

STATE OF NEW JERSEY
COUNTY PENAL SYSTEM STUDY COMMISSION
3rd PUBLIC HEARING
NEWARK, NEW JERSEY
APRIL 23, 1974.

A P P E A R A N C E S:

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Ginsberg
4/24/74

1 MR. IRVING: Ladies and gentlemen, good
2 morning, and welcome to the third session in our
3 series of public hearings in Essex County, in
4 which we are reviewing problems and suggested
5 remedies for any deficiencies found in the Essex
6 County Jail, and the Essex County Correctional
7 Center. You will recall, that at the last meeting,
8 I reminded those in the audience, that we are a
9 fact finding Commission, we are identified as a
10 Study Commission, and we are responsible in view
11 of the fact that we are a State Commission, we are
12 responsible directly to the legislature and to the
13 Governor.

14 You will also recall, that I apologized
15 to many of you last time, that both the day and
16 the tape of the stenographer ran out before we
17 could hear from you. I subsequently wrote to
18 Sheriff Cryan, and advised him we would give any
19 courtesy to the five or six people that he had
20 requested to come and talk to us today, and the
21 others who asked to be heard last time and were
22 not reached.

23 I want to mention, especially to the
24 members of the Commission, that in developing an
25 agenda, I took the liberty of trying to impose

1 self discipline on ourselves, to see if we can
2 hear from everyone today who had previously in-
3 dicated a desire to be heard. At the conclusion
4 of today's hearing, we hope to adjourn at 4 o'clock,
5 no later than 4 o'clock, at the conclusion of
6 today's hearing we will then be ready to move into
7 another county, that county to be identified
8 later, as well as the time for the hearing to be
9 identified.

10 Now, we have first a response to my
11 third invitation to Sheriff Cryan to appear and
12 Mr. Cook will read the response into the record.

13 MR. COOK: This is a letter received
14 at the Trenton State House, it is from the Office
15 of the Sheriff, County of Essex letterhead, dated
16 April 18, 1974. It is addressed to Honorable
17 John F. X. Irving, Chairman, County Penal System
18 Study Commission, State House, Room 221, Trenton,
19 New Jersey 08625. Dear Chairman Irving: " I am
20 writing this letter in response to your letter
21 of April 16, 1974, inviting me to appear before
22 your Commission and discuss certain allegations
23 made about the Essex County Jail.

24 "In view of the present circumstances,
25 however, I sincerely feel that it would be

1 inappropriate and unprofessional for me as a law
2 enforcement officer to make public statements
3 before the Commission concerning allegations
4 which are presently being investigated at my
5 request by the Essex County Prosecutor's
6 Office and an Essex County Grand Jury. Once
7 Prosecutor Lordi's investigation has been con-
8 cluded, I will, of course, be willing to reconsider
9 appearing before your Commission.

10 "With respect to the appearance by the
11 other employees of the Sheriff's office who are
12 mentioned in your letter, I feel that it is for
13 each man to decide personally whether he feels
14 it is appropriate for him to testify in view of
15 the Grand Jury investigation. But I assure you
16 that I will continue to allow each member of my
17 office to testify who wishes to do so, and that I
18 will in no way attempt to discourage any person
19 from appearing." Sincerely, John F. Cryan, Sheriff.

20 MR. IRVING: Thank you very much, Mr.
21 Cook. The first witness we have is Mr. Al Masino.
22 Will you come up and sit next to the stenographer,
23 please. Will you give your name and mailing address
24 and title to the stenographer, sir?

25 MR. MASINO: Albert Masino, Business

1 Manager, Essex County Jail, 60 Nelson Place,
2 Newark, New Jersey.

3
4 BY MR. IRVING:

5 Q Mr. Masino, how long have you been the
6 Business Manager of the jail?

7 A About eight months.

8 Q Now, --

9 A Previous to that, I was doing the same duties. I
10 had the job audited by Civil Service, so actually I have been
11 doing this job for five years, no, four years.

12 Q As a business manager?

13 A Well, I was a storekeeper, but I had the job
14 audited by Civil Service and they approved of the audit and
15 they went along with the business manager.

16 Q All right. Before we ask you any ques-
17 tions, we will let you make any statement you care to make,
18 sir.

19 A Well, the statement I want to make pertaining to
20 the allegations made against the jail, and what you said be-
21 fore. I volunteered to come down, the Sheriff did not ask
22 me to come down.

23 Q All right, Mr. Masino.

24 A I have these records here, if I may give them out to
25 you, I have one for each of you which you can check.

1 Q You need not get up. One of our staff
2 people can pass it over. Mr. Masino, these will become a
3 part of the record.

4 A I understand.

5 Q You don't have to read every line of it.
6 Would you like to make any comment about this statement and
7 this exhibit in terms of what it says, what the importance
8 of it is?

9 A The importance pertains to the fact about what was
10 said in the newspaper about the jail being dehumanizing,
11 whatever the word was, pertaining to how lackadaisical the
12 jail is being run in reference to the taking care of the
13 inmates, particularly. The records I have brought pertain
14 to their food, their cost per diem, per capita to feed them,
15 and the things we do leaning toward taking care of the inmates
16 and having some kind of repertoire with them. These are what
17 these records consist of, by going through them you will
18 understand it. If you feel you want to question me in
19 reference to these, that is what I am down here for.

20 Q All right. Would you care to say any-
21 thing else, sir, at this time?

22 A Well, I am here to speak for the job that I have.
23 I am glad to work at the Essex County Jail, and most of the
24 men that work there are happy to work there. Whatever our
25 job is, we do our job. I see to it that the equipment,

1 except for the security of the jail, is run properly, as
2 properly as we know. The statement was put in the papers
3 about mice, am I right? That there was mice being overrun
4 at the Essex County Jail.

5 Q There were, according to my recollection,
6 some witnesses who testified that there were mice in the jail
7 and that they were plentiful, yes.

8 A Well, I disagree with that. We have an exterminator
9 that comes in 52 times a year on a preventive measure. If
10 we need him for an emergency, we do call him. We have work-
11 sheets that are sent out everyday to every floor. On that
12 worksheet the officer in charge of that tier sees that it is
13 clean and it is washed. If mice were overrun at any time,
14 it was never put on report. If mice are in the jail, which
15 I imagine there would be, but we are in a blighted area, we
16 have steel gates with openings. Like I said, being in a
17 blighted area, there is abandoned lots and abandoned houses.
18 We do the best we can, under the circumstances. As far as
19 being overrun with mice, and dirty and filthy, I disagree
20 with it 100 percent.

21 Q Thank you. May I go back now, if you
22 finished, and ask you about your specific responsibilities,
23 so we will know the kind of questions that you are equipped
24 to answer.

25 What do your responsibilities, as

1 business manager, include, sir?

2 A Seeing that every request at the jail is carried
3 out in reference to needs, keeping the place clean, the food,
4 the records, budget pertaining to food and household items,
5 stationery, stuff like that.

6 Q Do you have with you the current budget
7 for the Essex County Jail?

8 A Current budget for the Essex County Jail? Yes,
9 I have it here, it is one copy. If you want me to --

10 Q It will be helpful if you read into the
11 record what the total budget is for the Essex County Jail.

12 A Total budget for the jail for the present year?

13 Q Yes.

14 A \$3,937,865.

15 Q Does the budget indicate, Mr. Masino,
16 how much is allotted for overtime?

17 A The budget for overtime indicates -- well, you
18 can't go by that. We allow for overtime, but every year we
19 run over, like I say, we have 13 individual jails, every floor
20 is an individual jail, every post has to be manned. You
21 can't anticipate year from year who is going to call in sick
22 if something happens, stuff like that there. We give
23 assimilation and assumption how much it would be.

24 Q Well, do you have any idea as to what
25 the overtime is running so far this year?

1 A Overtime is running? I'd say about 45, \$50,000.

2 Q How does that compare with last year?

3 A That is a little below.

4 Q A little below. Now, is that because
5 you are understaffed in terms of Correctional Guards?

6 A No, we are not understaffed. We are not under-
7 staffed. We are fully staffed. Like I say, if you have a
8 day off and the fellow next to you calls in sick, you have to
9 have somebody to carry on, a standby. That can't be antici-
10 pated.

11 Q Now, do I understand you to say, you
12 have special responsibilities for food control and kitchen --

13 A Food, the whole jail, excluding payroll and
14 security.

15 Q May I show you some material that was
16 originally sent to the Prosecutor, Essex County, and ask you
17 to review that with me. What I have passed out to Mr. Masino
18 is a document dated March 24, 1972, and you will see from the
19 cover that the original went to the Prosecutor Lordi concerning
20 the Essex County Jail and was signed by Warren Pinto, as
21 Consultant, Warren Pinto had been, I think the body of the
22 letter indicates, I'm sorry, it does not, he had been a
23 Sheriff at Rahway State Prison for some time.

24 A I met him.

25 Q You are familiar with him. Are you aware

1 of the work of this consultant in terms of the jail?

2 A This pertains to security, this pertains strictly
3 to security.

4 Q May I call your attention to the excerpt
5 identified on page eight, sir. Let me make clear for the
6 record that since we have no budget yet, we do not have the
7 resources to reproduce the entire report of the consultant,
8 nonetheless, the copy of it that I have will become a part
9 of the record and is certainly available for members of the
10 Commission. On page eight of this 1972 document, you will
11 see the recommendations of the consultant for present and
12 recommended staffing?

13 A I understand that. My title was there as a store-
14 keeper and while I was doing the job I called in Essex
15 County Civil Service to audit my job. In auditing my job and
16 in describing the responsibilities and duties I had, they
17 went along with it. That was in August of last year.

18 Q I take it then that you had been promoted
19 from storekeeper to business manager, which includes the
20 budget of the entire jail?

21 A I explained that to you before. The budget of the
22 entire jail, excluding payroll and security.

23 Q Could you tell us a little of your back-
24 ground, sir, that might give us some insight into how you were
25 selected to be the business manager? By that, do you have a

1 business background, is what I mean?

2 A Well, I was in the milk business about 25, 30 years,
3 and it did not go bankrupt. I went out of business on my own.
4 I at one time had six trucks. I was in the roofing business.
5 I owned parts of two restaurants. Then as I was getting
6 older, I wanted less and less responsibility, I didn't need
7 money that bad. I applied for a job under Civil Service and
8 the Essex County Jail for storekeeper, not knowing where it
9 was going to be. I took the job, I passed the test, came out
10 number one. When I saw the responsibilities I asked for an
11 audit of Civil Service.

12 Q So, I take it, that perhaps I am over-
13 estimating the significance of the business manager, is that
14 what you are saying, it is less important a position than
15 running the milk business that you had?

16 A No, no, I didn't say that. I said, I was younger
17 when I had these trucks, I had responsibilities. As I was
18 getting older, my son was growing up, I didn't need as much
19 money, so I took it upon myself to go into something where
20 the main thing wasn't to go out in the world and do your own
21 thing. If you are capable of doing a job, and I applied for
22 the test, I took the test as storekeeper. I was doing the
23 work as a storekeeper. I seen the responsibility of what
24 the job entailed and I applied for an audit at Civil Service.

25 Q All right. Do the undersheriffs or

1 deputy wardens have similar responsibilities for budget and
2 control?

3 A Well, I make up the budget and then I present it
4 to them.

5 Q I see.

6 A This has nothing to do with payroll whatsoever,
7 just the running of the food, household, other equipment
8 needed within the jail.

9 Q May I go down toward the bottom of the
10 page, sir, and ask you if that first paragraph of the note,
11 the document to the Prosecutor, the reference to excessive
12 absenteeism. Are you familiar with that?

13 A Well, absenteeism in reference to what, the
14 officers, superiors, the cooks, what?

15 Q As it says in the sentence, recommended
16 staffing pattern allows for six temporary officers to take
17 care of excessive absenteeism caused by sick calls from
18 personnel. This would seem to imply there had been a problem
19 and I wonder if it exists?

20 A I know of no such problem, like I say, I don't
21 work with the officers in the sense to see who is and who is
22 not on. I run the business part of the jail. In other words,
23 see that it is completely staffed and full, household stuff.
24 There are a lot of officers who run the kitchen, excluding
25 that, I have nothing whatsoever to do with the jail.

1 Q Would it be fair to say that excessive
2 absenteeism would affect the budget, by that I mean, you have
3 to bring in temporary help?

4 A On payroll, yes, that does not include me, payroll.

5 Q I take it you are responsible for
6 drafting the budget, submitting it to the undersheriff, but
7 that responsibility does not include personnel, budget for
8 personnel?

9 A I explained that. That's right.

10 Q May we go down to the last paragraph on
11 that page, which says: "If my staffing recommendations are
12 implemented, Essex County should eliminate 29 positions which
13 would reduce the operational cost at least \$300,000 a year
14 in addition to eliminating all but unforeseen overtime costs.
15 Security would be considerably improved, and the institution
16 will be more functional." Are you familiar at all with this
17 effort to reduce personnel and save the County \$300,000?

18 A I know the men that are in charge of the jail are
19 trying to run it as properly as possible. Now, what you call
20 excessive absenteeism, how can anyone control that?

21 Q Excuse me, sir, I was reading from the
22 consultant's report, those were not my words.

23 A I understand.

24 Q He was concerned about that. Let me see
25 if I understand what this last paragraph says, I'm not sure I

1 do. It seems to me that at the top of page eight, what the
2 consultant was saying to the Prosecutor in 1972 was, that
3 although there are correction officers (male) 213, he was
4 recommending a reduction of correction officers to 176. Is
5 that how you would read that, sir?

6 A I am listening, yes.

7 Q Do you know how many correction officers
8 we now have at the Essex County Jail?

9 A Approximately 300.

10 Q Approximately 300?

11 A Yes.

12 Q So that the \$300,000 that was recommended
13 to be saved, I take it has not been saved?

14 A Well, sir, you are speaking to me about a field
15 of endeavor I won't even answer you. I spoke to you and
16 explained to you my situation here, what my job consists of.
17 You are talking about correction officers, I explained to you
18 before what I do and what I don't do. My main particular
19 job is to see that everything comes in and out of this jail
20 specifically the way we specify. Food has to be inspected,
21 it has to be fresh. Clothing. Exterminator and everything
22 else that goes with the business part of running the jail,
23 not the security part of the jail. I have nothing whatsoever
24 to do with that.

25 Q Thank you. I certainly don't want, and

1 none of the members of the Commission want you to testify or
2 talk about an area that you are not familiar with.

3 A That is what I am saying.

4 Q You understand our dilemma since you are
5 the first of the officers or executive personnel of the jail,
6 that we need to ask somebody these questions.

7 A No hard feelings, no hard feelings.

8 Q And, further, let me explain to you,
9 that since you have responsibility for budget, I would have
10 thought that somebody would have called to your attention the
11 possibility of saving \$300,000.

12 A My budget is explained to you, what it consists
13 of, it is food, household, stationery. This has nothing
14 whatsoever to do with payroll, new equipment, inventory in
15 all these things, keeping constant per diem and per capita
16 costs, that is my job, see that everything comes in is proper,
17 and that comes in and it is properly inspected.

18 Q Thank you for correcting me. Of this
19 budget, this current budget of 3.9 million dollars, you have
20 responsibility for a certain portion of it?

21 A Around \$900,000.

22 Q Is there a medical inspection of the
23 food and sanitary services of the jail?

24 A Yes.

25 Q Can you tell us how that occurs, sir,

1 how often, the nature of it?

2 A Well, I don't mark it down, because there is no
3 reason for that. The doctor comes in, we have the nurses
4 come in, the Board of Health comes in, they look at our
5 facilities. They have checked our facilities. The fire
6 department comes in to see that it is preventive, no risk
7 of fire, stuff like that there. Don't forget, we serve over
8 2,000 meals a day, around 600 to 1,000 sandwiches a week.

9 MR. IRVING: Thank you. Senator Hagedorn,
10 may I suggest the procedure, feel free to inter-
11 rupt me. We have usually gone through the first
12 round of questions to reveal what our investiga-
13 tion has shown, and then we go across the table
14 to allow members of the Commission to ask any
15 questions. I will yield to you, if you want to
16 ask a question.

17 SENATOR HAGEDORN: I had a question with
18 respect to the inspection. I wondered if it was
19 appropriate at this time. My question would be,
20 has the State Consumer Affairs Consumers Office
21 ever inspected your facility, Dr. Sussman I am
22 thinking of particularly.

23 MR. MASINO: I have never seen Dr. Suss-
24 man.

25 BY MR. IRVING:

1 Q Does the County Jail have a nutritionist
2 on the staff?

3 A We have a chief cook, we have four senior cooks,
4 we have a regular cook. We also get in touch with dieticians
5 up at Overbrook Hospital, Mrs. Lambert, in reference to the
6 menus that are being put out for the week. There are rotating
7 menus every two or three weeks, they go in that respect.

8 Q Mrs. Lambert, did you say?

9 A Yes.

10 Q Does she pass upon all of the menus?

11 A No, she doesn't pass. This is just consulting,
12 she doesn't pass on it, we consult. I consult with her, and
13 I tell her what we have, and stuff like that, she goes over
14 it. If there are any corrections that have to be made, that's
15 it.

16 Q Are you familiar with something called
17 the National Research Council which has developed standards
18 for diets for inmates?

19 A Yes. A little, not too much.

20 Q All right. Do you believe that the diets
21 at the jail conform with those standards?

22 A To the best of our ability, yes. They give them
23 to me once or twice a day. We give them vegetables once or
24 twice a day. We give them fresh milk. We give them the
25 starches, carbohydrates, proteins, which the National Research

1 stipulates they should have.

2 Q Is there a capability within the kitchen
3 to provide special diets for inmates who may have sugar
4 problems?

5 A Yes, we do that now, we do that now.

6 Q And when the request comes up, do you
7 feel the cooks are qualified to develop the diet themselves?

8 A Yes, yes.

9 Q So that whether special --

10 A Whenever a need comes up, it has to be signed by
11 a doctor, we don't take it upon ourselves for an inmate to
12 tell anyone who is on a diet. The doctor has to okay it and
13 specify what he has to have. Even when they go to court,
14 we have done that. We have sent over special meals while
15 they were on trial.

16 Q I see. Well, if a doctor indicates that
17 a certain inmate needs a sugar-free diet, does the cook then
18 take responsibility for developing the diet?

19 A The chief cook, sure.

20 Q Is there some check that that inmate
21 still gets his basic needs for the day?

22 A Oh, sure. There is a clipboard, all the stuff is
23 put on it specifically, the way it has to be done. These men
24 take responsibility in their job, they are not there to kill
25 time, they have to do this, because if the man is sick,

1 suppose he is in a coma or something like that, if it was our
2 fault, which could happen, this isn't an uncommon thing,
3 this is quite common with diets. Sometimes we have seven or
4 eight in one day that we have to give three times around the
5 clock, but they come and go. This is a holding jail, we
6 don't hold them that long most of the time, but we have to
7 do what we are told, we see to it that it is done.

8 Q Do you think the cooks have special
9 experience or training in this matter of developing special
10 diets?

11 A Well, they have been cooks in the army, they have
12 been cooking on the outside, Zig's on Central Avenue. Special
13 training, I am not qualified to say, but the chief cook has
14 been working over at the jail 19 years. He has gone through
15 these routines more than once. If they need any help, he
16 would assist.

17 Q I don't want to belabor it, Mr. Masino,
18 I am a layman in terms of food care and what patients need
19 in a balanced diet. I wondered as we reflect on the fact you
20 don't have a dietician on a day to day basis, whether there
21 are enormous problems in view of the fact that so many of
22 the inmates have either a drug problem or they are alcoholics
23 or whatever?

24 A I understand.

25 Q You are comfortable with the absence of

1 a dietician on the premises?

2 A I am not uncomfortable or comfortable. We have
3 been running the jail, like I say, with the consultant
4 dietician at Overbrook, we have had no complaints on food, if
5 anything, it has improved in the last two or three years.

6 Q Thank you. Let me switch to another
7 subject, if I may: Do I take it that the food supply in the
8 jail, by that I mean the expensive items of meat and so on
9 are kept locked?

10 A We have four refrigerators, one is a daily box,
11 one is a fruit and vegetable box, one is for meat with an
12 inside walk-in box where the freezer is, we have a box out-
13 side facing the kitchen for daily stuff. When the cook comes
14 in in the morning, he takes the stuff that is needed for that
15 day and puts it in the daily box which we are going to use.
16 Everything that comes into the jail is fresh every week, eggs,
17 nothing dehydrated or powdered, nothing like that, everything
18 is fresh. The vegetables are fresh, the fruits are fresh.

19 Q How many people have keys to these boxes?

20 A Just the cooks.

21 Q Just the cooks. Do you have a key your-
22 self?

23 A No.

24 Q You do not have a key?

25 A No.

1 Q Have you complained to the administration
2 of the jail of the possible problem that you do not have a
3 key and that other people do?

4 A No, why should I? I have no business to, all I
5 see is, when the stuff comes in, that it is properly in-
6 spected, the seal is on it with papers signed by the inspector,
7 weighed and proper amount in there, and that it is used
8 properly.

9 All I have to do is ask the cook to open the door.
10 There was always two or three cooks on duty, I can go into
11 the boxes anytime I want.

12 Q I take it, from what you said earlier,
13 you have responsibility for the control of the food, is that
14 what you said?

15 A Well, to see that the proper amount is bought to
16 run the jail.

17 Q But would that include responsibility
18 to make certain that food is not missing at any time?

19 A Well, that would be the responsibility of the chief
20 cook. He has the keys, he is in charge of the kitchen
21 operation with the cooks underneath him. There is a chain
22 of command. If a problem arises, and he has a problem, he
23 brings it to me, then we would bring it to the attention of
24 the superior and do something about it.

25 Q Have such complaints ever been brought

1 to your attention?

2 A To my attention, no.

3 Q Has anyone ever told you that on occasion
4 food and perhaps large quantities of food were missing from
5 the meat box?

6 A Directly to me? Never.

7 Q Have you heard that?

8 A I can't say what I heard and stuff like that. No,
9 I have never heard it, never heard it. I wouldn't pay no
10 mind to it, if I did. All I would have to do is check it
11 out and find out if it was brought specifically to me, and
12 that Al Masino, whatever they are going to call me, that X
13 amount of poundage is missing, then I would have to do some-
14 thing about it.

15 Q Are you saying, sir, I don't want to
16 put words in your mouth, it is possible that food is missing
17 and it is not called to your attention?

18 A I am not saying that, no. We cook in bulk at our
19 jail. We do not have centralized cooking, we have decentral-
20 ized serving, when you serve that way you lose all control of
21 it. Once we take the stuff, it goes upstairs in our converter
22 carts, hot carts to keep the food warm, we lose control. If
23 they need X amount of hamburgers upstairs, to prevent a riot,
24 I am not going to say we sent you a proper amount and you are
25 not going to get anymore, maybe a lousy 10 or 12 more, because

1 you would have a half million dollar riot. This happens
2 constantly when you serve food, it is continuously going to
3 happen. The way the jail is built, we cook the proper amount
4 in the jail, when we send it upstairs from the kitchen, then
5 our control is gone of the food. We send cooks up, they
6 can't be on every floor, they are complaining about \$300,000
7 here, if we had to put a cook on every floor, it is 12 floors,
8 to see that the food was distributed properly --

9 Q Do I understand you to say, because of
10 the bulk service of food, that you lose control over inventory?

11 A Decentralized feeding, yes, you have to. In the
12 old jail we had centralized feeding. We filled up the trays,
13 put them on carts, maybe five or six short.

14 Q Have you investigated any way to develop
15 some control over the disbursement of food in the kitchen?

16 A The cooks go upstairs so they could cover, but
17 don't forget you have to serve between 11 and 12 o'clock,
18 you serve on elevators. The food has to be up constantly,
19 they check it, like I said before, you cannot check every
20 floor. So if they check two floors, while most of the time,
21 the food, like I say, they call downstairs for extras. If I
22 ordered 150 pounds for 600 people, at four ounces a portion,
23 we have 580 inmates, I would have to make sure I am ordering
24 200 pounds to keep ahead of them. This is an abundance of
25 food above and beyond, but to prevent any kind of trouble,

1 or one of our officers getting hurt on account of a riot that
2 they didn't have enough, that is the best inventory you can
3 possibly keep.

4 Now, what you are speaking about food missing from
5 the night over to the next morning, or stuff like that, that
6 has never been brought to my attention. But you have to cook
7 it, like I say, it has to be cooked fresh.

8 Q Well, as storekeeper, sir, are you able
9 to keep inventory, so that you know that the departure of food,
10 I am talking especially about meat from the meat box, is
11 about what should be expected for 500 plus inmates?

12 A Yes, yes. You figure out how many meals you can
13 get out of X pounds that are bought for the week. Like I say,
14 everything is fresh, there is nothing left in the boxes, we
15 use it constantly all the time, this is 52 weeks a year, every-
16 thing.

