

APPENDIX



**Unitarian Universalist
Legislative Ministry
of New Jersey**

A voice for justice, equality and compassion in New Jersey

Testimony

**Rev. Craig Hirshberg, Executive Director
Unitarian Universalist Legislative Ministry of New Jersey
Before the New Jersey Senate Law and Public Safety Committee
In support of the S 2588, Isolated Confinement Restriction Act.**

Feb. 12, 2015

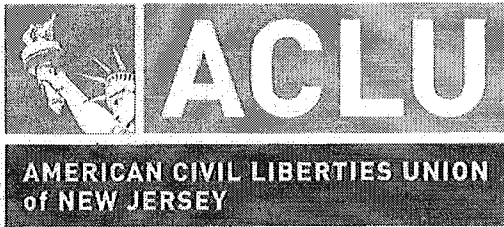
Thank you for allowing me the opportunity to testify before the Law and Public Safety Committee today. My name is Rev. Craig Hirshberg. I am the Executive Director of the Unitarian Universalist Legislative Ministry, representing Unitarian Universalist congregations throughout New Jersey. I am here to speak in support of S2588, the Isolated Confinement Act. As Unitarian Universalists, we are committed to affirming the inherent goodness and worth of each of us. As Americans, we take pride in our constitutional promise of liberty, equality, and justice for all, including those who have violated the law. The magnitude of injustice and inequity in this system stands in stark contrast to the values that our nation—and our faith—proclaim. We are compelled to witness this dissonance between what America proclaims for criminal justice and what America practices. We promote a moral vision of a justice system that operates in harmonious accord with our values as a community of faith. This vision includes the renunciation of torture and other abusive practices, and a fundamental commitment to the dignity and humane treatment of everyone in our society, including prisoners.

The use of unrestricted solitary confinement is both cruel and inhumane. The short-term and long-term effects of extreme isolation are devastating and often irreparable. Vulnerable populations such as children, those with different gender identity, and those with mental illnesses risk severe complications to their incarceration time. Many become mentally ill as a result of extended solitary confinement. Half of all prison suicides occur in solitary confinement.

There are few rules that govern the use of prisoner isolation, and those that exist do not take into consideration the current research on psychological trauma, institutional and public safety, and national and international human rights standards. Long-term abuse of this traumatizing isolation practices has been and should be considered a form of torture when one considers its devastating effects.

New Jersey can change this. As a just and fair state, New Jersey has an opportunity to address this horrendous practice by enacting S2588. It will limit the maximum time spent in solitary confinement, ensure mental health examinations, provide access to due process and ensure clean and humane conditions for prisoners. This is not too much to expect from our state's criminal justice system.

This is a moral and ethical question that demands a moral and ethical response, that of incorporating humane treatment and dignity for all, including those who are incarcerated. Eliminating the cruelty of extreme solitary confinement is a test of the humanity afforded in our justice system. Therefore, I respectfully urge you to pass this bill.



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TESTIMONY IN SUPPORT OF SENATE BILL NO. 2588

**ALEXANDER SHALOM, SENIOR STAFF ATTORNEY
AMERICAN CIVIL LIBERTIES UNION OF NEW JERSEY**

SENATE LAW & PUBLIC SAFETY COMMITTEE

February 12, 2015

Thank you for the opportunity to speak in support of S2588, a bill that will limit the overuse of solitary confinement in New Jersey and thereby protect prisoners, corrections officers, and communities.

My name is Alexander Shalom and I am Senior Staff Attorney for the American Civil Liberties Union of New Jersey. The ACLU is a private, non-profit organization founded in 1920 to promote and defend the founding American principles of freedom, justice and equality. We have approximately 12,000 members in New Jersey and hundreds of thousands nationwide. The ACLU-NJ is the state's leading organization dedicated to advancing and defending civil rights and liberties.

Right now, in New Jersey, prisoners of any age can be and are subjected to long-periods of solitary confinement – including several years at a time – for even non-violent violations of institutional rules. Other prisoners are held in long-term isolation because of their perceived political or gang affiliations. Throughout New Jersey's prisons and jails people with mental illnesses and developmental disabilities languish for twenty-three hours a day in small cells, deprived of meaningful human interaction.

As a result, we are extremely pleased to support this historic effort to reduce the overuse of solitary confinement in New Jersey. By reducing the amount of time people spend in isolation—and by ensuring that our most vulnerable prisoners are not subjected to this treatment at all—we achieve three important objectives. First, the proposed legislation protects juveniles, people with mental illnesses, and other prisoners from suffering the horrible ill-effects we know to be associated with solitary confinement; second, providing alternatives to isolation will protect prisoners, correctional staff, and communities while saving New Jersey a significant amount of money; and third, limiting solitary confinement is critical to ensuring that when prisoners return to our cities and towns—which almost all do—they are able to successfully reintegrate into our communities.

Before considering why S2588 will be so effective, it is important to identify why it is so necessary. Authoritative studies conducted by some of the nation's leading psychiatric and

psychological researchers establish that individuals subjected to solitary confinement exhibit various negative physiological and psychological reactions, including: self-mutilation;¹ revenge fantasies, rage and irrational anger;² heart palpitations;³ perceptual distortions and hallucinations;⁴ and nightmares.⁵

**Placing Young People in Solitary Confinement is
Particularly Harmful**

These intense physical and psychological harms are even more severe for young people thus it's no surprise that institutions like the United Nations Special Rapporteur on Torture⁶ and the American Academy of Child and Adolescent Psychiatry⁷ have called for bans on solitary confinement of youth.

Recent analysis by Human Rights Watch and the American Civil Liberties Union indicates that young people subjected to isolation in adult and juvenile facilities specifically struggle with suicidal behavior, anxiety and sleep disorder, symptoms of PTSD, hallucinations, and uncontrollable rage.⁸ In addition, they frequently are "denied access to education, books, exercise, proper nutrition, and mental health services,"⁹ leading to a spiral of increased rule-breaking and punishment. Several teens reported that they thought about or attempted suicide while in isolation.¹⁰ One such teen explained, "I just felt I wanted to die, like there was no way out—I was stressed out."¹¹ New Jersey must not continue turning a blind eye as we subject young people to this damaging practice.

These studies also have led policymakers to question the continued, widespread use of solitary confinement as a disciplinary sanction. In a recent letter, Robert Listenbee, Administrator of the federal Office of Juvenile Justice and Delinquency Prevention, wrote, "[I]solation of children is dangerous and inconsistent with best practices and . . . excessive isolation can constitute cruel

¹ Stuart Grassian, Psychopathological Effects of Solitary Confinement, 140 AM. J. PSYCHIATRY 1450, 1453 (1983);

² *Id.* See also Holly A. Miller & Glen R. Young, Prison Segregation: Administrative Detention Remedy or Mental Health Problem?, 7 CRIM. BEHAV. AND MENTAL HEALTH 85, 91 (1997); Craig Haney, Mental Health issues in Long-Term Solitary and "Supermax" Confinement, 49 CRIME & DELINQ. 124, 130, 134 (2003).

³ Haney, *supra* note 2, at 131.

⁴ See generally Richard Korn, The Effects of Confinement in the High Security Unit at Lexington, 15 SOC. JUST. 8 (1988).

⁵ Haney, *supra* note 2, at 133. Other negative reactions include hypersensitivity to external stimuli, increased anxiety and nervousness, fear of persecution; lack of impulse control; severe and chronic depression; appetite and weight loss; withdrawal; blunting of affect and apathy; talking to oneself; headaches; problems sleeping; confusing thought processes; and dizziness.

⁶ United Nations Special Rapporteur on Torture Warns About Abuse of Solitary Confinement in the Americas, (March 13, 2013),

http://www.unog.ch/unog/website/news_media.nsf/%28httpNewsByYear_en%29/5B5F637424BFED7AC1257B2D0060155F?OpenDocument

⁷ http://www.aacap.org/aacap/Policy_Statements/2012/Solitary_Confinement_of_Juvenile_Offenders.aspx

⁸ Growing Up Locked Down: Youth in Solitary Confinement in Jails and Prisons Across the United States, HUMAN RIGHTS WATCH AND AMERICAN CIVIL LIBERTIES UNION, 24 (2012);

⁹ *Id.* at 36, 37, 43.

¹⁰ *Id.* at 33.

¹¹ *Id.*

and unusual punishment.”¹² Similarly, the Attorney General’s Task Force on Children Exposed to Violence concluded that “nowhere is the damaging impact of incarceration on vulnerable children more obvious than when it involves solitary confinement.”¹³ S-2588 adheres to best practices by banning the use of solitary confinement for young people.

Placing People with Mental Illnesses in Solitary Confinement Constitutes Cruel and Unusual Punishment

Like young people, people with mental illness are particularly susceptible to the harm of solitary confinement. As a result, groups like the American Psychiatric Association¹⁴ and the National Alliance on Mental Illness¹⁵ have raised concerns about solitary confinement. The impact of placing mentally ill prisoners in solitary confinement was vividly described by a federal district court as “the mental equivalent of putting an asthmatic in a place with little air to breathe.”¹⁶ And the harm is not eliminated by simply providing larger cells or other better living conditions. As another court explained, “[e]ven if a person is confined to an air conditioned suite at the Waldorf Astoria, denial of meaningful human contact for such an extended period may very well cause severe psychological injury.”¹⁷ Indeed, several courts have found that the imposition of solitary confinement to severely mentally ill prisoners violates constitutional prohibitions against cruel and unusual punishment.¹⁸ This is so because prisoners with preexisting mental illnesses are at an even greater risk of having symptoms deepen into something more permanent and disabling.¹⁹ S-2588 protects people with mentally illness by keeping them out of solitary confinement.

¹² July 5, 2013 Letter of Robert Listenbee, Administrator, Office of Juvenile Justice and Delinquency Prevention, to Jesselyn McCurdy, Senior Legislative Counsel, American Civil Liberties Union 1, quoted in AMERICAN CIVIL LIBERTIES UNION, ALONE AND AFRAID: CHILDREN HELD IN SOLITARY CONFINEMENT AND ISOLATION IN JUVENILE DETENTION AND CORRECTIONAL FACILITIES 2 (2013).

¹³ ATTORNEY GENERAL’S TASK FORCE ON CHILDREN EXPOSED TO VIOLENCE, REPORT OF THE ATTORNEY GENERAL’S TASK FORCE ON CHILDREN EXPOSED TO VIOLENCE, DEFENDING CHILDHOOD: PROTECT, HEAL, THRIVE, (2012), <http://www.justice.gov/defendingchildhood/cev-rept-full.pdf>.

¹⁴ <http://www.psych.org/File%20Library/Advocacy%20and%20Newsroom/APA%20on%20the%20Issues/Regulatory/06-19-12-APA-Statement-on-Solitary-Confinement.pdf>

¹⁵ <http://www2.nami.org/Template.cfm?Section=Cleansweep&template=/ContentManagement/ContentDisplay.cfm&ContentID=137139>

¹⁶ *Madrid v. Gomez*, 889 F. Supp. 1146, 1265-66 (N.D. Cal 1995)

¹⁷ *Morris v. Travisono*, 499 F. Supp. 149, 160 (D.R.I. 1980).

¹⁸ See, e.g., *Ruiz v. Johnson*, 37 F. Supp. 2d 855, 915 (S.D. Tex. 1999), *rev'd on other grounds*, 243 F.3d 941 (5th Cir. 2001), *adhered to on remand*, 154 F. Supp. 2d 975 (S.D. Tex. 2001) (“Conditions in . . . administrative segregation units clearly violate constitutional standards when imposed on the subgroup of the plaintiff’s class made up of mentally-ill prisoners.”)

¹⁹ Craig Haney, *Mental Health Issues in Long-Term Solitary and “Supermax” Confinement*, 49 CRIME & DELINQ. 124, 142 (2003); Jeffrey L. Metzner et al., *Solitary Confinement and Mental Illness in U.S. Prisons: A Challenge for Medical Ethics*, 38 J. OF AM. ACAD. OF PSYCHIATRY & THE LAW 104, 105 (2010), (solitary confinement may exacerbate pre-existing symptoms of mental illness or provoke recurrence); see also Diana Aria et al., *Defining the Scope of Sensory Deprivation for Long Duration Space Missions*, NASA, 8 (2011), available at http://science.gov/scigov/link.html?type=RESULT&redirectUrl=http://ntrs.nasa.gov/archive/nasa/casi.ntrs.nasa.gov/20110014527_2011015154.pdf (stress from sensory deprivation places a person at significant risk for future psychiatric deterioration, which includes the potential development of irreversible psychiatric conditions).

**The Practice of "Double Celling" is as Harmful as,
or More Harmful Than, Locking a Prisoner Alone in a Cell**

Some might suggest that New Jersey's tendency to double-cell prisoners obviates the need to address the costs and consequences of solitary confinement. Such a position is unsupported by the studies – both anecdotal and experimental – that have been made of individuals confined together in small groups.²⁰ The most consistent findings in those studies was dramatically increased levels of hostility, interpersonal conflict, and paranoia.²¹ As a leading expert on the effects of solitary confinement has explained: "Individuals exposed to such conditions also tend to become irrationally territorial, staking out 'areas of exclusive or special use, [and] acting with hostility to trespasses by others.'"²² Indeed, "[c]onfined groups comprising just two individuals may be the most pathogenic of all, associated with especially high rates of mutual paranoia and violent hostility."²³

It is, therefore, no surprise that the American Psychiatric Association's position on the segregation of mentally ill prisoners defines segregation as "one to two inmates in a cell."²⁴ The Department of Justice takes the same approach, defining "the terms 'isolation' or 'solitary confinement' [to] mean the state of being confined to one's cell . . . *alone or with other prisoners*. . . ."²⁵ S-2588's definition of isolated confinement appropriately addresses people confined alone or with other prisoners.

**Alternatives that Decrease Harm to Prisoners,
Increase Safety of Corrections Officers and Save Money**

Fortunately, there are ways to successfully run correctional institutions without over-reliance on isolation. Across the country, states are taking the lead in reducing the use of solitary confinement and the results have been terrific.

Maine has been at the forefront of efforts to reduce the use of solitary confinement. Starting in 2011, Maine started sending fewer inmates to its segregation unit, a restrictive area where prisoners spend 23 hours of their day in a cell by themselves and have no interaction with fellow inmates.²⁶ The unit's 139 cells had been full, but by 2012 had between 35 and 45 inmates at any one time.²⁷ The outcomes have been staggering. According to former Corrections Commissioner Joseph Ponte, there have been "substantial reductions in violence, reductions in use of force, reductions in use of chemicals, reductions in use of restraint chairs, reductions in inmates cutting

²⁰ See Grassian, S. *Psychiatric Effects of Solitary Confinement*, (2006) WASH. U. J.L. OF LAW & POLICY, Vol. 22, 357-358, citing, e.g., Seward Smith, *Studies of Small Groups in Confinement*, in SENSORY DEPRIVATION: FIFTEEN YEARS OF RESEARCH 374-76 (John Peter Zubek ed., 1969).

²¹ *Id.* citing Smith, *supra* note 45, at 377.

²² *Id.* citing Smith, *supra* note 45, at 380.

²³ *Id.*

²⁴ <http://www.psychiatry.org/File%20Library/Learn/Archives/Position-2012-Prisoners-Segregation.pdf>

²⁵ United States Department of Justice, Letter to the Honorable Tom Corbett, Re: *Investigation of the State Correctional Institution at Cresson and Notice of Expanded Investigation*, May 31, 2013, at p. 5 (emphasis added).

²⁶ Barber, A. (2012) "Less restriction equals less violence at Maine State Prison," *Bangor Daily News*.

²⁷ *Id.*

[themselves] up — which was an event that happened every week or at least every other week, [The cutting has] almost been totally eliminated as a result of these changes.”²⁸

Reforms in Mississippi have created even more dramatic results. Mississippi’s notorious Parchman Prison housed the state’s super-maximum security unit where all prisoners were kept in 23-hour-per-day solitary confinement. After an outburst of violence in 2007, the prison took a surprising approach: “Instead of tightening restrictions further, prison officials loosened them. They allowed most inmates out of their cells for hours each day. They built a basketball court and a group dining area. They put rehabilitation programs in place and let prisoners work their way to greater privileges.”²⁹ The results were even more surprising than the approach: “Violence went down. The number of prisoners in isolation dropped to about 300 from more than 1,000. So many inmates were moved into the general population of other prisons that [the solitary confinement unit] was closed in 2010, saving the state more than \$5 million.”

These states are not alone. New York, Colorado, Washington and Pennsylvania are all prioritizing and piloting reforms to their use of solitary confinement, particularly with vulnerable populations.³⁰ New Jersey should place its self at the forefront of smart reforms that are more humane, make us safer, and save money.

Reducing the Overuse of Solitary Confinement Promotes the State’s Interest in Helping Ex-Offenders Can Successfully Reenter Our Communities

It is indisputable that an overwhelming majority of people in prison will, someday, return to our communities.³¹ The question we must ask is, “in what mental condition will we find those who return to our neighborhoods?” The gravity of this question was best demonstrated by horrific events in Colorado in 2013. The head of Colorado’s prisons – who had worked to reduce the use of solitary confinement in that state – was murdered by a man who had recently been released after a long period of solitary confinement.³² The killer’s mental health had been seriously adversely impacted by his lengthy stay in solitary.³³

A recent study by the American Friends Service Committee confirms the intuitive belief that “[l]engthy or repeated exposure to long-term solitary confinement reduces former prisoners’ prospects for successful reentry and contributes to” recidivism.³⁴ The same conclusion can be drawn from a study of over 8,000 former Washington State prisoners, which found that people who were released directly from isolation had a much higher rate of recidivism (64 percent) than

²⁸ *Id.*

²⁹ Goode, E. (2012) “Prisons Rethink Isolation, Saving Money, Lives and Sanity,” *New York Times*.

³⁰ Kupers, et al. (2009) “Beyond Supermax Administrative Segregation,” *Criminal Justice and Behavior*; Epps, C. (2012) “Reassessing Solitary Confinement - The Human Rights, Fiscal, and Public Safety Consequences,” Senate Testimony from Public Hearing on June 19, 2012; See also <http://www.nrcat.org/torture-in-us-prisons/learn-more-alternatives-to-solitary-confinement> for full list of state initiatives to develop alternatives to isolation.

