freeholders, which is now known as the New Jersey Association of Counties. I served very briefly as the Undersheriff and since January 1, 1977, I have served as the Sheriff in Mercer County.

Some people perhaps who know my personal situation or the county situation may ask why I am appearing here today. I am one of the few Sheriffs in the State that does not have a jail -- does not have the jail. Also I think, quite frankly, that Mercer County has had a rather good record in the area of reforms, if you want to use that term, in the area of jail management and administration. I think our relationship generally, to the best of my knowledge, in recent history, both with the State Department of Institutions and Agencies, now the State Department of Corrections, and with the Division of Inmate Advocacy has been a very good one in Mercer County. It has been an ongoing one resulting in many improvements, both for the jail system, itself, the employees, and certainly for the inmates.

I probably have no real axe to grind, quite frankly, because I don't have the jail as the Sheriff, and I think generally our record speaks well in the area of jail maintenance, administration, safe custody and upkeep of our inmates in Mercer County.

The reason I am here though is that I don't think as a Sheriff who has been elected by the people and one, I hope, with a reasonable degree of intelligence, and who has read that so-called Irving Report, I can just sit back and not be heard.

Somewhere Mr. Irving admitted, at least at the beginning, that they were short of staff or had very few funds, and then that was increased. Quite frankly, the report shows it. Even though additional staff was provided and moneys were allocated, I have seen many reports, many surveys and studies - and too often they are shelved, put up in somebody's bookcase or filed away - but this is one of the poorest types of documents that I have ever seen, particularly at the State level.

I am gratified as a citizen, as a taxpayer and as a Sheriff, that this subcommittee is taking the time to do a lot of things that perhaps the commission did not do: the in-depth hearings, the getting of the viewpoints of not only inmates and people who maybe have an axe to grind one way or another, but other people, so you get as broad a spectrum as possible. I commend the committee for what you are doing. I think that is what the other members of the Legislature want you to do. I think that is what the citizens and taxpayers expect of you.

I take umbrage, quite frankly, with many of the broad, sweeping generalizations in the report. The New Jersey Association of Counties at its recent statewide conference held the latter part of June in Cherry Hill, at its final session on conference resolutions on Friday, June 30, 1978, held in the Hunterdon Room at the Cherry Hill Hyatt House, passed many resolutions, one of which, Resolution 9, was adopted unanimously. This is an association composed primarily of Freeholders and other staff people. They passed unanimously a resolution at that conference opposing the so-called Irving Report. They opposed very strongly the idea of a County Correctional Authority. They also took exception to the remarks made about Sheriffs and County Correction Officers and employees. These are representatives now of all the counties in the State of New Jersey.

I also have in my possession some resolutions which I am sure have been mailed to all legislators. I will make copies of these documents available after the meeting to your committee if you don't have them in your possession already. For instance, I have a resolution dated July 6, 1978, from the Board of Chosen Freeholders of Morris County. I will not read all of it, but part of it: "Now, therefore, let it be resolved that the Morris County Board of Chosen Freeholders strongly objects to such a proposal as submitted by the Study Committee for the creation of a Penal Authority and/or Administration, for the reason that it is not economically feasible or organizationally justified." This goes back to the recommendation of a County Correctional Authority.

We have also a similar resolution - and I am sure others have been adopted or will be adopted by Boards of Freeholders - opposing creation of Penal Authorities for the operation of county correctional facilities and/or county jails. This was adopted at a Board of Freeholders' meeting March 7, 1978, in the County of Somerset. Again they take exception to the creation of an autonomous authority to operate or administer county jails. They also take exception to the fact that the report states that politics is a factor in the hiring of personnel in the jail. They say this is not true as all Somerset Correction Officers must meet all requirements for the position and are selected as other county employees are

selected, using merit system personnel procedures. Somerset County, by the way, I think is the only county in the State that does not use the State Civil Service system, but does use their own county merit system.

So let me indicate to you that I think that there is general agreement - and I am not representing any organization officially today -- but as I go around as a former President of the State Association, as a former Freeholder, as the current Sheriff, knowing as I do many, many past and current members of County Boards of Chosen Freeholders and current Sheriffs, it is my feeling that the one item there seems to be unanimous agreement on is, number one, it is a poor report and leaves a lot to be desired; secondly, there is even more unanimous agreement, if there can be such a thing, opposing the suggestion or recommendation of a County Penal Authority - Correction Authority, whatever you want to call it.

I think one of your first tasks - and I don't want to be negative - would be to dismiss that out of hand, so to speak, quickly. But that would be dereliction of your duties if you did not obtain all the information and as much input as possible. But remember people in county government, the members of the Boards of Chosen Freeholders, are the people who are going to set the county policy. They are the legislative body in most counties, also the administrative body. They are going to make the decisions on the appropriation of tax dollars and decide the priorities in funding programs. These are people who are taking exception to this report and saying we are opposed to the creation of a Correctional Authority.

As to elected officials, that is where it is at. Our Senators are elected, our Assembly people are elected, and our Governor is elected. Quite frankly, I think the history of our country has shown that the elective process has worked well. I think in most cases the best people are elected to serve us.

ASSEMBLYMAN HARDWICK: Certainly in all of our cases that is true. (Laughter.)

MR. LUGOSSY: I have no problems with that at all. I agree with some people that other offices should be elective ones, such as State Attorney Generals, County Prosecutors, and perhaps even Judges, although I hear varying opinions on that.

In the report there are several paragraphs or perhaps pages talking about certain activities in the Sheriff's Office, such as campaigning or soliciting the workers. If you are going to do a job as an elected official, even as an appointed official, and do your job well and represent the majority of people in your constituency, you are not going to do that by just being a nice guy and trying to win favors from the people directly under you. You want to be a fair boss. You want to get the job done and you want everybody to do their jobs as they are supposed to do them, in accordance with civil service, or whatever, and produce for the taxpayers.

If any Sheriff or any elected official had to depend on his or her employees, if they had any, for election or re-election, none of us would survive.

I think that that report was put together by some people who don't really understand our political process. I can't see an attorney thinking that way and Dean Irving is one, and perhaps some others are. It just seems to me that it is totally unrealistic.

Generally, those are the comments that I wanted to make. I know that Assemblywoman Szabo and perhaps other members of the committee have a copy of a letter sent to her, dated June 23, 1978, from our County Director of Public Safety, Leon Smith. I am sure she will make copies available to you. It details the

various programs that have been in effect in Mercer County. I won't read them. It will answer some of the questions you may have about classification, bail processing, telephones, dining, laundry, medical services, pharmaceutical services, recreation, chaplaincy, law library, and other services. They are all outlined.

I have some additional information from our County Office of Rehabilitation - Correctional Rehabilitation Services - that I can provide the committee, and I will send that to Mr. Katz.

We have just recently moved into and are now fully occupying and making use of a new County Detention Center - Jail - in Mercer County. It is directly to the rear of the present Mercer County Court House. The cost for the physical construction exceeds now some \$8 million. I think that Mercer County, at least in dollars, has made a substantial contribution. Even before that, with a very old, out-moded physical facility, we were going into various programs in the old jail.

I thank you for listening to some of my rambling remarks.

ASSEMBLYMAN HARDWICK: Thank you. Mrs. Szabo, do you have any questions?

ASSEMBLYWOMAN SZABO: I have no questions. He does a great job in Mercer County. He handles quite a few of the prisoners on a daily basis.

MR. LUGOSSY: That's a good point. Even though I don't have direct control of the Jail, I am intimately involved because of security in and around the Court House. The Sheriff's Department, my department, moves all of the prisoners each day from the courts to the jail to the workhouse. It is my people who move the inmates. Even though we now have a dentist chair and some in-patient medical facilities in the new Detention Center, on a daily basis we have transportation crews from my office moving people to the various medical centers in the area, to the clinics, doctors, dentists, diagnostic centers, etc. This is what Sheriffs do all over the State. They have been doing it historically nationwide in our country and I think they have been doing it fairly well. They have always done the best they could with what they have had. You have heard that said before. They don't always have the funding or the personnel. We have to contend with Civil Service regulations, PERC, labor-management contracts between the county and the PBA organization or other organized labor groups. Those are things that all impact on the Sheriff. Someone else talked about it. They are external factors: money, physical facilities, State mandates and others. I think the Sheriffs are all trying to do the best that they can under the circumstances.

I think we are the first to admit that improvements can be made. We only ask that this committee continue, as you have been doing, to get the input from the people who are actually involved in the system and the counties not be mandated any more obligations. We have been building new county jails or improving county jails. Counties have been building, with some State aid, county community colleges, vocational-technical schools, roads, bridges, and many other things in addition to the human service programs that have been developed. The counties have been doing it at your mandate, at times with hardly any funding from the State.

ASSEMBLYMAN HARDWICK: Thank you very much.

I believe that concludes our list of witnesses. I beg your pardon. Are you Freeholder Michael Ceponis?

MR. CEPONIS: Yes.

ASSEMBLYMAN HARDWICK: Come on up.

ASSEMBLYMAN GIRGENTI: Could I ask one question of Sheriff Lugossy?

ASSEMBLYMAN HARDWICK: Surely.

ASSEMBLYMAN GIRGENTI: How long has the Sheriff not been in control of the jail in Mercer County?

MR. LUGOSSY: To the best of my knowledge, in Mercer County the Board of Freeholders has controlled the County Jail and not the Sheriff since some time in the 1930's.

ASSEMBLYMAN GIRGENTI: Were they the first in our State?

MR. LUGOSSY: I am not sure. There are about three or four of us now. Of course, now Mercer County has a county-executive form of government. The County Executive appoints what we call in our county a County Director of Public Safety. Under him comes the Corrections Division - the jail, the workhouse, the youth house, the medical examiner. It goes back to the '30's. I think the only reason it happened is that the Freeholders at that time were always Republican and a Sheriff happened to get elected who was a Democrat. So they thought they would do the Sheriff a disservice and take the jail away from him.

M I C H A E L J. C E P O N I S: My name is Mike Ceponis, a Freeholder of Somerset County and Chairman of the Courts and Criminal Justice of the county.

I will just touch upon some of the things that the Board in the past has expressed concerning the Penal Study Commission Report by John Irving.

First, it has been the goal of the Board of Freeholders in Somerset County to correct the deplorable conditions that may exist in county institutions. Certainly our goals are similar to the Commission's goals. However, at this time, we may feel that the way to go about achieving these goals is completely different.

We run a jail structure that was built in the early 1900's - I think it was 1909. It is administered by the Sheriff who is a county-elected official. He was here earlier and he left. He probably would echo the same sentiments that I will express. In our county, the Sheriff in a legal sense has autonomy; but, because of political control, we have some direct influence over the operation of the facility.

Before I talk about specific portions of the report, I might say the Board is concerned about the methodology used in gathering the information for the report. Somerset County was not visited during the entire investigation nor was a public hearing held. I don't think the operation of our facility in Somerset County was ever considered. We feel if any recommendations are going to be made for the State that would have such broad ramifications, they should at least tap all the sources and have a broad, representative sampling of operations in New Jersey. Again the Board and I are very critical of the basis on which this report was formed.

We have had problems in our own institution in Somerset County. We have had charges made about drug abuse, about treatment of women prison inmates. There has been criticism about the management of the jail. We have had many times political skirmishes between the Sheriff's Department and the Board of Freeholders. But during that period of time, we have been able to resolve many of those problems. We were able to take some drastic measures. This was done at the recommendation of the Public Advocate's Office, Jeffrey Mintz. He felt that Somerset County could afford to bring in some type of medical assistance for the administration of drugs. He

felt we could afford to have a Rehabilitative Director, which we did, and that we could look toward establishing some type of recreational space in our community.

We have taken these steps over a period of time. We have done so within the system which we presently have. We have also done so within the budgetary limitations that we had to work with under the cap legislation. We feel it is a system that could be amended.

I believe that the 13 recommendations made in the report are not feasible and not workable. I think in some instances partial support could be given by the Boards of Freeholders around the State to such things as regional psychiatric holding and treatment centers. This may be possible if the State is willing to pick up the tab for the administration and operation of such a facility.

Second, the Commission recommended each county have healthful surroundings and medical care, as provided by the National Advisory Commission on Criminal Justice Standard and Goals.

Again, the Board of Freeholders, I believe, would be in support of seeing something like that adhered to. We would look for assistance from the State as well as those people who are currently administering procedures in the jail in designing or implementing such standards.

There were other recommendations in the report which the Board of Freeholders reviewed in our caucus, dealing with classification, housing, counselling, and educational services. We feel that they are good. We feel that they are positive. We do feel, however, that the County Sheriffs and those people who might be administering the jails at this moment could help in the design of the standards and help in the funding that would be available in setting up these programs. We could not, however, in a very short period of time support these programs without some type of financial commitment from the State. We have had in the past problems in the criminal justice end as well as in the judicial area. We have had problems where things were mandated by laws and, as a result, regulations were promulgated by the State, which we could not handle financially, particularly under the cap legislation.

The Board strenuously objects to two recommendations in the Report, one being the creation of a Correctional Authority, which would take complete control of the jail away from the Board. As was mentioned previously, I introduced to our Board in Somerset County a resolution in opposition to the creation of an authority, which was forward to all the other counties in New Jersey. There was also a similar resolution passed by Sussex County. We feel such an authority would be inefficient, would not be cost controllable and would be a tremendous expense to the taxpayers at the county level.

I might say that Somerset County had a report from Jeffrey Mintz on July 6th where he commended the institution that we run. He said he is especially happy with the recent hiring of a full-time Director. He is a little concerned about the limited space we presently have in our jail. But many of our problems in Somerset County are because of the limited and inadequate facility that we have. The problems caused by the cap legislation are quite severe. We cannot see that our problems will be solved just by enacting the recommendations of John Irving in the Commission's Report.

We do feel, however, that a State commitment toward some of the services in terms of financing would be helpful. We believe that under the present setup,

with the Sheriff operating the jail and the Board of Freeholders acting in an indirect way, is probably the most feasible and economic way of solving some of the jail problems we have in the State. That is basically our testimony.

ASSEMBLYMAN HARDWICK: Thank you.

Freeholder, have you visited your jail?

MR. CEPONIS: Yes, I have.

ASSEMBLYMAN HARDWICK: You have gone through your jail.

MR. CEPONIS: Yes, I have a few times.

ASSEMBLYMAN HARDWICK: How do you feel about standards or rules and regulations governing prisoners on things that really won't be a cost to the taxpayers, such as phone use, mail censoring - things of that nature?

MR. CEPONIS: We already have in Somerset County a booklet - and I believe it may have been based on Mercer County's - that deals with the rules and procedures for inmates having to do with phone calls, messages, and mail. Of course, we also follow the State law in terms of mail. But I don't believe there is any difficulty there in terms of enforcement. In our facility, there hasn't been a problem between the inmates and the officers at any time. We have been somewhat flexible in dealing with the inmates.

ASSEMBLYMAN HARDWICK: Do you approve the rules as a Freeholder Board or does the Sheriff?

MR. CEPONIS: The Sheriff make the rules and introduces them to us as his regulations - they are based upon those of some other counties - and we accept them.

ASSEMBLYMAN HARDWICK: Are you personally satisfied with them?

MR. CEPONIS: Yes, we are. We had serious problems three or four years ago in our jail. As a result of inspections and resulting recommendations of the Public Advocate's Office, some of our procedural problems were resolved. But because of the limitations in our physical structure, we can't solve all our problems without additional funds. And we certainly can't solve these things as a result of anything in the Irving Report.

ASSEMBLYMAN HARDWICK: Do you recall what the guidelines are for classification of inmates? Is there a separation between pre-trial inmates and inmates who have been sentenced, for example?

MR. CEPONIS: I believe there is not.

ASSEMBLYMAN HARDWICK: Doesn't that bother you personally as an elected official?

MR. CEPONIS: It does, as does the fact that we don't have room for recreational space. We just don't have the room to expand and we don't have the funds to do it. And we won't until we take the necessary steps required with regard to our financial obligations. We are in the midst of building a new Court House. We have so many other financial obligations at this time that we have to place priorities on them.

We understand the Sheriff's problem in administering a jail which has these physical limitations that do cause a certain amount of tension and stress. As to the classification of women and mail inmates, we are taking steps with Mercer County, on the recommendation from Jeffrey Mintz's office, to send the inmates there. We are trying to work this out, within the reality of the situation that we have.

ASSEMBLYWOMAN SZABO: If you had the funds, Freeholders, what would your

first priority be in improving the County Jail?