17 Q One matter that has come to our attention,
18 which may not be well founded, and I would ask your comment
19 on it in view of the fact we have no investigators assigned
20 to us: There is a question of whether food is sometimes taken
21 out of the jail --

22 A I only work there eight hours. The eight hours I
23 am there, I see to it that it is not taken. Now, I can't say,
24 or what your innuendoes are saying or trying to insinuate,
25 I don't know, I have no right to answer that yes or no. The

1 eight hours that I am there I would prohibit it. I have
2 never seen a man walk out of the kitchen with a bag while I
3 was there, or anything pertaining to the suggestion you just
4 made.

5 Q I am really not trying to insinuate
6 anything. We are concerned about facts. As I see it, the
7 total budget for correction in Essex County is 20 million
8 dollars, that being --

9 A I can tell you the food don't exceed that. The
10 food is \$240,000. If you see what I have down there in the
11 escalation of price from 1971 to 1974, it is only for the
12 improvement of food, not just to spend money for food.

13 Q All right.

14 A I am explaining to you, the reason for our interest
15 in tight control of inventory, because of the escalation of
16 food prices, escalation of food prices and quantity of food
17 in comparison to what we used to have. There is no sandwiches
18 there, there are no cold cuts there. We have to buy certain
19 foods to prevent riots, we can't buy pork, they won't eat
20 pork.

21 Q Mr. Masino, do you think we ought to
22 suggest to the State of New Jersey that additional resources
23 be made available to people with your kind of responsibility
24 in the jails of this state, to develop inventory control?

25 A Anything to develop a tight inventory control is

1 always progressive, it is not deteriorating or anything,
2 no matter how good you are, you can always be better.

3 Q Thank you. Do you take inventory of
4 the property that is in the kitchen?

5 A Property in the kitchen? We have a sheet, the
6 officers have to sign that everyday. If anything is missing,
7 it goes right to security. Knives, keys, anything pertaining
8 to that, that isn't attached, that is loose.

9 Q Is there any equipment missing from the--

10 A Offhand I can't say yes or no, not that I know of,
11 no.

12 Q Well, would this be an area of your
13 responsibility, in any event?

XX2 14 A Yes. If you tell me, or suggest what you are
15 speaking about, maybe I could answer you.

16 MR. IRVING: Mr. DeMarino, would you
17 like to ask any questions?

18 BY MR. DeMARINO:

19 Q Let's take a utensil count, knives,
20 forks, spoons, how many times a day do you count?

21 A Everytime the shift is changed.

22 Q It is done on a change of shift?

23 A It is a carryover. After a meal, if they have
24 ten spoons, they have to be accounted for. They are con-
25 stantly in use in the bull pen, which I think you would

1 understand. These are men coming in and out of court. They
2 would call for a meal, if we have ten now, in five minutes
3 we might have eight, there are two men in the bull pen.

4 Q The question asked was about equipment
5 missing. Was there ever any utensils missing, knives missing,
6 forks missing?

7 A Oh, sure there are.

8 Q What happens in those cases?

9 A Security goes after them, and then most of the time
10 they find them. Sometimes a guy stands 16, 17 hours, a man
11 that is in charge of the kitchen.

12 Q Most of the time they are found. Are
13 there any times they don't find them, a knife?

14 A They don't use knives.

15 Q They don't eat food with knives?

16 A No.

17 Q Forks?

18 A Just a large spoon.

19 Q Only a spoon. Was a spoon ever missing?

20 A Yes.

21 MR. DeMARINO: I have no further questions.

22 BY MR. IRVING:

23 Q If an expensive piece of equipment was
24 missing, would you be aware of that?

25 A Well, if an expensive piece of equipment would be

1 missing, would I be aware of it? Yes.

2 Q Would that be your responsibility, sir?

3 A Unless somebody signed for it, or took it out,
4 stuff like that, someone that is higher than me, I wouldn't
5 be responsible, because it is signed for.

6 Q Are there records kept indicating whether
7 people have signed out equipment to the jail?

8 A Signed out equipment at the jail pertaining to
9 what?

10 Q Let's say an item worth, purchased by
11 the County in excess of \$1,000, this is hypothetical, I am
12 not insinuating anything. If a piece of equipment were taken
13 from the jail, would there be a record of it?

14 A Yes.

15 Q Who would have that record, sir?

16 A Me.

17 MR. IRVING: I am going to yield now.

18 Mr. Ginsberg, do you have any questions?

19 MR. GINSBERG: Yes.

20 BY MR. GINSBERG:

21 Q You mention that you became business
22 manager only this past year, but you had been working in the
23 jail previously. I think you mentioned exactly when you
24 started, I am not sure I have the date.

25 A I think it was February 1970.

1 Q So you have been there about four years?

2 A Yes.

3 Q You say prior to that you were in the
4 milk business, I assume that was your own business?

5 A Yes.

6 Q What sort of milk business was it?

7 A Retail.

8 Q You ran a store?

9 A No, retail, milk business, I had four trucks.

10 Q I see.

11 A Delivered to houses.

12 Q I see.

13 A Going out and talking to people, making friends,
14 building up your business.

15 Q It was a home delivery business?

16 A Strictly home delivery.

17 Q You also said you had a roofing business
18 for a while?

19 A A couple of friends of mine, we went in the roofing
20 business, while I was in the milk business, to make extra
21 money.

22 Q That was a part time venture?

23 A What is that?

24 Q The roofing business.

25 A Only financially, nothing physically.

1 Q Had you ever had any formal business
2 training, business college or university?

3 A Well, I went to the University of Illinois about
4 six or seven months.

5 Q Did you have accounting training there,
6 cost accounting specifically?

7 A Cost accounting specifically, no.

8 Q Prior to 1970, when you began working at
9 the jail, did you have any training in penology?

10 A I did M. P. duty in the Marine Corps.

11 Q Were you working specifically in the
12 brig in the Marine Corps, I don't know what they call it?

13 A We worked all over. When you took an island, you
14 went in there, you did brig duty, guard duty, you did every-
15 thing pertaining to that, as long as it was security, whatever
16 you were doing.

17 Q But you really didn't have --

18 A I am not a penologist.

19 Q So from 1970 to 1973, or thereabouts,
20 when you took this position, that was really your only contact
21 with the specific problems that the jail would face in ordering?

22 A Well, I have read books, I have gone to the
23 library, I got the job and tried to enlighten myself, I went
24 to seminars, stuff like that, to help myself in what I was
25 doing.

State courses

1 Q Do you think it would be helpful for
2 someone like yourself that has had on the job training, or
3 whatever you want to call it, to have available to him courses
4 that might be run by either the state or by the federal
5 government?

6 A Well, I would go to them, you are saying if they
7 are available, sure, you never know enough, whatever it is,
8 whether it is on the job training, college education or any-
9 thing else. You have to treat everybody differently as you
10 find them out.

11 Q We are very interested in your profes-
12 sionalizing the career officer, professionalizing his job
13 and making him --

14 A I am trying to professionalize my job. I went to
15 night school to improve on accounting, it was high school, I
16 knew what they were doing, I was already doing, but to
17 enlighten myself on other things.

18 MR. GINSBERG: That is all the questions

19 I have.

20 MR. IRVING: Mrs. Hicks?

21 BY MRS. HICKS:

22 Q I do have a question, to the ordering of
23 the food. I would like to know, is there a specific procedure
24 for delivery, if a company delivers you X number of boxes of
25 oatmeal, or what have you, is there someone there to check?

1 A All the time.

2 Q I would like to sort of repeat a question
3 asked previously: I would like to hear your method of in-
4 ventory, how often you perform inventory in the area of the
5 kitchen food?

6 A Well, constantly, maybe twice a week, three times
7 a week, because you have to keep-on account of like what I
8 was saying, decentralized food, you cannot control, you can
9 order X amount pertaining to hamburger, 150 to 180 pounds,
10 which would feed approximately 600 men. Knowing how a holding
11 jail is, I don't know if you have had any experience with a
12 holding jail, people are coming in and out constantly. At
13 night we are serving hot meals until 7, 8 o'clock. Like I
14 say, when the food goes upstairs, you have enough for 600,
15 maybe there is 580, they call down for 40 or 100 more. You
16 have to have more on hand constantly at all times, that is
17 why you keep an inventory, you have to, or you would run short.

18 Q The span of control is very limited?

19 A In decentralized feeding, you have to, there is
20 no limitations on that. We have no limitations once it leaves
21 our kitchen. It goes into the conveyor cart upstairs to be
22 served. We send the cooks upstairs, they can't do every
23 floor. You have a guard there with a tier man that serves
24 the food. Now, I like you, you like me, give extra here and
25 there.

1 Q Yes, I know about that. I'm also very
2 much concerned with the nutritionist not being on the premises
3 for the reason of inmates who are, you know, who are diseased
4 in some way, not necessarily diseased or ill, who would handle
5 that type of ordering?

6 A The doctor.

7 Q For diabetics?

8 A The doctor would notify us downstairs and we order
9 the food, in that respect we have been doing it since I have
10 been there, it is four years, they were doing it previous to
11 that.

12 MRS. HICKS: No further questions, Mr.
13 Irving.

14 MR. IRVING: Mr. DeMarino?

15 BY MR. DeMARINO:

16 Q I have a few questions. I may be wrong,
17 I am going to go back to the packet that was presented to us
18 a short while ago. You are a business manager by Civil
19 Service title?

20 A Yes.

21 Q How long have you had that title?

22 A Well, they notified me in November.

23 Q What year?

24 A Last year.

25 Q I look at these forms and they are dated

1 all the way up to the present time.

2 A Well, they just put that down at the bottom there.
3 I never told them or was even aware. I am not vain, store-
4 keeper, cook, business manager, whatever the job consists of,
5 as long as it is done.

6 Q The point I am trying to bring out, you
7 are no longer a storekeeper but a business manager?

8 A Right.

9 Q But on the bottom of the form it does
10 say storekeeper on each of these preparations?

11 A I see them.

12 Q Is there someone else in that position?

13 A No.

14 Q Storekeeper?

15 A No.

16 Q So you have no storekeeper now?

17 A I am doing the same job I did. When I had the job--
18 it is a dual job, it is the same job.

19 Q Mr. Masino, you were hired as a store-
20 keeper per se?

21 A Right. I took the test for it, yes.

22 Q You took a test?

23 A Yes.

24 Q We are talking about Civil Service?

25 A Yes.

1 Q How many people took that test?

2 A Ten to fifteen, maybe twenty.

3 Q In that exam you placed number one first?

4 A Yes.

5 Q Storekeeper examination?

6 A Yes.

7 Q Consequently you received that job and
8 then you bid for the business manager job?

9 A No. I asked Civil Service to come in and audit
10 my job.

11 Q All right. So then what happened in a
12 sense, you had a reclassification of all the jobs within the
13 department that you were handling?

14 A A reclassification of all the jobs? All he did
15 was reclassify me, seeing what I did, I gave him my duties.

16 Q They came in per se to reclassify your
17 job and you told them in a sense what your responsibilities
18 were?

19 A That's right.

20 Q Then they agreed, because of your
21 responsibilities being out of the confinement of just store-
22 keeper, came up with the title called business manager?

23 A Right.

24 Q So that the word business, and the word
25 manager, per se, which we think would be an accountant or

1 someone in that field, didn't apply to you, it was a title
2 because you did some duties outside of a storekeeper?

3 A The majority of the duties.

4 Q Because of that, Civil Service turned
5 around and said this is a business manager position, because
6 you were the only one that was the storekeeper, you were
7 automatically promoted without exam. Is that correct?

8 A I asked for this pertaining to my duties.

9 Q But you did not have to take a written
10 exam?

11 A No.

12 Q How much are the cooks paid, I know you
13 don't have anything to do with salaries, but you must know
14 their salaries?

15 A Senior cook gets \$13,500.

16 Q What about the chief cook?

17 A Chief cook --

18 Q What is his salary?

19 A Well, he was getting \$13,500.

20 Q What does a senior cook get?

21 A \$13,100.

22 Q \$400 difference?

23 A Yes.

24 Q The senior cook has how many years
25 experience?

1 A Our senior cook? One eight and one five.

2 Q What about the chief cook?

3 A 18 years.

4 Q 18 years?

5 A Right.

6 Q Let's go down to the regular cook, what
7 does he get?

8 A He gets \$12,600.

9 Q \$12,600?

10 A That is after his increments, not at the start.

11 Q What are the salary changes, what is the
12 salary for the cook at the Essex County Jail?

13 A \$9,100, I think.

14 Q You have a chief cook?

15 A Yes.

16 Q Four senior cooks and how many cooks?

17 A Two.

18 Q Two cooks. So you have a total of how
19 many?

20 A Wait a minute, I will tell you, we have seven total.

21 Q Seven cooks. To prepare food and cook?

22 A And a butcher.

23 Q And a butcher. We will throw him in and
24 make it eight.

25 A To take care of the fresh meat that comes in every

1 week.

2 Q You have a total of eight people, they
3 are responsible for serving 2,000 meals, or approximately
4 2,000 meals per day?

5 A Right.

6 Q That is on a three-shift basis?

7 A Right.

8 Q Which means that if we divide by three --

9 A Two-shift basis.

10 Q You are right. We have at least four
11 or three out of each shift?

12 A We constantly have three, twice a week on delivery
13 days to check the stuff.

14 Q Which means that these cooks must have
15 help and an assistant?

16 A Yes.

17 Q Are the assistants in help, inmates?

18 A Inmates.

19 Q No paid personnel?

20 A None whatsoever.

21 Q Are these persons that help the cooks,
22 are they inspected daily?

23 A Yes, by the doctor.

24 Q Are they given medical examinations?

25 A Medical examinations, they are given treatment for

1 any ailment, they are sent up immediately.

2 Q That answers that question. Now, looking
3 at this packet, I see slips signed and dated February 6,
4 February 26, March 27, all over your signature. I see in
5 January you had an exterminator twice?

6 A Right.

7 Q Then I notice in February, the shortest
8 month of the year, you had an exterminator five times?

9 A Right.

10 Q Then I notice on March you had an
11 exterminator four times?

12 A Right.

13 Q The question I want to ask is: Is there
14 any schedule set time for exterminating?

15 A Yes.

16 Q Is it once a day?

17 A Weekly basis.

18 Q Weekly basis?

19 A Right.

20 Q I don't see it here, I notice you only
21 have this year's figures, how many times was the exterminator
22 in last year?

23 A The exterminator was allotted to us 52 times.

24 Q When you say allotted to you --

25 A I specify that when I send across the street to

1 purchasing, I want 52 weeks put into our contract for the year,
2 not 48, which is a yearly contract.

3 Q Here is the point I want to raise: You
4 specify the amount of times that the exterminator should be
5 there?

6 A You anticipate once a week, you submit 52 times,
7 right.

8 Q That is out for bid?

9 A Right.

10 Q So an exterminating company then wins a
11 bid?

12 A Right. If it required 102 times, if it required
13 a thousand times, I have to call the authority. If there is
14 an emergency --

15 Q Above and beyond?

16 A And beyond this contract.

17 Q And if you had that power, let me ask you
18 this: Do you feel 52 times a year is sufficient?

19 A 52 times a year is sufficient and a preventative
20 measure. If at any time we need him, he can come in that day,
21 if we need him in the afternoon I would not hesitate to call
22 him.

23 Q You call them and they respond immediately?

24 A Right.

25 Q How many tiers are there, how many floors

1 are there in that jail?

2 A 12 floors.

3 Q 12 floors. Mr. Masino, I'm trying to be
4 reasonable now, are you telling me, I want to look at
5 February 6th, 1974, the first one you submitted shows a
6 January bill, I see service call January 22nd, 1974, one hour.
7 Did he come in and do a corner of the jail or the entire
8 facility?

9 A When this was put out, I had this man come in on
10 my own, no contract was extended by Essex County.

11 Q I'm not interested in a contract, I am
12 trying to see --

13 A I am trying to explain it to you. I am listening
14 to you now. I called up four times to purchasing the first
15 and second week in January, knowing we were going to get an
16 exterminator, because the contract expired December 31, 1973.
17 In the meantime, they told me Western was going to get it,
18 they would be in. Western got the contract, they renegotiated
19 saying they wanted more money. So I did the best I could
20 under the circumstances, I got him in twice that month. Then
21 the contract was extended. After that I get him in twice,
22 once a week.

23 Q I am not questioning that, Mr. Masino:
24 The point that I am questioning is this: On January 22nd,
25 1974, exterminator came into the jail?

1 A Right.

2 Q Regardless of contract?

3 A Right.

4 Q Within one hour?

5 A He did not do the whole jail. I didn't specify
6 the jail. I says, we got one hour service from him, to keep
7 our outside and yard constantly clean, that is the only
8 reason. Like I explained before, we have a blighted area,
9 constant mice in and out. I am not saying they are not in
10 there, but by doing this we try to prevent. I got him in
11 that way, the contract had not been extended. I had no way
12 of --

13 Q To answer my question then, you are
14 saying that one hour only was for exterminating an immediate
15 area that you were concerned with, not the internal jail?

16 A Our receiving where the inmates come in, this way
17 it can be constantly kept clean and free of mice.

18 Q Not the entire jail?

19 A No.

20 Q I notice all the way through there is
21 one half hour, one hour?

22 A No half hour, hold it.

23 Q I'm sorry, two hours.

24 A That is for the holding jail. When our elevators
25 are being in constant use, the man can't hang around and get

1 paid for two hours work, the jail is there for the use of the
2 inmates. We only have two elevators, these elevators are
3 constantly being used. Now, if he goes on the second floor
4 and he is stuck there for half an hour, we have to pay him.

5 Q I'm not questioning that. My concern
6 is, in my opinion, I can be totally wrong, he is not spending
7 enough time.

8 A I agree with you. I asked for three hours, I asked
9 for three hours a week.

10 Q What type of exterminating is done that
11 you can physically see them doing, what do they do?

12 A What do they do? They don't do anything, we tell
13 them, they go around and defog our kitchen, we need it, or
14 for roaches, which has not happened, they will do that. They
15 come in there with, the insecticide to kill any rodents and
16 stuff like that. It is not put where it is available to the
17 inmates, that is the best they can do, that is the best any
18 exterminator can do, unless they take everybody out of the
19 jail and exterminate the whole jail.

20 Q So in answer to my questions, these two
21 hours every week --

22 A The man came twice in one week to make up for the
23 two hours. I am constantly harping on that, we do the best
24 we could, what we are allotted. I have called purchasing,
25 I have spoken and said I wanted three hours, 52 weeks. Before

1 contracts were specified for the year, when a contract is
2 specified for the year it is 48 weeks.

3 Q Let me ask you this: Why do you want
4 three hours?

5 A Why do I want three hours? I want anything I can
6 get to keep the jail clean, preventive, which I am in favor
7 of.

8 Q I am talking about exterminating, why
9 three hours as opposed to two hours?

10 A Why three as opposed to two?

11 Q You feel there is a need, yes or no?

12 A A need constantly, no, but by having the three
13 hours it will always be there, plus I can call him in an
14 emergency anyway.

15 Q I want to look at your per capita cost.
16 Let me ask you this: Judging by the short time and hearing
17 what you had to say, did you calculate or work up these
18 figures, was that done with the aid of an accountant or
19 someone else beside you?

20 A It was done only by me.

21 Q I want you to look at the second page
22 of that packet of yours, February 1974, it has three years
23 on the top of page 73?

24 A I see that.

25 Q Now, maybe there is a logical reason

1 and I am not familiar with this. I look at 1971, you have
2 .80 for food, per capita cost one three zero seven?

3 A Right.

4 Q I look at 1972, you say to me .92 per
5 capita, cost of one six nine three?

6 A Yes.

7 Q Then you are saying you got better food,
8 more service, I look at the food cost going to 1.23 and per
9 capita cost one five four seven?

10 A Right.

11 Q Now, could you explain the difference
12 for the per capita cost dropping?

13 A Dropping? The only thing I can explain to you is,
14 when this comes to me I see what we totaled up for the year.
15 Only thing I can say is decline and overtime.

16 Q Overtime?

17 A Yes, because per capita cost includes salary of
18 all officers, household, clothing, everything else.

19 Q These figures are strictly not related
20 to food?

21 A No, no, per capita cost has nothing to do with
22 food. The inclusion of food is in there, that is the upkeep
23 of the inmates, we have to clothe the inmates, household the
24 inmates, keep the place clean.

25 Q Let me ask you this: The inmates that

1 handle the food --

2 A Right.

3 Q Are they properly dressed?

4 A All in white. We have white for them. We have
5 underwear, if they need it. We have socks, we have shoes if
6 they need it.

7 Q All cook's supplies --

8 A These are for the inmate cooks supplies only, not
9 for the inmates throughout the jail.

10 Q Kitchen helpers?

11 A Kitchen helpers, that is what we call them, yes.

12 Q How do they get that type of job?

13 A Well, they got to come in on the lightest charges,
14 the ones on the lightest charges; this is a holding jail.

15 Q So the ones that are not serious offenders?

16 A Right.

17 Q Those that are kitchen helpers, do they
18 have a special area, or are they just drawn from the regular
19 population?

20 A Once they get to be in the kitchen, they have a
21 special area, their own quarters where they sleep, right.
22 They are also processed by the medical department before we
23 accept them.

24 MR. DeMARINO: That is all I have.

25 BY MR. DEL TUFO:

1 Q Mr. Masino, you testified very early
2 that the budget for the County Jail was 3,937,000 some odd
3 dollars?

4 A Yes.

5 Q And that ⁱⁿ your position, you are responsible
6 for approximately a million dollars?

7 A Give or take.

8 Q \$900,000?

9 A I am speaking about the running of the jail,
10 excluding officers' salaries.

11 Q In that million dollars you have other
12 responsibilities beside the food, preparation, et cetera?

13 A Anything that comes in the jail.

14 Q Is it your responsibility to make recom-
15 mendations through the budget?

16 A Yes.

17 Q What is to be spent for other facilities
18 beside food?

19 A They have to make up a contract, every X amount of
20 months pertaining to what I put into this budget, this
21 includes ticking for mattresses, sanitary tabs for ladies,
22 three ounce paper cups for the medical department, anything
23 pertaining to the running of it.

24 Q How about recreational equipment?

25 A That is brought to my attention by security,

1 security has the right to okay and not okay.

2 Q Do you procure recreational equipment?

3 A If needed, yes, ping pong tables, mats, basketball
4 boards.

5 Q How about the program recommended?

6 A I have nothing to do with that whatsoever.

7 Q What portion of your budget is spent,
8 what amount is spent for recreation, can you tell me from your
9 budget?

10 A Recreation equipment? No, we get it from the
11 prisoner's benefit fund.

12 Q No portion of your budget?

13 A We are a holding jail, we have no facilities.

14 Like I say, I can't anticipate how many prisoners are going
15 to be there. They will be in for an hour and go outside.

16 Like I say, 18 days up on the top, that is homicides. At the
17 end of last month we had 80 homicides, they make up our total
18 attendance in days that a prisoner stays in jail.

19 Q But there are recreational facilities?

20 A We have a gym upstairs, basketball boards.

21 Q Is it your responsibility to maintain
22 that gym?

23 A I am responsible to see that the equipment is
24 there, if it is broke it has to be fixed, that is my responsi-
25 bility.

1 Q But there is no provision in that budget
2 for any of this equipment?

3 A None whatsoever, prisoner's benefit fund, that is
4 the only way we buy that.

5 Q Are you the one who is responsible for
6 procuring it?

7 A I am told what they want. They send it to purchasing,
8 and purchasing goes out and gets the cheapest bid, regular
9 county procedure.

10 Q How about medical equipment, is that in
11 your budget? Are there any provisions for educational equip-
12 ment, books, for example, teaching equipment?

13 A It is a holding jail, I will go back to what I was
14 saying --

15 Q I understand.

16 A That has to be okayed by security, to allow stuff
17 like that to come in. We have books that come in, we have
18 other stuff that comes in. They go out and procure it from
19 different societies that send them to us.

20 Q Are you familiar with the operation of
21 the Caldwell Penitentiary?

22 A That is a penitentiary.

23 Q Do you have any inmates at the County
24 Jail that are there for several months?

25 A Mostly homicides, or heavy misdemeanors. They are

1 not even allowed down in the kitchen to work with us.

2 Q So as far as educational equipment is
3 concerned, in your budget, you would be responsible for making
4 recommendations?

5 A I would be responsible for making recommendations
6 if they told me they were going to start to have this stuff
7 in the jail, yes, but they don't have that.

8 Q In other words, you are not responsible
9 for setting the policy, is that what you are saying?

10 A That is security.

11 Q Security is responsible?

12 A Superiors in charge of the running of the jail, to
13 see that everything is within the realm of the jail.

14 Q Is there a library?

15 A There is, we have books.

16 Q Are you responsible?

17 A No, that still goes upstairs to security. Once
18 you go behind them bars you have to be a correction officer.
19 Being a correction officer you have other jobs to do.

20 Q Isn't that in your part of the budget,
21 the allotment for any books that were to be procured, isn't
22 that your responsibility, part of the million dollars that you
23 are responsible for?

24 A No.

25 Q That is in another part of the budget?

1 A Anything that pertains to that, they tell me and
2 I will go out and look and see and do it, but other than that
3 we have no educational system set up.

