



State of New Jersey
Commission of Investigation

GANGLAND **BEHIND BARS**

**How and Why Organized Criminal
Street Gangs Thrive
in New Jersey's Prisons ...
And What Can Be Done About It**

May 2009

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May 2009

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The President and Members of the Senate

The Speaker and Members of the General Assembly

The State Commission of Investigation, pursuant to N.J.S.A 52:9M, herewith formally submits the final report of findings and recommendations stemming from an investigation of organized criminal street gangs in New Jersey's prison system.

Respectfully,

A handwritten signature in black ink, appearing to read "W. Cary Edwards".

W. Cary Edwards
Chair

A handwritten signature in black ink, appearing to read "Joseph R. Mariniello, Jr.".

Joseph R. Mariniello, Jr.
Commissioner

A handwritten signature in black ink, appearing to read "Patrick E. Hobbs".

Patrick E. Hobbs
Commissioner

During her tenure, Commissioner Kathy Flicker took a lead role in the conduct and completion of this inquiry and thus is also a signatory to this report. In March 2009, she was succeeded by Commissioner Robert J. Martin.

A handwritten signature in black ink, appearing to read "Kathy Flicker".

Kathy Flicker
Former Commissioner

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Executive Summary

Criminal street gangs have long been recognized as a threat, not just to society at large, but to the safety, security and integrity of the prison system. Over the years, New Jersey's Department of Corrections (DOC) has taken steps aimed at managing and containing that threat as it impinges upon the 14 prison institutions for which the agency is responsible statewide. Among other things, DOC established a process to identify gang members entering the system and serving time. It maintains a program designed to fracture gang hierarchies by isolating known gang "core members" from the general prison population and targeting them for special rehabilitative attention. It monitors inmate telephone calls, examines their mail and regularly searches for and confiscates contraband. Custody officers, moreover, receive a measure of gang-awareness training, and internal investigations are conducted to gather intelligence on, and to curtail, suspected gang activity.

Despite these and other efforts, however, the impact of the gang threat on DOC's turf has worsened over time. Indeed, in certain critical respects, the threat has been actualized in ways that undermine the agency's mission – an inherently difficult and challenging mission under the best circumstances, requiring the maintenance of a secure custodial environment while simultaneously serving as a platform to facilitate the presumed rehabilitation and eventual re-entry into society of thousands of convicted felons.

The State Commission of Investigation has found that burgeoning numbers of gang-affiliated inmates today increasingly exploit systemic weaknesses to organize and thrive inside prison walls. They communicate widely with cohorts both inside and outside of prison via

cellular phones and other means, and they readily secure, use and deal in contraband, including illegal narcotics. They carry out illicit financial transactions and launder money through an official system of inmate accounts. They extort fellow inmates and their families. They corrupt corrections personnel, including custody officers and civilian staff. Together, these circumstances enable them to nurture and advance violent criminal enterprises while incarcerated, and their ability to operate in this fashion raises the specter of greater violence, not just inside the prisons, but once they return to the outside world.

This document presents the results of an unprecedented investigation pursued by the SCI from the streets of New Jersey's cities and suburbs and into the cellblocks of the State's largest correctional institutions. It incorporates a comprehensive summary of findings and a detailed set of recommendations for systemic reform and is based upon a thorough investigative record developed over the course of more than two years, including interviews and sworn testimony from scores of witnesses, field surveillances, data and accounting analyses, and examination of thousands of pages of documentary materials obtained from DOC and other official and unofficial sources. On November 18, 2008, the Commission conducted a day-long public hearing on these matters. A digital transcript of that hearing is attached herein, along with an appendix of documentary exhibits presented during the proceeding.

The Commission undertook this investigation pursuant to its unique statutory responsibility to ascertain whether the laws of this state are being faithfully executed and effectively enforced and to inform the Governor, the Legislature and the general public with regard to all facets of the societal scourge known as organized crime. An investigative and analytical leader in this area since its inception as an independent fact-finding agency four

decades ago, the SCI in 1993 produced the first authoritative statewide assessment of criminal street gangs in New Jersey. A decade later, in 2004, the Commission reported that these violent entities had become so thoroughly structured and entrenched and had proliferated to such an extent as to become the stark new face of organized crime.

In response to this paradigm shift, criminal justice authorities at the federal, state and local levels have taken sustained action, arresting, prosecuting and jailing gang felons in record numbers – a tribute to successful law enforcement. But with this success have come new and difficult challenges and pressures. The growing influx of convicted gang members – i.e. those at the core of the threat – has transformed the prison system into a breeding ground for gang-related criminal activity at a level far more expansive than ever before. One senior DOC official testified that as many as half of all inmates housed in New Jersey's state prisons today may be involved in some way with a criminal street gang – not just by choice as members, associates or recruits, but via other means, such as by the force of extortionate threats. In many, if not most, such instances, the gang at the center of it all is the United Blood Nation, a.k.a. the Bloods, which has evolved to become the fastest-growing, most dominant criminal enterprise of its kind both on the streets and in the prisons of this state.

That New Jersey's correctional system has absorbed this deep and violent gang flood thus far without a catastrophic incident – especially in an era of severe budgetary stress – is more a testament to hard work and circumstance, to ingenuity and sheer luck, than to the supposed structural soundness and viability of the system as a whole. Those who manage and staff these institutions go to work every day in what amounts to a defensive holding action

against worsening odds, and all too often, as they reach for practical tools to get the job done properly, they find the system lacking.

That is why the Commission, based on the findings of this investigation, recommends sweeping administrative and statutory reforms on multiple levels.

Fundamentally, new procedures should be established to enable DOC to acquire a far more comprehensive understanding of the size and shape of the gang threat as it enters and takes residence under the agency's custody. By focusing only on those individuals whose behavior and/or physical appearance fit DOC's criteria indicating actual membership in a gang, the current identification process and the lack of an adequate intelligence system hampers the department's ability to measure and respond to the full scope of gang-related activity throughout the prison system. By extension, DOC should play an integral role in efforts to ensure that the State's entire law enforcement community works from the same page, utilizing uniform and effective methods for identifying gang elements and for gathering and sharing gang-related intelligence information.

Immediate steps also must be taken to address real and potential security lapses in the day-to-day operations of New Jersey's prisons, particularly with regard to effectively safeguarding and scrutinizing the various points of entry to these institutions by prison employees, vendors and visitors.

Further, the inmate financial account system should be overhauled with limits placed on the amount of money that can be deposited and held in these accounts and on the number of

transactions inmates can make. Also, an effective oversight mechanism should be established to trace all activity involving these accounts to ensure the legitimacy of their use.

In addition, new and effective procedures, coupled with appropriate state-of-the-art technological improvements, should be put in place to detect and root out cell phones and other prison contraband and to defeat the ability of inmates to communicate among themselves and with confederates on the street in furtherance of criminal activity.

Finally, in recognition of the vital front-line role played by DOC personnel in this dangerous arena, the agency's personnel recruitment, training, deployment and disciplinary procedures should be revamped and strengthened, and its internal investigative apparatus restructured and fortified to provide for timely, more informed and better coordinated gang intelligence.

Cognizant of the multi-dimensional complexity of these matters, the Commission took steps to ensure that the crafting of its recommendations did not occur in an isolated, unilateral fashion. Prominent individuals and organizations familiar with conditions and trends in New Jersey's correctional system were consulted for their perspectives, concerns and suggestions in the context of both the history of the system and its current state of affairs vis-à-vis the pressures brought to bear by elements of organized criminal street gangs. In that regard, the Commission is grateful to the many law enforcement officials and public servants who constructively offered their expertise, particularly DOC staff. Although DOC ultimately declined to participate in last fall's public hearing on these matters, its management and staff nonetheless deserves recognition for the high level of behind-the-scenes cooperation afforded by the agency over many months. Indeed, the core of this investigative record consists of

thousands of documents provided by DOC. Meanwhile, DOC management officials and investigators, as well as union representatives for correctional personnel, met and consulted extensively with Commission staff both during the fact-finding phase of the investigation, and, again in recent months, as recommendations were developed. At several junctures coincident with the Commission's inquiry, DOC undertook limited internal operational improvements on its own initiative.

As to the future, the Commission recognizes the difficulty of mounting a comprehensive reform effort amid seriously adverse fiscal conditions, particularly given that some of these recommendations undoubtedly will require resources beyond DOC's current operating budget. In that context, however, it should also be noted that the Commission went to great lengths to craft and target key elements of these recommendations such that they could be carried out at minimal cost.

Whatever the strategy going forward, the record is clear, convincing and urgent: Organized crime as we know it in the 21st Century has established itself within the very walls of our state prisons, and that is an intolerable situation for everyone with a legitimate interest in the safe and proper functioning of this system. Law-abiding citizens whose tax dollars support these institutions must have confidence that when criminals are apprehended, prosecuted and incarcerated, those individuals are removed from society and placed in secure custody for the duration of their sentence, not provided with access to something resembling a branch office for the recruitment of new members and the furtherance of a criminal enterprise. The dedicated personnel who staff these institutions deserve to have every reasonable means at their disposal to retain control and to prevent an already hazardous work environment from

deteriorating still further. And the inmates who are housed in these institutions – those who want no part of gang life, who are serving time, paying their debt to society and looking to take advantage of legitimate rehabilitation and re-entry programs – are entitled to protection against gang-inspired recruitment, violence and outright physical harm.

In the final analysis, the “correctional” system can never hope to live up to the positive programmatic and rehabilitative mission embodied by that name as long as the cellblocks of these institutions remain so heavily subject to the intrusive and disruptive influence of organized criminal street gangs.

For its part, the Commission intends for this report to be but the first in a series focusing on systemic issues involving criminal street gangs and law enforcement’s response to them. The growth and proliferation of these violent entities, and the threat that they collectively represent to the public peace, safety and justice together constitute the most serious crime issue in New Jersey today.

Introduction

Violent criminal street gangs have turned elements of New Jersey's prison system to their advantage against a backdrop of broader trends that provide essential context for the findings of this investigation.

Historically and to varying degrees, gangs have always had a presence behind bars. Indeed, some segments of today's most notorious gangs – notably the Bloods, the Latin Kings and the Association Ñeta – actually were born and bred inside prison walls, established there primarily as self-protective organizations by inmates of common ethnic, racial or other background. Only in recent years, however, has that presence acquired a large, sustained and sophisticated grounding in which the prison system itself, as if equipped with a revolving door, serves as both a repository for gang activity behind bars as well as a base for the furtherance of violent criminal enterprises outside on the streets.

When the SCI undertook New Jersey's first statewide examination of gangs and gang-related activity in the early 1990s, it revealed what subsequent events would show to have been the leading edge of a gathering storm.¹ Detailed surveys conducted by the Commission at that time turned up evidence of more than 700 gangs scattered around the State, primarily in poor urban neighborhoods but also extending outward to suburban communities. Though generally small, fragmented and disparate, these gangs nonetheless were engaged in a variety of violent criminal activities fueled by an increasingly lucrative trade in illicit drugs. Meanwhile, the gang population within juvenile detention facilities and county jails was found to be on the

¹ The Commission's report, *Criminal Street Gangs*, was issued in November 1993.

rise, and the state Department of Corrections (DOC) reported incidents in which street gang members appeared to have been directed by cohorts within the adult prison system to commit armed robberies and other criminal acts. “This phenomenon,” DOC stated at the time, “should be of paramount concern to all law enforcement.”

Issuance of the Commission’s final report in 1993 coincided with a development that presaged profound change in the scope and volatility of the gang problem. That same year, African-American inmates at Rikers Island Correctional Facility in neighboring New York joined forces to create an entity to shield themselves against the Latin Kings and Ñetas in that institution. Essentially an East Coast version of a dominant California-based criminal street gang, the Bloods, the new group was named United Blood Nation (UBN). 1993 also saw the launching of one of the first street-level Bloods units, or sets, in New Jersey when members of the gang traveled from California to East Orange in Essex County and established a set known as “Double ii.”