MR. CEPONIS: We are, right now, more or less directed by the State Advocate's Office to provide recreational space. Their second recommendation deals with dining room facilities and some type of chapel. In the last two years, we built on an administration wing to handle that problem. But our situation is similar to some of the other counties in New Jersey because our structure was built during the early 1900's.

There has been talk - and maybe the State would be interested in this - of a regional correctional institution. At one time, we were thinking of going in with Hunterdon County on a shared correctional structure. But that didn't work out because of some home rule problems.

I think recreational space is probably our biggest problem. We feel - and our new Recreational Director feels - that this might eliminate some of the tension that might be in the jail, especially during the summer months.

ASSEMBLYMAN GIRGENTI: You mentioned before - maybe I didn't hear what you said - your Board of Freeholders objected strongly to two points. You said one was the County Correctional Authority, but I didn't get the other one.

MR. CEPONIS: I was going quickly through the notes I had. We also objected to having the Governor appoint an ombudsman in terms of reviewing our jail.

ASSEMBLYMAN GIRGENTI: Why was that?

MR. CEPONIS: We feel there are enough agencies involved at this time. We also feel it is additional bureaucracy.

ASSEMBLYMAN GIRGENTI: What is your opinion of the Office of Inmate Advocacy?

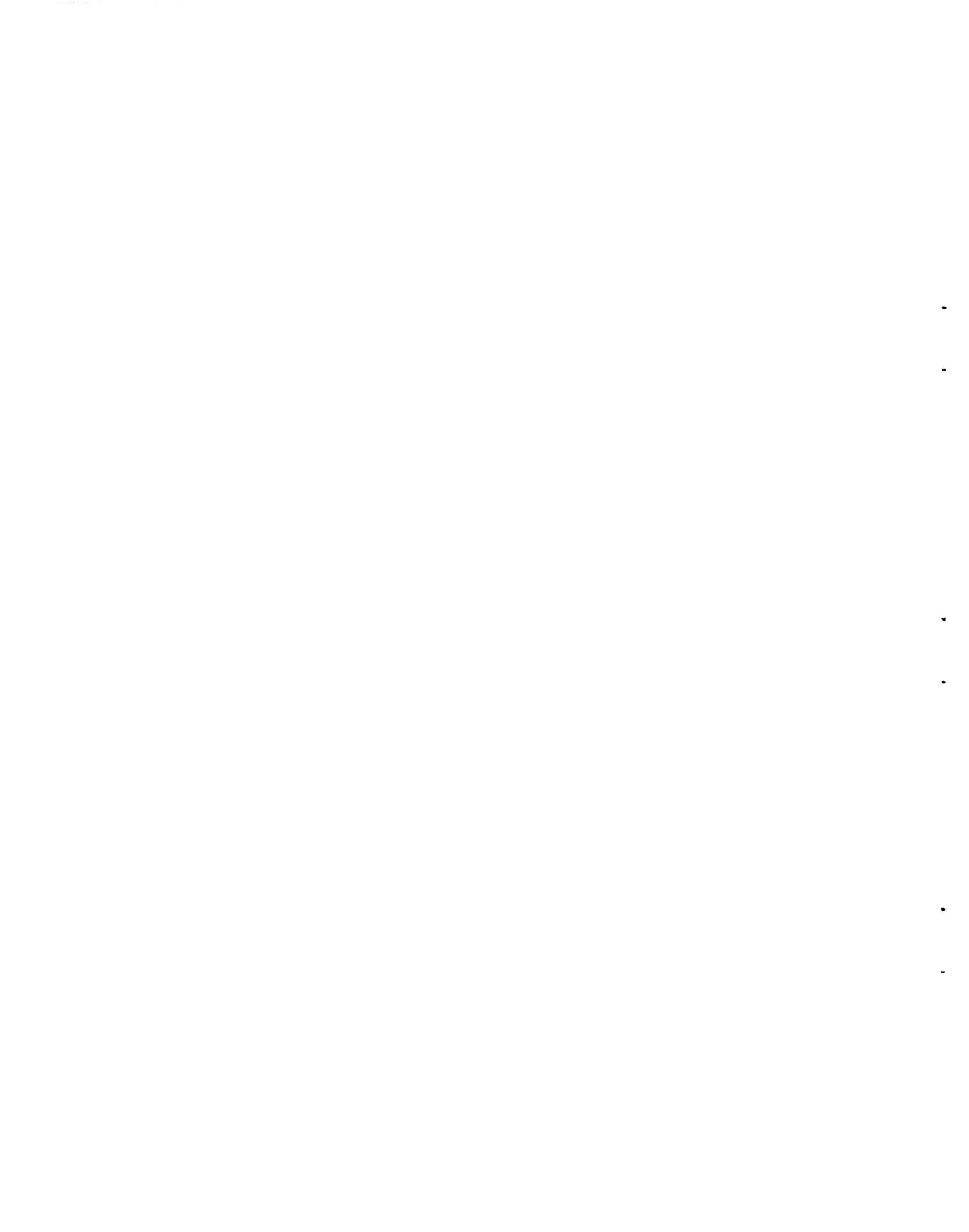
MR. CEPONIS: My Sheriff is of a different political party than I am. But I think it has been quite helpful. In a cooperative vein, it has been helpful.

ASSEMBLYMAN HARDWICK: Thank you very much.

Is there anyone else scheduled for today? Then that concludes the hearing.

(Hearing Concluded)

- - - - -



Good morning ladies and gentlemen. I want to particularly thank chairman of the sub-committee, Assemblyman Chuck Hardwick for his courtesy in allowing me to testify to the commission findings, and to pertinent information related to Joint Resolution 3, as approved February 27, 1973, which was a joint resolution creating a commission to recommend improvement in the county penal system in New Jersey. This resolution stated: "Whereas, There are a number of archaic physical plants in the county penal system"; and I agree there are some old physical plants and there may still be, as there was no information in the report that furnishes ages or conditions of the buildings.

"Whereas, Overcrowded conditions in county jails are aggravated by the necessity for a physical facility for the holding of dangerous prisoners who are awaiting trial;" This condition is presently being compounded by the state because they are not carrying out their responsibilities in taking prisoners sentenced to the state off the hands of county jail officials.

"The present facilities and programs provide inadequate rehabilitation programs." Yes inadequate by some measure but impossible under present operating conditions as the prisoners average stay in most county jails is 8 to 10 days. I will attempt to elaborate on this aspect a bit later.

"Because of lack of space first offenders are intermingled with chronic repeaters". Again, since the untimely release of the commissioners' report, without updating new and improved county facilities, it is difficult to know if this condition still exists, as numerous improvements and new installations have been made; such as, a new facility in Cape May and a new one in Burlington County.

"Short-term prisoners need special institutions, such as farms, camps and workhouses, which can provide full time employment and remedial services." I wholeheartedly agree if the word "prisoner" is prefixed with "sentenced". I will try to explain this later in connection with the function of County Penitentiaries.

"Financial limitations may make such facilities in each county impractical, now." No truer words were spoken and I do not know how financial limitation can be solved. I respectfully suggest that no one else does, either, in particular with threats of California's Proposition 13 staring New Jersey in the face.

To simplify today's report, page number 20 is actually a continuation of my first 19 pages as they appear in the Irving Report. I had hoped pages 20 through 45 would be accepted for at least consideration of the entire body if meetings by the Penal Study Commission had been continued. I made several efforts to have meetings continue through appeals to the Commission Chairman, but unfortunately they fell on dead ears.

The following are copies of letters substantiating my request for continued meetings. The letters are dated: January 9, 18, and 23, 1978.



## State of New Jersey

## COUNTY PENAL SYSTEM STUDY COMMISSION

JOINT RESOLUTION NO. 3, 1973

STATE HOUSE ROOM 221

TRENTON, NEW JERSEY 08625

TELEPHONE

(609) 292-5526

JOHN F. X. IRVING  
CHAIRMANGERARD A. DEL TUFO  
VICE-CHAIRMANGARRETT W. HAGEDORN  
ARTHUR F. BROWN  
ALAN J. CORNBLATT  
JOSEPH DEMARINO  
BESSIE G. HICKS  
MARTIN MCKERNAN, JR.CARL E. MOORE  
RESEARCH DIRECTORDOUGLAS COOK  
SECRETARY

January 9, 1978

John F. X. Irving, Chairman  
County Penal System Study Commission  
24 Apple Tree Lane  
Basking Ridge, N. J.

Dear Dean Irving:

On September 23, 1977, I submitted to you, as a Commissioner, a nineteen page report related to Commission business. This was the first section of my two-part report. At the time I submitted my first part, I requested that a meeting be called for the Commissioners to discuss the entire matter.

I have been informed that you released the Commission's findings to the Star-Ledger. I am appalled and disheartened that there have been no meetings of the Commission in over a year and a half. I am also shocked to learn your report was made public before the entire membership of the Commission could review it in person at an official meeting.

I have no objection to the public's right to know. I do object to the methods employed by you at this time before a final meeting is called.

I again respectfully request that you call an emergency meeting of the Commissioners to review the thinking of the entire body before a report is released to the Governor or to the Legislature. I would appreciate an immediate answer.

Respectfully,

Arthur F. Brown, Commissioner

AFB:rcs

cc: Senator Garrett W. Hagedorn, Commissioner  
Alan J. Cornblatt, Esq., Commissioner



54

State of New Jersey

COUNTY PENAL SYSTEM STUDY COMMISSION  
JOINT RESOLUTION NO. 3, 1973

JOHN F. X. IRVING  
CHAIRMAN

STATE HOUSE ROOM 221  
TRENTON, NEW JERSEY 08625

CARL E. MOORE  
RESEARCH DIRECTOR

GERARD A. DEL TUFO  
VICE-CHAIRMAN

TELEPHONE  
(609) 292-5528

DOUGLAS COOK  
SECRETARY

GARRETT W. HAGEDORN  
ARTHUR F. BROWN  
ALAN J. CORNBLATT  
JOSEPH DEMARINO  
BESSIE G. HICKS  
MARTIN MCKERNAN, JR.

January 18, 1978

Garrett W. Hagedorn, Commissioner  
County Penal System Study Commission  
210 Vreeland Avenue  
Midland Park, N. J. 07432

Dear Senator Hagedorn:

Please find enclosed a copy of the second portion of my critique of Chairman Irving's report on his findings. When I sent him my first section of nineteen pages on September 23, 1977, I requested that he call a meeting of the Commission. This request was made in good faith for the purpose of discussing his thirteen recommendations.

I feel that the entire body should have been allowed to vote on each of the recommendations and majority rule should prevail. I did not expect, nor do I now expect, the entire Commission to concur with my point of view, as all of us came together with various frames of reference and ideas.

If there had been some reasonable, constructive applications in Chairman Irving's report, I am sure he would have received unanimous support for his document. As things have turned out, I feel that I wasted considerable time attending meaningless hearings that produced a fruitless paper.

As a Commissioner, I personally denounce the procedure used by the Chairman as well as his tactics of airing his personal opinion in public before the entire Commission could reflect on the report. However, the damage is done, and some Commissioners must sustain some embarrassment just by being a member of the Commission. I would suggest that my only recourse is to appeal to the Legislature for a hearing to discuss meaningful recommendations that will assist Freeholders, Sheriffs, and public officials with their administration of operating county penal institutions.

If you have any suggestions or recommendations to accomplish our mandate, please contact me and expect my full cooperation.

Very truly yours,

*Arthur F. Brown*

Arthur F. Brown, Commissioner

cc: Mrs. Bessie G. Hicks, Commissioner  
Alan J. Cornblatt, Esq., Commissioner



55

State of New Jersey

COUNTY PENAL SYSTEM STUDY COMMISSION  
JOINT RESOLUTION NO. 3, 1973

STATE HOUSE ROOM 221  
TRENTON, NEW JERSEY 08625  
TELEPHONE  
(609) 292-5526

JOHN F. X. IRVING  
CHAIRMAN

CARL E. MOORE  
RESEARCH DIRECTOR

GERARD A. DEL TUFO  
VICE-CHAIRMAN

DOUGLAS COOK  
SECRETARY

GARRETT W. HAGEDORN  
ARTHUR F. BROWN  
ALAN J. CORNBLATT  
JOSEPH DEMARINO  
BESSIE G. HICKS  
MARTIN MCKERNAN, JR.

January 23, 1978

Senator Thomas G. Dunn, Commissioner  
1120 Applegate Avenue  
Elizabeth, N. J. 07202

Dear Senator Dunn:

Please find enclosed section two, pages 20 through 34, of my critique of the original Irving-Richardson report. You may remember when I sent you my first section of 19 pages in September, my cover letter to Dean Irving requested a meeting of the Commission.

I am still hopeful a meeting will be called to update our files and finalize a meaningful report before it is submitted to the Governor or to the Legislature.

Thank you for any support you may be able to give in persuading the Chairman or Vice-Chairman to call the body together.

Respectfully,

*Arthur F. Brown*

Arthur F. Brown  
Commissioner

AFB:rsc

Enclosure

56

To save time, I feel that other information related to my requests for meetings would be repetitious, therefore I have eliminated them. It may be pointed out that this prepared statement and all subsequent pages were completed some time before January of 1978. However, I have attempted to update this section in some areas to make it more relevant and more meaningful to this date in time for the benefit of this sub-committee.

REPORT and FINDINGS of Arthur F. Brown

Subject: County Penal Study Commission

As a member of the County Penal Study Commission appointed June 19, 1973, by Governor William Cahill, I feel a report put together in haste is worse than no report at all. To date, it has been almost two years since the entire body of commissioners has met. There has been no information forthcoming nor any up to date activity reports received since the last progress report of January 20, 1976, until this document called "REPORT OF OUR COMMISSION" was received with a postal date of July 26, 1977. I would have to assume this document is the result of the labor of one member; also, that the philosophy is the byproduct of one member's thinking.

At this particular point in time I am not certain that the commission, as originally constituted in 1973, has the legal authority under state law to release a report. Some of the information obtained from direct conversation with inmates would be barred from a court of law under the statutes of limitations. Through experience, I am reluctant to place too much credence in inmates' stories, as I have learned that they express opinions related to jail matters in a manner tending to tell a story of what one wants to hear.

During the latter part of 1975 and early 1976, I personally visited and inspected all jail facilities in New Jersey under the jurisdiction of county government. These facilities were all those under the control of County Boards of Chosen Freeholders and County Sheriffs. My inspection reveals that there are at present 21 county jails in New Jersey and 3 workhouses - Camden County, known as the Camden County Jail Annex located in Lakeland; Mercer County, known as Mercer County Correction Center located in Lambertville; and Middlesex County Workhouse located in North Brunswick. There are also two penitentiaries in New Jersey, one in Essex County and the other in Hudson County. The Essex County Penitentiary is located in Caldwell and referred to as the Essex County Correctional Center. Hudson County's Penitentiary is located in the same building as the county jail in Jersey City. All the foregoing are operated under

the jurisdiction of the county and are funded from county taxes. The following list shows the name of the county, the name designated for use by that county, the type of facility, the holding capacity and the population at the time of my inspection.

NAME	TYPE	CAPACITY	POPULATION
Atlantic County Jail	County Jail	174	189
Bergen County Jail	County Jail	200	82
Bergen County Jail Annex	County Jail	200	86
Burlington County Jail	County Jail	126	183
Camden County Jail	City/County Jail	196	162
Camden County Jail Annex	County Jail(Workhouse)	71	68
Cape May County Jail	County Jail	45	65
Cumberland County Jail	County Jail	136	110
** Essex County Jail	County Jail	645	493
** Essex County Correctional Center	County Penitentiary	712	465
Gloucester County Prison	County Jail	67	57
Gloucester County Correctional Center	County Work Release & Detention Center	40	20
** Hudson County Jail	City/County Jail	302	180
** Hudson County Penitentiary	County Penitentiary	140	118
Hunterdon County Jail	County Jail	45	24
** Mercer County Detention Center	County Jail	138	153
** Mercer County Corrections Center	County Workhouse	200	149
Middlesex County Jail	County Jail	88	66
** Middlesex County Workhouse	County Workhouse	187	101
Monmouth County Correctional Institution	County Jail	315	258
Morris County Jail	County Jail	120	93
Ocean County Jail	County Jail	126	105
Passaic County Jail	County Jail	228	334
Salem County Jail	County Jail	108	73
Somerset County Jail	County Jail	75	27
Sussex County Jail	County Jail	24	16
Union County Jail	County Jail	254	192
Warren County Jail	County Jail	39	41

\*\* The asterisks preceding the left hand column designate those operations directly under the control of the Board of Chosen Freeholders of that county.