³¹ http://njdoc.gov/pdf/offender_statistics/2014/By%20Total%20Term%202014.pdf (64 percent of prisoners are serving sentences of less than ten years; only .003 percent of prisoners are serving sentences of life without parole).

³² Goode, E. and Frosch, D. (2013) “Mysteries Multiply in Prison Chief’s Killing” *New York Times*.

³³ *Id.*

³⁴ Lowen, M. & Isaacs, C. (2012) “Lifetime Lockdown: How Isolation Conditions Impact Prisoner Reentry,” The American Friends Service Committee.

individuals who spent some time in the general prison population before returning to the community (41 percent).³⁵

Conclusion

New Jersey stands poised to join a growing national movement to end the overuse of solitary confinement. The gains the states stands to realize include increased public safety, cost savings, and healthier communities. We urge the Committee to release S2588 and move the Garden State closer to becoming a fairer, safer, more humane state.

³⁵ Recidivism of Supermax Prisoners in Washington State (October 2007), Lovell et al., *Crime & Delinquency*, vol. 53, no. 4, pp. 633-656.

STATEMENT ON SENATE BILL 2588
RESTRICTS USE OF ISOLATED CONFINEMENT IN
CORRECTIONAL FACILITIES

Chairwoman Greenstein, Vice Chairman Barnes and Committee members, good morning. Let me begin by saying we appreciate the sponsors for bringing the issue of isolated confinement to the forefront. We understand that this is a matter of great concern, but it is also one in which the New Jersey Department of Corrections is truly ahead of the curve.

We employ sound correctional practices as recommended by the American Correctional Association and the Association of State Correctional Administrators in the evaluation and monitoring of restrictive housing. We ensure that the mission of our department, providing safe and secure correctional facilities for those who have been placed in our care, is never compromised.

And while we follow the Administrative Code, 10A, to guide us in the proper placement of each inmate, we fully understand that such practices must be continually monitored and updated. For instance, several years ago, we began a review of all restrictive housing. This review included an examination of access to medical and mental health services and resulted in appropriate modifications to the operations of these units. This includes housing an inmate with a cell mate when suitable and enhancement of re-entry processes back to general population.

In fact, we believe that isolated housing in a traditional sense doesn't exist in New Jersey. Among our many concerns with this proposed legislation stems from the fact that it would restrict the department from responding to ever-evolving trends across the field of corrections.

We've put in place specific measures designed to transition an inmate from restrictive housing to general population. If I may, I would like to briefly describe how and when we employ restrictive housing.

- 1) Temporary Close Custody indicates a non-punitive removal of an inmate from his or her housing unit. It is primarily used to house inmates who are being investigated for potentially serious infractions. An inmate cannot be held more than 72 hours without an Administrator review and approval.
- 2) Pre-Hearing Detention refers to the removal of an inmate from general population pending a disciplinary hearing. Absent extraordinary circumstances, an inmate must have a hearing within three calendar days of placement.
- 3) Protective Custody is the confinement to a secure unit designated to provide protection to the inmate from potential injury or harm. Placements are validated, and preceded by a hearing. In the event of involuntary Protective Custody, the

- inmate has the right to appeal the decision of the hearing officer to the Administrator. All placements are routinely reviewed.
- 4) Disciplinary detention and administrative segregation involve the post-hearing removal of an inmate from the general population to a close custody unit because of disciplinary infractions. The inmate has the right to appeal the hearing officer's decision to the Administrator, and if not satisfied, they may then appeal to the Appellate Division of the Superior Court. All placements are routinely reviewed.
 - 5) Management Control Unit indicates a close custody unit to which an inmate may be assigned if he or she poses a substantial threat to the safety of others or interrupts the orderly operation of the facility. The initial request for inmate placement comes from the Administrator and the placement is made by an independent hearing officer. The inmate has the right to appeal to the Commissioner's designee, currently the special counsel. They, too, have the right to appeal to the Appellate Division of the Superior Court. In addition, these placements are reviewed every three months by a high-level corrections supervisor.

As I previously noted, we acknowledge the issues surrounding restrictive housing aren't bound by New Jersey's borders. Rather, the study of these matters is a national trend in the corrections field, as concerns have arisen as to the psychological impact caused by the inappropriate use of this housing setting.

The Association of State Correctional Administrators—also known as ASCA—recognizes the importance and challenges associated with managing inmates who pose a serious threat to the safe and secure operation of correctional facilities. The use of restrictive housing for these inmates is a necessary tool for correctional systems to ensure a safe environment for staff as well as inmates. ASCA has released a number of guidelines to be used as a general framework for dealing with this difficult population. This classification should be reserved for a very small segment of the DOC populations. Although, nationally, it is known by various names, it is the NJDOC's Management Control Unit which meets the limited definition.

Recognizing the concerns expressed by ASCA and echoed by inmate advocate groups around the country, the NJDOC, using the ASCA guidelines as a blueprint, conducted a comprehensive review of the MCU. As a result, the department implemented changes that provided for additional independent review and established a clear process of returning inmates who are appropriate for general population back to that setting.

Please allow me to provide a few examples of the kinds of inmates who required placement in the Management Control Unit. While on the Capital Sentencing Unit, which, as you know, was abolished, a New Jersey inmate killed a fellow Death Row offender with his bare hands. Before coming to New Jersey from a different state, another inmate caused a hostage situation, during which he raped a corrections employee.

Yet another out-of-state offender now housed in New Jersey attacked and viciously beat and stabbed three members of the custody staff where he had been incarcerated.

While these are only three examples, it is important to note that out of an inmate population of over 21,000, only 47 inmates are currently housed in the Management Control Unit. Newly promulgated procedures provide increased opportunities for an inmate to be released from this unit. Since enacting these procedures in April 2014, 17 inmates have been released from the MCU. It should be noted that even as these inmates are transitioned to general population, their behavior and progress are closely monitored. Before they are housed in general population, these inmates are afforded similar rights to general population inmates. For example, they have access to medical services and receive regular visits by mental health staff. These inmates have the opportunity to avail themselves to educational services and programming. They also receive visits and, upon appropriate display of adherence to the rules of the unit, are permitted to congregate with other inmates. The goal of this process is to effectively transition the inmates back to general population while taking appropriate measures to ensure the safety of staff as well as inmates.

Our opposition to this legislation stems from our concern that this bill would restrict us from adopting new best practices in the industry, with substantial input from such organizations as ASCA and the American Correctional Association. We also believe that the implementation of this bill would be financially prohibitive and would severely limit the Commissioner's ability to appropriately house inmates based on a case-by-case assessment by qualified corrections professionals.

Therefore, the New Jersey Department of Corrections opposes this proposed legislation.

Testimonies of Torture in New Jersey Prisons

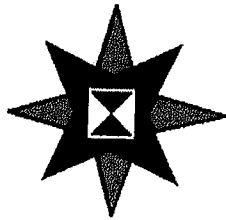
EVIDENCE OF HUMAN RIGHTS VIOLATIONS

A collection of testimonies from prisoners in New Jersey prisons, documenting uses of physical, chemical, and no-touch torture, among other human rights abuses.

American Friends Service Committee

Northeast Region

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Torture in New Jersey Prisons | Evidence of Human Rights Violations

INTRODUCTION

The American Friends Service Committee (AFSC) is a Quaker faith based organization that promotes lasting peace with justice, as a practical expression of faith in action. AFSC's interest in prison reform is strongly influenced by Quaker (Religious Society of Friends) activism addressing prison conditions as informed by the imprisonment of Friends for their beliefs and actions in the 17th and 18th centuries. AFSC has spoken out on behalf of prisoners whose voices are all too frequently silenced. Drawing on continuing spiritual insights and working with people of many backgrounds, we nurture the seeds of change and respect for human life that transform social relations and systems.

For over two decades, the Prison Watch Program of the American Friends Service Committee, located in Newark, NJ, has been collecting testimonies in the form of letters from prisoners across the United States. These letters document various human rights abuses in US prisons, including, but not limited to, physical, chemical, and no-touch torture at the local, state and federal levels. It is clear that the concepts of international human rights law need to find their way into the US law enforcement, judicial and prison systems. The United States has signed and ratified three important and relevant United Nations Conventions: *The International Covenant on Civil and Political Rights*; *the International Convention on The Elimination of All Forms of Discrimination* and *the United Nations Convention against Torture*. The conditions and practices that the imprisoned in New Jersey reflect in this pamphlet clearly describe violations of these treaties.

In the Fall of 2014, Pope Francis was quoted widely as saying that maximum security prisons can be a form of torture since their "principal characteristic is none other than extreme isolation," which can lead to "psychic and physical sufferings such as paranoia, anxiety, depression, weight loss and significantly increase the chance of suicide. In November 2014 in Geneva, Switzerland, the UN Committee against Torture expressed grave concerns about the torture and deaths of US detainees overseas and prisoners held in U.S. prisons, jails, and juvenile detention facilities. The Committee reported that while noting that the State party has indicated there is "no systematic use of solitary confinement in the US", the Committee remains concerned about reports of the extensive use of solitary confinement and other forms of isolation in US prisons, jails and other detention centers for purposes of punishment, and discipline. Furthermore it is concerned about the use of solitary for indefinite periods of time, and its use against individuals and individuals with mental disabilities". Readers can access AFSC's Shadow Report containing relevant national testimony at <https://afsc.org/document/survivors-speak-prisoner-testimonies-torture-united-states-prisons-and-jails>

The recent acknowledged use of "brutal" methods of torture detailed in the Senate Intelligence Committee's report on the CIA's use of torture overseas is relevant to what people in New Jersey prisons are telling us. These past years have been full of complaints from prisoners and their families in New Jersey describing inhumane conditions including cold, filth, callous medical care, use of extended isolation often lasting years, devices of torture, harassment, brutality and racism. We have received vivid descriptions of and drawings of four and five point restraint hoods, restraint belts, restraint beds, stun guns, stun grenades, and stun belts, spit hoods, tethers, and

Torture in New Jersey Prisons | Evidence of Human Rights Violations

waist and leg chains. Many testify that “no touch torture” is the worst treatment inflicted on people. This psychological assault can include humiliation, sleep deprivation, sensory disorientation, extreme light, extreme dark, extreme cold or heat, extended isolation often lasting years, including other forms of situational placement, a systematic attack on all human stimuli.

New Jersey has a unique history in terms of the use of solitary confinement, in particular. In his 2003 book *Inside Out – Fifty Years Behind the Walls of New Jersey’s Trenton State Prison*, former guard, Harry Camisa says, “The guys singled out for the MCU (Editor’s note: Management Control Unit for long term isolated confinement) were viewed as potential troublemakers or political leaders who needed to be segregated to keep them from influencing the rest of the population. This was a new and controversial concept in New Jersey.” The unit indefinitely isolated activists and leaders from the prison’s general population, as it attempted to psychologically reshape their values by subjecting them to an extraordinary level of physical control and sensory deprivation.

New Jersey was a key state for people involved in political activities such as the Black Panther Party and the Black Liberation Army. It is also a corridor state and often members of other political formations travelled through the state – many finding themselves imprisoned at Trenton State Prison. Relevant to the continuing use of the MCU was Executive Order 88, signed in 1984 by then-Governor Thomas Kean, which mandated that “any persons believed to be a member of a terrorist organization or other similar groups committed to violence, murder or mayhem as a means to achieve their purpose could be placed in the Management Control Unit pre-trial.” The AFSC, in cooperation with people held in the MCU, began the Control Unit Monitoring Project in 1987 which conducted ongoing observations of the unit via visits, telephone calls and letters. Students from many colleges and universities assisted in this effort. The effort resulted in an August 1991 article in the Trenton Times entitled “Modules or Cages? TSP Enclosures Stir Protest”; a 1992 Town Meeting and Silent Vigil held outside the prison; a 1992 article in the Bergen Record and another in the New Jersey Tribune and ultimately a 2010 New Jersey Network program called “Due Process: Solitary: Who and Why”. That Program continues to be shown throughout the country on Cable television stations.

On December 31st, 2014, a Star Ledger headline read “Ex-Inmate Settles Lawsuit over Claim he was strapped in Chair.” The lawyer for the former prisoner called the occurrence “an instance of torture” describing seven officers entering the cell, spraying mace, punching, and kicking the downed prisoner, cuffing and shackling him and then strapping him in a restraint chair for 19 hours. In another well publicized and well documented occurrence of torture, a prisoner paid an officer to bring in a small video camera. Through the slit window in his isolation cell, the prisoner filmed for four months capturing senseless brutality and abuse. Readers with computer access can see a portion of that film if you Google “Sneak Peek”.

What follows in these pages are excerpts from the countless letters that the AFSC and Jean Ross, Esq. have received effectively providing witness that torture is not only used extensively, but actually condoned in New Jersey. We join with prisoners, their loved ones and activists on both sides of the walls throughout the state in saying, not in our name.

Torture in New Jersey Prisons | Evidence of Human Rights Violations

Acknowledgements

This report would not have been possible but for the courageous individuals held in New Jersey prisons and jails who have risen above the specter of reprisal and brutal punishment to give witness to the abuses they and their peers endure throughout the prisons in our state. The support and assistance of American Friends Service Committee program staff were crucial in the development of this report. The generous contributions and assistance provided by Ojore Lutalo and Jean Ross, Esq. are deeply appreciated. Jean is an AFSC volunteer and pro bono attorney who has worked with people in prison and their loved ones in the community for over 13 years, on behalf of the People's Organization for Progress. Special thanks go to Jean for making these additional testimonies available for this report. Thank you also to Aliya Howard for her patient editing of the manuscript. A very special note of gratitude to Jessica Gonzalez for her tireless patience and hard work towards making this project a reality. Without her input, we could never have realized this collective effort. Thanks, too, to AFSC staff member Kathy Heim for additional editing. [Editor's Note: Testimonies may have been edited for space reasons but not for spelling or grammar. Witness to pain does not require a manual of style.]

Keith Harvey, Northeast Regional Office Director

Amy Gottlieb, Northeast Regional Office Associate Director

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I. THE STORY OF OJORE LUTALO

The story of Ojore Lutalo is unique -- as is the story of every prisoner represented in this document. We tell Ojore's story more expansively because he was our "ground zero" person when he wrote to AFSC in 1986 after having just been placed in the Trenton State Prison (now renamed New Jersey State Prison) Management Control Unit (MCU). That control unit was opened in 1975 and was modeled directly on San Quentin Prison's "O" Wing. Ojore wrote asking what a control unit was, why he was there and how long he would have to stay there. He described extreme isolation with 24/7 lock down, limited or no contact with other people, and a psychological warfare that we now know as "no touch torture."

In one of his early letters, Ojore wrote: "How does one go about articulating desperation to another who is not desperate? How does one go about articulating the psychological stress of knowing that people are waiting for me to self-destruct? I did not do anything to deserve this." Ojore went on to describe being awakened by guards dressed in riot gear holding barking dogs at 1 a.m. every other morning. Once awakened, the prisoners were forced to strip and gather their belongings, while feeling the dogs straining at their leashes snapping at their private parts. He described being terrorized and intimidated, and the humiliation of being naked without knowing whether the masked guards were male or female. If we think back to slavery and to images of the civil rights movements, we recognize that dogs have been used as a device of torture for hundreds of years in the United States.

We monitored Ojore from 1986 through his court -- ordered release from prison in August 2009. During the time he was kept in isolation, we confirmed that he, along with others in the MCU, was being held there for political reasons -- for their beliefs. Ojore was considered a black radical capable of imparting his radical belief system to others. The AFSC communicated this to the Bergen Record Newspaper reporter, Bill Sanderson, who in 1992 wrote a newspaper article about Ojore and others called "New Jersey Political Prisoners Do Hard Time in Solitary." In that article, Bill reported: "Since 1986 Ojore N. Lutalo has been in solitary confinement at New Jersey State Prison, locked alone in his cell 22 to 24 hours a day. He isn't being treated this way because he broke prison rules -- if he had, he would have been returned to general prison population years ago. Instead, in a nation that venerates freedom of thought, Lutalo is a political prisoner -- one of 77 inmates segregated from other convicted criminals because prison officials fear their political and religious ideas could foment trouble. Because Lutalo broke no rules, prison officials say his placement in the management control unit, or MCU, isn't punishment. However, prisoners say life is hard enough in NJ State, the state's most dangerous and most secure prison, without enduring the MCU's enforced isolation and idleness."

In 1994 New York Channel 9 reporter Peter Fuentes aired a piece for their news programs headlined "Prison Politics" confirming that the "New Jersey Department of Corrections says these prisoners are dangerous because they have strong political or religious ideas and are capable of leading others to riot." In 2001, a documentary film maker received permission from

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the Department of Corrections to film "In My Own Words," a 45-minute documentary about Ojore which aired on a New Jersey cable station and at venues across the country. After 16 years in isolation, Ojore and many others were released from the Management Control Unit based on the finding of a Special Master ordered via court litigation in 2002.

For those of us at AFSC's Prison Watch and others who monitor friends and loved ones in isolation units, the act of "disappearing" someone is common. Family members call from all over the country, frantic because they have not heard from a family member via an anticipated call or letter. This happens especially frequently in the "special needs" or mental health units in supermax prisons throughout the country. The absence of contact with the loved one causes alarm, and often no one responds to the family's calls of concern.

From October 13th, 2005 through October 18th, 2005, Ojore suddenly disappeared from contact. For a month prior to his disappearance, no one had heard from him via mail or telephone, nor was he allowed to have visitation. No one could get any information from the Department of Corrections about his well-being.

He was held incommunicado in New Jersey State Prison's mental health unit, called 1-C by prison workers and the "boom-boom room" by prisoners. There he was not allowed to make telephone calls, send or receive personal mail, receive personal or legal visits, or take part in any activities at all. He was held in complete isolation suffering the worst form of "no touch torture."

What follows are excerpts from Ojore's experience. Imagine the thousands of people experiencing something similar in prison cages across the country. Imagine that this is happening to someone you love.