The advent of the Bloods and the escalating contest for dominance on the streets and in the prisons here signaled the emergence of what is seen today: large, highly structured gang organizations led by adults and resembling traditional criminal syndicates. As this new organized crime phenomenon grew, new law enforcement strategies were required to combat it, and in DOC’s case, that meant shifting gears in response to rising violence inside the institutions under its control. Traditionally, the agency had dealt with disruptive groups at each prison facility by transferring known ringleaders and troublemakers throughout the State – a tactic that was useful as long as gangs remained locally fragmented with restricted ability to

communicate and devoid of any regional or statewide organizational base. In 1994, however, recognizing the need for a mechanism to effectively monitor and control the mushrooming gang influx, the department established an internal regimen to gather intelligence on and investigate gang-related activity behind bars. That initiative included development of a standardized identification process – among the first of its kind in the nation – designed to enable authorities to recognize and track gang members that were beginning to enter the prison system by the hundreds annually. Several years later, the agency established a centralized custody wing at Northern State Prison in Newark – the Security Threat Group Management Unit (STGMU). There, known gang leaders and other problematic gang-affiliated inmates were to be housed apart from the system’s general population, subjected to intensive monitoring and enrolled in a mandatory behavior modification program aimed at getting them to renounce gang affiliations.

Meanwhile, the profile of gang proliferation began to take on new and menacing characteristics both on the streets and in the prisons. While law enforcement surveys showed an apparent decline in the overall number of gangs statewide, the growth in membership continued to spiral upward, a phenomenon that reflected consolidation into far larger, more powerful and, therefore, more dangerous criminal organizations. By 2004, 28 gangs in New Jersey were found to have in excess of 100 members each; collectively, these gangs accounted for more than half of all gang members active throughout the state. A similar growth trend has consistently been tracked nationally by the U.S. Department of Justice, which, in its most recent study, pegged total gang membership across the country at approximately one million as of late

2008 – up from an estimated 800,000 three years earlier.² As to the impact on the prison system, the latest state, regional and national surveys show nearly 150,000 documented members of criminal street gangs are currently incarcerated in federal, state and local correctional facilities around the nation. In New Jersey, DOC has officially identified more than 13,000 criminal street gang members in the state prison system since it formally started keeping track of this phenomenon in the mid-1990s. Among the overall current inmate population of approximately 22,000, more than 4,600 have been officially identified by the department as gang members, although some experts say that number is conservative. Moreover, it does not include inmates who may, in a variety of ways, be involved in a gang's criminal activities as non-member associates. On a routine basis, DOC reports that it is now identifying gang-member inmates entering the state prison system at a rate of 75 to 80 each month.

Beyond the growth in sheer numbers, the gang landscape has also changed qualitatively in dramatic ways in recent years. Most notably, the Bloods – whose presence in New Jersey's state prison system was only first detected by DOC in 1998 – have exploded since then to become the most dominant gang on the streets and behind bars in this state, as borne out by the findings of this investigation. The Commission conducted a survey of New Jersey's 21 County Prosecutors' Offices and Jails and found the Bloods to be the pre-eminent gang both on the street and inside the county jail system, a significant circumstance given the fact that county lock-ups represent a major conduit into the state prisons. Bloods members now constitute more than half of all incarcerated gang inmates at the state level – up from one-third

² Source: U.S. Department of Justice, 2009 National Gang Threat Assessment

just five years ago – and they account for a majority of the gang inmates who are being released back into the community as their terms expire or they gain parole.³

Of particular concern with respect to the Bloods is that its members are prolific in both their use of violence and in their methods of recruitment, especially within the prison system. With a rank-and-file membership of every race, creed and color, they are equal opportunity recruiters. The largest Bloods sets in New Jersey – with names like “9-3,” “Sex Money Murder,” “Gangster Killer Bloods/G-Shine,” “Double ii,” and “Brims” – have adopted a traditional organized crime structure similar to the Mafia. They maintain a strict internal ranking system for members and borrow terms used by traditional organized crime such as “capo” and “don.” They have codes of silence, hold secret meetings, utilize coded messaging systems and refer to their sets as a “family.”

Although members and leaders of the Bloods and other gangs today are often portrayed as run-of-the-mill street thugs, experts who have been watching the gang phenomenon evolve over the years told the Commission in sworn testimony that such conventional wisdom is dangerously simplistic.

“The general public perceives the gang member as being a young kid with baggy pants and his hat turned sideways. That’s an image . . . and I think it’s important that that message be changed,” former Deputy DOC Commissioner Gary Hilton stated. “The people to be concerned about are sophisticated organized crime executives . . . horribly violent, evil people operating at a very sophisticated level. . . . This is organized crime. This is organized crime that is very

³ See Appendix p. A-3 for a percentage analysis of the growth in incarcerated Bloods compared to other gang inmates in New Jersey prisons.

prominent and powerful on the street, and they're controlling activities both in the prison and on the street."

Key Findings

The Commission's findings in this inquiry fall broadly into six major areas:

- **Inmate Financial Transactions**
- **Inmate Communications**
- **Security Lapses/Contraband**
- **Inadequate Gang Identification and Intelligence**
- **Systemic Vulnerabilities in DOC Personnel Practices**
- **Dysfunctional Investigative Apparatus**

Inmate Financial Transactions

The Commission found that gang members and other New Jersey prison inmates readily engage in questionable and illicit financial transactions while incarcerated. On one level, they openly exploit fundamental weaknesses in an official system of inmate trust accounts, subverting such accounts for the unlawful purchase of narcotics and contraband and for gambling, money-laundering, extortion and other criminal activities. Millions of dollars move through these accounts each year with no meaningful or effective oversight. On another level, inmates bypass the trust account system altogether and clandestinely effectuate illicit transactions by communicating with outside cohorts and associates who do their bidding directly on the streets. On both levels, the Department of Corrections is ill-equipped to properly oversee and control the financial transactions made by inmates in its custody.

Inmate Trust Accounts

Every inmate incarcerated in the state prison system is assigned a trust account administered by DOC pursuant to the requirements of New Jersey's Administrative Code.⁴ These accounts were established with the intent to provide a repository for prison wages and other minimal funds that inmates could use to buy toiletries, snacks and other commissary items as well as to pay court-ordered fines and other forms of restitution.

Today, however, significant amounts of money pass through the inmate account system. The Commission found that during the five-year period between FY 2004 and 2008, nearly \$64 million was deposited in these accounts throughout the prison system, including 198,000 separate deposits totaling more than \$13.5 million in FY 2008 alone. During that same five-year period, more than \$19 million was disbursed from these accounts by inmates to individuals, business entities and others outside the prison walls.⁵

Although DOC's internal audit staff periodically has examined trust account activity over the years, none of their audits were designed to, nor did they, reveal the basic structural flaws, weaknesses and vulnerabilities that give rise to abuses uncovered during the Commission's investigation. Those systemic shortcomings include:

⁴ N.J.A.C. 10A:2-1.1 et. seq.

⁵ Virtually anyone can deposit funds into an inmate's prison trust account either by mail or in person by submitting a money order, bank draft or certified check. To make disbursements, an inmate completes a Business Remit Form (BRF) with his/her name, prison identification number, the reason for the disbursement and the name and address of the intended recipient. The completed BRF is submitted to a custody officer in the inmate's unit for verification of his/her identity and is then forwarded to the prison's business office for processing.

See Appendix at p. A-4 for a graphic chart depicting the combined totals of deposits into and disbursements from the inmate account system between FY 2004 – 2008.

- No limits on the amount of money that can be held in an inmate account at any given time and no limits on the dollar amount, number and frequency of deposits and/or disbursements.
- Few restrictions on who can be a party to inmate financial transactions and no scrutiny of the source of deposits. Individuals who send or personally deliver money orders or other financial instruments to prison officials for deposit are not required to produce identification. The investigation revealed instances in which money-order deposits were executed even though the sender failed to include information as basic as their name and address and/or that of the purchaser.
- No verification of inmates' stated reasons for requesting disbursements from their accounts. The investigation revealed numerous instances in which disbursements were executed even though inmates submitted falsified and/or incomplete paperwork to prison authorities. The Commission also found patterns in which inmates would request numerous small-denomination disbursements in an apparent effort to evade official DOC thresholds designed to trigger closer scrutiny.

In one of many schemes uncovered during the course of this inquiry, 134 disbursement checks totaling in excess of \$8,000 were issued on behalf of more than 70 inmates, including known Bloods gang members, with each check made payable to one of five young women outside prison. The Commission found that post office boxes were used by these women in an

effort to conceal the true destination of the checks and that inmates falsified numerous prison remit forms to hide the true purpose of their requested disbursements. Many of the checks were negotiated at check-cashing outlets, and a number of inmates told Commission investigators that the payments were for drugs, protection and gambling debts.

In another scheme, nine inmates requested disbursements totaling nearly \$2,100 that wound up deposited in the private checking account of an individual connected with an incarcerated Bloods member.⁶ Several of the inmates who made these payments told Commission investigators they were extorted by members of the Bloods and used their trust accounts to pay for protection. Another inmate tied to this scheme admitted he used his trust account to pay for drugs and that, at the direction of another inmate, requested disbursements be made to individuals unknown to him.

It is especially difficult, if not impossible, for DOC to detect and control this type of activity because the inmate account system is highly de-centralized and plagued by record-keeping deficiencies, by non-uniform policies and procedures and by the lack of an effective mechanism to ensure proper monitoring and oversight:

- Each of the State's 14 prisons has developed its own unique trust account management strategy, thus allowing processing procedures to vary from institution to institution. In effect, the processing of incoming and outgoing inmate funds has grown to mimic a system of 14 non-integrated bank branches with some 22,000 individual account holders.

⁶ See Appendix at p. A-5 for a graphic illustration of this scheme.

- The processing of deposits and disbursements is a multi-tiered, laborious and paper-intensive operation in which the responsible business office at each prison often must devote as much as half of their staff to some form of bureaucratic activity related to inmate account maintenance.
- Although the account system is computerized, the database is antiquated, inadequate and under-utilized. For example, while the system is searchable by inmate name or prison identification number, the names of payees are often listed inconsistently or incompletely. Also, the system cannot be cross-checked with prison visitor logs or with lists of banned visitors within a single institution or across prison lines. Further, the system does not list sources of funds for deposit, and copies of incoming financial instruments are not routinely made.
- Because DOC lacks the capacity to monitor inmate account transactions on a regular basis for illegal or improper activity, the department's investigators are only called in when a transaction appears suspicious to prison business office staff. Even then, the official response can be limited and problematic due to staff and resource constraints. The Commission reviewed the circumstances of one such inquiry and found that the DOC investigator, in order to fulfill the full panoply of his assigned duties, had to work much of the case on his own time with his own equipment.

“Street-to-Street” Transactions

In addition to exploiting weaknesses in the trust account system, state prison inmates, including known members of criminal street gangs, were found to be adept at evading that system altogether by communicating with, and orchestrating illicit financial arrangements through, fellow gang members, associates or relatives outside prison walls. Known as “street-to-street” transactions, these schemes present a special challenge to law enforcement because they occur “off the books” and cannot even be captured, let alone traced, by the rudimentary procedures of DOC’s inmate account system. Moreover, given the fact that private personal bank accounts are used to underwrite transactions of this nature, they tend to occur more frequently and often involve the movement of larger individual sums of money.

Typically, these transactions are triggered when an inmate arranges for someone on the outside to act as a go-between for the funneling of payments to others on the street, usually in the form of a money order. Current and former inmates told the Commission that these payments are used for a variety of illicit purposes, including the purchase of narcotics, coverage of gambling debts and the deliverance of cash tribute to gang leaders. In several instances, individuals were found to have sent thousands of dollars around the State to cover drug and gang-related extortion payments. The parent of one inmate told the Commission in sworn testimony that she received repeated phone calls from her son desperately imploring her to send money to various individuals. “It was constant,” she stated, “and the fear in his voice was like you have to do this for me because you don’t understand. If I don’t come up with the money, I might as well just die right now, he says, ‘cause they’re gonna kill me if I don’t come up with the money.”

