

STATE OF NEW JERSEY

COUNTY PENAL SYSTEM STUDY COMMISSION

JOINT RESOLUTION NO. 3, 1973

PUBLIC HEARING

Freeholders Room
Guarantee Trust Bank Building
Atlantic City, New Jersey
Tuesday, May 28, 1974
1:00 P.M.

B E F O R E:

JOHN F. X. IRVING, Chairman
GERARD A. DEL TUFO, ESQ., Vice Chairman
ARTHUR F. BROWN
ALAN J. CORNBLATT, ESQ.
JOSEPH DE MARINO
BESSIE G. HICKS
DOUGLAS COOK, Secretary
SENATOR THOMAS G. DUNN

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1 business and real estate business.

2 Q Do I understand, sir, that last year you were
3 a member of the Board of Freeholders of this county?

4 A That's correct.

5 Q In that capacity, did you have any special
6 interests or responsibilities having to do with the
7 Atlantic County Jail?

8 A Well, I was Chairman of the Courts Committee.

9 Q Would you like to share with us, sir, any
10 observations you have about the need of the jail in
11 this county and what recommendations would appear to
12 be in order?

13 A Well, Mr. Irving, as I possibly mentioned to
14 you on the phone yesterday morning when you called me,
15 I've been off the Board and away from the jail
16 problems now for five months, almost six months, and
17 I would rather my testimony, if you will, be sort
18 of guided by maybe some of your questions.

19 Let me just say that your committee, when we
20 concluded the end of last year, we were, of course,
21 during the year confronted with a Grand Jury pre-
22 sentment and the sheriff and undersheriff in charge
23 of the jail, along and in cooperation with our
24 committee complied with any number of those recom-
25 mendations and most of the others, to my knowledge,

1 were in the works; some of which, by this time, I'm
2 sure have also been complied with.

3 But the last duty that our committee had in
4 December was that we recommended in conjunction with
5 the recommendation by the Criminal Justice Planner,
6 that the Atlantic County Jail, the function of it,
7 the administration of it be turned over to the Board
8 of Freeholders for and should be actually operated
9 by a specialist in that field and not to be continued
10 under the jurisdiction of the sheriff because the
11 sheriff's duties by and large are so differential
12 from the operation of the jail, and that was our last
13 recommendation.

14 Q Yes, you may recall that the Grand Jury
15 presentment indicated -- and I'm quoting, "The Board
16 of Chosen Freeholders has in the past demonstrated
17 an apparent lack of concern," having to do with the
18 jail.

19 Is that a fair criticism of the Board?

20 A Well, of course, as I say, I was only a Freeholder
21 this one year, you know.

22 Q Yes.

23 A I don't know that that was an accurate observa-
24 tion. I know that last year our Freeholder Board was
25 quite active in the concerns of the jail, and even

1 you need to within one building.

2 A Mr. Chairman, that very well may be. I know, as
3 you pointed out, you do have prisoners that are there
4 for a certain period of time, you know, several weeks
5 or more, up to about a year, and then, of course,
6 you do have your people that are being held for
7 trial and don't forget also you have any number of
8 times, you have just regular citizens, out of state
9 citizens, for example, that get picked up on certain
10 charges and because of the time of night and so forth
11 and so on where they can't arrange release through
12 normal channels, they are in the jail, and if it
13 happens to be a weekend, it may be a day or two.

14 As far as the juveniles are concerned, to my
15 knowledge, it's a very rare instance when juveniles
16 get sent to the county jail, although it does happen
17 on rare occasions.

18 But, I think the jail is operated, however, on
19 some sort of a separation type basis. I could be
20 wrong, but the undersheriff or others would be more
21 accurate on that.

22 Q Do you have any knowledge of an incident
23 of a person locked up overnight who committed suicide
24 in the jail?

25 A I recall where sometime ago it seemed to me

1 Q Was it presented to your committee as the
2 Courts Committee? Was it the Courts Committee that
3 had the responsibility of the jails, overseeing the
4 jails?

5 A Yes, we did.

6 Q Was that brought to your committee?

7 A Yes.

8 Q In your tenure as a Freeholder, was it your
9 recommendation to the full Board of Freeholders, the
10 amount to be included in the budget?

11 A Well, the way it is worked in our county, the
12 entire Board in conjunction with the Department at
13 hand, in other words, in this instance, the Sheriff's
14 Department. The entire Board, along with the County
15 Treasurer and his staff, reviews with the entire
16 Board of Freeholders, reviews and rings the budget
17 out and accepts, rejects questions, and that's how.

18 Q In the budgets during your tenure, do you
19 know what percentage or how much money was allotted
20 in these budgets for the county penal system, for the
21 county penal jail?

22 A I don't recall actual figures, if that's what you
23 mean.

24 Q Percentages?

25 A Percentagewise as to overall county budget?

1 someone took an overdose of pills. My recollection
2 about that incident is that the jail used to dispense
3 pills to prisoners, not necessarily upon their
4 request, but if they felt that this sort of drug was
5 needed and I think, in practice among certain
6 prisoners was to store these and accumulate several
7 of these pills and take them all at once and sort
8 of get some sort of a high out of it, and I think this
9 individual was suicidal or took too many accidentally,
10 but that's my recollection to that.

11 Here again, don't take that as being that
12 accurate.

13 MR. CHAIRMAN IRVING: Thank you, I will
14 yield to Judge DelTufo.

15 EXAMINATION BY
16 JUDGE DEL TUFO:

17 Q You indicated that as a member of the Board
18 of Freeholders you were Chairman of the Courts
19 Committee. Was it the responsibility of that
20 committee to create or to recommend in the budget
21 what would be spent for the county institution, the
22 county penal institutions?

23 A Yes, the sheriff presented his budget, a portion
24 of which was the jail budget and it is, of course,
25 up to the Board of Freeholders to review that budget.

Siracusa - DelTufo

1 Q Yes.

2 A I really don't, but you could get that information.

3 Q In your tenure, did you feel any resentment
4 by the Board of Freeholders or other people in spending
5 money or incorporating money in the budge for the
6 jails or for rehabilitation programs?

7 A The year that I was Chairman of the Courts
8 Committee, we recommended any number of acceptances
9 of requests for funds for certain things that I don't
10 believe seemed to be too acceptable to the previous
11 Boards.

12 Q What were those items?

13 A We were very sensitive to a lot of their
14 requests, if not immediately at budget time, at the
15 outset, we went to emergency in any number of cases
16 and obtained funds for various improvements, you
17 know, physical improvements and what have you, and
18 programs.

19 Q And there was a resentment or hesitation as
20 far as spending in this area? I think this is
21 important.

22 A I agree.

23 Q If we are going to start rehabilitating,
24 we must get the populous and the Freeholders of the
25 county geared to spending money showing that it's going

1 to produce a return in the long run.

2 A Sure.

3 Q This is why I'm curious to find out what the
4 resentment was.

5 First of all, what were your recommendations
6 to the Board and where did the resentment come in?

7 A Let me say this. I recall the Sheriff, I recall
8 Sheriff Kern commenting, of course, there again the
9 first of this past year, and I was new on the Board,
10 newly elected, but I recall Sheriff Kern commenting
11 that over the years -- my questioning him about several
12 things and he said, John, I've been requesting this
13 or that or I have been asking for this or that and
14 I just can't seem to get the funds that in his opinion
15 he felt he needed for staff, mainly I think, and
16 other improvements.

17 You know, it's the responsibility and one of the
18 weaknesses. I think too, of the current Board of
19 Freeholders in that, you know, we're all supposed to
20 be experts in everything. After all, we are not.
21 And in this county, by the way, I don't mean to divert
22 from your question, but in this county at the present
23 time we have a Charter Study Commission studying
24 various improvements in our form of government and
25 it's a very needed change in Atlantic County government.

1 but, yes, I do recall the Sheriff asking for these
2 things. I do recall a certain amount of resistance
3 from the Board of Freeholders, not necessarily for
4 the Sheriff's Department, but I would say watching
5 the taxpayers' funds in all areas of government
6 spending.

7 Q Do you feel there was money available for
8 the county jail for rehabilitation programs in the
9 budget that could have been applied, in your opinion,
10 from your experience?

11 A That's difficult to answer because I don't really
12 recall. I may be wrong, I don't recall any specific
13 requests at this moment for rehab type of programs at
14 that time. I could be wrong on that because we did,
15 during my tenure as a Freeholder, we did review,
16 interview and eventually hire an individual that is in
17 charge of the entire rehabilitation program at the
18 jail.

19 So, that being the case, yes, that was in the
20 budget and that portion of it was approved because we
21 subsequently did hire the individual.

22 Q Before we ask the State to come in and spend
23 money, I think the State would like to know that the
24 county is spending the maximum that it can in this
25 area. In your opinion, do you think the county was

1 spending as much as they reasonably could for jails and
2 rehabilitation programs?

3 A I think at the county jail, I think at the moment
4 we have a more than adequate rehabilitation program
5 underway now.

6 Q What is the program that you have underway
7 now, the rehabilitation program?

8 A Well, don't ask me to get into specifics along
9 these lines because we have our rehab individual here
10 that can get right into detail with you. But this
11 individual was hired and handles the work release
12 program. As I recall, he handles the vocational pro-
13 gram of the inmates and several other areas.

14 CHAIRMAN IRVING: May I interrupt?

15 Senator Dunn is here, State Senator
16 Thomas Dunn, who, as you know, is Mayor of
17 the City of Elizabeth and I appreciate that
18 you can be with us.

19 Mrs. Hicks, do you have any questions?

20 MRS. HICKS: No.

21 CHAIRMAN IRVING: Sheriff DeMarino?

22 MR. DE MARINO: Yes.

23 EXAMINATION BY
24 MR. DE MARINO:

25 Q You're aware, of course, that the Sheriff

1 is set up by a constitutional office and it would take
2 a constitutional amendment to change his duties. You
3 say that last year the Freeholders, the Board of
4 Freeholders took under discussion the fact that they
5 were thinking of taking the jail away from the
6 Sheriff and then you made mention of the fact to put
7 it in the hands of the Freeholders, and I don't know
8 whether you said the professionals or some profession-
9 als or some professional. Would you clarify that?
10 You're saying the Freeholders should run the jail, is
11 that what you are saying?

12 A No. I think the Freeholders should stay out of
13 the actual administration and operation of the jail,
14 but I feel that the management of a jail and manage-
15 ment of prisoners per se, is a field to its own and
16 I feel that an operation of a jail should be handled
17 by experts in that field. This is my own opinion of
18 this, and this is the opinion of the Criminal Justice
19 Planner through our Courts Committee, and I agree with
20 that thinking.

21 Granted, if that is necessary and a constitutional
22 change must be met before the jail can be taken from
23 the jurisdiction of the Sheriff, of course, that's to
24 follow its own way, you know.

25 Q Let me ask you this. From your knowledge,

1 does the Freeholders, or do the Freeholders in anyway
2 get involved with the administration of the jail?

3 A I would say by and large, no. The only time --
4 in other words, we would get involved in the adminis-
5 tration through the channels, in other words, through
6 the Sheriff or through the Undersheriff. Directly,
7 no, of course not. But keep in mind, however, that
8 this past year in '73 there was a Grand Jury pre-
9 sentment and it was a very much read and hot issue in
10 the newspapers and all Freeholders involved were very
11 sensitive to the recommendations of the Grand Jury,
12 and not only were we implementing or attempting to
13 implement through the Undersheriff and the Sheriff
14 the changes that we felt were necessary, but also some
15 of those recommended by the Grand Jury.

16 Q Well, I'm sure you know in fact that the
17 Freeholders control all the monies and that no matter
18 what the Sheriff recommended, if he was not given
19 funds, they would be involved in the administration
20 of that jail?

21 A In that regard we were, of course.

22 Q As a Board of Freeholders, if you wish to
23 put a professional, someone in the criminology field,
24 someone in penal study, a professional in charge,
25 it wouldn't take any involvement at all and the Board

1 of Freeholders would now draw up the draft as to what
2 kind of an individual they were seeking, and making
3 the appointment on their own and that person could
4 have been the buffer between the Freeholders and the
5 Sheriff and perhaps could have evaded the Sheriff in
6 the administration of the jail. Were any steps like
7 that taken?

8 Let me see if I can clear it up.

9 You mentioned the fact that the Freeholders
10 discussed the fact of taking away from the Sheriff and
11 putting it in the hands of the Freeholders and letting
12 the Freeholders get a professional. I'm saying to
13 you that would have been a constitutional amendment
14 unless you have various means of changing the jail
15 to something that the Freeholders can pick the title
16 and then the Freeholders concern that. However, the
17 fact that they control the funds didn't stop the
18 Freeholders from going out and if they felt that
19 the jail was sorely in need of an administrator to
20 run the jail, they could have hired that person out-
21 right.

22 A You mean everything as is?

23 Q Right, and using that person to work with the
24 Sheriff.

25 A Yes, well, that's generally -- you used the term

1 taking the jail away from the Sheriff, that's not that
2 accurately worded.

3 You know, the alternative you just suggested is
4 one that I'm sure is more or less what we had in
5 mind. Here again, I'm not getting specific, because
6 I don't know that at this stage of this recommendation
7 that this was analyzed this closely. We just felt
8 that someone with penal expertise with a background
9 of that type of expertise over the years would be able
10 to much more accurately and much more efficiently
11 be able to run the jail. The Sheriff has enough on
12 his mind as it is.

13 Q That's what I'm concerned with. Has the
14 Board of Freeholders either last year or this year,
15 even though you're not a member, taken any positive
16 steps in that direction?

17 A No, I don't believe so, beyond the discussion
18 stage.

19 Q We're talking about Freeholders being
20 politicians and what is the feeling here between these
21 two groups politically and otherwise? Is there a
22 constant battle between Sheriff and Freeholders or
23 vice versa?

24 A No, I don't think so. You mean, for example, the
25 existing Board of Freeholders last year or this year

1 and the Sheriff's Department?

2 Q Yes.

3 A No, I don't think so. Listen, we've had our
4 differences, naturally, but I don't think anything more
5 than the usual differences. That, the Sheriff might be
6 able to answer that.

7 Q Let me ask you one more question, Mr.
8 Siracusa.

9 The Board of Freeholders, I assume, of the
10 county you were on must have vocational schools. Does
11 this county have any vocational schools?

12 A Yes, sir.

13 Q Are any other schools being used or what is
14 being used in the lines of rehabilitation, teaching
15 workshop or what?

16 A There is a rehabilitation work vocational program
17 with the inmates, yes.

18 Q Are you taking them from the jail to the
19 school or anything like that?

20 A I can't answer that. Whether it's in the jail or
21 whether it's out of the jail, I'm not sure.

22 Q Well, the point I'm trying to make is that
23 the plan itself would be totally possible to move a
24 workshop into the jail, but you could take the inmate
25 out of the jail and put him in a workshop, depending

1 on the seriousness of an individual.

2 A Sure.

3 MR. DE MARINO: Thank you.

4 CHAIRMAN IRVING: Mr. Brown, any
5 questions?

6 MR. BROWN: I'd like to reserve.

7 CHAIRMAN IRVING: Senator Dunn?

8 SENATOR DUNN: No.

9 CHAIRMAN IRVING: Mr. Cornblatt?

10 MR. CORNBLATT: Yes.

11

12 EXAMINATION BY
MR. CORNBLATT:

13 Q Very briefly, the present Sheriff is answer-
14 able, at least indirectly, to the Freeholders?

15 A The present what?

16 Q The present Sheriff is answerable to the
17 Freeholders, at least to the extent that they control
18 the pursestrings?

19 A That's right.

20 Q Are there anymore direct controls in Atlantic
21 County between the Board of Chosen Freeholders and the
22 Sheriff other than that power to grant or withhold
23 money?

24 A No, I don't believe so.

25 The Sheriff is an elected official and he operates

1 things the way he sees fit.

2 Q And it is to cure that defect, that it is
3 your judgment that at least an approach might be to
4 have the Sheriff not have direct responsibility as
5 head of the jail, but that some individual professional
6 should be appointed to maintain or to run the jail?

7 A That's right.

8 Q The present Warden of the Atlantic County
9 Jail is an Undersheriff, is he not?

10 A Is he an Undersheriff? I'm not sure.

11 Q Is the present Warden of the Atlantic County
12 Jail someone, and I believe I'm directly quoting
13 you, "With penal expertise and a background of penal
14 expertise over the years"?

15 A My recollection is that the Warden of the Atlantic
16 County Jail is a man that has been associated in this
17 work for many years and I would have to say that,
18 therefore, he very likely from practical experience
19 has a lot of expertise. If he's been updating him-
20 self in current methods and so forth, I really don't
21 know.

22 Q Do you know who he is?

23 A Yes, I know who he is.

24 Q But you're not certain as to whether he's
25 kept up with modern trainings?

1 A I'm not certain, no.

2 Q If he had, would he then be a professional
3 as you've used the term today?

4 A He could be that professional, I think here
5 again -- you see, I'm not this familiar in this area
6 or in this respect. My understanding of a warden in
7 many institutions, State institutions, anyway, is the
8 man who runs the jail and what have you. Therefore,
9 why should it not follow that a proper warden here
10 would be the man to handle this situation? I just
11 don't know. I don't know what you're asking,
12 specifically.

13 Q I'm trying to ask, Mr. Siracusa, whether or
14 not the person who is now running the Atlantic County
15 Jail meets the criteria that you've established for the
16 person who should be running the Atlantic County Jail?

17 A I'm not sure whether he does or not.

18 MR. CORNBLETT: I have no further
19 questions.

20 CHAIRMAN IRVING: Finally, sir, would
21 you give us any views you might have since
22 you've indicated that the Freeholders are
23 doing about what you think they can do, what
24 do you think the State of New Jersey ought
25 to be doing? Is it a matter of the State

1 coming through with money, with standards as
2 has been suggested in other documents, a
3 State bill of standards and enforced
4 standards? Does the State need to give
5 technical assistance or should we just stay
6 out of here?

7 THE WITNESS: Mr. Irving, that is a good
8 question. I really have not had time to
9 analyze the situation from that point of
10 view. I would have to say, I believe, that
11 I think we could use State help in the area
12 of expertise in a criminal justice area and,
13 of course, all counties these days, it seems,
14 can use State funds.

15 The name of the game today is we're
16 over-taxed and this and that and, of course,
17 as I said before, the Board of Freeholders is
18 very sensitive to this and that pressure from
19 the other side of the coin, unfortunately,
20 has resulted in a lot of what this gentleman
21 was commenting on the other way.

22 I do think the State should get them-
23 selves involved; just to what degree, though,
24 I can't be of much help.

25 CHAIRMAN IRVING? All right. Thank you

Cannon - Irving

1 very much for coming before us today.

2
3 R O B E R T J. C A N N O N ,

4 sworn:

5 EXAMINATION BY
6 CHAIRMAN IRVING:

7 Q Your name is Robert Cannon, sir?

8 A Yes, Robert Cannon.

9 Q And in 1973 were you the County Administra-
10 tor for Atlantic County?

11 A I was, Mr. Chairman.

12 Q And as County Administrator, did you have
13 occasion to do a study of the Atlantic County Jail?

14 A Yes, I certainly did shortly after the issuance
15 of the publication of the Grand Jury presentment,
16 just about simultaneously with its release.

17 Q I think we would all appreciate, sir, if
18 you would identify for us the needs for the jail as
19 you saw them, briefly, and make some recommendations
20 to us that you think might be helpful. I don't mean
21 you give us a speech for a half hour, but if you could
22 pinpoint the deficiencies, that would give us some
23 insights.

24 A Very good, Mr. Chairman.

25 I was commissioned, if you will, by the Board of
Freeholders shortly after the issuance of the Grand

1 Jury presentment to make a study and recommendations
2 for improvement of the jail, the Atlantic County Jail.
3 Let me say that the deficiencies and the problems
4 that were outlined in the presentment, I generally
5 almost without exception found to be true. Other
6 deficiencies existed which one may consider minor.
7 I considered some of them major that also existed in
8 the operation of the county jail.

9 To correct those deficiencies, it was my
10 recommendation in a request to the Board of Freeholders
11 dated September 7, I believe, asking their approval
12 and asking them to go ahead with this recommendation
13 of separating the operation of the jail from the other
14 functions of the Sheriff's Department and putting
15 in charge of the jail and the rehabilitation there a
16 qualified individual who had experience, criminology
17 and especially a significant background in social
18 behavior and all that related to the rehabilitation,
19 getting the inmates back into society.