Four of the seven facilities under Freeholder control are used primarily to house sentenced prisoners. They must be looked at through an entirely different perspective. Certainly they offer a good potential for meaningful rehabilitation. Essex County Correctional Center is a prime example of what may be done, providing certain factors are combined catalytically: ample space, adequate funds, dedicated administrative guidance, properly trained staff, and acceptance of the programs by the custodial staff.

Page 5 of the "REPORT OF OUR COMMISSION" under the heading of Methodology refers to tours of "five counties in which public hearings were held" and additionally "visits were made to facilities in Middlesex (both jail and workhouse), Morris and Ocean counties". This is a grand total of 9 facilities visited or inspected of the total 28 county institutions available, or approximately 34% of the total inspected by the County Penal Study Commission. This surely is not truly representative, nor is it an adequate random sample.

It must be noted that each county is uniquely different in many facets - type of people, ethnic makeup, type of industry available, economic impact, growth potential, geographic location relative to transportation centers, urban and rural settings, and historical background, have to be considered before a final solution to problems inherent to incarceration at county levels can be resolved. Solutions cannot be found under a common denominator; each case is different. Surely a study of Bordentown Reformatory and the State Prison in Trenton would provide the same<sup>UN</sup> responsive data. *If obtained in the same manner as the Irving Report,* The basic problems<sup>A</sup> there are undoubtedly the basic problems found in the county system - *to be found*

There are, of course, problems. In no place in the world where prisoners are incarcerated will one find utopia. On the other hand, should one be rewarded for doing wrong or breaking the law? Remembering that a majority of prisoners in the county system constitutionally are not guilty until proven such, we must provide basics: custody, control and inmate safety. *The Irving Report would have us* completely forget the victims of the perpetrators of the crimes; forget the mother of the murder victim, the ravaged body of the young girl who was savagely abused, the householder who had his home ransacked and burglarized. We must not lose sight, however, that those not sentenced, which in most cases make up approximately 65% of the population in county jails, have had the advantage of jurisprudence provided by our system, being mindful that these prisoners are in jail because the courts have established bail high enough to keep them off the streets, thus making the streets safer for society, at least temporarily; also being reminded that they would not be in jail if there was not a determination of probable cause.

Further, they are indicted by Grand Juries after establishment of a prima facie case has been made. Thus, this group of inmates must then stand trial for their acts. Unless bail is met, there is no alternative, and the jail becomes the holding agency awaiting the long period before trial. *This isn't a problem caused by the Jails or the wardens*

While I agree that during this period, the jail must provide certain creature comforts, there is nothing mandating that a country club atmosphere be provided at taxpayers' expense. Jails must provide wholesome food and well balanced diets, sanitary washrooms and showers, clean living space, adequate light and a form of physical as well as mental recreation. Excellent medical treatment facilities are a must. Provision must be made to adequately house and treat and/or transfer to a proper facility prisoners who are diagnosed psychotic.

It is most reprehensible to think that "the county jail is society's first hope for straightening the early offender out:" In most instances, jail is the next to last step to the final resort. Failure at the county level can be compared to failure at the state level in almost the same frequency. Recidivism is evenly present in both places. The difference is that the state system only holds those prisoners who were sentenced to more than a year. County jails hold those sentenced up to a year and county penitentiaries hold those sentenced up to 18 months duration. County jails also hold those who are waiting pleas, trials and sentencing. These categories are made up of persons accused of a crime who are usually a threat to society and can not post bail. Approximately 90% have experience in the county jail, having been arrested before or served time on a prior conviction.

These prisoners sentenced to the county jail for supposed "straightening out" have had prior opportunities presented to them, allowing them a chance to choose a path in the right direction. Let's consider what happens to the recidivist before he or she is finally sentenced. A first offender may apply for pre-trial intervention prior to indictment, and under special circumstances, after indictment; in neither case is there a guarantee of acceptance into the program. If he <sup>or she</sup> is accepted into the program, he must comply with conditions outlined and if he successfully completes the program,

the charges are dropped. If at any time he is in the program and violates the conditions, the case is referred to the Prosecutor for procedure through normal channels. If the recidivist is not on probation, he may apply for pre-trial intervention prior to indictment; ~~they~~ must receive special permission to apply after indictment. AFTER a plea or judgment of guilty, the presentence report is prepared. These same steps are followed when the recidivist is on probation; however, after conviction, he is also charged with violation of probation.

One may also ask if "the state prisons, to a large extent, are testaments to the failure of the county correctional system", then what is the failure of the state system testament to? It was unfortunate that the Commission chose only to focus its attention primarily on jails. It is possible that the answer to some of the problems like overcrowding faced by the counties, and more recently the state, may be found at the penitentiary or county workhouse level now.

My inspection of the Essex County Penitentiary was most rewarding and informative. This type of setting offers prisoners a variety of diversified programs, all designed for the prisoner to acquire knowledge, develop skills, and improve ability. Meaningful programs have been developed in education, such as English, a second language, high school equivalency, adult basic education and Essex County College courses, which are offered. Their vocational training school offers courses in auto repair, air conditioning, service station mechanic, auto body repairs, auto mechanics, auto transmission, general maintenance, landscaping, repair of minor and major appliances, small diesel engines and welding. There are also many other trades taught. Besides the programs listed above, the management has instituted another new and innovative program for inmate rehabilitation, called Turning Point, for alcoholics. This program is also in full operation.

The Essex County institution is operated under the supervision of dedicated professional management. Most of the prison appeared to be geared to a relaxed atmosphere where the inmates seemed to enjoy their assignments; for example, those assigned to chicken farming and gardening worked as though they enjoyed their duties. The

interplay of the inmates and custodial officers appeared to be congenial and the officers were dedicated to their particular work functions.

As a Commissioner, I take exception to the statement appearing under the heading "Itinerary", page 6 of the "Report of Our Commission": "Cooperation with the Commission for a one-day hearing might mean months and years of harassment thereafter". This statement infers that the inmates and jail officers who cooperated would be subject to some unrealistic or punitive treatment. To my knowledge, there was no direct testimony that this would be the rule. Without documentary proof or bona fide evidence, I find the statement to be erroneous, unsupported and unrealistic, and should be stricken from the initial report. In my recollection, there may have been one case where one employee suggested this type of treatment, but it was unsupported by direct testimony. It appeared to emanate from one disgruntled employee.

I have read the Bergen County Presentment, and I am not particularly impressed with their findings, after eleven meetings and the testimony of thirty witnesses. Some evidence of the existence of implements that could be turned into knives and many knives were presented to the jury. It must be remembered that the simplest inmate supply of toiletries can be made into a knife or dagger. Toothbrush handles, sharpened by constant rubbing on concrete, produce one of the easiest weapons made. Unfortunately, no substitute has been invented for inmates' use to clean teeth. This goes on in all jails and prisons throughout the country. Fortunately, trained officers confiscate them during tour inspections of the jails. Some jails are unfortunately under-manned, and constant searches are prohibitive. Wardens who work directly for Boards of Freeholders and Sheriffs who operate jails are usually unsuccessful in acquiring additional personnel that would allow them to properly and safely function. As a nation of action after crises, it is not unusual that Sheriffs and wardens receive such lack of financial support until something drastic happens or a Grand Jury makes a presentment. This would happen no matter who was responsible for the operation unless they had an open channel to unlimited funds.

The difficulties cited in the presentment in relation to contraband and

hoarding of prescribed medication by certain inmates is an administrative and operational problem experienced in all county institutions. It may also be noted that this is also common in state<sup>And Federal</sup> systems and can only be controlled by perseverance and persistence, utilizing constant searches and inmate surveillance. This is only possible when adequate personnel is readily available. Changing the system or even responsibility for control and operation actually changes nothing unless<sup>Some</sup> freeholders loosen the purse strings and furnish the management of jails with the proper funding as well as adequate personnel.

The Bergen County Grand Jury made specific reference under Section III, page 14, of the DE GROTE ALLEGATIONS. DeGrote was an inmate being held in Bergen County Jail. This inmate appeared before the Grand Jury in the latter part of 1975. He accused the jail officers of selling him drugs, taking bets from other inmates and theft of food. The Grand Jury in its wisdom doubted DeGrote's credibility and placed no credence in his allegations. They also noted that his testimony before them differed from an affidavit he had previously given.

The DeGrote case is a perfect example of what is bound to happen when inmates are allowed to testify without being sworn on their oath, particularly where they know they are involved in WITCH HUNTS. Recorded statements elicited from various inmates at the commission hearings were not taken under oath in all instances. Often, the inmates were promised immunity from incrimination. In some cases inmates were instructed not to touch upon certain subjects that could be harmful to them.

It is my belief that all testimony should be given under oath and no promises of immunity should have been made. Also, all affidavits given should be properly signed by the affiant and witnessed. There remains a legal question as to the authority of the commission to promise immunity. I further request that all statements recorded at the hearings, taken from any witness, should not be made substance of any permanent record and all existing copies and recordings be summarily destroyed to prevent future misuse.

Quoting from Chapter I, page 1, of the Origin of the Commission in the

"Report of Our Commission", I find a statement that echoes the thinking of 'liberalists' and 'do-gooders' as well as that of a large segment of the students of sociology who are constantly preaching change and reform as stated in the report: "More often than not, these criminals were recidivists who had gone through a correction system that did not correct and through reformatories that did not reform." No truer words have been spoken than the above quote. Recidivism is a way of life with most people who wish it so. Sociologists can blame mainstream society for the problem. Reformers blame the system and do-gooders blame anyone. The fact that they, the recidivists, "go through" a system is a mistake in the first instance. If the courts were mindful of their responsibility, recidivists would go nowhere. They would remain in prison where they could harm no one, making society a safer place to work and play. Long sentences with values established on the weight or severity of the crime would also be a deterrent to those planning a life of crime and a preventative for those already apprehended. This definitely would result in larger or expanded prisons, but the result would eventually prove worthwhile. Again, standing examples of long prison terms would prove to be a deterrent by example alone.

County jails were never designed to be CORRECTIONAL FACILITIES. Correction in the county system was introduced into jails only in the last decade, and then on a very limited scale. Work houses and penitentiaries have lived with the word longer and are better designed to cope with meaningful correction; first, because they only handle sentenced prisoners and they are allowed by law to house inmates for a longer period of time. The closest most jails come to the word correction is through the recent title established by the State Civil Service Commission for Correction Officers assigned to work in jails.

I am not diametrically opposed to experimenting with meaningful correction in jails. I do, however, feel it is more difficult to facilitate in jails, due to the types of inmates held, and the very short time they are there. The jail at the county level is merely, and should be by design, the intake system; the system to hold for safe keeping those persons accused of a crime who cannot obtain bail. The jail should be

a processing center to hold those persons awaiting the different steps in the judicial process that eventually lead to sentencing. With this in mind, it would be more meaningful if Civil Service established the title of CUSTODIAL OFFICER. This would keep the systems from being misjudged by those who erroneously think county jails should be deemed rehabilitation centers. Rehabilitation rightly belongs to the state, and should be expanded in the state system. <sup>And under certain conditions in a county penitentiary</sup> Persons convicted of lesser crimes should be sentenced to a county workhouse or penitentiary. Sentences to county jails should only be the results of sentencing where credit for time served is awarded to the person who spent 30, 60, or 90 days waiting for pleas and/or trials.

Chapter 2, "Summary of Findings", states: 1. "The State of New Jersey is in violation of its constitution through neglect of citizens who are incarcerated in county jails." No concrete proof has yet been shown that this statement is correct. The statement is a supposition not sustained by sworn documented evidence by the Commission. Since it is only an opinion, I do not feel it belongs in the Commission's report. It should be entirely deleted. If it is true and can be supported by evidence, I believe the facts should be given to a special Grand Jury empowered to legally indict the State of New Jersey for violation of its constitution. Such an indictment would necessitate specifics and areas. This would not be like the Commission Report, casting a blanket indictment on all counties. If, in fact, indictment were not needed or required, it would also give a Grand Jury a chance to put blame where it belongs and make proper recommendations in a presentment affecting only those counties in direct violation of the constitution. Certainly a blanket charge against all counties is unreasonable and unfair as the Commission only held hearings in a few areas and inspected only a few facilities.

Also, in Chapter 2 of the Commission Report "Summary of Findings" it states: 2. "The safety and health of inmates in county jails are not only often unprotected but in fact deteriorate." This statement is also an opinion and tends to mislead and influence those persons not directly connected with jail operation. It should be deleted in its entirety or properly documented as fact and not opinion or hearsay.

Also, if it should become proven fact, then the county or counties responsible should be individually named, rather than accuse all 21 counties. Other unproven accusations appear in the Commission Report that are sketchy and unsupported; for example - reference is made that citizens are put in jail by county government "many are awaiting trial and are legally innocent". It has always been my belief that the courts were given the power to decide who is innocent and who is not innocent, notwithstanding the fact the county government does not put them in jail. They put themselves in jail by being caught performing illegal acts. The county only provides the housing facility for them to be legally committed. The following statute, N.J.S.A. 30:8-1, explains the legality: "Sheriffs and jailers shall receive from constables or other persons all persons apprehended by such constables or officers for offenses against this state. A sheriff or jailer refusing to receive any such offenders shall be guilty of a misdemeanor and on conviction shall be fined at the discretion of the court."

The report continues with such aspersions as: Inmates are "assaulted, homosexually raped, become drug dependent, or even contact lice or a communicable disease." Surely if this accusation of assault and rape were true, it would have been brought to the attention of the Prosecutor of that county for investigation and prosecution. Unsanitary conditions and communicable diseases should have been reported to the state health department. I know of no such cases or reports.

This section of the report continues and states that "testimony before the Commission indicates that pregnant women have lost their babies, men have lost their minds, and others have committed new crimes while in these 'correctional centers'". Correctional centers, through no choice of their own, house a myriad of persons from all walks of life and ethnic backgrounds, with different values relating to situations in numerous ways, depending on the variables at hand. There is no doubt that, on occasion, females committed are with child. In these instances, it has been my personal experience that it was unexpected and unwanted. Usually the father is unknown and in numerous instances abortion was being sought prior to incarceration. In the case cited to the Commission, there was no medical testimony as to the mother's condition or the cause for

the woman's premature abortion. Again, her testimony was given without benefit of oath and her story was one intended to cast aspersion that the matron and the jail staff refused to assist her in her hour of need. The Commission did not elicit or try to ascertain from jail officials, the matron, or the medical staff any information as to the treatment she received, her medical history preceding the abortion, or any other related information. In fact, the abortion could have been self-induced.

I know of no instance where men have lost their minds due to negligence or deficiencies of jail personnel. I know first hand of numerous cases where persons are committed with a psychosis and are medically judged psychotic and sent to a state mental hospital for supposed treatment that never seemed to be adequately administered. This is a complaint of a major number of wardens - that persons committed from their jails are returned in most instances in a very short period of time. It appears no treatment is given and the inmates often return in worse condition than when they were originally sent. It is an expensive burden for the taxpayers to pay - examining physicians, transportation costs and hospital maintenance fees for this kind of shabby treatment. The Commission would have done well to investigate in depth the revolving door policy established by the state hospitals affecting commitment of prisoners from county jails.

The reference to homosexual experiences alludes to a condition that prevails in every penal institution in the country and in most instances is uncontrollable, as it takes place between consenting partners. It becomes prevalent over a period when longer sentences are imposed; there are cases where homosexuality has been uncovered in the armed services. When normal sex life is denied for a prolonged period, this ugly reality rears its head. Likened to prostitution, it is almost impossible to eradicate. However, where assault is involved or force is used, there is nothing preventing inmates from making the fact known and having the perpetrator removed from the prison population and prosecuted to the full extent of the law.

With regard to overcrowding, I firmly agree that overcrowding is in fact a problem. It is in all instances not the fault of the operating authority. Blame should

rightfully be placed on the funding agency which holds the purse strings of the jail's operation. <sup>Some</sup> Boards of Freeholders oftentimes turn <sup>dead</sup> deaf ears to repeated requests for expanded facilities. Little help for building programs is received from the state or federal government. The indebtedness of the particular counties sometimes prevents fiscal commitment to expand physical structures to house inmates. In most instances taxpayers are inclined to show a complete disinterest in what happens in jails as long as it does not increase their tax burden. They remain apathetic to the problem. Solving this problem may be one of the most difficult tasks presented to any group and there may really be no solution on the immediate horizon.

I have always advocated programs that involve physical activities for inmates. Few counties have any recreational activities of the outdoor variety. Sports like basketball, hand ball, volley ball, quoits (rubber horseshoes) and other activities certainly would be a tremendous benefit to any jail administrator and his staff. An inmate allowed to exercise properly becomes a person easier to control. It strengthens bodies and minds and stimulates appetites and digestion. Unfortunately, the same standards prevail as cited above in relation to space and funding.

