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FIRST ANNUAL REPORT.

③ Advisory Council,

② Department of Corrections,

State of New Jersey.

///

June 15, 1977 to June 30, 1978

CONTENTS

Composition of Advisory Council	i
Letter to The Honorable Brendan T. Byrne	ii
Introduction	1
Organization and Procedures	3
Advisory Council Activities	5
I. Institutional Boards of Trustees	5
II. Observation and Participation in Other State Activities	6
III. Resolutions	7
IV. Department Resources	8
V. Construction and Facilities	10
VI. General Council Activities	12
VII. Work of the Committees	13
Appendices	15
Appendix A: N.J.S.A. 30:1B-23	16
Appendix B: Committees of the Advisory Council	18
Appendix C: Institutional Affiliations by Advisory Council Members	19
Appendix D: Resolution Commending Commissioner Robert E. Mulcahy, III	20
Appendix E: Resolution to Governor Byrne Regarding Senate Resolution 361	22
Appendix F: Senate Resolution 361	23

COMPOSITION OF ADVISORY COUNCIL

Department of Corrections
June 30, 1978

Citizen Members

Dr. Jennie D. Brown, Chairman
Dr. Francis Byrne
Professor Jameson W. Doig
Judge Norman Heine
Henry A. Hill, Esq.
A. Alexander Morisey
Lee Stanford

Ex-Officio Members and Designees

The Honorable Brendan T. Byrne, Governor
Teel Oliver Rhett, Esq., Designee
Alexander Waugh, Esq., Designee

Robert E. Mulcahy, III, Commissioner

William H. Fauver, Commissioner

Fred D. Burke, Ed.D., Commissioner,
Department of Education
Daniel J. Sullivan, Ed.D., Designee

William F. Hyland, Attorney General
Joseph T. Maloney, Esq., Designee

Ann Klein, Commissioner,
Department of Human Services
David Einhorn, Esq., Designee

John Horn, Acting Commissioner
Department of Labor & Industry
James Amos, Designee

Arthur J. Simpson, Judge, Acting Director
Administrative Office of the Courts
Edwin Stern, Esq., Designee
Steven Yoslov, Esq., Designee
Harlan Ettinger, Esq., Designee

Secretary

Judith A. Conner



State of New Jersey

DEPARTMENT OF CORRECTIONS

WHITTLESEY ROAD
POST OFFICE BOX 7387
TRENTON, NEW JERSEY 08628
ADVISORY COUNCIL

June 30, 1978

Honorable Brendan T. Byrne
Governor
State of New Jersey
Trenton, New Jersey 08625

Dear Governor Byrne:

The First Annual Report of the Advisory Council on Corrections is respectfully submitted for your information.

This report reflects the highlights and the focus of the Council's activities from its inception on June 15, 1977 through June 30, 1978.

Very truly yours,

A handwritten signature in cursive script that reads "Jennie D. Brown".

Jennie D. Brown
Chairman

JDB:jc

INTRODUCTION

This report is submitted for the period from June 15, 1977 through June 30, 1978, in accordance with the requirements of N.J.S.A. 30:1B-23 (b) (8).

The Advisory Council of the New Jersey Department of Corrections was established in conjunction with the passage of Assembly Bill 1912 in November, 1976. This legislation separated the Division of Correction and Parole from the Department of Institutions and Agencies, and created a Department of Corrections to be administered by a Commissioner. An Advisory Council, appointed by the Governor, was also mandated by this legislation.

Robert E. Mulcahy, III, the first Commissioner appointed to the Department, convened the first meeting of the Council on June 15, 1977. At that time, six members of the Advisory Council attended the meeting. The seventh member, recommended by the Commissioner to be an ex-offender, joined the Council one year later. The ex-officio members serving on the Council were represented by either the Commissioner or their designee. Ex-officio members of the Council were the Governor, the Attorney General, the Director of the Administrative Office of the Courts, and the Commissioners from the Departments of Corrections, Human Services (formerly Institutions and Agencies), Education and Labor and Industry.