4 Q How much money has been allotted or
5 spent for procuring books?

6 A As far as I know, none.

7 Q How about law books?

8 A Law books?

9 Q Yes. Have you procured any law books
10 for the prison?

11 A Only law books I procure are for us to know who
12 would come in and out, pertaining to lawyers.

13 Q Do the prisoners have access to that?

14 A No.

15 Q They do not?

16 A No.

17 Q The reason I ask that question, there is
18 a recent decision of the Supreme Court that prisoners must
19 have access to law books?

20 A I understand that, but unless the policy of the
21 jail is changed and I am told to go ahead and make arrange-
22 ments --

23 Q I understand that, I am not saying it
24 is your responsibility.

25 A I told you what my responsibility is, I have

1 explained it, yes.

2 Q You say it is not your responsibility
3 to establish this library --

4 A It is not my responsibility to establish the policy
5 of the jail, other stuff.

6 Q You are responsible for staffing or
7 establishing the library?

8 A If they tell me, yes.

9 Q They have not told you?

10 A No.

11 Q What is the chain of command, you are
12 the business administrator responsible for approximately
13 one million dollars, 25 percent of that budget, what is the
14 chain of command, as far as you are concerned, who is under
15 your supervision in that jail?

16 A Directly under my supervision? Well, the laundry-
17 men, if they need anything pertaining to running the laundry,
18 stuff like that, they tell me and I get it.

19 Q They report to you?

20 A I get it for them. The men in the kitchen, running
21 of the food, I get it. The guards on the floor, if they need
22 stuff, other stuff, I make sure that it is in the stockroom
23 for it to go upstairs. If we need ticking, if you know what
24 ticking is, I have to test it to allow it to come in the jail.

25 Q These people report to you?

1 A Yes.

2 Q Who do you report to, who is your
3 immediate supervisor?

4 A The Deputy Warden.

5 Q Deputy Warden?

6 A And the Sheriff, both.

7 Q There is no one in between beside the
8 Deputy Warden --

9 A If anyone like a lieutenant or captain tells me
10 something, we need something, I will see to it that it is
11 gotten, after I speak to the superior that runs the jail,
12 he has to okay it. I can't take it upon myself to do anything
13 I want.

14 Q I am trying to find out who establishes
15 the policy, who has control over the policy, as far as
16 recreation, education, procurement of books, stacking of the
17 library?

18 A That would be the superior of the jail, they make
19 the policy.

20 Q Superior above you would be the Deputy
21 Warden?

22 A Right.

23 Q That is the only one superior. Is that
24 correct?

25 A Right.

1 Q From your experience being in that jail,
2 Mr. Masino, if you are able to, what recommendations would
3 you make to improve the conditions, if any?

4 A Well, like I said before, I am glad and happy to
5 work in the jail with the guys that are there, most of them,
6 they do the jobs the best they can. Going behind the bars,
7 I am not a connoisseur of that. As far as feeding them,
8 keeping the place clean, doing the best we could, everybody
9 does a pretty decent job of it.

10 Q You have no recommendations for any
11 improvements as far as responsibilities are concerned?

12 A I have nothing to say or recommend. Education-wise,
13 a jail is not like a penitentiary, it is --

14 Q There has been testimony that the men
15 come in and stay, they watch television, they eat, that's
16 about it?

17 A Well, they have a gym on the 13th floor. I can't
18 recommend what could be done, don't forget, you have men on
19 homicide charges, are you going to send them upstairs to play
20 in the gym?

21 Q But the average population --

22 A They are in and out, this is still a holding jail
23 primarily. I don't say that you don't comprehend, people can
24 come in today and be gone in half an hour, not half hour,
25 they are in and out, a day, two days, three days. When you

1 are talking about 18 days, taking in the whole population for
2 the year, you have to figure out, at the end of March of 1974
3 there were approximately 80 homicides in there, and the
4 population was 610, 612. That is a large part of our popula-
5 tion. To allow them to go upstairs and do this stuff, I have
6 no right to say yes or no about the gym, I am not security.

7 Q You just procure equipment?

8 A If security needs mats, I get them mats, if they
9 need basketballs, I get it. If they need a book, they want
10 me to get a book, I get it, to make the jail run properly.

11 Q You have indicated there is nothing in
12 the budget as to what amount to spend for that?

13 A None spent in the sense of what you are saying,
14 education and stuff like that, because the policy of the jail
15 is they have books, they have them, it is up to security to
16 okay it, not I.

17 MR. DEL TUFO: That's all I have.

18 MR. IRVING: Do you have any questions,

19 Mr. Cornblatt?

20 BY MR. CORNBLATT:

21 Q Mr. Masino, what is your budget for
22 exterminating for 1974?

23 A In response to what, money?

24 Q Money.

25 A I have no control over that, that is paid by

1 maintenance.

2 Q It is not part of your budget?

3 A Not part of my budget.

4 Q It comes to 52 times a year, once a week,
5 I think you said?

6 A Yes.

7 Q You testified in January you did the
8 outside and the yard?

9 A Right.

10 Q You have 12 floors, plus the 13th floor
11 which is the gym, since January has the exterminator done any
12 work in the cellblocks themselves?

13 A Yes. He goes upstairs and does it every week.

14 Q Over what period of time would your
15 entire jail have the services of the exterminator?

16 A We can have it continuously if an emergency arose,
17 we don't have him in there for the sake of having him in there.

18 Q Is it your policy that the entire jail
19 is exterminated each 52 weeks, every portion of the jail has
20 the exterminator at least once in a one year period?

21 A More than once, twelve floors.

22 Q What period of time would the entire
23 jail be exterminated, once every six months?

24 A Once every three weeks, that is maximum, even less
25 than that.

1 Q Every three weeks or less?

2 A Yes.

3 Q The entire jail has the exterminator
4 services?

5 A Under what he is supposed to do, yes.

6 Q Your food, per day it is \$1.31?

7 A For the first two months.

8 Q Per capita cost, that includes food and
9 stuff. Is that correct?

10 A Right.

11 Q Now, what is the one five four seven,
12 what is included --

13 A That includes everyone that runs the jail.

14 Q That includes security personnel?

15 A Yes.

16 Q So that the per capita cost includes
17 matters in your budget --

18 A The per capita cost includes the running of the
19 jail, including everything.

20 Q How often is a doctor in the jail?

21 A To my knowledge, every day.

22 Q How long does it take for an inmate to
23 see a physician?

24 A That has nothing to do with me.

25 Q Do you know?

1 A I won't guess on that, I don't know.

2 Q Are you familiar with a letter that was
3 sent by the 8th and 9th floors in August 1973 to Mayor Gibson?

4 A Pertaining to what?

5 Q It is a petition that was sent to Mayor
6 Gibson, August '73, you have no knowledge of it?

7 A None whatsoever.

8 Q In that letter the inmates of the 8th
9 and 9th floors said they wanted better medical attention, it
10 often takes two to three weeks to see a doctor. No doctor
11 is available on weekends. Do you have any knowledge of that?

12 A That isn't my realm.

13 Q I'm asking you if you know about it?

14 A I have no knowledge whatsoever.

15 Q Do you have any knowledge of any segrega-
16 tion between the jail itself?

17 A None.

18 Q Specifically in the letter of August,
19 the inmates said, and there are no white inmates names appearing
20 on this sheet, this is because they are on the best floor
21 and the treatment is better. Do you have any knowledge of
22 that?

23 A No.

24 Q Do you know how often a physician is in
25 the jail?

1 A To my knowledge, every day.

2 Q Do you know how long it takes for inmates
3 to see a dentist?

4 A No, no.

5 Q How often does the fire department go
6 through the jail and make an inspection, if you know?

7 A A minimum of twice a year.

8 Q Twice a year?

9 A Yes.

10 Q How often does the County Health Depart-
11 ment make an inspection of your institution?

12 A Twice a year.

13 Q That is a scheduled inspection?

14 A No.

15 Q The State Department of Health does not
16 come in at all. Is that correct?

17 A Well, they are supposed to come in today, to my
18 knowledge.

19 Q When was the last time?

20 A You mentioned Dr. Sussman, someone here did, I
21 have no recollection of meeting him.

22 Q When was the last time a representative
23 of the State Health Department was in your institution, to
24 your knowledge?

25 A To my knowledge, I have none.

1 Q Since you have been there?

2 A Since I have been there.

3 Q If I understand your testimony with respect
4 to diets, if an inmate tells you when he comes in that he is
5 a diabetic, he would not get an appropriate diet until the
6 physician approves that diet?

7 A An inmate can tell you anything, unless he has a
8 card from the physician.

9 Q If an inmate tells you he is a diabetic,
10 he would not get an appropriate diet until the physician
11 approves it. Is that correct?

12 A Unless the physician approves it, yes.

13 Q How long would it take until he saw a
14 physician?

15 A That day, if he came in during the daytime.

16 Q If he did not, if he came in in the
17 morning?

18 A Next morning.

19 Q He would automatically see a physician
20 the next morning?

21 A He would tell his wing officer, the wing officer
22 would see to it that he goes upstairs to see the doctor.

23 Q From the time an inmate comes in to your
24 institution, until the time you are notified that he is to
25 have a special diet, what is the time lapse?

1 A None whatsoever. All he has to do is notify us, tell
2 us what tier, what wing, what his name is, we will be prepared
3 in a couple of minutes, one of the nurses, male nurses will
4 come down with the diet he is supposed to have.

5 Q You say he has to call the wing officer?

6 A No, the doctor.

7 Q All right. If he goes up to see the
8 doctor and comes in the evening and sees the doctor the next
9 morning, the doctor calls you as to the diet?

10 A Right.

11 Q Is that the procedure?

12 A Right.

13 MR. CORNB�ATT: No further questions.

14 MR. IRVING: Mr. Brown?

15 BY MR. BROWN:

16 Q Mr. Masino, when you took your Civil
17 Service examination, we assume it was for the title of store-
18 keeper?

19 A Yes.

20 Q You say you were number one of X amount
21 of people who took it along with you?

22 A Yes.

23 Q Do you remember in fact whether there
24 were any actual questions pertaining to the operation that you
25 were going to perform?

1 A Perform in the jail?

2 Q Was the test that Civil Service administered
3 relative to the actual job classification?

4 A Be more explicit, so I can understand what you
5 are talking about.

6 Q I will change the question. Were there
7 any questions in the examination that asked you in particular
8 what procedures you would follow in making out orders, whether
9 you knew anything about county procedure, were there any
10 questions pertaining --

11 A Well, pertaining to storekeeper duties, how you
12 would take care of a storeroom, what the facilities are, how
13 you would make an inventory, how you would keep an inventory.

14 Q The questions were relative to the job?

15 A Right.

16 Q We have to assume by you having passed
17 the test, you are qualified for the job of storekeeper. Now,
18 what was your salary at that time, approximately, not right
19 to the penny?

20 A Well, I haven't gotten my full increments, you
21 have to work in an institution five years.

22 Q I understand that. What did you start at?

23 A \$8,600.

24 Q \$8,600?

25 A Yes.

1 Q Then after a while you felt that you were
2 doing more than storekeeper's work, you were actually getting
3 involved in helping to prepare budgets, did you actually in
4 fact prepare budgets to submit to the higher authorities?

5 A Pertaining to food and household, yes.

6 Q You did?

7 A Only that.

8 Q At this time you then thought you were
9 working above your scope, you felt --

10 A There was more responsibility and more work in-
11 volved.

12 Q You asked Civil Service to reclassify
13 you by studying your actual functions?

14 A Right.

15 Q And then they saw fit to reclassify you
16 as a business manager?

17 A Right.

18 Q Now, how much money did you receive with
19 the new title, you were going from storekeeper to business
20 manager, there certainly should have been some sort of an
21 increment involved, do you know approximately how much it was?

22 A Well, it started this year, about \$300.

23 Q \$300?

24 A Right.

25 Q So actually --

1 A \$300 or \$350.

2 Q What is your actual salary today with
3 normal increments?

4 A On the other job of storekeeper, before raises
5 went through, up to \$11,800, that would have been the regular
6 pay.

7 Q What are you making now?

8 A A little under \$13,000.

9 Q A little over?

10 A Under \$13,000.

11 MR. BROWN: Thank you, I have no further
12 questions.

13 MR. IRVING: Senator Hagedorn?

14 BY SENATOR HAGEDORN:

15 Q Mr. Masino, who determines suppliers of
16 your food?

17 A Suppliers of my food? They are put on bid from
18 the purchasing department.

19 Q Through the Essex County Purchasing
20 Department?

21 A Yes.

22 Q I notice from this present staffing,
23 it is possible this is two or three years old, I can only
24 determine two or three people that are involved in cooking.
25 According to your present staffing, indicated on page 8 --

1 A We have seven and the budget is eight.

2 Q In other words, the present staffing
3 indicated on page 8 is erroneous?

4 A This is 1972 when it was made. I didn't make this
5 up, Mr. Pinto did.

6 Q You are on the job eight hours a day,
7 who is in charge during the other sixteen hours?

8 A Well, on the shift that I come in, I come in from
9 seven until 3:30, that is the carryover, there is no one in
10 charge. My responsibilities, my job no one can be in charge,
11 because the senior cook is in the kitchen, all this stuff,
12 incidentally, is the day shift, cleaning utensils, any items
13 pertaining to running the jail. We have requisitions that
14 come down every morning, what they need, what they have to get,
15 stuff like that, running of the jail.

16 Q In other words, for the other 16 hours,
17 none of the problems you encounter or have to make decisions
18 on during the day would apply to those 16 hours?

19 A If they did apply, there is a key for the store-
20 room, or any stuff they want is at their liberty to get, all
21 they have to do is make a report.

22 Q I am assuming that everybody in charge -

23 A There is a key upstairs in the deputy warden's
24 office, there is a key box.

25 Q Who has access to that?

1 A Only the superiors, the ones in charge of that
2 shift.

3 Q Who are the superiors?

4 A That would be the captain from 12 to 8, and Captain
5 "McWalters" is on from 4 to 12. It has a seal on it, there
6 has to be a report made out on it.

7 Q In other words, you feel that there is
8 not any need for anyone to be in charge during the hours that
9 you are absent?

10 A Well, that is the way the institution has been run.

11 Q I am asking for your opinion of it?

12 A Well, from 7 in the morning until 3:30 in the
13 afternoon, anything that is needed, we have utility rooms
14 upstairs on every floor where they can store blankets and
15 things, in case X amount of inmates come in at night. If an
16 emergency arises they have access to the storeroom. All they
17 have to do is get the key. As far as paperwork or ordering
18 stuff like that, none whatsoever.

19 Q Has the county ever audited any of your
20 figures in your office, the county itself, have they come in
21 and made an audit or had an outside auditor?

22 A Three or four years ago, I think they did.

23 Q The county itself has never come in to
24 make an accounting or an appraisal of your responsibilities,
25 it is only determined by Civil Service?

1 A Yes.

2 Q One other thing that confuses me: You
3 say you don't have a per diem cost of feeding patients, yet
4 I would assume that the figures that were submitted would be
5 per diem cost, wouldn't it?

6 A That is all included in it.

7 Q That is what I mean.

8 A It is there.

9 Q You do have a per diem cost then, I thought
10 the testimony indicated --

11 A Oh, yes. We have the food cost and per capita
12 cost.

13 Q You mentioned before that when it got
14 involved with bulk delivery of food, after it was processed,
15 that you lost control of per diem cost, that is the way I
16 understood it?

17 A I lose control of quantity. We have constant
18 inventory to keep up on that, that is why we order every week.
19 If you had centralized food serving you can order the
20 approximate amount you give out. When you have decentralized
21 food serving, you buy it, cook it, send it out, you lose
22 control of that.

23 Q You still have per diem cost?

24 A I have it down there.

25 SENATOR HAGEDORN: That was what I wanted

1 to know. If we want to make any comparisons with
2 other counties, for example.

3 BY MR. IRVING:

4 Q Mr. Masino, do I understand that you have
5 control over the responsibilities for the use of detergents
6 in the jail?

7 A Yes.

8 Q And are detergents for the washing of
9 the inmates' clothes made available to the inmates?

10 A No, we have a laundry.

11 Q A laundry?

12 A We have a laundry with an officer in charge.

13 Q So that the inmates don't wash their
14 own clothes?

15 A No. We have a laundry within the confines of the
16 jail where we keep everything as clean as we possibly could.
17 I will order detergents after they tell me what they need.

18 Q Is there a product known as Impact that
19 is used as a detergent in the jail?

20 A No. Only used as a detergent for the dishwashing
21 machine.

22 Q I have a copy that was sent to me, a
23 copy of a product called Impact, heavy-duty chlorinated
24 detergent for machine washing only. This substance is
25 indicated, I am reading to you now, it says, danger, harmful

1 if swallowed, contact with skin can cause burns. Is there a
2 reason for using a detergent that is so strong when the more
3 commercial detergents are not as dangerous to human beings?

4 A These detergents are to be used in the dishwashing
5 machines. Any detergent that goes upstairs, pertaining to
6 cleanliness of the jail, is supposed to be controlled by the
7 officers.

8 Q So that this dangerous substance is not
9 passed around amongst the inmates?

10 A That is only used for the dishwashing machine, so
11 there would be no dysentery, diarrhea. We have a man come in
12 and check it from the company that sold us the machine, to
13 see it operates properly.

14 Q You have control, sir, of the storage
15 and inventory?

16 A Yes. Only time it is distributed, is when it is
17 sent down by requisition.

18 MR. IRVING: All right. We asked
19 Sheriff Cryan to make available two cooks this
20 morning, have they come in?

21 MR. MASINO: I don't know.

22 MR. IRVING: All right. Is Dr. Sims
23 here?

24 MR. MASINO: Yes.

25 MR. IRVING: We will take a short recess

and then call Dr. Sims.

(Whereupon there is a short recess.)

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1 BY MR. IRVING:

2 Q Dr. Sims, will you give us your full
3 name and mailing address, sir?

4 A Dr. E. W. Sims, 11 South Maple Avenue, East Orange,
5 New Jersey, 07018.

6 Q I understand that you are the jail
7 physician, medical officer for the Essex County Jail?

8 A That is correct.

9 Q May I ask how long you have had that
10 responsibility?

11 A 1968 to the present.

12 Q Now, Dr. Sims, before any of us asks
13 any questions, is there anything you would like to say to us
14 that might be helpful in terms of medical care, health care
15 of the inmates at the jail?

16 A Yes. Number one: Medical care in a jail situ-
17 ation today is not just the treatment of the individual with
18 a complaint, it involves total health care, mental and physical
19 of the individual. In the jails the physicians have limited
20 capability, primarily because of limited equipment, limited
21 numbers of medical personnel. We have tried to provide,
22 within the limits of our capabilities, humane medical treat-
23 ment to the inmates in the jail, comparable to the treatment
24 that we render in our private practice of medicine.

25 There are many factors which exist that prevent

1 us from rendering the individual proper medical care, to wit:
2 The acute alcoholic who is found on the streets inebriated,
3 or arrested because of a misdemeanor, disorderly conduct,
4 or what have you. He is brought into the jail by the local
5 law enforcement agencies. He is placed, if it is known he
6 is an alcoholic, in a cell which has no toilet facilities,
7 no bed. The hospitals refuse to accept individuals with the
8 problems of acute alcoholism, local hospital being the one
9 located in Newark, which is a state institution. If an
10 individual is incarcerated in the jail, who needs, as
11 determined by a psychiatrist and myself, mental health treat-
12 ment in a mental institution, can be committed by us to one
13 institution in the State of New Jersey, known as the Trenton
14 State Hospital, the Vroom Building. Yet, there are inmates
15 who could, if for no other reason than for the reason of
16 their families to visit them, be placed in the County Hospital
17 at Overbrook, that hospital, however, does not have a security
18 guard, and as long as the individual is under court order,
19 they must be placed in a situation where they can be protected
20 by the request of the court.

21 As far as diets, we are not able in the Essex
22 County Jail to provide diets for the individual inmates who
23 need diets because of a pre-existing medical condition. In
24 order to provide adequate diets, as I provide for patients
25 who are hospitalized, I recognize the need of a dietician,

1 we do not have a dietician. Yes, we do have diabetics, we
2 do have hypertensives, we do have peptic ulcers, some of
3 these patients do need diets as a part of their treatment of
4 their disease. We requested, two years ago, an X-ray machine,
5 a whirlpool bath unit, ultrasonic sound unit. We need
6 X-ray to do diagnosis for injuries such as broken bones,
7 based upon the fact that we have automatic closing door
8 systems in the jail, and numerous inmates do catch their
9 arms or hands or what have you, and injuries also occur on
10 the recreational floor, basketball, what have you, and in
11 the practice of good medicine they are entitled to and do
12 need X-rays. Presently we do send them to Martland Medical
13 Center, and that coupled with other cases that we have sent
14 to Martland Medical Center since 1970, the bill from the state
15 to the county is somewhere over half a million dollars. A
16 lot of that would have been corrected just by installing an
17 X-ray machine in the jail, with a technician and radiologist
18 to read the X-rays, on a part time basis. Certainly, in the
19 absence of fractures, et cetera, part of the humane treatment
20 of individuals, we should provide them with physiotherapy,
21 and it is impossible to send a man every day to the hospital
22 to obtain physiotherapy, because you don't have the personnel,
23 and there is always someone going to one hospital or another
24 with an acute type of problem. I think that is about it.

25 Q Thank you. I will ask you some questions,

1 Doctor.

2 A Yes.

3 Q I want to mention to the Commission
4 members that I have advised you that there may be some
5 questions that you will be disinclined to answer, and certainly
6 we will respect that disinclination.

7 Would you tell us, Dr. Sims, what your
8 work schedule is at the jail?

9 A My work schedule at the jail is Monday through
10 Friday, I arrive at the jail at approximately ten after eight
11 to 8:30, and I am at the jail until quarter to ten or 10:30
12 or 11, it varies with each day.

13 Q Thank you. Now, do your responsibilities
14 include the control of the pharmacy?

15 A Yes.

16 Q Do you have the responsibilities for
17 practical nurses?

18 A Yes.

19 Q How many such nurses are there?

20 A Well, we have a total of about eight now, let's
21 see, we have nine. They are not practical nurses. We have
22 licensed practical nurses, according to the laws of the State
23 of New Jersey. We have one registered nurse who works part
24 time, and was formerly the full time nurse at the old Essex
25 County Jail. This is an individual with a Master's degree

1 in Nursing Education, who, because of the salary paid, elected
2 to take a job in the school system of Springfield, New Jersey,
3 full time basis. However, does work part time at the jail.

4 We have a correction officer, medical aide, who is
5 a licensed practical nurse in the State of Colorado, but there
6 is no reciprocity between Colorado and New Jersey. We have
7 a retired master sergeant from the army, recently retired,
8 who works on a per diem basis, and he had extensive medical
9 service in the United States Army of 20 years. We have a
10 part time medical aide who works at the Armed Forces Examin-
11 ation Entrance Station in Newark, assisting the conduct of
12 physical examinations on individuals going into the military
13 service of the United States.

14 We have in the last week, thanks to you, employed
15 a female nurse for the first time in the history of the
16 Essex County Jail, licensed practical nurse and she works
17 part time, three days a week. In addition to the personnel,
18 we have a hospital at the jail, which was incorporated in the
19 jail in 1970, thanks to you again, the hospital is being opened
20 for our use. It has been occupied by inmates up until last
21 week. This was not under the control of the Sheriff's Depart-
22 ment, it was not under the control of the Freeholders, but
23 by court order it was to be used for the housing of inmates
24 in the youth house who created a disturbance. With your help,
25 and the help of the recent state law, we are now going to be

1 able to utilize our hospital. However, the beds which they
2 installed when they built the building are cots, which are
3 about that far off the floor, the table being the floor,
4 and I can't bend over to treat a person on the ground. I
5 know there are several hospital beds available and they are
6 taking these beds out. I don't like the gray color they are,
7 and we are going to paint them. I have asked a couple of
8 officers what color they like, I want to get from the inmates
9 what colors they like, because they will be the primary
10 occupants of the facility.

11 Q Are you saying then, Dr. Sims, that you
12 are fully staffed in terms of the kind of medical aid that
13 you need?

14 A No, sir.

15 Q You are not?

16 A No, sir.

17 Q What additional needs do you need?

18 A Well, we need basically a medical person on duty
19 24 hours a day. We are now covered from 8 to 11. 7:30, I
20 guess, to 11 at night, something of that nature. For the
21 midnight shift we do not have any medical coverage, except
22 that, well, I am on call 24 hours a day, the L.P.N. who is
23 senior in service, is also on call 24 hours a day.