It is unreasonable to state that "the county jail therefore is part of the problem of crime in our state and not part of the answer". Until alternatives are found replacing county jails, problems will prevail as similar problems prevail in state prisons and other penal institutions. The jail, per se, cannot be blamed; the system cannot be blamed; the politician cannot be blamed, nor can the taxpayers who pay the burden of maintaining the jail operation. None of the above can solely shoulder the responsibility. Society equally shares the burden, but with the inmates who are incarcerated through their action and choosing.

In this same section, an established psychiatrist from Camden is referred to; his professional judgment about the conditions in that county's jail is given. Certainly this self-proclaimed expert is entitled to his opinion. <sup>But</sup> I do not believe it is proper to have him <sup>quoted</sup> in the Commission's Report, as pertinent information was not established in laying a foundation regarding his background, qualification, experi-

ence or other information that would allow him to qualify as an expert witness, particularly when the Commission's Report appears hesitant to document his name. Under these conditions, it would be impossible to stipulate as to his scope of expertise. I therefore request this section be deleted in its entirety or that his experience and association with the subject be completely documented.

Chapter 2, "Summary of Findings", Section 3, states: "Government is a drug pusher." This section opens with, and I quote, "Sworn testimony in two counties indicates that the easy dispensing of drugs develops a drug dependency among inmates. As a Commissioner, I do not remember sworn testimony being given in any instance, although careful perusal of the minutes of our meeting of May 3, 1974, page 2, 4th paragraph, states "Should we swear-in witnesses at the public hearings? This was decided in the affirmative because of the belief that it would eliminate witnesses who were just trying to shock the Commission." However, I cannot remember a single instance during the hearings where testimony was offered where <sup>an inmate</sup> a witness was actually sworn under oath.

The "Summary of Findings" report continues, to explain that sleeping pills are dispensed in Camden County Jail "to keep the inmates quiet, pills are the path of least resistance." This accusation is not fortified or even properly documented as to when, where the incident allegedly took place, in whose presence, and who was affected, who took the sleeping pills (names of inmates), who distributed them, and on whose order of prescription. The state law is explicit on dispensing of medication as well as the authority to prescribe it. Revised State Statutes 45:14-26.1 explains in detail the authority for dispensing drugs and State Statute 24:21-15 is equally explicit for prescribing narcotics.

It is a fact that there are no jails in New Jersey dispensing medication uncontrolled or promiscuously without a licensed physician. No medication, by law, may be prescribed without the approval of the doctor assigned to the jail. It is his sole responsibility. The jail nurse cannot prescribe, and the officers cannot prescribe, nor is medication available to them in any of the county jails I inspected. If a

nurse has orders from a county jail doctor to allow an inmate to receive certain medication, the nurse may dispense it directly or he or she may direct an officer to dispense it under the nurse's supervision.

If it can be proven that officers or nurses indiscriminately prescribe or arrange for medication not legally prescribed by a physician to be given to inmates, it becomes a breach of state law and those responsible should be charged and prosecuted. It is difficult for me to believe that dispensing of medication by a licensed physician would be without full recognition of the medical problem, a complete diagnosis of the inmate's ailment, or a projection of the prognosis depending on the medication prescribed. No doctor will risk his medical license to appease inmates or to make things tranquil for a jail staff by keeping the jail population medically subdued or medically high. If proof is available and doctors are abusing their oaths, then they should be charged and replaced with more competent physicians. In any case, the blame cannot be placed on jail administration or staff as they, in all cases, have no control of the medication kept under lock and key and <sup>in the</sup> jurisdiction of the jail doctor and registered nurse.

Chapter 2, "Summary of Findings", section 4, states: "There is no agreement on the goals or programs at the county jails." This section of the "Commission Report" seems to be concerned with the feeding of prisoners, censorship of mail, and the philosophy expressed by guards. Jail officers, or so-called guards, are no doubt entitled to opinions. These opinions may differ from jail to jail. Officers or guards in state prisons no doubt have different reference frames from station to station and cell block to cell block within one institution. We cannot place credence in guards' opinions, any more than we should publish opinions of civilians polled on the streets pertaining to jail operation. If minor differences between counties can be cited as a particular "intolerable violation" of each inmate's right to "equal protection of the laws", then the Commission Report should state each proven deficiency, explain the source, location, and the county should be named, but bona fide proof must be obtained before the deficiencies may be cited in the Commission Report. I therefore ask that this section be

completely deleted.

Chapter 2, "Summary of Findings", section 5 of the Commission Report, deals primarily with the alcoholic and cites the various reasons persons are arrested; example, "refused to pay alimony", the vagrant, the mentally disturbed, the numbers runner, the severe anti-social offender, the convicted and those awaiting trial or being a material witness." Section 30:8-1 of the New Jersey Statutes, previously cited, is the authority by which sheriffs and jailers receive offenders. This statute is very explicit and requires that the jail accept these persons. However, they must be charged with a crime. The so-called vagrant has probably been found in someone's dining room, loaded with the household silver and other articles. The mentally disturbed was probably charged with incest or rape. The material witness often is the primary suspect of the crime and more often than not, in my experience, I find them ultimately charged with the crime of murder. Consequently the law makes the provision for them to be there and the jails have no alternative but to accept the person who is charged.

Recent laws have prohibited jails from taking in persons charged with intoxication. However, they are ultimately charged with other violations. Jail administrators admit it is difficult to keep segregation between classifications of inmates. Sometimes physical plant restrictions and construction difficulties deter administrators and staff from stringent and comprehensive segregation. This oftentimes emanates from freeholder funding and failure to allow wardens directly under their jurisdiction and sheriffs from expanding physical plants. So far as it is possible, competent jail administrators and wardens separate and place inmates according to age, commitment standings, crimes, and sex. Again we are talking about dollar.

Inmates are normally separated by age range - 18 to 20, 21 to 30, 31 to 60, 61 and over, with special consideration being given to those 61 and over. The various commitment standings such as waiting Grand Jury, waiting Plea, waiting Trial, waiting Sentence, Temporary, Sentenced, and Juvenile, allow for still further segregation, conditions permitting. In addition to age and commitment standings, the type of crime is also considered before an inmate is assigned to a section of the jail or to a cell. Class A CIVIL crime would include those held as material witnesses or for

matrimonial matters (support); Class B MINOR crimes includes those held for motor vehicle violations, misdemeanors, and for disorderly charges; Class C MAJOR crimes or high misdemeanors would be kept separated from other classes of inmates at all times. Males are separated from females, as juveniles are separated from adults.

The report continues and relates: "Those awaiting trial generally should be kept under only such restrictions as are necessary to guarantee their court appearance." <sup>High bail accomplishes this.</sup> "The Commission Report fails to recognize that those persons awaiting trial in some instances may be charged with heinous crimes - arson, rape and even murder. The jail authorities have no say in establishing bail and by law must keep them until the bail is posted or they are released in their own recognizance when certain conditions are met.

I am certain that jail administrators do not arbitrarily keep persons in maximum security sections of their jails if it is not warranted. To blame the courts for this condition is also unfair. The Commission Report states that it is "THE TENDENCY FOR THE COURTS TO PUT ON PROBATION MORE PEOPLE WHEN THE JAILS ARE OVER-CROWDED. DANGEROUS OFFENDERS THEREFORE WALK THE STREETS WHEN THE JAILS ARE A DUMPING GROUND FOR ALL SOCIETY'S ILLS." The court's alternative is to sentence more of the convicted offenders to state prison. The state should recognize the need for added facilities and plan for bigger and better prisons. The courts usually place persons on probation as a result of studying the probationary and presentence reports on particular inmates. The probation report often makes recommendation of probation for the court to follow. I can't comprehend a court placing someone on probation if that person did not warrant it, or just because the jails were crowded.

Chapter 2, "Summary of Findings", section 6 of the Commission Report states: "Females are almost invariably treated worse than male inmates." It is ridiculous for the report to so state the above, as there is actually no proof of this opinion. County jails offer women the same opportunities as those offered to the male inmates. Work Release is comparatively new in county jails and in some is still in the experimental stage. The labor market is not as open for women as it is

for men. The female sentenced population is very small in comparison to the male population, and in general, Work Release Coordinators place females on work release when prerequisites for the program are met.

Jails do NOT "encourage homosexual experimentation." All jail administrators do everything in their power to discourage homosexuality. Known homosexuals are isolated to protect the normal inmates. Jails and prisons alike are faced with the problem of housing in such a manner that their sexual behavior is restricted. Due to the type of prisoners held in jails, furloughs cannot be arranged before a prisoner is actually sentenced. The alternative to this problem would be to eliminate jails and turn all persons loose in the streets while awaiting trial. We know this cannot become a reality as society recently became enraged to think that New York authorities stated that the Son of Sam met the qualifications to be released pending judicial process. I refuse to believe that the Commission Report recommends bisexual socialization of prisoners. I also feel the report recommends inmate cohabitation. If this is the intent of the Commission Report, I can, in conscience, neither condone nor morally support it.

Chapter 2, "Summary of Findings", section 7 of the Commission Report states that custodial personnel feel they are also imprisoned. Due to the nature of their position, jail officers, in fact, are imprisoned during their tour of duty. Others involved in the jail operation also must suffer this lack of freedom. This affects clerks, nurses, doctors, cooks and administrators who accept this responsibility through individual choice.

I have always been an advocate of training and education, not only for police but for jail officers. Some wardens like myself have influenced Boards of Chosen Freeholders to pay incentive increments to officers who availed themselves of higher education. An added incentive payment of \$750.00 a year is granted to officers who work jail tours; this payment is over and above their normal salary. It is based on the hazard of the position, working in the jail. I would like to see all counties adopt a similar practice to encourage officers to select work in this field, as well

as stay in it as a profession. All officers assigned to work in jails should also be certified to administer first aid and be trained in CPR (cardio-pulmonary resuscitation).

Chapter 2, "Summary of Findings", section 8, states "the first need of the sheriff is to survive, i.e., to be re-elected every four years." To clarify the above erroneous statement, it must be pointed out the sheriff, if he wishes to succeed himself, runs for election every three years. Sheriffs, Surrogates, and County Clerks are, by law, constitutional office holders of the state. Their realm of responsibility is usually defined within county lines of jurisdiction. Sheriffs, like other elected office holders, are not required by law to have specific job qualifications. However, the electorate in latter years has carefully considered education, experience and ability to perform. If a sheriff or any other office holder does not perform, he or she can easily be removed from office through the election process. Lacking prerequisites as outlined in the Commission Report such as "leadership", "potential or sensitivity to help staff achieve their potential", "knowledge of the legal rights of inmates", surely would prohibit any reasonable person from declaring himself a candidate for the position. If this person was successful in acquiring a position on the ballot, I am certain the voting public would pass over him or her as a selection and elect that person with the proper qualifications.

It is a blanket statement and personal opinion to state that "the sheriff cannot excel in both law enforcement and penology." This statement cannot be logically proven and is entirely out of order in the report. Certainly some lawyers excel in criminal and civil law; some excel in corporate and divorce proceedings; some people have the ability to be involved competently in several diversified fields and are financially successful in all areas. There is no proof that the "present political arrangement, however, leaves the quality of inmate care to chance." Sheriffs are dedicated and sworn to do as fine a job as physically possible, once election policies are laid aside. Production and performance become the key issues. Freeholders who assign wardens to administer the jails would be equally vulnerable to political

pressures if political pressure and patronage were prevalent in the jail. If sheriffs <sup>19</sup> or freeholders depended on jail employees for support to be elected or re-elected, I am afraid they wouldn't even be elected dog-catcher.

I find, through experience, jail employees become totally involved in their day to day operation and have little time for politics. These are certified Civil Service employees and, in all but a few instances where emergencies exist, are appointed to fill the position from existing certification lists. During the past, some wardens have had difficulty obtaining certified officers from Civil Service lists. This is the fault of the Civil Service Commission and not the fault of the administrator. The alternative to this is appointment of temporary personnel to fill vacancies in the table of organization. This is not an ideal condition but fortunately it is a temporary one. Prior to officers being certified, they are required to take a written qualification examination, must be medically approved, and must participate in a physical performance test, none of which I believe are comprehensively designed to produce the best available. Some counties also require a psychological examination to determine if the candidate is mentally suitable for the position.

It is my opinion that from the inception of the Commission, some members were dedicated to voluminous attacks on the office of Sheriff. There appeared to be a clear, predetermined design to eliminate sheriffs from control of the jails. I personally find nothing constructive in the Commission Report, Chapter 2, "Summary of Findings". This section deals with innuendoes and <sup>again</sup> contains statements of unsworn witnesses given, in some instances, as hearsay. Great care and talent were used to create a sensational report that could make good copy for vulture-like journalists of second class papers. This section can be likened to the McCarthy witch hunt of the 50's. I feel it serves no appreciable purpose and should be stricken in its entirety from the Commission Report.

COUNTY	FACILITY	OPERATED BY		WARDEN	YEARS EXPERIENCE	FORMAL EDUCATION	JOB-RELATED EDUCATION
		SHERIFF	FREEHOLDERS				
ATLANTIC	County Jail	X		James Howell	26	High School	Various seminars and Warden Programs
BERGEN	County Jail	X		Under Sheriff Peter Curcio	11	High School	12-15 Seminars Appointive and Elective positions in public service for 12 years
BURLINGTON	County Jail	X		Andrew Soltesz, Jr.	Warden, 11 years	High School	American Correction Association Warden's Association and Sheriffs
CAMDEN	County Jail	X		John Parker	Warden, 11 years Total, 27 years (came up thru the ranks)	High School	Minimum of 10 Seminars Various Wardens Programs
CAPE MAY	County Jail	X		Hiram Thompson	25	High School	Numerous Seminars and Programs, including 120 hour Fingerprint School and FBI School on Photography
CUMBERLAND	County Jail		X	Under Sheriff Norvin Griner	Police, 25 years Under Sheriff, 5 years	High School Some College Credits	Various Seminars and Programs, Warden Seminars, FBI School
ESSEX	County Jail		X	Albert T. Collier	Warden, 3 years Prior as Under-Sheriff and Correction Officer	High School Some College Credits	Various Seminars and Programs
ESSEX	County Penitentiary		X	Arthur Magnusson	Warden, 5 years Law Enforcement, 25 years	High School	Various Seminars and Programs
GLOUCESTER	County Jail	X		Theodore Damask	10	High School College, 2 years	Seminars: Training and Jail Management: Developed Current Training Program in 1969

26X

COUNTY	FACILITY	OPERATED BY		WARDEN	YEARS EXPERIENCE	FORMAL EDUCATION	JOB-RELATED EDUCATION
		SHERIFF	FREEHOLDER				
HUDSON	County Jail		X	James McCaffery	18	High School	Various Seminars
HUDSON	County Penitentiary		X	William Boyle			
HUNTERDON	County Jail	X		Harold Atkinson	24	High School 2 years, Criminal Justice	6 FBI Schools or Seminars 4 NCI Seminars, ACA Programs, Wardens Programs, Etc.
MERCER	County Jail		X	Joseph A Feconda	20	High School Bachelor of Arts Numerous credits to Masters in Corr. Administration	Seminars, Programs, Etc.
MERCER	County Workhouse		X	Gaetano Morretti	25	High School 2 years, Rider College	Seminars and Programs, Sociology courses, Jail Administration courses at Bucks County, Executive courses
MIDDLESEX	County Jail	X	Note	Robert T. Daly	31	High School	Seminars, Programs, Etc.
	County Workhouse	X		James Cahill	28	High School	Seminars, Programs, Etc.
Note: On July 1, 1978, the Freeholders will meet and consolidate operations under one director							
MONMOUTH	County Jail	X		Ralph Cook	Warden, 10 years	High School	Seminars, Programs, Etc. FBI, Wardens Association, Labor Relations, State Prisoners Rights, Federal Government Kitchen Inspection for 15 years
MORRIS	County Jail	X		Harold Noonan	29	High School Associate of Art Criminal Justice	Seminars, Programs, Correction Officers Training School

27x

COUNTY	FACILITY	OPERATED BY		WARDEN	YEARS EXPERIENCE	FORMAL EDUCATION	JOB-RELATED EDUCATION
		SHERIFF	FREEHOLDERS				
OCEAN	County Jail	X		Arthur F. Brown (appointed administrator in 1972)	10 6	High School Associate of Science. Need 12 semester credits for Masters	See attached sheet
PASSAIC	County Jail	X		John De Young	Warden, 6 years Prior Law Enforcement Experience	High School	Seminars, Programs, Etc.
SALEM	County Jail	X		Othello Garbini	Warden, 5 years 1½ Probation Officer Public Safety Director, 3 years U. S. Army, 32 years	High School 2 years college	About 16 Programs, Seminars, Courses, Etc.
SOMERSET	County Jail	X		Frank P. Kolodzieski	Warden, 2½ years State Trooper, 26 years	High School	North Western University Conference Course: Police Personnel Course Seminars
SUSSEX	County Jail	X		Robert Sharr	13	Bachelor Arts Law Enforcement Working on Masters	Programs, Courses, Seminars
UNION	County Jail	X		Manuel Bastaio	7	High School	Seminars, Programs, Correction Officer Training Academy
Warren	County Jail	X		Sheriff Gerald Willis	28	High School	Seminars, Programs, Etc.