Thursday, October 13th, 2005 – "The lockdown started around 1:30am, when a cell extraction team of several security guards, dressed in combat gear, woke me up and said: 'per orders of the warden, you are to be moved to 1-C (the so called mental health unit).' So I started thinking, why the 'boom-boom room, since it is well known that I do not suffer from any psychological decompensations. . . I get up and I start feeling around in the darkness of the cell for my clothing because they turned the power off. The sergeant asks for a flashlight, but they don't have one among themselves . . . I got dressed for the unexpected, but I could not find any thermal underwear in the dark . . . As I enter 1-C, I see four or five cells located behind a floor to ceiling fence with another fence built around the first cell, in which I am placed. They uncuff my right hand and tell me to place my hand behind my head and strip. I go through the strip search motions: raise my hands, open my mouth, stick my tongue out, lift my private parts, turn around, raise my right foot, bottoms up and then I spread the cheeks of my ass. Then they tell me to turn around and face the wall until they leave. They leave and I turn around to put my clothing on, only to find out that they took my clothing with them. There I stand, naked in a cold water cell, standing next to a puddle of water! . . . I find I am in a 'close-watch-cell'! One camera is over the dirty, uncovered foam mattress on the floor, which is also dirty. The other camera is located over the cell door. The cell light is also located high up against the wall and

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the white burning lights stay on twenty four hours a day, making sleeping difficult and your eyes start feeling like they have sand underneath your eyelids. Focusing becomes difficult. The vent in the cage is high up against the wall, and blows out freezing cold air 24 hours a day. The only bedding I am given is lying on top of the dirty uncovered mattress and are two paper thin sheets. I tear up a sheet to cover up the puddle of water on the floor to keep my bare feet dry and wrap the other sheet around my body . . . I start to feel the coldness of the cage assaulting my naked body . . . I can feel my body starting to shake so I get off the sink and start pacing the floor. When I grow weary of pacing the floor, I sit atop the stainless steel sink hugging my body with paper sheet. I entered the boom-boom room at 1:30 am."

Friday, October 14th – ". . . at 9:30 am, they gave me back my clothing! The telephone is ringing with calls coming in from other prison security guards wanting to know Lutalo's status, if I had lost a sense of myself, meaning if Lutalo went crazy. I grow weary of pacing the floor and sitting atop of the sink, so I cover the dirty foam mattress with a paper sheet and lay down fully dressed and doze off. I wake up to the sound of splashing water, to see water leaking from the ceiling and running down the wall and seeping under the mattress. I call the guard who comes to the cage door. I ask if he could move me to another cage. Now the water is running underneath the cage door. Two hours later they move me into cage #2 which doesn't have the 24 hour camera watch. Cage #2 has another dirty foam mattress with two paper sheets atop it and is just as cold as Cage #1. I start pacing to generate some body heat. The stool and the cage shelves were removed, the light switch has a steel plate over it and the wall sockets have steel plates over them. The cage light stays on 24 hours a day. The floor, toilet, and sink are filthy!"

Saturday, October 15th – "Just like I was illegally place in the boom-boom room, it was illegal for the warden to have me placed in a cage that was condemned. I stayed in cage number two until Saturday afternoon when a sergeant came to the cage and told me that I was being transferred to '1-C overflow". They put me in cage #1 and I entered the cage to find a steel bed frame bolted to the wall and floor, with another dirty foam mattress and a working light switch. The cage had two mounted close watch cameras and was just as cold as the other cages. I was given two security tooth-brushes, a small tube of toothpaste, a bar of soap and one dirty very thin cotton spread and four paper wash cloths."

Sunday, October 16th - "You call this a democracy?"

Monday, October 17th – "My eyes are hurting more from the glare of the 24 hour bright white lights! You call this a democracy? I feel the coldness of the cage assaulting me. I pace, I doze, I cover the dirty mattress foam and lay down. The way I am now being treated is illegal. This cage is condemned. You call this a democracy?!"

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Tuesday, October 18th – “At 12:40 am, five guards came into the cage with a nurse. The sergeant told me that the nurse wanted to take my vitals. I thought this was a strange request since I had not requested any medical assistance and it was 12:40am with five guards standing there. The nurse only took my blood pressure and left the cage without taking my temperature, pulse or heart rate or asking any questions about my medical history, which I thought was all a part of taking one’s vitals. Around 8:30 am on Tuesday, three security guards show up and told me that I am being moved to the Management Control Unit. I am handcuffed and escorted to the MCU. I enter MCU and Cell #6 opens up, the door echoing. I step into the cage to discover that I am in another ‘close watch’- one with another dirty foam mattress on the color and a camera mounted to the ceiling. The stool and cage shelves were removed, the light switch has a steel plate over it and the wall sockets have steel plates over them. The light stays on 24 hours a day. The floor, sink and toilet are filthy. . . I still do not know why I was placed on no contact status, why I was placed in the boom-boom room or why I was re-interned in the management control unit. All of this without ever breaking a single rule! You call this a democracy?”

October 20, 2005 – Once Ojore was able to be in touch with us and others, he let us know that he had illegally been placed back in the Management Control Unit. No charges, no reason – and after a Special Master had released him three years prior. When I called the Department of Corrections, it took many conversations before I was bluntly told that this was at the request of Homeland Security. – *Bonnie Kerness, American Friends Service Committee Stopmax Conference (June 2008)*

In yet another incident of Ojore “disappearing” without any reason, he was removed without explanation from the MCU and placed in a bloody cell. If we remember the photos coming out of Abu Ghraib of the “no touch torture” where the man was forced to stand for hours with his arms out, not moving, we can picture what went on in this bloody cell for the six hours he was forced to stand there. Again, this is happening every day, throughout the United States. It is torture that occurs without any chemical or physical abuse. When he was finally able to contact us, the AFSC received pro bono cooperation from Jean Ross, an attorney who wrote to the Department of Corrections:

“ . . . it was immediately apparent that something was seriously wrong. There were streaks of blood visible on the backs and side walls of the cell, and on the glass window of the cell door. The floor was visibly blood-spattered, to the extent that the blood adhered to Mr. Lutalo’s boots. There was also blood in the sink. Nevertheless, Mr. Lutalo was locked in that cell and he remained there for 6 hours. . . Mr. Lutalo was then moved to cell #5. He was not allowed to shower after this second transfer, so he had to wash the blood off his boots in the sink of his new cell. Mr. Lutalo then observed prisoners in white jumpsuits and white rubber gloves enter cell #1, with plastic bottles of yellow bleach and red plastic toxic waste bags. He later learned that the

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previous occupant of that cell had attempted suicide about a month prior to his placement, and that the cell had not been cleaned since that time. . . The protective measures ordered by some member of the prison staff imply that the dangers of exposure to blood borne infection were known by some responsible member of the prison staff. This raises the question, then, of why Mr. Lutalo was placed in cell #1, in its original bloody state, by the persons who transported him to 2B left." – *From lawyer Jean Ross's letter on behalf of Ojore Lutalo, New Jersey State Prison, Trenton, NJ (8/31/07)*

During the quarter century that we monitored Ojore Lutalo in isolation, he was never assaulted either physically or chemically. Currently, Ojore Lutalo spends his time volunteering for the American Friends Service Committee Prison Watch Project in Newark, NJ. Upon entering the office, visitors are welcomed by Ojore's collages, made from photographs and cutouts from magazines pasted alongside the text of legal documents, blueprints, and Lutalo's words. They are a product of his 22 years in solitary confinement. "I would create these collages to help maintain my sanity," said Lutalo. "I would get up every morning. I would read and write, exercise. I'd write letters. Some days I would do collages all day long. I'd just cut and paste, cut and paste."

Throughout this report, the reader will encounter a few samples of the collages Ojore Lutalo created while in prison.

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COLLAGE CREATED BY OJORE LUTALO

Psychological wounds

COLLAGE CREATED BY OJORE LUTALO

Introduction

What is "no touch" torture?

BEHAVIOR CONTROL

YOU CALL THIS A DEMOCRACY!

**TRUE THOUGHTS
PEOPLE TELL
THEIR STORIES**

Grim
Reality

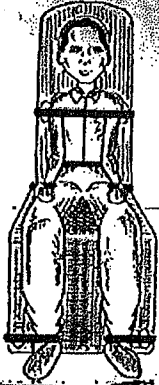
Let It
Be Said:

OJORE N. LUTALO
P.O 861-59860
SBI#0000901548
TRENTON, NJ 08625

Without controversy and hard times, you'll never know who you'll be when critical situations come your way. And you'll never know who your friends are.



OJORE N. LUTALO



I was held incommunicado for six (6) days in New Jersey's Trenton State Prison draconian and nightmarish mental health unit called I-C by prison workers and the boom-boom room by most prisoners. I was not allowed to shower, change my clothing, have soap, toothpaste, toothbrush, wash cloth or towel. I was not allowed to make telephone calls, send out or receive personal or legal mail (see attached). I was also not allowed to receive personal or legal visits or take part in any inside or outside recreational activities.

Breaking Men's Minds

Introduction

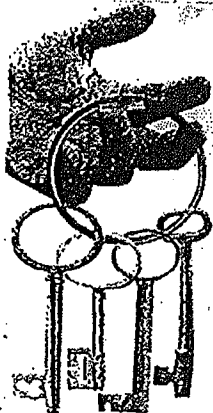
What is "no touch" torture?

BEHAVIOR CONTROL

The banal and bizarre techniques of "no touch" torture

An example of "no touch" torture:

No touch torture is a set of practices used to inflict pain or suffering without resorting to direct physical violence: sleep deprivation, sensory disorientation, solitary confinement, humiliation, extreme cold or heat, extreme light or dark, intentional placement of stimuli, systematic attack on all human stimuli.



PSYCHOLOGICAL
Violence

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II. ISOLATION / NO TOUCH TORTURE

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Article 1

... the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.

International Covenant on Civil and Political Rights

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

Article 10

- 1) All persons deprived of their liberty shall be treated with humanity and with respect for the dignity of the human person.*
- 2) The penitentiary system shall comprise treatment of prisoners the essential of which shall be their reformation and social rehabilitation.*

Article 16

- 1) Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public, official or other person acting in an official capacity. In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture or references to other forms of cruel, inhuman or degrading treatment or punishment.*
- 2) The Provisions of this Convention are without prejudice to the provision of any other international instrument or national law which prohibit cruel, inhuman or degrading treatment or punishment or which relate to extradition or expulsion.*

International Covenant on Civil and Political Rights (CCPR)

Article 7

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

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Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Article 4

1. *Each State Party shall ensure that all acts of torture are offenses under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.*
2. *Each State Party shall make these offenses punishable by appropriate penalties which take into account their grave nature.*

U.N Covenant on Treatment of Prisoners: Standard Minimum Rules for the Treatment of Prisoners

Rule 30

1. *No prisoner shall be punished except in accordance with the terms of such law or regulation, and never twice for the same offence.*
2. *No prisoner shall be punished unless he has been informed of the offence alleged against him and given a proper opportunity of presenting his defense. The competent authority shall conduct a thorough examination of the case.*

Rule 31

Corporal punishment, punishment by placing in a dark cell, and all cruel, inhuman or degrading punishments shall be completely prohibited as punishments for disciplinary offences.

Rule 32

1. *Punishment by close confinement or reduction of diet shall never be inflicted unless the medical officer has examined the prisoner and certified in writing that he is fit to sustain it.*
2. *The same shall apply to any other punishment that may be prejudicial to the physical or mental health of a prisoner. In no case may such punishment be contrary to or depart from the principle stated in rule 31.*
3. *The medical officer shall visit daily prisoners undergoing such punishments and shall advise the director if he considers the termination or alteration of the punishment necessary on grounds of physical or mental health.*

Rule 33

Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, shall never be applied as punishment. Furthermore, chains or irons shall not be used as restraints. Other instruments of restraint shall not be used except in the following circumstances:

- a. *As a precaution against escape during a transfer, provided that they shall be removed when the prisoner appears before a judicial or administrative authority;*

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- b. *On medical grounds by direction of the medical officer;*
- c. *By order of the director, if other methods of control fail, in order to prevent a prisoner from injuring himself or others or from damaging property; in such instances the director shall at once consult the medical officer and report to the higher administrative authority.*

U.N Covenant on Treatment of Prisoners: Standard Minimum Rules for the Treatment of Prisoners

Principle 7

Efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged.

TESTIMONIES

"I have not had any physical human contact in 2 ½ years, I've not been allowed to wash any of my clothes, clean my cell, clean my shower (I HAVE MY OWN BUILT IN SHOWER), receive a haircut, use the phone, receive visits, my outgoing mail was being opened, refused legal assistance, my meals are being tampered with, they are serving me WITHOUT gloves or hair nets on, sometimes feeding me HOURS AFTER everyone else has been served and this is done by the supervisor. They leave my tray in here all night until the next morning when I am served breakfast and this accumulates bugs I am videotaped leaving as well as coming back in my cell at all times and this is done by a FEMALE S.I.D. officer making me bend over and spread myself as well as show my genitals." –*L. A., East Jersey State Prison, Rahway, NJ, 2008*

"... on July 2, 2011 I was placed in lock up in Northern State Prison with nothing other than the clothes I wore when I was locked up and a sheet and blanket that I was given by the lock up officer. As of yet I have not been given my property so I cannot read up on / sometime studying my religion." –*J. B., Northern State Prison, New Jersey, 2014*

"... I take sleeping pills and still I don't sleep. I am stressed. I feel as if my government and society have abandon me. I grew more and more detached the longer I am here. I am here. I'm afraid when I do return to the free world. I will not know how to behave in company. The loneliness seems more natural. I don't even know my family no more. All I did to get in solitary confinement was refuse to sign a piece of paper. Also I wrote to take programs but was refused." –*R.B., unknown, New Jersey, 2014*

"The captive informed of is unjustly placed in solitary confinement prior to any attempt to substantiate the allegations against him/her, depriving them of access to school/religious programs, commissary, property, and visitation privileges." –*D. S., Northern State Prison, Newark, NJ, 2014*

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"I was beaten in Northern State Prison then shipped to Trenton. The officers, 2 of 6, who attacked me had a hearing I learned that nothing was done. This happened November 2011. They shipped me out and threatened me with street charges. There were over 50 witnesses to my attack. I was brutalized! During this 6 month period I suffered numerous anxiety attacks due to the long term torturous isolation. I've been in isolation for 6 months. I had to be placed on anxiety medication. While in solitary here at Trenton, an officer planted a federally controlled drug in my cell. He claimed on a "blue sheet" that the drugs were in a white envelope I challenged the "blue sheet" and had a cross examination at the hearing with a sergeant who was involved and the clearly mendacious employee. I wrote an extensive statement in my defense outlining and listing relevant case law. The 'committee' illegally agrees to hand down orders to have me drugged by force. A government psychiatrist who stated that she didn't agree with that order and expressed ethic concerns. She quickly removed / reversed the orders to drug me up. Shortly later the doctor moved on. She no longer works here, perhaps she's seen too much corruption." – *J. W., New Jersey State Prison, Trenton, NJ, 2014*

"... We are not housed in Ad-seg for 22-23 hours a day, but for 24 hours a day. . . second, we are forced to enter a cell that is unsanitary, another person feces clung to the sides of a hole in the wall; another person's blood on the sleeping mattress and floors. The dust and dust mites, the stench of the stale decayed water that just sits from a broken furnace. Sinks that don't stop running water 24 hours a day. Day after day, the sound feels like drops of water dropping on the head of the constant listener. . ." – *R.B., unknown, New Jersey, 2014*

The following was written by an advocate for a prisoner at New Jersey State Prison: "Mr. C.P is serving a long term sentence for the crime of murder and has been detained at New Jersey State Prison for twelve years. During that time he has not accumulated a disciplinary record, he has fully complied with institutional rules; does not belong to any gang, does not use or sell drugs, and attends school. On September 16, 2011 he was detained and sent to the punishment wing of the prison (I-Left) on what seems to be the strength of an anonymous note. He has been placed in TCC (Temporary Closed Custody) for the last 22 days. . . As of today, 22 days later and 19 days over the limit allowed by law, Mr. P has been kept in solitary, in the same punishment wing without having been charged with an institutional violation and / or without just cause to show that he is a danger to the prison population or disruptive of the normal functioning of the institution. His isolation, his placement in solitary without cause, and the denial of the rights granted to him by Title 10A, the Constitution of the State of New Jersey, and the Constitution of the United States, is also a violation of his human rights. Mr. P is being kept in circumstances similar to those in Guantanamo: No charges, no due process and complete isolation from the world. He has not been allowed even to contact his consulate or his immediate family. Mr. P is a person diagnosed with severe anxiety and depression and has attempted suicide in the past. Although, he has been visited by the institutional psychologist, the harshness of the conditions in

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which he has been placed can aggravate his mental health. At this time he is not allowed religious services, recreation, out of cell time, a minute of sunshine, reading material, phone calls or simply the due process guaranteed by law. All people are entitled to due process but Mr. P has been denied that right. He can only shower every three days, and the noise in that particular wing absolutely impedes normal sleep causing severe sleep deprivation and severe stress.” – *Anonymous, New Jersey State Prison, Trenton, NJ, 2011*

“The reason I am writing you is because of the cruel and unusual treatment I have been subjected to. I am in detention for 2 and half months under temporary housing. I have nothing of my property with me. This is not the first time they keep me in isolation for months. I am not a gang member or any threat to the prison. I keep on getting harassed and pushing me to kill myself by taking my property and treating me like trash.” – *K.F., New Jersey State Prison, Trenton, NJ, 2011*

“I am detained for 4 months in a detention unit (1L) with no charges or anything to justify me being there. I was deprived of my rights, I have mental problems now and lost time restriction to file my appeal with federal courts.” – *K. F., New Jersey State Prison, Trenton, NJ, 2011*

“I’ve been in lock-up since 8.24.11 till 9.29.11 and on detention for 21 days as of today; which makes 59 days in total. On a charge I did not commit and would never commit. But I do want to go home and that means continuing my due - process. I would like that chance to show I can RE maintain in Society as a positive member of the community. I would like to put on the table a compensation to both ends an obscure legality, an Alford plea. Because even though I am innocent, I am willing to live with the guilt. I want to be with my family.” – *R.B., New Jersey State Prison, Trenton, NJ, 2011*

“I am being penalized for my willingness to lie about . . . As of this writing, I am currently in the hole 10 days past the no more 30 day rule prescribed by 10A disciplinary procedures under subchapter 9. On the 6th day past my 30 days completed I received new charges for .754 which allegedly took place on 12-05-10 & 5-11-11.” – *J.P., New Jersey State Prison, Trenton, NJ, 2012*

“I am writing to request the manual for Solitary Confinement Survival. I believe the manual will be very useful because the mental torture I’m enduring sometimes seems a bit much to bare. I have faith, but I’m tired of these people treating me like an animal. I need your help, please!” – *R. T., New Jersey State Prison, Trenton, NJ 2013*

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“The CIA’s psychological paradigm for “no touch” torture fused two new methods “Sensory Disorientation” and “self-inflicted pain” whose combination, in theory would cause victims to feel responsible for their own suffering and those capitulate more readily to their tortures. Refined through years of practice, sensory disorientation relies on a mix of sensory overload and sensory deprivation via banal procedures in isolation the intense interrogation, heat and cold light and dark noise and silence for a systematic attack on all human stimuli. The fusion of these two techniques sensory disorientation and self-inflicted pain creates a synergy of physical and psychological trauma whose sum is a hammer blow to the existential platforms of personal identity. In 2004, the Red Cross reported, “the construction of such a system . . . cannot be considered other than an intentional system of cruel, unusual, and degrading treatment and a form of torture.” (McCoy, 2006).