24 Q Do you know the working schedule of the
25 pharmacist, Mr. Lombardo?

1 A As far as I know, he is a full time employee of the
2 county, and assigned to the jail as a pharmacist.

3 Q In my conversations with him, sir, he
4 indicated that there are drugs stored within his unit that
5 are out of date, beyond the date which the pharmaceutical
6 house said --

7 A Yes, there are probably drugs stored that are out
8 of date, these drugs, however, are not used. These are drugs
9 which I have requested be thrown out. I do not make an
10 inspection trip when I go to the jail, I have inmates to
11 treat, I cannot provide all the services. I have had over
12 20 years of military experience, most of this is preventive
13 medicine, I know procedures. I do know that there should be
14 an inspection, but I don't have the time to do that within
15 my capabilities. These drugs are not used, some of these
16 drugs are drugs which I don't use. Every physician has his
17 own pet drugs, and there may be a drug that was there when
18 the physician I replaced was there, he used it, but I don't.
19 So they might have been sitting on the shelf, and I have
20 requested, when the pharmacist came aboard, that they conduct
21 an inventory, and part of my reasoning was so that we could
22 see what our stock level was, what we have too much of, what
23 we have too little of, what is too old.

24 Q During the hours when you are not on duty,
25 sir, when the pharmacist may not be on duty either, is there

1 anyone authorized to dispense medicine?

2 A Yes. The licensed practical nurse or medical aide
3 on duty is authorized to dispense the drugs which have been
4 prescribed, in addition to that, aspirin, et cetera.

5 Q Well, in view of your comment, some of
6 these men are not fully qualified, as New Jersey perceives
7 a qualified practical nurse, is there some danger in allowing
8 them to dispense drugs, not only in terms of amount, whether
9 they take one dose at a time, as the American Correctional
10 Association indicates there is a standard, whether because
11 of their lack of training they may use some of these drugs
12 that are out of date?

13 A They do not have access to the drugs that are out
14 of date. They only have access to those drugs that are on
15 distribution by the medical chart, and each nurse has been
16 instructed to observe the inmates swallow the medication.
17 There is room in this type of activity for human error, I
18 cannot attest to the fact that every nurse watches every
19 inmate swallow, but that is the basic requirement.

20 Q So then, sir, are you saying that it is
21 possible that some of these over aged medications are being
22 utilized?

23 A No, they are not, not possible.

24 Q I would like to discuss with you a
25 memorandum, which I will give you a copy of. Memorandum of

1 the Essex County Jail, dated March 31, 1974. The subject is
2 Sick Call and Medical Procedure. The first paragraph, sir,
3 states your working schedule as of March 31. Has that now
4 been changed?

5 A Yes, it has.

6 Q Are the contents of this memorandum in
7 effect now at the jail?

8 A No. Except for, well, the contents are not, but
9 in paragraph two, medications that the nurses are entitled
10 to have to dispense, in addition to those which are prescribed
11 is.

12 Q Everything else is in effect, is that
13 what you are saying?

14 A Not exactly. We have an additional physician now,
15 we have two sick calls.

16 Q Except for those --

17 A That's right.

18 Q I want to call your attention to paragraph
19 five, let me read that section of paragraph five which is
20 applicable, and I will ask you to clarify that for us. Dr.
21 Sims will make every effort to see those on the 7 A. M. sick
22 call, anyone developing an emergency after 7 A. M. may be
23 seen at any time. However, routine emergency complaints
24 will come up at 1 P. M. If a complaint is not an emergency,
25 he will be seen on the next day. Now, Dr. Sims, this is the

1 sentence I am interested in. If an inmate complains of an
2 emergency which proves otherwise, sick call will not be
3 recognized for that tier the next day. That is the sentence
4 I am concerned with. Does that say what I think it says, sir?

5 A Well, I can understand what you think it says.
6 This is a part of my attitude toward developing of discipline.
7 In the jail, with regard to medication, there are responsible
8 people on the tiers who can be instrumental in indicating
9 to inmates that when you want to go on sick call, please tell
10 the truth with regard to your complaints, the doctor is
11 willing to help you, but does not appreciate one taking a
12 situation out of proportion. Recognizing at the same time
13 that an individual may feel that he has an emergency, and
14 upon examination the physician sees that it is not an emergency,
15 the physician is understanding of that individual's feeling,
16 but if an individual is put on sick call and says he has
17 gonorrhea and I think that requires urgent treatment, and
18 he comes up and says, I really just got a headache, but I
19 knew if I had a headache I wouldn't get on sick call. I want
20 to see the true complaint, then I can respond properly to
21 the patient.

22 Q This says to me, Dr. Sims, please
23 correct me if I am wrong, if an inmate on a tier fakes sick
24 call and is discovered, that all of the inmates will be
25 deprived of medication on that tier the next day?

1 A That is in essence what was meant by this, and
2 yet it is not in effect now, but again it was meant, because
3 the inmates can take care of the problems. We can take care
4 of eliminating the individual who fakes the sick call, this
5 is not designed to deprive an individual. It is in an attempt
6 to establish discipline on the part of the inmate. Let's be
7 fair now, particularly with the medical department, when you
8 say you are going to deprive an inmate, once the other inmates
9 know about it and tell the inmate to get in line, we will
10 get a better response in terms of complaints that the individ-
11 ual complains of.

12 Q Are we then to understand, sir, that
13 what you intend here is group pressure, to discourage a
14 person from faking a sick call?

15 A That is correct.

16 Q The group pressure means that each
17 member of the group knows that he will be deprived of medica-
18 tion the next day if someone in the tier violates this
19 regulation?

20 A Right.

21 Q Do you think as a lawyer, I should be
22 troubled by this, in view of the fact that these men --

23 A Yes. No one has been deprived, yet this is not
24 in effect, but again, no one has been deprived. I knew
25 initially that no one would be deprived, however, there is

1 conflict with the legal interpretation.

2 Q That is all you want to say about it,
3 sir?

4 A Right.

5 Q This is not in effect now?

6 A That's correct. It is cooperation, really, it is
7 a way of obtaining cooperation on a friendly basis.

8 Q May I go on to something else and then
9 perhaps one of the other members of the Commission will come
10 back to this, I know your time is short.

11 Do I understand, Dr. Sims, from what I
12 read in a newspaper account, that the utilization of Methadone
13 existing in this jail is experimental, and we are to commend
14 you for this program which does not exist in any other county
15 jail?

16 A No, I don't think I should be commended. I don't
17 think it is really experimental. We have had it there since
18 about 1969. It was obtained primarily because of recognizing
19 the need of the heroin addict experiencing symptoms of with-
20 drawal. With the experience I had, I knew how to dispense
21 it in such a way it would not involve security. It has
22 served to provide for an improvement of the atmosphere in
23 the jail on the part of the inmates.

24 Q Does anybody beside yourself dispense
25 the Methadone?

1 A Yes. The L. P. N. dispenses Methadone. I am
2 responsible for the Methadone.

3 Q They dispense it at times when you are
4 not present, I take it?

5 A No. The Methadone is dispensed, they may start
6 before I get there, about quarter to eight, as soon as the
7 individual on Methadone comes up to the floor and will receive
8 his dosage. I have to respect my staff, and up to this point
9 I have not seen any misuse of the Methadone that I can prove.
10 We do have an accounting system with a clinic for which we
11 receive the Methadone, it is measured, we are aware of the
12 necessary security measures involving Methadone. Methadone
13 is liquid gold, and gold is the best thing on the stock
14 market today.

15 Q You say, sir, that you cannot prove it.
16 Do you have any reason to suspect that perhaps there is some
17 misuse of Methadone at the jail?

18 A No.

19 Q There was a former inmate, Michael
20 "McDermott", who is reported by the jail nurse in a memorandum
21 dated January 13, 1972, to have died, it reads, visceral
22 congestion. There is some speculation that there may have
23 been an overdose of Methadone in this case, Dr. Sims?

24 A I am not the least bit familiar with that.

25 Q We have the resources to study the

1 hospital records, we find in 1972, for example, any inmates
2 from the Essex County Jail who were brought in with a Methadone
3 overdose --

4 A I don't know, I would certainly go along with your
5 seeing the Martland Medical records, to see if anyone did die
6 from an overdose.

7 Q You mean it is possible that there was
8 an overdose given at the jail and --

9 A Not possible.

10 Q Not possible?

11 A Not possible.

12 Q Not possible an inmate with an overdose
13 of Methadone was sent to Martland and developed some paralysis?

14 A That did happen.

15 Q Do you want to tell us a little bit
16 about that one?

17 A Well, apparently sometime around 9 o'clock on an
18 evening this individual had access, how this was determined,
19 I do not know, to an amount of Methadone in a plastic bottle
20 which holds approximately a pint. This individual ingested
21 an unknown quantity of Methadone, and during the night went
22 into a coma, and when recognized by the correction officers,
23 was taken to Martland Medical Center.

24 Q Do you know what the physical state of
25 that individual is now, sir?

1 A No, I don't.

2 Q Has he recovered?

3 A He came back from Martland, then he disappeared,
4 I don't know whether he went to one of the other penal
5 institutions or not. I know he was having a problem walking
6 when he left Martland.

7 Q Do you believe, sir, that if you were
8 able to give full time to the jail, and perhaps be supplemented
9 with other doctors of medicine around the clock, with some
10 state help, I am not suggesting this is only a county
11 responsibility, that we could avoid a repetition of that kind
12 of thing?

13 A Oh, sure. We can avoid the repetition of that,
14 that in itself is not the justification for the need of
15 additional medical personnel. There are many justifications
16 for the need of additional medical personnel. The Methadone
17 now is put away by 9 o'clock in the morning, so it is not
18 available for the rest of the day until the next day about
19 7:30.

20 Q I will ask you about another specific
21 individual: A prisoner named Williams hanged himself in a
22 cell about a year ago, does that incident mean anything to
23 you?

24 A No, it doesn't.

25 Q I will read a statement to you, and see

1 if it refreshes your recollection. Approximately one year
2 prior to the date of this affidavit, the affidavit has not yet
3 been signed by the guard, therefore it is hearsay, and it may
4 not have any validity to it. A prisoner named Williams was
5 found hanged in his cell. Several days before his death,
6 Mr. Williams had threatened my life. From personal observa-
7 tion of Mr. Williams, I knew such behavior was completely
8 out of character for him. Therefore, I strongly recommended
9 to my superior that Mr. Williams be taken immediately to
10 see a doctor for an evaluation of his psychological state.
11 Shortly thereafter, this Mr. Williams hanged himself. Does
12 this mean anything to you?

13 A To me it is an unhappy situation, it should not
14 have happened.

15 Q Did it happen?

16 A I do not know.

17 Q Is it possible it could have happened?

18 A It is possible it could have happened, yes.

19 Q Now, I want to try to understand the
20 position you are taking, you cannot stay on top of all these
21 things because of your time limitations --

22 A No, not because of time limitations. This man was
23 on a tier, apparently, what is in that memo will reflect
24 conversation between the officer and his superior, and I
25 think that would be needed, it would be whether or not this

1 was ever, prior to the happening, was this ever reflected on
2 the sheet from that floor prior to the time of death.

3 Q Do you know, in the last 12 months, if
4 there have been any other suicides in this jail?

5 A I would say, no, I don't know.

6 Q That of course would be a matter of con-
7 cern to all of us, Dr. Sims?

8 A Very definitely.

9 Q There is a history of at least the one
10 suicide?

11 A One suicide.

12 MR. IRVING: Let me yield and ask Mrs.
13 Hicks if she has any questions.

14 BY MRS. HICKS:

15 Q I want to ask about the equipment and
16 items needed. For instance, who accumulates the information
17 to make the request for an X-ray machine, in point of having
18 your own help and sufficient places to work, did you ever
19 make this request in writing to your superiors?

20 A This request should be a matter of record. I made
21 it to the Board of Freeholders, at a meeting of the Board of
22 Freeholders over a year and a half ago, two years ago. This
23 was at the same time that the county discussed the bill for
24 a half a million dollars that the county recieved from the
25 state, Martland Medical Center. I think it was sent to the

1 Board of Freeholders in writing.

2 MRS. HICKS: No further questions.

3 BY MR. DeMARINO:

4 Q Doctor, you said there should be a
5 doctor on duty 24 hours a day?

6 A Medical care available 24 hours a day.

7 Q A registered nurse?

8 A Registered nurse or an L. P. N. You have to say
9 that, because of the difficulty in getting people to work
10 in the jails. It is difficult to get a female, there are
11 some dangers in the female working in the jail on the 12
12 floors, the tiers. At any rate, we are limited in what we
13 can obtain and it is difficult.

14 Q Doctor, if you don't want to mention it,
15 you don't have to, can I have an idea what salary or type
16 salary is paid someone who works four hours a day from 8 to
17 11 or three hours a day?

18 A In the County of Essex?

19 Q Yes.

20 A All right. Essex County College salary, \$20,000.
21 Physician at the Essex County Geriatric Center, salary is
22 \$20,000, part time, four hours a day.

23 Q Could I ask your salary?

24 A \$10,000.

25 Q \$10,000?

1 A Yes.

2 Q So that if the county was interested in
3 getting additional help, using that guide, perhaps put two
4 gentlemen of your caliber on, maybe at a different four-hour
5 schedule during the day, for an additional \$10,000 --

6 A They did that last week.

7 Q Last week?

8 A That is a part time physician, who has been employed,
9 and his salary is \$10,000.

10 Q Doctor, do you have a private practice
11 also?

12 A Yes, I do.

13 Q Is there ever an occasion when your
14 private practice makes it totally impossible for you to
15 attend the prison or the jail, and what happens in that time
16 period, or who takes over when you are not there?

17 A My private practice has never interfered with my
18 commitment to the jail, that is why I get there at 8:15 in
19 the morning. When I go on vacation, I obtain a substitute
20 physician. The physician that now has been employed, has
21 been my substitute for the last two years.

22 Q Doctor, you spent 20 years in military
23 service, in the medical field, I assume?

24 A For the most part, yes.

25 Q Would you give me the amount of people

1 you were responsible to?

2 A Well, in the service, I am still in the National
3 Guard of New Jersey, I have been a flight surgeon since 1953.
4 My responsibility has been primarily to the flying personnel,
5 those flying the air force planes, and the support personnel,
6 those who get the planes in the air.

7 Q Were you at a field hospital or any
8 hospital?

9 A I have been at all times in the field, I have been
10 at the dispensary, hospitals.

11 Q As a lay person, let me ask you this:
12 How many patients would you say you had control over while
13 you were in the military service, under your medical care?

14 A Anywhere from 100 to a thousand.

15 Q Would you say that that is a considerable
16 amount or is that a medium, normal?

17 A It is an average for the situation. If you work
18 in a dispensary, you have fewer, in a hospital you have more.

19 Q At that time with the one to a thousand,
20 let's say, what additional help did you have, other physicians
21 or surgeons?

22 A I had total backup personnel, hospital personnel,
23 nurses, in most cases surgical operating room staff, and I
24 had the administrative officer, I had clerks, I had a labor-
25 atory, I had physiotherapy.

1 Q So everything that you possibly could
2 have needed was there --

3 A Was there, right.

4 Q There are approximately 2,000 prisoners
5 in the Essex County Jail?

6 A 600.

7 Q I'm sorry, 600. There are 600 in the
8 jail. Have you ever made any report to any of your superiors,
9 whoever they may be, the Freeholders or anything, stating
10 other facts and figures, the situation that more doctors are
11 needed, more money is needed, any report that I can say I
12 presented to the Board of Freeholders at any given day, or
13 to the Warden, or to the Sheriff?

14 A Yes, there is a report somewhere, I don't have it
15 with me. There is one relating to the type of staff and
16 equipment.

17 Q Could you make that available and mail
18 it to the Commission?

19 A Surely.

20 MR. IRVING: Is that the Prosecutor's
21 document dated December 13, 1971, indicating the
22 composition of the medical staff?

23 DR. SIMS: It might be.

24 MR. IRVING: We can check it at lunch
25 time.

1 BY MR. DeMARINO:

2 Q I was referring to a report that you
3 yourself as a physician in the medical field submitted, and
4 what you felt was necessary, that is what I am talking about,
5 Dr. Sims?

6 A I think that I have. I can't be absolutely sure,
7 but I think I have. Actually, we are getting it another way,
8 I am getting the same thing anyway, we have four people on
9 our medical staff with military service. We have myself, an
10 L. P. N., an R. N., and a medical assistant, four people,
11 and now we are up to ten, they have come in one by one. Now,
12 suddenly we have an authorization for another L. P. N. and
13 another R. N. As I say, roughly, 35 percent have military
14 background. I can see what you are getting at, I concur,
15 I think there has been a particular type of health service
16 in the military service that could be utilized in penal
17 institutions, and it is an excellent type of health service.

18 Q That is what I was talking about. What
19 percentage, I am well aware, I think together we can enlighten
20 the Commission as to some of the problems we are faced with
21 in this county institution. What percentage of your patients
22 would you say, on a daily basis, are feigning illness, as
23 opposed to factual complaints?

24 A 40 to 50 percent.

25 Q Everyday?

1 A Everyday.

2 Q What percentage deliberately maim
3 themselves, hurt themselves, catch a finger in a door, any-
4 thing that you can say was not accidental injuries, but
5 perhaps those that were caused by mentally disturbed patients,
6 or patients --

7 A I would say 10 percent.

8 Q Doctor, you and I well know that when
9 you have a mentally disturbed patient, well, let's start this
10 way: If you have a mentally disturbed patient in that hospital,
11 first of all it requires you and another doctor in the
12 psychiatric field?

13 A Yes.

14 Q Would you explain to the Commission the
15 problems you have of taking that person out of the county
16 institution and putting him in the only available institution
17 in the state, which is the Vroom Building, which is in
18 Trenton State Prison?

19 A Well, the basic problem for us is after we have
20 completed commitment forms, then it becomes a problem of
21 transportation, and then when the patient goes to the Vroom
22 Building he is admitted, very good chance within ten days he
23 will be back, not improved or worse.

24 Q Let me ask you this, Doctor: What is the
25 criteria for getting a prisoner into the Vroom Building, can

1 you get one in with a misdemeanor charge against him?

2 A We have to give him a psychiatric diagnosis. We
3 have to make up a diagnosis for him to get in there.

4 Q The part that I am trying to do, and
5 relieve some of the weight off you and the county staff, you
6 and the psychiatrist now determine that there is something
7 wrong with this inmate, he has a medical problem.

8 A Right.

9 Q Now you suggest he should go to the
10 Vroom Building, are you not faced with the overcrowded
11 conditions of the Vroom Building where there is no room to
12 accept?

13 A Truthfully I haven't had that problem yet.

14 Q Are you aware that they only take certain
15 types, in other words, someone awaiting a murder charge can be
16 placed in the Vroom Building immediately?

17 A Yes, I am aware of that.

18 Q But one who is awaiting a misdemeanor
19 charge will have difficulty?

20 A Will have difficulty, right.

21 Q Would you agree, when you send them to
22 the Vroom Building, that the stay is a temporary stay?

23 A That is correct.

24 Q So when you send them, because of a
25 mental disturbance within the county jail itself, it is

1 because he is uncontrollable and you feel that there is a
2 mental problem?

3 A Definitely.

4 Q He is taken to the Vroom Building within
5 a 15 day period at most, is that the maximum?

6 A Temporary commitment, 10 to 15 days.

7 Q So if he is gone for 15 days, what
8 percentage would you say come back?

9 A 95.

10 Q 95 to 97 percent?

11 A Yes.

12 Q Come back?

13 A Yes.

14 Q When they come back, do you, as a doctor
15 of the institution, get any background as to any of the treat-
16 ment that he received?

17 A Yes. Not from the building, from the inmate.

18 Q You are not listening to my question.
19 Do you get from the Vroom Building, or any officials at the
20 state institution, any background, so that when that inmate
21 comes back you can review it immediately?

22 A No.

23 Q It is pot luck that he got any better?

24 A That's right.

25 Q Chances are he got worse?

1 A That's right.

2 Q Without any guidance to you as a medical
3 person, or through the inmates, or to the other inmates or
4 guards, they are suffering the risk of a possible mental
5 disorder?

6 A Right.

7 Q You are familiar with the Marlboro
8 Institution?

9 A Yes.

10 Q Have you ever tried to get anyone into
11 Marlboro?

12 A We can't.

13 Q Why?

14 A Apparently the agreement is between the County of
15 Essex and Trenton State Hospital.

16 Q So that there are criteria and stipula-
17 tions, which even if you want as a medical person to do some-
18 thing to benefit these prisoners, because there is no facility--

19 A No adequate care available.

20 Q Then we are just compounding or building
21 up a problem?

22 A We are building a real problem.

23 Q Of local institutions?

24 A Real problem.

25 Q I am familiar with the reports that come

1 back, they come back with inmates after two professionals
2 say there is something wrong with them. I get papers back.
3 I want to know, if you as a medical person, get the same --

4 A If he has a prescription written down, the name
5 of the drug --

6 Q The papers I get back say, prognosis
7 guarded, nothing more, nothing else.

8 A Nothing else.

9 MR. DeMARINO: That is all I have.

10 BY MR. DEL TUFO:

11 Q Doctor, in the beginning you indicated
12 the type of medical service encompassing mental as well as
13 physical care. What provision do you have available to you,
14 to provide these mental examinations or treatment?

15 A Well, the mental health is primarily a commitment,
16 to get the individual to a mental institution. We don't have
17 any program in the jail for psychological care.

18 Q In other words, these people are brought
19 into the jail, they do not undergo any sort of psychological
20 or mental examination?

21 A No.

22 Q So a person who has an obvious mental
23 condition, might go undetected until some problem manifests
24 itself either with another person or himself?

25 A That is correct.

1 Q I would also like to bring out, reading
2 from the Department of New Jersey Institutions, there is a
3 population, a large percentage of the population in your
4 county jail for an extended period, over three months?

5 A Correct.

6 Q This report that I am looking at, indi-
7 cates the number of unsentenced people in your institution
8 are there over three months, and as long as nine months, and
9 in excess of 200 people?

10 A Correct.

11 Q So there is a period where these people
12 could be examined?

13 A That is correct.

14 Q And mental or psychological help could
15 be rendered to these people who are there a long time?

16 A That's correct.

17 Q Obviously if they didn't have a problem
18 when they came in, after nine months of incarceration they
19 are probably going to have it?

20 A Right, very definitely.

21 Q What do we need for that?

22 A We need --

23 Q In the Caldwell Penitentiary, they are
24 there for an extended period, we talked to the psychiatrist
25 up there, they are putting a psychiatrist on a full time basis,

1 because he feels he has developed a significant program?

2 A I am familiar with that.

3 Q Don't you feel, that a program to
4 some extent, should be applied to these institutions to cut
5 down on the maiming, the feigning of sick calls, the suicide,
6 problems with other inmates, proper orientation of these
7 persons when he gets out and --

8 A 80 percent of the inmates in that jail at any time
9 have a history of drug abuse. We have discussed in the past
10 few years the renovation of the old jail, and hopefully
11 establish a program in the old jail for individuals incar-
12 cerated primarily for possession or control of dangerous
13 substance, or other types of alleged crimes, which would
14 make them good candidates for rehabilitation versus incarcer-
15 ation. In that facility we want rehabilitation specialists,
16 psychologists, social case workers, religion, recreational
17 activities, to include the yard at the jail, it wouldn't have
18 to be a controversy in the community, primarily because the
19 jail has been there for 100 years. We have been through it
20 with the planning board to look at it, it has been talked
21 about two years ago. There was interest, there was enthusiasm,
22 I was not getting paid for my trips to this place, we talked
23 to the right people, nothing has been done. I was highly
24 motivated when I started working for the jail, but when I
25 see no one gives a damn about the inmates, I said you are

1 knocking your head up against a stone wall.

2 Q Let me ask you this: Do you feel, if
3 there were recreational facilities provided, that the mental
4 health of the prisoners would improve?

5 A Fantastically.

6 Q Now, have you ever recommended these
7 facilities be provided, because we have heard testimony that
8 there is nothing in the budget that provides for this?

9 A I have not recommended it be provided in that
10 institution, because I can see the built-in problems that
11 prevent it from functioning in that institution; there are
12 two elevators in that building. There are built-in physical
13 problems that will not allow for it.

14 Q In other words, the concept of a closed
15 building with bars, security being the main emphasis, is a
16 deterrent to any sort of rehabilitation or mental improvement?

17 A Certainly, that was the first mistake when they
18 built the place.

19 Q One of the things is the concept of an
20 open jail that --

21 A Yes.

22 Q Have you done any studies on that?

23 A I did volunteer work for the Newark House.

24 Q Do you think this concept can be applied
25 to the county level and substitution of a facility such as

1 the one you are presently working on can work?

2 A Yes, with regard to the use of the old jail. The
3 old jail you can even get involved and work, the individual
4 is there on probation by the court, there is provision that
5 he stay there. We have the concept, we would start out on
6 the top tier, same type of cell, and as he improved and he
7 rehabilitates, he would, when he got to the first floor we
8 would have a carpet in his cell, beautifully painted, and
9 it would be the individual to determine where he went. He
10 would be told when he came in, this is what can happen to you
11 here, you have to do the work, you will upgrade yourself,
12 you will work your way out of here, and you can, we will help
13 you.