In another instance, the Commission identified a private bank account that appeared to have been opened for the sole purpose of effectuating inmate financial arrangements, including street-to-street transactions. This bank account was used as a repository both for inmate trust account checks and for larger sums that reached it in the form of money orders purchased on behalf of inmates. Within days of establishing it, the account holder began depositing checks sent to him via a prison's inmate account system. Over the course of a year, these deposits totaled more than \$600 from eight inmates. During the same time frame, this individual deposited 28 money orders worth nearly \$7,300, many of them linked by Commission investigators to state prison inmates. Other than several cash deposits of unknown origin, the inmate checks and money orders were the only items deposited in this account.

Inmate Communications

Incarcerated gang members and other inmates can conduct illicit financial transactions and carry out a range of criminal activities, in large part, because they are able to establish and maintain unfettered lines of communication with cohorts both inside and outside New Jersey's prisons. Although it has been widely known for some time that inmates use everything from coded mail to smuggled cell phones for such purposes, the Commission found that gang inmates in particular in recent years have developed heightened sophistication when it comes to reaching out from prison and staying in touch with elements of their criminal organizations. They exploit systemic weaknesses to obtain and use an array of small, easily concealable

electronic devices, including personal digital assistants (PDAs, e.g. “smartphones,” such as BlackBerrys) and cell phones, to receive and place calls and transmit messages throughout New Jersey, the nation and beyond. They use ever-changing encryption schemes to defeat detection of hidden messages by prison mail-room personnel. They readily subvert the State’s official inmate prison phone system.

Emblematic of the Commission’s findings in this area is evidence that incarceration today is no impediment to gang members conducting actual conference calls to discuss business among themselves.

During last fall’s public hearing, one law enforcement official, Detective Sgt. Ronald Hampton of the New Jersey State Police Street Gang Bureau, testified that he monitored a conference call involving Bloods members and associates located variously in a state prison, several county jails and on the street. The purpose of the call was to map strategy for dealing with the aftermath of an assault against a fellow Bloods member. The call, initiated from a prison by a gang inmate on a cell phone to a female outside, was joined in order by a male on the street (a cooperating source), an inmate at New Jersey State Prison in Trenton, another individual on the street and an inmate at the Hudson County Jail. “At one time,” Hampton stated, “we were monitoring six individuals on the phone discussing an assault that occurred in Mercer County and what retribution should be taken because of those actions against that particular member.”

Cell Phones and Related Electronic Devices

The emergence, proliferation and continued development of ever-smaller and more powerful high-technology communications devices has proved a boon to incarcerated gang members and their ability to communicate with and remain active in criminal organizations. Cell phones and related devices are prohibited in prison and subject to confiscation, and individuals found to be in possession of them are subject to disciplinary action and criminal prosecution. Even so, they are turning up in increasing numbers behind bars and have been found even in the most secure corners of the prison system:

- Between September 2004 and September 2008, DOC authorities confiscated 523 cell phones and/or “SIM” cards, as the phones’ crucial memory chips are known. That number, however, does not necessarily reflect the full scope of the underlying problem. Former correction officers and inmates told the Commission that confiscations probably account for less than one-fifth of the cell phones and related devices actually present in most state prisons at any given time.
- The vast majority of confiscated cell phones were found to be “pre-paid” devices of the sort that can be purchased off-the-shelf at many retail stores. Although there is an activation process for such phones, the purchaser is not required to provide any type of personal identification, thus making him/her virtually untraceable by law enforcement.

- While officially identified gang members comprise approximately 20 percent of the total state prison population, nearly half of the confiscated cell phones were seized from these inmates, two-thirds of whom were members of various Bloods sets.
- Cell phones have been confiscated at all 14 state prisons, with Northern State Prison in Newark accounting for the largest share. Northern State houses the Security Threat Group Management Unit, a special section reserved for core gang members. Despite the fact that this unit is configured as a controlled, structured environment in which inmate behavior is closely monitored, cell phones were discovered there.
- The Commission found that a Bloods leader was in possession of cell phones while serving his sentence at three different prisons. At Northern State, this inmate was charged with possession of a cell phone three times in one month. At South Woods State Prison in Bridgeton, he was charged again with possession of a banned device when a cell phone was observed atop a television set above his bunk. Another Bloods leader had two cell phones seized from him while housed at Northern State.
- Gang inmates generate income from the prison cell phone trade. The devices sell inside at prices ranging from \$250 to \$500 each. In one instance, a Bloods inmate even sold a cell phone to another inmate who was a white supremacist

and charged this inmate for repairs to the device. Gang inmates also profit by renting time on cell phones to fellow prisoners.

- Numerous cell phones confiscated from inmates not identified as gang members nonetheless were found to contain gang terminology in the devices' address books and contact lists. Other phones seized from inmates not officially identified by DOC as gang members contained text messages replete with gang jargon.
- Inmates readily exploit removable SIM memory cards, which contain cell phone identity information, contact lists, text messages and other data. Because of its minute size, a SIM card is easily concealable and can be transferred between cell phones, thus enabling multiple inmates to share one phone while reducing its exposure to confiscation.
- The Commission discovered instances in which inmates have obtained "smartphones" equipped with computer operating systems and removable memory, as well as internet and e-mail capability.

* * *

During its inquiry, the Commission looked beyond circumstances surrounding the sheer presence of cell phones and similar devices in prison and examined how they are being used. This dimension of the investigation led to findings that provide DOC and other law enforcement

agencies with a stark and unprecedented glimpse into the perilous reach of this communications technology once in the hands of gang inmates.⁷

To accomplish this, Commission investigators obtained records relating to 17 cell phones confiscated by DOC personnel at four institutions in every region of the State – Northern State Prison in Newark, New Jersey State Prison in Trenton, South Woods State Prison in Bridgeton and the Garden State Youth Correctional Facility in Yardville. Eleven of these phones were seized from Bloods-affiliated inmates, two of them known leaders of that gang. Two other phones, confiscated from inmates not officially identified as gang members, nonetheless were found to contain gang-related terminology. The remaining four phones, found in various prison common areas, were not linked to any specific inmates but also contained gang references or language.

Examination of these phones included a telephone toll analysis conducted at the Commission's request by the Middle Atlantic Great Lakes Organized Crime Law Enforcement Network (MAGLOCLLEN). This analysis revealed large volumes of calls placed or received by inmates in relatively short periods of time to and from numerous locations in New Jersey and other states as far west as Hawaii, and in Canada:

- A cell phone confiscated from a gang member in Northern State Prison registered 17 outgoing and 43 received calls over a three-day period, including to and from Oregon, Pennsylvania, Massachusetts, Washington, D.C., and various locations in New Jersey.

⁷ See Appendix at pp. A-6 to A-8 for graphic charts depicting the central findings of this analysis.

- A cell phone seized from a gang inmate at New Jersey State Prison contained records of 94 communications, including 45 text messages, to and from individuals in New Jersey, Florida, New York and Ohio. Among the 227 contacts listed in this phone's memory, 27 contained references specific to the Bloods sets known as Sex Money Murder and Fruit Town Brims.

The records of these phones also contained clear evidence of interaction among Bloods inmates, some of them members of different gang sets:

- Ten of the 17 phones contained shared contact numbers. Bloods members of different sets even had the same contact numbers on cell phones confiscated from them. These numbers included those of inmates at other prisons as well as individuals on the outside.
- Three Bloods inmates had identical cell and residential phone numbers in their contact lists. Two of these individuals were confirmed leaders of the gang, and the shared contact numbers were for subscribers in the Los Angeles, California, area.
- A cell phone found in a common area at Northern State Prison contained a telephone number also found in a cell phone confiscated from a Bloods-affiliated inmate at Garden State Youth Correctional Facility.

- One confiscated phone contained a record of a call between a Brick City Brims Bloods member at South Woods State Prison and a Sex Money Murder Bloods inmate at New Jersey State Prison.

* * *

The Commission found that DOC is hampered in its ability to eradicate the clear and present danger posed by cell phones in prisons by a number of systemic weaknesses, including:

- Except for a limited pilot program initiated during the course of this investigation, there are no detection measures specific to cell phones at the points of entrance to New Jersey's prisons or throughout the institutions as a whole.⁸
- DOC's Special Investigations Division (SID) lacks a formal and uniform departmental policy governing the confiscation of cell phones and related devices, leaving each of the state's 14 prisons to develop their own procedures. A review of seizure reports, for example, revealed varying forms and formats from one prison to the next.
- Substantive gaps in the internal reporting of confiscations make it difficult for DOC to accurately measure or quantify the true extent of the cell phone/communications device problem across the prison system.

⁸ In September 2008, DOC announced the deployment of dogs trained in detecting cell phones at several prisons and is still evaluating the effectiveness of that strategy.

- The DOC unit responsible for examining confiscated cell phones and related electronic communications tools is seriously understaffed and burdened by other duties that detract from its ability to obtain potentially valuable gang intelligence from these devices. One individual, a senior investigator, is assigned to this area.

Prison Telephone System

State prison inmates in New Jersey are provided with access to an official telephone system that enables them to place collect calls to persons outside. Inmates are each assigned a unique “I-PIN” number that must be used to activate these calls, and they must submit a call-recipient list consisting of the names and residential telephone numbers – calls to cell phones are prohibited – of no more than ten individuals. Meanwhile, for security purposes all calls placed by inmates on the prison phone system can be monitored and are recorded and archived for up to one year.⁹

Despite these safeguards, the Commission found that the prison phone is easily subverted:

- Inmates make calls to persons not identified on call lists. This is usually accomplished by placing a call to an authorized recipient who then connects the call to a third party. Although the prison phone system is technically designed to

⁹ N.J.A.C. 10A:18-8.3

detect third-party connections and then terminate the call, inmates easily defeat that capability.

- Inmates borrow and/or exchange I-PIN numbers to disguise the actual source of a call. In one such instance examined by Commission investigators, a Bloods leader used the I-PIN number of a fellow gang member to place unauthorized calls.
- Insufficient resources and staff have weakened DOC's call monitoring capability as a pro-active investigative tool. This capability is critical for detecting criminal activity and gathering current and relevant information involving the actions and plans of gang members and other inmates.

Prison Mail

The use of correspondence by inmates to exchange information and messages with cohorts both inside and outside the correctional system is as old as the prison mail service itself. But incarcerated gang members have taken this traditional communications venue and given it a sharper edge in the service of their various criminal enterprises.

Bloods members in particular rely heavily on handwritten letters to convey orders, establish operational strategy, discuss potential recruits and memorialize the conduct of their business both behind bars and on the street, and they do so using elaborate and ever-changing systems of code. As Detective Sgt. Hampton of the State Police Street Gang Bureau told the Commission, "There [are] countless letters that come both in and out of the institutions, many

of which are coded. I can't tell you the number of codes, but there [are] probably hundreds of codes that are out there . . . some of which are able to be deciphered, some of which are not" During the public hearing, Commission staff presented an example of a coded gang letter that, even after careful reading, appeared to contain benign chatter about various individuals and events. Upon closer examination, however, the document was found to contain a significant number of coded gang messages, including an active threat of bodily harm. SCI Special Agent Edwin Torres testified, "[A]fter looking at this letter, it actually describes a crime that took place, some sort of shooting, and also on the bottom tells you [of] an open-end threat against someone's life."

These issues are compounded by the sheer volume of prison mail – there is no limitation on the number of letters inmates can receive or send, and DOC regulations require that they receive incoming mail within one day of receipt in the prison mailroom.¹⁰ All of this presents special challenges to prison personnel. Incoming mail, with the exception of inmate legal documents, must be opened and examined for contraband. It must also be read in certain circumstances, such as when prison investigators have requested mail covers on an inmate's correspondence due to reasonable suspicion of criminal activity or a threat to institutional security. DOC personnel who staff prison mail rooms are also authorized to sight-scan the written text of all mail for unusual or suspicious markers, but in most instances they are not formally trained to identify symbols, language and/or jargon of the type that could signal the presence of coded gang messages.

¹⁰ N.J.A.C. 10A: 18-2.12

Security Lapses/Contraband

Operational weaknesses and inconsistent, sometimes ineffective, security procedures across New Jersey's state prison system serve to enable gang inmates, led by members of the Bloods, to traffic in prohibited contraband, primarily illegal drugs and cell phones. A detailed review of DOC's own internal investigative reports and testimony from former inmates and current and former correction officers showed that most drugs that reach the hands of gang inmates and others are smuggled in by visitors and that cell phones are generally brought in by corrupt correction officers and civilian staff. In addition, both narcotics and cell phones have been found stashed on prison grounds where inmates on work details can recover and secret them into the institution.