From the outset, Commissioner Mulcahy gave generously of his time and leadership. He made available to the Council the assistance of the staff of the Department of Corrections, as well as the various reports and documents relating to the work of the Council. He gave special attention to presenting his concerns for the implementation of the Correctional Master Plan, which was published just prior to the creation of the Advisory Council. This Plan, prepared over a two-year period by representatives of the legislature, the judiciary and the executive branch, as well as representatives of national and State citizen groups, was presented to the Council as a guideline for a Statewide comprehensive correctional system and philosophy.

Under the leadership of Commissioner Mulcahy, the Advisory Council was kept apprised of the goals and problems of the Department of Corrections. His unceasing responses to the Council fully reflected his recognition of the value of a citizen advisory body to the Department.

Upon Commissioner Mulcahy's resignation in January, 1978, Deputy Commissioner William H. Fauver was appointed Acting Commissioner. Mr. Fauver was appointed Commissioner of the Department of Corrections in June, 1978. Commissioner Fauver was warmly welcomed and assured the support of the Advisory Council as it began its second year of work.

ORGANIZATION AND PROCEDURES

Terms of Appointment

Jennie D. Brown	-	June 1, 1977 - May 23, 1980
Francis Byrne	-	June 1, 1977 - May 23, 1981
Jameson W. Doig	-	June 1, 1977 - May 23, 1981
Norman Heine	-	June 1, 1977 - May 23, 1979
Henry A. Hill, Esq.	-	July 14, 1977 - July 17, 1978
A. Alexander Morisey	-	June 1, 1977 - May 23, 1980
Lee Stanford	-	July 1, 1978 - June 30, 1979

Election of Officers

At the first meeting of the Advisory Council on June 15, 1977, Jennie D. Brown was chosen to serve as temporary Chairman. Mrs. Brown was elected to serve as permanent Chairman and Henry A. Hill, Esq., as Vice Chairman in September of that year.

Date and Place of Meeting

The Council unanimously agreed to hold the monthly meetings on the first Wednesday of each month. It was also agreed to hold meetings at the Department of Corrections' Administrative Offices in Trenton, and at various correctional institutions on an alternating basis.

Applicability of the Sunshine Law

In response to a request for clarification on the applicability of the Sunshine Law to the Council's meetings, an opinion was received from the Attorney General's Office on September 30, 1977 advising that "the Council does not formulate policy and its decisions only concern changes or other matters that the Council will recommend to the Commissioner. The Council thus cannot compel a change by its own action and it would appear to meet the description of being a purely advisory body 'with no effective authority.' N.J.S.A. 10:4-7; Pollilo, supra at 50-52.

"In conclusion, you are advised that the Council is not subject to the provisions of the Open Public Meetings Act...." (M77-3437)

In this regard, Commissioner Mulcahy suggested that members of the press be invited to attend meetings on occasion, with the approval of the Advisory Council.

Oath of Allegiance

In compliance with N.J.S.A. 41:1-1, each member of the Advisory Council signed an Oath of Allegiance upon commencing tenure of office.

Advisory Council Committees

Commissioner Mulcahy recommended the formation of the following committees:

- Committee on Medical Problems
- Committee on Minorities in Institutions
- Committee on the Promotion of the Master Plan
- Committee on Appointments

Subsequently, several additional committees were formed (see Appendix B).

ADVISORY COUNCIL ACTIVITIES

I. Institutional Boards of Trustees

- . Reviewed the monthly minutes of Institutional Board meetings.
- . Invited the Chairmen of each Board to two Council meetings in order to identify and define common problems and to clarify the relationship of these Boards to the Advisory Council.
- . Requested and received from each Institutional Board a list of their problems and issues of major concern.
- . Appointed a committee, chaired by Herbert L. Birum, to study and submit to Commissioner Fauver, suggestions for improving attendance of citizen Board members and improving the effectiveness therein.
- . Met with State Prison Complex Board of Trustees to discuss the relationship of the Board to the Council and to share some of their major concerns. Representing the Council were Chairman Brown and Jameson Doig. Assistant Commissioner Judith A. Nallin was also present.
- . Met with the Adult Diagnostic and Treatment Center Board to explain the role of the Advisory Council and its relationship to the Institutional Boards. The Council was represented by Chairman Brown.
- . Selected one or more prison facilities to which each Council member shall give special attention, i.e., visitation and association with the Institutional Board, staff and inmates (see Appendix C).