20 That was my recommendation. No action has been
21 taken on it today.

22 Q Now, sir, do I recall that the Grand Jury
23 presentment indicated two basic problems as of 1973;
24 the one having to do with a certain confusion about
25 who does what at the jail and who should do what, and

1 the whole administration of the jail. And, secondly,
2 what the Grand Jury found a total lack of, and that
3 was a medical program. Is that your recollection of
4 the shortcomings?

5 A Yes, Mr. Chairman, those were two of them.

6 Naturally, the one that had to do with the line
7 of authority, if you will, and management terms, the
8 confusion that existed there, I verified this in that
9 the Warden, the Undersheriff and the Sheriff, of
10 course, seemed to assume duties. I found the Warden
11 functioning more in a clerical aspect, let me put it
12 that way, more frankly, and without devoting the
13 time, energy, etc., running the correctional officers
14 security aspects and exercising the custodial super-
15 vision that I'm sure the county jail desires.

16 The medical problem, of course, is one that
17 received publicity because of the drug related problems
18 that had existed, I believe, in the dispensing of the
19 drugs. It was my recommendation, I don't think it has
20 been followed, but it's my recommendation to increase
21 the dispensary of medical facilities, the doctor's
22 staff may be all right, but mainly my main recom-
23 mendation was to have the dispensation of drugs and
24 medication performed by nurses.

25 Q At the time of your study, who was dispensing

1 the drugs, sir?

2 A A correction officer or sheriff's officer as they
3 are called. There was a single nurse at the time and
4 she would give them to a correction officer who would
5 dispense them in the cell blocks and so on during the
6 specific times.

7 I think a nurse should do it, it was my
8 recommendation, my personal opinion.

9 Q Well, the Grand Jury found, did it not, that
10 one of the suicides resulted from an overdose of a
11 drug, which overdose represented several days accumula-
12 tion of drugs.

13 A Yes. I didn't investigate that, naturally, I took
14 the presentment of the Grand Jury as being a fact.

15 I could see how this could have happened at that
16 time. It's a matter of stockpiling. Some corrections
17 were made in that the amount administered, the
18 medication given to the inmates was checked. However,
19 the stockpiling then could occur by the sheriff's
20 officer who was making the disposition.

21 The last recommendation I recall, and I certainly
22 hope it's been accepted that I've made, that in fact,
23 the medication that was refused by inmates and not
24 used was returned to the dispensary and kept under the
25 medical security that was required.

1 Q Do I understand you to say earlier that
2 most of your recommendations were not accepted?

3 A Most of them -- well, the way I looked at the
4 problem, and I think the Grand Jury presentment was
5 very loud and clear on this, that it was a matter of
6 administration and management, the lines of authority
7 again, and that in fact, the hardware and facilities
8 also needed attention, but it was my belief and still
9 is that significant improvements in the lines of
10 authority, improvement of management and improvement
11 of custodial management in my opinion, should be taken
12 care of in that line first down.

13 Q The Grand Jury presentment indicates that
14 one male that escaped, which was the subject of the
15 investigation, made use of a torch to break out of
16 the jail and the breakout earlier this month occurred,
17 as I understand it, when inmates used a hacksaw to
18 open a hole in the top of one of the showers in one
19 of the stalls. How can that happen when you have
20 correction guards on duty? I would assume that there
21 is some noise level created by this activity.

22 Do you know, sir?

23 A No, sir. Now-a-days, I know what I read in the
24 paper and I accept that. I see that things like that
25 could happen and I think it's part of what I call the

1 security supervision and so on that perhaps there are
2 still deficiencies.

3 But, you're not going to prevent escapes one
4 hundred percent, but things of this sort should be
5 less seldom.

6 Q All right. May I ask you questions about
7 the medical program?

8 First, let me preface that whether in fact
9 your study did embrace the medical care program?

10 A Yes, it did, to that degree of matter of staffing
11 of the facilities to expound the number of nurses
12 working on it who administer the medication, also,
13 who perform the physical examinations that are required
14 for every inmate as he is admitted, which was also a
15 feeling as made part of the presentment. I'm sure
16 whether an adequate staff of nurses would function
17 there with a greater amount of coverage, and I would,
18 off the top, say something like 16 hours a day, per-
19 haps, certainly could cover the times of heavey
20 influx that they'd be of invaluable assistance there.

21 A nurse would work for a doctor, of course, as a
22 professional, and he would make the proper interpre-
23 tations both in medication and physical examinations.

24 Q I have one last question which you may or may
25 not feel qualified to answer, Mr. Cannon.

1 Do you feel the Freeholders are doing the
2 best they can in the way of budget and support for the
3 Atlantic County Jail?

4 A By way of budget, I'd have to say yes.

5 As a matter of fact, I believe the organizational
6 change was of prime importance to consider the lines
7 of authority; we'll get back to that, using that
8 expression, prior to any greatly expounded expenditure
9 of funds. This year's budget, there were significant
10 increases which I agree to in most cases. However,
11 it was my desire that the Freeholders take action
12 upon my request for action and also that the State
13 reports, the Department of Institutions and Agencies
14 by the way that the Freeholders and Sheriffs have
15 followed recommendations and details more closely,
16 and one of those has to do with security in the lobby.

17 He mentions the congestion of traffic and the
18 separation of visitors from inmates. I think that
19 should also be taken care of.

20 Q Do I take it that you feel the budgetary
21 support is adequate, that the county can now correct
22 the major deficiencies in the jail, whatever they may
23 be?

24 A I think they should have corrected the major
25 deficiencies in the administration first, and I think

1 they are belated in that.

2 Q Your testimony is that those have not been
3 corrected?

4 A To the best of my knowledge, no.

5 CHAIRMAN IRVING: All right. Judge
6 DelTufo?

7 EXAMINATION BY
8 JUDGE DEL TUFO:

9 Q Mr. Cannon, you were hired by the Board of
10 Freeholders after the presentment came down by the
11 Grand Jury, is that correct?

12 A No, no. I started as an administrator in 1972.

13 Q You were County Administrator?

14 A Yes.

15 Q You were asked to conduct this investigation?

16 A Yes, in addition to other duties.

17 Q So, the fact is you were requested by the
18 Board to conduct an investigation?

19 A Exactly.

20 Q Was this the only investigation of this type
21 conducted, to your knowledge, after the presentment
22 came down?

23 A After the presentment came down, to the best of
24 my knowledge, there was a study done by the criminal --
25 a Stockton intern, who did a study on classification

1 procedures, I believe. There was also in conjunction
2 with my study, there were also studies that had to do
3 with inventory control, monies, etc..

4 Q Besides being County Administrator at the
5 time, did you have any expertise in criminology or
6 penal study?

7 A No, I certainly did not, and I approached it with
8 an openmindedness and willingness to learn.

9 Q Basically, it was from an administrative
10 standpoint?

11 A Basically, yes. I did ask the State Department --
12 Mr. Jamieson was the one sent down to assist me and use
13 his expertise in this investigation which the State
14 complied with and worked with me for three or four days
15 on that aspect of it. He also gave me his set of books
16 to read.

17 Q It's your conclusion at this time that
18 basically most of the recommendations that you made or
19 most of the deficiencies found or existing at the time
20 have been corrected with the exception of a few, I
21 believe?

22 A Have not been corrected.

23 Q Have not been corrected.

24 Did you follow up and did you have any
25 responsibility to follow up to see why these corrections

1 were not made?

2 A I followed up my recommendations to the Board of
3 Freeholders. I followed up on them and I got no
4 response from the Board of Freeholders.

5 Q None whatsoever, was there any indication,
6 for example, that there was no money in the budget for
7 it?

8 A No, they didn't take any action on it, on my
9 broad recommendations.

10 Q How long have they had the recommendations?

11 A Since September 7th.

12 Q September 7th, 1973?

13 A That's right.

14 Q In your investigating the county penal
15 system, what did you find in the way of rehabilitation
16 programs in existence?

17 A The main thrust was administration and management
18 aspects of the thing, of course, which was a primary
19 deficiency pointed out in the presentment.

20 In the rehabilitation, I didn't get into that too
21 deeply, other than that it was associated with
22 security. If the physical layout is still the same,
23 I still think the security can be described as weak
24 in that area.

25 The social aspects of rehabilitation, I did not

1 feel qualified to get into, I did not investigate them
2 into depth other than at such things as outside
3 recreation, but the social good that was coming out
4 of it, I did not look into it, quite frankly. I stuck
5 to the administration and custodial supervision and
6 security aspects of the thing.

7 Q Was there any classification system in
8 existence at the time, or is there now for prisoners
9 when they come in? In other words, are they classi-
10 fied in anyway?

11 A That's another significant deficiency and I put it
12 in those terms because of my background.

13 Let's say July, a year ago, the classification
14 was a seat of the pants type of classification. I
15 don't think it was applied with the expertise and the
16 standards it should have been applied.

17 Q Did you feel that classification is necessary?

18 A I think it's necessary. Naturally, I don't think
19 whatever it was was unofficial and I used the term
20 seat of the pants because that maybe this was the case.
21 It may have happened. I did find out that there was
22 significant record errors. I single threaded, you
23 know, I'd take an inmate and name off a board off
24 of a roster or out of the card file and I'd try to
25 single thread those to find out what is the charge,

1 where is he now, and the bail and so on, and quite
2 frankly, I found a significant amount of errors in the
3 record keeping system, so that in many of my individual
4 investigations, single names, single threading as I call-
5 ed it actually armed out and I thought that was quite
6 serious, a quite serious matter.

7 If the records on an individual's life were not
8 accurate to the best degree -- that is a serious
9 matter.

10 Q To your knowledge, nothing has been done in
11 this area?

12 A This aspect, I don't know. I certainly hope there
13 are improvements in it.

14 Q What did the prisoners have in the way of
15 initial medical examination when they came in? What
16 did your investigation reveal?

17 A Naturally, I didn't look at all of those. I know
18 that many of them were delayed and they weren't com-
19 pletely taken at the time of admittance and that some
20 of the prescribed examination aspects, you know, blood
21 and so on, were perhaps not taken or belated.

22 Q Were any psychological or psychiatric
23 tests administered?

24 A Certainly not until a year ago.

25 Q Are you aware of any program for this type of

1 testing that exists now?

2 A It's my understanding that somebody in the
3 rehabilitation aspects of the -- I don't know, I'm
4 sorry.

5 Q All right. In the course of your investi-
6 gation, did you have an occasion to talk to and speak
7 with the inmates?

8 A Oh, yes, although I didn't interview them, so on
9 and so forth.

10 Q Where and under what circumstances did you
11 speak to them?

12 A Other than they'd talk to me, but there again --

13 Q Was it from the jail or were they brought to
14 you in a room?

15 A No, no, they weren't brought to me other than just
16 observing. My investigation wasn't along the lines
17 of interviewing, calling in to interview inmates. I
18 thought we had enough inmate input into the thing and I
19 didn't think it was necessary.

20 Q You did have some conversations with the
21 inmates?

22 A I could hear them, yes.

23 Q Did you hear the nature of their complaints?

24 A No. I don't know, I know they have talked about
25 food and I think this is an unwarranted complaint, but

1 basically, I didn't focus on the inmate problem.

2 Q Basically, your examination was from an
3 administration standpoint, the records?

4 A Yes, how the management could be improved and the
5 security, etc..

6 JUDGE DEL TUFO: That's all.

7 CHAIRMAN IRVING: Mrs. Hicks?

8 MRS. HICKS: No.

9 CHAIRMAN IRVING: Mr. DeMarino?

10 MR. DE MARINO: Yes.

11 EXAMINATION BY
12 MR. DE MARINO:

13 Q You were a County Administrator in 1972, is
14 that right?

15 A Yes.

16 Q That's when you started?

17 A Yes.

18 Q Are you presently?

19 A No, no.

20 Q You were there '72-'73?

21 A No.

22 Q Were you hired for that specific job?

23 A County Administrator, yes.

24 Q Tell me briefly, just what is your background
25 and your profession? You admit that you have no

1 experience whatsoever in the investigation that you
2 conducted, am I correct?

3 A Of penal systems, yes.

4 Q Penal systems, yes, so that means all your
5 background --

6 A It's managerial oriented and engineering.

7 Q You were brought on in 1972?

8 A Yes.

9 Q Is the political structure in Atlantic County
10 the same then as it is today?

11 A I should say similar, yes, although, of course,
12 different parties.

13 Q Different parties either the Democrats are
14 in now and the Republicans then or vice versa?

15 A Yes, but the actual relationship to a jail is still
16 the same.

17 Q The point I'm trying to bring out, you don't
18 have to answer any of my questions if you don't want
19 to, and just say so if you don't want to.

20 The fact is that you were hired in '72 and
21 dropped in '73, that means that it was a political
22 reappointment in '73, a party change?

23 A No, no. Actually, I resigned by the flurry of
24 activity.

25 Q All right. As a County Administrator, you

1 had other duties?

2 A I certainly did, yes.

3 Q Did you have this by design or did they just
4 wish this particular job?

5 A First of all, it's a political hot potato, let's
6 face it.

7 Q That's the point I'm looking at.

8 Now, because there was something that was in
9 the wind for an investigation or a Grand Jury was
10 probably already in action, started, then at that time
11 the Board of Freeholders appointed you, but gave you
12 this particular job and said short circuit it out?

13 A In addition to my other duties?

14 Q This wasn't your designed purpose?

15 A No, it was a special project and, of course, a
16 significant one.

17 Q Then, of course, you had time against you
18 also because I'm sure there was a period of time that you
19 had to come up with some facts?

20 A Oh, yes, certainly. On what I did, no action was
21 taken.

22 Q If I read you right, you just beat the Grand
23 Jury presentment, meaning that you just finished your
24 report and perhaps a month or two later came the --

25 A No, no. Let me clarify that. The Grand Jury

1 presentment was publicized by Judge Horn. I think he
2 had something to do with it early in July and, as a
3 matter of fact, simultaneously the day before or the
4 day after, I was appointed to go out and rectify those
5 conditions.

6 Q Exactly.

7 A My report was two months later. I spent July and
8 August of last year doing this.

9 Q But in July there was a discussion that a
10 Grand Jury --

11 A No, no. Their report was being made public,
12 their presentment.

13 Q In other words, then the Freeholders, as a
14 result of the finalization of the Grand Jury matter,
15 they then assigned you to go out and look into it?

16 A Oh, certainly, yes. And, of course, naturally
17 under the charter of Administrator, I have all other
18 duties that the Freeholders give me and certainly it was
19 within their power to do that.

20 Q Let me ask you this. You don't have to answer
21 it, though.

22 Would you consider yourself in this particu-
23 lare assignment as a buffer between the presentment and
24 the pressure that might have been brought on as a
25 result? You don't have to answer, if you don't want.

1 A I'll answer. I don't think so, no. I approached
2 it very objectively with no commitments. I wrote what
3 I thought -- I'll tell you why I did that.

4 I had a comparison, I learned a lot about penology
5 and inmates.

6 Q With no prior experience.

7 A With no prior experience, okay, but then I could
8 compare it to the health field in government insti-
9 tutions, and entities and education in which case they
10 have used the professionalism and career progression
11 and appointed officials, well paid for these important
12 aspects of society, and I thought it was certainly
13 applicable to the incarceration and rehabilitation of
14 citizens. That was my reasoning behind it.

15 Q Mr. Cannon, you mentioned Mr. Jamieson, is
16 he from the --

17 A Corrections Division or something.

18 MR. COOK: He works for the Bureau of
19 Management in the Division of Corrections and
20 Parole.

21 Q Would you say that the questions which you
22 were probably reserving the answers for were the same
23 as those probably issued for the State out of the
24 I.N.A.?

25 In other words, if you had no experience

1 and went to him as the experienced person, I assume --

2 A Yes.

3 Q -- and he gave you a format that, more or
4 less, the State had --

5 A I don't know whether he followed a format. If
6 you're getting the point, certainly guidelines and
7 standards would be required to be enforced. That would
8 be one alternative to the total problem in the State.

9 Now, how he helped me, it wasn't in the lines
10 of authority aspect, they are more the county problems,
11 but he helped me significantly, specifically in the
12 jail operation, custody, cleanliness, prisoner control,
13 etc., and he pointed out -- also security, he pointed
14 out many of the standards that he used and showed
15 the violations or the deficiencies that we were oper-
16 ating under, and he also made recommendations.

17 Q One final question.

18 Did you have any recommendations towards
19 budgetary support? In other words, in your recom-
20 mendations, if things had to be done, did you stick
21 to it by putting dollar signs by any of those that
22 you recommended?

23 A To put it one way, you know, I think the basic
24 problem was not taken care of by throwing money at it.
25 I don't think it's going to be solved by throwing

1 money.

2 Q Did you have anything to do with the prepara-
3 tion of it?

4 A This is '73?

5 Q '73.

6 A '73 I did, yes.

7 Q Whether they be the food problems, the
8 medical problems or the classification of inmates?

9 A In '73 I really forget the amount of increase,
10 some of my recommendations would be reflected in
11 there, some were cut out by the Freeholders.

12 Basically, I had a present budget hearing with
13 Sheriff Kern and his people, and then it's presented
14 to the committee on the Board of Freeholders. Some-
15 times you hear the committee and sometimes you hear
16 the total Board, but at any rate, to the best of my
17 recollection, in '73 there were further cuts made in
18 my recommendations, but not significant and perhaps
19 not significant to the problem at hand.

20 Q Cuts, nothing added?

21 A I don't recall, no.

22 MR. DE MARINO: That's all I have.

23 CHAIRMAN IRVING: May I say to the
24 members of the Commission that Dr. Charles
25 Wilson who is a present member of the

1 Board of Freeholders will be with us
2 tomorrow morning at 10 o'clock and we could
3 talk to him, I would suggest, about the
4 current budget, at least.

5 Mr. Brown?

6 MR. BROWN: Yes, I have a few questions.

7 EXAMINATION BY
8 MR. BROWN:

9 Q Mr. Cannon, in relating to the budget of
10 1974 on page 45A, do you have a copy?

11 I would like him to have a copy.

12 It's almost the third page and it would be
13 listed on the bottom of 45A. The title is Sheriff's
14 Department Jail, salary and wages form, and it shows
15 '73 adjusted appropriated figure and a requested amount
16 for 1974. I'd just like to talk about the possibility
17 of recommendations.

18 In your study, had you an opportunity to
19 speak to either Warden Howell or Sheriff Kern in
20 relation to the anticipated funds for the operation of
21 the county facility, namely the jail?

22 A During the period I was specifically associated
23 with this?

24 Q Yes.

25 A No, that was another process that came later on.

1 Q All right. Then, during the other process,
2 had you an opportunity to speak to either Warden
3 Howell or Sheriff Kern in relation to anticipated funds?

4 A In relation to anticipated funds, in relationship
5 to their request, yes.

6 Q In relation to their request. I notice a
7 figure here, it may not have come to your attention,
8 but maybe you can explain it. You mentioned before
9 the possibility or you suggested, I think, that the
10 Warden was, in your impression, I may be taking your
11 exact statement out of context, and if I am, correct
12 me, was more or less only an administrator to the
13 administrative practices of the jail.

14 A Now, the way I put it, a significant portion of
15 his duties were related to clerical and timekeeping,
16 that's where he spent considerable time at. I thought
17 this was something that should be delegated to the
18 proper category and a warden should be a warden.

19 Q Did you know offhand approximately how much
20 the Warden had been granted in the budget or approxi-
21 mately what his salary was?

22 A Yes, I was aware of it, it was amazingly low and
23 it may show here, I think it was in the order of
24 \$9,000.

25 Q I notice in the '74, which of course, I can't

1 question you about '74 because you had already, through
2 your own statement, resigned, but in your opinion,
3 how do you justify the fact that a junior I.D. officer
4 possibly could make a thousand dollars more than the
5 supposedly administrator of the jail, namely the
6 warden and the figure they show here is \$10,759.

7 A I think Sheriff's officers were sometimes getting
8 more than the Warden, but certainly more were paid
9 higher.

10 Q To your knowledge, was the Warden actually
11 hired by the Sheriff or was he hired by the Board of
12 Freeholders?

13 A I don't know.

14 Q You don't know. You mention also about the
15 fact of the security of the jail and that it was weak.
16 Could you explain how you felt that the security was
17 weak?