Two critical areas of prison activity examined by the Commission – entrance points and inmate visitation – are particularly vulnerable as portals for contraband:

- There is no system-wide policy requiring uniform and consistent security measures at the entrances to New Jersey's state prisons. The entry inspection process at both visitor and staff entrances differs by prison and may include passing through a metal/weapons detection device, being wand-searched for metallic objects and/or an x-ray examination of belongings. With regard to the metal/weapons detection machine, the Commission found different alarm settings were utilized from one prison to the next. At least nine of the 14 institutions also maintained different procedures governing the entry of visitors

and staff. Late in the investigation, DOC indicated that it planned to require everyone entering a secure prison perimeter to pass through a metal/weapons detector and to be pat-searched.

- Although, according to the manufacturer, the metal/weapons detection device presently installed at the entrance points of all state prisons can detect cell phones, the Commission found evidence that this capability can be defeated if such an item is secreted in a uniform component, such as under a correction officer's protective vest or inside a boot.
- There is no requirement that drug and cell phone detection technology be deployed at each state prison on a permanent basis. Witnesses told the Commission that some gang inmates target officers and other staff members they may know from their neighborhoods or pursue and develop intimate relationships with those susceptible to persuasion for the smuggling of contraband. In one instance, a female correction officer was found to have smuggled a myriad of drugs, including methamphetamine, into a prison. The Commission was also told that corrupt staffers can profit by \$500 to \$1,000 per smuggled cell phone.
- Supervisory personnel have not been consistently assigned to oversee the entrance inspection process, nor have both male and female correction officers been routinely deployed for the proper and appropriate performance of same-

gender body frisks. During the course of the Commission's investigation, DOC said it would take steps to address both of these issues.

- DOC relies on inmates themselves to identify and provide background information, including criminal and incarceration histories, on persons they wish to visit them. No official steps are taken to establish or verify the relationship between inmates and visitors, who are required to provide only minimal identification – usually some form of government-issued photo ID but not necessarily a driver's license – upon arrival.
- There is no limit on the number of visitors permitted on an inmate's visit list, limited restrictions on the frequency with which inmates can alter that list and no impediment to the same individuals being included on multiple inmate visitor lists.
- DOC maintains a visitor database, but it is incomplete and contains minimal information and inconsistent identifiers, thus impeding accurate verification of visitor identities.
- DOC keeps a list of individuals banned from visiting inmates because of improper conduct, but the effectiveness of this list as a security tool, as currently maintained, is highly questionable. The Commission discovered circumstances in which individuals ostensibly banned continued to visit inmates. In one instance, an individual with a criminal history of narcotics trafficking was slapped with a

permanent ban but nonetheless made 61 post-ban visits undetected by prison authorities. The Commission also learned of instances in which visitors should have been considered subject to a ban but were not, including a suspected gang cohort who visited various prisons for the purpose of circulating messages among incarcerated gang leaders.

- The banned-visitors list is not centrally or readily available for review by staff at the various prison entrance points nor is it consistently available in visitation areas. It contains no photographs and, thus, no photo-recognition capability.
- According to gang inmates and DOC staff, drugs are smuggled into prisons during contact visits. During such visits, no barriers separate inmates and visitors, who are permitted limited physical contact. The Commission found that a favored mechanism for passing drugs to inmates is for visitors to obtain items from vending machines located in prison visitation areas. A visitor purchases candy or a snack, uses the bathroom to remove drugs hidden in or on their person, then inserts the drugs into the snack bag. The visitor returns to the inmate who eats the adulterated snack, later recovering the drugs in the relative privacy of his cell.
- Civilian prison staff, including private contractors, vendors, medical personnel and volunteers are subjected to only minimal background checks and monitoring

by DOC even though individuals in their ranks have been found to smuggle contraband, including drugs, into prisons by concealing it in personal belongings.

Inadequate Gang Identification and Intelligence

Any effort to curtail gang activity in prison and on the streets is only as good as law enforcement's ability to ascertain and understand the full scope of the problem. In the mid-1990s, New Jersey's Department of Corrections was considered a leader in this realm, an architect of innovative strategies to identify, track and manage gang members coming into its custody and a "go to" agency for law enforcement authorities here and around the nation.¹¹ Over time, however, and under the pressure of an unprecedented and unrelenting stream of gang-affiliated inmates, DOC's gang identification and intelligence system has been rendered inadequate. Under current circumstances – and as evidenced by the flagrant levels of prison-based gang activity outlined in this report – the department today retains only limited ability to acquire and make productive use of accurate, timely and complete information related to the proliferating gang presence within its own system. Outside the prison system, the picture becomes even more troubling. During this inquiry, it also became apparent that New Jersey's law enforcement community as a whole lacks an integrated and easily accessible gang identification and intelligence system on a statewide scale.

¹¹ DOC's gang identification process, established in 1994, is based on a range of criteria that take into account physical markers and other clear *indicia* of membership in a gang.

In particular, the Commission found:

- The accuracy and completeness of the process used by DOC to identify gang members entering prison is open to question, even within the department itself. DOC officials testified that the current identification process may effectively pinpoint as many as 90 percent of gang members entering the system or as few as 15 percent. Moreover, the process is focused on identifying inmates with obvious *indicia* of actual gang membership, not associates or others who may actively yet indirectly be involved in gang activity. Perhaps more troubling, the Commission found through a survey of the 21 County Prosecutors' Offices that they are seeing individuals otherwise known to be gang members with diminished and/or less obvious tell-tale tattoos, clothing and other physical markers.
- DOC lacks a comprehensive, centralized and fully functional intelligence apparatus to collect and evaluate gang-related information stemming from prison incidents and from investigations involving gang inmates and associates, as well as other prisoners who may participate in criminal activity controlled by gangs. The database technology utilized by the department for this purpose is outdated, captures minimal information and often requires manual searches of paper documents.
- DOC is limited in its ability to disseminate gang-related information in a timely or complete fashion both internally and to outside law enforcement. Strict

adherence to DOC's interpretation of federal guidelines restricting the use and dissemination of criminal intelligence makes it difficult even for DOC management to gain access to such information gathered internally.¹² Meanwhile, other law enforcement agencies do not have direct access to DOC's gang identification data. Requests must be made telephonically and are subject to the availability of authorized DOC personnel, a circumstance that can delay the conveyance of information critical in an emergent situation. The Commissioner of DOC stated recently that the department has authorized each prison Administrator, Chief and a Captain to access the gang identification database.

- County jails, which feed inmates into the state prison system, are not required to provide gang-related identification information when prisoners are transferred from their custody to DOC's Central Reception Assignment Facility (CRAF). Although the department has conveyed the importance of establishing this connection and has trained county jail personnel on DOC's gang identification criteria, the Commission found that few counties currently use those same criteria and routinely provide DOC with the results of their gang-related inmate evaluations.

¹² The term "criminal intelligence" pertains to information and data governed federally by 28 C.F.R. Part 23 (1993), a set of guidelines for law enforcement that contains implementation standards for the operation of multi-jurisdictional criminal intelligence systems. Specifically, 28 C.F.R. Part 23 provides guidance in five primary areas: submission and entry of criminal intelligence information, security, inquiry, dissemination and the review-and-purge process.

- Although DOC employs an experienced gang investigator to interview inmates upon transport from county jails to CRAF, this individual is assigned a myriad of other tasks and responsibilities that regularly detract from his ability to remain focused on the gang identification process.
- Despite the ever-widening link between gang activity outside and inside the correctional system, New Jersey's law enforcement system lacks a centralized statewide mechanism to effectively identify and track gang members at every possible juncture where they have a presence – from the streets to their arrest to their incarceration.
- Numerous law enforcement agencies have undertaken efforts to develop gang identification and intelligence systems, but the various initiatives are fragmented. Further, there are no standardized identification and information-gathering methods in place or in use and no policy to provide direction toward the achievement of a statewide system. Law enforcement agencies here do not even agree on the basic criteria to define what constitutes a gang or a gang member. Some use DOC's identification criteria while others use only select elements of those criteria.
- Inconsistencies and problems in dealing with the identification of gang members have not been resolved by legislation that established the offense of "gang

- criminality.”¹³ The Commission found that the critical language of this law creates a burden on the prosecution to prove several disparate elements of the crime and appears to discourage widespread use of the statute as a tool to readily identify a gang member through conviction. As a consequence, it fails to assist DOC with a standardized statutory definition for use when a sentenced individual enters the department’s classification system.

Systemic Vulnerabilities in DOC Personnel Practices

New Jersey’s Department of Corrections employs a staff in excess of 10,000 civilian and uniformed personnel, including more than 6,000 correction officers who police the system’s more than 22,000 inmates round-the-clock. These officers are custody staff directly responsible for the security of the State’s 14 correctional institutions. They are in close, day-to-day contact with inmates of all backgrounds and must deal constantly with the threat and the reality of violence, escape attempts, extortion, intimidation and other forms of abhorrent behavior. Thus, the proper recruitment of these personnel, along with the adequacy of their training and deployment and the strength and practicality of the disciplinary procedures that regulate their professional conduct, are vital to the safe and secure management of the prison system.

Although the overwhelming majority of DOC personnel are recognized as honest, hard-working

¹³ P.L. 2007, C. 341. As currently structured, this statute requires that the State, in order to obtain a conviction for the crime of gang criminality, must prove that an individual commits an underlying offense while knowingly engaged with at least two others who are members of a street gang. Furthermore, the State must prove that the individual and his associates all meet at least two of seven criteria set forth in the law that identify them as criminal street gang members. The State must also prove that this same individual had engaged with other street gang members in a prior crime for which he/she was convicted during a five-year period preceding the current underlying offense.

individuals, the Commission found systemic weaknesses in the department's personnel system that render it vulnerable to corruption and abuse, including infiltration by organized criminal street gang members into the ranks of sworn custody officers and civilian staff.

The Commission's findings are summarized in the following key areas:

Personnel Recruitment

- Many correction officers, as well as senior DOC managers, openly expressed concern over the threat of gang infiltration into their ranks, and gang members told the Commission that gangs actively try to achieve such infiltration. Until late in this investigation, however, DOC did not check correction-officer applicants for gang associations, nor did it necessarily disqualify gang members from such service. Indeed, until September 2008, the department did not even ask whether such applicants were members or associates of a gang. DOC has also begun examining applicants' internet-based personal pages on MySpace and Facebook websites. After one such set of reviews, the department rejected the applications of nine individuals whose Web pages openly displayed clear evidence of gang affiliation.
- Background checks, including criminal history reviews, for correction-officer applicants are conducted by a small DOC entity, the Custody Recruitment Unit, comprised of custody staff who are not investigators certified by the N.J. Police Training Commission. Moreover, although correction-officer applicants can be

automatically disqualified under existing law for such circumstances as the lack of a driver's license, until recently DOC did not automatically disqualify candidates with adult drug-possession convictions. The department also recently began to disqualify candidates who had been incarcerated in a correctional facility. The department also now requires applicants to complete a significantly more detailed application form.

- In 2005, as a result of resource constraints, DOC discontinued its practice of interviewing correction-officer applicants in their homes and stopped interviewing their neighbors. Both of these techniques are widely recognized as valuable tools for vetting prospective hires and gathering potential gang-related intelligence. Indeed, the General Assembly's Prison Gang Task Force focused on the continuing need for such interviews two years ago. Recently, the department took steps to restore them.
- Only cursory background checks are conducted on civilian personnel, such as medical staff and social workers. For civilians assigned exclusively to one prison, the DOC staff investigator at that institution is charged with performing criminal history checks as an adjunct to numerous other duties. For civilians assigned to multiple prisons, the lone investigator from SID's central office responsible for conducting the background checks can face a caseload of up to 100 per week.