“I was deprived of food, sleep, no natural light... I was restricted to my cell for 24 hours every day... Prohibition on isolation for more than 15 days” -*J. C, unknown, NJ, 2013*

“I was assaulted four different times by correctional officers (excessive force) once in 2008, 2009, 2012, and 2013. . . I have endured sleep deprivation, screeching sounds, extreme silence, extreme cold and heat, intentional situational placement, humiliation-a systematic attack on all human stimuli. . . Prisoners are constantly being bitten and could possibly become infected with diseases such as MRSA.” -*P. B., New Jersey State Prison, Trenton, NJ, 2014*

“. . . For at least the next 67 days . . . I was literally chained to the metal bed frame in the middle of the cell, by a 3-4 foot section of heavy tow chain with defective shackles (no working safety locks) tethering me there for 24 hours a day. I was given perhaps at best six showers during this period of time and only three opportunities to change my clothing . . . the room temperature stayed at near freezing, and there were large fluorescent lights directly over the bed I was tethered to, that never turned off. When I complained to the Sheriff’s deputies, I was told there was no on/off switch for the lights in my cell and there were likewise no temperature controls accessible.” -*M.D., New Jersey State Prison, Trenton, NJ, 2010*

“. . . I have some psychological damage because of the endless tension, frustration, harassment, stress and strain of everyday living in an abominable evil environment among thousands of different personalities and behaviors. There are times when my mental state is, in my mind, sound, while there are other times when I fall into such a deep depression that I feel I am never going to recover. This angers me because when I fall into that depression there is no one for me to go to for relief. Yet, though the decades I have learned to channel my negative energies and psychological damagers or impairment into areas of constructiveness rather than destruction, which is why I do a lot of reading, studying and free thinking. . . But this is not the case for many. For many, the anger and tension within is so tight and turns into bitter rage, once exploded there

Torture in New Jersey Prisons | Evidence of Human Rights Violations

are usually serious consequences to the individual or to others. One of the things that I have suffered and learned to deal with and adapt to a little, but still find hard to deal with, is the noise all day all night. A constant noise that yells in my face and no matter how much I try to blot the noise out, it has become a part of my psyche to where I do not hear the noise I cannot sleep. For many in prison we must 'half sleep'. That is, never go in to a sleep that you cannot immediately wake up at the slightest unfamiliar movement or sound, because that is a survival mode or mechanism one automatically acquires while in prison. . . Prison sharpens your senses because this also becomes a survival tool. But make no mistake about it, prisons are designed to destroy you; to destroy the personality of your 'self' and leave you broken and dependent."- N. G., *New Jersey State Prison, Trenton, NJ, 2014*

OPPRESSION

OPPRESSION

HUMAN EXPERIMENTATION

In Dangerous Terrain Isolated

Caged Man Under the Thumb 24 HOURS

Breaking Men's Minds: Introduction
What is "no touch" torture?
BEHAVIOR CONTROL

No touch torture is a set of practices used to inflict pain or suffering without resorting to direct physical violence: sleep deprivation, sensory disorientation, solitary confinement, humiliation, extreme cold or heat, extreme light or dark. Intentional placement situations. A systematic attack on all human stimuli.

OJORE NURU LUTALO 22 YEARS IN POLITICAL ISOLATION
 59860 / PO 861
 SBI# 0000901548
 Trenton, NJ 08621

III. CONFINEMENT CONDITIONS

Torture in New Jersey Prisons | Evidence of Human Rights Violations

From the United Nations Basic Principles for the Treatment of Prisoners, Adopted and proclaimed by General Assembly, resolution 45/111 of December 14, 1990:

Principle 1: *All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.*

Principle 5: *Except for those limitations that are demonstrably necessitated by the fact of incarceration, all prisoners shall retain the human rights and fundamental freedoms set out in the Universal Declaration of Human Rights.*

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Article 10

1. *Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment.*
2. *Each state Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.*

Article 11

Each State Party shall keep under systematic review interrogation rules, instructions, methods and practices as well as arrangement for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

TESTIMONIES

"I was arrested from November 5th to December 10th (35 days) for violation of a restraining order. (I was locked up one time before for a drug charge, for 10 days.) I had a physical altercation with my wife and she called the police. I violated the restraining order she had against me by calling her afterward . . . I was in a 12 x 6 cell with another person who was detoxing off of alcohol. He was sweating and grunting. From November 5th to November 15th I was in the cell for 23 hours a day. There were 2 bunk beds, a sink, and a toilet. Sometimes the cell was very hot, and then it changed to cold. Cold air was blowing in the cell. I had a blanket, a pillowcase, and a sheet. I never took items to the laundry, I just washed them in the shower. There was nothing to read and I got no visits. It was cruel and unusual punishment . . . When I came in I had \$64. The officers stole my money. There was an intake fee of \$100 dollars, but they left about 2 or 3 dollars to me. I did not experience brutality at the hands of the guards, but I did witness it. It was a wakeup call when I heard officers killed an inmate . . . A dog wouldn't sniff the food-it was nasty and cold. For breakfast we had stuff like cereal, oatmeal, powdered eggs, milk, and grits. For lunch and dinner the drinks would be a 4oz cranberry juice or this

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disgusting generic soda. My first thought was to stop eating, but I met another inmate who used to work out who inspired me. I started putting socks on my hands to do pull ups, and for each of my 35 days inside I force fed myself . . . I began to get sores on my lips and dry skin. Medical provided no lotion for me when I asked. I was very depressed. Cigarettes and chips became money. I gave up a tray of food for a haircut. My beard started growing long. In K-Pod they gave me a razorblade to share that I had to check in and out". *K.B., Middlesex County Correctional Facility, North Brunswick, NJ, 2015*

"I want to take a moment of your time to briefly inform you of the conditions here at New Jersey State Prison. Firstly, the money in the inmate trust account mysteriously disappeared and all programs it paid for stopped. While money is still being put aside for the trust, we have no idea where it is going. When prisoners complain they are singled out and accosted and put in lock-up. This unit I-left, the cells are not clean and reeks of urine and often has feces on the floor. You always have to clean a cell when placed in it but excrement is too far. S.I.D. then takes your property, mail and legal work, which they read and copy then illegally hold indefinitely. Also, the mail delivery. Family letters are weeks old when received which sometimes include money orders. Legal mail is time sensitive and days late can be a major blow to the appeal process . . . We are forced to brush out teeth with canine toothbrushes. When the dentist on staff complained he was told "there dogs, there we be no change in toothbrushes". While the rest of the state uses shank proof toothbrushes . . . The list goes on to police assaults for speaking up about conditions denial of jobs and most important of these is not being offered. Healthy food choices at Mess; on commissary or food packages and the price gouging on the items that are offered . . . Most men here including myself were sentence to die here. We are here "as punishment and not to be punished. We have a right to be treated respectfully, impartially and fairly" and excerpt from page 9 of NJSP inmate's Report, revised October 2007." – *C. R., New Jersey State Prison, Trenton, NJ, 2013*

"Currently, there are an overabundance of issues that warrant the remedial attention of executory officials who oversee the performance and policies implemented by custody and administrative personnel at the Passaic County Jail. Upon entering the Passaic County Jail (PCJ), the inmate is immediately struck by a large sign painted on the wall which reads, in part: 'THIS IS NOT A COUNTRY CLUB'. To say as much is an understatement. However, country club or not, PCJ has a history of resistance to uphold standards of human decency, and to conform to certain standards codified by law that prohibit the use of cruel and unusual punishment.

Intake for Booking Processing All newly-arrived inmates are required to undergo a medical examination and quarantine placement only AFTER being placed in one of two holding tanks for several hours. It is not uncommon to witness a newly-arrived inmate curled up on the floor from substance withdrawals, while the officer (s) presumed to monitor the habitants of this tank, via video surveillance, disregard the individuals suffering. These holding tanks are constructed of concrete and a thick, plate-glass window. They are also extremely over-crowded and offer no

Torture in New Jersey Prisons | Evidence of Human Rights Violations

ventilation-even during the fervid temperatures of mid-summer. Each holding tank comprise a single steel component that consists of a sink and toilet, which is flanked by two steel benches that align opposite sides of the wall. It is not uncommon, however, to find that these sinks do not work, and that these holding cells contain neither soap nor toilet paper.

Issues with Plumbing Fixtures In my experience, myself, along with ten other men on our housing unit (Max 2) were unable to take showers for several days because the cell I was placed in with two other men had a defective toilet that ran continuously, causing the showerhead to discharge scorching hot water. This was brought to the attention of several officers on multiple occasions, whose only recourse to action was to shut our water off altogether.

Steel Bed Frames Upon entering PCJ, all inmates are issued one blanket, two sheets and a single mattress. However these mattresses are so threadbare and thin that they hardly equate to humane provisions. What is more, all 3-tier bed frames contain 4 x 8" slots or pockets within the steel grating; that if a man of average height would stand atop it, his entire foot would immediately fall through. Irrespective of how brief the duration of my temporary confinement at PCJ, whether a week or an overnight stay, I would always end up suffering chronic back pain after lying on a contraption that, by no stretch of the imagination could be likened to a medieval torture rack.

Rodent and Insect Infestation PCJ has a major problem with mice and roach infestation. Unfortunately, the need for extermination does not appear to be an issue high on the superintendent's' list of priorities. Prison officials are aware of the threat to health posed by these conditions, but have taken no such action to eliminate or mitigate these problems. In the ten years since my initial stay at PCJ, inmates have, and are continually being forced to live in absolute squalor; which exposes them to a variety of parasitic infections like scabies, lice, ring worm and crabs, as well as skin diseases like MRSA and impetigo. This filth contributes to the obvious infestation problem. On a personal note, I had to pluck two small roaches out of my lunch tray when I was transported there last year." – *R. B., Passaic County Jail, Paterson, NJ, 2013*

"I have to beg for water and food. We are being killed slowly. If you were to come here you would find us in this "dry cell" naked, cold, and hungry. We are being cut off from all avenues of recourse. I was removed from special needs and placed here. Please can you get somebody, anybody to get us out of these torture chambers? We are doing nothing wrong and have no intention of doing so. I'm having serious problems with the staff and administration here. I'm getting threatened to be physically assaulted by staff as well as other inmates, I don't eat much either. I don't feel safe, I don't eat or sleep, nothing. The staff wants me to withdraw my complaint. They won't even give me paper to write on any more. It's two other people on this unit scared for their lives due to staff misconduct and misinformation. They will kill us." – *W.T., New Jersey State Prison, Trenton, NJ, 2014*

Torture in New Jersey Prisons | Evidence of Human Rights Violations

“ . . . Often times the sink water runs 24 hours. There are leaks from the ceiling and flooding from the floor on the lower tiers. In the summer the heat is felt due to the lack of air flow. In some cells this causes a strong odor like a moldy type and it's difficult to breathe. In the winter it's freezing, it's like sleeping outside. No heat and the windows are open for a majority of the season. . . . At this point prisoners don't realize that there is a high level of carbon in the air and complain about headaches, fatigue, and are often exhausted and spend their days sleeping. . . . The water in the cells is awful and if you take a piece of white clothes and place it on top of the running water, it turns the whole piece brownish/orange. . . . The toilets are a hole in the wall and you can always smell the waste in the bottom. Sometimes when you go and drink the water you can smell the sewage . . . but the toilets are awful and odorous especially because you have to eat and sleep in it. After a while you become accustomed and you smell it but what can you do but ignore it. . . . Showers are every 3 days and you're lucky if you get a full 10 minute shower because once you get in you're told to get out and they look for any excuse and take it away from you. . . . the sheets we get are torn or have giant rust patches. The mattresses we sleep on from so many years of wear and tear have no cushion support.” – *J.M., unknown, New Jersey, 2014*

“I am writing this letter for myself and many other prisoners who are in fear for their health and just want to be treated like human beings, we are in fear of diseases for many reasons. . . . We are supposed to have the right to a clean and healthy environment; but we are forced to live in cells with cracks, holes, feces, blood and other fluids imbedded in our cell walls, which draw and allow in bugs, insects, and rodents. . . . The shower schedule which is supposed to be three days a week (every other day) is treated like a privilege, one which we are not privileged to get every other day because we have been told by officers that they (correctional officers) make the rules and run the facility . . . the showers on the tier are not cleaned daily and the use of bleach in them is non-existent. The laundry, when done, does not come back for days. Property is constantly lost from the laundry. The laundry comes back dirtier than when it went in, whites come back brown and smelly. . . . They say we have the right to a healthy diet, yet our food is constantly served cold, under cooked, and tasteless or should I say spice less. No spices on trays, salt, pepper, butter, etc. we are not even distributed utensils regularly. I have had one disposable spoon for five months. . . . This administrative were on 'notice' of our cells having bugs, and ants, bad plumbing. When it rains outside the water leaks in from the roof, which water runs down the walls from cells upstairs, it floods the floors on the tiers and inside our cells which there is no mop. . . . There are unbearable smells coming from the plumbing system and sink where you drink water. (note: officers bring in water from home cause they are afraid to drink water from here). . . . we are forced to endure every day from the months of May until September extreme heat/homes which there is no window's and ventilations in our cells.” – *P.B., New Jersey State Prison, Trenton, NJ 2012*

“ . . . I couldn't shower for 15 days because New Jersey State Prison claim to have run out of soap, oh, toilet paper as well. For 24 hours a day, and every day since July 28, 2011, I have sat in this cell depressed from being oppressed cause these people violated my rights and its nothing I can do about it. It's to the point that I'm taken prescribed medication for depression and even

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that isn't helping. I miss my family so much! – *S.C. New Jersey State Prison, Trenton, NJ, 2011*

“Mr. B and 4 or 5 of us were brought over to 1-Left on August 4 to more RESTRICTIVE AND UNCONSCIONABLE CONDITION, also in the West Compound. 1-10 is ACCURATE we have not received no tissue for AT LEAST 5 days and had to use RIPPED SHEETS. Did not have SOAP, toothpaste, toothbrush, towels, tissues, shower shoes (in which we took showers every 3 days). We were also denied; All phone CALLS (legal no exception), ACCESS to ALL PROPERTY (legal mail included), visits, PEN, PAPER, books, Remedies. So we were UNABLE to RESORT to D.O.C Rules and exhaust ALL Remedies. Also mail takes longer AND LACK OF Religious Volunteers were usually ABLE to see. I was also brought to legal visits cuffed. I was placed on 1-LEFT RIGHT, where the plastic is placed on the bar and felt like I was going to fall out AT ANYTIME WAS denied ice in the process *EVEN though it was a heat wave.*” – *W.W., New Jersey State Prison, Trenton, NJ, 2011*

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IV. HEALTH & MEDICAL SERVICES & CONDITIONS

Universal Declaration of Human Rights

Article 3

- *Everyone has the right to life, liberty, and security of person.*

International Covenant on Civil and Political Rights

Article 6

- *Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Article 2

1. *Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction.*
2. *No exceptional circumstances whatsoever, whether a state of war or a threat of war, international political instability or any other public policy emergency, may be invoked as a justification of torture.*
3. *An order from a superior officer or a public authority may not be invoked as a justification of torture.*

Article 16

4. *Each State Party shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman, or degrading treatment or punishment which do not amount to torture as defined in Article 1, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.*

TESTIMONIES

"I write this letter in hoping that you can help me. In 2006, the prison was put in lock down and the administration gave an order that during the lock down, no inmates can be let out of their cells for any reasons. Not the lockdown was about three weeks and I came down with something call Cellulitis, a bacterial infection of the skin which if left untreated may cause septicemia, a potentially fatal condition. Now I was sick with cellulitis in my foot and for three weeks I was trying to get to the prison hospital. And after three weeks, the condition had got so bad. The prison call 911 and I was taken to St. Francis hospital where I stayed for seven days with one day in the ICU. I was sent to the emergency room. I had an inmate filed a civil action for deliberate indifference and I need help!" – *K. B., Trenton State Prison, Trenton, NJ 2010*

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"I am a resident here at the Special Treatment Unit. It is to my understanding that you would like to receive letters from residents describing either violations that they had seen over the years, and /or violations they have experience here at the Special Treatment unit. The below is a one of those violations:

Issue #1: Handicap residents (those of who walk with a cane, walker, and / or are confined to a wheelchair) at the New Jersey's Special Treatment Unit and its Annex here in Avenel, New Jersey. Due to circumstances out of their control, they are unable to work to put any funds in their account at this facility. It is with understanding that even though a individual residents is handicap, and are put on a medical lay-in, they still get paid by the administration to whom are housing such individuals. Handicap residents here are not getting such funds from this administration. These residents are unable to buy anything to support themselves in anyway. They are unable to even buy hygiene, toiletries, outside food, clothes and other type of products for themselves." – *J. B., Special Treatment Unit, Avenel, NJ, 2011*

"... I am a man of 'Great Pain', 3rd degree burns to my hand. I must sleep with my hand raised to slow the 'pain'. The pain meds does nothing when the water is too cold it stops the flow of blood, when to hot it blisters. I was denied the medical glove that protects it. I have no job, no money, I cannot use the phone because I have no money to but on the phone." – *R.B., New Jersey, 2014*

The following is a testimony written by a Public Defender. "... Mr. K also states that when he was being processed for his transfer from Bayside State Prison back to South Woods State Prison, he was "kick and stomp on" on the same knee where he had his operation. He states that as a result of this incident, he is now wheel-chair bound and unable to walk. Mr. K requests an operation on his knees which he believes is necessary to enable him to walk again. He states that he has submitted 7 medical slips without a response." – *M.K., New Jersey State Prison, Trenton, NJ, 2014*

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V. MENTAL ILLNESS

One of the consequences of the deinstitutionalization of the large state psychiatric hospitals has been an increase in the number of people with mental illness in the prison system. Because the prison environment is not designed to safely care for or treat such people, and prison personnel are not trained to respond effectively to their conduct or symptoms, this increasing sector of the prison population does not “adjust” well to prison life. Specifically, their conduct increases the likelihood that they will be placed in isolation, for protection or as punishment.