18 A Well, I thought the condition in the main lobby --
19 and I don't have a diagram, I can't show you what I
20 meant, but there was a significant amount of traffic,
21 not only inmates, but visitors and all sorts of people
22 that I thought it was congested, overly congested at
23 times.

24 The security barrier, the electric gate, of course
25 was functioning back and forth, sometimes quite rapidly

1 and after opening, it no sooner gets shut. I thought
2 in the area of the old jail, where the rehabilitation
3 vocational school and some things were carried on, I
4 thought there was a significant weakness in security.
5 I could well imagine someone being taken a hostage in
6 the area.

7 Q You mean that there are other facilities that
8 they have in your impression more efficiently operated?
9 Are we talking about the process where the inmates are
10 taken for booking?

11 A That all happens during the general area of the
12 lobby, that's probably not the right term.

13 Q Do you have any idea of how many inmates
14 the jail housed?

15 A I know that the daily count in the time I was
16 there, I think it was from a low of 130 to roughly
17 167.

18 Q And during --

19 A 170, excuse me.

20 Q During the course of the daily counts,
21 the yearly figure would be approximately what, at that
22 amount of traffic?

23 A I don't know, you better get somebody with the
24 figures on that. I could multiply it, I guess. This
25 was a matter of record keeping.

1 Q Just take an estimated guess, an educated
2 guess?

3 A An average count, I really don't know. I didn't
4 make any statistical analysis of it.

5 Q Getting back to the congestion and security,
6 did you make a recommendation that would help alleviate
7 the problem of the bad security in your report? I
8 just received a copy of your report and I haven't
9 really had a chance to study it.

10 A No. Actually, to the best of my recollection,
11 it's not in my written report. However, it was, I
12 believe, in Jamieson's report. Certainly verbally he
13 recommended some separating part of that lobby near
14 the elevator so that the inmates wouldn't get into
15 the sergeant's desk area, also recommended, in fact,
16 a shift sergeant be located in the controlling room
17 where he has control and all the communications
18 necessary in the jail and things of this nature related
19 to security and improved operations. I believe it
20 may have been in Jamieson's report, I'm not sure.

21 Q The deficiencies in relation to the clerical
22 or the booking procedures or the record procedures, as
23 you put it, what were some of those deficiencies actually?

24 A Well, many of them had to do, of course, with a
25 matter of names, names were confused. The charges were

1 sometimes inaccurate, certainly in the matter of
2 prisoners accounts, money. In other words, when they
3 used to buy tobacco and things -- I forget the term.

4 Q Storekeeper?

5 A Storekeeper, if you will, or some other name.

6 Q Was the storekeeper actually an employee of
7 the county?

8 A Sheriff's office, yes, but, of course, there is
9 a storekeeper. There is one that has charge. I forget
10 the names.

11 Q Of the inmate sales?

12 A That's the Sheriff's officer. There were
13 inadequacies in that count, I know they have been
14 corrected.

15 Q Did your report reflect the amount of
16 inadequacies?

17 A No. I make reference to other reports that were
18 going on at the same time, the Treasurer's report and
19 so on, I substantiate them by personal knowledge and
20 working there.

21 Q Did you recommend the C.P.A. or a county
22 treasurer?

23 A I certainly recommended some sort of chief
24 bookkeeper, a title of that nature, whether it be an
25 accountant, I certainly hope somebody that had that

1 background to centralize and take care of all these
2 clerical accounting details, yes. That one has been
3 implemented, I understand.

4 Q And the almost next to the last paragraph of
5 your report is this, the two pages, the details of
6 your report, is this it?

7 A Yes.

8 Q It says here, "The administration of the
9 jail is only one of the responsibilities of the
10 Sheriff and I am of the opinion the transferring the
11 responsibility for its operation directly to the
12 Board of Freeholders acting through a qualified and
13 effective warden".

14 This recommendation was made in relation to
15 a basic transfer of the operation, a responsibility
16 from the Sheriff to someone else, is that correct?

17 A That's correct.

18 Q To your knowledge, when was the Criminal
19 Justice Planning Council inaugurated?

20 A Probably in my time, the Criminal Justice what?

21 Q The Criminal Justice Planning Council or
22 Advisory Board, prior to your coming in?

23 A Certainly prior to my coming in.

24 Q Had you discussed the transfer of responsi-
25 bility with anybody from this Planning Council or

1 Planning Board?

2 A No. If you read the report, I recommend that the
3 Freeholders certainly consult with them prior to them
4 taking action on it on a matter of this significance
5 and magnitude.

6 Q Transferring the responsibility to the
7 Freeholders would accomplish exactly what, if your
8 estimation, because you had mentioned earlier that
9 you made recommendations and apparently none of them
10 had been taken care of, so therefore, in your report
11 you're making reference to a transfer. What do you
12 think would happen if they took over the responsi-
13 bility?

14 A Let's look at it this way. There are many alter-
15 natives that can be taken when you take over a study
16 and make recommendations of this sort. I was proposing
17 to the Freeholders what I thought was the best one,
18 which was, of course, of great magnitude.

19 Q I'm not questioning your judgment. I want
20 you to try to relate, if you can, to how you feel the
21 Board of Freeholders could best serve the interest of
22 the taxpayers in relation to replacing the responsi-
23 bilities of the duties of the Sheriff? In other words,
24 you're taking it out of one pot that hasn't done
25 anything, according to your testimony, and recommending

1 putting it into another pot who you made recommenda-
2 tions to and nothing has been done about it.

3 A This was arranged and I wouldn't get into too
4 much detail.

5 I use the term qualified person and I hope they
6 would be interested in its career and career pro-
7 gression. This would be part of the background and it
8 wasn't for the matter of an election or part of
9 a passing fancy, it's part of his career and, therefore,
10 he would exercise the efficiency and do his best in a
11 professional way to make a go of that assignment that
12 he'd have.

13 Q How long has Warden Howell been a warden of
14 the jail, to your knowledge?

15 A I don't know, it's a matter of years.

16 Q A matter of years?

17 A Yes.

18 Q Do you feel if he had been given an oppor-
19 tunity for learning the progressive methods of jail
20 operation or he had been indoctrinated into using the
21 methods used, that he could continue under the Board of
22 Freeholders?

23 A I don't know the nature of the upgrading or self-
24 improvement efforts he may have taken, but the attitude,
25 the organizational attitude of the jail and the

1 experience and what he had been doing relegated him so
2 that I don't think he could ever be effective as the
3 warden in that position.

4 In other words, he was by-passed and very often he
5 was acting as a clerk, as I said. I don't see how he
6 could in the same situation, same environment, same
7 facility, be effective.

8 Q One more question I'd like to ask you.

9 A report was done by Institutions and
10 Agencies in 1974. There was also one done in 1973
11 and it entails about seven pages and it was done by
12 one of the staff members, James Finn. It's approxi-
13 mately seven pages.

14 A I'm not aware of it.

15 Q You've read it?

16 A No. 1973?

17 Q Yes.

18 A I don't think I was aware of its existence.

19 Q On your report, how long did you state that
20 it took you to complete this report?

21 A I spent about two months out at the jail.

22 MR. BROWN: Thank you.

23 THE WITNESS: I have significant back-
24 ground data.

25 CHAIRMAN IRVING: Senator Dunn?

1 SENATOR DUNN: Thank you.

2
3 EXAMINATION BY
4 SENATOR DUNN:

5 Q What is your position now?

6 A I'm a citizen, I don't work for the county any
7 longer.

8 Q You did resign?

9 A I did resign.

10 Q The two page report, did it play any role in
11 the resignation of your position?

12 A General frustration that no action was taken, no
13 answer yes or no, but it's a minor part, but certainly
14 a part.

15 Q Mr. Cannon, I had some experience one time
16 in another county jail and because of it I just want
17 to ask you this question.

18 In your study did you make a study of profits
19 of merchandise sold to prisoners such as candy bars,
20 things of that nature?

21 A A person of the Sheriff's office did at the time.
22 I forget the results, it was nothing significant.

23 Q In other words, the type of merchandise I'm
24 talking about is sold by the prisoners.

25 A Generally there was no excess profitmaking.

 Q For the study that you made, were you paid over
 and above your salary as County Administrator for that?

1 A No.

2 Q You were appointed by the Board of Freeholders?

3 A As a specialist, yes.

4 Q Mr. Cannon, my last question. Were you given
5 a written specification as to what your study for the
6 Board of Freeholders was to encompass?

7 A Yes, I was given a letter from Mr. Gasko, it was
8 specific enough, yes.

9 SENATOR DUNN: Does the Chairman have a
10 copy of that?

11 CHAIRMAN IRVING: I do not have.

12 SENATOR DUNN: All right. That's all I
13 have.

14 THE WITNESS: I was given another one
15 later on amplifying the scope of the study
16 to include other departments, other aspects
17 of the Sheriff's Department, you know, but we
18 never got beyond step one.

19 SENATOR DUNN: That's all I have.

20 CHAIRMAN IRVING: Mr. Cornblatt?

21 EXAMINATION BY
22 MR. CORNBLATT:

23 Q Was it suggested to you by any Freeholder or
24 anyone else either in writing or verbally that a part
25 of your recommendation would include a recommendation

1 that the Freeholders have more direct control over the
2 jail?

3 A Please repeat that?

4 Q Well, the recommendation that you've made or
5 one of the recommendations that you've made is that the
6 Sheriff's Department should be separated from operation
7 of the jail, if I understand you correctly.

8 A That's correct.

9 Q Was that suggested to you by anyone?

10 A Other than that I knew that it had been taken by
11 other counties, no.

12 Q It's done by other counties? Do you know
13 where?

14 A Mercer County. I visited Mercer County for one
15 thing, all right?

16 Q And it's your understanding that the Mercer
17 County Board of Freeholders operates their jail?

18 A It may have some other title, Superintendent of
19 Correction, I believe, a fellow named Beane. If I
20 recall, I also spoke to him and the Warden of the
21 jail and so on.

22 Q The concept of separating the jail from the
23 other functions of the Sheriff's Department, you're
24 the second witness that's testified to that. I'm not
25 exactly certain that I know what that's intended to

1 to accomplish.

2 You indicated that in your judgment, Warden
3 Howell would not be an effective warden. Could you
4 accomplish what you want to accomplish by having an
5 effective warden or undersheriff or has a crucial
6 recommendation been made, that is separation of the
7 jail from the other functions of the Sheriff's
8 Department?

9 A Yes, sir, I think that's a major point. I'm not
10 talking permits or as to who it would affect.

11 Q I don't understand, frankly, why or what
12 would be accomplished by that transfer. Perhaps I'm
13 just dense, but if you could enlighten me, I would
14 appreciate it.

15 A All right. I might use the comparison with the
16 health institutions of this county and state and local
17 government of this county where they have developed
18 career professionals for these things and, in fact,
19 that are appointed and they get the professional into
20 it and out of the election process. I think the same
21 thing should be applicable to the citizens who are
22 incarcerated and supposed to be rehabilitated by our
23 penal system.

24 Q The present wardens who in most counties
25 are undersheriffs, they don't run for office?

1 A No, but they are appointed at the pressure of the
2 Sheriff.

3 Q So, the question is whether they are going to
4 be appointed by an elected Board of Freeholders or an
5 elected Sheriff, isn't that true?

6 A That is true, but, of course, the Board has more
7 continuity. Reflecting as a large Board, they are
8 seven people reflecting the will and the policies that
9 the electorate wants, but with the independent hope
10 they give the Warden running the county jail, they are
11 just giving him the broad policy guidelines that he
12 should function under and I think his professionalism
13 and his interest in the career, etc., and the interest
14 in the inmates would certainly be more beneficial.
15 You'd get more back for the buck out of the whole
16 thing, I'm sure that would be part of his role if you
17 had the proper person. And that's who you would hope
18 you'd have in these professional ranks.

19 Q Is there any inconsistencies in electing a
20 person of the jail?

21 A Of course, the Sheriff has to get re-elected him-
22 self. It's a constitutional officer, an elected
23 official. However, the Undersheriff is appointed at
24 his pleasure, and if we expect another Sheriff would
25 have the authority and the will and so on to change

Cannon - Cornblatt - Hicks

1 his staff.

2 Q All right. Would you anticipate getting a
3 person to run your jails of the caliber that you des-
4 cribed for the kind of salary that you've indicated you
5 paid?

6 A Oh, certainly not.

7 Q So, that salaries would have to be increased?

8 A Oh, yes.

9 Q Would it be fair to say that if the salaries
10 would be increased and more attractive to wardens,
11 if you follow it.

12 MR. CORNBLETT: No further questions.

13 CHAIRMAN IRVING: Mrs. Hicks?

14 EXAMINATION BY
15 MRS. HICKS:

16 Q You keep mentioning wardens not being
17 qualified.

18 A I didn't say qualified, I don't think he could any
19 longer be effective.

20 Q What do you base your evaluation on?

21 A Personal opinion, personal opinion and in just
22 observing the operation where he had been relegated to
23 sort of minor, secondary duties for a significant
24 portion of the time.

25 Q Who actually runs the jail, the Sheriff or the

1 Warden?

2 A Between us, I think the Undersheriff, if you ask
3 for one significant person.

4 MR. HICKS: No further questions.

5 CHAIRMAN IRVING: Sheriff DeMarino?

6 EXAMINATION BY
7 MR. MR. DE MARINO:

8 Q Mr. Cannon, the Senator asked you what
9 factor this played in your resignation.

10 A A minor factor.

11 Q Were there other specific jobs assigned to
12 you by the Board of Freeholders where you made
13 recommendations and no action was taken?

14 A The answer is yes.

15 Q It seems to me, and I look at my background
16 that sometimes the best job can't be done because of
17 the interference, either politically, whether it be
18 the Sheriff, Freeholders or whoever is involved. And
19 the second question I want to ask you is this, did the
20 Freeholders or anyone who was in authority at that
21 time use or hide behind your report, inasmuch as to
22 say for a fact that questions that came out of the
23 Grand Jury presentment are now a hot issue. Did the
24 Freeholders then in turn state we assigned our County
25 Administrator to the specific duty of looking into that

1 matter and his report is forthcoming and you went
2 through your two month period of time in which time
3 you submitted a report and to talk to you? You seem
4 sincere in that you put a lot of effort into it. You
5 said it had a minor factor in the part that you
6 resigned. The thing I want to bring out is, was it
7 used after the Grand Jury presentment as a means that
8 we did take some kind of actions as either the Board
9 of Freeholders or assigning a County Administrator?

10 A It served that purpose. I don't know whether it
11 intended to.

12 Q Other than that main purpose, your report
13 just went dormant, it went dead and nothing was done,
14 to your knowledge?

15 A That's right.

16 SHERIFF DE MARINO: No other
17 questions.

18 MRS. HICKS: I have one other
19 question.

20 Did you make any provisions in
21 your report for upgrading employees or any
22 sort of affirmative action within the confines
23 of the institution with the employees?

24 THE WITNESS: Of the employees?

25 MRS. HICKS: Yes. You're

1 talking about qualifications, I am becoming
2 qualified and I'd like to know if you made
3 any provisions for training your employees
4 in order for them to become upgraded?

5 THE WITNESS: Actually, the 68 per-
6 sonnel had already started on an upgrading
7 thing, you know, training and so on that I
8 think was highly commendable. I didn't look
9 into it in depth, but it certainly was a
10 change from prior times, and it certainly
11 wasn't one of the biggest problems we were
12 facing at the time. They had embarked on a
13 self-education program and I just let it go
14 at that.

15 MRS. HICKS: And during your investi-
16 gation, how did you find the morale of the
17 employees?

18 THE WITNESS: There was a morale problem,
19 that was my personal opinion by conversations
20 with employees out there, and observations.

21 MRS. HICKS: Did you make any comment
22 or recommendations on that?

23 THE WITNESS: I forget. I think a
24 separation would improve the morale in that
25 they were all Sheriff's officers, both in

1 start talking about rehabilitation, that covers a lot
2 of things.

3 My own personal opinion, rehabilitation is trying
4 to keep people incarcerated busy, keep them occupied.
5 I learned this with juveniles and I tried to do the
6 same thing with adults.

7 Now, if you don't have decent facilities or
8 enough ground to work with, which we don't have, it's
9 hard. We need some outdoor recreation more than
10 anything else. We have an outdoor rec area, they
11 call it. You don't know how hard it took me to get
12 a fence around there, and we have a basketball court,
13 volleyball court and we have indoor game rooms,
14 television sets and that all comes from the commissary
15 funds.

16 When Mr. Cannon talks about Warden Howell, he
17 has charge of prison labor, commissaries, complaints
18 by the inmates who are there in the jail. He makes
19 his rounds throughout the jail and he's got a 24 hour
20 a day job, which he puts in 8 and then he's finished,
21 but he's on call along with Sheriff Cartier.

22 When I first became Sheriff back in '69 of
23 November, there was an Undersheriff there by the name
24 of Smith. He was over Warden Howell. Undersheriff
25 Smith retired back in '72, about March of '72.

1 I gave Warden Howell the opportunity to see if he
2 could operate the jail on his own, along with the help
3 of the sergeants and the people who worked under him.
4 That went along for about four or five years, four or
5 five months -- excuse me. During my tour while he
6 was at the juvenile home, I came in contact with Under-
7 sheriff Cartier up in Annandale and I knew of his
8 workings up there. I finally persuaded him to come
9 with us as Undersheriff in place of Smith, because
10 programs came where we kept adding on, adding on, and
11 the place was originally built for 186 people. It's
12 ten years old today and I made the statement four years
13 ago that was obsolete before they opened the front
14 door, and since then we've had any number. Our house
15 count last year was 165 inmates per day. That's an
16 awful lot of inmates, prisoners, whatever you want to
17 call them, in an institution which is classified as
18 county, which is also supposed to be a small county,
19 but there is no comparison when I go to other counties
20 and ask and talk to different people regarding their
21 headaches and every jail has the same problems and they
22 are going to have the same problems as long as they
23 have jails, and they better have jails, too.

24 I hear a lot of talk they're going to eliminate
25 jails and prisons, but God forbid. I hope it never

1 the jail and offices. They had differences
2 of hours of work, etc., and I forget the
3 details, but basically, assignments in the
4 jail weren't as good as being a Sheriff's
5 officer in the other departments.

6 CHAIRMAN IRVING: I want to thank you for
7 coming as an interested citizen and helping
8 us.

9 May the Commission now hear from Sheriff
10 Francis J. Kern, please.

11 S H E R I F F F R A N C I S J. K E R N,
12 sworn:

13 EXAMINATION BY
14 CHAIRMAN IRVING:

15 Q Sheriff, would you state your full name,
16 please?

17 A Francis J. Kern, K-E-R-N.

18 Q Do I understand that you are the duly elected
19 Sheriff of Atlantic County?

20 A Yes, sir.

21 Q How long have you been Sheriff in this
22 county?

23 A Four and a half years, 1969, November.

24 Q Four and a half years, and prior to that, did
25 you have responsibility in a juvenile facility?

1 A Yes, Superintendent of Atlantic County Juvenile
2 Detention for 24 years.

3 Q Based on that number of years in working first
4 with juveniles and now with adults, do you have any
5 impressions about whether our correction system is
6 correcting or whether we have a major problem?

7 A We have a lot to be desired, to start with. We
8 need a lot of help, and the only way I can see it at
9 the present time is from the state or federal govern-
10 ment.

11 When I first became Sheriff, I inherited an awful
12 lot of things over there, but we began to work on them
13 and things got better. Say in November, we had a
14 rehabilitation program started and, it still is in
15 existence after four years. No matter what some people
16 might think, it's been very helpful to us, not only the
17 inmates, but also to help in the jail itself.

18 We have basic education, sewing classes for women
19 and also for men we have building, maintenance and
20 repairs and we have work release programs which has been
21 in existence for two years. All that didn't happen
22 overnight. All this took a lot of doing, a lot of
23 headaches, a lot of hard work and a lot of hard knocks.

24 I think I'd put our jail up against any in the
25 state as far as rehabilitation has gone, but when you

1 comes. My biggest headache and one of the things that
2 bugs me more than anything else is seeing kids, they
3 were, and now I see them in jail blocks. I saw them
4 in the juvenile homes. I feel because I've helped
5 thousands of kids, 15,000 I venture to say over a period
6 of 24 years, and not all of them are good, they never
7 will be, but you better have jails for the ones that
8 think they are somebody else, and better than anybody_
9 else, and we better start looking out for our correction
10 officer and the public.