II. Observation and Participation in Other
State Activities

- . Jameson Doig volunteered to serve on a study group reviewing guidelines for minimum custody status.
- . Assistant Commissioner Richard Seidl and Chairman Brown served on citizens' committee formed by Commissioner Klein, Department of Human Services, to study and make recommendations on the problems and future of the Vroom Building.
- . Chairman Brown attended Legislative Hearings on the Penal Code in order to defend the necessity of the sex-offenders' unit, which was under consideration.
- . Henry Hill testified before a Legislative Sub-committee regarding the need for Statewide enforceable standards regulating the administration and operation of county jails.

III. Resolutions

- . Passed a resolution commending former Commissioner Robert E. Mulcahy, III for his outstanding leadership as the first Commissioner of the Department of Corrections (see Appendix D).
- . Passed a resolution requesting Governor Brendan T. Byrne to line-veto Senate Resolution No. 361, giving legislative review of the dispersal of half-way houses and other community-based facilities for offenders and ex-offenders (see Appendix E).

IV. Department of Corrections' Resources

- . Received a comprehensive report from Dr. Daniel Sullivan, Superintendent of the Garden State School District, on the role of the School District in correctional institutions. Reports were also received from Robert Walton, Assistant Superintendent for Adult Education Programs and Patricia Holliday, Assistant Superintendent for Juvenile Education Programs.
- . Received a report from Albert Elias, Assistant Commissioner, Division of Community and Juvenile Services, as well as staff members, regarding treatment services within the Department.
- . Received an overview of the psychological/psychiatric services within the Department of Corrections from Dr. Richard Bruner, Deputy Director of the Division of Community and Juvenile Services.
- . Were presented with a briefing on a behavioral modification program for inmates by Dr. Francis Cheek.
- . Received a description of the Adult Diagnostic and Treatment Center for repetitive sex offenders by Dr. Ira Mintz, Superintendent.
- . Received an overview of the drug and alcohol treatment programs available to inmates from William Scura, Coordinator of Professional Services, Division of Adult Institutions.
- . Received a report from Ronald Groomes, Superintendent at Leesburg State Prison, regarding a Federally funded Inmate Grievance Mechanism Program which was to be instituted at that institution.
- . Reviewed periodically the complaints received from Institutional Boards of Trustees, as well as inmates, regarding the limited furlough and work release programs. In June, 1978, Commissioner Fauver and staff proposed new guidelines to be presented to the Governor, which would bring relief to the limited operation of these programs.
- . Received reports from Commissioner Mulcahy on plans for a centralized medical unit to serve all correctional institutions throughout the State.

- . Received a preview of Assembly Bill No. 86 (Newman Bill) which, if passed, would effect funding and administration of educational programs in State institutions for all residents 6 to 20 years of age.
- . Apprised of the agreement reached between the Department of Corrections and St. Francis Medical Center in Trenton, New Jersey, to provide 13 beds for inmates in State correctional institutions. Also encouraged new plans for expansion of contracts with other medical facilities in the proximity of State institutions.