This much is known about the relationship between isolation and mental illness:

1. Long term isolation is characterized as torture, precisely because it can cause unnecessary trauma.
2. Symptoms of such trauma may include present distress, and symptoms associated with mental illness and even psychosis, such as depression, anxiety, fear, paranoia, and hallucinations; physiological and neurological damage may accompany these psychological symptoms.
3. As with other manifestations of trauma, now acknowledged as a “mental disorder,” PTSD - Post Traumatic Stress Disorder, such symptoms may persist beyond the duration of the triggering event or environment; for people in prison, this means increasing problems with “institutional adjustment,” family relationships, reentry, the ability to work and, eventually, recidivism.
4. The appearance of mental illness is affected by multiple factors, including individual risk factors and external environmental factors. Therefore:
 - a) People who might not otherwise graduate to symptomatic mental illness may do so, in the toxic environment of isolation; and
 - b) Isolation exacerbates the symptoms and suffering of prisoners with a history of mental illness or present symptoms.

Therefore, prisoners along a spectrum of general mental health to acute mental illness may be adversely affected by the experience of isolation; their conditions and suffering influenced by the toxicity of the general prison environment and the significant deficiencies in prison mental health care.

Because of these connections between mental illness and institutional isolation, state law in New Jersey has long placed strict restrictions on the use of isolation in the state psychiatric hospitals. Unfortunately, despite extensive litigation, the case is very different in the prisons.

Prisoners with known histories of psychiatric illness, even psychiatric hospitalization and self-harm or suicidality, are all too frequently subject to long terms of isolation. They report cursory clinical reviews, non-confidential “cell door” interviews, poor monitoring of psychotropic medication, repeated indifference to glaring suffering and symptoms of illness, and humiliation and abuse on the part of untrained and unsupported prison employees.

Torture in New Jersey Prisons | Evidence of Human Rights Violations

The following testimonies provide only a brief introduction to this world of pain and torture.

TESTIMONIES

“One night I was lying in Cell 1 of the Boom Boom Room. One prisoner cried out that he was cold. He cried out for a blanket because as the night went on it got progressively colder. They gave him none. This was a normal occurrence. The way he got in there was by sneaking a razor in between his buttocks. Upon being stripped and searched, it was found. He threatened to castrate himself, so they placed him in the Boom Boom Room naked, in restraints. They put him on psychotropic meds and it was business as usual . . . When a prisoner was on suicide watch, they would put them in a special gown with straps and place them in an empty cell. They would check on them every 45 minutes . . . The unit was usually quiet because the prisoners were overwhelmed by the psychotropic meds they were taking. The doctors would come around and ask prisoners if they were okay and if the meds were working and if they needed higher doses. After that they’d be on their way. . . After 16 years, I was released back into General Population by way of a court order, and they placed me in a special needs unit. There were 48 cells and 42-43 were receiving psychotropic drugs.” “Prisoners who were on psychotropic drugs-I could see how they began to deteriorate because they would start to neglect their hygiene, start to smack their lips, and jerk involuntarily. They would also shuffle their feet and their hands would lock up. There was nobody for me to really talk to because most people were on psychotropic drugs. Guards would place roaches in prisoners’ food”. - *Ojore Lutalo's accounts of what he witnessed at NJ State Prison, 2015*

“I am reminded of mentally ill Frank in New Jersey, who was forced into an isolation unit. The guards taunted and teased this man, made him dance as he begged them for cigarettes, water or food while they laughed. Frank killed himself.” - *As told by Bonnie Kerness, explaining reports received in 2009*

“In New Jersey I’ve received reports of the use of something called the ‘chicken suit’, where the mentally ill are forced to wear clear plastic suits during their stay in the Special Needs Unit in a county facility. In essence they spend their days naked.” - *Anonymously told to Bonnie Kerness, 2009*

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“ . . . I’m diagnosed with severe anxiety issues were I pick at my feet till they bleed. Every doctor in this prison knows this. By the third week, I couldn’t take it. I was peeling whole toe nails off! Blood everywhere. I started cutting out skin on my foot. It was getting worse. They

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called the psych over. I was put on constant watch. However, since custody had already told the guards in lock up to not move me under no circumstances, they put me in a dry cell with no water, no sink, just a whole." – *Anonymous, New Jersey, 2012*

NEW JERSEY STATE PRISON SPECIAL NEEDS UNIT (Resisting) The Drug Therapy Chair # 1-EE

Psychological wounds

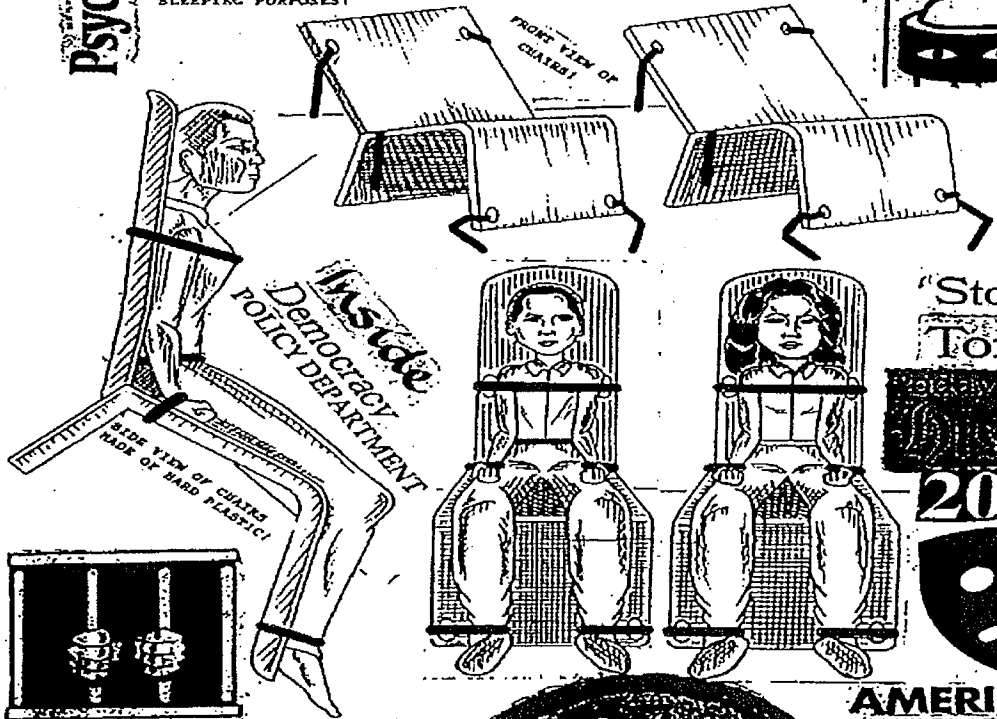
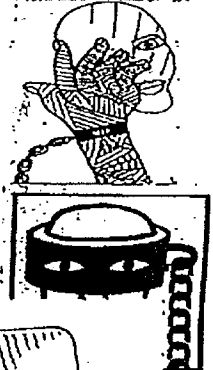
THE TWO (2) FORCED MEDICATION CHAIRS ARE LOCATED IN A ROOM IN ONE OF THE PRISON'S "SPECIAL NEEDS UNITS" CALLED 11-EE WHICH IS LOCATED IN THE SOUTH COMPOUND SECTION OF THE PRISON NEAR AT TRENTON STATE PRISON (TSP). THE CHAIRS ARE SITUATED SIDE-BY-SIDE. THE CHAIR IS DESIGNED TO RESTRAIN A PRISONER(S) FROM BEING ABLE TO MOVE HIS OR HER ARMS, LEGS OR MID-SECTION OF THEIR BODIES.

A PRISONER(S) IS PLACED IN THE CHAIR TO BE FORCED MEDICATED. THEY IN THE CHAIRS WITH VELCRO STRAPS. THEY USE TO BE SECURED IN THOSE CHAIRS WITH HANDCUFFS. SOME PRISONER(S) HAVE A SHEET, BLACK HEAD NET PLACED OVER THEIR HEAD AND FACE. IN SOME CASES A CAG MADE OF WHITE CLOTH IS PLACED OVER THE PRISONER'S MOUTH UNDERNEATH THE BLACK HEAD NET TO PREVENT THE PRISONER(S) FROM SPITTING - OR VERRAL ILLING HIS OR HER PROTEGE OVER BEING FORCED MEDICATED!

ONCE A PRISONER(S) IS SECURED IN THE CHAIR, A NURSE INJECT THE PRISONER WITH SOME KIND OF PSYCHOTROPIC DRUG INTRAVENOUSLY. THE ATTENDING NURSE IS SUPPOSE TO TEST THE PRISONER'S HEART RATE AND BLOOD PRESSURE EVERY FIFTEEN (15) OR TWENTY (20) MINUTES IN THE EVENT THE PRISONER(S) MIGHT POSSIBLY GO INTO CARDIAC ARREST FROM THE FORCED INJECTION OF THE PSYCHOTROPIC DRUG!

THE PRISONER(S) IS KEPT IN THE CHAIR FOR A MINIMUM OF FOUR (4) HOURS; MOST TIMES MORE! AFTER THE PRISONER(S) IS REMOVED FROM THE CHAIR, HE OR SHE ARE STRIPPED NAKED AND GIVEN A QUILTED GOWN, AND PLACED IN A COLD CELL WITH NOTHING BUT A FILTHY PIECE OF FOAM FOR SLEEPING PURPOSES!

Tortured Bodies



WAS THE
Democracy
POLICE DEPARTMENT

Stop the
Torture

2002



Lawmakers

AMERICAN
HISTORY
POLITICS
&

40x

Torture in New Jersey Prisons | Evidence of Human Rights Violations

VI. USE OF FORCE & DEVICES OF TORTURE

Article 1 of the UN Convention against Torture (CAT) prohibits policies and practices that "constitute cruel, inhuman and degrading punishment." The UN Human Rights Committee, the UN Special Rapporteur on Torture, the UN Special Rapporteur on Violence against Women, and the UN Committee on Torture have all cited the United States prison conditions as violations with international standards, particularly the CAT, which states:

- 1. Each state party shall take effective legislative, administrative, judicial, or other measures to prevent acts of torture in any territory under its jurisdiction.*
- 2. No exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture. [CAT, Article 2C]*

Article 4:

- 1. Each State Party shall ensure that all acts of torture are offenses under its criminal law. The same shall apply to an attempt to commit torture and to an act by any person which constitutes complicity or participation in torture.*

Article 10:

- 1. Each State Party shall ensure that education and information regarding the prohibition against torture are fully included in the training of law enforcement personnel, civil or military, medical personnel, public officials and other persons who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention, or imprisonment.*
- 2. Each State Party shall include this prohibition in the rules or instructions issued in regard to the duties and functions of any such person.*

Article 11:

Each State Party Shall keep under systematic review interrogation rules, instructions, methods and practices as well as arraignments for the custody and treatment of persons subjected to any form of arrest, detention or imprisonment in any territory under its jurisdiction, with a view to preventing any cases of torture.

Article 13:

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken that the complainant and witnesses are protected against ill-treatment or intimidation as a consequence of his complaint or any evidence given.

Torture in New Jersey Prisons | Evidence of Human Rights Violations

TESTIMONIES

“ . . . It’s not just the conditions of the prison or lack of programs and proper medical attention. It’s also the way we are treated by the guards and staff. We have to walk through a gantlet of guards who are wearing helmets and swinging and banging their night sticks in a threatening manner as we go to and from chow, or any movement. They talk to us like we were dogs, cursing at us, threatening us, it’s insane! Prisoners are being beaten! When they pull you over for a pat down, they manhandle you, slapping your sides, grabbing your leg and giving it a quick yank, and what not doing their best to get us to say something.”-*R. K., New Jersey State Prison, Trenton, NJ 2008*

The following was an excerpt released by the New Jersey Star Ledger: A former Sussex County jail inmate has filed a lawsuit against seven corrections officers, saying they beat him twice – once in a cold shower while he was shackled-and restrained him for 19 hours in a chair known as the “happy chair”. The alleged attack on R., 27, occurred Oct. 4 after N. saw another inmate in the restraint chair and tried to talk to him, according to the lawsuit filed by N’s attorney, J. P., in U.S. District Court in Newark. The ‘defendants’ unlawful and inappropriate use of the restraint chair on plaintiff was solely for the purpose of punishment and intimidation,” in violation of its permitted use, according to the lawsuit. “This was an instance of torture,” said P., a veteran civil rights activist who has filed an array of lawsuits on behalf of inmates at the county jail. Sheriff M. who said he had not yet seen the lawsuit and could not comment on its specifics, said the restraint chair is not used to punish inmates. “The chair is used for his (an inmate’s) protection or for the protection of other nearby inmates and guards,” said S., who took office Jan. 1. After N. talked to the inmate, seven officers maced N., put him in restraints, beat him in a cold shower, then strapped him for 19 hours in the chair, “affectionately known as the ‘happy chair’ among corrections staff,” the lawsuit states. – *Story written by Joe Moszczynski, February 10, 2011, nj.com*

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VII. CRUEL & DEGRADING TREATMENT / ABUSE BY PRISON PERSONNEL

Basic Principles for the Treatment of Prisoners

Principle 1

All prisoners shall be treated with the respect due to their inherent dignity and value as human beings.

Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

Principle 1

All persons under any form of detention or imprisonment shall be treated in a humane manner and with respect for the inherent dignity of the human person.

International Covenant on Civil and Political Rights (CCPR)

Article 10

- 1. All persons deprived of their liberty shall be treated with humanity and with respect for the dignity of the human person.*
- 3. The penitentiary system shall comprise treatment of prisoners the essential of which shall be their reformation and social rehabilitation.*

Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)

Article 13

Each State Party shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given.

TESTIMONIES

"I'm having very serious problems with the staff, and administration here. I'm getting threatened to be physically assaulted by staff as well as other inmates, I don't eat much either. This started after I sent out my lawsuit, I don't feel safe, I don't sleep, eat or nothing. They (staff) are trying to intimidate me by using threats of bodily harm to get me to withdraw my complaint. They also put false information out there about me; which can possibly get me killed in here. As you see they won't even give me writing paper no more. I wrote the division of operations twice, but to no avail. I wrote Jean Ross, no response, I have wrote everybody under the sun nothing; I'm not the only guy on this unit that is going through this treatment its two more people on this unit

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that's scared for their lives .due to the staff putting out false info on them everybody in their prison has (life) we are not from this jail. They'll kill us and that's it something needs to be done, this is not right. I need your Help!!!!!!" –*W. T, Northern State Prison, Trenton, NJ, 2013*

"This happened in November 2011. I was shipped out and I was actually threatened with street charges. S.I.D. did not file charges. S/C over 50 prisoners witnessed the brutal attack I endured, I was BRUTALIZED!!! I documented everything. I am totally aware of the power of the pen. I have amassed an extensive file on the D.O.C. During this 6 month period, I suffered numerous anxiety attacks- due to the long term torturous isolation. I had to be placed on an anti-anxiety medication. . . Shockingly, the D.O.C. hasn't changed! I was beat in Northern State Prison, then shipped to Trenton. The officer who attacked me had a hearing- I learned nothing was done." – *J. W., Northern State Prison, Trenton, NJ, 2013*

"I am writing this letter to include the details that took place during my stay in Bayside State Prison. I was shipped to B.S.P. in September of 2010, upon entering the prison that day I witnessed a prisoner being beat while in handcuffs in the intake area. Once I was in B-Unit I was verbally threatened simply because I was black or because I had dreadlocks. It is almost impossible to report these incidents when you ask for a grievance or remedy form you are targeted relentlessly. I've been choked while being surrounded by several officers. I was not allowed to eat the dinner meal because C.O.'s would claim they don't want to see my stupid face. On the compound there is a red line called the "Baker Line". If you step a foot on this line or cross this line you will be beat or if lucky, subjected to gathering every pebble, rock and stone in an appointed area. . . At this time there was an African American administrator Ms. D. She would try to reach out to the inmates that were being assaulted and threatened but the fear of being killed was very real. If you put in a remedy/grievance at that time your mail was monitored outgoing and incoming. It was no secret that the helicopter would airlift someone to the hospital at least once a week due to the severe beatings. In 2011 I personally was involved in an incident where an officer assaulted an inmate on the walk way in the blind spot. I helped escort the inmate back to his housing area which happened to be the same unit I was housed in. Once everyone saw the bruises and knots on the inmate we decided to have a hunger strike to put a stop to the violence, beatings, threats and harassment. During the first night of this hunger strike C.O.s came into trailer four hurling threats and racist remarks saying they would kill us one by one, they ran the prison not the administrator (Ms. D). Once they realized that we were not giving in all 96 inmates were locked in on that side of the trailer. . . It was our constitutional rights being violated on a daily basis and no one did anything to stop it. Inmates were beaten to death, inmates were refused medical treatment because the medical staff were a part of the problem, C.O/s would violate federal laws and open an inmate's mail without the permission of the administrator, take inmates personal family photos and make sexual comments about inmate's children, wives, mothers, daughters even keeping photos or an inmate's family or friends. Sometimes visits were not called out on time because the unit C.O.s did not want to get up from watching T.V. Female C.O.s would lie on inmates and say an inmate pulled out his

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penis, grabbed his crotch area or made sexual advances at them. Then they would laugh while that inmate was beat viciously. C.O.s come and trash your cell, your personal property, take item's from you and give them to other inmates. All of this was what lead to a hunger strike in 2011 on trailer 4.C.O.s. Surrounded the unit day in and day out like a militia ready to attack. They never even notified the administrator Ms. D. they notified the assistant administrator, a white guy, which came into the trailer at 12am drunk with a distinct alcohol odor to his body. He was yelling at us, calling us dumb ass nigers for not eating. We asked to speak to his superior and he replied "that bitch doesn't run this facility I do, now do as I said and listen to these officers." – *M.S., South Woods State Prison, Bridgeton, NJ, 2014*

"They offer a yard every 2-3 days and that is for about 2 hours and you go by yourself in a caged in area no larger than a large dog pen without any ability to walk or get proper exercise. . . I witnessed firsthand a female officer having sex with inmate J. in the control booth on my previous unit. . . she still works here, and has inappropriate relations with inmates still." – *J. M., New Jersey State Prison, Trenton, NJ 2014*

"This sergeant put his hands on me and told me why did I make false accusations on him while he was beating me in the back and chocking me." – *K. P., Northern State Prison, Newark, NJ 2014*

"These people (I say people because what go on in prison is bigger than just officers) treat people with disrespect and inhumanly but they are the civilized correcting the uncivilized. I don't believe this is the way it is supposed to be. . . I have 3rd degree burns on my left hand and refuse to sign papers not putting the prison accountable. So the jumped on me mess the nerves in my burned hand up and my left ankle. I cannot stand for long periods of time. Then they locked me locked me up. And would not let me contact my family for four months and them themselves would not." – *R.B., New Jersey, unknown, 2014*

"On 1-25-2012 at 3pm me and another inmate were handcuffed, stripped searched and put in a cage while our cell was being searched by various officers all under the supervision of Sgt. A. At 6:40pm, 3-hours and 40 minutes later me and Mr. .. were approached by Sco. Grabowski while in the cage, he was holding a large brown paper bag. Grabowski said Mr.. I was ordered to confiscate your regular mail. Mr. .. asked is that all you took? Officer Grabowski said 'yes'. Myself and Mr. .. asked can we see what is in the bag, we were told 'no'. Sco. G. said either sign for the property or when were done its 'trash'. 9:00pm., 6 hours later myself and Mr... were taken back to our cell and locked-in. Upon entering the cell I found my Qu'ran in the toilet. Mr. .. Qu'ran was ripped, our food package and canteen items were dug into with pens and combs. My regular mail, my mother's funeral pictures, legal mail, and radio was confiscated from my cell along with Mr.. regular mail, legal mail and family pictures. Which means Sco. G. and Sgt. A V.