Residency Requirements

- Senior DOC officials told the Commission they are concerned about the implications of existing legislative enactments mandating that correction officers assigned to certain state prisons reside within the same municipalities occupied by those institutions.¹⁴ Residency requirements were intended, in part, to spur economic development by creating local employment. It has also been suggested that these arrangements are advantageous for intelligence and security purposes because local residents may be familiar with the same community as many of the inmates they police. Conversely, it is just such familiarity that gives rise to fear about the potential for extortion and corruption of correction officers.
- A gang leader explicitly told the Commission that when incarcerated gang members discover that correction officers come from their neighborhoods or those of their cohorts, the officers become targets of efforts to coerce them into assisting with a variety of illegal activities, including the smuggling of contraband. One method of doing this, the gang leader stated, is for gang inmates to make it understood that they know where such officers' family members live.

¹⁴ Legislatively established residency requirements currently are interpreted to apply to five correctional facilities: Northern State, Riverfront, South Woods, Southern State and Bayside. These provisions variously cover residents of the four municipalities and three counties in which these prisons are located. The affected municipalities are Newark, Camden, Bridgeton and Maurice River, while the relevant counties are Cumberland, Cape May and Salem.

Personnel Training

Despite their essential role on the front line of the state prison system's critical security zone, correction officers receive patently insufficient training with regard to the threat posed by inmates linked to organized criminal street gangs. The paucity of such training is apparent from the level of recruit to that of experienced career professional and is widely recognized by DOC management, by union leaders and by rank-and-file officers themselves as a serious systemic deficiency:

- Correction-officer recruits are provided with just one day (eight hours) of gang-related or security threat group training while enrolled in DOC's 14-week officer training academy program.
- Once sworn-in and employed full-time in the prison setting, correction officers receive minimal in-service training related to gangs and security threat groups. Although nationally recognized standards call for at least 40 hours of in-service training annually, the Commission found that state correction officers in New Jersey receive as little as 24 hours per year, primarily related to weapons qualification and other non-gang issues.
- In particular, New Jersey's prison system lacks a consistent regimen of targeted training to develop and sustain specific gang-recognition skill sets for personnel who staff critical positions at the various prison points of entrance,

mail rooms and business offices, as well as the department's custody recruitment unit.

Personnel Deployment

It is a well-known fact, reinforced by the findings of this investigation, that certain venues within the prison environment are more immediately susceptible than others to possible manipulation and abuse by unscrupulous individuals, whether in the service of street gangs or other criminal elements. These venues include the various points of entrance for staff members and others and the areas where visitors enter and congregate with inmates, as well as close-custody posts such as the Management Control Unit and the Security Threat Group Management Unit. With regard to the deployment of custody staff, the Commission found that:

- Correction officers are deployed throughout New Jersey's prison system based primarily on seniority rather than through competition or merit, although union contracts governing the employment of correction officers recognize that staff assignments can have a critical bearing on the maintenance of operational effectiveness and can be subject to managerial prerogative.
- Custody personnel assigned to high-risk security posts are not subject to up-to-date background checks, specialized training or enhanced urine testing on a routine basis.

Disciplinary Practices

The system for disciplining errant correction officers is fraught with structural weaknesses that undermine DOC's ability to address issues involving the security of New Jersey's prisons in an efficient and reasonable fashion, including the threat of gang infiltration into the ranks of custody personnel. Some of the most serious of these systemic deficiencies became apparent during a review of appeals routinely conducted to determine the appropriateness of disciplinary and/or disqualifying actions taken by the department. Such hearings have produced questionable, if not patently ill-advised, results that have had the effect of thwarting DOC's statutory authority and responsibility. The Commission found instances in which the decision-makers at such hearings:

- Disregarded the results of medical tests showing the presence of cocaine or opiates in the blood of a correction officer.
- Excused officers who failed to search beneath a vehicle where inmates were hidden in an escape attempt, taking the position that because the only available underbody mirror was broken the officers might have dirtied their uniforms in violation of DOC's clothing policy.
- Downgraded the termination of a correction officer to a suspension in the case of an individual who falsified an inmate population count conducted in the aftermath of an inmate suicide.

- A county correction officer discharged after 650 grams of cocaine and an unregistered and loaded handgun, ostensibly belonging to her husband, were found in their home was re-instated on grounds that the jail administrator failed to prove that she knew of the presence of those items.

The system is vulnerable to these and other questionable outcomes based upon a variety of factors, including:

- New Jersey lacks a specific law or regulation explicitly authorizing the removal of correction officers in instances where they have been found to associate with criminal street gangs.
- Final disciplinary decisions are made with little reliance on DOC's specialized knowledge of the correctional environment. In New Jersey's two-step Civil Service hearing system, the department's position is not required by statute to be accorded any deference. Instead, the system defers to entities with no practical experience inside prison walls: the state Civil Service Commission (formerly the Merit System Board), and Administrative Law Judges (ALJs). The Civil Service Commission relies on – and to some degree is bound by – the factual findings and recommended dispositions authored by an ALJ judge following a hearing.
- The failure to take into account the department's unique expertise can be most problematic when it results in the reversal or modification of action taken against correction officers whose violations are believed by the department to warrant

termination because of the concomitant threat posed to the safety and security of the institution. Such activity is in clear violation of DOC's stringent employment rules, and officers caught engaging in it typically are subject to termination. In such cases, however, hearing-review panels have softened that penalty into a suspension, thus acknowledging a violation but discounting DOC's assessment of its seriousness. Moreover, a DOC official testified that there can significant fiscal ramifications from such reversals. When a terminated officer is ordered re-instated, even under the revised circumstance of a suspension, DOC can be required to restore the officer's seniority status and recompense him for up to two years' worth of back pay plus benefits.

Dysfunctional Investigative Apparatus

Managing a volatile prison environment across more than a dozen institutions in the midst of an organized gang epidemic not only requires well-trained and properly-equipped custody personnel but also the ability to collect accurate and useful intelligence information and to detect and prevent criminal activity at all levels within the system itself. This crucial function falls to DOC's Special Investigations Division (SID). Currently staffed with about 100 certified investigators, SID is responsible for investigating all crimes committed within the state correctional system by anyone, including the more than 22,000 inmates housed statewide, along with the thousands of visitors, vendors and employees who are temporarily within the system on any given day. The Division also serves as DOC's internal affairs bureau, tasked with

probing allegations of misconduct or wrongdoing by members of the department's sworn law enforcement staff of more than 6,000 uniformed correction officers, as well as its thousands of civilian personnel. At the same time, SID personnel are responsible for identifying all gang members coming into DOC's custody and for gathering, analyzing and disseminating all prison-based gang intelligence information that may be useful both to DOC internally and to the broader universe of statewide law enforcement on the outside.

The commission found that given the magnitude and multiplicity of its responsibilities, SID is under-sized, insufficiently funded and, as currently structured, unable to effectively and efficiently fulfill its vital mission, particularly with regard to suppressing gang activity:

- A major impediment to SID's effectiveness is a lack of trust and cooperation between its investigators and members of the custody staff stemming primarily from the Division's internal affairs function. Correction officers are reluctant to work with SID for fear that they will themselves become targets of investigation while SID investigators are leery of establishing a working relationship with many custody officers due to their concern over corruption within the uniformed ranks. The friction between these two essential groups of employees not only hinders the proper investigation of crimes within the prison system but it also impedes the collection, sharing and beneficial use of gang-related and other intelligence.
- DOC's attempt to address this situation by establishing a Professional Standards Unit within SID to handle internal affairs cases has neither resolved the toxic

relationship between investigators and custody staff nor stemmed the diversion of limited resources away from gang suppression efforts.

- As noted earlier in this report, DOC lacks an adequate and centralized apparatus to collect and assess potentially valuable intelligence information. A key contributing factor is that much of the investigative information associated with gangs and gang-related incidents is managed by SID Gang Intelligence Officers assigned individually to each state prison and, unless a major incident occurs, is not routinely funneled to SID's Central Office Intelligence Unit. This severely limits the department's ability to obtain a system-wide understanding of the threat posed by gangs and other security threat groups.
- Because they are also responsible for carrying out the full scope of SID responsibilities, Gang Intelligence Officers assigned to each prison spend only limited time – sometimes just a few hours per week – on the actual gathering of gang intelligence, which optimally should involve examination of all incoming and outgoing mail of inmates suspected of gang activity, monitoring voluminous tape-recordings of inmate telephone conversations, detailed reviews of inmate financial accounts and one-on-one debriefing of inmates.
- The number of analytical staff available to assist SID investigators in reviewing raw data is wholly inadequate, consisting of a single individual based at DOC's central office and none deployed throughout the prison system.

- DOC has established various entities to move gang and other intelligence information up the chain of command – from Institutional Intelligence Committees at each prison to a Combined Law Enforcement Intelligence Committee bringing outside agencies into the process – but the value and utility of this framework is diminished by the quality and amount of material at its disposal. The Commission found that there are no standard operating procedures for filing timely prison intelligence reports, that much of the information is transmitted by hard copy and that the department lacks the technology to efficiently correlate and analyze data into an intelligence product useful for SID investigators, custody staff, DOC administrators and external law enforcement.

REFERRALS and RECOMMENDATIONS

The Commission refers the findings of this investigation, particularly with respect to information or evidence suggesting criminal or other misconduct, to the Office of the Attorney General of New Jersey and to the New Jersey Department of Corrections for whatever action they deem appropriate.

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The Commission additionally is obligated by law to set forth recommendations for statutory and administrative reforms warranted by the findings of its investigations, and every effort is made to ensure that such recommendations are reasonable, practical and appropriate. Given the scope, complexity and urgency of the issues implicated by this inquiry, it was especially important to ensure that the formulation of such recommendations did not occur in a vacuum. Thus, prominent individuals and organizations, including senior officials of the New Jersey Department of Corrections and the unions representing DOC custody and investigative personnel, were consulted throughout this process for their concerns and suggestions. In developing these recommendations, the Commission also took into account information, perspective and context provided from time to time during the investigation by other sectors of the law enforcement community, including the U.S. Justice Department, the New Jersey State Police and Division of Criminal Justice, the New Jersey Parole Board, the 21 County Prosecutors' Offices, Sheriff's Departments and Jails, many municipal police departments across this State and numerous other law enforcement and corrections agencies around the nation.

These recommendations are part of an ongoing effort designed and intended to equip New Jersey and its law enforcement community, starting with DOC, with better, more effective tools for assessing and suppressing a dangerous, unique and rapidly evolving organized crime phenomenon. Certainly, the State's prison system has rarely been as intensively challenged as it has in recent years with the veritable floodtide of inmates linked to criminal streets gangs, particularly the hyper-violent, highly organized Bloods. Meanwhile, the difficult task of meeting that challenge has been compounded by problematic and impeding circumstances beyond the prison system's control, primarily in the form of severely constrained budgetary resources. The Commission is well aware of the prevailing fiscal reality. But such pressures do not diminish the need to recognize and address serious systemic deficiencies, and to take the opportunity to do that now rather than risk the possibility that one day they will plunge the system into a full-blown crisis.

In that regard, it is important to note that although some elements of the Commission's recommendations undoubtedly would require additional dollars, substantial reforms and improvements could be undertaken with little, if any, increase in cost. For example, DOC could go a long way toward establishing a more effective and orderly gang suppression strategy simply by re-organizing a key part of its own house – the Special Investigations Division (SID). By order of the Commissioner or through legislation, SID's current internal affairs function could be removed and assigned to a new division, thus at once freeing SID to focus exclusively on gang intelligence and other criminal investigative activities and ameliorating the current toxic and counter-productive friction between SID and custody staff. There are also a number of low- or no-cost steps the department could take immediately to gain greater control and

oversight of inmate trust accounts, currently wide open to abuse by gang inmates intent on bankrolling criminal enterprises while behind bars. Other areas ripe for efficient and economical administrative action by DOC include tightening up the inmate visitation process to control the flow of contraband, the establishment of uniform prison-entry security procedures at all prisons and a retooling of the department's personnel hiring and deployment practices.