V. Construction and Facilities

- . Received regular reports from Commissioners Mulcahy and Fauver concerning the status of the proposed 300-400 bed medium security facility.
- . Received a report acknowledging the legislative appropriation of approximately \$19.5 million for prison construction.
- . Received periodic reports on plans to renovate Trenton State Prison, which both Commissioners anticipate will replace all sub-standard cells and virtually change the total effect of Trenton State Prison.
- . Received comments on the plans for renovation of Trenton State Prison from Superintendent Gary Hilton.
- . Attended a visual presentation of the planned renovations of Trenton State Prison by Gruzen and Partners, Architects.
- . Requested that Commissioner Fauver explore possibilities for the utilization of skilled inmate labor in the Trenton Prison renovation, as well as for the training of unskilled inmates in this massive renovation project.
- . Invited David Mintz and Burton Weltman from the New Jersey Association on Corrections to share their views on the renovation of Trenton Prison and the proposed medium security facility. These individuals suggested that the planned renovations are in direct contradiction to the Correctional Master Plan, as well as modern penal practices.
- . Urged Commissioner Fauver's reconsideration of plans for a medium security facility in Hopewell, due to its inaccessibility to transportation, urban areas and services.
- . Communicated to the Commissioner the Council's interest in offering assistance to the Department in security locations for a medium security facility and community-based pre-release centers in terms of generating positive community interest.

- . Requested, by motion, that Commissioner Fauver make every effort to increase the opportunities for inmates to participate in work release and furlough programs, as well as half-way house facilities, for reintegration into the community.

IV. General Council Activities

- . Reviewed with staff, periodic reports on the Juvenile Separation Project being funded by SLEPA and Title XX funds.
- . Apprised of efforts to secure community-based facilities for juveniles under the Juvenile Separation Project.
- . Received a report from Commissioner Mulcahy on the creation of an Affirmative Action Office.
- . Apprised of Commissioner Mulcahy's proposed plan for upgrading job requirements for Correction Officers in an effort to improve the degree of professionalism of these officers.
- . Reviewed periodically the conditions and status of State inmates being housed in county jails pursuant to contracts between the State and the counties. Requested Commissioner Fauver to direct greater attention to the standards and conditions of these facilities.
- . Urged Commissioner Fauver to seek new sources of funding for vocational training which was previously supported by Manpower Services funds.
- . Recommended to Commissioner Fauver that he provide inmates with information regarding the rights of ex-offenders, with special emphasis on the Rehabilitated Convicted Offenders' Act.
- . Toured Leesburg, Trenton, Clinton and Yardville facilities during the scheduled monthly meetings.
- . Offered assistance to Commissioner Mulcahy in an attempt to facilitate continued employment of inmates in State psychiatric hospitals.

VII. Work of the Committees

. Committee on Minorities in Institutions

- Reported to the Commissioner on their inability to obtain accurate and current data on minorities necessary for their committee work.
- Passed a motion urging the Commissioner to utilize his supervisory power in order to verify allegations of discrimination in the Monmouth and Bergen County jails.
- Requested and received a list of studies on minority problems and issues in corrections from the American Bar Association and LEAA.

. Committee on Medical Problems

- Presented a report on medical services in State institutions by Chairman Frank Byrne, M.D. and Mr. Henry Furst.
- Suggested that the Committee include professionals in the field of medicine who are not members of the Advisory Council, i.e., Medical Director for the the Department of Corrections, as well as medical students.

. Committee on the Promotion of the Master Plan

- Considered the advantages of extending the membership of this Committee outside the Advisory Council for a maximum exposure of the Correctional Master Plan to the citizens of New Jersey.
- Received a comprehensive report of the Plan from Jay Friedman and Jameson Doig. Edwin Stern focused attention on his minority view of the Plan and of highlights of the Governor's Advisory Committee Report on Sentencing and Corrections.

- Met with inmate study group at Trenton State Prison to discuss the Master Plan and received a report on their views of this document.

. Nominating Committee

- Received nominations for the Chairman and Vice Chairman of the Advisory Council and monitored the election of these individuals-

. Committee on Appointments

- Created a resource file of names to be recommended for membership on Institutional Boards of Trustees.
- Recommended to the Commissioner, names of persons to fill vacancies or for reappointment to Institutional Boards of Trustees.