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lied about what was taken from our cell, as well as pushed Mr. ... to commit the crime of 'forgery' by signing for my property by giving him an alternative, 'either sign or its trash.' – *W.M., East Jersey State Prison, Rahway, NJ. 2012*

"Officer D. instructed Inmate ----- to get on the wall and interlace his hands behind his head and to spread his legs. Inmate ----- complied with this order. Officer D. walks over to the slop cans and puts on his gloves. He then returns to Inmate ----- and grabbed him by his interlaced hands and attempted to slam Inmate ----- head into the wall." – *Anonymous, New Jersey, no date*

"On one day during 2013 I was assigned to E unit, when I arrived, Officer R. and officer Sheppard checked my property. Finding something they confiscated, I was aggressively told to put my hands on top of my head, and pulled backwards. Stressing my back, while Sheppard's knee was in the middle of my back, I was threatened and told that I would or could be beat up. The officer Sheppard asked if I was scared, when I said yes, he said you'd better be, we'll kill you down here you fucking spit. I also witnessed an inmate come from "B" unit, when he came to "E" unit, officer Sheppard made the inmate lay on the floor, with his hands behind his head, while on the floor, officer Sheppard placed his property bag, now full of water, on his back and made him remain in that position for 2 hours. These are things they do to inmates each day on "E" unit." – *Anonymous, New Jersey, no date*

"On February 8th 2010 at approximately 810 am I was one of several prisoners involved in a fight within the Bayside medical waiting area, at which point a code 33 was called and upon correction officers, Sergeant and other personnel arrived the fight was then within the medical gate of medical. Upon the officers separating inmate _____, _____, and myself to my knowledge all three of us was placed in handcuffs and leg irons. At which point I was placed next to inmate _____ and then numerous officials began to strike me in the head and face area also the side of ribs and chest. They said scream. When I would not scream officer Divito who I knew by sight and voice placed his arms around my neck and head in a sleeper hold which cause me to fear for my immediate safety. He then laid me face down on the ground and jumped off a desk onto my mid to lower back which caused me to defecate on myself. Which enraged the officers. I heard them also beating inmate _____ by evidence of hearing punches land and inmate _____ screaming stop your hurling at me and all along with officers screaming stop resisting. One officer then stated you bring this gang shit to medical we are going to kill you. At which point I was then placed on my knees and told to put my chin on my chest and don't look up. My head was then placed through a wall and punches continued to be administered by police. I was then dragged around the corner by my shackles and clothes where officer N Canion then began kicking me to the sides, head, testicles, and said if you got a knife the helicopter won't get here fast enough. He then told me to look at him when I looked up he pointed to his name and said I'm doing this to you and punched me several times directly in the face. He then dragged me into

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what looked like a very small kitchen with a refrigerator, microwave and coffee pot with cabinets and again told me to kneel on my knees cross my ankles and place my chin on my chest and don't look up. As I complied again punches were thrown to head, face and body area, where I was told I was going to be placed in the shower to wash the feces off. I was placed in the shower in shackles and handcuffed behind my back. The water was on a level so high it burnt me and I tried to get from under the water where I was. I was told I would be beat if I did. Upon the officer being satisfied they placed me in a cell removed the handcuffs and shackles and asked me did I have a problem with being beat while 3 officers surrounded me with night sticks smacking them in their hand. I feared they intended to do me more harm so I said no I was then placed in a cell completely nude for about 45 minutes." – *Anonymous, New Jersey, no date*

"Approximately on Dec 6, 2007 I was beaten very badly, they almost killed me there. They handcuff me punch and stomp me out like 12 officers was kicking me repeatedly it felt like my ribs were about to break. They pick me off the floor and slam me on my head and busted my head open I had butterfly stitches in my forehead. They was spitting on me calling me nigga's, slamming my head against the walls and using my head to open up door's, raming my head into the door. I was throwing up blood for a couple of days, they was coaking me, tryen to break my legz, twisten my ankles, both of my ankles looked like I had water balloons on them real swelling. After the nurse cleaned my blood off me and put the butterfly stitches in my forehead they beat me up all over again and rebusted my butterfly sticthes open. IA cover up for them I had a tee shirt with alot of blood and boot prints on it, I told IA about, I thought they was gone help me. But the lady asked where's it at, I said it's in my detention cell, they had shipped me to southen state the next moring for like a week then to hear SWSP so when I took a shower the officer at SWSP in detention search my cell and took my bloody shirt. They did not give me the proper medical attention. I was in so much pain all they gave me was motren. I had to sleep sitting on the bed leaning on the wall for 4 months cause I couldn't lay down cause my back wouldn't allow me to. I still have back pains now I can't play basketball no more, or workout as hard as I used to because of this sharp pain I have in my back and I get mind grains on a reugar basic a lot of people tell me to go get my head check out cause out of nowhere I get head pains, sometimes I have to lay down for two or three days in a row becasue the headce does not go away right way. They messed with me mentally as well, I always be dreaming about that ass whopping they gave me (pardon my french) I dream about that. I wake up with cold sweats and all they mess me up mentally and phycilly and then had the nerv to send me to trenton adseg for 515 days for them beating on me. Lieing maken false charges towards me. They gave me double Jeopardy and I didn't do nothing wrong. I suffered and still suffering from going to Bayside prison. It's more things they done to me. I'll share with a lawyer or someone who will come hear me out for this Bayside state prsion situation. (thanks)

P.S. I'm in fear of my life for given up this info it might be some retaliation towards me they might have some boyz down here, just given yall a heads up." – *Anonymous, New Jersey, no date*

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“In the 3 months I’ve been here at BSP I have seen officers assault and beat at least 100 people.”
– *Anonymous, New Jersey, no date*

“As a prisoners rights advocate, I have never in my 25 years of confinement, witnessed oppression or the overwhelming power of fear as I have at this facility. I have likewise never witnessed the “abuse of authority” on levels which occur at this facility.” – *Anonymous, New Jersey, no date*

“When conducting cell searches, staff intentionally destroy inmate property, have been known to dump ice into inmate floor lockers containing legal documents and other personal property, and plant pills, drugs or other contraband.” – *Anonymous, New Jersey, no date*

“I was savagely assaulted on 7-18-14 by guards at the Bayside State Prison while being referred to as a “nigger . . . While in the A-unit dayroom, I was instructed by Senior Corrections Officer (“SCO”) M. T to place my arms out to the side and I immediately complied. Then, without cause or provocation, SCO Tamagni began ramming my head against the wall and then tackled me to the ground on the concrete landing platform outside the entrance to the A-unit. AT this time he punched me twice--once in the nose, causing a severe nose bleed , and once in the right eye, causing swelling, discoloration, and impairment of vision. Handcuffs were then placed on my wrists behind my back. While laid on my stomach in restraints, SCO R. Rosell kicked me between the legs in the groin and called me “nigger.” When I yelled out in agony SCO T. T stated “shut up, nigger,” and stomped on my head, causing me to go unconscious.” –
Anonymous, Bayside State Prison, Leesburg, New Jersey, no date

“Both myself and my cellmate were escorted out of the cell, patted down and advised to proceed to the dayroom. Suddenly, approximate five or more officers entered the unit with a sergeant. My cellmate and I were thereafter handcuffed and made to sit at separate tables facing away from one another. While in this position, I heard comments referring to us niggers and spics. Suddenly, S. and one of the other officers, walked over to me, grabbed me by the arm and escorted me into the unit pantry. There, all of the other officers waited. Once inside, the sergeant stated “I hear you two motherfuckers were smoking inside your cell?” He then grabbed me by the throat and slammed me into the wall. While looking my eyes, he stated, “you must be new here, don’t you know what we do to motherfuckers here?” When the sergeant released my throat, S. slammed me to the floor where I was stomped, kicked and punched throughout the body. After my beating, which seemed to have lasted several minutes, I was picked up from the floor and returned to the dayroom. The officers then went and took my cellmate into the same pantry. I however do not know what they did, as I could not actually see and was forced to remain facing the wall. I did hear a commotion, which lead me to believe that he was also assaulted. Slightly

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turning my head, I was told "if you move your fucking head again, I'm punch you in your goddamned face!" As he walked by, I looked at the officer making the statement, who took it as me moving my head, and was punched in the face.

Shortly thereafter, I was pulled from the seat, had the handcuffs lifted, which were cuffed behind my back and escorted off the unit. During the walk to detention, my arms were twisted backwards and I was nearly lifted off the ground. The pain was unbearable and I felt that they were going to break my arms. Prior to detention placement, I/M's are interviewed by a nurse. However, because my handcuffs were so tight, my circulation had been cut off, hands were turning colors and the nurse could not get a pulse. She asked staff to remove the cuffs and went to the computer to pull my records. When she left, S. who is 250 plus pound, stood on my foot, I was in shower shoes, asking me if it hurt. The pain was unbearable. I was escorted into a detention cell, received no charge, and offered no phone call or shower for seven days. After the seventh day, I was released to population and sent to "B Unit." – *Anonymous, New Jersey, no date*

"... If I sent back their is a strong possibility that I will be beating up by the officers for writing them up, or killed ... Now, after I was told I was going back to Bayside I called the Ombudsman and told them that I fear for my life and if I sent back to that prison it's a strong possibility that I will be beating up by the officer's for writing up sergeant A. Smith SCO Ms. D and SCO B. ... Several officers came to the cell and told me to back away from the door then the door was open . I was standing but the bed with my hands on the it the officer's came into the cell SCO S. came on one side of me and SCO D. came on the other side of me and SCO S. was in the back of me one of the officer's said you like to write officer's up then She pulled my dreads and R. punched me in the face then S. punched me in the face knockin me to the floor then S. was kicking me S. then rammed has knee into my rib several time's trying to break them then the sergeant that was their told D. R. to knock me in the eye with his flashlight and try to pop it out I tryed to cover up but he was still able to hit me with that flashlight in my eye and that hit had me dizzy while on the floor one of the officer's had has knee pent in my neck punching on me then S. grib my ankle up in the air twisting it trying to break it then they pulled me out of the cell and had me walk on my ankle at first I couldn't then I was too if I didn't walk right I was gonna get beat up again. I walked to the Day room and was told to set down at the table and D. R. came up to me smackin me in the face like I couldn't block it because my hands was in handcuffs. I was then taken to medical and the nurse asked me what happen to my eye and I told her I fell off the bed because I was scared that if I told her the officer's it I would get beat up again. But to back up before I came out the cell the officer's put the cuffs on me while laying on the floor they told me to get up I tryed but couldn't with my hands cuffed behind my back so Shelton took my dread into his hand and tryed to pull me to my feet, but it didn't work so S. and R. pull me to my feet." – *Anonymous, New Jersey, no date*

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“My stay in bayside state prison has been the worst experience I’ve ever had to deal with. I’ve been incarcerated going on 7 years in Sept. The last month of me being at that prison I’ve experience the C.O. humiliate me calling me spic & other inmates niggas . The way they talk is disrespectful and uncalled for. While being house on F-unit I personally saw a female officer by the name of Mrs. Z. and another C.O. called P. D. smack a inmate and provoke him. At the time he defended his self a bunch of C.O. came in beat on him handcuff him. Drag him out the door push him down the steps while handcuff pull his pants down and strip him naked in 9 degree weather. That was unbelievable because I’ve never saw something like that my whole life. I personally don’t want to go back there and be degraded and humiliated or even hurt. The sad part is I’ve experience all this in a month or so between Dec. 19, 2013 and Jan 30, 2013...”–
Anonymous, New Jersey, no date

“Two officers (whom I can name but won’t at this point) retrieved an empty tray and had cell 113 opened. One officer proceeded to throw the empty tray at inmate (redacted). Inmate (redacted) kicked the tray back out of his room. Then the officer proceeded to go into cell 113 and attempted to manhandle inmate (redacted). Inmate (redacted) fought back and dazed the officer, knocking him down. The other officer took off running and called for backup. Inmate (redacted) took no further action against the dazed officer. Seconds later an innumerable amount of officers rushed into C-unit, ran down to cell 113 and proceeded to completely demolish inmate (redacted). Shortly after the first wave of officers came a second wave of officers dressed in full riot-gear arrived. They proceeded to take a turn savagely beating and continually macing the already handcuffed and subdued inmate (redacted). Eventually they drag inmate (redacted)’s lifeless-looking body off of the tier, leaving behind an extremely bloody mess. . . I was told about another incident that took place about two weeks prior to the incident involving inmate (redacted). Apparently the officers on B-unit beat up an elderly inmate and drug him out of the unit and across the compound half-naked. This inmate also received the all to common helicopter ride to St. Francis Hospital. Civilian members of the staff whispered to various inmates that the old man died. Although some of the civilians seemed disgusted, I can only assume that job security and fear prevent them from speaking up. After all, we are only a bunch of criminals who deserve to be ‘punished’, right?” – *Anonymous, New Jersey, no date*

“I was told by officer green on (f unit) that if I made the mistake of coming out of the shower without my shirt on, I would be beaten to the body in the back kitchen area. That’s where most body beatings take place. . . They have officers that stand guard at the remedy box at center, it is sometimes impossible to submit an grievance or risk a beating . . . The heat index in that cell was over 100. It was the first time I thought I was going to die in jail. . . I served 14 year in 3 federal penitentiaries [...] they are nothing compared to the brutality and pure disregard for human being blk or white . In 6 months at Bayside, I witnessed over 13 beatings by staff. Even the woman officers join in. . . I spent 6 months of fear! At bayside and i just thank god for

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coming to northern state . . . Every staff member there should be fired because they all knew or witness the violations. Clearly 8th amendment. Including the entire medical department.” -- *Anonymous, New Jersey, no date*

“I am currently being held in the detention unit here in this prison. I was given 30 days detention after receiving three disciplinary charges after defending myself from an attack by an inmate here in this prison who was acting on behalf of correctional officers. The attack and following struggle left me in the prison infirmary for five days. At the time of the attack, I was on a tier in the administrative segregation unit and I was returning to my assigned cell after being let out of the shower by a COR F. This C.O. however left inmate . . . Cell door open so that he could attack me. This is their third time attempting to have an inmate in this prison assault me. After not getting the results they wanted the second time they C.O.s took it upon themselves to attack me as a result of that confrontation I was given 4 years ad. Seg. In 2009 and transferred to the ad. Seg. Unit at East Jersey State Prison but when that unit closed I was sent back here in March of 2010. Almost immediately upon arriving back here I began to be harassed and it continued to escalate until they attempted to have me assaulted. *L.M. New Jersey State Prison, Trenton, NJ, 2011*

“ . . . on July 28, 2011, officers ran in my cell, I was maced and assaulted by these officers. When I told S.I.D. about this incident he laughed and said he hadn't seen any report on it and that I should 'take it on the chin', cause without any proof, it will go no where. However, if that's the case, why am I in a detention unit without any charges being subject to cruel and unusual punishment for an unfounded allegation????”- *S.C., New Jersey State Prison, Trenton, NJ, 2011*

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VIII. RACISM / DISCRIMINATION

From the UN Declaration on the Elimination of All Forms of Racial Discrimination:

Article 1: *Discrimination between human beings on the ground of race, color or ethnic origin is an offense to human dignity and shall be condemned as denial of the principles of the Charter of the United Nations as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights . . .*

Article 2: *No State institution, group or individual shall make any discrimination whatsoever in matters of human rights and fundamental freedoms in the treatment of person, groups of persons or institutions on the ground of race, color, or ethnic origin.*

Universal Declaration of Human Rights

Article 2:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status.

Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation or sovereignty.

Article 18:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship, and observance.

Article 27:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

International Convention on the Elimination of all Forms of Racial Discrimination (CERD)

Article 2

States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial discrimination in all its forms and promoting understanding among all races, and, to this end:

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- a. *Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation. . .*

Article 5

States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law . . .

- a. *The right to equal treatment before the tribunals and all other organs administering justice;*
- b. *The right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution.*

Basic Principles for the Treatment of Prisoners

Principle 2

There shall be no discrimination on the grounds of race, colour, sex, language, religion, political or other opinion, national or social origin.