These and other comprehensive recommendations are detailed by the Commission as follows:

1. Establish a Uniform Gang Identification and Intelligence System

This investigation revealed structural weaknesses in methods currently used to measure and assess organized criminal street gang activity in New Jersey's prisons and throughout the State. The most serious deficiency is that individual elements of the law enforcement community, including the Department of Corrections, utilize different, and often quite limited, standards and criteria to identify gang members. The discrepancies and gaps are even more pronounced when it comes to identifying and tracking the larger universe of gang involvement by criminal associates and other affiliates. This lack of universality, uniformity and coordination undermines the ability of law enforcement to share complete and accurate intelligence information and, ultimately, to understand and control the full scope of the threat posed by violent criminal gangs operating both on the streets and in the prisons. Given that similar concerns along these lines have been raised in a number of different venues, including in 2006 by the Assembly Prison Gang Violence Task Force, in 2007 by the Gangland Security Task Force Report and, more recently, by the Governor's Safe Streets and Neighborhoods Strategy, the

Commission recommends multiple systemic reform initiatives within DOC as well as the law enforcement community at-large:

Department of Corrections

In the mid-1990s, DOC established itself as a leader in gang identification methods by adopting a basic eight-point set of criteria to help it recognize and track gang members coming into its custody. Over time and under the pressure of an unprecedented influx of gang-affiliated inmates, however, this system has been rendered inadequate, providing the department only a limited ability to acquire and disseminate accurate and timely information related to gang membership and to evaluate incidents within the prison system that may involve gang activity. Compounding the problem is that county jails – which serve as primary inmate conduits for the state prison system – are not mandated and do not routinely provide gang identification data compliant with DOC’s criteria. Acknowledging these inadequacies, the department has assigned an experienced gang investigator to interview county inmates transferred to state custody and additionally has indicated that it was awarded a federal grant to improve its current intelligence/analytical technology and create a Corrections Intelligence Center.

The Commission recommends the following:

- DOC should devise and establish a more comprehensive and integrated intelligence-gathering system to capture a wider range of information relevant to gang-related membership and associated criminal activity. Every possible source of substantive information should be made available to SID, starting with potential identifiers

contained in an inmate's juvenile and adult criminal history, as well as those identifiers that arise during incidents within the correctional system.

- All county jails that currently have the capability to identify gang members in their custody should immediately be required to provide that information to DOC at the time such a county jail inmate is transferred to the state prison system. Ultimately, the State should mandate that all county jails participate in the gang membership identification process, utilizing standardized criteria that meet DOC's requirements. Steps also should be taken to ensure that county jail personnel receive proper training with regard to all elements of the department's gang identification procedures.
- An experienced investigator thoroughly trained in the new gang identification system should be assigned on a permanent basis to DOC's Central Reception Assignment Facility (CRAF) – the key point of entry into the adult state prison system – to ensure that every effort is made to assess inmate backgrounds for any meaningful link to a criminal street gang or other group considered to be a threat to the safety and integrity of the prison system.

Statewide Law Enforcement

The challenge of fully and accurately identifying the scope of the threat posed by organized criminal street gangs is not limited to DOC; it is a theme common to all law enforcement in New Jersey. While some agencies have undertaken efforts to develop gang

identification and intelligence systems, the various initiatives are fragmented with no uniform methods in place or in use. In order for a gang identification system to be effective it must start with law enforcement at the local level and track gang membership across a full spectrum, from an initial arrest as a juvenile or an adult to incarceration to parole and re-entry into society. Other states, notably Massachusetts and South Carolina, recently have unveiled comprehensive statewide databases designed to accomplish that kind of standardized approach, and New Jersey should do the same.

Pursuant to that goal, the Commission recommends the following:

- The State should establish a Gang Identification and Intelligence Task Force to design a practical and uniform system to identify gangs and their members and key associates, to ensure proper dissemination and information-sharing throughout law enforcement and to establish and maintain a central repository where all relevant and appropriate data could be stored. Given its experience in developing a gang identification system for its own internal use, DOC should be a critical component in developing this universal process.
- The Gang Identification and Intelligence Task Force should work toward the adoption of an identification system statewide in scope and should establish, as a minimum, a set of standards that allows the entire law enforcement community to document and access critical information useful in identifying a criminal suspect's or an inmate's potential gang affiliation, including but not limited to identifiers such as aliases, associations, criminal activity, known

gang tattoos or other physical markers, photographs and any other evidence pointing to gang involvement.

- Given the limited use by prosecutors thus far of the “gang criminality” statute, the Task Force should determine whether and to what extent amendments are necessary to enhance its effectiveness and applicability as a tool for the prosecution of gang-related crimes.
- The Task Force should draw upon all ongoing efforts of DOC, the Attorney General’s Office and the State Police, as well as the Data Working Group established by the Governor’s Safe Streets and Neighborhood Strategy.
- Available technology should be used to develop a secure, computer-based network system that allows gang identification information to flow efficiently and effectively within the law enforcement community. This system should incorporate relevant data and information developed by DOC, county jails and the juvenile justice, parole and probationary systems.

2. Overhaul and Strengthen DOC’s Internal Investigative Apparatus

If New Jersey ever hopes to mount an effective and sustained gang suppression effort within the state prison system, it will require a complete restructuring of DOC’s Special Investigations Division (SID). SID is under-sized, insufficiently funded and saddled with a

multitude of diverse and conflicting responsibilities, and needs to be fundamentally restructured.

Internal Affairs

The primary impediment to SID's effectiveness is that it is charged with investigating allegations of corruption and wrongdoing involving DOC personnel while at the same time probing and preventing gang and other criminal activity. This dual role not only puts undue stress on the division's limited resources, but it also puts its investigators on an adversarial footing with regard to front-line correction officers – the very people SID is supposed to be relying on for gang-suppression intelligence. Tension and lack of trust between SID and custody staff has been standard operating procedure for some time, and DOC has attempted to rectify the situation by creating a Professional Standards Unit within SID's central office. However, although this unit took the major internal affairs cases away from investigators assigned to field offices within individual prisons, the bulk of disciplinary actions involving allegations against or by custody officers are still handled by those same SID field investigators.

- The internal affairs function should be removed entirely from SID and placed in a new and separate centralized Internal Affairs Division established by statute and reporting directly to the Commissioner of Corrections.¹⁵ This Division would be charged with investigating all alleged violations of the administrative code, as well as criminal matters involving inmates and the civilian and custody staff of

¹⁵ Pending legislation (S-1153 in the Senate, sponsored by Sen. Jeff Van Drew, D-1st District; and A-1793 in the General Assembly by Matthew W. Milam, D-1st District) would require all DOC internal affairs investigations to be conducted separately from the unit responsible for collecting gang intelligence information.

the department. In addition, the Division should be responsible for domestic violence investigations involving DOC staff and for staff integrity compliance, including but not limited to urinalysis testing and the development of personnel policy/training recommendations.

- DOC should develop operating protocols for the Internal Affairs Division. These standard procedures should mirror the internal affairs protocols and guidelines that the Attorney General has established for all law enforcement units within the State.
- To fulfill its core initial staffing needs, the Internal Affairs Division should consider drawing upon personnel currently assigned to SID, particularly those individuals who, through professional experience and tenure, have developed expertise in internal affairs investigative work. In addition, an attorney with appropriate experience should be assigned to the Division to provide day-to-day case preparation assistance. The hiring process for Division personnel should include a comprehensive background investigation by the State Police. Candidates for employment, even if they have already had standard correction-officer training, should attend the 18-week Division of Criminal Justice Training Academy.
- The Internal Affairs Division inevitably will have to deal with criminal matters, and in such instances should complete its investigation in a timely manner and

then refer the case to either the Division of Criminal Justice or the appropriate County Prosecutor. If the prosecuting agency decides not to pursue the case, it could then be returned to Internal Affairs for administrative disposition.

Gang Intelligence and Suppression

The most important function assigned to SID from a gang-suppression standpoint is the routine gathering of information and criminal intelligence on gang-related activity across the prison system. The Intelligence Unit, one of four specialized units currently housed within SID's central office, is responsible for identifying gang members entering the system and groups considered security threats. It also recommends inmates for placement in the Security Threat Group Management Unit at Northern State Prison, maintains DOC's gang database, participates with the State Parole Board and State Police in supervising paroled gang members and provides gang training to numerous diverse groups. The Commission found that the performance of these responsibilities, however, has been hampered by understaffing, inconsistent intelligence-gathering regimens among the 14 prisons and friction between custody staff and SID investigators.

In order to address these concerns, the Commission recommends the following:

- Additional personnel and technical resources should be allocated to DOC's intelligence function in order to facilitate and integrate the collection, analysis, and sharing of information across the entire correctional system, including the state prisons and county jails.

- In order to fulfill its staffing needs in this area, DOC should develop a testing and evaluation regimen to identify personnel skilled in analytical and investigative intelligence-gathering. Experienced investigative staff, as well as custody officers, should be among those targeted for recruitment.
- Each state prison should be appropriately equipped with an intelligence-gathering unit staffed by at least one full-time gang investigator who would report to SID's central Intelligence Unit and whose mission would include identification and tracking of gang inmates, monitoring their communications, examining inmate trust-account activity and investigating gang-related incidents. All data and information gathered by these personnel should be analyzed and entered into the central network database at DOC headquarters.
- DOC should take steps internally to enhance the work of the various Institutional Intelligence Committees currently in place in each state prison to facilitate gang-intelligence-sharing between SID and custody staff. Once SID is divested of its internal affairs function, uniform policies and operational procedures should be developed to foster and coordinate a closer working relationship among the investigators and correction officers assigned to these committees, which should be reconstituted as teams. Each participant should be required to undergo an extensive updated background check to ensure the integrity of the process, and custody supervisors, as well as representatives from each shift, should be mandated to attend the team meetings.

- Custody staff selected to participate in the intelligence teams should receive up-to-date gang and intelligence training.
- The monthly meetings of DOC's Combined Law Enforcement Intelligence Committee (CLIC) – established to bring the wider law enforcement community together for regular information-sharing on gang-related activity and trends – should be given a higher profile and attendance should be made mandatory for prison administrators, custody supervisors and gang intelligence investigators. Also, information presented during these meetings should be documented and distributed for intelligence purposes.
- With regard to the sharing of intelligence information, the Commission acknowledges that there is a need to undertake an evaluation of real and potential legal and operational obstacles to such exchanges among law enforcement agencies. The Commission recommends, therefore, that the Gang Identification and Intelligence Task Force as proposed in Recommendation #1 of this report be directed to determine whether, and to what extent, legislation is required to amend existing law to permit the reasonable interchange of intelligence data among law enforcement, probationary and corrections agencies.

3. Strengthen Prison Entrance and Visitation Security to Control Contraband

Illicit narcotics, cell phones and other forms of prohibited contraband were found by the Commission to be widely available within the state prison system, smuggled in by visitors, corrupt personnel and others. The lack of consistent policies from one state prison to the next governing the security of points of entry, along with unreliable search and inspection procedures both for visitors and staff, contribute to this systemic problem.

The Commission, therefore, recommends action in the following key areas:

Entrance Security: Visitors

DOC relies on inmates themselves to identify and provide background information, including criminal and incarceration histories, on persons who are seeking to visit them – a patently unacceptable practice. Moreover, the material that does exist within DOC's visitor database is minimal and tainted by inconsistent identifiers, thus impeding accurate verification of visitor identities and allowing for the admission of banned and improperly identified individuals.

- As a starting point in the establishment of tighter control over visitors, a criminal history check should be conducted on all new visitors, who should be required to initiate an application process sufficiently in advance of the visit in order for the background check to be completed prior to the visitor's admittance. Once an applicant's eligibility is established, he/she should be required, upon arriving for

each subsequent visit, to sign and certify that the information they provided remains truthful and accurate.

- Every prospective visitor to a state prison in New Jersey should be required to present a New Jersey driver's license or, as an alternative, another form of identification compliant with the New Jersey Motor Vehicle Commission standards (e.g. a driver's license from another state; a military ID, passport; or a local, state or federal ID card). Under current rules, visitors need only present rudimentary government-issued photo identification, which may not contain a verifiable address. Many other jurisdictions use far more sophisticated visitor identification techniques. DOC should explore the development of an official "visitor identification card" containing a bar code to be scanned upon arrival for a visit. Another more advanced option could involve biometric registration, a means by which a person can be uniquely identified by evaluating one or more distinguishing physical traits. Unique identifiers include fingerprints, retinal and iris patterns in eyes, DNA and written signatures. This technology would ensure that a visitor could not change his/her name or use multiple fake identities to gain entrance despite being banned.
- DOC should establish a policy linking the level of security threat posed by an inmate to the number of visitors permitted on his/her visitor's list. A similar practice has been adopted by the State of Connecticut. Under current rules in

New Jersey, there is no limit in most circumstances on the number of individuals occupying an inmate's visitor list.