11 Now, we keep talking about incarceration, put them
12 in jail, throw him in jail. It's not that simple or
13 easy. You gentlemen probably know you're going to learn
14 a lot more as you go around the state, but I'll say
15 this, every county in this state has the same problems
16 and we all have the same problem, but never are any two
17 alike. We all have different structures and we all have
18 different programs. We started our program and we've
19 gone a long way and I'm very happy. If we wouldn't
20 be utilizing part of the old jail, I don't know where
21 we'd be today with our rehab program. You hear a lot
22 of people say rehab, what does that mean?

23 Well, we're not going to rehabilitate somebody who
24 doesn't want to be rehabilitated, that's for sure.
25 They feel that they have everything coming to them

1 and that we've been giving them a lot of things. I
2 think we better start drawing the line, because every-
3 time somebody blows their nose, somebody is running
4 with a handkerchief for them.

5 There is a lot of time that some of these people
6 are put in jail and they don't belong there, I'll grant
7 you that, but by the same token, we don't pick them up
8 and put them in jail, we take them from the police
9 officers who bring them there. Some of them lay around
10 for a long period of time waiting to go to court, but
11 since we've had our 10% bail bond released, which has
12 been a tremendous help to us, we would probably have
13 over 200 inmates in our jail.

14 We have a work release program and I venture to
15 say, second to none at the present time and we have
16 one of the best men in the country, as far as I'm con-
17 cerned, operating it in Joe Wagner. Now, our Under-
18 sheriff has been doing a real good job over there, but
19 everytime something happens in the jail, Kern gets
20 blamed for it.

21 When they used the acetylene torch two years ago,
22 it was Kern's fault. This happened 3 o'clock in the
23 morning, I guess they must think I sit out there and
24 watch every minute of the day and night. But the
25 newspapers, they build it up and they sell papers and

1 they've got a job to do and so do I, but by the same
2 token, I can't be everywhere.

3 Now, we have all kinds of programs going and I
4 wouldn't be afraid to put our county up against any-
5 body, but when they start talking about taking the
6 jail away from the Sheriff, they can have it with my
7 blessings, but let me say this. They are going to have
8 the same problems and it's going to be the same thing
9 no matter whether the Sheriff has it or the Board of
10 Freeholders, they still have one man in charge. He's
11 going to have to go to the Sheriff or the Board of
12 Freeholders. The Freeholders aren't going to be there
13 everyday either. When you talk about money, we've been
14 putting money in the budget asking for it, requesting
15 it. Nothing happened. Well, I won't say nothing,
16 a few things happened when they came up with the Grand
17 Jury presentment. They couldn't do enough for us.
18 We got all the things done plus a few others that we
19 had asked for after the Grand Jury presentment came
20 out. If they had done it a little bit prior to the
21 presentment, things might have been different, but you
22 have people who commit suicide, attempted suicide and
23 you have people taking overdoses of pills, and now they
24 are taking it in liquid form.

25 We still don't have a full time doctor, we have

1 two extra nurses added on.

2 Cooks, that's the backbone of our institution.
3 We had one cook for, I don't know how long. If we
4 weren't using some of the inmates to help prepare the
5 food, we'd have a riot over there. Now we have two
6 cooks, we put in for three, but for the salaries they
7 pay, we have an awful hard time to get somebody
8 qualified to come in and do this type of a job.

9 CHAIRMAN IRVING: Would you accept some
10 questions?

11 THE WITNESS: Yes.

12 (Continuation by Chairman Irving.)
13

14 Q Sheriff, do you agree with the statement,
15 whenever possible every effort should be made to treat
16 those persons committed in an intelligent and humane
17 manner and offer those in need such training which
18 would help them become good members of their community?
19 Do you agree with that?

20 A I most certainly do.

21 Q Do you know where you would think the line
22 ought to be drawn in terms of, as you said, helping
23 them blow their noses?

24 A Well, let me say this. We've started a program
25 for our correction officers, upgrading them, sending

1 them away to classes. We started this two years ago
2 in our own institution. We brought in Civil Service
3 people who instituted the program and I put money in
4 the budget for that and they cut it out, but I had
5 already started in January, and in February or March
6 it was cut out. They had to get the money up to pay
7 those people because I told them we were going to do
8 it. And since then we had the New Jersey Sheriffs
9 Association and they had gotten together with
10 Institutions and Agencies, I believe, and we have a
11 training school up in Skillman and we have sent, I
12 would say, more than 30 people from our institution
13 there to bring them up to the level of producing and
14 looking after people who are incarcerated in a humane
15 manner, whether it's somebody that's sick, and some
16 of them are really sick or crippled or hurt or whatever
17 it might be; they all vary, but we've been doing this
18 now for two years. This past year we've gone way
19 far ahead by having about 30, like I mentioned, every-
20 time they have a new class, we try to send some of
21 our personnel up there.

22 Q Thirty men were sent out of how many?

23 A Sixty-three, I'd say.

24 Q Have the others received any training?

25 A Only in-service training from those who have been

1 at Skillman. Some of them are only temporary employees,
2 you understand.

3 Q I understand that, sir.

4 Sheriff, I take it you prepare the budget
5 request to the Freeholders, do you not?

6 A I rely on Undersheriff Cartier and the Warden and
7 they sit down with me and we go over it.

8 Q Do we have another copy of this budget sheet?

9 A I have it here.

10 Q I would like to ask you a couple of questions
11 on this, if I may, sir.

12 I am looking at page 45F, sir, 45F. It's
13 called Community Affairs and Judicial Department -
14 County Jail. The second line, the item there, sir,
15 indicates educational training, 1973 requests that you
16 made apparently for education and training was
17 \$4,050 and the approval by the Freeholders was \$3,440.

18 Now, is that the total amount of money
19 available for you for training both your guards and
20 your inmates?

21 A Yes, right. But we asked for \$4,050 in 1973 and
22 they gave us \$150, and this year we asked for \$3,440
23 and they gave us the full amount.

24 Q So, what's troublesome to me is that you asked
25 last year for \$4,000 and got \$150 and at least 60

1 at a time are convicted and people are in for up to a
2 year waiting for relief and in an institution where
3 you're trying to develop some training program, can
4 you really do anything with even \$3,400?

5 A Well, we do the best we can under the circum-
6 stances.

7 Q Yes, but you have now 175 people approxi-
8 mately in the institution.

9 A Today, right.

10 Q And you have some 60 guards?

11 A Sixty-three, that's three shifts.

12 Q Sixty-three. So you have some 250 people
13 who need various kinds of training, education and
14 you're trying to do that with a total annual budget
15 of \$3400.

16 Is it your opinion that this figure is
17 terribly inadequate, sir?

18 A It is, but we feel if we asked for this much and
19 got part of it, we'd be happy.

20 Q All right, sir. Let me ask you one or
21 two questions about the preceding pages identified as
22 page 45A.

23 The second item there reads Sheriff's
24 Officer Lieutenant and there was a budget request put
25 in of \$19,188. Am I right that that figure was

1 requested because it was one of the recommendations
2 made in one of the studies by Mr. Jamieson that he
3 suggested that there be?

4 A I don't know, I believe so.

5 Q I'm looking at it, Sheriff, it may refresh
6 your recollection, September 14th, 1973, a letter
7 to Mr. Robert Cannon signed by William Fauver,
8 Director of the Division of Corrections and Parole
9 of the State of New Jersey, and he attaches to it a
10 study. He says the study was conducted for the
11 Grand Jury, Atlantic County, New Jersey, and this
12 report goes on to recommend certain kinds of people
13 be hired within the jail.

14 Now, if this is vague to you, sir, I'll
15 drop it, but there is identified here on page 2 a
16 proposal that a lieutenant be hired within the jail.
17 I wonder if that's not the lieutenant which you then
18 followed through and requested?

19 A That's true.

20 Q And the Freeholders approved nothing for that
21 figure?

22 A Well, when we had our preliminary budget hearing,
23 Mr. Cannon was very adamant in saying we don't need
24 lieutenants.

25 Q I see. But as I see it, the State of New

1 Jersey has done a study and made a recommendation
2 that a lieutenant be hired working the second shift
3 from 1600 hours to 2400 hours everyday. You accepted
4 this recommendation, put it in the budget and the
5 Freeholders chopped it out.

6 A That's right.

7 Q Let me go down a little further on that same
8 page. Physician (part time).

9 A Right.

10 Q As we've already heard, now a couple of
11 times, the Grand Jury was very concerned about the
12 need for medical care and the absence of a full time
13 physician and I believe you mentioned earlier in your
14 statement to us that you want a full time physician.

15 A Yes.

16 Q I see in 1974 you requested \$40,000 for a
17 full time physician and \$5,000 for a part time
18 physician and the Freeholders approved nothing in
19 either category.

20 A That's true, but they put that amount of money
21 into a fees account, which is on the preceding page,
22 45F.

23 They put \$32,000 in there.

24 Q I see it, okay.

25 A That's number 7 on the list.

1 Q Does that mean, Sheriff Kern, that the
2 existing doctor's bill is on a per day basis?

3 A \$75 per day, if they see 10, 20, 30 or whatever
4 count for that particular day.

5 Q In your opinion, sir, would you get more
6 sustained better medical services if you had your
7 request granted of a full time position of \$40,000
8 and a part time man of \$5,000?

9 A I'm almost sure we would.

10 Q Rather than \$32,000 for fees which give you
11 at best part time medical services --

12 A Well, let me explain this. We have two doctors.
13 One doctor who comes in four times a week in the
14 mornings and another doctor who comes in twice a week
15 in the afternoons, so they are covered six days out
16 of seven at \$75 a visit.

17 Q Do I take it, sir, that you do not have a
18 medical staff to give the physical examination now when
19 a person is admitted within 24 hours?

20 A That's right.

21 Q I'm sure you know that all the standards for
22 the operation of a jail suggested such an examination
23 be done.

24 A We would like to have it very much so.

25 Q Do I understand also, Sheriff Kern, that

1 there is a risk of contagious hepatitis among some of
2 those people?

3 A Definitely, yes.

4 Q Am I correct in assuming that it's quite
5 possible that because of the lack of a physical exam
6 when a person is admitted that hepatitis could spread
7 throughout your entire jail?

8 A It could spread in any jail, not only ours, in
9 any jail.

10 Q All right, sir.

11 Do you anticipate this summer that the jail
12 will be overcrowded?

13 A You can bet on it.

14 Q Now, this morning as I went through the
15 facility and I do appreciate, as Mrs. Hicks does,
16 your courtesy in showing us through, we noticed several
17 mattresses on the floor. Are you now crowded to the
18 point where men have to sleep on the floor?

19 A Well, Undersheriff Cartier can answer that better
20 than I can, but I can say this. We have 175, I
21 believe the count was today, and 13 females, so that's
22 162 males and we only have room for 168, plus the fact
23 that the ones that are on work release are back in the
24 old jail structure itself, they don't sleep in the
25 new jail.

1 Q Do you anticipate the summer with the
2 arrival of more tourists that you will have a signifi-
3 cant number of increase in the number of people in the
4 jail?

5 A Like I said, our season really hasn't started,
6 but believe it or not, our biggest months are around
7 October and November, not August and July, June, July
8 and August. It starts in September and then goes up
9 because we're the resort area and they all want to see
10 what the ocean looks like, I guess.

11 Q Do they see the jail instead?

12 A In some instances, yes.

13 Q Do you plan to exceed 200?

14 A Our high count last year was 205 and our low
15 count was 60, I think in December.

16 Q You'll have people sleeping on the floor
17 then?

18 A Yes, and I'll be glad when they take the
19 juveniles, I think we have three now. The place
20 wasn't built to have juveniles. If we get a female
21 juvenile, we have a problem. Having them, if I had
22 my way, there would be a separate facility for the
23 females and another separate facility for narcotic
24 and drug addicts and another one if need be for
25 alcoholics, but most of our alcoholics, the ones that

1 go out Friday and come back Monday, they are the best
2 workers we have. They save the county a lot of money
3 in repairs and plumbing.

4 Q Sheriff, are you able to segregate those
5 juveniles from adults?

6 A We have to, we have to and we do.

7 Q Have you thought about it or do you care to
8 voice an opinion as to whether the arrival of casino
9 gambling will put pressure on your jail?

10 A I think it will. I think they'd have to build
11 another facility.

12 Q All right.

13 CHAIRMAN IRVING: Judge DelTufo?

14 EXAMINATION BY
15 JUDGE DEL TUFO:

16 Q Sheriff, are you serving the full term now
17 that you ran for?

18 A This is my second term now.

19 Q When you ran for this term, was it your
20 desire to be Sheriff and as part of that desire to be
21 Sheriff at the time, did you have the understanding
22 of the functions of Sheriff?

23 A I knew what the Sheriff would do.

24 Q Did you realize at that time that probably
25 the most important function of a Sheriff is to run that

1 jaul?

2 A Oh, yes, I did.

3 Q And it appears from your testimony that you
4 have created or appointed an Undersheriff to be
5 responsible or to conduct the operation of the jail,
6 that is to be the overseer of the Warden there, is that
7 right?

8 A That's true.

9 Q Was this done with coordination or approval
10 of the Board of Freeholders or was that basically your
11 action?

12 A That was basically my action in what I thought was
13 right.

14 Q Do you feel it's still your responsibility?

15 A I do.

16 Q For the conditions that are at the jail?

17 A Up to a point, yes. I'm still the Sheriff and
18 they say I'm responsible for the overall operation of
19 everything, but by the same token, if I have people
20 working under me who are responsible for the jail
21 operation itself, they should be blamed for part of
22 this and they are, but you can't say the Sheriff this
23 and the Sheriff that. But that's the way they all
24 tell you.

25 Q Other than the Warden, who is the

1 administrator of the jail? The people, the guards
2 and the Undersheriff are your men, is that right?

3 A True.

4 Q What is your relationship in the past two
5 terms with the Board of Freeholders here as far as
6 recommendations for spending money, making improvements
7 to the jail?

8 A Well, that's a hard question to answer, but I'll
9 try to put it this way. I've asked for a lot of things
10 I didn't get that I thought we needed and should have
11 had.

12 The first year when I was Sheriff, they did a
13 lot of things for me because I was new, you know, and
14 they wanted to see things get off on the right foot,
15 probably. But as we went along, we progressed in size
16 with our rehab programs, then our work release and then
17 our recreation.

18 Q Did you find you were having any difficulties
19 with the Freeholders?

20 A Yes, getting money, getting funds, it's the same
21 problem all over.

22 Q Do you feel they had funds available and they
23 just weren't releasing them?

24 A I wouldn't say they had funds available, but they
25 could have made them available. They made them

1 available when the Grand Jury presentment came out.

2 Q Now, you stated this is the 10th anniversary
3 of the jail house, the construction of the jail house
4 and it was your opinion it was obsolete 10 years ago
5 when they first built it. You feel that this condition
6 is true today and that it's an obsolete structure?

7 A I do feel that way because things are picking up
8 all the time as far as inmates are concerned, and all
9 the programs that we should have, we're not able to
10 have because they should have never built that place.

11 Now, to start with, it should have been out in
12 the country with a lot of territory or a lot of room
13 and we could have expanded for whatever the need might
14 be. But this way we can't go nowhere.

15 If I had my way, they would have had the gym,
16 outdoor basketball courts, baseball and softball
17 diamonds across the street. All we have is a
18 recreation yard that we can only bring out one dorm
19 and one cell block out at a time.

20 Q It's your idea that any structure that is
21 cement and basically only cement and iron bars is
22 obsolete no matter how big it is?

23 A Up to a point, no.

24 Q In other words, you're stating what you are
25 looking for or what should be done is to have more

1 outside or more open facilities.

2 A Right.

3 Q This is the concept as far as jails are con-
4 cerned.

5 A It's my concept. I don't know what somebody
6 else might think.

7 Q When you say we should have jails and we
8 need jails but it's a new type of jail that you're
9 talking about, so it's not the old square cement block
10 that we have.

11 A Right.

12 Q You indicated that you put Undersheriff
13 Cartier in and he should be responsible for some of
14 the complaints that have been cast about, as far as
15 you are concerned, cast at the Sheriff Department.
16 Why do you feel that Undersheriff Cartier, rather than
17 yourself, should be the one responsible?

18 A He's back there everyday in the week.

19 Q Don't you feel -- does he report to you?

20 A Yes, he does.

21 Q Are you atop of the situation everyday?

22 A Well, I'm not on top of it everyday, no, but I
23 get back there as often as I possibly can. I also
24 have to go through the courts, I also have to do a
25 lot of things.

1 Q Are there any problems created with there
2 being an Undersheriff and the Warden being at the same
3 facility or being at the same point everyday? Does it
4 cause a problem?

5 A I would say so.

6 Q How does it cause a problem?

7 A Because if we can, we want to get the Warden or
8 the Undersheriff to work the afternoon shift, somehow
9 or the other, and the people who work under the Warden
10 and the Undersheriff, they feel the Undersheriff is
11 over the Warden, so they might sidetrack the Warden
12 to go to the Undersheriff. That's it, that's not the
13 way they are supposed to do it. They are supposed to
14 go to the Warden, and then the Undersheriff, and then
15 to me.

16 Q What system do you have in effect, for
17 example, to handle complaints from the prisoners and
18 also the complaints of the guards, the people who are
19 working there, your men, what's the chain of command?

20 A The prisoner goes to the guard on duty. He in
21 turn goes to the sergeant, the sergeant in turn goes
22 to the Warden and the Undersheriff and then I'm the
23 last one.

24 Q Is this the same procedure that's in effect
25 for the guards when they are having problems?

1 A Yes.

2 Q Do they get to you ultimately?

3 A Yes, certainly.

4 Q Do all the complaints get to you?

5 A I don't know about all of them, but quite a few,
6 yes, whenever needed.

7 Q If there was to be testimony today from
8 inmates right after you, and they were to testify
9 about problems or conditions that exist that are
10 problems in the jail, what would you expect those
11 problem areas to be?

12 A Same thing I expect from any other jail.

13 Q What is that?

14 A Always complaining.

15 Q About what?

16 A About everything, food, recreation, church
17 services, whatever it might be.

18 Q Would those complaints be justified?

19 A Some of them, some of them are.

20 Q What would be the justifiable complaints?

21 A If they had a legitimate excuse about not being
22 able to make a telephone call, maybe one of the
23 officers on duty at that time might not feel he should
24 let him have the phone call, so the next officer comes
25 on and he might say okay, you can make that phone

1 call.

2 Q How about diets? Would you expect this to be
3 an area for complaint?

4 A Of course, you always have that, you have that in
5 the juvenile.

6 Q Do you have any special provisions for
7 special diets such as diabetics?

8 A No.

9 Q They have to eat the same food?

10 A No, no. If we find out in advance that a certain
11 person must have certain foods, we try to take care of
12 that in that respect, but we only have one kitchen.
13 We can't afford to set up two or three kitchens, one
14 for diabetics, one for alcoholics and one for people
15 who may have ulcers and others who may have heart
16 trouble.

17 Q What classification do you have for inmates
18 when they come in? What procedure for classifying
19 inmates when they come in is followed?

20 A Undersheriff Cartier can explain that to you in
21 better detail. We just started that.

22 Q What facilities are supplied for physical
23 examinations or psychological?

24 A We have a part time psychologist that comes in
25 once or twice a week. The doctor we have, the

1 doctor's room is right next to the infirmary or what-
2 ever you want to call it, and we have the nurses who
3 work out of there with the doctor.

4 Q And how would you say -- being responsible
5 for the jail, how would you say the morale of the
6 guards are at the jail?

7 A As far as I know, it's pretty good, but then again,
8 you always have some that are never satisfied.

9 Q Have you been made aware by certain complaints
10 by the guards recently?

11 A Yes.

12 Q What are the nature of the complaints?

13 A They don't like the way Undersheriff Cartier does
14 this or that and they come to see me and they sit down
15 in my office and they air their views and I listen to
16 them.