28x

SEMINARS ATTENDED AND COURSES COMPLETED BY

UNDER SHERIFF PETER F. CURCIO

Received award from the City of Englewood during riots 5 days and nights.

Teaneck Public Institute on Community Relations  
Farleigh Dickinson University  
New Jersey Region National Conference of Christians and Jews  
April 15, 16, 17, 18 and 19 1968

New Jersey Jail Wardens Assoc.  
Satisfactory completion of two day seminar  
at Monmouth County Correctional Institute  
1969, 1970, 1971, 1972, 1973 and 1974

U.S. Department of Justice Bureau of Prisons  
Jail Management Institute  
Satisfactory completion of Jail Management Course  
at Freehold, New Jersey  
November 18 and 19 1969

U.S. Department of Justice  
Bureau of Prisons Jail Management Institute  
Satisfactory completion of Jail Management Course  
November 17 and 18 1970

First Institute for Training in Jail Management  
Successful completion of course of instruction by  
National Sheriff's Assn. Atlantic City, Jan. 24, 1971 to Jan. 29, 1971

Bergen Community College  
Spanish for Policemen (32 Hours)  
Completed 1-27-72

John Jay College of Criminal Justice - 5 day Seminar - February 1973  
Certification of Merit for participation in seminar on  
Training for Correctional Training Officers

Received Wardens award from New Jersey County Jails Warden Assn. 1973

Jacksonville, Fla. - National Sheriff's Assn. Guidelines for  
County Jails - March 25th thru March 28, 1973

President of New Jersey County Jail Warden Assn. 1974

Member in good standing of New Jersey County Jail Wardens Assn.  
American Corrections Assn. and the American Wardens Association

Seminar - Morrow Assn. on Correction  
Jamesburg, New Jersey

Attended the New Jersey County Jail Wardens Assn.  
Monmouth County Police Academy  
Freehold, New Jersey  
"Progress in the Field of Correction"  
Member of Advisory Committee and Correctional Program

Attended A.C.A. Seminars in:

Portland, Oregon - June 1972  
Pittsburgh, Pa. - August 1972 at the County and State level  
Minneapolis, Minn. - August 17 thru 21, 1969  
Cincinnati, Ohio - October 11 thru 13, 1970  
American Corrections Assn. Seminar in New Orleans - June 1973  
Louisville, Ky. - August 17 thru 21, 1975  
National Sheriff's Assn. Seminar - Boston, Mass. - Aug. 11 thru 13, 1971

Toured County Jails in:

Dade County Jail - Florida  
San Juan Prison - Puerto Rico  
Louisville, Ky.  
Portland, Oregon  
Boston, Mass.  
Allegheny County, Pa.  
New Orleans, La.  
Las Vegas, Nev.  
Bristol, Va.  
N.J. State Institutions at Clinton, N.J.  
Trenton, N. J.  
Leesburg, N. J.  
Rahway, N. J.  
Yardville, N. J.

Visited State Institutions:

Lexington, Kentucky State Pre Release Institute  
Western Penn. Penitentiary

U.S. Government Institution at:

Lewisburg, Pa.  
Danbury, Conn.

Principal Speaker and presented plaques or certificates at State of New Jersey Department of Institutions and Agencies graduation on September 26, 1974 and September 26, 1975.

Member of School Board - Lyndhurst - 9 years - President 1 year  
12 years member of the Board of Commissioners - elected 6 times to public office. Retired May 1973.

Member of Juvenile Conference Committee 10 years  
Chairman most of the 10 years.

Appointed to the Hackensack Meadowland Development Commission by the present Governor of the State of New Jersey Brendan Byrne for a five year term.

Appointed by Governor Byrne to serve on a committee in completing the standards and goals report for the Governor's Advisory Committee of Approved Statutory and Operational Standards in the Criminal Justice System.

Served as a member of the Joint Sewerage Meeting of North Arlington and Lyndhurst for four years.

Awarded certificates at the New Jersey Dept. of Institution and Agencies, 1975, 1976, 1977 and 1978.

ARTHUR BROWN-ADMINISTRATOR OF OCEAN COUNTY JAIL

Received:

Associate Science degree-Ocean County College

Bachelor Art degree-Stockton State College

Need 12 semester credits for Masters in Administration at Rider College

Warden-from 1962 to 1972

Appointed- 1972 as Jail Administrator. Has served to date as Administrator

Job related education; numerous seminars(List available upon request)

State training commission, approved instructor. Instructs numerous classes at Ocean County Police Academy

Instructed-Glassboro State College

Correction Officer School

Instructed course on "Prisons and their futures" at Stockton State College

Instructed classes in Social Sciences at Ocean County College

Developed On Job Training methods for Sheriff Officers and Correction

Officers approved by the Veterans Administration for Ocean County Jail

Developed and instituted department manual for officers use. 117 pages of policy, procedure, and work function for jail officers.

Worked as a consultant for the National Clearing House of Criminal

Justice Planning and architecture at the University of Illinois

Served on the Committee for National Sheriff Association to develop a training manual for County Jail Administrators.

Chapter III of the Commission Report deals with the subject "Jurisdiction of the Jails" stating that "Chapter 2 of the Report has made it clear that many prevailing conditions in our county jails call for widespread change." As a Commissioner, I have studied Chapter 2 very carefully and can find no reason for such an assumption.

The Report, Chapter III, continues with the recommendation that "each county in New Jersey should, by action of its Freeholders, create a County Correctional Authority." Called or identified by any other name, I would not object under certain specified conditions that I will explain later. As a Commissioner, I am vehemently opposed to any form of commission; also as a taxpayer, I am opposed to the creation of any authorities. There is a never-ending struggle by authorities to preserve their own autonomy at any cost. They are unresponsive to the desires of the taxpayers and are created with little control by the appointing authority. By their nature, they become selfserving and dictatorial; examples are municipal sewer and water authorities. The answer usually given by the advocates of authorities is stated thus: if dissatisfied with them, do not reappoint them when their terms expire. Unfortunately, this seems never to be possible, as the appointing authorities (the mayors, committeemen, councils, and freeholders) are usually defeated in office and replaced before the authority's appointed expiration date comes due. It's the appointing authorities that are usually blamed for the unresponsive actions and deficiencies of authorities.

RECOMMENDATION: Delete in its entirety any Commission reference to the creation of an authority to run county jails.

The Commission Report does, in fact, attack all persons currently involved in the administration of county jails. Directly attacked were those counties where hearings were held <sup>PASSAIC</sup> /Camden, Essex, Bergen and Atlantic. Indirectly attacked were the remaining counties, where no hearings were held. In all counties, wardens under the control of freeholders were attacked equally as the sheriffs and their wardens. Administrators and all officers and staff of every county jail in New Jersey were impugned, discredited and criticized without bona fide proof. They were not allowed legal redress, as they were never faced by their accusers (the Commission), nor were they notified officially of the deficiencies or charges being prepared or preferred.

The Commission Report refers to accountability. The 126 year question is answered every three years by the electorate who select the sheriffs, who operate some of the jails, and also elect the freeholders who operate the remainder of the jails. The Report states that there are many evils connected with the county jails. The Report fails to identify these 'evils' nor does it specifically identify them with a particular county. To bluntly state all jails are equally affected with such evil is certainly not true or fair.

The Report continues, stating, "We are aware of the tensions between the authority of a sheriff and that of a board of chosen freeholders with respect to responsibility for the administration of a county jail." As a Commissioner, and as a jail administrator, I am not now aware of any such tension. I have no recollection of any statements made by either freeholders or sheriffs during hearings that portray a tension related to administration of jails. I am aware of minor friction between sheriffs and freeholders pertaining to budgets and allocation of money for jail use. I am also aware that this problem exists between wardens and the freeholders who are in direct control of some jails. Consequently this problem related to funding is not unique to those persons and associations affected by different political affiliations. It is prevalent often times between members of the same political party. It is not unique to jail operation only. It is openly exhibited where freeholders are trying to run austerity programs and keep spending down. It affects all county department heads - Roads, Parks, Engineers, Buildings and Grounds, etc.

We all readily admitted that "the jails have not grown and developed according to any rational plan." Jails, like state institutions (prisons), have been neglected. It is easy to understand why jails receive the last and usually the least when freeholders and budget directors review their budget requests. Taxpayers are mainly to blame, as it is commonly known that the average taxpayer does not want money squandered on jails and prisons, nor do they feel prisoners should receive preferential treatment by being granted a larger measure of the niceties of life than the taxpayer himself normally has earned by the sweat of his brow. As long as there are jails and they contain inmates (enemies of normal society), the jail will remain in the lower

median range of approved social funding.

The Report also states that "jails have not developed in response to any particular understanding of their purpose as correctional institutions." Without going into any detailed explanation, I must state jails were not designed nor were they intended to be considered "correctional institutions". The Report declares "their growth has been one of largely disorganized reaction to pressures of the moment." If this statement is true, we must understand that in the entire United States of America, as well as in New Jersey, this is a norm. Government and all its agencies usually operate in this manner. Crash programs and problem solving become the password of the day in most walks of life. Whether right or wrong, until society is ready to finance a change, the system will remain quiescent.

The Report continues to be vague and lacks specifics. It states, "the result, as our Commission sees it, a current complex of facility and management inadequacies which have been made more difficult by historical factors." <sup>I ask</sup> Why has the Report neglected to pinpoint these "management inadequacies" and "historical factors" if they actually exist as stated? Who are they? What are they? What do they do? Who can control them? If they are existent, how may they be controlled? These questions should be answered in this section of our "Commission Report" in detail, if the report is correct. Proof must also accompany an accusation. I personally find the statement inflammatory and unassociated with reality. Lacking documentary proof, it should be deleted.

The Commission Report is correct when it states that any Board of Chosen Freeholders may remove control of a county jail from the office of the sheriff and assume such control of the jail. N.J.S.A. 30:8-19 allows this to happen when the Board of Freeholders votes by a two-thirds majority to do so. This law has been on the books since 1887 and there has been virtually no mass movement by boards to take control. Boards certainly are in no rush to assume control and responsibility for operation of the jail. Surely they have enough duties and responsibilities with other departments of county government without taking on added burdens. Most boards feel responsibility for funding is problem enough without adding actual operation.

I do not wish to challenge the report related to the constitutionality of the office of sheriff. I feel that the legislature may "increase, decrease or modify the power and duties" of the sheriff for just cause or to increase the efficiency of the office. However, I can not visualize the legislature making changes in the law without justification or realistic benefit to the citizenry of the state.

The Commission Report recommends "the creation of a County Correctional Authority". The obligation for correction remains the full responsibility of the state. The state's inefficiencies along these lines are generally understood and feebly accepted by some. Counties have been forced to enter the field of correction due to the state's failings. The state is presently exacerbating this problem for the counties by forcing continued incarceration of inmates at the county level who are actually sentenced to state prison. The state <sup>has been</sup> making a sincere effort to correct this condition since the appointment of Robert E. Mulcahy, III, as Commissioner of the State Department of Corrections. The state is also embarking on a building program to expand the state prison system. Detailed plans may be obtained by contacting <sup>the</sup> Commissioner directly.

It may be noted that on July 9, 1976, the legislature approved the appointment of a replacement of Mr. Mulcahy, who has been elevated to a new position. It may also be noted that I personally feel Mr. Mulcahy did make numerous improvements in the system and corrected many of the ills found in the state prisons. I <sup>also</sup> know and respect the new Commissioner, Mr. Fauver. I know he has the experience and desire to work hard to continue improving state conditions. He has my congratulations and also my support as a county jail warden.

It would be my recommendation as a Commissioner and as an administrator of a county jail to eliminate correction at the county jail where it has been as much of a failure as it has at the state level and expand county penitentiaries to cover an equal geographic section of the state - northern, central and southern areas - on a regional plan focusing on expanded programmed corrections at these institutions. The alternative is to eliminate all correction at the county level and have the state assume responsibility for all sentenced persons and expand correction at the state level into a responsive, meaningful program.

Should the recommendation to form an authority to operate county jails made in the "Report of Our Commission" be considered in a serious vein, it may be well for those considering it to determine what the price tag would be for such a venture. What politicians would make the appointments to the authority? What background in penology would the authority members be required to have? What educational level would they be chosen from? From what source would such an authority derive its income? All authorities, I believe, are supposed to be self-supporting. Water and sewerage customers are a viable part of the authority's success when they pay their bills for service. Motorists who use the turnpike, the tunnels and the bridges, share in raising the revenue to operate them. Surely the inmates would be a poor risk if the financial burden for an authority operation was vested in them

As a Commissioner, I ask who has most expertise in the operation of jails? The answer is simple - those who presently operate them!! The wardens, the administrators and/or under sheriffs and sheriffs, who have, in many instances, devoted their lives to the profession..

I have personally conducted a poll related to those persons who presently operate county jails. The following list (see attached list) in alphabetical order of counties, attempts to equate their experience and education. It even surprised me to find the vast experience they have, individually as well as collectively. To replace these dedicated persons with the creation of an authority made up of all political appointees would be a gross error resulting in little or no change. These authority members would be as quiescent as their predecessors, <sup>are supposed to be</sup> given the same jail, the same standards, and the same conditions of operation. Remember, a rose by any other name is still a rose. Tradition would have it that an authority member would still be considered the warden, and unless large sums of money were appropriated, authorities would have the same age old problems that confront present day wardens.

Replacing this talent would be a gross error in judgment and a travesty.

Rehabilitation at the county jail level is not practical for many reasons. <sup>25</sup>  
The jail should be used primarily for holding criminals who cannot be bailed and those who are waiting criminal justice proceedings. All sentenced prisoners should be sent to a rehabilitation center and those eligible for Work Release, after sentence, should also be housed apart from the jail. If this could be accomplished, the jails would once again have the room to operate under the conditions for which they were originally intended - getting inmates to court for their trials and, if convicted, holding them only until they are sentenced.

The final few pages of Chapter III of "Report of Our Commission" are devoted to social philosophy and personal observation having little or no meaning. This final portion of Chapter III does not deal in specifics and it is my opinion that the last two and one-half pages of this section should be entirely deleted, unless some constructive consideration can be expounded upon and deduced from its content.

#### RECOMMENDATION ONE

Recommendation One of our Commission Report cites the National Advisory Committee on Criminal Justice Standards, Section 9.6. As a Commissioner, I concur with what Section 9.6 is trying to accomplish where such deficiencies are cited and proven. No New Jersey jail in particular was accused by our Commission of being "sadly deficient in staffing". During the Commission hearings there was some discussion that some jail tables of organization were not filled. I am certain this condition no longer prevails. It is not fair to the jails that were not inspected by the Commission that they should be criticized in a general vein. The above analogy also applies to training, as it appears in Section 9.6

RECOMMENDATION: The entire Recommendation One should be modified. Those jails in New Jersey where the condition existed during the Commission's inspection over 30 months ago should be re-examined to ascertain if there is actual deficiency in staffing and training. Those few which may be found deficient should be cited to prevent aspersions being cast upon those jails not affected.

26

Section 9.6 also recommends, on a national basis, replacement of traditional jailers with correction workers. I firmly believe this report should concern itself primarily with New Jersey jails. Since all jails in New Jersey are appointing Correction Officers to their jails, the recommendation becomes irrelevant to the report.