- The Commission's findings revealed that visitors continue to visit inmates even after being banned by the DOC. To address this major gap in security, DOC's centralized list of visitors who have been banned should be made readily accessible for review by authorities at each prison. The department's visitor database also should be updated and made accessible throughout the prison system to enable staff to cross-check visitor/inmate contacts. In addition, prospective visitors, other than relatives, should not be permitted on multiple inmates' visitor lists without high-level DOC approval, and inmates should only be allowed changes to their list of visitors, other than relatives, once every six months.
- DOC recently purchased 14 scanning devices for staff and visitor entrance points to detect the presence of metal and weapons. These devices also have the capability to photograph individuals as they pass through. The department should save and link these images to its visitor database. DOC could also adopt an identification scanner at visitor entry points used to scan the form of ID presented by a visitor. The Commission learned that such a change could cost less than \$100 per prison.

- Contact between visitors and inmates is a means for smuggling drugs and other contraband into the prison setting, a phenomenon the Commission found has been exacerbated by the easy access to candy and snack vending machines located in the various prison visitation areas. The Commission recognizes the altruistic purpose of providing snacks for visitors, but the contents of these machines are routinely abused as implements to disguise the delivery of contraband, mainly drugs, to inmates. Short of some other solution, such machines should be removed from visitation areas.
- In order to address concerns that not enough correction officers are assigned to crowded visitation rooms, thus hindering their ability to provide safe and adequate supervision and detect improper or illegal activity, the Commission recommends an increase in staffing levels and/or the deployment of electronic surveillance to such a level that the visitation areas are securely screened and monitored during visits and to serve as a deterrent against the passing of contraband.
- As resources become available, DOC should expand background investigations on, and develop a strategy to conduct spot checks and searches of, all departmental contractors, vendors, medical staff and volunteers to ensure that contraband is not reaching the prisons through those venues.
- The availability of illicit drugs in New Jersey's state prisons compromises institutional safety, security and rehabilitative efforts. Legislation should be

enacted establishing enhanced criminal penalties for anyone found guilty of distributing, dispensing or possessing illegal drugs inside prison grounds.

Entrance Security: DOC Staff

New Jersey's prisons maintain widely inconsistent policies governing the security of entrance points both for visitors and for DOC personnel. Among the 14 institutions, the entry inspection process can include any or some combination of the following: metal/weapons detection devices, wand-searches for metal objects and/or x-ray examination of packages and other objects. Moreover, no active or passive drug or cell phone detection technology is in place and functioning at each prison's entrance points on a full-time basis. Further, there is no uniform designation of entrance points as high-risk security posts and thus no guarantee that they are staffed with properly qualified and appropriately trained personnel; no fixed assignments of supervisory personnel at the various entrances; no standardized pat-frisk protocols; and no regular deployment of both male and female correction officers to conduct appropriate body frisks. The Commission is mindful of the challenges facing DOC management with regard to the department's personnel needs and is well aware of the exigencies and requirements of existing employment practices and collective bargaining agreements. But these deficiencies create significant and recognizable security vulnerabilities across the entire prison system, and the Commission urges both management and the unions representing its employees to consider the following recommendations and find fair and practical ways to achieve them:

- Standardize entrance and exit operating procedures for all state prisons, including a requirement that everyone entering the secure perimeter of these facilities be subject to a pat-frisk search, in addition to passing through the metal/weapons detection device and the x-ray and drug detection scans. The department should also invest in an adequate number of additional drug detection scanning machines and increase the number of certified operators.
- Visitor and staff entrance points should be designated high-risk security positions, and thus regularly staffed by both male and female correction officers, as well as supervisory personnel. Staff for these positions should be selected based on appropriate qualifications and the results of updated background checks, enhanced urine testing and ongoing training. These officers should also be rotated among the various prisons to preclude them from becoming overly familiar with the staff at one institution.
- Some settings on metal/weapons detection devices presently installed at the entrance points can be adjusted by the operator. The Commission recommends that these settings should be factory-set and not adjustable in any manner by any DOC operator.
- DOC should evaluate all search and inspection procedures as applied to its own personnel and, as necessary, take appropriate steps to strengthen them in order to prevent possible security breaches. For example, although the metal/weapons detection devices presently installed at the entrance points of all state prisons

can detect cell phones, the Commission found evidence that such capability can be defeated if such an item is secreted in a uniform component, such as a protective vest, used by correction officers in the performance of their duties.

- Legislation should be enacted to elevate from a petty disorderly persons offense to a crime of the 3rd degree circumstances in which any individual provides or attempts to provide, contraband, such as illegal drugs, to a state prison inmate.¹⁶

4. Inmate Monetary Accounts: Strengthen Restrictions and Oversight

The system of monetary trust accounts for state prison inmates should be overhauled based upon the Commission's findings that they have been subverted in the service of serious criminal activity both within and outside the walls of New Jersey's prisons. Established as minimal repositories for inmates' prison wages and a source of petty cash for buying commissary items and paying court-ordered fines and related costs, these accounts instead have ballooned into substantial financial instruments that are readily used to bankroll extortion and the unlawful purchase of narcotics and contraband. Millions of dollars are funneled through inmate accounts every year with little oversight and no limits on the amounts deposited and disbursed. The Commission found more effective models and systems in other jurisdictions that provide for better control and management of such accounts through centralization, computerization and strong oversight.

¹⁶ N.J.S.A. 2C:29-6

The Commission recommends a range of reform initiatives in the following key areas:

Limits on Account Balances and Usage

- The amount of money inmates can spend while incarcerated should be limited. While some have suggested a cap, such as \$1,000, on the maximum balance available in an inmate trust account at any given time, DOC should carefully examine this serious issue and determine the most practical and effective solution. Furthermore, the number of people with whom an inmate may transact business should be limited to those individuals appearing on his/her list of registered/identified visitors, except in situations in which the prison administration expressly approves a transaction involving others. The department should also restrict the number of transactions an inmate may make over a finite time period.
- In order for DOC personnel to gather more information about inmate account deposits and to improve efficiency of its operations, the record of every deposit should contain the complete name and address of the sender or purchaser, and the department should scan all incoming money orders as part of the processing protocol. In addition, all payments to inmates should reflect the correct inmate name and custody number, regardless of where the inmate is housed.

Monitoring and Oversight

- DOC should establish a uniform policy to ensure that inmate accounts are systematically scrutinized for suspicious or outright illicit activity. Presently, transactions involving the accounts are processed by the department's Business Office, which, at its own discretion, may refer questionable circumstances to department investigators, a haphazard approach at best. Business Office personnel should also receive training to aid them in identifying potentially problematic transactions.
- Although DOC auditors periodically review transactions, they do not investigate any suspected criminal wrongdoing associated with the inmate accounts. To bolster monitoring of the accounts, investigative accountants should be hired for SID and the audit staff should be augmented and directed to work in conjunction with the department's investigative staff.
- Inmates, including gang members, can easily conceal the true purpose of their account transactions by using third parties. The Commission found examples of checks sent by inmates to a minor child and a senior citizen, both of whom were used as fronts for the actual intended recipient. As additional resources become available, the DOC's investigators should endeavor to examine these third-party checks and capture those identities in a searchable database for potential investigative leads.

- Gang inmates have extracted extortion payments from other prisoners and their families via the inmate account system, and, fearing reprisal, the victims were reluctant to report such schemes to DOC authorities. The Commission recommends establishment of a toll-free hotline managed by an outside entity to enable the affected inmate or his/her family to report wrongdoing, anonymously if they so choose.

Management of Inmate Account Transactions

- DOC should establish a centralized computerized system to manage inmate deposits and disbursements. This initiative would eliminate redundancies, allow all 14 state prisons full access to detailed inmate account histories, remove personal liability from prison staff related to the handling of inmate funds and enhance security through centralized reporting and the cross-checking of sources of incoming funds against the destinations of outgoing funds across the entire prison system. The use of a computer-based system for inmate access to balances, evidence of deposits and disbursements would eliminate the costly and labor-intensive generation of paper statements, receipts and check copies by staff throughout the prison system.
- The centralized inmate account system should be linked with all correspondence, phone communications records, visitor lists and contraband seizures in a database by DOC personnel. This system should allow users to sift

data in a coherent, user-friendly manner. Utilized on a routine basis, this would enable DOC personnel to rapidly identify relationships, trends and events pursuant to internal and external investigations into gang-related and other questionable activities.

5. Control Inmate Communications

Cell phones and other wireless communications devices pose a serious threat to the safety and security of New Jersey's prisons. They are used by gang inmates and others to remain relevant and retain leadership, to remotely control and direct criminal activity on the streets or in other correctional institutions from within prison walls, to carry out extortionate threats and to arrange for the smuggling of contraband and financial transactions associated with such activities.

To address these and other issues, the Commission recommends reforms in the following areas:

Cell Phones

- DOC should pursue a range of strategies to locate and confiscate cell phones in the prison system. During this investigation, the department demonstrated the practical utility of using dogs trained to detect these devices. However, it should bolster that effort by exploring the use of state-of-the-art cell phone detection technology, as a number of other states have done. Pursuant to that, DOC should solicit public- and private-sector proposals for the installation of such

technology and establish a pilot project at one or two institutions to test its feasibility.

- DOC should formalize its cell-phone confiscation process and create a standardized tracking system, with all confiscated cell phones submitted to the Computer Forensics Unit within SID. SID should be responsible for providing DOC's Commissioner with accurate monthly data for use in assessing the effectiveness of the department's detection and confiscation efforts. The confiscation process should also undergo internal legal review to ensure it affords a clear evidentiary chain of custody so that, when necessary, a given phone can be tracked from confiscation to analysis and on to the appropriate prosecuting authority.
- DOC should focus resources on examining cell-phone data by assigning more personnel to the task and maintaining an updated software library. In addition, DOC could make better use of data from confiscated phones by adding an analytical function to this area. An analyst would be able to examine trends in cell-phone usage and determine if calls have been made to or from inmates, outsiders or prison staff.
- A majority of cell phones confiscated within the state prison system in recent years were found to have been purchased with pre-paid usage plans. Generally, pre-paid phones do not come with an accompanying contract, and there is no requirement for the purchaser to provide identification or proof of address at

the time of purchase. These gaps impede investigative efforts to trace such phones back to their source, thus rendering the system highly vulnerable to abuse and subversion by criminal elements. Thus, the Commission recommends enactment of legislation to require the presentation of valid identification for the purchase of pre-paid cell phones.

Prison Phone System

Beyond cell phones, gang inmates and others easily manipulate the prison system's legitimate land-line phone network to carry out prohibited communications, including conference calls and calls forwarded to unauthorized third parties.

- The current prison phone system should be upgraded or enhanced to bar all third-party calls. The Commissioner of DOC recently stated that steps will be taken to implement a patch created by the prison phone-system vendor that is designed to intercept and drop third-party calls.
- Information about gang activity gathered through listening to call traffic on the prison phone system is important to the entire law enforcement community. DOC should endeavor to monitor a large percentage of calls placed by general prison population and strive for full coverage of calls placed by inmates incarcerated in the Security Threat Group Management Unit and the Management Control Unit. The Commission recognizes SID's resources are limited, but gathering and disseminating any and all information related to gang

activity would greatly enhance law enforcement's statewide gang suppression efforts. Thus, the Commission recommends that DOC work with the Attorney General's Office to develop an efficient means to expand monitoring of the prison-phone system in a way such that the resulting information can be lawfully shared with and utilized by as broad a cross-section of law enforcement as possible.