17 Q Do you take it up with Undersheriff Cartier?

18 A Oh, yes.

19 Q Do you find the complaints to be justified?

20 A Some of them, some of them are just regular
21 grippers anyway.

22 Q What do you do?

23 A We talk it over to see what we can do to take
24 care of the situation, if we can help it, and do it
25 all right. If the guards get to the point where they

1 don't give a damn, in plain words, they either quit or
2 we try to do whatever we can to keep them there.

3 We've got a lot invested in these people, they've been
4 to school and officers training and everything else.

5 Q You indicated you had some rehabilitation
6 programs in effect that you were involved in.

7 A Four years, for four years they've been in
8 operation.

9 Q Does that consist of anything other than
10 sewing classes that you have?

11 A Cooking, baking --

12 Q Are there any educational programs?

13 A Education has been there for four years.

14 Q What kind of education?

15 A Basic education.

16 Q For example?

17 A He teaches them reading, writing and arithmetic.

18 Q Who does?

19 A A teacher from a vocational training school.

20 Q Is he there on a daily basis?

21 A Everyday.

22 Q How are they selected?

23 A They come through the jail itself from the
24 Undersheriff and the Warden. They screen them.

25 Q They assign them whether they should be

1 vocational trained or going into cooking or sewing?

2 A Right.

3 Q Is there any application based on any kind of
4 testing as to what these people need?

5 A No, actually, but with Mr. Wagner in there, now
6 we have them taking tests. We did have NARCO come in
7 two weeks ago to give some kind of test for all inmates.
8 In the beginning it was supposed to be for everybody
9 and then we found out they just wanted narcotic
10 addicts.

11 Q What kind of recreation do the prisoners
12 have?

13 A Well, we have a room downstairs which I call it an
14 all purpose room.

15 Q How big is the room?

16 A Oh, maybe 15 by 30, probably. It's not too big
17 and probably as low as that.

18 Q What kind of recreation?

19 A They have ping pong tables, they have pool, they
20 have checkers and cards and television down there,
21 plus the fact that we have television in each tier
22 upstairs and in each dorm. This just came about two
23 years ago and that was all purchased through the
24 commissary money and our recreation program is all held
25 up with commissary funds.

1 Q Any other exercise other than pool or ping
2 pong?

3 A We have outdoor recreation, when the weather is
4 good, and we can bring a guard in to oversee them on
5 the outside of the fence, then we can bring them out.
6 The women -- the men wanted to know why the women
7 come out more than the men, which is very unusual,
8 but we don't have an many women to start with and we
9 have a female recreation director at the present
10 time.

11 Last time we had a male recreation director,
12 but at this time Mr. Wagner and Mr. Phillips have been
13 taking them in and out on their own, but outside of
14 that, that's the only recreation. That's more than
15 most counties have in the state.

16 JUDGE DEL TUFO: I have nothing else.

17 CHAIRMAN IRVING: Mrs. Hicks?

18 MRS. HICKS: Yes.

19 EXAMINATION BY
20 MRS. HICKS:

21 Q I'd like to know why is it that the male
22 inmates can take cooking and the female inmates can't
23 take cooking?

24 A We had female inmates taking cooking and they
25 messed up. Undersheriff Cartier might be able to answer

1 that better than I, but they were included and then we
2 had the women taking sewing and the men wanted to know
3 why they couldn't take it.

4 Q Now, the men are taking both?

5 A Yes, and you'd be surprised at some of the things
6 they are putting out and doing very well.

7 MRS. HICKS: Thank you.

8 CHAIRMAN IRVING: Sheriff DeMarino?

9 EXAMINATION BY
10 MR. DE MARINO:

11 Q In other words, your jail is where?

12 A In Mays Landing.

13 Q Your courts are where?

14 A Criminal courts in Mays Landing, civil courts are
15 here.

16 Q Any others?

17 A Well, we have one man on narcotics, is that what
18 you're referring to?

19 Q They all work out of your office?

20 A Out of my office.

21 Q Your office is located where?

22 A In Mays Landing.

23 Q On the outside recreation, you have had that
24 instituted in the last two years. Is that as a result
25 of the I.N.A. recommendation that you provided?

1 A No, this started three and a half years ago, I'd
2 say.

3 Q Whose recommendation was that?

4 A Mine.

5 Q Yours?

6 A I'm a broken down ex-athlete, that's why.

7 Q You received the funds from the Freeholders?

8 A No, we used the money from our commissary. I
9 asked for money and no way did I get it.

10 Q Let's clear that up for the record, the out-
11 side recommendation is provided because your idea,
12 money provided from the commissary, meaning the candy
13 and so forth sold to the inmates, that money was used
14 to install the fence?

15 A No, the fence the Freeholders put in.

16 Q And the equipment and all?

17 A The equipment and all comes from the commissary
18 funds.

19 Q All right. So that there is nothing really
20 in your budget from the Freeholders directly for
21 recreation facilities or anything like that?

22 A No, sir.

23 Q You were talking about temporary employees, are
24 they hired off the street by you or are they
25 recommended by a Freeholder?

1 A No, they come in. We advertise in the paper now
2 and they come in for an interview and if I'm not around,
3 the Undersheriff and the Warden interviews these
4 people and I in turn get to them eventually and then
5 they are hired, but they are also told that they must
6 pass the Civil Service test in order to become
7 permanent.

8 Q Are you having difficulty getting people?

9 A No, I would say no.

10 Q What is the starting salary?

11 A \$7100.

12 Q You have all Sheriff's officers?

13 A All Sheriff's officers.

14 Q And they are assigned to various places by
15 you?

16 A Well, we have the Corrections Division and then we
17 have what they call Transportation. We have a
18 Warrant Squad and we have a Narcotics Squad.

19 Q They are all under the title of Sheriff's
20 officers assigned to Narcotics, Transportation, but
21 they are Sheriff's officers of Civil Service, that is
22 the title?

23 A Correct.

24 Q The starting salary is what?

25 A \$7,100.

1 Q And you have no problem getting employees at
2 that?

3 A No, not here of late. A couple of years ago we
4 did because the salaries were way down low. I wish
5 they'd upgrade the cook's salary so we'd get some
6 decent cooks.

7 Q All right. Let's talk about the cooks now
8 that you've brought them up. How many skilled cooks
9 do you have, I mean trained within the field?

10 A We only have two to start with.

11 Q Full time?

12 A And one we sent away to school, yes, full time.

13 Q Two full time cooks?

14 A Yes, and only one that I remember that went to a
15 school to take up institutional cooking, but we also
16 have this cooking class and one of our former inmates,
17 who was working for the county now, which I got a lot
18 of flak about, we hired this fellow because he was
19 always helping with our building, maintenance and
20 repairs within the jail itself and a couple of people
21 didn't think I should have hired him. So I said, how
22 are you going to rehabilitate anybody if you don't
23 give him a chance? We hired this man and he's been
24 with us now for about a year now and he's doing very
25 well and he's been a real asset to us.

1 Q Let me ask you this. What do you think,
2 first of all, you had a part in preparing the budget,
3 right?

4 A Right.

5 Q There were certain things you felt should have
6 been done for either the inmates and/or the guards.
7 Now, what, for example, did you feel that was really
8 necessary?

9 I think the building structures, for example--
10 maybe I'm looking at the wrong budget.

11 A '74, that's page 45F.

12 CHAIRMAN IRVING: 45A.

13 THE WITNESS: F, it's on top. The
14 number 45F is on the right-hand corner.

15 Q I was looking at an older budget there that
16 showed the 1972 budget which you were Sheriff that
17 showed a request of \$19,960. I'm on the third page,
18 I believe.

19 A I've got it.

20 Q Then I see the appropriated figure for that
21 and, in fact, they only gave you \$5,600. What was
22 your intention as far as building structure, what
23 plans did you have?

24 A I don't remember. A general rule is when we make
25 up the budget, we generally type in what amount of

1 money we're asking for, what it's supposed to be used
2 for and it's not on here, so offhand, I don't want to
3 say one way or the other.

4 Well, I know one thing that it must be, it would
5 be the lighting fixtures. I never saw an institution
6 in my life and I've been around institutions 28½
7 years now, that had inferior light fixtures exposed,
8 hanging down from the ceiling. This is where the
9 inmates can go up and take them down and take parts
10 from around the frame itself and they make weapons
11 out of it, they use them for clubs or whatever.

12 Now, that must be part of that in there and I
13 think that was also asked for by the Institutions and
14 Agencies report; that, urinals and I won't tell you,
15 but one of them asked me what we needed that for and I
16 told him, but that was for urinals, light fixtures
17 and fencing.

18 Q Would I be safe in assuming that they were
19 for correction of house facilities?

20 A Yes.

21 Q Would they deteriorate over a ten year
22 period?

23 A They were ripped out of the wall, defaced and
24 they weren't the proper ones put in there. Aluminum,
25 I think they are now, and ours are porcelain, I

1 believe, and they are all chipped and messed up and
2 cracked and all the work that's been done to repair
3 those things is taking a lot of time and you don't hear
4 about the inmates doing all that kind of work.

5 Q Without going through the entire thing, is
6 there anything else you can remember with any
7 significant amount that you put in for any designed
8 purpose or idea that you had to benefit either the
9 guards or the inmates, and you did not receive the
10 funds for?

11 A I guess it was last September, so they finished
12 with our detention screening, which I've been talking
13 about for four years. That was put in and finished,
14 the extension of the fence around the entire facility.
15 That's finished just two months ago. I don't know of
16 anything else offhand, I can't think of anything.

17 Q I just have one more question.

18 In all the requests that you've made in your
19 budget, would you give me the breakdown? In other words,
20 you prepared the budget, you and your Undersheriff,
21 you prepared the budget and submitted it to the Board of
22 Freeholders. Do you get a right to question any of the
23 cuts that are made or do you just make a request for the
24 amounts and they come back to you with what they are
25 going to give you without consulting with you?

1 A No, we have a preliminary hearing on our budget
2 and then they start cutting. Sometimes it's just for
3 the sake of cutting and then I go home PO'd, you know,
4 and what not, and you wonder what am I doing here
5 trying to do a job and you don't get the cooperation
6 you should and you're only doing it because you feel
7 that's the way it should be done. Well, we have a
8 preliminary hearing and that's when they do all the
9 cutting.

10 Q If you had the right -- of course, keep in
11 mind the role of the taxpayer and everything -- if
12 you had the role of Sheriff to put into effect your
13 budget that would be probably cure not all ills, but
14 well, let me say this, if you had X amount of money,
15 would you be able to cure most of the problems that
16 you face everyday?

17 A Cure a lot of them.

18 Q If you had that amount of money, what
19 recommendations, what pressing need do you feel there
20 is? You mentioned medical, you feel you should have
21 a full medical staff?

22 A Right.

23 Q Do you think this should be dieticians?
24 If a doctor came in and said this guy is a diabetic,
25 he's got to stay away from this, this, that and that,

1 unless you put him in a hospital, you have no control
2 over that situation?

3 A Right.

4 Q Now, where would you put that money to
5 correct some of the problems that affect the inmates,
6 guards and citizens?

7 A I think I would build a separate hospital and
8 get our drug addicts out of the jail.

9 Q You don't believe a drug addict belongs in a
10 jail?

11 A No, they don't.

12 Q How about alcoholics?

13 A Alcoholics too.

14 Q If you took them out of the jail, what would
15 your population be, approximately?

16 A Oh, maybe about 75.

17 Q Which means you could probably handle the
18 overload coming in during the summer?

19 A No problem.

20 Q It would cut you in half?

21 A Right.

22 CHAIRMAN IRVING: Senator Dunn?

23 SENATOR DUNN: Nothing.

24 CHAIRMAN IRVING: Mr. Brown?

25 EXAMINATION BY
MR. BROWN:

1 Q You heard the testimony of the Administrator
2 that testified prior to you. He made recommendations
3 and stated that his recommendations to the Board of
4 Freeholders were never carried out. Can you tell me
5 what he meant by never carried out, because you
6 stated that after the Grand Jury investigation, the
7 Board of Freeholders did, in fact, make some improve-
8 ments. Can you tell me? There seems to be a conflict
9 in testimony and I'm trying to clear up in my own
10 mind where the conflict is.

11 A Maybe some of his recommendations might have been
12 included in there. He probably doesn't know that
13 they've been done, but another thing, the reports
14 they make out, we never see them unless it gets in the
15 newspaper. They never send us a report on what's going
16 on.

17 Q Did you ever receive a copy of his report?

18 A No, sir, not that report. No, sir.

19 Q Do you know that he recommended that the
20 duties of the Sheriff in relation to the operation
21 of the jail be transferred totally to the Board of
22 Freeholders?

23 A I heard about that through the Criminal Justice
24 Planning Board.

25 Q What is your knowledge of the Criminal

1 Justice Planning Board and what does it involve?

2 A I'm a member of it, but I can't attend all the
3 meetings so I send Undersheriff Cartier in my place.

4 Q You do have representation on the Board?

5 A Right.

6 Q The Warden's salary in the budget listed
7 on, I believe, the first or second page -- you have a
8 copy of it?

9 A Right.

10 Q All right. It's page 45A again, the next
11 to the last page.

12 You made a recommendation on the amount
13 of \$9,635 in 1974 and, in fact, that was cut to and
14 approved at \$9,500. This was done arbitrarily by the
15 Board, this cut?

16 A Right.

17 Q Did they offer any justification as to why
18 they cut the Warden's salary?

19 A No, sir.

20 Q Can you tell me why, in fact, down on the
21 bottom column, Senior Identification Officer, who
22 incidentally, apparently works out of your
23 department, is that correct?

24 A That's correct.

25 Q You made a recommendation at \$10,759 and

1 they approved an amount of \$10,113. Can you tell me
2 why, in your estimation, they feel an Identification
3 Officer is more important to their operation or to
4 your operation than a Warden would be, being the
5 Warden is supposed to be the administrative officer
6 of the jail?

7 A I couldn't tell you, I don't know. Maybe Under-
8 sheriff Cartier might be able to explain it.

9 Q This foreman, repairman listed about halfway
10 down the sheet --

11 A Right.

12 Q -- is he actually out of your budget?

13 A Out of the jail budget.

14 Q Out of the jail budget, which is actually
15 your budget?

16 A Yes.

17 Q Another instance, you probably don't know and
18 if you don't, I guess the answer would be the same as
19 before, he's receiving approximately \$300 more than
20 the Warden of the jail.

21 A Yes, there is no comparison there, but this man
22 should be getting more than that and the Warden should
23 be getting more than he's getting.

24 When I first became Sheriff, he was getting a
25 lot less than some of the officers that are there and

1 he's getting the same thing now, but they don't want to
2 give him a lump sum advance, as I get it. I really
3 don't know the answer.

4 Q Is he a Civil Service employee?

5 A He is.

6 Q Does Civil Service or does the county have
7 a guide for a top in that particular category under
8 the title Warden? In other words, we know we have
9 a minimum, but do they have an established maximum,
10 and do you know what it is?

11 A I don't know.

12 Q You don't know?

13 A No, sir.

14 Q Your Undersheriff that you have appointed
15 to assist him, could you please tell the Board his
16 salary?

17 A He gets two-thirds of my salary, my salary is
18 \$15,000, he's making eleven thousand something.

19 Q So, actually, he's making more than the
20 Warden?

21 A Yes.

22 Q His relation with the Warden is worked how?
23 In other words, how does he function?

24 A Well, the Undersheriff is under the Sheriff and
25 the Warden is under the Undersheriff and the Warden,

1 he has his duties to perform. He has charge of prison
2 labor, he has charge of all complaints that come in
3 from the prisoners. He has charge of the commissary
4 and I guess there is other small duties that I can't
5 recall at present.

6 Q The doctor that's on the fee system under the
7 budget, you recommended a salary of \$40,000 and now
8 there is a fee system. Is he on call after he makes
9 the initial visits?

10 A Yes.

11 Q Is that an extra fee? If you have somebody
12 stricken with appendicitis and the doctor is called in
13 to make an investigation and he finds yes, he should
14 be shipped off to the hospital because there is a
15 possibility he has a problem, is he then given an
16 extra fee?

17 A He's paid an extra fee, but most of the time we
18 have a hospital run. We can't afford to wait and see
19 if we can get ahold of the doctor. If we can't get
20 ahold of the doctor, we run him to the hospital
21 forthwith.

22 Q You have automobiles provided to your
23 disposal that makes these runs?

24 A Right, we do.

25 Q I see an item in your budget. You made a

1 request for \$5,000 for an automobile and it was turned
2 down. You're working now on how many automobiles?

3 A Four wagons, two vans and two automobiles, two
4 Plymouths.

5 Q So, in other words, you have ample facilities
6 if someone is stricken?

7 A Right, plus the fact we have the ambulance corps
8 from Mays Landing right there in Mays Landing, it's
9 the Hamilton Township Ambulance Squad.

10 Q Thank you. I want to get into one area
11 before I finish and that is, I think it was covered
12 by Sheriff DeMarino, but what would your specific
13 recommendation be for us if we could help you, in what
14 relation? In other words, what road should we take
15 in making recommendations that could possibly help you,
16 if in fact you were going to retain the jail? I have
17 no knowledge of whether you are or what will happen
18 locally on the local scene, but let's, for instance,
19 assume you're going to remain the chief executor in
20 charge of the operation of the facility. What would
21 your recommendations be if we could help you?

22 A Gee, offhand I can't think. The only thing is,
23 I'd like to expand all our programs, but we don't have
24 the physical setup for it and that's our biggest
25 headache. If we could expand, we'd be all right.

1 Even -- well, we can't get rid of -- even if they
2 change the drug addicts out of the jail and put them in
3 a separate facility and we could set aside a separate
4 unit in the jail itself for alcoholics, probably, but
5 now we're starting to get more and more inmates wanting
6 to get in on a work release program and if we have to
7 sentence prisoners available, we want to do it, but
8 everyone of those aren't able to be used in that
9 respect either.

10 The only thing I could say, this all comes down
11 to one thing, money.

12 Q Money, okay. I'll finish, it's getting kind
13 of late.

14 Your work release program, where does that
15 work -- does that work out of the physical plant of
16 the jail itself?

17 A We've been utilizing part of the old jail and
18 they have a dorm upstairs that has ten beds. Now,
19 we're getting more sentence prisoners and we're going
20 to have to utilize the downstairs area.

21 Q The old jail?

22 A The old jail.

23 Q Is there a physical connection?

24 A There is a fenced in way.

25 Q Someone mentioned earlier something about

1 security, Mr. Cannon. Would this pose a security
2 problem with relation to contraband coming in through
3 the work release program?

4 A You always have that problem, look for it, expect
5 it and hope you don't have it.

6 Q The work release program would be better out
7 in that area that you spoke about earlier, out in the
8 boondocks?

9 A Right. Anyplace where we would have plenty of
10 time.

11 CHAIRMAN IRVING: Senator Dunn, do
12 you have any questions?

13 EXAMINATION BY
14 SENATOR DUNN:

15 Q I'm curious, how did that torch get in? You
16 said you were blamed for it?

17 A It's a long story, but briefly I can tell you
18 about it. There were two girls, females, one was a
19 girlfriend of the boy that was incarcerated and she
20 went out and rented this torch called an acetylene
21 torch. People loaded this thing into her small
22 Volkswagen and she pulled up 2:30, 3:00 o'clock in the
23 morning alongside the jail near the infirmary where he
24 was staying at the time and he attempted suicide. He
25 threw a fishline out of this little window, so to

1 speak, and it went out far enough where, I guess,
2 there is a span of maybe 12, 15 feet between the
3 building and the fence, and she fished the line out
4 and then they tied this fishline around the burning
5 end of it and then he pulled it up and into the room
6 itself, into the infirmary or hospital room and then,
7 I still can't figure out why somebody didn't hear it
8 or smell it, anyway, he proceeded to cut. He had his
9 area blocked off with a blanket and everytime the
10 guard was supposed to have come down -- this is what
11 I read in the report afterwards -- when the guard would
12 come down, everything would be quiet. I still don't
13 see why he couldn't have smelled something, because
14 when you're burning iron, metal anyhow, something has
15 got to give you some kind of a smell or the noise,
16 the hissing itself.

17 It happened, but Sheriff Kern was supposed to be
18 out there watching that window at 3:00 o'clock in the
19 morning.

20 Q I have two quick questions, Sheriff.

21 As you know, when a person is convicted of a
22 drunken driving charge two times, he's faced with a
23 mandatory sentence of 90 days in jail. Do you have
24 many of that type of inmate today?