. Reintegration Committee

- Created in order to monitor and encourage all possible activities reflecting the purposes of the reintegration goals of the Master Plan.
- Requested and received a report from Joseph Maloney regarding the State's position on the licensing of ex-offenders for specific professions. Particular emphasis was given to trades taught in the institutions.

. Committee on the Budget

- Pursued the 1979 budget in order to understand Departmental priorities. Explored with Assistant Commissioner Blumenthal the methods by which the Department establishes the budget.
- Attended the Joint Appropriations Committee hearings on the Department of Corrections' budget.

APPENDICES

APPENDIX A

N.J.S.A. 30:1B-23. Advisory Council on Corrections

a. There is hereby created within the Department of Corrections an Advisory Council on Corrections to consult with and advise the Commissioner. The Advisory Council shall consist of seven citizen members who shall be residents of this State to be appointed by the Governor with the advice and consent of the Senate. The Governor or his designee; the Commissioner of Education, the Attorney General, the Director of the Administrative Office of the Courts and the Commissioner of Corrections, or their designees, shall serve as ex-officio members during their terms of office.

The members appointed by the Governor pursuant to this act shall be appointed for terms of 4 years; provided, however, of the members first appointed, two shall be appointed for a term of 4 years; two for a term of 3 years; two for a term of 2 years; and one for a term of 1 year. All appointed members shall continue to serve after the expiration of their terms until their successors are appointed and shall qualify. In the case of a vacancy, a new member shall be appointed for the remainder of the unexpired term. Members of the advisory council shall receive no compensation for services but shall be reimbursed for actual necessary and reasonable expenditures incurred in the performance of their duties. The members shall annually elect a chairperson from among their membership.

The department shall provide the advisory council with reasonable administrative and clerical support services, subject to the availability of funds.

b. The advisory council shall:

- (1) Conduct research on institutional needs;
- (2) Review and make recommendations to the commissioner with respect to budget requests from the institutions;
- (3) Encourage cooperation between public and private institutions;
- (4) Periodically review existing programs of care, training, rehabilitation, research, and public service in the public institutions of this and other states and new developments in the various fields of the department's responsibility and advise the commissioner on desirable change;

(5) Consult with and make recommendations to the commissioner as it deems necessary with regard to services, lands, buildings and equipment to be furnished by the department and its institutions;

(6) Visit the institutions under the supervision or control of the department to examine into their manner of operation and to advise the commissioner on their observations;

(7) Review and make recommendations to the commissioner with respect to budget requests to be submitted by the commissioner; and

(8) Make an annual report to the commissioner and the Governor and such other reports as it may deem proper from time to time or as may be requested by the commissioner;

(9) Make recommendations for the consideration of the commissioner with regard to the appointment of members of the boards of trustees of the various correctional institutions.

L. 1976, c. 98, § 24, eff. Nov. 1, 1976.

APPENDIX B

ADVISORY COUNCIL COMMITTEES

Committee on Medical Problems

Dr. Francis Byrne, Chairman
Dr. Jennie D. Brown

Committee on Minorities in Institutions

A. Alexander Morisey, Chairman
Henry A. Hill, Esq.
James Amos
Dr. Jennie D. Brown

Committee on the Promotion of the Master Plan

Jameson W. Doig, Chairman
Jay Friedman
Edwin Stern, Esq.

Committee on Appointments

B.J. Urbaniak, Chairman
Dr. Jennie D. Brown
Henry A. Hill, Esq.

Reintegration Committee

Jameson W. Doig, Chairman
Teel Oliver Rhett, Esq.
David Einhorn, Esq.
Henry A. Hill, Esq.
Dr. Daniel J. Sullivan
Joseph T. Maloney, Esq.

Nominating Committee

David Einhorn, Esq., Chairman
Jameson W. Doig
Henry A. Hill, Esq.