14 MR. DEL TUFO: I have no further ques-
15 tions.

16 BY MR. CORNBLATT:

17 Q Dr. Sims, it is habitual when we have
18 an expert witness, that we have his qualifications?

19 A I am a general practitioner of medicine, Meharry
20 Medical College, Nashville, Tennessee, 1945. I was licensed
21 to practice in the State of New Jersey, November 12, 1946.
22 I have been in private practice of medicine in East Orange,
23 New Jersey, with the exception of military service.

24 Q You were 20 years in military?

25 A I have been 20 years in military. I was in the

1 Army Specialized Training Program during the time I was in
2 medical school, and in 1953, January, I went on active duty
3 in the United States Air Force, Korean War, and in 1958 I
4 joined the New Jersey National Guard. I went to France with
5 the Berlin Crises in 1961. I have been in the National
6 Guard, Air National Guard since. I have worked at the Armed
7 Forces Entrance Station during the height of the Vietnam War.
8 I have attended a course at the School of Aviation of Medicine
9 in the United States Air Force. As I said before, Chief
10 Flight Surgeon with the Air Force.

11 Q In military, your backup was the para-
12 medical personnel. Is that correct?

13 A Very definitely.

14 Q If I follow what you said, you are getting
15 additional trained staff by a different route, you are
16 bringing in paramedical people?

17 A That is correct.

18 Q In your judgment, is there any role that
19 could be played in the medical treatment at your institution
20 by medical students, dental students, or possibly psychology
21 students?

22 A Psychology students, yes. Medical and dental
23 students, I have certain questions about that. They are not
24 able to prescribe medications, an intern, for instance, is
25 not licensed. I am not going to set up a physician for a

1 malpractice suit. Penal medication is something different,
2 you have to know the individual. Part of my experience that
3 I had not got to, I have been involved in a drug abuse pro-
4 gram in Newark, in 1965 I started on Washington Street, and
5 was medical consultant to the New Jersey Division of Narcotics
6 and Drug Abuse Control. A good percentage of the inmates
7 that have been in the jail, since I have been there, are
8 people you knew from the street. They had been involved in
9 rehabilitation, and by virtue of the fact I saw them in jail,
10 it meant they didn't do too much, yet we haven't done much
11 for them. In 1965 there was no money for drug abuse, yet
12 it was fourth in the nation. These people have to support
13 their habits, the psychologists, educational testing, they
14 could well go on from there, psychological evaluation could
15 go on. Social case workers, in case of family service, could
16 go on and interview, just as the probation, come in to inter-
17 view. Of course, you get into a thing where it could be
18 done, the facility, the security, that is not in my ball park,
19 but I certainly recognize there are many needs.

20 Q How were you appointed to be jail physician,
21 what procedure did you go through?

22 A I was recommended by the former physician, who
23 retired from practice and recommended to someone that I take
24 his place, because I had worked there when he was on vacation
25 for a couple of years.

1 Q You said earlier that an acute alcoholic
2 is placed in a cell without a bed or facilities, can you tell
3 me why?

4 A That is the way the place was built. I don't know
5 why that building was ever built like it is.

6 Q How long are they kept in these cells?

7 A I try to get them out of there in 24 hours,
8 usually they come in somewhere around 3:30. If I see the guy
9 in the morning, if he looks bad, I will send him to the
10 hospital in a minute. If he doesn't look like he is going
11 into the D.T.'s, or anything like that, I will give him
12 medication.

13 Q You come in in the morning, Monday
14 through Friday, five days a week, between 8:10 or 8:30 and
15 you leave between 9:45 and 11 o'clock in the morning. Is
16 that correct?

17 A That's correct.

18 Q Now, on March 31st of 1974, when you
19 sent your memo out, I believe you have it in front of you,
20 you would not be in on Monday, you would be in Tuesday,
21 Wednesday, Thursday or Friday?

22 A Yes.

23 Q Were you in fact coming in three days
24 a week at that time, or was this just a temporary deviation?

25 A Temporary deviation, because I was trying to point

1 out to the Board of Freeholders, and whoever else may be
2 involved, that a salary for a physician at a jail of \$10,000
3 is absolutely ridiculous; it comes out to 60 to 70 cents a
4 patient.

5 Q Since 1968 --

6 A This is the type of language they understand,
7 unfortunately.

8 Q Since 1968, have you been there five
9 days a week?

10 A Yes, I have.

11 Q A part of each day?

12 A Yes.

13 Q Who is Dr. Feldman and Dr. Rubin?

14 A Dr. Feldman is a member of the Department of
15 Mental Health of the New Jersey College of Medicine, who is
16 assigned to the jail as a part of his medical duties at the
17 college. The primary reason for his assignment was,
18 previously we would try to send patients to the psychiatric
19 service of Martland Medical Center, and we were fortunate
20 to get him in time, he has been extremely helpful. Dr. Rubin
21 is a dentist at the jail.

22 Q Does Dr. Feldman hold sick call?

23 A He does psychiatric examinations. People that I
24 see, that I feel need a psychiatric evaluation, I arrange
25 for them to be seen by Dr. Feldman. He receives requests

1 from the judges, primarily of the municipal or county courts,
2 to conduct examination, he does that.

3 Q There is a sick call at 7 o'clock and
4 then you get in about ten to eight?

5 A Sick call doesn't start at 7 o'clock, that is an
6 error. It does not start until about 8:30. There is a
7 factor, we have to think about the availability of patients,
8 and we have two elevators, we have 14 floors, including
9 the basement. The first people that come up are the ones
10 on Methadone, and they are medicated. Then at 8:30, quarter
11 to nine, the people whose names have been on sick call, that
12 have been selected by the nurse on duty, they come up. I
13 review the list and call additional ones.

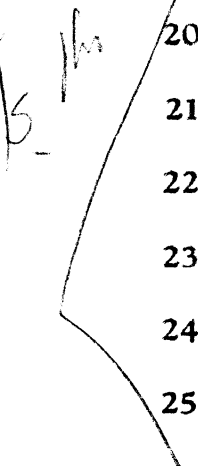
14 Q Additional sick call at 1 o'clock. Is
15 that correct?

16 A That is recent, because of the new physician.

17 Q And the new physician covers that sick
18 call?

19 A He covers that sick call.

20 Q I want to make certain I understand this.
21 The idea of your memorandum, if an inmate complains of an
22 emergency which proves otherwise, sick call will not be
23 recognized for that tier the next day, that is in a sense
24 of group responsibility on the individual tiers. Is that
25 correct?



1 A To develop the idea that we are concerned that
2 there must be some type of discipline, we are willing to
3 work with you, please work with us.

4 Q I have no quarrel with that concept.

5 A I hope you understand.

6 Q I think I understand what you are trying
7 to do. To your knowledge, has there been any member of a
8 tier who has been deprived of sick call?

9 A No.

10 Q I suspected that.

11 A Not at all.

12 Q The Methadone maintenance program, I
13 do preface this, I believe personally in Methadone mainten-
14 ance. To your knowledge, have you had any incidence of
15 Methadone addictions as a result of your program?

16 A Absolutely none.

17 Q In the other drug related programs that
18 you have been involved in, do you feel the incidence of
19 Methadone addiction is significant?

20 A Yes, the incidence of illegal Methadone addiction
21 is the paramount problem on the streets today.

22 Q More than heroin?

23 A More than heroin. Heroin is a very poor quality,
24 and today I don't use Methadone in terms of detoxifying heroin
25 addicts, because I haven't seen a case of withdrawal for over

1 a year. In 1969 and 1970, every individual that came into
2 the jail who used heroin, did demonstrate symptoms of with-
3 drawal. About a year ago, the individual then comes in and
4 verbalizes withdrawal, but on an elevation he is not going
5 through withdrawal, and I don't have time to sit and talk
6 why he is not going to get Methadone, I give him a drink,
7 give him a glass of orange juice, I have had no criticism,
8 they all said the doctor took care of me. Now we are having
9 Methadone withdrawal from illegal Methadone. We are using
10 Valium primarily to take the individual through the withdrawal.

11 Q In August 1973, the inmates of the 8th
12 and 9th floors wrote a letter to Mayor Gibson, are you
13 familiar with it?

14 A Yes.

15 Q One of the complaints in paragraph five
16 of that letter, which is a petition in letter form, stated
17 they wanted better medical attention and it takes two to three
18 weeks to see a doctor, and on weekends they must suffer
19 because it is impossible to see a doctor. Would you care --

20 A We go through our jails in the nation and there
21 are two complaints in the jail, food and medical care. Now,
22 the inmates on that floor, as I get it back from my wire
23 system, were forced to sign, some were forced to sign that
24 letter, that is what the inmates tell me. The inmates that
25 told me this were up on sick call every three or four days.

1 I said, what did you get into something like this for, why
2 do you want to do that to our boys. He told me, Doctor, I
3 had to go along with the crowd, that is really what it
4 amounted to. I think there has been coming into the jail,
5 more interested people, certainly the inmate is right when
6 he says he is not getting total necessary care. Then when
7 he sees a listening ear come in, he says it is time to cry
8 and maybe they will do some good, I don't blame him.

9 Q In the same letter, the inmate wrote,
10 there are no white inmates names appearing on the petition,
11 this is because they are on the best floor, therefore, their
12 treatment is better. Do you have knowledge of that?

13 A Oh, no. I don't know which floor is best.

14 Q They were on the 8th or 9th --

15 A I don't know anything about the tiers. The only
16 tier I go on is three, that is the female tier.

17 Q Have you had any complaints from inmates
18 who come to sick call and talk to you about discrimination
19 in the jail?

20 A No, they haven't.

21 MR. CORNBLATT: I have no further
22 questions.

23 BY MR. BROWN:

24 Q Doctor, you stated before you made a
25 request for the equipment to the Board of Freeholders. I

1 would assume that you are employed by the Board of Freeholders.

2 Is that correct?

3 A Well, through the county, that is the personnel
4 office, I guess, has my application and so forth, the Free-
5 holders have overall responsibility for the jail.

6 Q Do I understand you correctly, when you
7 say the Board of Freeholders had overall responsibility for
8 the jail, I was led to believe, and I can be corrected, that
9 approximately 18 to possibly 20 months ago Sheriff Cryan
10 was given the responsibility of the operation of the jail,
11 and was taken away from the Board of Freeholders. Do you
12 know anything about that?

13 A No. All I know is that if he wanted something,
14 he had to go to them.

15 Q He has to go to them. In other words,
16 he is actually the person that you report to?

17 A I report to Undersheriff Scanlon, who is Acting
18 Warden.

19 Q Then stating the chain of command,
20 Undersheriff makes the reports to the Sheriff, so indirectly
21 you are reporting through the Sheriff?

22 A Correct.

23 Q And your request of the Board of Free-
24 holders then was turned down directly by them, or what
25 actually happened?

1 A Good question, I just don't know, I don't know.

2 Q Did you ever go back to Sheriff Scanlon
3 and ask him, Sheriff, I made a request --

4 A I have gone back to the Sheriff a number of times,
5 and he understands it. I don't know whether I have been back
6 to the Freeholders or not, but you get discouraged. I had
7 an individual come from the X-ray corporation, I got a price,
8 I knew it had to go out on bids, let's start doing it. It
9 just disappeared, I don't know where it is.

10 Q Let me ask you this: I am trying to
11 ascertain the cooperation you are receiving, since the
12 Sheriff took over directly from the Board of Freeholders.
13 Is the cooperation you are receiving any better now than it
14 was when it was directed to the Board of Freeholders, could
15 you make a statement?

16 A The cooperation with the Sheriff is much better,
17 that is the only person I have communication with, other than,
18 you know, there is a Penal Committee, I don't know what their
19 operation is, just what responsibility they have. They say
20 a Penal Committee for Essex County, this is the facility, I
21 would assume they have a responsibility to the jail, I don't
22 know.

23 Q Well, you don't know who comprises the
24 Penal Committee?

25 A I know the members, I have a little booklet.

1 Q But you couldn't tell who they are at
2 this point?

3 A I would have to look at the book.

4 MR. BROWN: That's all I have.

5 BY SENATOR HAGEDORN:

6 Q Earlier, Doctor, you recommended, or
7 indicated that the jail should have a full time dietician?

8 A Yes.

9 Q I understand you also indicated that
10 diets are not available in the jail?

11 A Make-shifts are available, but diet itself from
12 a medical point, they are not available in the jail.

13 Q What I had in mind, a diet for a
14 diabetic or for an ulcer?

15 A Not available.

16 Q Not available?

17 A Not available. The food is available, but the
18 diet, in terms of a diabetic, calories, amount of carbohy-
19 drates and protein.

20 Q Is not available?

21 A Not available.

22 SENATOR HAGEDORN: No further questions.

23 MR. CORNBLATT: One comment, Dr. Sims,
24 I am speaking for myself, I was impressed by your
25 testimony today, and I would like to impose on you,

1 if I may, if you have the time, and if it is a
2 fair request, I wonder if you would possibly send
3 us a list of your recommendations.

4 DR. SIMS: I will be glad to, I won't
5 give up.

6 MR. CORNBLATT: Thank you very much.

7 BY MR. DeMARINO:

8 Q Doctor, is this posted throughout the
9 jail?

10 A No.

11 Q This memorandum?

12 A No. It was, it is not now.

13 Q It was posted throughout?

14 A It was taken out.

15 Q On every tier?

16 A I guess, I don't know, I didn't go check, I have
17 an idea it was.

18 Q So the inmates don't have access to this,
19 do they?

20 A I don't know. You know jails like I do.

21 MR. DeMARINO: No questions.

22 BY MR. IRVING:

23 Q Doctor, can you tell us how many inmates
24 are presently on Methadone in the jail?

25 A We have between 9 and 15, today it is about 9,

1 last month at one time it was 15, these inmates are from
2 Florida to Boston, they are on regular Methadone programs
3 which we check for accuracy.

4 Q I would like to ask a further question
5 along the lines Mr. Cornblatt asked, concerning the petition
6 that went to Mayor Gibson, indicating those who signed it
7 were concerned about the passage of several weeks, two or
8 three weeks to see a doctor, and on a weekend no doctor.
9 There is this December 1971 report to the Prosecutor, by
10 Warren Pinto, may I read this sentence to you, it is on page
11 23: "The present procedures I have been told results in
12 numerous cases where individuals have been confined in the
13 institution for a period much beyond two weeks and are
14 discharged and have never seen a doctor." Do you see that,
15 Doctor?

16 A Yes, I see it, that's true.

17 Q That was true in 1971?

18 A Sure.

19 Q Is it still possible?

20 A Still possible.

21 Q That a man can be in and out in two
22 weeks?

23 A And not see a doctor, that's correct.

24 Q Well, then, Doctor, there are several
25 standards I am sure you are familiar with by the American

1 Correction National Association, dealing with standards
2 called Community Detention, inmates should be examined on
3 admission, if not on admission, he should be seen by a doctor
4 within 24 hours. He should be segregated. All alcoholics
5 and disturbed patients should see a doctor every day. I take
6 it that we are not able to meet those standards at this
7 moment?

8 A We don't have the staff.

9 Q Warren Pinto indicated that there should
10 be blood tests on admission, are you able to do that?

11 A That has been done for the last year and a half.

12 MR. IRVING: Thank you, I have nothing
13 further.

14 BY MR. GINSBERG:

15 Q Referring back to this memorandum,
16 March 31, 1974, that you say has been superseded in this
17 disciplinary measure that you took, I was wondering whether
18 you have to clear any disciplinary action that you take,
19 either general or with a particular prisoner before you
20 effectuate it?

21 A This relates to medical only. It is medical in
22 terms of who I give medication.

23 Q Or who you examine?

24 A Who I examine, right. I have the right to accept
25 or refuse a patient, as a physician.

1 Q If you refuse a patient, does anyone else
2 see that patient?

3 A I didn't say that. I said I have a right to
4 accept or refuse. If a patient comes in to my office, I
5 accept the responsibility of treating the patient or rejecting
6 him.

7 Q Yes.

8 A I said, I will treat the individual patient in the
9 jail the same way I treat a patient in my office.

10 Q Have you ever refused to examine a
11 patient?

12 A In practice?

13 Q I am concerned with the jail?

14 A I don't think I ever refused to examine a patient.
15 but if a patient becomes disorderly, I will discontinue the
16 examination.

17 Q Would you re-examine him the following
18 day or a few hours later?

19 A I usually do, usually come back and apologize.

20 Q Has there ever been a problem where you
21 would not treat a patient?

22 A No.

23 Q Was this the only disciplinary action
24 you had ever taken in the jail?

25 A It wasn't taken, it was suggested, it was never

1 put in practice.

2 Q If you want to pass something like this
3 on, could you do so without first speaking with other
4 authorities in the jail?

5 A It was done in a certain way, it wasn't done the
6 proper way, it wasn't put in the proper channels.

7 Q I am not saying you were wrong --

8 A It wasn't taken through the proper channels, you
9 are right.

10 Q My other question is much more general
11 than that: We have talked about your experience within the
12 jail, we have talked about medical deprivation on the part
13 of a lot of inmates and certainly a lack of cooperation
14 with you and your needs by someone, we don't know who that
15 someone is at this point. I would like to know, if you feel
16 you have had the proper cooperation from your immediate
17 supervisor within the jail in trying to effectuate some of
18 these needed changes within the facility?

19 A I have had excellent cooperation with the staff
20 in the jail, from Warren Pinto down.

21 Q I question that, because you haven't
22 been able to accomplish much. You haven't been able to
23 acquire the necessary equipment, you haven't been able to
24 acquire necessary personnel?

25 A Well, they don't have money, everything I want

1 costs money. I have an examining table down in my office,
2 I was going to give it to the jail, because I needed an
3 examining table where the females were, they didn't have
4 them. I didn't want to go through a hassle and put this
5 down here. I have one that is more adaptable to the male.
6 I got the deputy warden and the correction officer, they came
7 up in a truck and took it from my office, I think that is
8 beautiful cooperation. They do not have the funds. They
9 can take a gift, but they were completely totally behind
10 me in recognizing the need of the X-ray and physiotherapy
11 equipment, they were cooperating in finding space which
12 would be used. They are making the space available presently
13 used as the commissary. We can't get the commitment, I
14 think we are talking about \$25,000, plus \$10,000 salary for
15 a radiologist and part time technician.

16 Q It seems to me if a bullet was needed
17 for protection, they are able to get those funds quite
18 readily. I would think with a more aggressive administration,
19 perhaps they might be able to get your funds more readily?

20 A You have to have an understanding of people's
21 needs in health services, I recognize this, I don't know
22 where the problem is.

23 MR. IRVING: Dr. Sims, thank you for
24 coming. We will take Captain Walsh after lunch.

25 (Whereupon there is a lunch recess.)

1 MR. IRVING: The Sheriff and I feel we
2 ought to go back on the record now, and as the
3 other people come in, we will stop and they can
4 be seated.

5 BY MR. IRVING:

6 Q Captain Walsh, give your name and
7 address and title to the stenographer?

8 A Thomas Joseph Walsh, Captain, Essex County Jail.

9 Q How long have you been a captain?

10 A I have been a captain for four years, 25 years
11 in the penal system.

12 Q Would you like to make a statement first?

13 A Yes. As I speak, there are a lot of questions
14 asked which come under my realm and I will answer them.

15 In July 1971 we were up at the other jail, and
16 I was captain on the 4 to 11. They had Captain Van Dyne
17 at the Essex County Jail, he was the training security
18 officer, and that is what I am now. We were forced into
19 this new jail July 23, 1971. The jail was not finished,
20 we didn't have a kitchen completed, food had to be catered
21 in. The men weren't trained to the facility, they were
22 trained to a degree, where Captain Van Dyne had them trained
23 on this Honeywell Console in the subcontrol room. We moved
24 in July 23, 1971, and the building was not complete, it wasn't
25 secure. So primarily for the last three years my job has

1 been security more than it has been training, but the training
2 has been there, and it hasn't been completely without train-
3 ing. When we moved in, we had something like 800 prisoners
4 in this building, and it was equipped to handle 620. We
5 had to use the 13th floor, we had to use the auditorium.

6 The inmates that were in the auditorium was 35 or
7 40 of them, they were there a month to the day when they
8 made an escape, three of them made an escape, off the 13th
9 floor, one of them fell to their death, one got away. Now,
10 I worked with Warren Pinto on this for months. I put a lot
11 of new security devices in that jail. We have the most
12 secure jail anywhere in the country, I can stand on that.
13 We have electrosearch devices in the lobby where people come
14 in. We just had an incident in the Tombs in New York, where
15 they come in and cut bars and everything, you can't get
16 upstairs in our lobby with a metal object. Inside the
17 building there has been a lot of security measures. In the
18 dayrooms, in the building, I went up to the jail, I tore the
19 old jail apart with the county engineers, and brought down
20 bars and barriers. In the dayroom these are across the front
21 of the building where security screens have been broken by
22 the inmates, there hands can be put out and dope pulled up.
23 They can no longer get to the shell of the building. There
24 is no dope coming in from the outside.

25 We have a processing room that dope could come up

1 three or four times a month, it comes in in the clothing, we
2 have pictures of hacksaw blades they try to bring in, the
3 only clothing we allow in, like shoes, that is, is new, and
4 they have to come from a shoe store. The hacksaw blades have
5 been right within the linings. So the building has been
6 changed around, as Dr. Sims said. We were taking the
7 commissary from the 12th floor to help alleviate the problem
8 of the elevators. We have two security elevators and we have
9 two public elevators, which is ridiculous. All your movement
10 in the building is through your security elevators, most of
11 it, to accommodate the public we have two, where they only
12 use it from 9 until 11, and from 1 until 3. In the building
13 we are hung up a lot of times, because you have to take care
14 of 13 floors with two elevators, and the doctor comes in and
15 he calls for the men, they are usually up in the bull pen,
16 or to get a man up, get food up, get prisoners down across
17 the street, the judges across the street are constantly com-
18 plaining that we are holding up the court system, so we
19 devised a plan where prisoners are awakened at 6 A. M. in
20 the morning. They are showered and shaved and prepared, and
21 are in the courthouse by 8:20 or 8:25.

22 Another thing, communications, when we come into
23 this building there was not adequate communications. I have
24 put all the communications in. We have plenty, the guards
25 complained that there wasn't adequate communications, they

1 sabotaged the communications at the subcontrols. I have a
2 very good rapport with the engineers across the street,
3 Charlie Morton, we went to five subcontrols, these Honeywells
4 that tie in with the main control, some wire, was broken off.
5 The complaint was that there was no communications to the
6 dayroom, which is above the subcontrol. I put an Executone
7 system in there, we have intercom, Executone, house phones,
8 and we also have Bell telephone. We have adequate communi-
9 cations in this building. A lot of things have been done
10 in the last couple of years, as far as communications.

11 I also have communication in the elevator. There
12 were complaints that men were hung up on the dayroom floor,
13 couldn't get in. This has been done for nothing by Westing-
14 house and Charlie Morton, by getting them together.

15 Now, I have a system in there, I went over to the
16 Tombs in New York, I would never want to see this jail go
17 to the way the Tomb is, because we have the best security
18 in the country. I have seen the people come in and out.
19 They have this open door policy, people can come in and sit
20 down and eat. You can see a very good incident that happened
21 last week, a couple of them got killed. I was over there
22 right after the riots in 1971, Mr. "Reddin", the President
23 of the Correction Officers in New York, Caesar Caprio, and
24 myself arranged with the warden and went down there. I
25 discussed communications with them. We have a more troubled

1 area than the Tombs, we have, I think, the worst prisoners
2 in the country, because we have -- you asked a question of
3 a couple of gentlemen about segregation. Yes, we have
4 segregation, I am for it. I am 25 years in the jail, I have
5 seen, up at the other jail, and in this jail, the black
6 inmates don't want white inmates around. The white inmates
7 have been constantly harassed and beaten. The black inmates
8 have been harassed by the Muslims. We have the worst Muslim
9 sect in the world right here, it is indicative of the trial
10 that is going on up there now. So, for the protection of
11 the inmates, that is what our job is, to house and safely
12 keep inmates, that is what I intend to do, to house and safely
13 keep.

14 If you came in any night and found guys that were
15 beaten, white guys, we had to send them to the city hospital
16 with broken jaws, you might start to think what is my job.
17 My job is to house and safely keep these men. We had put
18 them on the 6th floor. As far as this letter goes to Mr.
19 Gibson, that is a fallacy, there is no special floor there.
20 From the 4th to the 11th floor it is all the same. This
21 houses 420 inmates in the jail, this is about 80, 85 percent
22 of our population, and they are in individual cells. We
23 don't have women in a cell, we don't have homosexuals running
24 rampant. You have fags in a jail, you have them in any jail
25 system, show me any jail that doesn't have them. If a guy

1 walked to another one and said, I want to give you a kiss,
2 a lot of guys who were in the navy would kid like that.

3 Another question was about the Methadone. The
4 Methadone, there is nobody can cop a cup of Methadone, like
5 Dr. Sims answered, I don't want to argue for Dr. Sims if he
6 answered that he didn't know, it was just inmates were given
7 pills or they might have accumulated them. Now, last year
8 when the fellow got -- it was because somebody was shaken out
9 of his post. He went into another area, because the inmates
10 said one of the men had a knife in there. He left this area
11 to go search. He left the door open and an inmate went in.