TESTIMONIES

Discrimination

“I am a transgender and I have been living as a woman since I was 13 years old. I have been going through discrimination and harassment, I been verbally and mentally, emotionally abuse, for a little more than 6 years. Name call, like fag, pig, disgusting and other names that will not be appropriate to say. . . I can’t receive photo of myself because the warden and the mail office say that is inappropriate because I’m dress like a woman. I am constantly put in segregation because of my gender. I been told not to walk around the courtyard because I walk like a woman. That my provocative behavior will bring me problem in this facility. I am mentally depressed, I been humiliated and bully.” – *J. M., unknown, NJ*

Racism

“I am still in lock up here. I am in the same clothes. I have not been able to call my family, shower, for over three days. No property, no canteen, nothing. There is a list they go by and I am not on that list yet I am being moved from room to room by this cop over her named. . . , he have threw (sic) out my things each time. He told cops that I assault women CO’s, which I don’t. This cop is putting my life I danger. Today I went for an x-ray and once more he moved me. I was moved this time into a condemn (sic) room, no water, nothing. My last room my light was out. He does something to have me moved. I am on too much meds to do this. I don’t feel safe around this cop. I don’t want PC (Protective Custody), but something needs to be done. I see this cop

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IX. SEXUAL ABUSE / VIOLENCE

The horrors experienced by many young inmates, particularly those convicted of nonviolent offenses, border on the unimaginable. Prison rape not only threatens the lives of those who fall prey to their aggressors, but it is potentially devastating to the human spirit. Shame, depression, and a shattering loss of self-esteem accompany the perpetual terror the victim thereafter must endure. – *Harry A. Blackmun, U.S. Supreme Court Justice, Farmer v. Brennan, 1994*

TESTIMONIES

“On June 11, 2013, I was sexually abuse and robbed by another inmate in S.S.C.F. Delmont, NJ. On June 23, 2013, I was in such a RTS and this Post Traumatic Stress Disorder which was caused by the RTS i.e. Rape Trauma Syndrome, took me into a point where I really wanted to kill myself. Well, when I told Sergeant Thomson, he call me a “freak” and I was placed in psychiatric watch. However, I continue and reported the abuse to Dr. G., Sergeant G., Doctor G. and Officer F. The medical team i.e. mental health team, reported the abuse to SID and documented. Now I find myself house in a isolation unit heavily medicated for RTS and PTSD.” – *J. S., Northern State Prison, Newark, NJ, 2013*

“In or about April 2012, Former Detention Center officer S. began to sexually assault and demand sexual acts from me which were non-consensual and against my will. B. threatened me with physical abuse should I resist her sexual assaults or report this activity to another employee. B. continued the sexually assaults and threats until approximately November 2012. . . This is humiliating considering the fact I was raped at the Detention Center.” – *S.F., Union County Jail, Elizabeth, NJ, 2014*

“The following was written by a Public Defender. “Mr. K. states that both he and another inmate were raped and abused by a corrections officer at South Woods State Prison. Mr. K. said he has already filed charges against the officer, and he is willing to take a polygraph test. Mr. K. has been transferred to several different prisons, but he is now back at South Woods State Prison. According to the Department of Corrections’ website, Mr. . . . is now incarcerated at Northern State Prison. Mr. K. said the incident of sexually abuse occurred in 2008, and he has since been transferred from South Woods State Prison to East Jersey State Prison and then to Mid-State Correctional Facility. He said that he left Mid-State Correctional Facility in order to have an operation on his knee, and from the hospital, he was returned to Bayside State Prison. He said that he needed to leave Bayside State Prison because the officer who had abused him was transferred to Bayside State Prison. . . Mr. K. said that he was returned to South Woods State Prison where the officer who had abused him has family and friends on the corrections staff. He states that he has been ‘terrorized, retaliated on, set up and wrote up on so many charge,’ in retaliation. He said that he is

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now in 'ECU II handcuffed in a wheelchair.'- M. K., New Jersey State Prison, Trenton, NJ, 2014

MAXIMUM SECURITY!

Dear Taxpayers,
COLD, HARD FACT
NO! ABSOLUTELY NO!

DEBT CEILING: WHAT YOU NEED TO (KNOW)

THE GOVERNMENT HAVE INCOME FROM TAX REV ENUSE-ABOUT \$30 BILLION EACH DAY.....

THE STAR-LEDGER THURSDAY, OCTOBER 3RD, 2013

THE HOUSE APPROPRIATIONS COMMITTEE -THE MOST POWERFUL COMMITTEE IN CONGRESS, CONTROLLING "\$600 BILLION" DOLLARS IN DISCRETIONARY (FUNDING) AND NO PRESIDENT HAS ANY SAY-SO AS TO HOW THIS MONEY IS SPENT!!



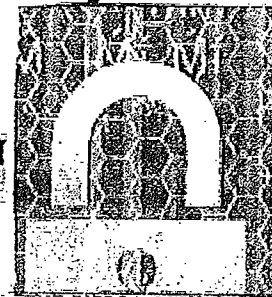
DEBT CEILING: WHAT YOU NEED TO (KNOW)

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THE STAR-LEDGER THURSDAY, OCTOBER 3RD, 2013

Collage by Ojore Lutalo
www.ojorelutalo.com
kemess.b@verizon.net

22 YEARS IN POLITICAL ISOLATION



MAXIMUM SECURITY!

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X. WOMEN IN PRISON

Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)

Article 1:

... the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, or human rights and fundamental freedoms in the political, economic, social, cultural, civic, or any other field.

Article 2:

D. To refrain from engaging in any act or practice of discrimination against women and to ensure that public authorities and institutions shall act in conformity with its obligation.

G. To repeal all national penal provisions which constitute discrimination against women.

Article 5:

State parties shall take all appropriate measures:

A. To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority of the superiority of either of the sexes or on stereotyped roles for men and women. . .

International Covenant on Civil and Political Rights (CCPR)

Article 3:

The State Parties to the present Covenant undertake to ensure the equal right of men and women to the enjoyment of all civil and political rights set forth in the present Covenant.

Declaration on the Elimination of Violence against Women

Article 2:

Violence against women shall be understood to encompass, but not be limited to the following:

C. Physical, sexual and psychological violence perpetrated or condoned by the State, wherever it occurs.

Article 4:

States should condemn violence against women and should invoke any custom, tradition or religious consideration to avoid their obligations with respect to its elimination. States should pursue by all appropriate means and without delay a policy of eliminating violence against women and, to this end, should:

Torture in New Jersey Prisons | Evidence of Human Rights Violations

- *Exercise due diligence to prevent, investigate, and in accordance with national legislation, punish acts of violence against women, whether those acts are perpetrated by the state or by private persons*
- *Take measures to ensure that law enforcement officers and public officials responsible for implementing policies to prevent, investigate and sensitize them to the needs of women.*

TESTIMONIES

"I was locked in isolation. I was scared and cried a lot. I sat there day after day, week after week, month after month, year after year. Not once was I ever taken out of my isolated cell. I was in a separate building and was not allowed to buy canteen, was not allowed recreation, library, television, or church. I was prevented from making telephone calls or having visits. I was allowed a short shower, after which I was locked back in my cage. My cell had a window that was four inches wide and three feet long. The window was wide enough to fit one eye. I needed fresh air so badly that I started to rub my nails against the rubber seal around the window, it was thick and hard rubber but I wanted air. I rubbed for months. My nails broke down but I continue to scrape. The pain and blood didn't disturb me. It took me 8 months to get a tiny opening. I felt worse than a caged animal. I spend three years there and have phobias where I still need to be enclosed in my cell." — *J. V., Edna Mahon Correctional Facility, Clinton, NJ, 2005*

"... for over two years I have been sexually abused by male prison guards and male civilian personnel at this institution. . . This abuse started in 1998. . . by touching, then oral sex, then intercourse. [A]t one time, one of the officers felt I was pregnant and quickly administered some pills he brought in to "bring it down," as he stated to me. I remember becoming very [sick] from this. One of the officers was very brutal with me and one day actually slammed me against the wall while his hands held me tightly around the neck; [he stated] he [would] kill me if I ever said anything. Then the sergeant who had the most sexual acts with me threatened me a few times saying if I [or anyone else] dared ruin his career that he [would] kill me. I strongly feared for my life and did as [I was] told each time I was called upon. . . The word "no" does not exist in our vocabulary and when we dare say [it] we get punished." — *J.V., Edna Mahon Correctional Facility, Clinton, NJ, 2001*

"... We are forced to sleep on the floor in the middle of winter with bad backs and aching bodies, cold air blowing from the vents no matter what the temperature was outside. At 2 o'clock in the morning, they wake you up and tell you to pack up and clear the room." *J.L., Edna Mahon Correctional Facility, Clinton, NJ, no date*

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XI. CONCLUSION & RECOMMENDATIONS

International treaties, conventions, and declarations provide basic guidelines for the treatment of prisoners. State and federal laws, in the form of statutes and regulations prescribe rules of law for correctional practice, and court decisions impose rules on specified jurisdictions, while providing guidelines for others. However, these rules and guidelines are all too frequently ignored in the U.S. prison system. Meanwhile, the United States continues to criticize other countries for violations of prisoners' human rights.

The "Torture in New Jersey Prisons" report is meant to help illuminate – and eliminate – this hypocritical double standard, and move our country toward a rational and humane correctional system, which would reflect our country's professed values and effectively provide for the safety and rehabilitation of our people, our families and our communities.

For decades, the America Friends Service Committee (AFSC) has spoken out against the torture and abuse of prisoners. AFSC criminal justice programs nationwide have received thousands of calls and letters from prisoners and their families that document egregious violations of international human rights standards, including the Convention against Torture, ratified by the U.S. in 1994. The list of abuses is long and horrifying: vicious and deadly assaults on prisoners, the use of stun guns and restraint tables, rape, prison chain gangs, and unconscionable medical care, to name just a few.

Since 1992, the AFSC Prison Watch Project in Newark, New Jersey, has monitored the use of extended sensory deprivation and devices of torture in prisons across the country. We also continue to receive complaints of isolation, racism, brutality, and other violations of human and legal rights. The problems we hear from across the country mirror those from New Jersey, but the testimonies in this folio come exclusively from New Jersey prisoners, to emphasize that these national problems exist close to home.

It is clear that the concepts of human rights law need to find their way into the U.S. police, court and prison justice systems. One way this can happen is for prisoners, their families and loved ones, and prisoner rights advocates to weave the language of international standards and treaties into their arguments for humane prison conditions and treatment of prisoners.

Another way is to infuse accepted international standards into the legal framework of our criminal justice system.

This report correlates the major issues and conditions in New Jersey prisons to the most relevant international standards as stipulated in international human rights agreements.

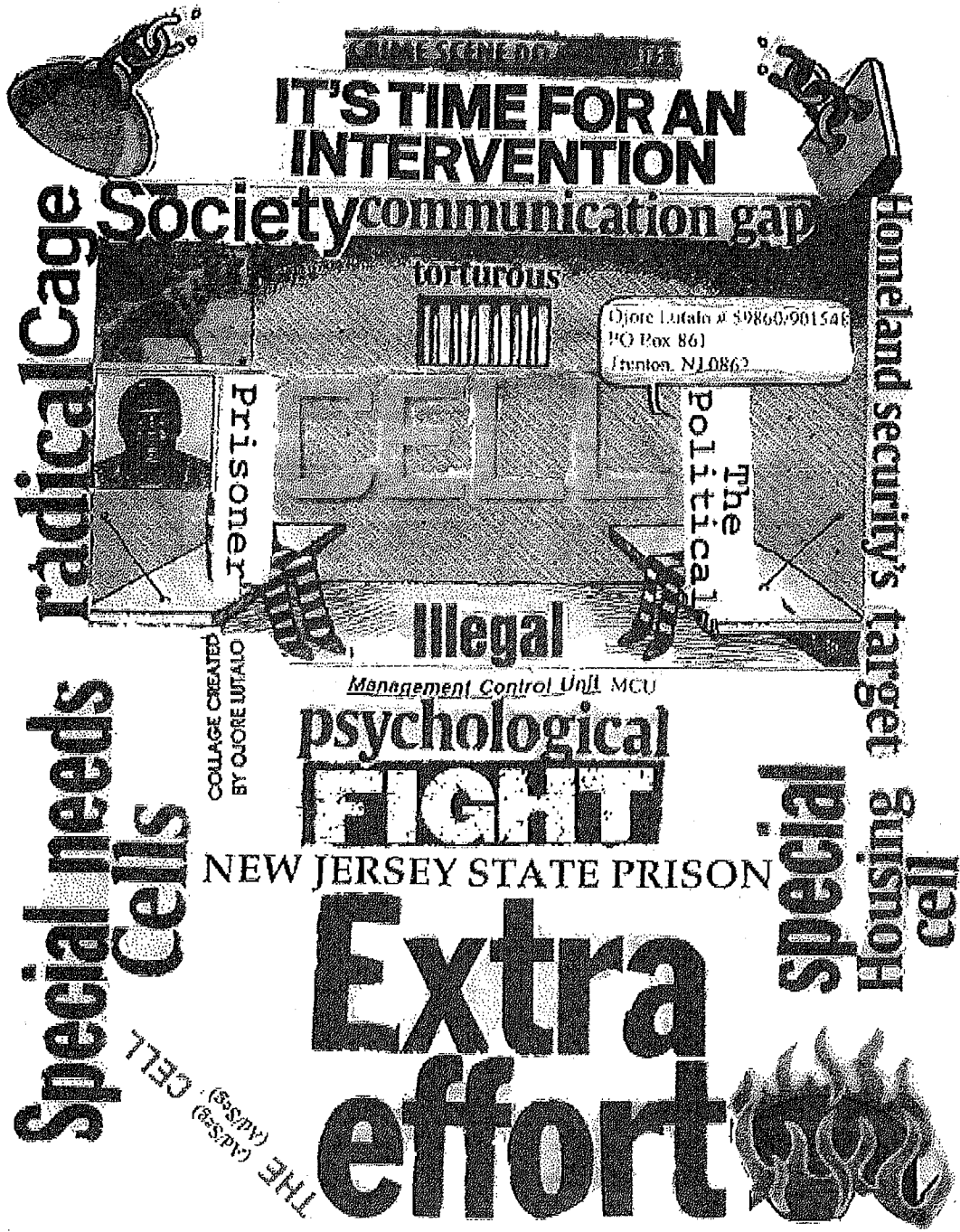
As a final note, the following concluding recommendations should receive priority attention:

- Ratify the Optional Protocol to the Convention Against Torture.

Torture in New Jersey Prisons | Evidence of Human Rights Violations

- End the use of isolation immediately, and, in New Jersey, support S2588
- Removing human beings from their community, depriving them of human contact and the support of their families and loved ones, denying them stimuli, and subjecting them to inhumane conditions is cruel, unnecessary and counterproductive. Treating people in this manner violates our shared humanity and fails to honor the light present in each of us.
- Provide conditions of confinement in jails and prisons that are in compliance with U.S. domestic laws, protect the state and federal constitutional rights of prisoners, and adopt laws, policies and practices that are in accordance with international norms and obligations.
- Adopt a Prisoner's Bill of Rights in state law, comparable to the New Jersey Mental Patient's Bill of Rights, which address, among other matters, restrictions on isolation, restraints and involuntary medication, and the right to protection from harm.
- Adopt effective grievance procedures, accompanied by quality assurance mechanisms that ensure Department-level attention to and responsibility for allegations of violations of prisoners' rights.
- Adopt laws that improve transparency of correctional operations, policies and practices.
- Permit international observers to enter and evaluate institutions of confinement.
- For prison / jails not under the direct control of the federal government, the U.S. government must actively engage states and localities to facilitate such access.
- Establish effective systems of independent oversight of each prison and jail.
- Ensure that the Prison Rape Elimination Act of 2003 is immediately implemented in all confinement facilities nationwide, to protect those entrusted to state and federal custody against sexual violence.
- Require prison and jail personnel to use the least restrictive responses to avert harm.
- Prohibit the use of chemical agents in prison and jails.
- Limitations on mobility and lack of ventilation significantly undermine the safety of all exposed to harmful agents.

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XII. RECOMMENDED PUBLICATIONS & WEBSITES

- *Survivors Manual: Surviving in Solitary*

<http://www.afsc.org/image/survivors-manual>

- *Survivors Speak: Prisoner Testimonies of Torture in United States Prisons and Jails*

<http://www.afsc.org/document/survivors-speak-prisoner-testimonies-torture-united-states-prisons-and-jails>

- *Inalienable Rights: Applying International Human Rights Standards to the U.S. Criminal Justice System*

<http://www.afsc.org/content/inalienable-rights>

- *Our Children's House*

www.justdetention.org/pdf/ourchildrenshouse.pdf

- *American Civil Liberties Union*

<https://www.aclu.org/prisoners-rights>

- *Quaker Initiative to End Torture*

<http://www.quit-torture-now.org/quit/home/>

- *The Campaign to End the New Jim Crow – Princeton & Trenton NJ Chapters*

<https://www.facebook.com/CENJCPNJ>

- *Women Who Never Give Up: Dedicated to Helping Families Get Justice in Our Criminal Justice and Prison System*

<http://wwng.org/>

Torture in New Jersey Prisons | Evidence of Human Rights Violations



**American Friends
Service Committee**

www.afsc.org

People's Organization For Progress
P.O. Box 22505
Newark, N. J. 07101
(973) 801-0001



To: Senate Law and Public Safety Committee
From: Peoples Organization for Progress
Lawrence Hamm, Chair, Jean Ross, Esq.
Date: February 12, 2015
Re: Senate Bill 2588: The Isolated Confinement Restriction Act

My name is Jean Ross. After a career which has included acting as the internal legal advisor to the Division of Mental Health and Hospitals and representing patients in most of the psychiatric hospitals in the state, I have spent 12 years of my retirement providing *pro bono* legal and advocacy services to people in NJ prisons and their families. I appear before you today, on behalf of the People's Organization for Progress (POP), to urge you to support S2588. As you have heard from our colleagues, one of the major hallmarks of this historic Bill is the prohibition it would place on the confinement of people with mental illness in isolated (solitary) confinement. Our testimony focuses briefly on this issue.

POP is an independent, Newark-based, human and civil rights organization, with chapters in other northern communities of New Jersey. We work with like-minded groups for the improvement of conditions in our communities, and for racial, social, political and economic justice.