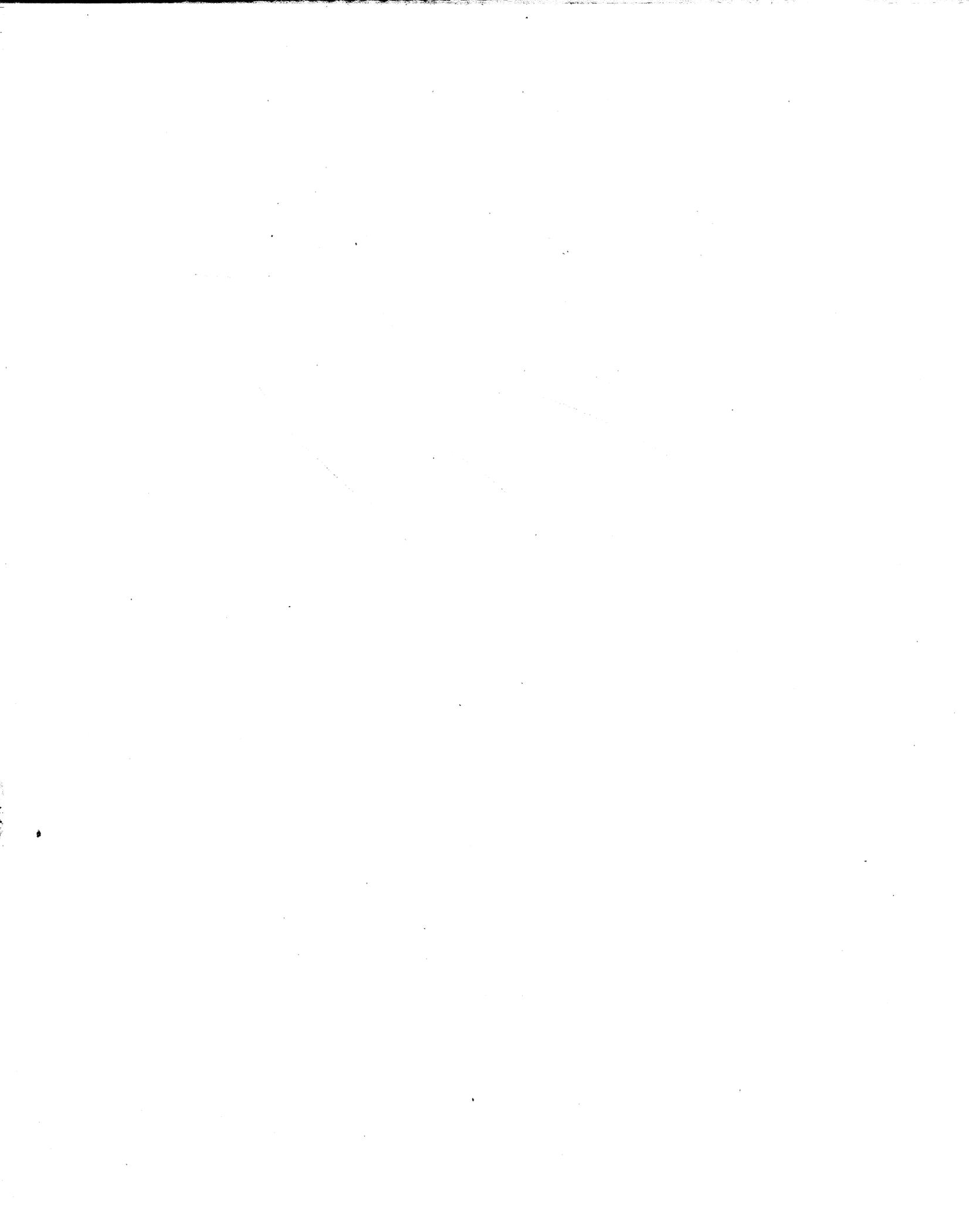
#### RECOMMENDATION TWO

This recommendation of our Committee Report states that each county should create a County Correction Authority. On page 20 of my report, I recommend that any reference by the Commission to create an authority to operate county jails be completely deleted from the Commission's Report. Page 20 also indicates my reasons for the stated opposition. Additional reinforcement on the subject may also be found on pages 22 and 23; therefore, it would serve no purpose to further expound at this point.

Recommendation Two also states, "The state should develop a standard for the qualifications of this principal administrator. The administrator would be primarily accountable to the Correctional Authority for running civilized and humane jails and meeting state standards."

Should any Commissioners consider seriously the suggestion to create an authority related to county jail operation, they must be cognizant of the fact that the appointment must be made at the county level and the qualifications would also be the responsibility of the counties, as it would be county tax dollars required to pay the freight for such positions, and not the state.

The Report continues, "We note the fact that the Atlantic County Criminal Justice Planning Department has developed such a concept." Having reviewed very carefully the Commission's transcript of the Atlantic County hearings of May 28, 1974, I do not find any statement supporting the above. On page 133 of the transcript, reference is made alluding to the jail operation in Atlantic County being totally transferred to the Board of Chosen Freeholders. Also, on page 135 further reference is made to Atlantic County suggesting the transfer of the operation of the jail to the Board of Chosen Freeholders and the formation of a "Department of Corrections". No reference can be found related to Atlantic County accepting or forming an "Authority" to operate the county jail.



The reproduction of a letter that follows substantiates my conversation of September 12, 1977, with Atlantic County officials, related to the matter of an "Authority".

COUNTY OF ATLANTIC  
 OFFICE OF THE WARDEN  
 MAYS LANDING, NEW JERSEY 08330



MARIO F. FLORIANI  
 SHERIFF  
 LEO P. FERRARA  
 UNDERSHERIFF  
 JAMES HOWELL  
 WARDEN

TELEPHONE: 641-0111  
 625-2276

September 14, 1977

Commissioner Arthur F. Brown  
 Ocean County CN2191  
 Toms River, N.J. 08753

Dear Commissioner:

In reply to your inquiry, the Atlantic County Jail is the responsibility of the Sheriff of Atlantic County, Mario Floriani, as the duly elected constitutional officer.

At the present time, the County Jail is not controlled by any outside authority and there are no plans for such a change in jail administration.

In 1973, there was a study of the County Jails in the State. A County Criminal Justice Planner was advocating a change in the administration of the County Jail, but the idea was rejected by the County Board of Freeholders.

Very truly yours,



Leo P. Ferrara  
 Under Sheriff

LPE/tf

Having read the letter, you will see that the Commission Report as it is presently constituted furnishes erroneous information and is extremely misleading.

I strongly recommend to the subcommittee that they invite Ocean County Jail physician, Dr. Walter E. Corrigan, to testify on this important matter of our state's psychiatric hospital relation to county jails and their commitments, and also investigate their policies that have a devastating effect on county jails and the administrators of inmates.

The Commission should further recommend that evaluation reports, treatment reports, diagnostic determination and prognosis information should be sent to each county physician by the state hospital officials when they return an inmate patient to the county jail.

I am opposed to regionalization of county jails and do not support, in N. J., National Sheriffs' Association recommendation for the same. Jails in New Jersey, as presently constituted, should be used as holding areas for prisoners who cannot obtain bail while waiting criminal justice proceedings. I believe state law requires jails to be within one mile of the court.

To keep a prisoner waiting for trial in a regional lockup many miles from the court of jurisdiction would cause and added county expense for transportation of prisoners. It would also cause a hardship on the family and friends of inmates who wish to visit, in that they would be forced to travel longer distances than normally experienced in most cases. A major percentage of inmates in county jails reside in the locality where the charges were made. Discussion of regional county correction centers for sentenced prisoners, similar to that in existence in Essex County, has some merit and needs added data and input before finalization of any draft release of the entire Commission.

Particular attention should be given to the last portion of of Our Commission Report Recommendation Three. Here it is pointed out that numerous sheriffs contributed heavily to development of standards in cooperation with N.S.A. It may also be pointed out that the National Clearing House for Criminal Justice Planning and Architecture assisted in this project and all related information is available to any administrator of a jail who may be interested by contacting either organization. It amazes me how one portion of Our Commission Report can be critical of sheriffs and that this portion emphasizes their interest and dedication to areas of mutual concern.



DEPARTMENT OF THE PUBLIC ADVOCATE  
OFFICE OF INMATE ADVOCACY - PAROLE REVOCATION DEFENSE  
P. O. BOX 141  
TRENTON, NEW JERSEY 08625

STANLEY C. VAN NESS  
COMMISSIONER

ARNOLD M. MELLK  
DIRECTOR  
PAROLE REVOCATION SECTION  
SAMUEL T. CRAFT  
DEPUTY PUBLIC DEFENDER  
609-292-1783  
INMATE ADVOCACY  
JEFFRY MINTZ  
ASST. DEPUTY PUBLIC DEFENDER  
609-292-1775

July 30, 1976

Warden Arthur F. Brown  
Ocean County Jail  
Toms River, New Jersey 08753

Dear Warden Brown:

As you are probably aware from previous contacts with us, the Office of Inmate Advocacy was created in the Public Advocate Department two years ago for the purpose of and with the authority by statute for representing the interests of inmates in penal facilities at all levels throughout this State. Chances are that at one time or another one of our investigators has visited your institution to look into a complaint which we received. *Up until this point I had no records of such visit or complaints.*

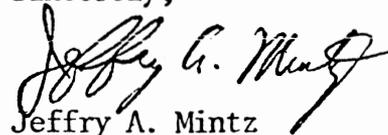
This past spring, this Office received a grant from the New Jersey State Law Enforcement Planning Authority (SLEPA) specifically to conduct our program in county and municipal jails and prisons. As one of our first actions in conducting this program, we plan to visit each county facility within the next several months. On each of these visits, we would like to have a complete tour of the facility, an opportunity to speak with some of the inmates, and an interview with a high ranking administrator regarding procedures at the institution.

We would like to visit your institution on Thursday, August 5, 1976. We would appreciate it if one of your staff could be available to take us on the tour, and for about one hour to be interviewed regarding such matters as programs, facilities, services, classification, training, and related items.

Please advise us immediately if this date is not convenient, and suggest another. A member of my staff will contact your office on the day before to confirm our visit, and to advise you specifically who will be participating from our staff.

Thank you for your cooperation.

Sincerely,

  
Jeffrey A. Mintz

43x

JAM:vmk



# COUNTY OF OCEAN

FRANKLIN H. BERRY, JR.  
COUNTY COUNSEL

April 28, 1977

Undersheriff Arthur Brown  
Ocean County Jail  
Toms River, N. J. 08753

Re: 14,843 - County of Ocean - Office  
of Inmate Advocacy

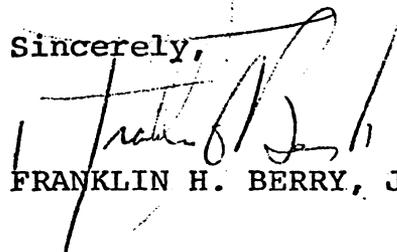
Dear Art:

I am enclosing herewith draft response to the Office of Inmate Advocacy for your review and comment. Please feel free to add any information you desire.

After you have had an opportunity to review the enclosure, please give me a call in order that we may prepare the final response.

I await your reply.

Sincerely,



FRANKLIN H. BERRY, JR.

FHBJR/dlf

Enclosure

cc Honorable Ernest Buhr, Director  
cc Mrs. Emily L. Carter  
cc Sheriff James N. Rutter

45x

I shall endeavor to respond to your criticisms in the order set forth in your Evaluation Report as follows:

## II. Administrative Procedures

### A. Classification

Ocean County does maintain a system of classification commensurate with the existing structural facilities of our jail. Prisoners are housed in accordance with the following categories:

1. Young offenders
2. Those awaiting plea
3. Those awaiting sentence
4. Sentenced prisoners
5. Temporary commitments
6. Those awaiting Grand Jury action
7. Males and Females
8. Those awaiting trial
9. Civil
10. Seriousness of the crime in question
11. Those charged with murder are housed separately.

✓ The Ocean County Probation Department does maintain an ROR and Bail Survey Program. Defendants are interviewed at the jail using the format devised for the Vera Foundation which operates on a point system. It is the same format that is used throughout New Jersey and New York for both bail and R.O.R. surveys. After the information obtained from the defendant is verified, the outcome of the survey is turned over to the secretary of the appropriate judge. A formal hearing is then held at the convenience of the court, prosecutor and attorney. Between the period of January, 1976 and February, 1977, 204 such investigations had been done for an average of 14.57 per month.

### B. Rule Book

The rule books submitted by your office are still being reviewed by Sheriff Rutter. This County does maintain a rule book, the contents of which are made known to Hispanic inmates through interpreters.

present physical structure prohibits contact visits. You have been informed that the present architects are designing the new structure in such a way as to permit same.

Children are not prohibited from visiting parents or relatives in the jail.

## 2. Telephones

Non-sentenced inmates are permitted one telephone call when they enter the jail in addition to one call per week. These calls are over and above those to legal counsel or when their status is changed in any way. I understand the architects are designing the new structure to permit installation of telephones in the various cell block areas.

### B. Correspondence

JACMS

In accordance with your suggestion, new stationery has been printed containing the following information:

1. Visiting days and hours.
2. Permissible articles.
3. Reference to the amount of money allowed.

All legal mail will be opened and inspected in the presence of the inmate in question.

### C. Reading Material

#### 1. Law Library

We have continuously supplied legal materials upon request with approval of the defense counsel. You have objected to this policy which, incidentally, was only adopted upon the request of various defense lawyers. Nevertheless, we shall now supply legal materials upon request without the attorney's prior approval. I have not yet received the list of legal

231

Survey Program will assist in this regard. A Work Release Program has been in effect for several years.

B. Physical Recreation

Sheriff Rutter and Undersheriff Brown have long advocated a program of outdoor recreation. Steps are being taken in accordance with your request to explore the possibility of providing an outdoor recreation area in the parking lot adjacent to the jail or County Administration Building.

C. Lighting

While your report indicates that the natural and artificial lighting in the cells is adequate, I understand you meant to state that the same is inadequate. Once again, your comment that the lighting is inadequate to control dirt and filth in the cells certainly is out of order and would lead the reader to believe the sheriff is not concerned with cleanliness. Sometime ago, the Board of Freeholders authorized the County Architect to review the lighting problem in our jail. The present fixtures were manufactured by a firm, now out of business, and do permit prisoners to break bulbs by slapping a wet towel against the steel protective grid. We shall endeavor to step-up our maintenance of existing fixtures but, the same are constantly broken by the inmates. This matter has been brought to the attention of the jail architects and will be rectified in the new facility.

D. Environment and Sanitation

The Ocean County Jail is cleaned on a frequent and regular basis with sufficient hot water for the cleaning of cooking and eating utensils.

The County did purchase mattress covers sometime ago which were completely destroyed within a period of one month. Inmates made hammocks and ropes from same. The mattress covers were flushed down toilets, causing same to overflow.

... 233

VII. Religious Freedom

Religious services are offered each Sunday afternoon in the chapel on the second floor of the jail. No services are held on the third floor due to lack of space. Anyone on the third floor requesting to see a minister, priest or rabbi have never been denied. Religious books are allowed.

VIII. Food Delivery

The purchase of heated food carts for transporting food to the cells is not needed in the Ocean County Jail. The line of delivery is less than 100 feet and only takes approximately 3 minutes to deliver same. Undersheriff Brown has not received any complaints concerning hot food.

IX. Treatment of Women

The jail architects will design the new facility to take into consideration the needs of women housed in the new Ocean County Jail.

The Sheriff of this County and the Board of Freeholders stand ready, willing and able to cooperate with your office in an effort to protect the rights of inmates. We have already made a substantial commitment to rectify many of the existing problems through the construction of a new jail. We would only ask that your office recognize the current financial and practical problems faced by the County Administration. We simply cannot rebuild the existing structure to accommodate many of your requests. Final resolution of these matters must await completion of the new facility.

Very truly yours,

FRANKLIN H. BERRY, JR.

FHBJR/jr

235

May 3, 1977

Franklin H. Berry, Jr., Esq.  
34 Washington Street  
Toms River, N. J. 08753

Re: 14,843 - County of Ocean - Office of Inmate Advocacy

Dear Mr. Berry:

I have reviewed your letter of April 28, 1977, directed to Mr. Jeffry Mintz, and find only one minor change I feel should be included.

On page 231 (2) under the heading Telephones, in the last line of the paragraph insert 'jacks' after telephones, as I believe it was the intention of the architect to put jacks in the cells, not telephones.

Sheriff Rutter has reviewed the matter in detail and also concurs.

Very truly yours,

Arthur F. Brown, Under Sheriff  
for James N. Rutter, Sheriff

AFB:rcs

The report states that contact visits should be given to all inmates that are not "known security risks". When an inmate is given a contact visit, he automatically becomes a security risk. To institute this, we would probably need at least ten more officers.

The unlimited use of telephones is ridiculous - the county would need to install at least ten more lines. Mail without any inspection would be a definite security risk. It would make easy delivery of contraband such as drugs impossible to control. Newspapers would become a distinct fire hazard (records available to furnish proof, if needed). Uninspected books like "The Anarchy Cookbook", if digested by the inmates, would not make for a smooth running institution, any more than the pornographic and unadulterated sex books would.