25 A No, just a few. We try to get them on work

1 release as quickly as possible.

2 We had one last summer who was a school teacher
3 and also a lifeguard at Atlantic City beach and I
4 knew him personally, and he was on work release up in
5 Mercer County, I believe, but he taught school up in
6 Lakewood and he was traveling back and forth everyday.
7 He had lost his license, so he gave his car to his
8 niece and she was going back from Atlantic City to
9 Mercer County to Atlantic City beach and taking him
10 back at night and school was about to open and he
11 wrote to me and the work release people from Mercer
12 wrote to me asking me to transfer him to Atlantic
13 County, which I agreed to, and he was the first one I
14 ever had. I'd say I had about three, at the most, if
15 that many.

16 Q If these people were alcoholics, it's your
17 opinion that they do not belong in your county jail, is
18 that right?

19 A That's the way I feel.

20 Q One other question.

21 Someone raised the question of morale of
22 your guards before and you referred to some of them
23 are the usual type of gripers. Aren't your guards
24 Civil Service employees?

25 A They sure are.

1 Q Aren't they organized?

2 A Yes, some of them are P.B.A..

3 Q In all probability, they do have a contract
4 with the county?

5 A The F.O.P. does, definitely.

6 Q If they have gripes, they should process
7 them through your representatives, is that right?

8 A Right.

9 CHAIRMAN IRVING: Mr. Cornblatt?

10 EXAMINATION BY
11 MR. CORNBLATT:

12 Q Very briefly, page 45F of your budget, item
13 line code 3, it shows that in 1973, if I read it
14 correctly, you requested \$4,050, you were granted
15 \$4,050 and you spent \$150. Is that correct or am I
16 misreading that?

17 A That's what it says here.

18 Q Is that actually what happened?

19 A If it's on here, probably, but Undersheriff
20 Cartier could answer that better than I could.

21 Q You have in the report that we've been pro-
22 vided with, a great variety of rehabilitation programs,
23 instructions of various kinds. We're also informed
24 by the Department of Institutions and Agencies report
25 of January 24, 1974, that the average stay in your

1 institution is 29 days. How much rehabilitation can
2 you do in 29 days?

3 A Well, sir, let me say this. Some inmates are
4 there for 365 days, some come in today and go out
5 tomorrow. Now, stay a month, two months, three
6 months or whatever the time might be, we have to screen
7 those people to see who was going to be eligible and
8 who is going to be around long enough. If they are
9 only going to be there for a short time, it's a waste
10 of time and effort on everyone's concern, but
11 rehabilitation in that short length of time is
12 practically impossible.

13 Q How long does it take to go through, for
14 example, your cooking course?

15 A That all depends on how long they stay. If they
16 stay three months, they stay there for three months
17 and if Mr. Johnson feels they could go out and maybe
18 get them on a work release program, then we try that.
19 Mr. Wagner probably could tell you that a lot better
20 than I could.

21 MR. CORNB�ATT: I have no further
22 questions.

23 CHAIRMAN IRVING: Let me say on behalf
24 of the Commission that we appreciate your
25 cooperation. May I give you some six names

1 of people we'd like to hear from tomorrow?
2 Officer Frank and four inmates, four inmates
3 in the afternoon.

4 THE WITNESS: How about the inmates,
5 any special time you're going to have them?

6 CHAIRMAN IRVING: Yes, I listed them
7 for the afternoon and they are all together.

8 (At which time there was a recess for five minutes.)

9
10 E D W A R D C A R T I E R,
11 sworn:

12 EXAMINATION BY
13 CHAIRMAN IRVING:

14 Q Will you state your full name for the record,
15 sir?

16 A Edward F. Cartier, C-A-R-T-I-E-R, Undersheriff,
17 Atlantic County Sheriff's Department.

18 Q How long have you served in that capacity,
19 sir?

20 A Since September of 1972.

21 Q Do I understand, Mr. Cartier, that the
22 Fraternal Order of Police is the collecting bargaining
23 agent for the majority of guards in the jail?

24 A That's correct.

25 Q And do I understand that you are the repre-
sentative for the F.O.P.?

1 A No, no, sir, I'm not. I'm at the present time,
2 I hold an honorary of past president of the Atlantic
3 County Lodge. I was president four, maybe five years
4 back. I also at present hold a position of State
5 Treasurer in the F.O.P., but I am not connected in
6 representing them in their negotiations.

7 Q Thank you. You may recall in your office I
8 asked you whether in response to some of the studies
9 that have been done about the jail, if there are written
10 operational procedures in effect in the jail and do I
11 understand that this document that you gave me, which
12 we will enter, called Atlantic County Rules and
13 Regulations for Personnel, is the written operational
14 procedure?

15 A No, sir, that's one and there is a written
16 operational procedure, but there is a standard operat-
17 ing procedure for each operating shift as well, and
18 addedly there is a breakdown on each shift, on each
19 individual shift as well on the rules and regulations.
20 Had I known you wanted it, I would have brought it.

21 Q That's perfectly all right. That F.O.P.,
22 as you call it, deals directly, I take it, with some
23 of the comments made that in the past there has been a
24 difference in the way the jail has managed from shift
25 to shift?

1 A Yes, sir, another change in there too, I believe,
2 this is mentioned in the Grand Jury presentment. When
3 I originally went with the Department in 1972, the
4 operation of the institution was a four shift operation,
5 whereby each shift rotated every two days. Two 12 to
6 8's, two 8 to 12's and two off. Six on, two off.

7 Now, the operation of the institution is broken
8 into three shifts, separate shifts, no rotating, five
9 days on, two days off. That was in an effort to more
10 clearly establish some of the lines of responsibility
11 as opposed to a continual rotating shift where you
12 didn't know who was in charge when.

13 Q Another recommendation has been that there
14 be written rules for inmates and that those rules be
15 distributed.

16 A Yes, sir, I have some copies, if you care.

17 Q I think that would be very helpful, sir.

18 A These, addedly, are in the process now and have
19 been revised, updated and we're going to print them in
20 Spanish and English.

21 Q May I ask how old these rules are that you
22 handed us?

23 A I have no idea, they have been there prior to when
24 I have been in the institution.

25 Q So, then in your view, sir, these rules for

1 inmates tell an inmate at the moment what he or she
2 needs to know in terms of how to function effectively
3 and avoid disciplinary problems?

4 A Yes, basically.

5 Q Am I right in my observations today that
6 jail clothing is now issued to all inmates?

7 A Yes, sir, it has been. I might add too, this is
8 another recommendation in the Grand Jury presentment
9 and Sheriff Kern, along with the Warden and myself,
10 have already instituted many of the changes recommended
11 by the Grand Jury prior to the presentment being made
12 public. We didn't know what was in there, that was one
13 of the recommendations and we had already gone into it.

14 Q A while ago Senator Dunn asked how the
15 torch got into the jail. I'd like to ask that with
16 relation to the breakout in May of this year, this
17 month.

18 As I understand it, the six prisoners who
19 escaped used a saw to drill a hole in the ceiling of
20 the shower on the second floor and climbed through
21 that hole, jumped onto a roof and from that roof onto
22 the ground or the sidewalk, I guess, and escaped.

23 A That's not quite it, it's close. They used a
24 hacksaw to cut the steel roof of the shower and they
25 cut security bars which were installed in the crawl-

1 space over the shower and in turn went up into a
2 ventilator and cut the legs which hold the sand in
3 place and went out through the lobby roof off the
4 building.

5 Q Do you have any idea how the hacksaw got in?

6 A Smuggled in, we don't know how.

7 Q In your opinion, sir, does this indicate a
8 weakness in security that we had this problem of a
9 torch a year ago that was the reason for a breakout
10 and this very month the smuggling in of the saws and
11 the breakout again?

12 A It could have been smuggled in, it could have been
13 from the institution, although we checked and it didn't
14 appear to be ours.

15 Again, any institution will have escapes, like
16 the Sheriff said. To say it's a real weakling, I
17 wouldn't guess it's something that came in that
18 shouldn't have come in where the weak spot was, I don't
19 know.

20 Q Have you instituted any new practices to try
21 to keep with this problem?

22 A Yes, sir, even in the budget that was submitted
23 for 1974, I have items listed in there which, if
24 utilized, will help to prevent this. Four federal
25 trans-friskers, a metal detecting device, which will be

1 used to screen the inmate when they come in. This is
2 in the budget, we don't have them as yet.

3 Q Is there a process now in the jail, sir,
4 which enables you to separate inmates by classification?
5 By that I mean to say, the minimum risks from the
6 maximum risks, those awaiting trial from those who are
7 convicted?

8 A Yes, sir, we do whenever we can, based on avail-
9 able housing space. Again, as has been stated
10 previously, we are overcrowded. We do, however,
11 attempt to classify by charge alone, as an initial
12 classification when the inmate comes in. After he is
13 there and Mr. Wagner starts the classification proce-
14 dure which is fairly new and just has recently been
15 introduced into the institution to try and further
16 classify the type of inmate we have.

17 Q Am I right, sir, in understanding that
18 because of the failure of some plumbing units, urinals
19 or whatever, that on occasion the inmates are mingled,
20 the convicted with those waiting trial --

21 A Yes, that's correct.

22 Q -- was it in the context of that kind of
23 mixing that the allegations of sodomy arose in the last
24 year or two years?

25 A Yes, sir, that was just about a year back. That

1 case was just resolved in court within the last few
2 months.

3 Again, it was lack of adequate housing space.

4 Q So that if you had the facilities to keep
5 these convicted from those who are legally innocent,
6 am I right in saying, in understanding, that this may
7 not have occurred?

8 A There is a better possibility that this may not
9 have occurred, that's correct. We're running near
10 capacity, as the Sheriff stated, almost continually,
11 and this, as you are aware of, yourselves being there
12 today, we're near capacity right now, with one dorm
13 tier closed for repairs, we are at capacity and we
14 haven't hit our peak season yet.

15 Q Would I be right in further assuming that
16 your problems are going to snowball as you have more
17 and more bodies there, simply because the congestion
18 itself creates a kind of problem?

19 A Yes, sir, the congestion itself creates a problem,
20 plus the fact that our heaviest population is normally
21 in the later part of the year, September, October and
22 into November.

23 Q May I ask just a couple of questions about
24 the Sheriff's Officers, as I believe they are now
25 called?

1 Do I understand that some of the Officers
2 had at one time been employed by one or more municipal
3 police departments and have been released from that
4 employment and are now employed as officers of the
5 jail?

6 A We have one I can think of offhand who was a
7 former Atlantic City patrolman. This is the only one
8 I can think of, offhand, that I know of definitely
9 who had been a patrolman. We have had some officers
10 who were special officers who worked on a part time
11 basis. One full time officer that I know of.

12 Q Was he let go for failure to perform in the
13 line of duty?

14 A He resigned his position. The exact reasons for
15 him resigning from the police department, I don't know,
16 but he resigned and as I understand, it was unfavor-
17 able conditions.

18 Q Did you do a check to find out?

19 A He was employed there before I went with the
20 Department.

21 Q I see. Do the Correction Officers sometimes
22 administer medication at the jail?

23 A Yes, sir, on an emergency basis they had been.
24 We had that changed based on a recommendation. They
25 have nurses come in now. Now we've been informed by

1 the State that the system of dispensing it was
2 acceptable and just this past week we went back to it.
3 These are officers that are selected, and this is
4 part of their duty. There are only three guards that
5 are allowed. Trenton says this is perfectly accept-
6 able to do what we are doing. The doctor prescribes
7 it, the nurse dispenses it and the guard administers.

8 Q Is it possible that an officer might dispense
9 more than one daily dose at a time?

10 A All he has is one daily dose. Other than a
11 weekend, he would have a 48 hour dose.

12 Q Do I understand that an inmate might indicate
13 the kind of medication that he needs and that he will
14 be taken on his word?

15 A You're asking me a medical question I can't answer,
16 I'm not a physician. That you'd have to ask the
17 doctor.

18 Q You don't know that.

19 Do you know what the red liquid medicine is
20 that is dispensed to the inmates?

21 A Phenobarbital.

22 Q That is a tranquilizer?

23 A Yes, sir.

24 Q Is it dispensed to the inmates for medical
25 reasons?

1 A Yes, sir, it's dispensed on the orders of the
2 physician.

3 Q Is it also dispensed as a disciplinary
4 measure to keep people quiet, tranquil?

5 A Not to the best of my knowledge, no, sir, it is
6 not. We addedly had an ad hoc medical team come in,
7 I believe it's six or eight months ago, composed of
8 three doctors from Atlantic City, Dr. Leach, Dr.
9 Axilrod, and they went through our medical procedures,
10 spoke with our doctors and nurses and their findings
11 were when they were finished, that we do have a good
12 system of dispensing medication and the way and the
13 type it was dispensed, it was okay with them.

14 Prior to our study, they were opposed to our
15 methods, but after seeing our facilities, they agreed
16 with it basically, in context.

17 Q May I read one sentence from the presentment
18 by the Atlantic County Grand Jury last year, which
19 reads, "The doctor's testimony revealed that most of
20 the tranquilizers are prescribed for the inmates in
21 order to keep the inmate tranquil."

22 Is it your testimony, sir, that this is not
23 accurate?

24 A Here again, it's a medical question. It could be
25 to keep them tranquil because of the nervous condition

1 alone, being incarcerated, this could very well be.
2 I wouldn't attempt to answer it.

3 As far as it being a disciplinary measure, no,
4 sir, it is not. It's not given to them to keep a
5 calm house.

6 Again, as one of the physicians on the medical
7 team, if I was an inmate here, I'd want something to
8 keep my nerves quiet.

9 CHAIRMAN IRVING: Judge DelTufo?

10 EXAMINATION BY
11 MR. DEL TUFO:

12 Q Undersheriff, apparently you are the one
13 individual who was given the responsibility for
14 operating this county jail. Do you approach your job
15 with that understanding?

16 A Yes, sir.

17 Q Now, you have a Warden who is, I guess,
18 directly under you?

19 A That's correct.

20 Q Who directed the Warden?

21 A The Warden is Civil Service.

22 Q Was he there when you came?

23 A Yes, sir, he's been there eighteen years.

24 Q What is his name?

25 A James Howell, H-O-W-E-L-L.

1 Q Do you assign him the responsibilities that
2 he undertakes?

3 A Some of the responsibilities were mentioned by Mr.
4 Cannon, responsibilities that he had when I went with
5 the Department. Since that time, some of those areas
6 of responsibility have been changed, both by my
7 recommendation and orders along with the representa-
8 tions and orders of the Sheriff.

9 For example, it was mentioned he was a clerk,
10 a timekeeper. He no longer keeps time. There was
11 no one at the institution who could keep it. Addedly,
12 the accounts that were mentioned, these are in the
13 process of now being separated and straightened out
14 and taken away. We now finally have a full time
15 accountant and he's been with us for three weeks.
16 This was a budgeted item for this year's budget.

17 The commissary prison labor will, in the future,
18 be taken away and will be handled by an accountant,
19 as it should be. Neither the Warden nor I nor
20 bookkeepers nor accountants.

21 Q What does he do in this institution now?

22 A Along with what I just mentioned, custody,
23 security and control of the institution itself.

24 Q What do you do?

25 A Overall supervision of the entire operation,

1 coordinating with our work release, social rehabilita-
2 tion, the Warden's functions, the security functions
3 of the institution, our stores, food supplies, food
4 service.

5 Q I assume you've had an opportunity to
6 evaluate the Warden and is it your job to evaluate
7 him?

8 A Yes, sir.

9 Q How would you evaluate his performance?

10 A Highly qualified, capable man.

11 Q Now, how many people do you turn through
12 your jail, let's say, in a year?

13 A Approximately 2500, total.

14 Q How is that figure compiled?

15 A This is by the inmates actually incarcerated for a
16 period of time or an overnight or an inmate who was
17 incarcerated awaiting trial, sentence or awaiting
18 Grand Jury action or it could also entail the numbers
19 of federal inmates which we house.

20 Q Do you assign a prisoner a number when he
21 comes in?

22 A Yes, there is a number assigned. I don't person-
23 ally assign it, but there is a number assigned.

24 Q There is a number assigned?

25 A Yes, sir.

1 Q If this person should come back during
2 the course of the year, is he given another number?

3 A Yes, sir, he's given another number.

4 Q If he comes back two and three times in
5 the course of a year, he's counted as a statistic of
6 three people?

7 A Yes, three people that have come through.

8 Q Are there any statistics which indicate that
9 he is given a number and it's registered?

10 A He has an S.B.I. or F.B.I. number. We would have
11 no way of knowing what his number is until he has been
12 printed and his prints come back. It could say John
13 Jones in January with a beard and Sam Smith in March
14 as Fred Smith. This happens with females. They even
15 photographically look like two different people,
16 fingerprint check reveals the same person. They give
17 two different dates of birth, social security numbers,
18 charges, everything different and the fingerprints
19 prove it is the same person.

20 Q If they are not given a physical examination
21 as soon as they come in, you might have a man in the
22 female block and a female in the male block.

23 A Normally we can tell the difference. If we have
24 difficulty in determining, we get the doctor to make a
25 determination or a nurse make a determination.

1 Q These people are not examined by a doctor as
2 soon as they come in?

3 A No, sir.

4 Q It might be sometime before they see a
5 doctor?

6 A Yes, sir, and even then they will see a doctor if
7 they don't seem well medically, but we do not have a
8 normal procedure where he is examined routinely by a
9 physician.

10 Sheriff Kern stated he asked for that before it
11 went into 1973, and I know in 1974 it was asked to
12 have a full time physician and it was taken out. It
13 was listed as a full time position with a salary of
14 \$40,000 and a part time position with a salary of
15 \$5,000.

16 Q What system have you set up within the jail
17 to handle inmate complaints?

18 A If there is an inmate complaint, we have a
19 grievance procedure that is followed. If he's got a
20 gripe, it should be referred through the Officer,
21 through the Sergeant, through the Warden in writing.

22 For example, one will have the complaint from one
23 of the dormitories. The Sergeant on the day shift, the
24 Sergeant on the 4 to 12 and the Warden and myself
25 discussed the grievance with the inmates. We tell them

1 to put it in writing and we'll look into it.

2 Q On the average, how long before you see the
3 grievance?

4 A Most of these the Warden is handling, he's doing
5 most of the handling of grievances in the institution.
6 If it's something he can't handle or he's not there,
7 I'll see to it. It might be resolved if it comes in
8 anywhere from two to ten days to be resolved.

9 Q What time is the Warden's duty hours?

10 A 9 to 4, but he's there as early as 8, 7:30 and
11 stays to 5, 6 and 6:30.

12 Q What are you normal duty hours?

13 A I'm there as late as 9 to 4 and I'm there as
14 early as 6 A.M. and staying till 2 A.M.. The Warden
15 and I are at home, if there is a problem, we are
16 called and contacted, but the normal routine operation
17 is run by the Sergeant.

18 Again, there was a request put in the budget for
19 Lieutenants, we asked for two Lieutenants, one to
20 assume major problems or responsibilities for resolving
21 major problems at night, and another one for the same
22 reason on the 12 to 8 shift, and both of these have
23 been taken out.

24 Q Have you been receiving many grievances from
25 the prisoners?

1 A Not in great amount.

2 Q Well, how many do you receive weekly?

3 A One or two a week would be what I would get,
4 other than passing somebody in the hall and saying they
5 got their commissary thing, it's not a big thing to
6 me, but it is to them.

7 Q What do you consider a big complaint?

8 A Well, for example, a television set is broken
9 down in the housing unit and we don't have one to
10 replace it. They want to hold the trays, they don't
11 want to send the trays back out unless they get one
12 right away. The complain on some of the shakedowns
13 we had and security procedures we have instituted,
14 they just don't like it.

15 Q How many Undersheriffs do you have in the
16 Sheriff's Department?

17 A There are two, this is all that's allowed by the
18 State statute.

19 Q There are two Undersheriffs?

20 A Ricci, R-I-C-C-I, Michael.

21 Q What is his function or area of responsi-
22 bility?

23 A His function is primarily over transportation and
24 judicial, he's the man who handles a lot of Sheriff's
25 sales, he's primarily judicial and transportation.