12 As far as training goes, you asked about classes
13 for inmates. I went over with Dr. Jackson of the Essex County
14 College, I suggested to him that the classes be used in the
15 dayrooms. I showed him the dayrooms. I took him in the
16 women's wing, I showed him the dayrooms in front of the women's
17 wing, I cooperated in any way I could with Dr. Jackson to get
18 some training for inmates in the jail. They would much
19 rather go to the 13th floor, go to the auditorium, then, once
20 again, like I say, to get this coordinated where you can get
21 to the floor, get the person, get them on the elevator,
22 transfer them to the floor, and get them in a class, this
23 wouldn't bother anybody if these classes were held in the
24 dayroom. Take one quarter of the dayroom, let the other
25 three quarters of the dayroom be used by the men who want to

1 watch television or whatever, just so long as we don't
2 interfere with their recreation period.

3 As far as college goes, I started classes in the
4 jail for the officers, I taught for the Essex County College,
5 I taught introduction to correction. We have had dynamics
6 and human behavior at Essex, we had youth claim and delinquency,
7 we have English one and two, and introduction to correction.
8 So I have on the job training, with the federal government,
9 and I sent the certificate to Undersheriff Brown down there,
10 certified by Marlboro from the state. I have in-service
11 training here with the officers names on it, and where they
12 signed it, this is the number two and three shift. Number
13 one shift, they didn't want to go, because when leaving
14 the building at 8 o'clock in the morning, they have something
15 else to do. The sheriff told me to start a training school
16 there, I started the training school in June 1972. I had an
17 outstanding training school. I have a letter from the
18 officers there, 27 of them signed it, and I have a card here
19 that they sent me, and it states that it is the finest
20 training class.

21 This is a letter from the officers, from the
22 P. B. A., President Palumbo, they will testify they went to
23 it, they said: We, the officers of the first in-service
24 training class, wish to express out appreciation to all those
25 who helped to start this course. These three weeks have been

1 very interesting and valuable information that will help us,
2 as well as our fellow officers yet to be trained as correction
3 officers. Everyone is hoping that our other three week
4 training will be inspiring as the first, and there won't be
5 any lengthy pause between courses.

6 Now, to keep with that, that training course I
7 started before the state did. Skillman got in touch with me,
8 they wanted to know what my curriculum was, I sent it down
9 to Skillman. Skillman sent the first letter to the jail
10 September 14, 1972, addressed to Mr. William Carol, Acting
11 Warden: We are pleased to announce basic training courses
12 for new correctional courses have been finalized, the first
13 of two pilot programs begin Monday, October 16, 1972.
14 Enrollment for the pilots will be limited to one officer
15 from each county. I have this underlined, one officer; we
16 have 275 officers there, so it is not feasible for us to
17 send any officer down to Skillman, because how are you going
18 to pick one officer out of 275. Right away, of course, you
19 get a cry of favoritism or something else, so the sheriff
20 at that time said, no, he says, Tom, you keep on, you train
21 them, nobody is more surprised than me. He says, I have
22 nothing but favorable comments on the training courses you
23 have planned, and I said, fine. I tried to start it in
24 September of 1972, to run it again, we didn't have enough
25 personnel. We can't pay overtime, that is why your per diem

1 went down, it went down from 1972 to 1973, because paying
2 overtime in '72, and in '73 the Freeholders clamped down on
3 it, so the sheriff was in a bind and I tried to start it
4 again in December, I couldn't. Skillman has notified me
5 constantly to come down, to be an instructor. I have been
6 down to Skillman, I have been down. I talked to Bob Henry,
7 who was then in charge of training at Skillman. I notified
8 the sheriff, I have told him, I said, it is not feasible for
9 me to run the school with four or five men. I says, I would
10 like for you to schedule the men so when they come on they
11 will go to training first.

12 Now, we had some men that were supposed to start
13 last week, and he called me in, he sent word over to get the
14 school started again. I says, I can't get the school started
15 in a few days, I need a lot more preparation for it, because
16 I have had the federal jail inspector come in from Camden,
17 I had them from the state civil rights coordinate with the
18 West Orange Armory. Right now I am trying a class in West
19 Orange, I went there this morning, they are up there for the
20 National Conference of Christians and Jews for a two day
21 seminar up there. I have had the F.B.I., I have had all
22 areas of criminal justice systems that the men are exposed
23 to, they are trained in the safety of a gun. Now, I have
24 right here, all guards that start at the jail that have been
25 qualified. They have been qualified with ammunition with a

1 gun. I have an F. B. I. instructor's certificate from
2 Sayerville. Two people worked under me, Sergeant Joseph
3 "Napolitano" and Caesar Caprio, who used to work, and a
4 black officer, Joseph Tuttle. We are in charge of the
5 trained security and investigation, we just had investiga-
6 tions taken out of our area, it is a special investigation
7 unit. We have taken everybody up the range, I have certifi-
8 cates, statements here to attest that they have been up
9 there. Every shift has been notified who has been qualified.
10 A man is not assigned to carry a gun, unless he has been
11 qualified. If a man doesn't qualify, he is not allowed to
12 carry a gun. There is an officer in this room who was up
13 there. He didn't qualify one year, the following year I
14 brought him up and he qualified.

15 You asked about psychiatric students. I would
16 like to read a letter to you from the College of Medicine,
17 Dentistry, Newark, New Jersey. Thank you for your assistance
18 in arranging the program for our sophomore medical students
19 at the Essex County Jail. This has been a most valuable
20 experience for the students. On behalf of the Department
21 of Psychiatry, I would like to express our appreciation for
22 your helpful cooperation. If you have suggestion for next
23 year's program, I would appreciate hearing from you. It is
24 signed, sincerely, C. "Knight Aldrich", Department of
25 Psychiatry.

1 I have arranged for these students to come in
2 every Wednesday, and I have taken them to the 12th floor,
3 I have a civil area there, we have civil prisoners, and I
4 usually line up about one person for one student, the
5 disturbed prisoners. Then we go down and have a rap session.

6 The school is on right now, they have been
7 trained in the use of a gun and safety of it. I have F.B.I.
8 films, single and double-action I showed yesterday. I have
9 instructors from the Sheriff's Department Thursday explaining
10 safety features. I emphasize safety features. Somebody
11 asked about the armory we have up there. The first order I
12 gave, when I took over training and security, was one week
13 after the men made their escape. There has never been any-
14 body that made an escape. There has been attempted escapes
15 at the jail, they have all been investigated. The men have
16 all been indicted by me cooperating with the Prosecutor's
17 Office and the Sheriff's Department. There is nothing swept
18 under the rug. The first order I put out, when I took over
19 the training security, was that all defensive equipment
20 would be returned to the armory. I deemphasize guns and
21 sticks and everything, because I always tell the men when
22 we are up on the range, that we have 300 officers in the jail,
23 we have one officer carrying a gun now in the lobby, that is
24 one third of one percent. Don't get carried away with these
25 guns. We have officers that carry them on their own, outside,

1 they try to put the illness back in the jail, nobody gave
2 them permission. I don't let my sergeants carry a gun, I
3 don't carry a gun; we are correction officers, not peace
4 officers, that's it.

5 Q Captain, does the basic training class,
6 I take it there are basic training classes for the new men?

7 A Yes.

8 Q Do they include, sir, frisking and
9 escorting procedures?

10 A Yes.

11 Q I have a copy of what is identified as
12 Officer's Procedure on the letterhead of the Essex County
13 Jail.

14 A I recognize it.

15 Q That is the current one?

16 A Yes.

17 Q It is undated?

18 A That's right, I recognize it.

19 Q I notice that the information called
20 for the use and non-use of firearms, is an excerpt from an
21 article delivered by the former Assistant Prosecutor and
22 printed in March 1965.

23 A It is by Governor Byrne.

24 Q I was going to say it seems to be
25 intended for police officers. I wonder whether there is

1 anything more recent than 1965, especially intended for the
2 correctional guards?

3 A No, not to my knowledge, no.

4 Q Is this the only narrative a man gets
5 with the use of firearms?

6 A He is given more, you are asking me about the use
7 of it? Yes, this will be the only one, this is a vague area,
8 right.

9 Q You think it would be helpful if we
10 could, with state funds, develop a manual up to date on the
11 use of firearms intended for correctional guards?

12 A Yes.

13 Q Would you, Captain, tell us a little
14 bit about your background, so that we can understand how it
15 is that you --

16 A Well, I have two years in the Newark Fire Depart-
17 ment, I went to Fire College. I got 25 years in the correc-
18 tion system. I have come out number one every time in the
19 exam. I was on the 4 to 12 shift as a training officer, and
20 security captain on the day shift. The men made their
21 escape, I was put into training and security a week later.
22 The question was asked before about inspectors from the
23 state coming in. The inspector is in today. Jamison is in
24 every year.

25 A question was asked about fire, I have a very

1 thorough knowledge of fire. I ran all of the riots, and
2 everytime there was a riot in the jail nobody got hurt when
3 I ran it, no officer, no inmate. I ran riots in 1968 at the
4 jail, where there was 178 men on the west wing that went
5 wild, the whole Sheriff's Department, Newark Police surrounded
6 the building, I just heard from one of the sheriff's men and
7 he said, he didn't know what to do. We were inside, this
8 does not alarm me, the same men left and went down to state
9 prison, they went down to state prison and did a million
10 dollars worth of riots. My knowledge has been very helpful
11 in the building, because the major concern in the building,
12 in a riot, is a fire, smoke, panic, people don't know what
13 to do. So, as these riots went on, I laid my men out
14 strategically and we quelled it, keeping everything suppressed.
15 I react to inmates reactions. I don't listen to rumors, I
16 don't react to rumors. Every night I went in there, there
17 was going to be riots. I was told we are keeping 17 men for
18 you, I would send them home.

19 Q I can see from what you say, you are
20 certainly qualified to teach what I would call the bread and
21 butter facets of a correction officer's work. May I ask
22 you this: Are you a college graduate, sir?

23 A No.

24 Q Is there any training in penology under
25 the whole correction system offered to the guards at the jail?

1 A I have my own training, but right now I employ
2 experts. Now, we started off the school yesterday. Yesterday
3 I started off with, these are new men, some of them, like
4 five, coming in on the job. Then the most recent ones, to
5 go to this three-week school. I have compared my curriculum
6 with the state down in Skillman. Now, I have very good
7 connections to get experts, this is what I rely on. I rely
8 on the whole system to get officers exposed to this, because
9 there is only just so much to being a correction officer and
10 then it is upstairs and what you think. I usually have civil
11 rights from Trenton come in for three days, they issue
12 certificates to the correction officer and I put the certifi-
13 cate in his records, because I have heard so many negatives
14 in the jail, down here in this Commission, the Warden, before,
15 the Sheriff, never put anything in the man's record, only
16 negative stuff. They have, how many times he came in late,
17 this is put in the record. I worked with the Police Director
18 Henry Lyons, Essex County Police Training School, I give him
19 one day in the range, qualifying of the gun. I have two
20 F. B. I. films, single and double-action. I had the F. B. I.
21 come in, Ed Mullen, Police Relations. I have Nazzaretta,
22 32 years with the New York Police Department, he comes and
23 speaks on narcotics, where they can secrete it, I have
24 Lieutenant Romanello, from the Sheriff's Department, come in
25 and speak on identification, make the officers knowledgeable

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1 of what identifications are used. I have had the head of
2 the Public Defender's office to talk to them one hour on the
3 role of a public defender, because we have 80 percent of our
4 prisoners who are in jail, are represented by public defenders.
5 They think the public defender has one thing, he is a state
6 employee, he goes in for pre-bargaining, and he explains his
7 role in pre-bargaining --

8 Q Excuse me, I don't mean to cut you short--

9 A You want to know where the exposure that these
10 officers are getting on the criminal justice system, that is
11 what I am telling you.

12 Q I think you are beginning to answer it,
13 in determining who develops the curriculum that deals with
14 what I would call the educational components?

15 A Of officers?

16 Q I understood you to say, sir, that this
17 is offered to these guards, that their educational components
18 have to do with human behavior?

19 A Right.

20 Q English, basic English and so on, do you
21 put that together yourself, or --

22 A No, no. This is all from the Essex County College,
23 the coordinator, Frank DeRoy, he calls me up and I do the
24 orientation for him, he lays out the courses, dynamics in
25 human behavior, he sends a professor up.

1 As far as training goes, they are supplemented by
2 the federal government of \$158 a month, they don't want to go.
3 I have stood at the lobby, in the elevator, and got them
4 coming down from the 12 to 8 shift, I ask them to come back
5 to go to school. We have English one and two now, We have
6 used Mr. Cullough, Director of Police Training, in this
7 building, we had introduction to corrections, and --

8 Q May I ask you this, sir, I think you
9 have spelled it out clearly. Are you satisfied with the
10 extent of training that is available to the men?

11 A No, no, I would always like more.

12 Q One of the comments we have received
13 from one or more witnesses indicated that one of the problems
14 with the training is, that problems start up and then reasons
15 perhaps beyond the control of anyone at the jail, they stop,
16 that money runs out or whatever, that there is no sustained
17 training program. Is that your impression?

18 A Well, yes, I ran the school June 1972, before the
19 state, and I wanted to start it again in September, I am
20 running a school now for 13 correction officers, for three
21 weeks, and if we put some new men on in May, I would like to
22 run it again. I would like to go down to Skillman and learn
23 all I could to bring it back.

24 Q This officer's procedural manual was
25 recently passed out?

1 A It has been passed out, but more recently passed
2 out again, because you will always find that the officers in
3 the jail say, I have never been given one. Yesterday I
4 started off, I gave them out. I had them sign a certificate
5 that they were to uphold the rules and regulations of the
6 Sheriff's Department, have them put it in their record too.

7 Q Are there any efforts on to have a
8 discussion of the interpretation of procedures?

9 A I do, yes, yes, right. I go over each and every
10 one of them, right. I explain it to them.

11 Q 275 men?

12 A No. The more recent ones that come on, yes. I
13 go over each thing we have Sergeant John Dakin, from the
14 Newark Police Department, he teaches to the Newark Police
15 Department as to report writing, and he will teach half a
16 day up in the jail, this is a three-week course.

17 Q May I ask one other question: Are there
18 procedures for handling disciplinary problems in this material?

19 A No.

20 Q Are there written procedures?

21 A No.

22 Q Are you aware that the American Correc-
23 tional Association suggests one of its standards, cooks and
24 everybody else have copies of such written procedures?

25 A Yes. Discipline is handled by the lieutenant and

1 the captain on the shift. I know about this, they want
2 disciplinary action for the inmates, have witnesses and
3 what not. We have very little trouble, very little discipline
4 there. I mean, as far as the inmates go, I have seen a
5 discipline board at the penitentiary, they had a lieutenant,
6 and maybe a sergeant sit down, it was constant. We have
7 little discipline.

8 Q Is it your assessment, that the Essex
9 County Jail is very lucky in that regard?

10 A We are lucky.

11 Q You work under such enormous difficulties,
12 no outside recreation facilities, get the men out to exercise,
13 you don't have that, the claustrophobia, the congestion must
14 be overwhelming for these inmates?

15 A Well, I don't know. I put 20 years in the other
16 jail, I see plenty of movement here. I see men go to the
17 dayroom, they go three times a day to eat. I see them three
18 times a day in the dayroom. I see physical movement, up and
19 down in the building, go to the 12th floor, to medical or
20 dental. I see them go to the 13th floor to the gymnasium,
21 there is plenty of physical movement. It is not as the other
22 jail where a man was locked in a cell 18 hours a day, he had
23 two hours in the morning, afternoon and night out on the tier,
24 but here there is plenty of physical movement.

25 Q Do you think this Commission can

1 recommend, not recommend, but can advise the State of New
2 Jersey that the chance of a riot at the Essex County Jail
3 is minimal, that you have this under reasonably good control?

4 A Sure.

5 Q There is no chance of a riot?

6 A I don't see why there would be. The Sheriff has
7 improved it greatly. He gave them everything they wanted,
8 food, it has been improved medically. You asked about a
9 library before. You asked the wrong people. We have Sergeant
10 Jones, he is in charge of the library. We have a library,
11 he will tell you what he has done. We have two reverends
12 that come in, they --

13 Q May I yield to some of the other people?

14 A All right.

15 MR. IRVING: Mrs. Hicks?

16 MRS. HICKS: No questions.

17 BY MR. DeMARINO:

18 Q Captain, the school is voluntary?

19 A It is mandatory when you first come on.

20 Q What is mandatory?

21 A Well, that you go to school. Like now, these
22 fellows that just came on the other day, they were notified
23 that they were to report to me at 8:30 in the morning, 22nd
24 of April.

25 Q So it is mandatory for the on the job

1 training school that you set up, not by any state?

2 A Oh, I see.

3 Q You keep referring to the Police Training
4 Commission, they don't appear at that school?

5 A No. The only reference I had, he came up to the
6 school, he taught youth, crime and delinquency, because the
7 doctor --

8 Q All right. The point I'm trying to make,
9 this is taken on your own?

10 A Yes, that's right.

11 Q Within the confines of the jail this is
12 all done?

13 A Yes.

14 Q Do you get compensated for that?

15 A No.

16 Q Do you have to put additional hours in,
17 do they compensate you for overtime?

18 A I was paid by the Essex County College, that was
19 my off hours. No, if I do anything outside of the jail, I
20 am not compensated, no.

21 Q So that you do a lot of things on your
22 own volition, right?

23 A Yes.

24 Q Is it mandated that every correction
25 officer that comes into the jail, be trained in your school?

1 A It hadn't been, no, but --

2 Q Just recently, you say within the last
3 month?

4 A Yes. This class here now, its been a problem,
5 like to get the school going, because I could never get enough
6 people to go to it, you know, we have to cover the positions.
7 Now, these 13 officers going to the school now, I don't know
8 if they run into any overtime because of their post not being
9 covered.

10 Q Now, I am impressed by this, everything
11 you have to say is valid, in my opinion. It appears to me
12 as though you got a makeshift training program, simply
13 because you have to go out and impose on those coming in.
14 Do they get paid?

15 A No.

16 Q It is voluntary?

17 A Yes.

18 Q Again, you have to impose on people who
19 have ambition to volunteer?

20 A Right. I sent a letter to Edward Kerr, I sent
21 letters to the police in Irvington, Maplewood, they are all
22 professional.

23 Q The point I am trying to make, there was
24 nothing mandatory before?

25 A Before this past month, no.

1 Q Right. It wasn't mandatory. Now, is
2 there an order by the Sheriff, or by someone in authority,
3 that says every man that comes on this job will have one week,
4 two weeks, four weeks of school?

5 A There is no order, no.

6 Q There is no order?

7 A No.

8 Q So it would be almost impossible, even
9 for you, you would have to volunteer, you would have to
10 count on these people volunteering to come to a school?

11 A The officers?

12 Q Yes.

13 A Oh, the officers volunteer to come to the school.
14 Four men, I think, were supposed to be appointed last Saturday,
15 I said, this is ridiculous, I said to the Undersheriff, the
16 men coming in would be working in a cellblock by the time I
17 get the school together a week or two from now. I says, I
18 will break my fanny to get it together. He says, that is
19 why you are a captain. So they came on and were notified
20 they will go to school, it was not voluntary, they were
21 notified.

22 Q And if they don't go, what happens?

23 A Well, if they don't go, I would write them up,
24 they would be on charges.

25 Q You will bring them up on charges?

1 A Yes.

2 Q So the point I am trying to make, there
3 is an ironclad law they be schooled. Now, let me ask you
4 this: Do you think this is the best way to run the school?

5 A To me, the best way to run the school would be to
6 schedule your men to come on the job where you would have a
7 group coming on, say ten, eight or ten of them, and then
8 have them come on the job and start off with a three week
9 basic program, not to go into the jail until they have a
10 three week basic program, either with me or the state. Now,
11 the state is having a problem down there, last week, two
12 weeks ago, Lieutenant Stone called me and begged me to send
13 him one down, he is running the Skillman School.

14 Q A state school?

15 A Right. He would like to see them go down. I don't
16 mind doing my job, I would like to train them, I think I
17 have a better program than the state, I think a lot of people
18 will attest to it. But, for convenience, it is better to
19 send them down there. He sent me the thing, I guess you had
20 one in your county, they are in school April 8th to April 26th.
21 Now, next month they have May 13 to May 31, that is female.
22 Then we don't have any school this year, so --

23 Q The fact that the state has no school
24 that runs all year, and if you had a new man on the job today,
25 you could immediately, before starting him out like the police,

1 before you put him on the job, and before you make him
2 familiar with the position, you can show him the institution,
3 and you can take this man and send him up to a school some-
4 where in the state before you use him to be trained?

5 A I can't do it, no, they don't have it at the state.
6 You see, right now if the police department in Newark was
7 going to schedule men to come on, they schedule 35 or 40 of
8 them. They have a Police Academy, it's been in existence over
9 100 years. They have professionals that do nothing but
10 training. You have a training school up in West Orange for
11 the suburban police. Right now I was up there this morning,
12 there is 35, they can do this. If the Sheriff turns around
13 in a couple of weeks and has to appoint two men, they come
14 on, and the only thing I can give them is the orientation,
15 the rules and regulations.

16 Q Captain, the point I am trying to make
17 is, you are going to have to agree with me, there is no state
18 statute mandating a correction officer going to school?

19 A No.

20 Q Okay, we agree.

21 A Right.

22 Q There is also no school within the state
23 that is funded in any way, shape or form that runs constantly
24 through the year?

25 A No.

1 Q However, the statute throws them in
2 almost the identical category, am I right?

3 A Right.

4 Q Now, let me ask you this: If you were
5 the one who was totally in charge, no superior, what would
6 you do to make things better for the correction officer in
7 the county?

8 A Well, you are talking in the area of training?

9 Q Training is what I am concerned about
10 now.

11 A What would I do? I would run a three week course,
12 and then a month later I would run an advanced course, then
13 a month later I would run a basic course and then advanced
14 course. I would run six basic courses a year and six
15 advanced courses, three weeks, with a week off, and then go
16 to another.

17 Q Now, Captain, with all of your experience,
18 I am not doing this to be derogatory, I am trying to pull
19 out why sometimes we don't get things moving in action.
20 Have you ever given any report whatsoever on your own to the
21 proper authorities, as to what you feel should be done with
22 correction officers in Essex County?

23 A I have verbally. I know you asked me about a
24 written report, verbally I have. I have people that would
25 attest to it, because they have seen me. I have been hollering

1 all the time about more training.

2 Q You admit it is not in writing, you never
3 put it in writing, you did this verbally?

4 A Yes.

5 Q Who did you go to?

6 A My immediate superior, Deputy Warden, and --

7 Q Do you get any results from those verbal
8 pleas?

9 A Now I did, yes.

10 Q In the last month?

11 A Yes.

12 Q Prior to that?

13 A No.

14 Q Would it be a result of this Commission
15 that there has been emphasis put on it?

16 A Probably.

17 Q All right.

18 A It could be the P. B. A. too, they have always been
19 hollering over there with the Sheriff about it. I don't
20 know, it's probably more on the Commission.

21 Q Let me ask you this: Do you have money
22 in the budget for training?

23 A I have to pass two budgets here, I got 1972 --

24 Q Captain, I am trying to save time. The
25 answer is, if you can give it to me short, I am not going to

1 question the amount, are you the one that says let me have
2 X amount of the money so I can do this type of training?

3 A Yes. I have the money in, but it was never used.
4 This past year, no, I put the money in, the Freeholders cut
5 it down to \$1,000.

6 Q That is the point. Tell me, without
7 being exact, without referring to your records, what amount?

8 A I was going to tell you that. 1972 I had \$13,000
9 in there. I have never spent a penny out of accounting for
10 any training, anything that has been done, is because people
11 are doing me a favor, I owe a lot of favors.

12 Q You rely on fellow professional officers
13 to come in and instruct, no money involved?

14 A Right.

15 Q You did put \$13,000 in?

16 A I put the budget in for that, right.

17 Q What did you get?

18 A Nothing.

19 Q Absolutely nothing?

20 A Wait a minute, what I got in was probably the --
21 no, I don't think it is on the budget. Maybe it is separate.
22 Yes, the armory, there was money spent for the armory,
23 because you have to train the officers with 200 rounds of
24 ammunition.

25 Q So the only money you got out of the

1 \$13,000 request, was X amount of money to qualify them with
2 weapons?

3 A Right.

4 Q Which is one third of one percent?

5 A Right.

6 Q Have you ever gone to your superior and
7 complained of the inequity?

8 A This last budget, yes, I put the budget in, it
9 went across the street, I was told the next day the budget
10 was knocked out by the Freeholders, all knocked out but a
11 thousand dollars. I says, you know, this is ridiculous in
12 this day and age.

13 Q Captain, would you agree, I will agree
14 with you, correct me if I am wrong, that regardless of what
15 you have asked for, ultimately it is controlled by the Board
16 of Freeholders to give you the money?