The admission physical, referred to on page 16, section B, is performed on each and every inmate by use of a prescribed and approved medical history and check list by the officers. Any problem is immediately referred to our jail doctor.

We have been cognizant for some time that we need more room, better segregation, lighting, etc. Architectural design and planning coupled with the time required for the work to be done will eliminate those problems. The rest of this report only points out the increasing liberal trend that is attempting to dominate the field of law enforcement and penology today.

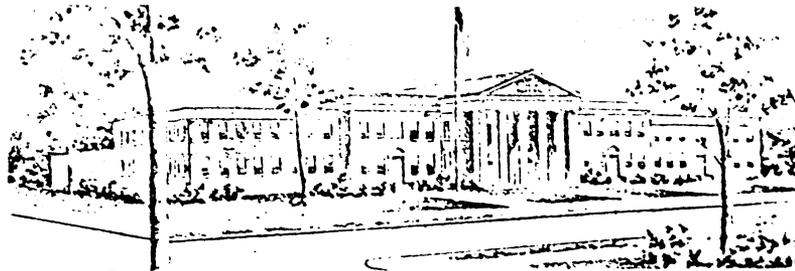
I am of the opinion that an agency such as the Department of the Public Advocate, armed with the same amount of tax dollars, should be made available to look after the rights of the victims of crime.

Respectfully,



J. H. L. Foster

JAMES N. RUTTER  
SHERIFF



310  
OLIVER G. OSBORNE  
ARTHUR F. BROWN  
UNDER SHERIFFS

COUNTY OF OCEAN  
OFFICE OF THE SHERIFF  
110 HOOPER AVENUE  
TOMS RIVER, N. J. 08753  
TELEPHONE 349-1454  
AREA CODE 201

September 9, 1977

Mr. Jeffry Mintz  
Office of Inmate Advocacy  
P. O. Box 141  
Trenton, N. J. 08625

Dear Mr. Mintz:

In response to your letter of September 1, 1977, regarding jail stationery, I must advise you of the following. This stationery was reviewed by Michael Tozzi before we ordered the final printing. You personally object to "It is 'suggested' inmates confine themselves to proper matters on their own. News related to other inmates or their criminal matters is discouraged." You are correct; it is simply not the business of the Sheriff's Department. Personally, I could care less what they write. However, some of the inmates are not sentenced and should be afforded protection from other inmates related to gossip, half truths, and outright lies about who is guilty, and of what, and false accusation. The sentence is merely a 'suggestion'.

You make reference to inmates planning a crime or committing a crime when they write - "It is proper for the jail administration to stop him from doing so." Please be reminded again, we do not censor mail nor do we wish to. Therefore, it would become impossible to know a crime is being planned.

Please find enclosed a copy of the letterhead from Middlesex County. It has been approved by court action and it contains a similar request, except it does not 'suggest', it states "The prisoner must confine himself to family, business or proper matters of his own. No news of other prisoners or reference to criminal matters must be made, and no allusion to prison matters or prison officials will be mailed or received."

If this was approved as a result of a court case, I can see no grounds for your objection to what we only 'suggest' in other inmates' behalf. Thank you for your continued interest in the affairs of our inmates. If I can be of any further assistance, please advise.

Very truly yours,

Arthur F. Brown

OCEAN COUNTY SHERIFF'S DEPT.  
INMATE LETTERHEAD

INMATES ARE PERMITTED TO RECEIVE ALL MAIL AND THE FOLLOWING ARTICLES: RELIGIOUS AND EDUCATIONAL READING MATERIALS, TOOTH BRUSH, COMB, UNDERCLOTHING, HOSE AND HANDKERCHIEFS - ALL SUBJECT TO INSPECTION FOR CONTRABAND.

MONEY AND CHECKS FROM RELATIVES UNDER \$20.00 IN TOTAL IS PERMITTED AND WILL BE CREDITED TO THE INMATE'S ACCOUNT TO PURCHASE STORES.

VISITING DAYS ARE SUNDAYS 9:00 A.M. TO 11:30 A.M. AND 1:00 P.M. TO 3:30 P.M., TUESDAYS 6:00 P.M. TO 9:00 P.M.: WEDNESDAYS 1:00 P.M. TO 3:30 P.M. INMATES ARE ALLOWED 2 VISITORS EACH VISITING DAY. VISITORS ARE SUBJECT TO SHERIFF'S APPROVAL. PROFESSIONAL VISITORS - CLERGY, DOCTORS, LAWYERS, ETC. - MAY VISIT ANY TIME, EXCLUDING MEAL TIMES - 7:00 A.M. TO 8:00 A.M., 12 NOON TO 1:00 P.M., 5:00 TO 6:00 P.M., EXCEPT WHEN AN EMERGENCY PREVAILS.

IT IS SUGGESTED INMATES CONFINE THEMSELVES TO PROPER MATTERS ON THEIR OWN. NEWS RELATED TO OTHER INMATES OR THEIR CRIMINAL MATTERS IS DISCOURAGED.

USE BOTH SIDES OF PAPER  
INMATE PRINT NAME HERE

OCEAN COUNTY JAIL  
110 HOOPER AVENUE  
TOMS RIVER, N. J. 08753

**RULES FOR CORRESPONDENCE**

Write Plainly on Ruled Lines.

Seven letters are permitted to each prisoner on request every week.

The prisoner must confine himself to family, business or proper matters of his own. No news of other prisoners or reference to criminal matters must be made, and no allusion to prison matters or prison officials will be mailed or received.

Letter Will Not Be Mailed If Above Rules Are Not Complied With

Prisoners are allowed visitors on Sundays. Visiting hours: 9 to 11 a.m. and 1 to 3:30 p.m. Immediate Family only will be admitted. No children under 18 years of age allowed.

All articles received subject to inspection and approval.

JAMES F. CAHILL, Warden

Write Your Name Here

Write Full Address of Your Letter Here

WHOM TO .....  
STREET .....  
CITY .....  
COUNTY ..... STATE .....

**MIDDLESEX COUNTY WORKHOUSE**

P. O. BOX 266

New Brunswick, N. J. 08903

19

decision when county authorities completely disagree or disregard the findings. I also recommend that the State adopt standards for inspections of county jails equal to those approved and imposed on the state penal institutions, not less or more stringent, but meaningful and manageable.

I would further recommend this law be amended to encompass the purpose of my above recommendation.

The last sentence of Our Commission's Recommendation Five makes reference to "creation of an atmosphere of fairness and humanity in the county jail". If the entire body of Commissioners approves Recommendation Five, I wholeheartedly recommend that the above underlined citation be deleted. There was no evidence presented at our Commission hearings to warrant the insertion of such language. As a Commissioner, I further recommend that Number Five be omitted in its entirety.

RECOMMENDATION SIX

The theory of this recommendation is very good and possibly could work if professionals in this area were readily available. Unfortunately, I have looked far and wide and have not been able to find too many with the necessary credentials. I am presently developing an experimental program designed along the suggested lines. I am fortunate to have found, after an intensive and exhaustive search, a counselor who meets our criteria. I am also fearful the program will have little impact if enacted at the county/<sup>jail</sup> level. I have stated earlier my position on rehabilitation at the county/<sup>jail</sup> level and firmly feel time and testing will result in my projection that it cannot work on a local level. As a Commissioner, I recommend that institution of the suggested program be developed in the state system or, alternatively, at county penitentiaries. I further recommend this Recommendation Six be withdrawn by the entire Commission or modified to meet the requirements and needs at the county setting.

RECOMMENDATION SEVEN

I cannot subscribe to this recommendation of Our Commission Report nor can I condemn it in its entirety. I do not find any supporting material enclosed with the report as referenced, "American Medical Association, Division of Medical Practice".

our commission report recommends that a registered nurse assigned to each shift be authorized to secure a more complete medical and psychological history prior to placing each entrant in quarantine for a minimum 48-hour period." The Commission should be advised that, to my knowledge, there are no county jails in New Jersey that place inmates in quarantine. This is a practice that the state uses in their institutions. Booking officers presently take all required vital statistic information. <sup>see attached form</sup> The attached sheet/is an actual form showing what information is obtained in Ocean County at the time of original booking. <sup>All jails have something similar</sup> It appears to cover adequately the needs for which it was designed. Requiring a registered nurse to detail this information would be expensive and serve no appreciable purpose. Should this resolution be adopted in its entirety, the Commissioners should realize that the counties would be forced to employ a minimum of 8 more persons, in most instances - 4 rehabilitation counselors and 4 nurses. In some cases, 8 nurses would be required, as some jails have separate booking procedures for males and females. In these cases, they would have to employ 4 male nurses and 4 female nurses. As a Commissioner, I recommend this entire "Recommendation of Our Commission Report" be omitted from the final draft, as not practical and economically unsound. It must also be pointed out that county jails physically are not designed for separate holding areas designated as quarantine. To institute such a practice would rob valuable space enjoyed by jail inmates in other classes of segregation or classification.

There is no testimony that I can remember supporting the claim that communicable diseases have been unscrupulously spread by careless county jail operation. I distinctly remember testimony faulting the handling of prisoners with mental diseases. <sup>As referenced earlier</sup> The problem actually reverts to the state hospitals. It is not a problem caused by the county authorities. It is not one they can correct unless the Commission re-addresses and reappraises this serious situation and makes positive recommendations that would be a mandate for the state to take the proper steps in handling and treating persons sent from county jails with diagnosed psychoses.

RECOMMENDATION NINE

It would be totally impossible to determine a tentative release time for any new admittants to a county jail unless they were sentenced, and the majority of

inmates do not fall within the sentenced category. For instance, prior to sentencing, <sup>36</sup> there are several classifications - officer's temporary, <sup>Municipal Judge</sup> local magistrate's commitment, grand jury commitment, waiting plea and arraignment, waiting bail reduction hearing, and finally, waiting sentence. I would estimate all these categories total 85% of most county jail population. <sup>work release should be operated in a separate facility.</sup>

Work Release determination can only be made after an inmate is sentenced and then there are numerous factors involved, affecting the amount of time it takes for placement after initial recommendation and approval. The Commissioners should be cognizant that no parole is legally allowable at the county jail level.

I object to the term 'client' being used to describe an inmate. They are not clients of society nor are they clients of the establishment. They may have this relationship with their attorney or public defender. I believe the victims of their crimes would vocally object to this terminology. I have heard inmates called all sorts of things, but this term is new and non-descriptive. As a Commissioner, I recommend that Recommendation Nine be eliminated in its entirety.

#### RECOMMENDATION TEN

"Our Commission Report" recommends that "living quarter assignments should be based on relevant facts, not arbitrarily on the basis of where an empty bed exists." Some jails are forced to use the above method of assignment due to crowded conditions in the jails. Unfortunately, this condition may exist in some places. The Report erred in not specifically citing those counties where the problem of bed space exists. Since the inception of the Commission in 1973 and its original survey, conditions have changed. Some counties have new facilities. For instance, this year Cape May County Jail opened a new three million dollar facility with 125 bunks and has closed down its old building. Burlington County opened a new Work Release and minimum security building at a cost of one and one-half million dollars with 101 additional beds. Other counties are planning new jails and/or new additions.

As a Commissioner, I recommend that Our Commission Report Recommendation Ten be modified and proper descriptive verbiage be used. I also recommend that the Commission re-assess the bed space problem as it may now exist. I further recommend

00

Two years at Seaside Heights Police Department as Police Psychologist, and one school teacher at a cost of \$14,900.00 who possesses the following qualifications: B.A.-Education; Certified Teacher in two states, Iowa and N.J.; Four years Seaside Heights Police Department and an officer at the Ocean Sheriff's Department for two years. Also employed is an inmate counselor at a cost of \$10,200.00 who possesses the following qualifications: B.A.-Education, Two Majors; Certified in Special Education-Speech, Philosophy, and English; Nine years as a teacher for the Emotionally Disturbed, Three years as a police officer at Long Beach Township; Twelve years in theater in New York City, and a Clerk Steno to handle their clerical requirements.

The goals and objectives of the program are:

B. GOALS

1. To establish a viable process by which all inmates that stay 24 hrs. or more will be interviewed, screened, orientated to the facility and classified.
2. To establish psychologically sound procedures to immediately identify and address the paramount needs of the inmate; i.e., attaining legal and bail assistance, ascertaining crisis and tension filled problems.
3. To promote utilization of community resources and follow up utilization of same after inmates' release.
4. To provide long and short term counseling for all inmates and their families if needed.
5. To establish meaningful vocational and educational courses for inmate population.
6. To offer Group Counseling sessions to inmates in need so that problems aired may develop constructive advice.

To date we have made 650 prisoner contacts and interviewed 90 prisoners in depth. I feel this is a meaningful program and beneficial to the inmates as well as to their families.

The relationship and rapport of the three professionals, described above, with the inmates is excellent and the program has definitely alleviated numerous tensions and created a new atmosphere of stability in the jail. I am fully convinced the program meets the need for which it was intended but unfortunately it only scratches the surface of rehabilitation. This is due to the short sentences at the county jail level and the short time allowable in which a counselor or teacher may work with the inmate.

I re-state my original position that meaningful rehabilitation should be expanded at the county penitentiary level and not the county jail. However, I do find that a program of inmate counseling with an emphasis on education on education is having a beneficial impact on both the inmates and the officers assigned the jail.

As a Commissioner, I support the institution of similar programs at the county jail level, if the staff is kept small; for example, 2 counselors for every 100 inmates, 1 for any jail whose population

is less than 75. I further recommend expansion if inmates are going to be sentenced to county jails, however, this remains X presently.

As a Commissioner, I recommend that counties without penitentiaries be encouraged to institute them. I further recommend that the first priority for such penitentiaries be to institute educational and vocational programs for those persons sentenced to them.

and that he called the chairman to advise him about the section in question. He said Chairman Irving agreed to delete the section if McKernan would vote for the remainder. Apparently this was done as McKernan did vote for the report. I have no idea what was deleted or what was changed, if anything. Mr. McKernan would probably be willing to testify to the conversation between Chairman Irving and himself. He also indicated there was trouble in the county jail in Camden and a vote for the report with his objection deleted may prove beneficial to Camden County. He also said he was surprised to hear the report was released to the press before it was submitted to the Governor. I also spoke to Senator Hagedorn, who informed me he did not vote for the report but supported my position for a final meeting which was never called.

I feel the Commission fell far short of its mandate and did not effectively accomplish its goals. In fact, I feel the Commission Report as presently constituted does nothing more than try to embarrass Wardens, Sheriffs, and Freeholders. After the report was released, penologists in New Jersey were editorialized, some unfavorably, and I can't blame the press, as they only had part of the story. Cartoons and articles were numerous. ( Attachments )

It is my opinion the <sup>Irving</sup> Commission did not adequately study such subjects as outlined by the mandates of the Joint Resolution in sections 3 (a) To study the subject of county prisons and to evaluate the physical conditions and programs presently existing therein; (b) To inquire specifically into the adequacy of and location of present facilities; (c) To review security regulations and procedures; (d) To study the advisability of an expanded program of State inspection and technical assistance and increased use of existing community resources for rehabilitation programming such as work and study release; (e) To make recommendations as to the possibility of state and intercounty cooperation and sharing of facilities; (f) To evaluate the classification procedures used to segregate different types of prisoners; and (g) To study all such other matters relating to the subject of county prisons as the commission may deem appropriate and to evaluate the financial impact of any recommendations it shall make."

"OUT!"



### A FAT TARGET

Any reformer looking for a political anachronism to knock off might lend his support to a crusade by John F. X. Irving, the chairman of New Jersey's County Penal System Study Commission.

Irving has urged that the administration of county jails be taken out of the hands of elected sheriffs and turned over to trained penologists.

Few if any of New Jersey's sheriffs have any professional background in penology. Yet, they're running prisons in 21 counties, prisons that house up to 5,000 inmates.

Irving has called for the state to encourage counties to form penal authorities that would appoint trained administrators for their jails.

He also thinks the jails should have rehabilitation programs. We'll part company with him on that one. The sentences in county jails are limited to less than a year. That isn't time enough to rehabilitate anyone, and any effort to do so would be a waste of motion and money.

officers were dedicated to their particular work functions.

The Correction Center in Caldwell is ideally located as a focal point in relation to Union, Passaic and Morris Counties, as it is relative to the Essex County Jail. It has an excellent connecting road network. Caldwell, the home location of the Essex County Correction Center, is approximately 18 miles from Elizabeth (Union County Jail), approximately 14 miles from Morristown (Morris County Jail), approximately 8

miles from Paterson (Passaic County Jail), and is approximately 12 miles from Newark (Essex County Jail). *This was added for information purpose only. I do not recommend Caldwell become the catchall for all northern counties. Space is available in the Jersey Meadows to develop a similar complex for Hudson County.* Caldwell is presently served by public bus transportation which connects

directly with downtown Newark. Newark has rail and bus transportation to Elizabeth and a bus link to Paterson. Morristown has a direct rail link to Newark via the Erie Lackawanna Railroad. Thus, visitation by relatives could not be considered an extraordinary hardship in going to Caldwell via public transportation from any of the points previously cited.