1 Q I have no further questions.

2 CHAIRMAN IRVING: Mrs. Hicks?

3 MRS. HICKS: Yes.

4 EXAMINATION BY
5 MRS. HICKS:

6 Q What emergency procedures are set up for
7 fire?

8 A If we have a fire -- if I'd known that, I would
9 have brought that too.

10 If there is a fire in the housing unit, of
11 course we dispatch officers in there immediately to
12 get rid of the fire. If it's a real serious fire,
13 we have been fortunate that we've never had one,
14 which doesn't mean we can't have one. The local fire
15 department is right around the corner, right in back
16 of us, but if there is a fire, the inmates are taken
17 out of the housing where the fire is and the fire is
18 put out. There is not too much in the housing unit
19 that can burn.

20 Q What emergency do you have for an inmate's
21 sickness?

22 A If it's during the daytime, we have a nurse on
23 duty. We'll take the inmate down to the nurse and have
24 the nurse examine the inmate. If it's at night and
25 the nurse is not on duty and it appears to be a

1 legitimate excuse, we have procedures to bring him right
2 to Atlantic City Hospital.

3 Q Both male and female?

4 A Yes.

5 Q If it occurs at night?

6 A This is at night or on weekends, when the doctor
7 or nurse is not available.

8 Q How often do you visit the entire jail?

9 A Not often enough. Once a month, once every month
10 and a half, once a week. I try to make it once a day,
11 but it's almost a total impossibility. It's closer,
12 closer to once every month or two months when I go
13 through the entire institution. I went back a part of
14 it Sunday night. In fact, one girl you mentioned
15 before that was pregnant, I specifically went up to see
16 how she was. I expected her to go into labor over the
17 weekend and made a visit then.

18 Q What is the procedure for inmates to see
19 you?

20 A Request slips, if they have a problem they want to
21 see me about, or the Warden, there is a request slip
22 they fill out stating their name, the date, the housing
23 unit and the reason for request.

24 Q They obtain this from the guard?

25 A Yes, ma'am.

1 Q What type of reports do you file when dis-
2 turbances occur?

3 A Reports that are filed are basically copies of
4 reports by guards that are directly involved. These
5 are the reports that come in. The officers that go
6 in, if it's necessary to send officers in, they file
7 a report of what their actions were when they went
8 in.

9 Q How is investigations against guards handled?

10 A Depending on what it is. Investigation concerning
11 an officer, we'll conduct it ourselves. If it's a
12 criminal nature, for example, we had an officer
13 accused of sexual intercourse with a female inmate.
14 It was investigated and it went to the Prosecutor's
15 office. It was serious enough and he was indicted and
16 went to trial. He was acquitted.

17 If we had another one where it appears serious,
18 it would be done again.

19 Q What is the handling of incoming mail.

20 A It is inspected for money, not censored. Any
21 legal mail that comes in, the legal mail is now
22 opened in front of the inmate. We've just recently
23 gone into it.

24 Q Without examinations of persons being
25 incarcerated for the first time coming in, how would

1 communicable diseases have been detected?

2 A It's a medical question, but I'll give you an
3 answer.

4 Examination by blood test, possibly by chest
5 X-ray, but here again you have to remember we cannot
6 force an inmate to submit to a blood test or chest
7 X-ray. We cannot force him to submit to a medical
8 examination, legally.

9 Q Is dental care available?

10 A If extractions are needed, this is what we pro-
11 vide primarily, again, because of the short amount of
12 time that the inmate is there. We don't go into dental
13 work. If an inmate had started prior to his incarcer-
14 ation and he's been paying for it, we will make
15 arrangements to take him out to continue with his dental
16 work.

17 MRS. HICKS: No further questions.

18 CHAIRMAN IRVING: Sheriff DeMarino?

19 EXAMINATION BY
20 MR. DE MARINO:

21 Q How long have you been Sheriff?

22 A Since December of 1972.

23 Q What was your background or position prior to
24 being Undersheriff?

25 A State Conservation Officer for eleven years with

1 the State of New Jersey, State Correction Officer with
2 the State of New Jersey for seven years, Commissioner
3 of New Jersey Police Training Commission for three
4 years, Certified Police Academy teacher for six years
5 and Certified Correction Academy teacher for two
6 years.

7 Q When you say the Training Commission, you
8 mean you've been on the Board?

9 A I'm a Commissioner with the New Jersey Police
10 Training Commission.

11 Q What school did you instruct at?

12 A Atlantic City Police Academy, Skillman.

13 Q What salary are you receiving?

14 A \$11,250 a year.

15 Q Where do we find that?

16 A My salary is covered under the Sheriff's direct
17 budget, not the sales.

18 Q It's not in here?

19 A No.

20 Q Your salary is what?

21 A \$11,250 a year.

22 Q Listening to your background, what have you
23 done towards the training of your personnel?

24 A We started at the end of 1972 with officers
25 attending Skillman. At the present time, approximately

1 50% of our staff has attended a three week resident
2 course at Skillman. In addition, we just completed a
3 14 week in-service course for officers. Addedly, as
4 the Sheriff mentioned, one of our cooks we sent to
5 a federal seminar in instituional cooking. We addedly
6 have four officers that completed a college accredited
7 course in psychology, clerical personnel, and we've
8 had them attend the community college for clerical
9 work and clerical background and along with some of
10 the other in-service training that we have had.

11 Q This is all after 1972. What was done prior
12 to?

13 A I can guess, I can't tell you definitely.

14 Q If you don't know --

15 A There were two things that were done that I know
16 along with whatever was done, I served as an instructor
17 for the Department on my term teaching the areas of
18 firearms, prisoner search and prisoner transportation
19 along with, as the Sheriff mentioned, they just com-
20 pleted a course that was set up by the Department of
21 Civil Service. I believe this was August of 1972.

22 Q You're familiar with the statute, you
23 should be, as a member of the Police Training
24 Commission, that everyone, at least within a year of
25 the time of appointment has to attend a police

1 academy sanctioned by the Commission. How many of
2 your people are graduates of that?

3 A In the jail itself, we have, I believe, four or
4 five officers, but the title of Sheriff's Officer did
5 not come into being until last year.

6 Prior to that, they were Correctional Officers with
7 Civil Service. In May of '72, they originally ordered
8 the title change be made.

9 Q Atlantic County change from Correctional to
10 Sheriff's Officer, which you have now?

11 A Yes, sir.

12 Q From a year ago, it's mandated by law that
13 they attend the police academy. How many have?

14 A We have four. These are the only ones who are
15 permanent. We have provisional officers who have not
16 gone.

17 Q Temps or provisional are the same thing?

18 A That's right.

19 Q How many temps or provisionals do you have?

20 A I guess 15 to 18, right now.

21 Q Out of a possible 63?

22 A That's correct.

23 Q Are there any existing Civil Service lists?

24 A No, sir, there are not, and we are waiting for
25 Civil Service to make a determination now, one on May

1 7th and one on May 1st as to what requirements are going
2 to be. There was an advisory council meeting held
3 in Princeton back in February, and a public hearing in
4 Trenton, I believe, in March in regards to upgrading
5 the qualifications and requirements for Sheriff's
6 Officers and/or Correction Officers. The Civil Service
7 Commission itself has not come out with their
8 findings. As soon as they do, we want to have an
9 examination.

10 Q Are you tell me that you're all in the Civil
11 Service, I assume, here in Atlantic County?

12 A That's correct, sir.

13 Q Are you telling me there has never been a
14 Civil Service examination for Sheriff's Officers for
15 the last year since you've changed the title?

16 A That's correct, sir, we finished working off the
17 list at the beginning of the year.

18 Q What list?

19 A We had an existing list.

20 Q How many names were on that list?

21 A How many were on it? I'd guess at 20, 25, 15.

22 Q And of the 20, 25 or whatever it is, how many
23 of them became permanent?

24 A I believe we put 6 in permanently off that list.

25 Q And the other 14, if there is 20, refused the

1 job or what?

2 A Either refused the job, did not want the appoint-
3 ment or they were not acceptable to us.

4 Q That confuses me, what do you mean not
5 acceptable to you? If someone passed the Civil Service
6 exam and then he's hired, isn't he not hired on a
7 temporary basis for 90 days before he becomes
8 permanent?

9 A We ran a background check on all of the appli-
10 cants coming off the list and when we ran it we found
11 things in the background. One man had a criminal
12 record, another was a confirmed and admitted alcoholic.

13 Q Well now, I'm confused. I heard the
14 Sheriff say that we had a man who was a cook and
15 because he had a criminal record and they were in
16 need of cooks, he would give them an opportunity.
17 I agree, that's perhaps in the line of rehabilitation.
18 You tell me someone who had an alcoholic background and
19 you talk about someone who may have been arrested for
20 alcoholism sometime in his life, and does that deter-
21 mine --

22 A No, sir, he admitted to being an alcoholic over a
23 period of 15 years and still being an alcoholic.

24 Q All right. And on that basis you didn't take
25 him?

1 A Yes, sir.

2 Q And the one with the criminal record, was
3 the criminal record extensive?

4 A He had had two arrests in the State of New Jersey,
5 had done time at Bordentown Reformatory and had a
6 record in California.

7 Q For what?

8 A Breaking, entering and larceny.

9 Q How recent were they?

10 A Within the last five to eight years.

11 Q Do you realize if a man had his record
12 expunged, you would never have know that?

13 A That's correct.

14 Q Does he openly admit to that record?

15 A Yes, sir.

16 Q Did he want that position?

17 A Yes, sir.

18 Q Based on what you said or, who does the
19 interviewing, discharging of those people on the list?

20 A The Warden, myself and the Sheriff or anyone of
21 the three of us.

22 Q And if anyone of the three or two of the
23 three, it's a unanimous decision to take or not to
24 take?

25 A Yes, we discuss it.

1 Q Did you ever have any problems because of a
2 suit because of that?

3 A Yes.

4 Q You said the list exhausted when?

5 A Beginning of this year.

6 Q Have you made a request for a new exam?

7 A No, I haven't, based on waiting for Civil Service
8 to come up with new requirements.

9 Q When you say new requirements, I'm at a
10 loss again. There is already a set standard for
11 Sheriff's Officers and the requirement states that
12 on the Civil Service.

13 A Yes, sir.

14 Q What requirements would be set as opposed
15 to that?

16 A Upgraded requirements by all in the state. In
17 other words, going back to a minimum, maximum age,
18 January of 1973, when the 18 year old law went into
19 effect in the State of New Jersey, they also dropped
20 the maximum when they dropped the minimum. We asked
21 the maximum be put back on. Minimum educational
22 requirements, minimum height, minimum weight, medical
23 examination, physical examination and mental examina-
24 tion and oral examination.

25 Q Are you telling me because of these

1 requirements that you're trying to get back into -- we
2 already had Supreme Court rulings on both of them which
3 said that you can't condemn a man because of his height
4 or weight or be prejudiced against him or refuse him
5 employment. We also have State law that says you can't
6 do it now because of his age. There is a State law
7 that says at 18 you can take him and because of that
8 hang-up is what you're telling me the reason why there
9 is a problem between you and Civil Service?

10 A It's not a problem, we're waiting for them to get
11 it resolved as to what the basic requirements are going
12 to be. This is what has been asked at the public
13 hearing.

14 Q Let me ask you a question that may seem
15 knife pointing.

16 Would this delay in tactic allow you to keep
17 these temporaries on forever?

18 A I want a full time personnel staff, the same as
19 the Sheriff wants it. As soon as it's held, we want the
20 examination held so we have a full time permanent staff
21 and resolve the problem with provisions, either they
22 become permanent or bumped off by people on the
23 examination.

24 Q If you had a list of 20 people, let's say,
25 that passed, and you have 14 or 16 provisionals,

1 you automatically had more people than you need to fill
2 the necessary slots.

3 A That's correct.

4 Q Barring the few you might have knocked out
5 because of a criminal record or because of alcoholism
6 or on a disorderly record. Now, can you tell me where
7 the difference is between the 18 year old and the 50
8 year old who it comes to -- let's ask it this way.
9 Do you feel that a person at the age of 18 to 25 would
10 make a better correction guard than a person who is
11 40 to 50?

12 A Yes, sir, I would, based on physical conditioning,
13 for one thing.

14 Q I'm not talking about tolerance.

15 A Here again, mental maturity depends here.
16 Again, we've asked for the oral examination. It's
17 not enough to examine a man's intelligence on a piece
18 of paper. You can't examine a man without talking
19 to him, and the only way you can is an oral examina-
20 tion.

21 Q Who is going to conduct that?

22 A Civil Service.

23 Q So, you're telling me if you conduct a written
24 exam, by what you say, you don't put all stock in
25 written exams, but someone in the Civil Service

1 conducting an oral exam and tells you who is better?

2 A They had one representative from Civil Service
3 and a man from the field. They had county positions,
4 Wardens, Sheriffs, Undersheriffs, when they ran the
5 State Correctional examinations, they had one man from
6 the service and they would utilize various superin-
7 tendents as an oral examiner.

8 Q Do you think the oral exam will play a part
9 in the written exam?

10 A The oral exam will play a part in his final
11 mark.

12 Q That wasn't meant to be had in this state,
13 years ago it was done away with.

14 A Right.

15 Q Do you have any idea why it was done away
16 with?

17 A It's a question I asked and their answer was I
18 couldn't get enough oral examiners. I personally
19 wouldn't buy it.

20 Q Wouldn't you say if I conducted a written
21 exam and I conducted an oral exam that I would have a
22 lot of latitude in putting who I wanted where, just by
23 giving a grievance? And usually it was a 50-50
24 break, 50 written, 50 oral, so if the guy flunked
25 it, I could give him a 50 on the oral, a top mark and

1 put who I want where?

2 A Well, it's supposed to be set up with a minimum
3 passing mark of 70 in each category; medical, you
4 either pass or fail the physical examination. He
5 would have to get 70 written minimum and he would have
6 to successfully pass each part.

7 Q Do you terminate people because of their
8 weight and size?

9 A No, sir.

10 Q On the exam or list, if they were too short,
11 too tall?

12 A No, sir.

13 Q No, so the only reason you knocked anybody
14 off that list was because of alcoholism or a criminal
15 record.

16 A Right, or we had some people come in who decided
17 they didn't want the position.

18 Q Someone who refuses outright?

19 A Right, they didn't want to work at the jail.

20 Q Do you have many of those? What's your
21 percentage of people that are hired or coming off the
22 list, when as soon as they find out the Sheriff's
23 Officer's duties are in the jail, then they refuse?

24 A I guess we probably have half off the last list.

25 Q Who places these people into their position?

1 A The Sheriff.

2 Q Is it done on a seniority basis or is it done
3 by just simple placement?

4 A It's done where the vacancies are.

5 Q Let's assume you had three vacancies in the
6 court and you had three new people hired off the list.
7 Would you take those three people and put them in the
8 courts or would you take the three people and put them
9 in the jail and pull three people who have been, perhaps,
10 in the jail for 10, 15 years and put them in the court?

11 A It's not my determination to make, but I can tell
12 you what the procedure had been in the past.

13 It would be that the personnel within the
14 Department would be given the opportunity to move first
15 and new personnel coming in would take what options
16 there were.

17 Q Who makes that determination?

18 A That's the Sheriff.

19 Q Solely the Sheriff's position?

20 A That's correct.

21 Q Do you have contact visits in a jail?

22 A No, sir.

23 Q All done through security screens?

24 A Visiting booths.

25 Q So, they are talking by phone?

1 A Talking through a grate in the bottom of a glass,
2 glass enclosure with grates in the bottom.

3 Q So that it's strictly the strength of voices
4 but it's going through?

5 A That's right.

6 Q Is there anyway possible for anything to
7 be put through the grate?

8 A No, sir.

9 Q Is there anyone who searches visitors?

10 A No, we don't, because they have no contact with
11 the inmates.

12 Q Well, that may be true, but you have
13 trustees that all have random of the entire institu-
14 tion.

15 A They don't have access to where the visitors came
16 in.

17 Q If a visitor came in and decided to place
18 a hacksaw blade in a certain area and some three days
19 later calls the inmate or the inmate calls him, he
20 could find that there is in a certain area a hacksaw
21 blade.

22 A The area that the visitors have access to is
23 searched after visits are completed. We have turned
24 up contraband and narcotics stashed there.

25 Q The question is, you don't search visitors on

1 the way into the institution.

2 A No, sir, we don't.

3 Q So, a visitor coming in off the street comes
4 into the institution without any search whatsoever and
5 stays there for a period of time and then leaves,
6 but he's already in the confines of the institution.

7 A In the lobby area of the institution itself,
8 that's correct.

9 Q Is there any searching whatsoever either --
10 how about the inmate and the attorney?

11 A No, sir, the inmates are searched sporadically,
12 not any particular basis. The attorneys, if we have
13 an attorney coming in that's a stranger to us, not
14 familiar to our courts, we will search him.

15 The normal procedure, when the attorneys come
16 in, we don't search the attorneys.

17 Q At that time when the attorneys and the
18 inmates have a session or they are being interrogated,
19 either questioned by their own attorney, is there ever
20 a time when others are brought into that same room?

21 A Normally there are two interview rooms to be
22 utilized and the attorneys will utilize interview
23 rooms. One attorney may have ten or fifteen clients
24 coming in or out and the other attorney may be in there
25 an hour or hour and a half with his. This is the

1 normal procedure.

2 Q Is there an occasion where the attorney can
3 bring in an outsider into his institution?

4 A Rarely has it been done.

5 Q Is it ever done?

6 A It has.

7 Q Are they searched?

8 A Yes, they are.

9 Q Everybody coming in with the attorneys would
10 be searched?

11 A That's right.

12 Q If it's a female, who searches her?

13 A Female officer.

14 Q You have a female officer stationed at the
15 jail?

16 A Yes, sir.

17 Q The Deputy Warden title, are there any?

18 A No, sir, we don't have a Deputy Warden.

19 Q Why is that?

20 A There is nothing set up in the organizational
21 chart. The highest ranking we have at the present
22 time is Sergeant. The Sheriff and I had talked prior
23 to budget time of lieutenantcies, eventually a Captain
24 and possibly a Deputy Warden.

25 Q Who sets up the organizational chart?

1 A By the Department.

2 Q What Department?

3 A The Sheriff's Department, the Sheriff and myself.

4 Q Then I ask you again, why is there no
5 Deputy Warden?

6 A We have no gap in there between Sergeant and
7 Deputy Warden. We should have some other supervisory
8 position in there first.

9 Q Tell me where the gap is for the Undersheriff
10 and the Warden?

11 A The Warden is under the Undersheriff.

12 Q That's correct, but I'm saying where is the
13 gap that gives the Undersheriff the authority not in
14 your case, but to come in cold off the street by the
15 appointment of the Sheriff and put him in charge of
16 the institution where he's now becoming -- and he's
17 in charge now of a man with 20 years.

18 A This is the prerogative of the Sheriff.

19 Q Do you think it's right?

20 A That's a hard question to answer.

21 It depends on circumstances, county to county.
22 It could be right in some and wrong in others.

23 Q Let me ask you this. With your experience,
24 would you say you have a good enough background to be
25 the Undersheriff of this county?

1 A Yes, sir.

2 Q Do you have an administrative background?

3 A Administrative background, yes, sir, from the
4 service.

5 Q From what?

6 A From the service.

7 Q Military service?

8 A That's correct, sir.

9 Q What did you do there?

10 A In charge of 55 men in three divisions.

11 Q When I talk about administrative background,
12 I'm talking about accounting, clerical, that type of
13 administrative work. Do you have any of that?

14 A An accountant, no, sir, I don't.

15 Q How about clerical office duties, budgetary?

16 A Yes, sir. For eleven years, when I worked for
17 the Division of Fish and Game, all the office and
18 clerical work was done by ourselves, we had no clerical
19 officer assistance, we did all our own work.

20 Q Were you the supervisor?

21 A No, sir, we compiled all our own statistics and
22 statistical reports.

23 Q Let me say this. The Warden, does he have
24 any of that background, to your knowledge, administra-
25 tive background?

1 A I'd only guess, I don't know. I know he's got
2 the clerical background, because he's been keeping
3 time and financial records in the institution.

4 Q Do you think it would be wise or an aid to
5 you and the Sheriff if perhaps you set some grades for
6 either Deputy Warden or Lieutenants or Captains so
7 that in time those that are there on the job can pick
8 up these various vocations and various titles so that
9 when they get to that position of either Captain or
10 Deputy Warden, Warden, that they would have all the
11 ability that is necessary for that position?