We are highly critical of the conditions in our state's jails and prisons, and gravely concerned about the negative impacts of these institutions on individuals, families and low-income communities. We decry the disparate incidence of imprisonment on people of color and limited means from economically, politically and socially challenged communities.¹

Within the prisons, we are particularly concerned about the practice of solitary confinement, characterized by the same invidious discriminations, which my colleagues today are speaking about more generally. And within the population subject to such isolation, we are most outraged about the solitary confinement of people with mental illness.

Recent criticism of the practice of "caging" people with mental illness has finally begun to emerge from clinical, legal, religious and official sources, as well as from the courts. (See End Note iii) This attention arises not only from the increased attention to the phenomenon of mass incarceration, but also from the history of deinstitutionalization of the psychiatric hospitals and the resulting mass trans-institutionalization of people with mental illness from the mental health system to our jails and prisons.ⁱⁱ

Because the "correctional" environment is not designed to safely care for or treat such people, and "correctional" staff are not trained to respond effectively or humanely to their symptoms or conduct, this sector of the prison population does not "adjust" well to prison life. This means that people with mental illness are at high risk of being placed in solitary confinement, as punishment for breaking prison rules.

Although quantitative data is difficult to obtain from the NJ Department of Corrections, information is available from people confined in the prisons, including prisoners who act as underpaid staff substitutes in state mental health and isolation units. Please also see the testimonies included in the AFSC's folio on Torture in NJ Prisons, distributed to you today.

Between the research of the clinical professionals and lawyers, and the witnesses on the ground, this much is known about the relationship between solitary confinement and mental illness:

1. Long term isolation of people with mental illness, is characterized as torture, as in the 2011 Report of U.N. Rapporteur Juan Mendez, precisely because it can cause serious and unnecessary trauma;
 - a. Symptoms of such trauma may include present distress, and symptoms associated with mental illness and even psychosis, such as depression, anxiety, fear, paranoia, and hallucinations;
 - b. Physiological and neurological damage may accompany these psychological symptoms;

- c. As with other manifestations of trauma, now formally acknowledged in the Diagnostic and Statistical Manuals of the American Psychiatric Society as a "mental disorder" – Post Traumatic Stress Disorder (PTSD) – such symptoms may persist beyond the duration of the triggering event or environment.
 - i. For people in prison, this means increasing problems with "institutional adjustment," accessibility to rehabilitation efforts, family relationships, reentry, the ability to work and, eventually, recidivism.
 - ii. For other people in prison, corrections staff and people in the community, this means a decrease in safety and an increased risk of violence, as has been demonstrated by the experiences of states which have already significantly curtailed their use of isolation.
2. The appearance of mental illness is affected by multiple factors, including both individual risk factors and external environmental factors. Therefore:
 - a. people who might not otherwise graduate to symptomatic mental illness may do so, in the toxic environment of isolation; and
 - b. isolation exacerbates the symptoms and suffering of prisoners with a history of mental illness or present symptoms.

Therefore, prisoners along a spectrum of general mental health to acute mental illness may be seriously adversely affected by the experience of solitary confinement; their conditions and suffering influenced by their pre-institutional history and traumas, the toxicity of the general prison environment, and the significant deficiencies in prison mental health care. In short, solitary confinement can make people seriously ill and make sick people even sicker!

Because of these effects of institutional isolation, state law in New Jersey¹ places strict restrictions on the use of solitary confinement in the state psychiatric hospitals. Unfortunately, despite extensive prison litigation in the 1990's,² the case is very different in the prisons.

To prisoners with mental illness facing isolation, initial clinical screenings are cursory, so that people who are overtly symptomatic or with known histories of psychiatric illness, or even psychiatric hospitalization and self-harm or suicidality, are all too frequently subject to long terms of isolation.

Prisoners report and prison records document cursory clinical reviews, non-confidential "cell door" interviews, poor monitoring of responses to powerful psychotropic medication, repeated indifference to glaring suffering and symptoms of illness, and humiliation and abuse on the part of untrained and unsupported prison employees.ⁱⁱⁱ

Relying on the prison's accounts of these manifestations of illness, the State Parole Board, like its counterparts around the country keeps people with mental illness incarcerated longer than their more mentally healthy peers. So this seriously ill population, misplaced within our state institutions at the start, loses their liberty as a result of an invidious practice which predictably exacerbates their illness.

The People's Organization for Progress considers the use of long term solitary confinement, like its punitive counterparts in our extended and mandatory minimum sentencing laws and the recently publicized uses of official violence on the streets, to be part of a political and cultural response to protest, illness and deviance, which must be resisted. The New Jersey Legislature was the first in the country to start this process when it abolished the death penalty in 2007.

It is now past time to take the next step, to eliminate the practice of the long term isolation of human beings in State custody and the cruel isolation of prisoners with mental illness, by supporting S2588 today. We believe that this Bill will lead to a meaningful search for more effective, humane and safer alternatives, so we look forward to participating in the problem solving discussions among all stakeholders that implementation would generate. We urge you to help make this happen.

Thank you.

¹ Thanks to Senator Menza, primary sponsor of the "Mental Patients' Bill of Rights": NJSA 30:4-24.3.

² C.F. v. Terhune, Civil Action No. 96-1840, 1998 Settlement Agreement in federal civil rights class action

END NOTES

i **Imprisoning Communities: How Mass Incarceration Makes Disadvantaged Neighborhoods Worse** (Studies in Crime and Public Policy), Todd R. Clear (Studies in Crime and Public Policy). Open University Press: Buckingham 2009

ii Studies have consistently indicated that about 8 to 19 % of prison inmates have psychiatric disorders that result in significant functional disabilities and another 15 to 20 % require some form of psychiatric intervention during their incarceration. See: [APA Position Statement 2012](#)

iii

ARE PEOPLE WITH MENTAL ILLNESSES PUT IN SOLITARY CONFINEMENT?

Yes, in large numbers. Over the past 30 years, prisons and jails have become the nation's largest inpatient psychiatric centers, and solitary confinement cells, in particular, are now used to warehouse thousands of prisoners with mental illness. Recognizing that solitary confinement worsens existing psychiatric conditions and causes severe suffering in prisoners with mental illness, several court decisions and pieces of legislation have been crafted to protect these inmates.

SOLITARY WATCH <http://solitarywatch.com/facts/faq/>

Several examples of official positions on the isolation of people with mental illness

CONFRONTING CONFINEMENT: A Report of The Commission on Safety and Abuse in America Prisons 2006 John J. Gibbons and Nicholas deBelleville Katzenbach

Limit Segregation: Recommendations

3. Protect mentally ill prisoners. Prisoners with a mental illness that would make them particularly vulnerable to conditions in segregation must be housed in secure therapeutic units. Facilities need rigorous screening and assessment tools to ensure the proper treatment of prisoners who are both mentally ill and difficult to control.

ABA STANDARDS FOR THE TREATMENT OF PRISONERS: 2011

Standard 23-2.8 Segregated housing and mental health

(a) No prisoner diagnosed with serious mental illness should be placed in long-term segregated housing.

U.N. TORTURE INVESTIGATOR CALLS ON NATIONS TO END SOLITARY CONFINEMENT

October 19, 2011 UN's torture investigator, Juan Mendez, yesterday called on UN member nations to ban nearly all uses of solitary confinement in prisons, warning that it causes serious mental and physical harm and often amounts to torture. Mendez stated that solitary confinement "can amount to torture or cruel, inhuman and degrading treatment or punishment when used as a punishment, during pretrial detention, indefinitely or for a prolonged period, for persons with mental disabilities or juveniles."

AMERICAN PSYCHIATRIC ASSOCIATION OFFICIAL ACTIONS

POSITION STATEMENT ON SEGREGATION OF PRISONERS WITH MENTAL ILLNESS 2012

Prolonged segregation of adult inmates with serious mental illness, with rare exceptions, should be avoided due to the potential for harm to such inmates.

NAMI (National Alliance on Mental Illness)

For people with serious mental illnesses, solitary confinement is akin to torture and worsens symptoms, in particular, "anxiety, depression, anger, cognitive disturbances, perceptual distortions, obsessive thoughts, and psychosis." Jeffrey L. Metzner and Jamie Fellner (2010). "Solitary Confinement and Mental Illness in U.S. Prisons: A Challenge for Medical Ethics." *Journal of the American Academy of Psychiatry and Law* 38:104-8.

WHAT ARE THE PSYCHOLOGICAL EFFECTS OF SOLITARY CONFINEMENT?

Following extensive interviews ... in 1993, Dr. Stuart Grassian found that solitary confinement induces a psychiatric disorder characterized by hypersensitivity to external stimuli, hallucinations, panic attacks, cognitive deficits, obsessive thinking, paranoia, and a litany of other physical and psychological problems... high rates of anxiety, nervousness, obsessive ruminations, anger, violent fantasies, nightmares, trouble sleeping, as well as dizziness, perspiring hands, and heart palpitations. In testimony before a CA. legislative committee in 2011, Dr. Craig Haney reported that prisoners in solitary confinement units complain of chronic and overwhelming feelings of sadness, hopelessness, and depression....

**S-2588 The Isolated Confinement Restriction Act
Testimony for February/12/15**

Honorable Linda Greenstein, Chair and Honorable Committee Members
Senate Law and Public Safety Committee
State House
Trenton, New Jersey, 08608

The Campaign to End the New Jim Crow (CENJC) is a coalition of congregations, arts and educational institutions, and other community organizations dedicated to addressing the moral issues surrounding mass incarceration. The Princeton and Trenton chapters work together to raise consciousness in our communities of the structural injustices in our existing penal system. Together we sponsor educational events and advocate for improvements in the criminal justice and penal systems - especially those that lead to unacceptable racial disparities in arrest, sentencing, incarceration and parole.

We urge you to support the passage of Senate Bill, S-2588 that will restrict the use of prisoner isolation to instances when it is necessary and only for durations that are safe and humane. The UN Convention Against Torture and the International Covenant on Civil and Political Rights define prolonged isolation as torture. Research clearly demonstrates that isolated confinement can cause devastating, and in some cases, irreparable trauma, especially for youth, people with pre-existing mental illness and the cognitively disabled. In addition, solitary confinement negatively affects returning citizens and their families, and can be linked to increased recidivism, which compromises public and community safety.

It has also been documented that the use of solitary confinement, not only in NJ, but across the country, has become too frequently a tool for managing inmate populations, and for punishing inmates for "breaking prison rules" rather than for legitimate reasons related to protecting inmates and staff from violent offenders. Many states in the U.S., including Mississippi, Illinois, Maine, Virginia and Colorado, are exploring alternatives to solitary--alternatives that are not only more humane but also far less costly.

The time is NOW for change in New Jersey. Our lawmakers have the invaluable opportunity to make 2015 an historic year in efforts to make our criminal justice and corrections systems more humane, more just, and ultimately more cost effective for New Jersey tax payers. Beginning with your Committee, the state legislature can act now to halt the overuse of solitary confinement in our state prisons.

As a community-based group working for positive structural changes that will make our state's corrections system truly a "system of justice for all." The Campaign to End the New Jim Crow urges you and your committee members to support the passage of this important legislation.

Sincerely,

Campaign to End the New Jim Crow, Princeton and Trenton

Patrick Hall and Barbara Flythe, Co-Chairs, Trenton Chapter
Rosemary Parrish, Co-Chair, Princeton Chapter

NEW JERSEY ADVOCATES FOR IMMIGRANT DETAINEES

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ALIX NGUEFACK, DETENTION COORDINATOR
AMERICAN FRIENDS SERVICE COMMITTEE
IMMIGRANT RIGHTS PROGRAM
973-854-0401

Written Testimony of Alix Nguetack

February 12, 2015

To the New Jersey State Senate's Law and Public Safety Committee:

My name is Alix Nguetack, and I am the Detention Project Coordinator for the American Friends Service Committee based in Newark. I speak on behalf of the New Jersey Advocates for Immigrant Detainees, a coalition of civic and religious organizations dedicated to fighting for humane and dignified conditions for detained immigrants in our state. We urge you to support this bill, which will limit the inhumane and excessive use of solitary confinement for *all* people confined by our state, whether they are inmates accused or convicted of a crime, or immigrants detained while awaiting their immigration case.

Under 8 USC § 1231(a)(6), the national immigration authorities are authorized to detain non-citizens during the process of administrative review of their removal case. This form of civil detention is not intended to be punitive, but in reality, thousands of immigrants, many of whom have committed no crime and will win relief in the court system, are housed in county jails in Hudson, Bergen and Essex counties and are subject to the same disciplinary system. These three counties, which contract with Immigration Customs and Enforcement to house immigrant detainees, contain over 1,500 beds available for ICE detainees. Many of those detained are long-time lawful permanent residents with strong community ties, some of whom have lived in the United States since they were children.

In this system, detainees are frequently tossed into solitary confinement for 23 hours a day, for 15 to 30 days or more with minimal due process and weak oversight from the federal immigration authorities. From our OPRA requests of these facilities, we found 10 to 15 days of solitary confinement routinely recommended for infractions such as stealing ramen noodles and sugar from another detainee; throwing a Styrofoam cup of water at another person; refusing a housing assignment; or even cursing. The conditions that detainees have described to us in the isolation cells are horrific – including freezing cold temperatures with only one set of sheets for warmth; walls smeared with human excrement; and complete restrictions on phone calls and visitation, including visits and phone calls from lawyers. The inability to access the law library and contact legal counsel is particularly concerning for immigrant detainees, given that they are expected to prepare and argue their immigration cases while confined to the detention centers.

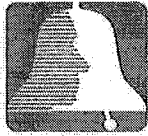
Keeping individuals in such conditions violates international law and can even constitute torture. According to the UN Special Rapporteur on Torture's 2011 report "where the physical conditions of solitary confinement fail to respect the inherent dignity of the human person and cause severe mental and physical pain or suffering, it amounts to cruel, inhuman or degrading treatment or punishment" in breach of the International Covenant on Civil and Political Rights and the Convention Against Torture. That report also states that under no circumstances should solitary confinement be prolonged for more than fifteen days.

This bill would ensure that New Jersey is in full compliance with these standards and may help limit any future litigation against the state. It would improve the situation by compelling correctional facilities to use less restrictive interventions whenever possible, imposing stricter time limits on solitary confinement, and stopping the use of solitary confinement for vulnerable populations. It is the right thing to do for all people detained in New Jersey, and especially for immigrant detainees, whose detention is non-punitive in the first place.

However, as we conduct monitoring of conditions in these facilities, we also know how difficult it is to ensure the implementation of standards behind their walls. As such, we call on the committee to include public accountability measures in the bill, which would either require prison authorities to issue public reports to civil society about their compliance with the new solitary confinement standards or include a role for an Ombudsman or monitor to oversee implementation. This way, the public can be involved in guaranteeing the safe and humane operation of our correctional and immigration detention system.

Finally, we want to emphasize that today's system is contrary to who we are as the people of New Jersey. We have always sought to treat those who come to our shores with respect and humanity. The immigrants in our detention facilities are sons, brothers, fathers, mothers, daughters, and sisters in our communities. They strengthen our state's economy and contribute to our diversity and dynamism. But too often, putting these individuals into solitary has been a first option to deal with even the most minor disciplinary issues, instead of a last resort to be used only in the event that there is no other way to keep the facilities safe. Given that even relatively short periods in solitary confinement can cause severe and lasting physiological and psychological harm, this technique should be used in only the most drastic of situations, if at all.

I thank you very much for your time and attention, and urge you to vote "yes" on this bill.



**Mental Health
Association
in New Jersey, Inc.**

Chairman of the Board of Trustees
William Waldman, MSW, CSWM

President and CEO
Carolyn Beauchamp, MSW, ACSW

Testimony to the Senate Law and Public Safety Committee
Thursday, February 12, 2015; 10:30 AM
Committee Room 10, 3rd Floor, State House Annex, Trenton, NJ

S2588 (for discussion only)
Restricts use of isolated confinement in correctional facilities

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Good morning, I am here today on behalf of the Mental Health Association in New Jersey (MHANJ). We would like to thank Chairwoman Linda R. Greenstein, Vice-Chairman Peter J. Barnes, and the Senate Law and Public Safety Committee for the opportunity to speak today.

The MHANJ is a statewide private, non-profit organization dedicated to improving the lives of children, adults and their families with behavioral health conditions.

MHANJ supports S2588, and we would like to thank the sponsors, Senator Lesniak and Senator Barnes, for considering our recommendations to enhance an already excellent bill. While S2588 addresses the practices for adults facing solitary confinement in the adult corrections system, we are encouraging expanding similar protections for juveniles in Juvenile Justice Commission facilities, where they do not currently exist. The treatment of children, particularly children with disabilities, in juvenile facilities has been a long standing concern of the mental health and disability advocacy community.

We thank the sponsors for recognizing that youth in juvenile justice facilities are also vulnerable populations need heightened protections. We look forward to working with Senator Lesniak on these issues, and we thank the members of the Committee for your interest.



**New Jersey Catholic Conference
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Trenton, New Jersey 08608
609-989-1120**

Testimony by James King, Director of Social Concerns, New Jersey Catholic Conference
Before the Senate Law and Public Safety Committee
In Support of Senate Bill 2588

February 12, 2015

Madam Chairwoman and members of the Senate Law and Public Safety Committee, thank you for the opportunity to testify before you in support of Senate Bill 2588 sponsored by Senators Lesniak and Barnes.

On behalf of the New Jersey Catholic Conference, I ask that you eventually release Senate Bill 2588.

In October 2014, Pope Francis, speaking to representatives of the International Association of Penal Law, reminded us that people of good will are called to fight not only for the abolition of the death penalty, but also to advocate for the improvement of prison conditions.

Senate Bill 2588 would be an important step towards improving prison conditions in New Jersey.

Catholic Social Teaching tells us that punishment for a crime serves a twofold purpose. First, punishment should encourage the rehabilitation of the prisoner; secondly, punishment should foster a justice capable of restoring harmony in society disrupted by the criminal act committed.

Research shows that the use of long term isolation, for reasons other the health and well-being of the individual and community, negatively impacts the rehabilitation of prisoners and can be linked to recidivism.

Thank you.

Representing the Archdiocese of Newark, Diocese of Camden, Diocese of Metuchen,
Diocese of Paterson, Diocese of Trenton, Byzantine Catholic Eparchy of Passaic and
Our Lady of Deliverance Syrian Catholic Diocese