Research of the various State Statutes governing the operations of penitentiaries in New Jersey revealed the following in the first reference listed under the Title 30 Statute Subtitle 6 Chapter 8 Penal Institutions N.J.S.A. 30:8-15 "Wardens and physicians for county jails and penitentiaries of first class; terms; vacancies", although there must be some earlier reference to the requirement that first class counties having a certain population shall have a penitentiary. Unfortunately, further research of the statutes is prohibited at this particular period due to lack of time. Cursory checking also revealed there is no present law on the books allowing the counties or even the state to share operation of a penitentiary or so-called "Correction Center". Certainly in time of emergency, such as the present when the State system is bulging at the seams, temporary confinement could be covered by a court order or by some other legal means, if this is not already being done.

However, N.J.S.A. 30:8-39 specifically allows joint workhouses: "The boards of chosen freeholders of two or more counties may unite in establishing or acquiring and maintaining and operating a workhouse in common at such place as they shall agree, which shall be under their joint direction, superintendence and government and the cost and

Page 9, 1st paragraph - Eliminate Civil Service title of Correction Officer at the county jail level and replace it with the title of Custodial Officer. This would keep the systems from being misjudged by those who erroneously think county jails should be deemed rehabilitation centers. Rehabilitation rightly belongs to the state, and should be expanded in the state system. Persons convicted of lesser crimes should be sentenced to a county workhouse or penitentiary. Sentences to county jails should only be the results of sentencing where credit for time served is awarded to the person who spent 30, 60, or 90 days waiting for pleas and/or trials.

Page 17, 3rd paragraph - Incentives should be offered to county officers to encourage college studies.

Page 23, 4th paragraph - It would be my recommendation as a Commissioner and as an administrator of a county jail to eliminate correction at the county jail level where it has been as much of a failure as it has at the state level and expand county penitentiaries to cover an equal geographic section of the state - northern, central, and southern areas - on a regional plan focusing on expanded programmed corrections at these institutions. The alternative is to eliminate all correction at the county level and have the state assume responsibility for all hard line sentenced persons and expand correction at the state level into a responsive, meaningful program.

Page 25, 4th paragraph - RECOMMENDATION: The entire Recommendation One should be modified. Those jails in New Jersey where the condition existed during the Commission's inspection over 30 months ago should be re-examined to ascertain if there is actual deficiency in staffing and training. Those few which may be found deficient should be cited to prevent aspersions being cast upon those jails not affected.

Page 32, 3rd paragraph - As a Commissioner, I recommend the law be amended to give the State Department of Corrections more than suggestive power. I recommend that the counties be given 30 days after an inspection to improve conditions after receiving the results of the inspection report. I further recommend an official title be created and it be designated as Chief County Jail Inspector, whose duties would be to supervise such inspections. This Chief Inspector should have the power to obtain an order to show cause, before the appropriate court, when conditions are not corrected. I further recommend that the results of such hearings should be ruled on by a blue ribbon panel called to render a final and binding decision when county authorities completely disagree or disregard the findings. I also recommend that the State adopt standards for inspections of county jails equal to those approved and imposed on the state penal institutions, not less or more stringent, but meaningful and manageable.

I would further recommend this law be amended to encompass the purpose of my above recommendation.

Page 34, 2nd paragraph - As a Commissioner, I recommend that the New Jersey County Jail Wardens Association be asked to form a committee to study medical needs in the county jails in New Jersey and submit a detailed report of their findings after properly interviewing jail doctors and nurses, and those closest to the situation. It is my personal observation that some county jails far surpass what is expected in rendering medical attention to inmates. Some jails provide services not presently rendered in some of the smaller hospitals.

Page 36, 4th paragraph - As a Commissioner, I recommend that Our Commission Report Recommendation Ten be modified and proper descriptive verbiage be used. I also recommend that the sub-committee re-assess and re-evaluate the bed space problem as it may now exist.

I further recommend that a strong letter citing the bed space problem be directed to the various Boards of Chosen Freeholders if the problem is still found to be prevalent after sub-committee re-appraisal.

I would like to further recommend, if it is possible, that the sub-committee



ARTHUR R. SYPEK, SR.  
COUNTY EXECUTIVE

DANIEL MENNELLA  
COUNTY ADMINISTRATOR

COUNTY OF MERCER  
DEPARTMENT OF PUBLIC SAFETY  
ADMINISTRATION BUILDING

640 S. BROAD ST.  
P.O. BOX 806B  
TRENTON, N.J. 08630

LEON H. SMITH, DIRECTOR  
DEPARTMENT OF PUBLIC SAFETY  
609-989-6656

June 23, 1978

The Honorable Helen C. Szabo  
Assemblywoman, 13th District  
276 Ashmore Avenue  
Trenton, New Jersey 08611

Dear Mrs. Szabo:

As directed by County Executive Arthur R. Sypek, Jr., the following is submitted for your information.

The citizens of Mercer County can be justly proud of the commitment to a progressive correctional policy by the County Executive and the Board of Chosen Freeholders. It has been through their joint effort and concern, both prior to and following the adoption of the County Executive form of Government, that made the construction of our new Detention Center a reality. The citizens of Mercer County now have a facility that is perhaps one of the most modern in the State and one that readily lends itself both physically and aesthetically towards the accomplishment of appropriate correctional goals. Perhaps one of the most important goals accomplished to date, has been the implementation of a professional classification system that will provide services for the short-term detainee as well as long range correctional treatment that encompasses counselling, education and vocational training for the longer-term detainee that will hopefully return the inmate to society better able to pursue a more meaningful and productive life.

Our new facility has 204 modern cells in five separate living units. Four living units consisting of 44 single cells are for male inmates. One living unit consisting of 20 single cells is utilized for the housing of female inmates. In addition, there are eight isolation cells and six court-holding cells.

The Detention Center, in addition to adequate programming and administrative area, also has a well-equipped medical unit, a gymnasium and an outside exercise area.

A prisoner being received at the Institution enters the facility through the Cooper Street entrance into the master control area. It is the responsibility of the personnel assigned to the master control to examine the official papers to verify the commitment of the prisoners. From this point the prisoner (s) are escorted to the third floor receiving and discharge area by officers from the committing jurisdiction, at this time custody of the prisoners is transferred to institutional security personnel and intake processing begins.

### Dining

Each living unit has its own dining/recreation area complete with a pantry which contains facilities for storage and cleaning of utensils and for heating of mobile food service units. All meals are prepared in the Facility's central kitchen, then placed into the electric pre-heated serving units and moved to each living unit where the food is served to the inmates.

### Laundry

Personal laundry services are provided free of charge to the inmates. This service is now once a week but will soon be expanded to twice a week. Laundry for sheets, pillow cases and change of uniforms is provided on a regular basis.

### Medical Services

The Detention Center has a Medical Department which includes an infirmary capable of providing inpatient care to four male patients and two female patients. Physicians of the Ewing Medical Group provide professional medical service for the Institution. They conduct sick calls and medical examinations at the Detention Center five days per week. All new commitments are given a thorough physical examination including complete complete blood serology and urine analysis. The Medical Group also provides 24-hour, seven day per week emergency coverage. Additionally when necessary inmates are transported to and treated at local hospitals. Upon referral by the attending medical doctor, inmates are also afforded appropriate dental, optometric, psychological and psychiatric care or treatment. The Medical Department is staffed around the clock by licensed practical nurses who administer care to inmate patients as directed by the professional medical staff.

### Pharmaceutical Services

These services are provided the Institution by a consultant, registered pharmacist on a contract basis. All prescription drug items are delivered on a daily basis to the Institution per the attending physician's orders. This method of controlled deliveries eliminates the need for in-house storage of such items and at the same time eliminates the potential problems attendant to storage of large quantities of drugs in an institution. The consultant pharmacist also provides 24-hour emergency service.

### Recreation

This Facility has a gymnasium and an outdoor recreation area for use by the inmates. Supervised recreational activities include, but are not limited to, basketball, handball and weight lifting. The gymnasium is equipped with a Universal Weight Gym. There are provisions for television viewing in each living unit and table games and recreational reading materials for those who do not prefer the more vigorous activities.

DEPARTMENT OF CORRECTIONAL INSTITUTIONS  
MERCER COUNTY DETENTION CENTER

Date .....

Nº 9469

.....  
Inmate's Name

.....  
Cell Number

Offense .....

Mark "X" in the box that applies to you:

- I am without funds and desire a lawyer to be provided for me by the Court.  
(PUBLIC DEFENDER)
- I am going to retain my attorney privately and do not desire the assistance of a Court  
appointed attorney.
- I am not interested in seeing ANY attorney at the present time.
- I need assistance from a social worker.  
(Please contact UPI - LEGAL AID.)

.....  
Signature of Inmate

.....  
Signature of Officer dispersing this form to inmate

MCDC-21

Mercer County has devoted a great deal of money and energy to the building of our new facility so that improved conditions and services can be provided to those men and women committed to the Detention Center. This means that with the opening of the new building there will be continuing reviews as we establish and adjust appropriate procedures.

The procedures and guidelines included in this initial guide are expected to meet each individual's needs. We recognize however that new circumstances may arise which will require adjustments in these procedures and even additional rules and procedures. Specific problems should be addressed to the housing unit staff for attention and suggestions should be sent to my office for attention.

Joseph A. Feconda,  
Chief Warden

### 3. Intake and Classification

After completing the necessary paper work and brief orientation in the Receiving and Discharge Area, the new male inmate will be moved to the Intake Unit (4th floor South) and the new female inmate will be moved to the Women's Unit (3rd floor North). On the unit the individual will be on lock in status until medical, security and program services procedures are complete.

#### Procedures

These are general procedures which may differ slightly from unit to unit and are subject to change:

1. Meals - will be served after 7:45 A.M., 11:45 A.M. and 4:45 P.M.
2. Medical - requests for medical services should be submitted to the unit officer when sign-up is announced. Emergencies or sudden illness should be reported immediately.
3. Visiting - seven days a week between the hours of 1:00 P.M. to 3:30 P.M. and on Wednesday evening from 6:00 P.M. to 8:30 P.M.
4. Commissary - purchases may be ordered on a regular basis -- when announced.
5. Personal laundry - once a week -- when announced.
6. Cell Hours - open at 7:30 A.M.; lock in at 11:30 P.M. (Exceptions - Intake lock in, disciplinary lock in, medical lock in, and otherwise as ordered).

4. Participating Community Agencies - numerous community agencies have provided services in the institution in the past and this list will expand now that space is available:

- New Approach Method Family Reading Program
- Thresholds - Decisional Counseling
- Mercer Alcoholism Program
- Community Council for Criminal Justice
- Community Re-Adjustment Program
- Salvation Army
- Addiction Services (Community Guidance Center)
- and others

5. Recreation - the schedule for the gym and open-air exercise yard will be announced after the building is occupied and settled. Table games and activities will continue to be provided. Books for recreational reading will be provided.
6. Chaplaincy Services - Chaplains visit the institution periodically. You may request a visit from one of the chaplains at any time.
7. Mail - incoming and outgoing mail will be processed everyday, Monday through Saturday.
8. Newspapers - available by weekly orders through the commissary.
9. Law Library - as soon as possible there will be a small collection of legal materials in each unit. These most needed materials will be augmented by a major collection which will be available by request to the unit counselor.

If the defendant is charged with an indictable offense, asserts he or she is indigent, and has not affirmatively stated his or her intention to proceed without counsel, have defendant complete this application and then refer it to the Office of the Public Defender.

APPLICATION FOR REPRESENTATION BY THE OFFICE OF THE PUBLIC DEFENDER

I have completed the affidavit on the reverse side to inform the Court as to my ability to pay an attorney and to have the Court refer me to the Office of the Public Defender as an indigent defendant charged with an indictable offense.

Place of birth \_\_\_\_\_ Date of birth \_\_\_\_\_

Sex M F Race B C PR Ht. \_\_\_\_\_ Wt. \_\_\_\_\_ Date of arrest \_\_\_\_\_

Place alleged offense committed \_\_\_\_\_ Date alleged offense committed \_\_\_\_\_

Arrested by: \_\_\_\_\_  
(Name of arresting agency and location)

Arrested with: \_\_\_\_\_

Check (and complete) whichever applies:

\_\_\_\_\_ I am presently in jail and unable to obtain bail. If I am released I have a job waiting (yes) (no), with \_\_\_\_\_

\_\_\_\_\_ I have been released on bail in the amount of \$ \_\_\_\_\_ which was posted by \_\_\_\_\_

\_\_\_\_\_ I have been released on ROR bail

\_\_\_\_\_ I have been released on my own recognizance

On the present charge, I (was) (was not) represented by an attorney in the Municipal Court. If you were represented, give name, address of the attorney and fee paid, if any \_\_\_\_\_

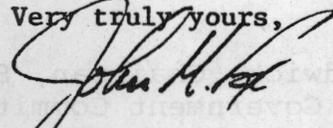
I (do) (do not) have any other charges pending against me. If you do have an attorney for these charges, give his name and address: \_\_\_\_\_

Date: \_\_\_\_\_ 19 \_\_\_\_\_ X \_\_\_\_\_  
(signature of defendant)

Academy at Sea Girt, New Jersey is to the Law Enforcement Community.

Please extend to all of the Committee members my sincere appreciation for the opportunity to attend the hearing, and put my remarks on the record.

Very truly yours,

  
JOHN M. FOX  
Sheriff

JMF/es

Mr. Charles Hardwick

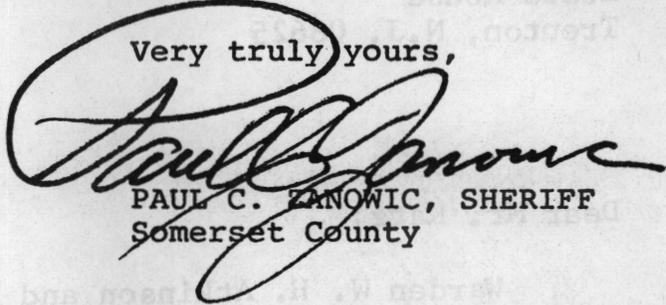
Page 2.

I am also opposed to any inspections of our county jails by the Department of Institutions and Agencies unless the Sheriff's and Wardens have a strong hand in setting up the standards. In the past, they have made recommendations which appear to indicate that they do not have full knowledge of the operation of the county jails.

While the Office of the Inmate Advocate was severely criticized by some of my brother Sheriff's, and perhaps rightfully so, I would like to state for the record that my dealings with Jeffrey Mintz have always been cordial and that he personally has at various times, been very helpful to me. I think in all fairness to Mr. Mintz, we should give him credit where credit is due him.

Again, thank you for your invitation to appear before your sub-committee, and hoping that you will consider thoroughly all the objections to this report made by the various public officials, I am

Very truly yours,



PAUL C. ZANKOWIC, SHERIFF  
Somerset County

PCZ:mr



## ESSEX COUNTY JAIL

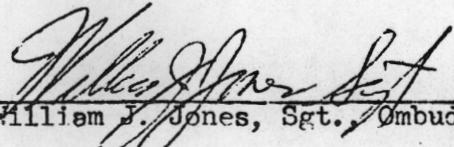
60 Nelson Place  
Newark, New Jersey 07103

I have been the Ombudsman of the Essex County Jail for the past six years. In spite of the great responsibility involved, I find my duties and accomplishments very rewarding.

1. I must interview each inmate upon admission, making all necessary contacts with the Social Worker and expeditiously resolve their problems, both domestic and legal.
2. Make contacts with the various courts for those inmates who in many instances have problems with bail procedures, reductions, etc.
3. Contact Public Defenders Office or other legal services for inmates who may need legal assistance.
4. Set up programs for various activities at the Jail such as shows, church services, various exhibitions, etc.
5. Liaison. Representing the inmates with the many problems that arise in the Institution. Attending Inmate Committee weekly meetings and making reports to the Deputy Warden and the Warden.
6. Making contact with the various outside agencies.

The above duties are performed daily for an average of 500 inmates, which is the capacity of the Essex County Jail.

The recent employment of a Social Service Worker, the involvement of Joint Connection, and the American Friends Service Committee has assisted me immensely in the necessary field work and follow up services.

  
William J. Jones, Sgt., Ombudsman