12 A This is what we attempted to do in the budget,
13 to start in the budget, because we didn't have
14 Lieutenants' positions. We attempted it in the budget,
15 we requested the positions and they were taken out
16 by the Freeholders.

17 Q And has anybody ever been trained or taken
18 out of your jail institution since you're there and
19 sent to a school that perhaps teaches the administra-
20 tion technique?

21 A Yes, sir, the Warden has gone to two different
22 seminars that have been sponsored by the State.

23 One last year and one again this year.

24 Q Has there ever been any conflicts between the
25 Warden and you on any decision that was taken or should

1 be taken?

2 A No, sir.

3 Q You agree on everything?

4 A We never had any disagreement or arguments on any
5 discussions.

6 Q Is your word final over his?

7 A Unless he's got a better argument, then we'll take
8 his. We talk about it.

9 Q When you say you had breaks in the
10 institution in the jail, you had a break or a suicide;
11 who conducts those investigations?

12 A Sheriff's Department personnel, and depending on
13 what it is, Prosecutor's office personnel.

14 Q Do you think it would be wise for a Sheriff
15 or Sheriff's personnel to investigate an escape that
16 occurred in an institution that they have jurisdiction
17 over watching?

18 A Yes, sir, they are much more familiar with the
19 operation of the institution.

20 Q Do you feel you'll get better results that
21 way?

22 A Yes, sir.

23 Q Do you mind telling me when did that break
24 happen in the jail?

25 A Which one?

1 Q The escape.

2 A Well, there is either the one that went through
3 the light or burned his way out. The one who burned
4 his way out was July, 1972, and the other one you made
5 reference to is May 10th of this year.

6 Q Who did that investigation, both of those
7 investigations, the Sheriff's Department?

8 A The one with the torch, I wasn't there, that was
9 July of '72. I didn't go with the Department until
10 September. The last one was investigated by the
11 Sheriff's office personnel and the Prosecutor's office
12 personnel.

13 Q You're telling me to this date you have
14 no knowledge as to what went wrong?

15 A As specifically who brought the blade in the
16 institution?

17 Q Right.

18 A We have been told who it was, but knowing and
19 proving are two different things.

20 Q You weren't there during the burning with the
21 torch and all that, but let's assume you were. Knowing
22 what you know, and I'm sure you must know about it,
23 do you feel that would have been a proper investigation
24 to have been conducted by the Sheriff's personnel?

25 A Yes, sir.

1 Q Do you feel that that investigation was con-
2 ducted properly?

3 A I've never seen the results of the investigation
4 as far as the actual sheet, so I can only guess.

5 Q Judging from what I heard and I heard nothing
6 but what I heard today, what is your opinion?

7 A In my opinion, yes, I think the men who investi-
8 gated it were qualified and did an exceptionally good
9 job.

10 Q Are you making a sound judgment or judgment
11 on relationship with fellow employees?

12 A I'm making a sound judgment.

13 Q I heard the Sheriff himself say someone must
14 have heard the hissing, someone must have smelled the
15 burning, which means to me someone was negligent.
16 That someone could be only one of two people that
17 worked that wing and that to me one or two people were
18 either negligent or part of an escape.

19 A There were two officers, again, like I said, I
20 wasn't there, but there were two officers who were
21 reprimanded and suspended for the escape.

22 Q There were reprimands?

23 A The officers, yes.

24 Q Sheriff's Officers?

25 A That's correct.

1 Q Just the guards?

2 A Right.

3 Q How about superior officers?

4 A One was a superior officer.

5 Q So, action was actually taken because of
6 that escape?

7 A Yes, sir.

8 Q You say the Criminal Complaints Section
9 will act on anything that happens. Who investigates
10 that?

11 A The initial investigation is conducted by
12 Sheriff's Officers.

13 Q Who takes it from there?

14 A If it's a complaint where the inmate wants to sign
15 a complaint, if he is sexually assaulted, it's referred
16 to the Prosecutor and if it's a simply assault, we'll
17 take him and have him sign the complaint himself.

18 Q Do you feel that's a proper complaint?

19 A Yes, sir, because if we didn't see it, there is
20 no way we can prove it.

21 Q Let me ask you this.

22 Who on the outside would believe what you saw
23 and didn't see when you're conducting an investigation
24 of the personnel?

25 A It's a truthful investigation.

1 Q Don't you feel it would be wise to have
2 an outside agency investigate any problem, just so
3 that suspicion is released?

4 A If it's a serious enough incident, we do have
5 the Prosecutor's office come in, which is an outside
6 agency.

7 Q Only after you do all the initial investi-
8 gation?

9 A That's correct, we have had several investigations
10 where the Prosecutor's investigators come in.

11 Q Who investigates hanging?

12 A Our Department and the Prosecutor's Department as
13 well.

14 Q How soon do they get involved?

15 A Within an hour or two hours.

16 Q You have these rules and regulations for
17 inmates?

18 A That's right.

19 Q You came on board, when?

20 A September of 1972.

21 Q '72, and this is now '74, and these rules
22 and regulations were made up when, I think you said
23 before your time?

24 A Before my time, that's correct.

25 Q Have you done anything or have you sat down

1 with the Sheriff and Warden and tried to update these
2 and change these?

3 A Yes, sir, in addition to that, I asked for a copy
4 of every institution's in the state and asked for
5 copies of theirs. I believe 17 or 18 of the 21
6 counties replied, and I've their copies.

7 Q That doesn't necessarily mean that they are
8 right either.

9 A That's right.

10 Q The question I'm raising to you is, you've
11 been there some two years and you're still going by
12 these rules and regulations?

13 A Yes, sir.

14 Q Are these the only rules that are out for
15 the inmates?

16 A That's correct.

17 Q You also mentioned that you have a separate
18 set of rules for the employees besides the ones that
19 the Chairman has, you have ones for each of the shifts?

20 A That's correct.

21 Q Would you make them available to us tomorrow
22 if you possibly can?

23 A Yes, sir.

24 Q One for each of ther shifts and one for the
25 personnel and those that you use for fire procedures or

1 any emergencies that occur like that, just so we can
2 have them and perhaps if we have anyone testifying
3 tomorrow from the jail, we can make them part of the
4 record.

5 A Yes, sir.

6 Q Just one more thing on the rules and regu-
7 lations that are here. Which of those do you feel are
8 not necessary?

9 A Several of them I feel are not necessary and they
10 should be changed and upgraded.

11 Q Have the visiting hours changed?

12 A Yes, they have. Originally they were set up
13 Thursdays and Sundays, I believe it was 9 to 10 and
14 1 to 3. It's now Saturday and Sunday, 9 to 10 and
15 1 to 3.

16 Q If a person owns a barber shop or something
17 and he could only visit let's say on Wednesday, would
18 you make any special day so he can visit?

19 A We have made exceptions, but in general we stay to
20 Saturday and Sunday.

21 Q Let's take a mother who has a teenager who is
22 in lockup and, of course, she has two children. Now,
23 the weekends she has no chance at all because she has
24 to supervise the two younger children. She wants to
25 come in for a visit during the week because she cannot

1 come in on Saturday or Sunday, does that deny her the
2 right?

3 A No, sir, we have extended visits for certain
4 people. We don't make it a general practice or rule.

5 Q Can you answer one more question? Why is it
6 Saturday and Sunday as opposed to Sunday and Monday?

7 A That's the least amount of jail traffic and jail
8 business being conducted and that allows the maximum
9 time the inmates would be available.

10 Addedly, we found that the specific physical
11 area that the county is in with people coming out on
12 Thursday or during the week, there is no way to get
13 transportation. A lot of people, the primary popu-
14 lation is Atlantic City and most of the people are
15 working during the week and that eliminated the Thurs-
16 day again.

17 Q What was your salary on the previous job?

18 A \$10,000, a little bit better than \$10,000.

19 Q Now you're making \$11,200, is that correct?

20 A That's correct.

21 Q Do you get paid for being part of the
22 Criminal Justice Planning Board?

23 A No, sir, I don't.

24 Q You don't have any other positions where you
25 have additional salary of any type?

1 A No, sir.

2 Q That's all I have.

3 CHAIRMAN IRVING: Mr. Brown?

4 EXAMINATION BY
MR. BROWN:

5

6 Q Undersheriff Cartier, you are familiar, I
7 would assume, with the booking procedures of the jail.
8 Could you describe very briefly a booking procedure
9 search of the inmate?

10 A When the inmate is first brought into the
11 institution, he is given a search prior to him coming
12 into the physical part of the institution. He's
13 searched primarily for weapons. He is taken into the
14 receiving room, a strip search is conducted and there
15 he is processed.

16 Q You made mention before of a possibility of
17 confusing a male or a female for a male or vice versa.
18 I'm not sure if the strip search was made and if this
19 is part of your normal policy and procedures, how could
20 this mistake be made?

21 A No, this is when the inmate first came into the
22 institution, before he got processed. We hadn't put a
23 male into the female or a female into the housing units
24 yet.

25 Q Oh, I thought it was a mix up in assignments.

1 A No.

2 Q I'm glad to hear that.

3 Sheriff's Officers being transferred in
4 title by Civil Service just recently in your particular
5 county from Correction to Sheriff's Officers was by
6 the recommendation of Civil Service, is that correct?

7 A That's correct.

8 Q All right. You heard the testimony of one
9 of the other witnesses, I believe, I don't remember
10 which one mentioning a possibility of a transfer of
11 the duties of the Sheriff in relation to the duties
12 of the operation and functioning of the jail to the
13 Board of Freeholders. If, in fact, Sheriff Officer --
14 Correction Officers to Sheriff's Officers because
15 someone had mentioned it was an upgrade in their
16 physical structure -- in other words, it raised their
17 morale. What will happen if, in fact, the Board of
18 Freeholders assumes the operation of the jail from the
19 Sheriff to these employees meaning now the Sheriff's
20 Officers who will be affected by the transfer of
21 operation.

22 A You mean moralewise?

23 Q No, titlewise.

24 A If a Department of Correction is formed, and the
25 Sheriff no longer would have anything to do with the

1 functions, operations or control of the jail itself,
2 then the title, of course, could not be Sheriff's
3 Officer because they would not be working for the
4 Sheriff. Their title would be transferred to
5 Correction Officers.

6 This was in the proposal of December of 1973 to
7 the Freeholders.

8 Q In other words, they wouldn't be looking for
9 jobs?

10 A No, sir, they will not be looking for jobs.

11 MR. BROWN: Okay, that's all I have.

12 CHAIRMAN IRVING: Senator Dunn?

13 EXAMINATION BY
14 SENATOR DUNN:

15 Q How many prisoners do you have today,
16 approximately?

17 A 165.

18 Q How many are black?

19 A Better than half, 60%, 70%, I don't know.

20 Q Do you have any Muslims?

21 A We had one who claimed he was or not, I don't
22 know.

23 Q If you had five who were Muslims, would you
24 provide special diets for them or any special kitchen
25 services?

1 A We supply quite a few who claim pork is against
2 their religious beliefs or claim they are Muslims and
3 we do now supply special diets for them. We have been
4 for a long time.

5 If I may go a little further, someone mentioned
6 diabetics. We do not have a diet kitchen, but when
7 a man says he's a diabetic, he knows what he can and
8 cannot eat and we do prepare a special tray. If a
9 man has an ulcer, we will, as much as possible, have
10 special food prepared to him, so it will coincide with
11 what he can actually digest.

12 Q Do most of your prisoners or inmates come
13 from the Atlantic City area?

14 A About one-third are out of state. The biggest
15 majority of those from the county are from Atlantic
16 City and Pleasantville.

17 Q What accounts for the out of state?

18 A The high amount of transients in the summertime,
19 summertime, weekends.

20 Q For example, there was a raid over the week-
21 end and I believe there was a total of 43 inmates,
22 43 people that were arrested and out of 43, I'd guess
23 that just about all of them were all from out of
24 state, Pennsylvania, Delaware and Maryland.

25 SENATOR DUNN: I have no other questions.

1 CHAIRMAN IRVING: Mr. Cornblatt?

2 EXAMINATION BY
3 MR. CORNBLATT:

4 Q Am I correct, that some part of the rules
5 for inmates which you're still distributing in your
6 institution are flatly contrary to the law as it has
7 evolved in the last few years, aren't they?

8 A That's correct.

9 Q They are unlawful and you cannot require some
10 of the things you are requiring, is that right?

11 A Yes.

12 Q Yet you are still distributing these rules
13 and compelling your inmates to abide by them?

14 A We are distributing it. The part that we cannot
15 legally enforce, we are not enforcing.

16 Q Have you deleted them?

17 A That's how they are distributed, just like that.

18 Q Do you tell the inmates that or is there a
19 notice posted?

20 A No, verbally.

21 Q Who tells them?

22 A One of the officers.

23 Q How do you know that, in fact, the officer
24 tells them?

25 A All I have is their word. Here again, like I say,

1 we're not satisfied with them.

2 Q The blue book, if I may, your rules and
3 regulations for all personnel, do all of your people
4 get one of these?

5 A They are issued one, they sign for one and on the
6 back there is a place for their name and number of the
7 book.

8 Q When was this printed?

9 A About a year back.

10 Q And during that period of time, what has
11 your turnover been, approximately?

12 A In help?

13 Q In help, in officers.

14 A Well, to go back to the time I started at the
15 institution, September of 1972, three officers have
16 voluntarily left the institution. I think we've
17 had three other officers who were asked to resign or
18 leave the institution, plus one cook who was asked to
19 leave the institution.

20 Q And how many of those persons get copies of
21 the rules and regulations for the personnel?

22 A Everyone on the staff.

23 Q Why then is Dean Irving numbered 62?

24 A That's the way they come out of the drawer.

25 We started with the issuance and we save from one on

1 through, which was on the first bundle, two for the
2 Sheriff and so on down the line.

3 Q And morale, there was some testimony earlier,
4 I think you said that when someone is hired by your
5 Department to be a Sheriff's Officer, the older
6 Sheriff's Officers who would have been working in the
7 jail are given an opportunity to go over to the other
8 section of your office, the external personnel, if I
9 may phrase them that way, and the newer personnel, I
10 presume they go into the jail?

11 A That's correct.

12 Q Would it be fair to say that those officers
13 who are stationed in the jail have less desirable
14 duties than those who are outside?

15 A Well, it's a matter of interpretation of opinion.
16 The biggest majority of the people working are
17 interested in corrections, they are not interested in
18 transportation or police work.

19 Q Yet as an opening does occur, you'd say
20 they'd be given that opportunity?

21 A Yes, sir.

22 Q So, it's considered opportunity, is it not,
23 to get out of the jail into the other department?

24 A That's right, the hours are different, better and
25 shorter.

1 Q Would it be right to say that the morale of
2 the Sheriff's Officers in the jail is lower than the
3 Sheriff's Officers that work out of the jail?

4 A I don't think so. It might be a little bit less,
5 but I don't know.

6 Q Is your peak season the end of the summer?

7 A The end of the summer and the beginning of the
8 fall.

9 Q Can you delineate your business by months?

10 A Last half of September, October and the first
11 half of November are the busiest.

12 Q Is the medication consumed in the presence
13 of your Correction Officer?

14 A Yes, sir.

15 Q How long was the practice done? When did it
16 become a practice that was enforced?

17 A Last year.

18 Q Prior to that time, it was a rule but it
19 wasn't enforced?

20 A That's right. The medication prior to that time,
21 for example, I believe the Sheriff mentioned what type
22 of medication it was.

23 Q Barbiturates.

24 A It's a hard type of medication and I'm not talking
25 hard drugs, it was a pill or a capsule type.

1 Now it's poured into a cup and he drinks it and
2 hands the cup back to the officer.

3 Q You're familiar with the information that
4 we've been given relating to your budget?

5 A Yes, sir.

6 Q Do you have a copy of page 45F?

7 A Yes, sir.

8 Q Line item 3, I asked the Sheriff earlier and
9 he assured us that you would be able to explain that.
10 It shows educational training, \$4,050 was requested,
11 if I'm reading this correctly, \$4,050 was appropriated
12 and \$150 was paid. Can you explain that to me?

13 A Yes, sir. The primary reason for the expenditure
14 being \$150, that's only for officers or staff
15 training, not inmates.

16 Q I understand that.

17 A When items were ordered, the biggest amount of
18 items that we had were ammunition, clothing, equipment
19 for schools, and they were taken out of the supplies
20 account as opposed to the educational training account.
21 This was rectified this year.

22 So, this \$150 is a false figure as to how much
23 was actually spent. It was several thousand dollars.
24 This included some of the materials which we would use
25 for training.

1 Q There is approximately 63 officers that
2 is that correct?

3 A That's correct.

4 Q And approximately half of those have gone to
5 school at Skillman or elsewhere within the last year
6 or eighteen months?

7 A That's correct.

8 Q So, the bulk of that thirty-odd personnel
9 would have gone to school as part of the 1973
10 departmental budget, is that correct?

11 A That's correct.

12 Q And yet there is \$150 that's shown here and
13 that's an artificial figure -- I'm sorry, it's late
14 and I'm not following you.

15 I don't understand what you mean.

16 A Many of the items that were purchased, as I say,
17 Skillman was required for the students come up in
18 khakies, ammunition for their training up there,
19 sneakers which is part of the educational training,
20 this was taken out of supplies as opposed to being
21 taken out of educational training, where it belonged.

22 Q You mean part of the \$18,174.74 showed as
23 paid or reserves, some of that actually belongs to
24 educational training?

25 A That's correct.

1 Q And yet you requested in 1973 \$19,249. and
2 you were granted \$10,000. I see, so you've got an
3 \$8,000 overage, some which comes out of educational
4 training?

5 A That's right.

6 Q Who made the determination to manipulate,
7 if I may use the word, I don't mean it in a derogatory
8 sense.

9 A The Treasurer's office.

10 Q Which Treasurer?

11 A Atlantic County Treasurer made that mistake.
12 That's right, either Atlantic County Treasurer or the
13 Purchasing Department.

14 Q Can you explain to me why in your salaries
15 and wages, page 45A, the foreman, more money was
16 requested for the foreman than was requested for the
17 Warden?

18 A The only thing that was allowed to be requested
19 in this year's budget as far as wage increases were
20 concerned was 6%. Last year the maintenance foreman
21 had a job audit or a desk audit, I should say, that
22 was done by Civil Service.

23 In addition to the figure that's shown here, I
24 have the budget that was actually requested, the way it
25 went to the Freeholders.

1 In addition to the money the Warden got, there
2 was an additional 6% asked for on top of what he got
3 and this was not granted.

4 Q I'm not asking about what was granted, I'm
5 asking about what was requested.

6 A I requested an additional 6% on top of the 6% he
7 got.

8 Q Why isn't that shown as a requested amount?
9 In other words, if you requested more than \$9,635 for
10 the Warden --

11 A All they put here was the 6% figure set down by
12 the Freeholders. Anything else was a separate request.

13 Q Who made that determination that only the
14 6% could be set down?

15 A Either the Freeholders, someone in the Treasurer's
16 office, but it wasn't us.

17 Q Then mathematically, the increase for
18 foreman should be the same 6% over what he made and
19 the increase for Warden should be the same over what
20 he made in 1973?

21 A Right, and then going further down, the increase
22 following the same reason for Identification Officer,
23 it should be 6% more than he made in '73. No, the
24 Identification Officer and the Sheriff's Officers are
25 covered by contract of the F.O.P. and it's a two year

1 contract signed in April of '73.

2 Q That's why there was an increase, substantial
3 increas for those two categories?

4 A That's right, these are contractual agreements.

5 Q Would you agree with me mathematically,
6 \$9,978 was the requested amount and the foreman was
7 making \$8,597 adding a 6% increment to both of those
8 would not leave them with the amount shown in 1974?

9 A The maintenance foreman had a desk audit down in
10 1973.

11 Q I have no further questions.

12 CHAIRMAN IRVING: If there are no fur-
13 ther questions to ask of Sheriff Cartier,
14 this hearing is recessed until 9:00 A.M.
15 tomorrow in the same location.

16 Thank you.

17 (The hearing then recessed.)

18 * * * * *
19

20 I, Ramona Mydlowski, do hereby
21 certify that the foregoing is a true and correct
22 transcript of testimony taken at the time and
23 place hereinbefore mentioned.

24

25


Ramona Mydlowski, C.S.R.

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