APPENDIX C
INSTITUTIONAL AFFILIATIONS
BY MEMBERS OF THE ADVISORY COUNCIL

Training Schools at Jamesburg and Skillman

Dr. Jennie D. Brown
Henry A. Hill, Esq.
A. Alexander Morisey

State Prison, Rahway

Jameson W. Doig
James Amos

State Prison, Leesburg

A. Alexander Morisey

Correctional Institution for Women, Clinton

Dr. Jennie D. Brown
Jameson W. Doig

Adult Diagnostic and Treatment Center, Avenel

Dr. Jennie D. Brown

Youth Correctional Institution Complex

Henry A. Hill, Esq.

Note: Ex-officio members of the Advisory Council were not required to have an affiliation with the institutions.

APPENDIX D

RESOLUTION COMMENDING
COMMISSIONER ROBERT E. MULCAHY, III

WHEREAS, the Advisory Council to the Department of Corrections has been advised of the resignation on January 17, 1978 of Robert E. Mulcahy, III as Commissioner of Corrections, and

WHEREAS, the Advisory Council has met and worked with Commissioner Mulcahy on a regular monthly basis since the creation of the Council and has shared with him the problems inherent in the creation of a new department of State Government and in the daily operation of a State Correctional system, and

WHEREAS, the Advisory Council is of the opinion that Robert E. Mulcahy, III has exemplified the organizational, diplomatic, leadership and personal qualities needed for the successful creation and operation of this responsibility of State Government, and

WHEREAS, the Advisory Council is more specifically of the opinion that Robert E. Mulcahy, III has contributed to the efficient and responsible operation of the correctional system in the following respects:

(a) Commissioner Mulcahy has, through his efforts to educate the public with respect to the fundamental issues raised in the Correctional Master Plan, contributed to an increased public and legislative awareness of the policy issues confronting this segment of the criminal justice system.

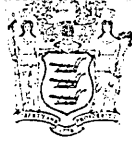
(b) Commissioner Mulcahy has, in the organization of the Department, tightened and coordinated the administration of the various institutions in order to make them more responsive to overall State correctional policy.

(c) Commissioner Mulcahy has, through his personal qualities, substantially increased the overall morale, sense of purpose and sense of professionalism within the Department.

(d) Commissioner Mulcahy has, through the openness with which he has conducted the business of the Department of Corrections, contributed generally to State Government accountability.

NOW THEREFORE, BE IT RESOLVED by the Advisory Council of the Department of Corrections, that a copy of this Resolution be forwarded to Robert E. Mulcahy, III and Governor Brendan Byrne, together with the Council's request that a new Commissioner of Corrections of comparable quality be appointed forthwith.

APPENDIX E



State of New Jersey

DEPARTMENT OF CORRECTIONS
WHITTLESEY ROAD
POST OFFICE BOX 7387
TRENTON, NEW JERSEY 08628
ADVISORY COUNCIL

May 16, 1978

Teel Rhett, Esq.
Assistant Counsel to the Governor
State House
Trenton, New Jersey

Dear Ms. Rhett:

The Advisory Council to the Department of Corrections respectfully recommends that the Governor line item veto Senate Resolution 361. We believe it would be constitutionally invalid and would effectively deny the Department of Corrections the opportunity to develop and implement community based programs for selected offenders.

Sincerely,


Jennie D. Brown
Chairman

JDB:jc

APPENDIX F

RESOLUTION
By Senator Merlino

361

Page 283	Parole and Community Programs
Department of Corrections	
Custody, Care and Rehabilitation	12320-860

Be it resolved, that substantially the following language
be added:

"No community-based facilities or treatment
centers not operating prior to April 15, 1978
may be funded from the amount hereinabove appropriated
for Community Programs until after the Department
shall have submitted a plan to the Subcommittee on
Transfers of the Joint Appropriations Committee.
Said plan shall address the dispersal of such facilities
and centers throughout the State and shall not take
effect until approved by the Subcommittee."

STATEMENT

This resolution gives the Legislature oversight on the
dispersal of half-way houses and similar facilities for
prisoners leaving penal institutions.