17 A Board of Freeholders give you the money, they are
18 the ones that jump down your throat if the Sheriff sent in
19 a lot of overtime to them. Do you know what it cost for us
20 to train an officer in shooting? The Sheriff has to pay for
21 six hours pay, they go up there four hours on their time off,
22 they get six hours pay. Now, six hours pay to the tune of
23 maybe 32, \$33. Take 300 officers, plus our instructors,
24 that is the only way the officers will go on training.

25 Q If they get paid time and a half?

1 A Yes.

2 Q That is why I disagree with the officers.
3 If that is a part of their job, I have that problem too, if
4 that is a problem of their equipment, you understand, then
5 they should be able to do that --

6 A Voluntarily.

7 Q Either on their own, or if not, the
8 Sheriff should be able to work it to a schedule where they
9 are cut off from the job, and --

10 A We don't have it though. We have enough officers
11 to cover the post, like today, I could not take 15 officers
12 up there today. If I took the men from the 4 to 12 or 12 to
13 8 shift they would holler, they want to be paid time and a
14 half, it is in their contract.

15 Q Let me ask you this: The records that
16 are kept, personnel records, before I do that, correction
17 officers is all you are talking about, that is the title for
18 the people that work in the jail, not sheriff's officers?

19 A Correction officers.

20 Q They are not sheriff's officers?

21 A Correction officers.

22 Q Strictly correction. Now, is there any
23 interchanging that a sheriff's officer be placed in there,
24 or has that become a P. B. A. argument?

25 A That is a P. B. A. argument.

1 Q All right, I wanted to bring that out.
2 If a temporary comes in to you new, hired off the street,
3 what kind of training does he get, does he get the same
4 training?

5 A I have never trained a temporary.

6 Q You never trained a temporary?

7 A No.

8 Q Was the temporary put in the jail as an
9 employee?

10 A Yes, sure.

11 Q You don't train them?

12 A No. School is limited to permanent officers.

13 Q Your school?

14 A Right.

15 Q The one you are talking about?

16 A Right.

17 Q How many temporary officers would you
18 say you have in the jail, how many do you have altogether,
19 300?

20 A I think we have about a total of 298.

21 Q Of the 298 how many are temps?

22 A I don't know.

23 Q Take a guess, 20, 30?

24 A 45.

25 Q Are they trained?

1 A They are trained in weapons, yes.

2 Q Only?

3 A Right.

4 Q None of them are trained in your school?

5 A No. The only ones trained in my school, 30 guys
6 trained in 1972, 13 up there now, I had some in-service
7 training by men on the day shift, 4 to 12, that volunteered,
8 they were not paid, and the 12 to 8 refused, because they
9 were only off the shift at 8 o'clock in the morning, they
10 didn't want to stay. They feel all training should be sent
11 out of the county. The P. B. A. president, before the present
12 one, said that we demand they be trained by the state
13 training school, no substitute. I went to the guy, I says,
14 well, this is a slap in the face to me, what do you mean by
15 the state training school, no substitute? He says, well, we
16 want to go down to the state police at Sea Girt. I says,
17 what do they know about correction? He says, well they worked
18 in the prison during the riot. I says, does that give them
19 any knowledge about corrections? I can see their point,
20 they want to get out of the area, they want to go somewhere.

21 Q You know, Captain, I am impressed by
22 your ability, let me say this, I hear you screaming inside
23 that you need, but nobody is giving --

24 A Yes, I want.

25 Q In your opinion, is everybody who is in

1 a position of authority qualified?

2 A Is everybody in a position of authority --

3 Q Within that jail structure. In other
4 words, you don't have to answer if you don't want to. Is
5 everybody that is placed in charge of a wing, or in an acting
6 position, a lieutenant, captain, in your opinion --

7 A That wouldn't be right for me to answer that, that
8 is only my opinion, it wouldn't be right.

9 MR. DeMARINO: I have no further ques-
10 tions.

11 MR. IRVING: Senator Hagedorn?

12 BY SENATOR HAGEDORN:

13 Q Could you tell us, Captain, the salary
14 of a correction officer?

15 A Salary of a correction officer goes from \$9,100
16 to \$12,625.

17 Q Any increments?

18 A There is increments, they get, I think, four in-
19 crements.

20 Q From what?

21 A 9,100 to \$12,625.

22 Q In what period of time?

23 A I think it is a four year period.

24 Q What is the percentage of turnover?

25 A We don't have -- the only turnover we have in the

1 jail, is people bettering themselves, not by bettering them-
2 selves, going to an easier position. We have the toughest
3 job there is. When a guard is over in the jail, they will
4 give up the rank of sergeant to go across the street to
5 become a court attendant, they might even give up the rank
6 of lieutenant. I was a permanent court attendant officer
7 some years ago, the deputy warden was a court officer, we
8 had one sergeant, but everybody else is bailed out, they
9 either bail out or go to the courthouse. This is a Monday
10 to Friday job, nine to whatever, but a jail officer, it is
11 a tough job.

12 Q Well, what are the hours of a correction
13 officer?

14 A Quarter to eight to quarter to four.

15 Q 40 hours a week?

16 A 40 hours a week.

17 Q I still haven't gotten a percentage of
18 turnover?

19 A Well, I have to go back five years.

20 MR. DeMARINO: I think what the Senator
21 means by turnover, those that start and then quit,
22 drop out altogether, not those that come and move
23 to another position.

24 BY SENATOR HAGEDORN:

25 Q I say the same thing applies, I'm trying

1 to get to the problem of supplying competent correction
2 officers, that would apply to anybody if they had an in-
3 centive to go to another job.

4 A I think it is a good job. I think I am loyal to
5 it, I think a lot of guys are loyal, a few guys are dis-
6 gruntled, we don't have a turnover, as you asked the
7 question, of new men. The men that have come on the job
8 get their belly full, they pursue a job across the street
9 in the courthouse, or in the courts, because it is a
10 pleasant job, that is the only turnover we have. As far as
11 new men coming on the job, I think it is a terrific salary,
12 the overtime, we get paid 12 paid holidays, every program
13 we have, we are ahead of anybody.

14 Q Would you recommend a statewide mandatory
15 correction officer training program, where every correction
16 officer of the state should have to complete a course instead
17 of having one in each county?

18 A Well, I don't think they have any in any county.
19 I think there is a difference between the state correction
20 officer and a county correction officer, so I don't know
21 about the school. I guess some of the basics would be there
22 if you ran a state school for county. Would I recommend it?
23 Yes, sure.

24 Q Mandated by the state?

25 A Yes.

1 Q You referred to the elevators before,
2 you said you have four. I think you said you have two for
3 public and two for private and security. Would there be any
4 great problem in converting one of these to security?

5 A Yes, very much. I think I can come up with a plan
6 to put two more elevators in there. I mean, I went over the
7 building for four months with Warren Pinto, I understand he
8 is a consultant for the federal prison, I made a lot of
9 physical changes in the jail, we are in the process of making
10 physical changes to put this treatment room on the 12th floor,
11 which is the hospital, for Dr. Sims. We expect to save the
12 county a lot of money by having X-rays, whirlpool --

13 Q What would be accomplished by the in-
14 stallation of two additional security elevators?

15 A What would be accomplished? There is a lot of
16 procrastination between floors, movement of prisoners, up to
17 the medical room, back down, officers bringing the men to
18 the gym, getting them down to the court, officers left hanging
19 on different floors waiting for elevators, there is a lot of
20 benefit --

21 Q All right, one more question: You said,
22 when you accepted the responsibility, that you made rather
23 a major improvement in the security of the prison. How were
24 you successful in getting these funds so easily?

25 A No funds. I went up to the other jail, I used to

1 be a former ironworker, I can look at something and can tell
2 when the wall should go down or a barrier should go up. We
3 went up to the jail with county employees, we cut out the
4 bars, put a barrier across the security lobby on the first
5 floor, and we protect the main control. No male inmate
6 walks across the first floor, he goes to the basement. I
7 have changed the exit stairways, they are internal exit
8 stairways, they are only there for reasons of fire. I have
9 an officer, so all the movement to expedite the elevators
10 are to the basement, then they walk off and walk up the
11 staircase to be processed. If they walk across the floor,
12 the first floor, they do a lot of gapping, because the control
13 room is there, it is a public lobby, they see a girl, they
14 might see somebody else and wave, the guards would have to
15 physically move them.

16 Now, in the dayrooms, I have been to jails around
17 the state, I have been to prisons, jails in New York, and I
18 have seen men sticking their hands out through windows to
19 sidewalks down below, this is very dangerous. All they have
20 to do is take a sheet, tear it up, braid it and put it around
21 their waist, walk to the dayroom and lower it down. I have
22 barriers across the dayrooms. There is a lot of physical
23 things that have been put in to make the building secure to
24 help the guards, because a lot of times the guard wasn't
25 just doing his job, they were kicking screens through. I

1 think it is very secure.

2 Q In other words, we can attribute the
3 improvements to your ingenuity, rather than any support by
4 the Board of Freeholders?

5 A I had a lot of help with Warren Pinto, Warren
6 Pinto was hired by the Essex County Prosecutor, Mr. Lordi,
7 to investigate an escape that was made from the 13th floor
8 before I was in charge of security and training, and
9 primarily, I guess, the two deaths, we were accused of throwing
10 these inmates off the roof, so it is a good thing one guy got
11 away, otherwise they had it that we threw them off the roof.
12 A lot of these suggestions were really mine, yes, but he
13 was a great encouragement.

14 Q There was testimony this morning to a
15 great degree that the facility that has been provided, is
16 really out of date and doesn't comply with security standards,
17 would you agree with that?

18 A That was made this morning?

19 Q That was the impression I got from the
20 testimony that was given this morning, that there was much
21 to be desired, as far as the new prison was concerned?

22 A No. I think it is the greatest jail in the country.
23 The only thing we need there is two more elevators.

24 MR. IRVING: Thank you very much, Mr.

25 Walsh. Off the record.

(Whereupon there is a discussion off the
record.)

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1 MR. IRVING: Mr. Palumbo, please.

2 BY MR. IRVING:

3 Q Mr. Palumbo, give us your name and
4 address and title?

5 A Joseph Palumbo, 335 North Tenth Street, Newark.
6 My title is correction officer; also P. B. A. President. I
7 am here today, gentlemen, and I hope the Commission can help
8 me, because what happened in the last few weeks, death,
9 drugs in the Essex County Jail, knocked the morale out of
10 correction officers.

11 I would like to go into the training program.
12 Unfortunately, I would say, yes, I was one of the fortunate
13 officers to attend Captain Walsh's training program in 1972.
14 After that three week course the training did cease. Then
15 I became P. B. A. President June of 1973. I went over to
16 Sheriff Cryan's, I discussed with Sheriff Cryan the need for
17 a training program. The Sheriff agreed with me, that
18 correction officers need training programs. The Sheriff in
19 turn submitted a C-6 form to the Board of Freeholders,
20 requesting allocations of money to proceed with a training
21 program for the correction officers in Essex County, and,
22 naturally, it was vetoed.

23 Then we did a lot of work last year, we have a
24 bill here, I myself worked very hard, and so did a lot of
25 correction officers work hard for this bill. This bill was

1 submitted, it was introduced March 9, 1972, by Senator Rinaldo.
2 This is the 707 bill, which we were talking about before, it
3 would have been mandatory training for correction officers.
4 Now, we worked very hard to push this bill through, this bill
5 was passed September of 1973. This laid on the former
6 Governor's desk, Mr. Cahill, from September until the day he
7 left office, and why he did not sign this bill, which was
8 very important to all correction officers for mandatory
9 training, I can't answer that, gentlemen. I am a little
10 disturbed, because I hear Sheriff Cryan and Undersheriff
11 Scanlon and I ask the Commission who does the fault lie with,
12 does the fault lie with the Board of Freeholders, does the
13 fault lie with the former Governor of the State, who had this
14 bill on his desk. He just had to put his signature to it.
15 It would have been mandatory training for all correction
16 officers.

17 One more phase I would like to go into, gentlemen.
18 I have a letter addressed to the Board of Freeholders, July
19 31, 1973. There is correspondence from Mr. Ralph Duncan,
20 received by the P. B. A. Local 153, a copy is attached, and
21 we believe it is self explanatory. This letter is in answer
22 to correspondence sent to Governor Cahill by past president
23 of Local 153, Mr. Caesar Caprio. Almost two years have passed
24 by and we still have the same condition existing at Martland
25 Hospital. There are prisoners being taken at gunpoint,

1 correction officers have suffered permanent injuries in
2 performance of their duties at the hospital, escapes, beatings
3 of correction officers, members of the Newark Police Department
4 and many others that I can't mention. While these facts
5 have not spurred corrective action on the part of responsible
6 people, we feel the following facts might help. We have
7 compiled some facts and figures for you. From January 1972
8 until April of 1973, we have had 1,440 correction officers
9 assigned to Martland Hospital, to guard inmates detained
10 there around the clock. The salaries paid these men, for
11 these periods, exceed \$69,000. The breakdown is as follows:
12 1,441 men at eight hours per man, 11,528 hours, at an average
13 cost of \$5 per hour, this amounts to \$57,640. Added to
14 this amount is, 1,552 overtime hours at a cost of \$7.50 per
15 hour, total of \$11,640. The overtime figure is for officers
16 called in on their day off, for duty at Martland. This
17 gives us a grand total of \$69,280 for this period. This does
18 not take into account, transportation to and from the hospital,
19 time to check on security of the inmates and officers assigned
20 there, or any of the numerous instances when we had to use
21 the hospital facilities. We, therefore, urge you to look
22 into the feasibility of installing a security wing, either at
23 Martland Hospital, or a county hospital, that can accommodate
24 30 or more inmates to be guarded by three correction officers
25 around the clock safely; and at a substantial saving to the

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1 taxpayers.

2 Gentlemen, my argument with the Board of Freeholders
3 this day was, with all this money that is being spent to
4 watch and guard inmates at the hospital where the security
5 and the lives of correction officers are at stake, as well
6 as civilians, we don't have the security. I, in turn, asked
7 the Board of Freeholders why we couldn't take facilities like
8 the Essex County Hospital, install a security hospital wing
9 up there, or with the money that is being spent, which is
10 taxpayers money, to build a complex hospital and staff it.
11 This has been a major problem with us. These are problems
12 that haven't been brought out at the Commission before. I
13 don't know why. This is a serious problem. We have officers--
14 have you ever been up at Martland Medical Center? You
15 stand there, they put you in a ward with 20 people, you watch
16 one inmate, it is a very touchy situation.

17 Now, this has been brought to the attention of
18 the Freeholders, the Sheriff is well aware of it, we have the
19 problem of juveniles utilizing our jail hospital. I invited
20 the Board of Freeholders over to Essex County Jail, and they
21 did come, and they said, we will remove the juveniles, we
22 will put everything there, but that is to the efforts of the
23 Sheriff and the P. B. A. pressure, when we did get the
24 juveniles out of the jail last week.

25 Now, as Dr. Sims stated, they put hospital beds

1 up there. This is still not solving the correction officer's
2 problem, because we need a security hospital, or a security
3 wing in a hospital to guard inmates, and also to protect our
4 officers.

5 Now, another remark I would like to bring up,
6 I mean, I heard statements we are overpaid, let me give you --

7 MR. DeMARINO: Mr. Palumbo, are you
8 going to read something verbatim, or could you
9 make it part of the record and we can save some
10 time.

11 A It is very short. I want to give a breakdown of
12 the Essex County Jail. We average 50 inmates a day to court,
13 which means we handle a total of 12,500 inmates a year to
14 court. Sometimes we handle these inmates twice a day, going
15 back and being returned to jail, which would mean we would
16 handle 25,000 inmates a year. We also average 50 new inmates
17 a day, which would mean that we receive a total of 12,000
18 new inmates a year, and also for this year we have received
19 a total 153 homicides. I am proud I am a correction officer,
20 and if you show me a county jail in this state that handles
21 what we are handling, and then tell me we are underpaid.
22 One more thing: I think the Dean brought up this morning
23 the question where we were undermanned. Yes, we were for a
24 while, Dean Irving. I did appear before the Board of Free-
25 holders, we did resolve that problem, not to its fullest

1 extent, but it is resolved. That is all I have to say,
2 gentlemen.

3 MR. IRVING: No questions. Any members
4 of the panel have a question?

5 BY MR. DeMARINO:

6 Q I know what you are saying, I am familiar
7 with it, I see it happen in my own county and you can tell
8 me about volume all day, you can tell me about going into
9 court and coming out of court and all that, but with volume,
10 comes increasing employees. Have you got that type of case,
11 or do you have it, where you have 100 inmates or 100 cases,
12 or 1,000 inmates and 1,000 cases, if you have 50 employees
13 on the low end, you have 300 on the upper end and you are
14 equalizing. Now, has there ever been a manpower study, or
15 has the P. B. A. ever called for a manpower study?

16 A Yes, I have. I have called for a manpower study.
17 There was a manpower study, which was assigned to the jail
18 by the Sheriff, and he did find out through his study that
19 you did need two officers to operate a control room.

20 Q On each given floor?

21 A We have that man now.

22 Q When we talked about transporting 12,000
23 inmates back and forth, in a given year, we talk about how
24 many men go out and make that transfer.

25 A Well, what I am talking about, transferring back

1 and forth to the court, we go to the court through a tunnel.
2 The inmates are brought downstairs into the receiving area
3 and picked up by a court attendant, brought across the street
4 to the court. There are no vehicles involved.

5 Q What we are saying, coming back from a
6 court case, there is no transporting, leaving the building
7 or anything where it consumes other manpower?

8 A No.

9 Q If the Sheriff came up with ideas, you
10 are a P. B. A. President, that would reduce -- get more work
11 for less men, what position would you take as a representative
12 of the P. B. A.?

13 A My position right now is the way this here jail
14 was built, it is a monster, you need the manpower to operate
15 it.

16 Q That isn't the question.

17 A My position, I want more men.

18 Q More men whether they be needed or not?

19 A For security reasons, yes.

20 Q Then you answered my question by stating
21 that even if the Sheriff sharpened the pencil, and wanted to
22 give the same type of protection with less amount of man-
23 power, he would be in a bind with a grievance from the P.B.A.?

24 A Yes.

25 Q Yet the P. B. A. agrees we need more

1 training?

2 A Yes.

3 Q That is the fight they have been carrying
4 on for the last couple of years.

5 Now, if the Sheriff is the man in be-
6 tween, or the Warden is in between, on one end, and they
7 see where perhaps they can save money and manpower, three
8 men to go to school, is the P. B. A. saying we have a
9 grievance and will tie you up in court for weeks, months or
10 years; and then we have others, we have the Freeholder who
11 was saying you can come up with all the ideas you want, but
12 the money is controlled by us. I would say that the man in
13 between is in a hell of a position. What is the P. B. A.
14 doing to make it a better situation?

15 A I just got through telling you. The only way I can
16 make it a better situation is through the cooperation of the
17 Sheriff who is willing to give it to you 100 percent. The
18 Sheriff's hands are tied, because you can't do nothing without
19 the chosen Board of Freeholders.

20 Q You see, Mr. Palumbo, I am a P. B. A.
21 member, and this is where you and I disagree.

22 A Okay, we are entitled to that.

23 Q You can't be a representative of the
24 P. B. A. and say you need a hospital, sure you need a
25 hospital, you need a holding position or a holding cell.

1 Sure you need a security cell or holding position, but these
2 are million dollar plans,, yet someone comes up and says, we
3 can come up with manpower, utilize our manpower better, so
4 that we can take X amount of men and put them here, build
5 up the protection as to the Martland Hospital, or wherever
6 the situation may be, you understand. That is where the
7 P. B. A. has got to weigh the value, not the manpower, you
8 follow me?

9 A I understand what you are saying.

10 Q Well, to me, this appears to be a
11 double standard. You can turn around and scream all day you
12 want men, I will tell you something, politicians are the
13 greatest for getting you men?

14 A No, they are not.

15 Q Well --

16 A No, they are not, I disagree with you there.

17 Q I will change that around.

18 A Okay, then rephrase it.

19 Q Let me say it this way: Politicians
20 are great for employing volume. I want to bring out that
21 the P. B. A., you as a representative, I feel should work
22 hand in hand with the Sheriff?

23 A I do work hand in hand with the Sheriff to make
24 problems better, but you are missing the whole thing, the
25 Sheriff cannot do anything unless he has the cooperation of

1 the Board of Freeholders, it is as simple as that.

2 One thing more, before I go off the stand; I
3 would like to clarify one thing before I go off. I would
4 like to bring out something that my officers never brought
5 out before. Since the Sheriff took over the jail in 1971,
6 and we were without a warden for four years, I would like
7 to bring this point out also, the Sheriff did assign an
8 Undersheriff, Scanlon, to the jail in July of 1973. When
9 Undersheriff Scanlon came to the jail, this did get better.
10 There was an open door policy which we now have with the
11 administration and the Sheriff. We never had this before.
12 We had meetings, which we never had before. We have sergeants'
13 meetings, which we never had before. We have correction
14 officers' meetings, which we never had before. The Under-
15 sheriff has opened the door to make conditions better, through
16 the Sheriff at the Essex County Jail. I say, gentlemen, if there
17 are any problems, it shouldn't be on Cryan and Scanlon,
18 drop it on the Board of Freeholders, that's where it belongs.
19 Thank you very much for listening to me.

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1 MR. IRVING: Mr. Caprio, please.

2 BY MR. IRVING:

3 Q Mr. Caprio, give your name and address.

4 A Caesar Caprio, I am a correction officer, I live at
5 191 North 17th Street in Bloomfield. I would like to make
6 a short statement to the Commission, if I may.

7 Q Before you do that, indicate what your
8 position is at the Essex County Jail?

9 A I am on sick leave right now. I was injured in
10 the line of duty, but I was in security under Captain Tom
11 Walsh, as part of the security force.

12 Q All right, go ahead.

13 A Let me say at the outset, I have not been asked
14 by Sheriff Cryan to testify before this Commission. I am
15 here at my own choosing. I am past president of the P. B. A.,
16 Local 153, employed as a correction officer six years in
17 the Essex County Jail, Newark. I had intended to testify
18 before this Commission in an attempt to bring it to the
19 public, through the Commission, bring to the public some
20 idea of the greatest ways to use taxpayers money in the
21 planning and erecting equipment of the 13th floor called
22 the Essex County Jail. Maybe through your recommendations
23 we might have been able to help other counties who are
24 contemplating building a new facility and to learn by our
25 mistakes. To that end I have compiled data, I hope it might

1 be useful. However, due to the lack of time, and after
2 reading some of the testimony from former inmates and some
3 of my colleagues for two days of hearings held previously,
4 I feel it would be a waste of time for me to go any further.
5 I prefer to address myself instead to some of the remarks
6 that were created by the press. I don't want to dignify
7 any remarks made by anyone in the previous two days of hearings.
8 I want to tell my story.

9 I have never been coerced, forced, either by
10 threats or intimidation, to donate monies to any one, or any
11 political party. I have never been forced to buy tickets
12 for anything or any affair. I resent the pictures painted
13 by the previous witnesses and the press, which characterizes
14 correction officers as untrained, stupid, unfeeling, and
15 running around like idiots. We bore the brunt of the abuse,
16 physical dangers and notoriety for too long, were harassed
17 and overworked men. It is the same old story, complaints
18 on one end by inmates, administration complaints and
19 correction officers in the middle. I am half for the cor-
20 rection officers, gentlemen. At another hearing, I can
21 spend six or seven hours with you, maybe we can go over to
22 the jail, as I mentioned before.

23 The construction, I refer to as an abortion.
24 That is the only area I disagree with my Captain. The
25 correction officers have been the forefront of almost every

1 penal reform going, we go back to the late sixties in the
2 old jail which is another abortion, we went in there and
3 we fought for inmates rights, we were the forerunners, long
4 before the board, also state officials, to get clean bedding
5 for them, clean mattresses for them, clothing, better food.
6 Some of the inmates in the old jail used to have a bologna
7 sandwich, I think the rats would refuse the bologna, so did
8 the correction officers. When we moved into the new jail
9 facility, most of us, or some of us were unhappy with the
10 structure, we were never called, let me clarify that, we
11 were never called upon, correction officers, at the jail
12 in white shirts, we have over a hundred years of penal
13 experience. I read an account in the paper that they are
14 getting ripped apart, they don't know what they are talking
15 about. They were never called in to plan a new jail. Some-
16 body put up a 13 story structure that only built schools
17 before, he claims this is a jail. They say, twice, three
18 times the amount of officers to guard the same amount of
19 prisoners; it is a cleaner place, it is nicer for the inmates,
20 nicer for the guards, but it is a long cry from being a jail.
21 The term, correction officers, as it applies to us at the
22 county jail, is a misnomer. We are not correction officers,
23 we are jail guards. So all these plans of schooling and
24 things like that, you know, overworked with what we have to
25 do daily in a county jail, we can't compare with any other

1 facility on the face of this earth. I got it off my chest,
2 you can ask me anything you like.

3 MR. IRVING: Mr. Brown has a question.

4 BY MR. BROWN:

5 Q You made reference to the jail as an
6 abortion. I would like to clarify one point: To your
7 knowledge, did Sheriff Cryan or his predecessor have anything
8 to do with the construction of the plans of the jail?

9 A In no way, shape or form, sir.

10 Q All right.

11 A This goes back to the planning of the jail, ten
12 years ago, it was originally scheduled for 20 stories, save
13 a few bucks and they cut it down to 13. First of all, it is
14 in the wrong place -- I don't want to go into that, we don't
15 have enough time for it.

16 Q You answered the question, no other one
17 was involved?

18 A The elected officials at that time.

19 MR. IRVING: Mrs. Hicks?

20 BY MRS. HICKS:

21 Q I would like to ask one question: You
22 mentioned a number of letters that you wrote and you did
23 receive some results from. To whom did you direct those
24 letters at that time, because all day we have listened to
25 testimony and there seems to be a distinct lack of

1 communication. I don't know the chain of command, the
2 personnel department is not clarified, the chain of command
3 is not clarified, union representatives, when you have these
4 ideas, whom do you discuss them with?

5 A The Freeholder Committee, before the Sheriff took
6 over, had a penal committee, they delegated three elected
7 officials. They know as much about penal conditions --
8 probably no more by now as the average citizen. We as
9 correction officers on our own time went before the Board
10 of Freeholders to speak, to voice our complaints and make
11 our beliefs known. Unfortunately, we weren't allowed to
12 speak until the open portion of the hearing. In other words
13 after they verified the resolutions and so forth and so on,
14 then we were allowed a few minutes to speak. We say our
15 thing, we do our thing, it got us absolutely nowhere, it is
16 like talking to four walls. To put it on the hand of a man
17 who has done great things now, not just for correction
18 officers, but for inmates, just from the food alone; when
19 I talk about a bologna sandwich which is brown at the ends,
20 that is what I am talking about, the inmates ate the same
21 thing, what was good for him was good for us. It makes an
22 inmate comfortable, makes my job a lot easier. I am all
23 for making inmates more comfortable. As Mr. Palumbo pointed
24 out, I have other letters also, we don't have time to go into
25 it. We have written to Duggan, the head of Department of

1 Institutions, Chancellor of Higher Education, we wrote a letter
2 to Cahill, who sent a nice Dear John, promising us this and
3 that. When we had some serious problems and looked for
4 remedies, we couldn't find anyone, even the federal government,
5 state government told us that no one had control over county
6 government, the County Freeholders, they control the purse
7 strings, they are responsible to the public.

8 Q In other words, you don't have a liason
9 between the penal committee and the correction officers?

10 A We are not governed by a penal committee. Under
11 the Sheriff's direction, we are doing fabulous.

12 MR. IRVING: Thank you very much. Off
13 the record.

14 (Whereupon there is a discussion off the
15 record.)
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1 MR. IRVING: Reverend Spellman has
2 yielded, so another speaker will be called.

3 BY MR. IRVING:

4 Q Give us your name and address, please.

5 A My name is Michael Campanaro, I am a correction
6 officer at the Essex County Jail for approximately 31 months.
7 I reside in Irvington, New Jersey. I would like to thank
8 you, Reverend Spellman, for your time. I have prepared a
9 statement, and I would like to read it and be open for
10 questions of the panel.

11 If this is a fact finding Commission as noted
12 in previous hearings, then maybe it is time we learned some
13 true facts instead of hearing from publicity seekers who
14 have told nothing but utter nonsense. One: A woman inmate
15 who claims she was seven months pregnant and did not know it
16 at the time of her incarceration in the Essex County Jail,
17 a woman who claims she was laughed at while in labor, and
18 bleeding, and who was refused treatment, is an outrageous
19 and vicious liar. Yet the same woman later, under questioning,
20 claimed she had been at Martland Hospital twice prior to being
21 jailed, in regard to prenatal examination for pregnancy.
22 But in her own words, even in Martland Hospital, there was
23 no doctor available to treat me. Through this woman's false
24 statements and the newspaper coverage, we correction officers
25 proved noncompassionate to the health and safety of mother

1 and child.

2 Two: Witnesses who told of palming Methadone,
3 which in our case is in liquid form, tales of receiving
4 Methadone as much as three times a day, for as long as six
5 months while not being either addicted or on withdrawals is
6 just pure nonsense, and yet the newspapers headline it,
7 "Tale of jail death and drugs".

8 Three: Political shakedown accusations by correction
9 officers of punishment and change of shifts or termination,
10 has no fact of truth. I was never forced to buy tickets or
11 give political contributions. I have given contributions
12 and bought tickets in the 31 months employed as a correction
13 officer. At the times I bought tickets or donated, my job
14 never got better and when I could not or did not buy, my job
15 assignment never got worse. I agree there is a lack of
16 communication between correction officers and the administra-
17 tion. There is also a lack of respect among ourselves as
18 correction officers. I believe training is needed. I also
19 believe any recommendations made by this Commission can do
20 nothing but help any institution, but as to the newspaper
21 coverage and the Commission's failure to see through some
22 of these people, it has caused correction officers to be
23 looked at as though we are overpaid, under educated, heartless
24 animals. As a father of two children, and a family man,
25 and a sensitive person to the needs of life, I resent what

1 has been said to present about my image.

2 Gentlemen, I am open to questions.

3 BY MR. BROWN:

4 Q I am not arguing with your testimony,
5 but I resent what you say about the Commission's failure,
6 and I would like to explain one point. The Commission in
7 fact, is weighing testimony, the Commission has not made up
8 its mind in any direction, we haven't established any clear
9 policies, and I think that the words "Commission's failure"
10 may be just a little premature.

11 A Well, my reasoning for saying this, is the fact
12 that I feel, this is my opinion, that if the people that
13 testified had been under oath, this is nonsense, I have to
14 call it that, this would not have come out. Like I said
15 in my report, a lot of this is nonsense, I believe if these
16 people were under oath, a lot of these false accusations
17 and statements would have ~~never~~ come forth.

18 Q The Commissioners, I believe, in their
19 wisdom, you have some learned men here, I am not speaking
20 for myself, I'm speaking about others, I think they have the
21 ability to weigh right from wrong. I think that right will
22 come forth.

23 A Okay.

24 BY MR. IRVING:

25 Q Let me supplement that a bit to indicate

1 we appreciate your interest in the whole field of medical
2 care for the inmates, as well as the rights of the guards.
3 You perhaps do not know that the tradition of state commissions
4 has been, as Carl Moore, state employee, assigned to us,
5 advised me from the very beginning, state commissions try to
6 run relatively informally, without using the subpoena power,
7 without granting immunity, without coming in to look at a
8 local situation and appearing to be exerting excessive
9 pressure. When you have a public hearing, we invite people
10 to come forward. Now, the very first person invited, first
11 person to speak, was the Director of Board of Freeholders
12 of Essex County. We have asked top people at the jail. I
13 am very sensitive, as all of us are, to the fact that anyone
14 can come forward and give a story which may or may not be
15 credible, and without having any staff visitors assigned to
16 us, this risk is a real one. We try to avoid that, whenever
17 we can. Now, I think that a commission can take the position
18 that an employee, public employee is owed some support in
19 terms of his credibility, especially if a man comes in in
20 a uniform or whatever, if he is presently employed in a
21 responsible position in county government, whether as a
22 correction officer, or whatever, we agree we intend to
23 believe him. There is no reason for us to be suspicious,
24 it is only as other information comes in that we may have to
25 discount a story.

1 I want to ask you one question, sir:

2 You indicated that over the years you have made contributions
3 voluntarily?

4 A Yes, sir.

5 Q Were they made within the setting of
6 the jail?

7 A Either in the setting or outside of the setting.
8 I have gone to many affairs, with my wife, never forced or
9 pressured to buy a ticket, had a lovely time, danced and
10 ate all night long, and I hope it continues, this is my
11 feeling.

12 Q When you would make a cash contribution
13 within the jail setting, would that be in response to some-
14 body coming to you and asking you if you want to contribute?

15 A Either in response, or me going on my own. In
16 my case, in 1971, which is the last time I actually did
17 contribute to a party, I was asked if I would like to donate
18 and I did. Since that time I have never given, I have been
19 approached once or twice, but never in a pressured type
20 tactic that I have heard about in the past. My feeling,
21 Dean, and I want to apologize to every member of the panel
22 if I made it look like you are not anything but learned
23 people, is the fact that nobody of all of my correction
24 officers came forward, they all came forward, but never came
25 forward with how many times they put their life on the line

1 to run into a dayroom on their own to save the life of an
2 inmate who was beaten up or stabbed by other inmates. When
3 I hear statements that a woman was in pain and cursed at,
4 I can't go for it, I can't believe it.

5 Q I want to go back, because I think it
6 is of some importance: In 1971 you were approached and asked
7 if you wanted to give a contribution?

8 A Right.

9 Q It was a cash contribution?

10 A I wasn't told cash or check, I gave cash.

11 Q You gave cash?

12 A Right.

13 Q Was this a superior officer who asked
14 if you wanted to make a contribution?

15 A Yes, it was.

16 Q During your regular working hours?

17 A Yes, it was.

18 Q You say no pressure was applied?

19 A None whatsoever.

20 MR. IRVING: I have no further questions.

21 SENATOR HAGEDORN: I have one observa-
22 tion, that would be in the area of where the
23 Commission has just begun to hold these public
24 hearings, and we might have a change of policy,
25 for example, if there was previous testimony that

1 we might question, this Commission still has the
2 right to subpoena anyone and place them under oath
3 for testimony.

4 MR. IRVING: Thank you.

5 MR. CAMPANARA: Thank you for your
6 time.

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1 BY MR. IRVING:

2 Q Will you give your full name and address
3 Reverend Spellman?

4 A Reverend H. T. Spellman, Chaplain, Essex County
5 Jail.

6 Q How long have you been chaplain at the
7 jail, Reverend?

8 A Three years.

9 Q Are you the only chaplain there at the
10 moment?

11 A No, we have two, one in the day and one there at
12 night.

13 Q Do you care to make a statement to us,
14 sir?

15 A Yes. I thank the Commissioners for hearing me.
16 I am here on just two matters, and if you bear with me I
17 will try to make it as brief as possible, not like a sermon
18 on a Sunday morning.

19 I have been at the jail approximately three years,
20 and I noted in the papers a few weeks ago, relative to the
21 medical treatment that was not given inmates at the jail,
22 I have a letter on record, which I will leave with the
23 Commission, I won't read it, I have a letter which I had
24 written directly to the Freeholders and to Dr. Sims as early
25 as July of 1972 and August of 1972, speaking of the inadequate

1 medical care given to inmates on the 12th floor. The reason
2 being, that they knew and perhaps the public doesn't know,
3 but when the courts, Judge Duffy, at the Youth House, signs
4 an order, which is a white piece of paper, and sends an
5 inmate up to the Essex County Jail, they have no alternative
6 but to accept them. If they refuse, they are in contempt
7 of court. Under the law, the juveniles have to be separated
8 from what we call the general population, which is the men
9 18 and over. As a result, the medical unit, which was
10 designed as a medical unit on the 12th floor, was occupied
11 by juveniles. As a result, we had to send them, as Officer
12 Palumbo said, to Martland Hospital. The bill he mentioned
13 for \$69,000, was mild. Councilman "McQuade" presented a
14 bill in August for Martland Hospital, \$387,000. Most of
15 this was for overtime paid officers. One reason being, that
16 if an inmate had a stomach **ache**, or if an inmate had a
17 disease, or another problem, they put him on a different
18 floor. I talked numerous times with Mrs. "Gaynor" asking,
19 can't we put all the inmates in one area, and then cut down
20 on the use of our correction officers, but the doctors
21 refused to treat if they are not of certain nature, that is
22 why they are spread all over the hospital.

23 The medical treatment at the jail is no fault of
24 Dr. Sims. Dr. Sims is an excellent doctor for what he is
25 paid for. Dr. Sims is paid as a part time physician only.

1 He comes in two hours and he sees all his patients. If I
2 refer any to him that I see at night, Dr. Sims takes care of
3 them the next morning, because I check on it. I thought
4 this was very unfair. Dr. Sims gives as good medical treat-
5 ment as any doctor. To begin with, I noted and stated in
6 that report which I am leaving with you, I thought the ills
7 of the jail could be further helped if they put full time
8 doctors there. Dr. Sims has his own private practice, he
9 is at the jail, he is on another staff, how much can one
10 man do for a salary of \$10,000. We questioned the Freeholders
11 on bringing in full time doctors and pay them 20 to \$25,000.
12 There are very few jails which I have gone to, which do not
13 have full time doctors around the clock. This is lacking
14 here at the Essex County Jail. I think much of the medical
15 treatment could be absolved and cleared, if we can get the
16 12th floor back.

17 I am going to tell you how the 12th floor happened
18 to be cleared. We met with the Judge on December 1st, and
19 Prosecutor Lordi, other staff members of his, along with
20 members of the clergy. We discussed with them the same thing
21 of the youth occupying the 12th floor. Judge "Palo", who
22 recently retired, emphatically told us his first job was
23 going to be to clear the juveniles off the 12th floor. He
24 has done so in the last three months, we only have four
25 left there now, they are involved in the Shabazz trials going

1 on. After these trials, these four will be off of the 12th
2 floor and will be geared back to the medical unit. This
3 was only accomplished, not only by speaking, by additional
4 pressure through the presbytery who attended the two or
5 three meetings we had at the jail.

6 I feel the jail needs an administrator. If we
7 had an administrator at the jail, he could absolve and clear
8 up a lot of these matters, because the Sheriff has his hands
9 full, the Freeholders have their hands full, the Warden has
10 his hands full, and a lot of the problems that come up, if
11 we had an administrator, it would be his job to eliminate
12 many of these things.

13 Last week the Freeholders came into the jail, this
14 is the first time in years that Freeholders actually came
15 into the jail and visited and saw this. I have been after
16 the Freeholders for two and a half years to come over into
17 the jail and see how things are. They say the Sheriff runs
18 the jail, the Sheriff can't spend five cents unless the
19 Freeholders say so. And then the Freeholders say, you have
20 to see this one, you have to see this one, you have to see
21 that one, if it doesn't relate to a penal commission. The
22 penal commission they tell me only is geared for Caldwell,
23 yet when it comes to certain matters, if it doesn't come up
24 before the penal commission, you don't get it through. It
25 is a cycle of going around and around.

1 I am the victim of this, because two years, not
2 quite a year ago, August to be exact, last year, I filed a
3 complaint of discrimination against the Board of Freeholders.
4 We have three black chaplains in this area, at a salary of
5 \$7,500. We have four white chaplains with a minimum of
6 \$9,600 and a maximum of \$12,600, and every time we go to the
7 Freeholders' meeting, they say, Reverend, you are doing a
8 good job, you are the best chaplain we ever had; that don't
9 put no food in my stomach, you can't live down here and
10 board up in heaven. My bread goes up like everybody else's.
11 Around and around, you got to attend meetings. The Sheriff
12 has instituted five letters in writing, recommending a
13 salary increase for the chaplains. Now, whether I get a
14 salary increase or not, I am going to do my job, the money
15 isn't going to help it, but it's discriminating as to how
16 the Freeholders pass all around the circle. I have written
17 every one, they don't change horses in midstream, we only
18 lost one Freeholder in the last election, he has gone down
19 to the Assembly. The one that took his place, we got the
20 same bunch in different positions, but the same men, and
21 when we go in there with problems, the Sheriff runs the jail
22 but he can't spend one penny. I feel that a lot of problems
23 can be eliminated if the Freeholders would put more time
24 in. I guarantee you, if the Freeholders were there today,
25 they don't know what they are signing in the budget, because

1 they don't know the jobs of a chaplain. They don't know what
2 I do. I have written them, sent in monthly reports. This
3 is only one phase I speak of, of my own, because it is my
4 problem. It seems no one wants to listen to the chaplain,
5 but when all hell breaks loose, I can be in Trenton, I can
6 be in New York, I can be in Pennsylvania, they get me to
7 come to try to resolve the problems. This is what it is all
8 about. The Sheriff is a good man, he did a lot of good work,
9 his hands are tied, the Freeholders will not sit down and
10 tell a man, I have asked about chaplains' raises, either we get
11 it or we don't get it, we have reverends to discuss it.
12 Here we are at the same thing, this is one of the problems
13 which I feel the medical unit, if the Freeholders will put
14 more time in, come on in on a Monday night, see the lock-ups,
15 see the men that come in, see what medical care they need,
16 then they would see a different story. Any questions?

17 MR. IRVING: Reverend, we are going to
18 run out of time, it is 3:30, and we would like
19 to quit at 4:30. Let me interject, paranthetically,
20 for the members of the Commission, Sergeant Jones
21 has been waiting all day, he is willing to answer
22 any questions we have of him. Am I correct in
23 stating that, Sergeant Jones?

24 SERGEANT JONES: Yes.

25 MR. IRVING: Therefore, in view of the

1 pressure of time, we will talk to you informally
2 after 4:30, because I don't know if we can get
3 to you before 4:30. Is that agreeable?

4 SERGEANT JONES: All right.

5 BY MR. IRVING:

6 Q Reverend Spellman, in urging that there
7 be an administrator, I wonder whether you care to comment on
8 the need in the present administration and its structure to
9 have two undersheriffs and two wardens, if there is some
10 reorganization there, would that not open up a budget for
11 the salary of an administrator?

12 A Administrator is needed, because I feel you got
13 the Caldwell facility, you have the Essex County Jail here,
14 you have the youth facility on Sussex Avenue. Now, the
15 youth facility is governed by a Board of Trustees, which I
16 don't think we need. We don't need that Board of Trustees.
17 When you go in there to talk with those Board of Trustees,
18 it is like getting in the mint at Fort Knox, they wouldn't
19 give you the right answers.

20 I am a chaplain, I have to go to the judge to be
21 let in there. The problems that emanate at these three
22 facilities cannot be handled by the Sheriff, because the
23 Sheriff has nothing to do with the youth facility. He
24 cannot handle them at Caldwell, because you have an acting
25 warden there now. Therefore, an administrator would have

1 the power to go into any Essex County jail facility. This is
2 why I said an administrator.

3 Q Within the jail itself, are you able to
4 tell us whether the administrative structure, in your opinion,
5 is sound, of those positions that I have identified, have a
6 sheriff, two deputy sheriffs, two deputy wardens, are those
7 five positions necessary in the jail?

8 A Yes. In addition to them, you do need an adminis-
9 trator, because there are a lot of problems that come up with
10 the jail, the Warden and so forth, they cannot look into it,
11 but an administrator would. His job would be to go over
12 there, meet the Freeholders, sit down, argue the points and
13 stay with it. The Sheriff is going to look out for the
14 Sheriff's men, Caldwell is going to look out for his men,
15 the administrator would be impartial, person to person.

16 Q Within the jail you don't see one of these
17 men who could in fact become the administrator?

18 A Certainly they could, oh, yes, I agree. But you
19 do need an administrator.

20 Q It could be one of these five?

21 A Yes, sir.

22 Q May I comment, rather than ask you to
23 comment about all the excerpts from the December '71 documents,
24 to Prosecutor Lordi, from former Warden Pinto, the section
25 which deals with what is called the inmate program, and if

1 this is not clear to you, we will repeat it. Under the inmate
2 program, the consultant says, counseling should include, if
3 possible, psychological, psychiatric, legal, religious and
4 family welfare. Do we now have that kind of counseling at
5 the jail?

6 A No, sir. We have the 13th floor, half of it is
7 a gym, the other half is set up to be the chaplains' community
8 room where I could give a service. I have a beautiful office,
9 a desk, a chair, and dust is collecting. They will not let
10 me use it as a facility for religious purposes. This jail
11 is a sitting duck jail. We only hold them there until they
12 are ready for sentencing. I don't care how long you hold them,
13 there is something that the minister can do, if it is no
14 more than counseling. They have taken this 13th floor --
15 we had an altar, we had a speaker box, we had chairs, I come
16 there one day and everything is gone, they say, Reverend,
17 your life is in danger if you go in there and try to relate
18 from a religious angle. I go in there anyhow, what is the
19 difference.

20 Q The next sentence states: Religious
21 programs in the institution conducted by all major faiths
22 under correction control should be available to the popula-
23 tion in the auditorium of this institution. Now, am I right
24 that despite this recommendation by the consultant, there
25 are no religious services offered?

1 A None whatsoever, none whatsoever. Once in a while
2 I do get requests from one or two Jewish, very few, if it is
3 around Rosh Hashanah, to bring matzo and wine in. Once in a
4 while we get a request from a Catholic to bring a priest in.
5 A chaplain is a chaplain, he can relate to any group.

6 Q So that as a form of counseling and
7 therapy, there is no program?

8 A None, none.

9 Q There is also a recommendation that
10 motion pictures should be shown in the auditorium on a weekly
11 basis, has that occurred?

12 A No, sir. It occurs in Caldwell, but not here.

13 Q A recreation program, in addition to
14 the present dayroom program should be established in the gym
15 and should include a small basketball court, card playing,
16 pool tables, t.v., under supervision of the supervising
17 officer and correction officer?

18 A No, sir.

19 Q Do they have that?

20 A No, sir. The only thing they have is basketball.

21 Q Do you know how often one of those 600
22 inmates can play basketball?

23 A I think each one, in rotating, twice a week, I
24 could be wrong, at least twice a week.

25 MR. IRVING: Thank you, I have nothing

further.

BY MR. DeMARINO:

Q As a Sheriff, I don't want to throw it on the Freeholders, it may interest us to know that there are statutes, which even go beyond the control of the Freeholders, they stipulate clear as a bell that money is controlled by the Freeholders, and the Sheriff has also by statute just so many laws that tell him what he can do, all of which does not include money, I have to agree with you. However, it appears to me that some of the statutes need updating to eliminate this problem. If a sheriff is in fact an officer in charge of the institution, he should be able to control what is needed?

A Exactly.

Q However, I want to point out the fact that even the Freeholders are bound by the state statutes which say they have control of monies, even that which controls the jails?

A No question.

Q The statutes need changing?

A No question about that.

MR. DeMARINO: I have no further questions,
thank you.

BY MR. GINSBERG:

Q You mentioned that there are no services

1 and you would like to be able to hold them on the 12th floor?

2 A 13th floor, yes, sir.

3 Q Who are the officials that say you do
4 not hold those?

5 A The Freeholders.

6 Q The Sheriff has no control?

7 A No, the Freeholders.

8 BY MR. IRVING:

9 Q Is there anything in writing about this
10 matter, any requests for religious services?

11 A Inmates send in slips, they go down to the box,
12 they refer it to the Warden, then the Warden takes it up
13 with the Freeholders, I cannot answer that.

14 MR. IRVING: There appears to be no
15 other questions, and I want to thank you very
16 much. There is also an affidavit from a Louis
17 A. Pinto, which we will give the stenographer
18 and ask her to insert it in the record.

19 "Louis A. Pinto of full age, being
20 duly sworn upon his oath according to law,
21 deposes and say that:

22 "1. I am a corrections officer
23 currently employed at the Essex County Jail. I
24 have been employed there for approximately 15
25 years as a corrections officer.

1 "2. I am very satisfied with my
2 position now because of an "open door" policy by
3 John Cryan with respect to grievances and improve-
4 ments in job conditions.

5 "3. Since my employment at the Essex
6 County Jail, I have never been pressured to con-
7 tribute money or to purchase anything.

8 "4. To the best of my knowledge there
9 is no program to solicit or pressure political
10 donations from the correctional officers employed
11 at the Essex County Jail.

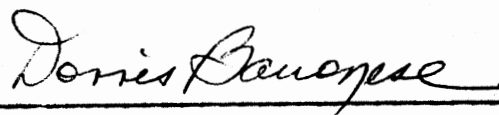
12 "5. In my experience, since John Cryan
13 has been Sheriff, the correctional officer has
14 commanded greater respect, has had greater
15 opportunity to voice grievances and obtain action
16 on his recommendations."

17 Let me say, ladies and gentlemen, that
18 this concludes, I believe, our first series of
19 hearings in Essex County. The present intention
20 of the Commission now, is we will meet on May 3rd
21 as a Commission in executive session and assess
22 what our experience has been in Essex County,
23 determine whether this is the best way to proceed
24 in terms of public hearings, and within the
25 immediate future advise members of the public

1 where we will have our next public hearing. As
2 you know, we are also undertaking an intensive
3 questionnaire of all the county penal institutions
4 in the state, and we are getting reports from
5 many individuals. We encourage them to write to
6 us, and we respect their confidence, inmates,
7 correction officers, guards, former inmates, or
8 interested citizens. I do hope that in the near
9 future we will be able to advise the members of
10 the Commission that the state has provided us
11 with additional resources. We are actively
12 exploring that at the moment. I do want to thank
13 everybody who has helped in these three arduous
14 days. This session is now adjourned.

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I, DORRIS BAVONESE, a Certified
Shorthand Reporter and Notary Public of
the State of New Jersey, hereby certify
that the foregoing is a true and accurate
transcript of my stenographic notes.



A Notary Public of the State of New Jersey

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