6. Upgrade DOC Personnel System to Address the Gang Threat

Although it is plain that the overwhelming majority of correction officers are honest, hard-working individuals, the Commission found systemic weaknesses in DOC's personnel system that renders it vulnerable to corruption and abuse, including outright infiltration by organized criminal street gang members into the ranks of sworn correction officers and civilian staff. These shortcomings include a statutory failure to explicitly acknowledge the depth and scope of the gang threat to New Jersey's penal institutions, vulnerabilities in the process for recruiting correction officers and a personnel disciplinary process that can fail to take into account DOC's expertise in evaluating the risk of security breaches to the safety and security of an institution.

The Commission recommends changes and reforms in the following key areas:

Recruitment

Many line correction officers and SID investigators, as well as senior managers at DOC, have grave concerns over the potential for gang infiltration into their ranks, and the

department has instituted several key reforms designed to address that threat. In September 2008, late in this investigation, DOC began questioning correction-officer applicants about gang affiliation. However, it is important to note that no specific statute, rule or formal legal direction has authorized the Department to reject gang members as candidates for the position of correction officers.

- Legislation should be enacted expressly prohibiting gang members from serving as correction officers.¹⁷
- The State's Civil Service law should be amended to provide a specific basis to disqualify correction-officer candidates who are gang members and that, in the case of incumbent correction officers, such affiliation should constitute grounds for removal from service.
- DOC's system for carrying out personnel background checks on sworn employees and civilians is scattered across multiple bureaucratic layers within the department and should be consolidated. Moreover, new and advanced training in the proper conduct of such background investigations should be provided to staff as appropriate.

¹⁷ Legislation pending in the State Senate (S-427, Van Drew) would prohibit members or affiliates on criminal street gangs from being appointed correction officers.

Residency Requirements

Employment as a correction officer in prisons located in certain municipalities or counties currently is subject to statutory residency requirements. Some at DOC defend this policy, noting that correction-officer recruits from the same area may know inmates, understand gang behavior and are better able to deal with the unique challenges posed by these inmates. Others, however, expressed concern that the practice creates the potential for the coercion or extortion of corrections officers, including the possibility of direct threats on an officer's family.

- The Commission recommends that existing policies regarding residency requirements for employment at certain prisons be reviewed and evaluated by DOC and the Legislature.

Training

Training correction officers to identify and respond to gang behavior is critical to effective gang suppression efforts. Currently, correction-officer recruits are only provided with one day of Security Threat Group training while enrolled in the DOC's training academy. Further, DOC lacks sufficient resources to conduct consistent, sophisticated and ongoing in-service training, primarily due to the cost of paying overtime for these personnel after their regular shifts are completed.¹⁸

¹⁸ Legislation pending in the General Assembly (A-1996, sponsored by Assemblyman Gordon M. Johnson, D-37th District) would require DOC employees who are involved in recruiting, interview and hiring correction officers to undergo gang-awareness training.

- The Commission recommends that DOC develop a comprehensive training program consistent with recognized law enforcement best practices, including a substantial component on gangs, and that it work with unions representing correction officers to effectuate ongoing in-service training under circumstances that would minimize the cost of overtime.

The Commission also found that there is a lack of specific investigative training, particularly with regard to gang-related issues, for critical positions such as staffing the various prisons' points of entry, their mail rooms, DOC's business offices and its Custody Recruitment Unit. To improve the security of those areas, the Commission recommends:

Mail Room/Communication

- Because gangs rely on communication, including written correspondence, to recruit members and advance criminal enterprises both in prison and on the streets, the Commission recommends that every prison's mail room staff be trained in the detection of gang symbols, codes and jargon and other identifiers through authorized sight scanning on an ongoing comprehensive basis.

Points of Entry

- Contraband enters a facility through visitors or through corrupted correction officers and staff, all of whom must pass through secure portals; therefore, the

S-1150, Van Drew; and A-1791, Milam, would require mandatory annual in-service training of at least 40 hours for each state correction officer. Sixteen of those hours would be required to include safety training in gang management and intelligence, riot control, contraband interdiction and counter-terrorism issues.

S-1148, Van Drew; and A-1790, Milam, would require DOC annually to provide at least four hours of gang-awareness training to each civilian employee in institutions within the department's jurisdiction.

Commission recommends that personnel who staff the front door, mail room, and shipping dock receive specialized training in the detection of contraband.

Business Office/Inmate Accounts

- Business office staff at the different prisons currently process the receipt and disbursement of funds into and out of inmate trust accounts. This function should be centralized and modernized, allowing for a reduction in staff resources dedicated for this purpose. Remaining staff should be trained in how to detect efforts to manipulate inmate accounts for criminal purposes. In addition, a procedure should be established to report this information to SID for follow-up. Additional training in gang structures and relationships as well as financial investigative training would also enable this staff to identify suspicious activity, especially as it may relate to gang controlled contraband and/or extortionate activity.

Custody Recruitment Unit

- The Commission recommends that staff assigned to DOC's Custody Recruitment Unit receive comprehensive gang training that would enable them to recognize gang behavior and develop the evidence necessary to prevent gang members from penetrating the ranks of correction officers. This Unit's personnel should also be certified by the N.J. Police Training Commission.

Personnel Deployment

State law, as well as union, contracts recognize that staffing assignments are critical to the safe and secure operation of a prison and can be purely a managerial prerogative. Presently, however, the vast bulk of custody staff assignments are based solely on seniority. While there are benefits to relying on seniority, specifically in the context of preventing favoritism in the award of plum assignments, departmental management has suggested that DOC identify certain posts as high-risk vulnerability “posts,” including entrance points, mail rooms, visitation areas and the Security Threat Group Management Unit. Again, the Commission is mindful of the challenges facing DOC management with regard to the department’s personnel needs and is well aware of the exigencies and requirements of existing employment practices and collective bargaining agreements. But the Commission nonetheless urges both management and the unions representing its employees to consider the following recommendations and find fair and practical ways to achieve them:

- The staffing of high-risk security posts should be selected on the basis of professional qualification and open competition and not purely on the basis of seniority.
- Personnel assigned to high-risk security posts should be subject to updated background security checks, specialized training and enhanced urine testing on a routine basis.

Discipline

DOC managers have expressed frustration with some of the results it has achieved in the administrative adjudication of staff who have averted major discipline. The source of the frustration may stem, in part, from the fact that the DOC is not the agency ultimately charged with determining the final outcome of such disciplinary matters. Under New Jersey's longstanding Civil Service system, that power rests with the Civil Service Commission (formerly the Merit System Board). Because the Civil Service Commission is the final administrative arbiter, it is presumed to have expertise in the discipline of correction officers, even though it is unlikely that its staff or members have ever spent time in a prison setting.

Not specified as a ground or basis for discipline by either the Civil Service Commission or the DOC is the fact of membership or association with organized criminal gangs, such as the Bloods. Thus, it is recommended that, just as membership in a criminal street gang should disqualify candidates for correction-officer positions, correction officers themselves should be statutorily subject to removal on the basis of a criminal association.

The Commission's review of recent DOC disciplinary cases involving correction officers revealed a wide range of outcomes. Given the different factual contexts, the possibility of investigative shortcomings, the inherent vagaries of litigation and witness presentation, and the non-reporting of settlements, it is difficult to precisely determine whether the administrative process is appropriately identifying adequate bases when the department's disciplinary decisions are overturned. Nonetheless, there is reason to conclude, based on a fair review of select disciplinary decisions that DOC's concerns have some merit. A relatively simple statutory

adjustment could strengthen the department's managerial hand, without fundamentally altering a long-standing and broadly accepted civil service process that reposes final decision making authority in the Department of Personnel.

- Legislation should be enacted that would require the Office of Administrative Law and the Civil Service Commission to explicitly accord significant weight and pay due deference to DOC's appraisal of the threat that an infraction poses to the safety and security of a prison. New Jersey's appellate tribunals have long recognized that DOC's assessment of the seriousness of an offense and the degree to which an offense subverts discipline is a matter "peculiarly within the expertise of corrections officials." This already existing appellate court standard, if legislatively codified, would strengthen the department's hand in the administrative discipline process without disrupting the fine legislative and contractual balance struck by the State's Civil Service system. It would provide a needed boost to DOC's ability to maintain discipline and substantially address a key pressure point in the emerging threat of gang infiltration. The courts have stated, "We can take judicial notice that such facilities (prisons), if not properly operated, have the capacity to become tinderboxes."¹⁹

¹⁹ Bowden v. Bayside State Prison, 268 N.J. Super. 301 (App. Div. 1993)

APPENDIX

Summary of Key Findings

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BLOODS ARE THE LARGEST AND MOST DOMINANT GANG ON THE STREETS AND IN NJ'S PRISONS

COMMUNICATION

- Bloods and other gang leaders maintain control of criminal organizations through the use of cell phones, and by manipulation of the in-house prison phone and mail systems

FINANCIAL ACTIVITIES

- Inmates' accounts are utilized to purchase drugs and cell phones and to transfer payments extorted from inmates and their families by Bloods through violence and the threat of violence

CONTRABAND

- Bloods control the trafficking of significant amounts of drugs and cell phones within prisons
- Correction officers, civilian staff, and visitors have smuggled drugs and cell phones into prisons

- Inadequate cell phone detection devices
- Ineffective phone system technology allows for third party calling
- Lack of resources and expertise to conduct proactive investigations, including monitoring of prison phone and mail systems

- Present DOC database is either inadequate or not used to its capacity
- No limitations on the amount and frequency of deposits and disbursements or the amount of funds in inmates' accounts
- Lack of scrutiny regarding individuals depositing funds into an inmate's trust account, either by mail and/or in person
- Lack of expertise and resources in SID to deal with sophisticated gang financial issues

- Limited drug detection capability at front door and inmate visitation
- No uniform SOP's for front door
- Ineffective controls to manage visitation process
- Staffing assignments critical to the safety and security of a prison are based on seniority rather than qualifications and training
- Inadequate background checks on correctional guard candidates, including vetting for gang affiliations

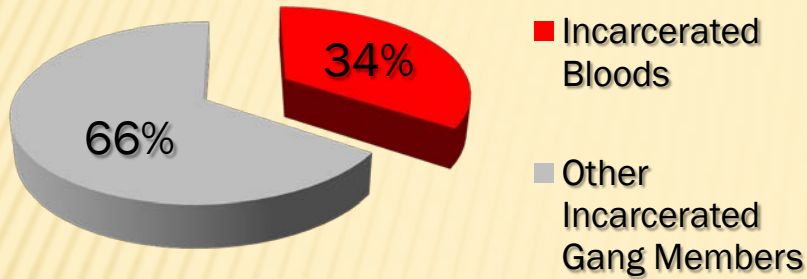
BLOODS ARE ABLE TO CONTINUE TO OPERATE IN NJ PRISON SYSTEM

A-2

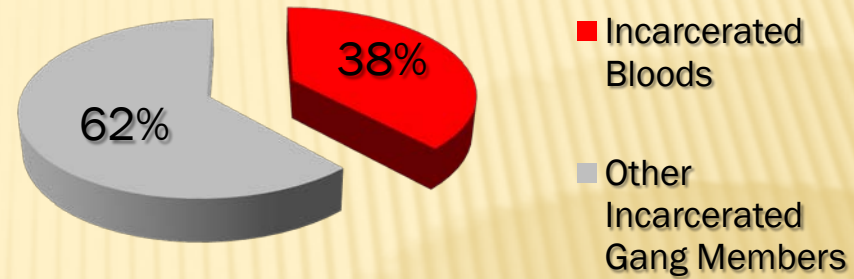
Analysis of Incarcerated Bloods Compared to Other Gang Members

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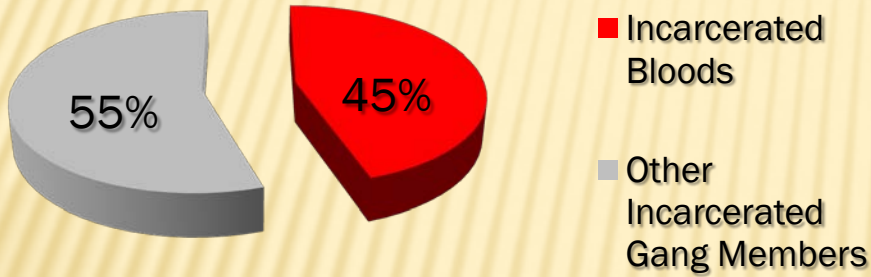
January 2004



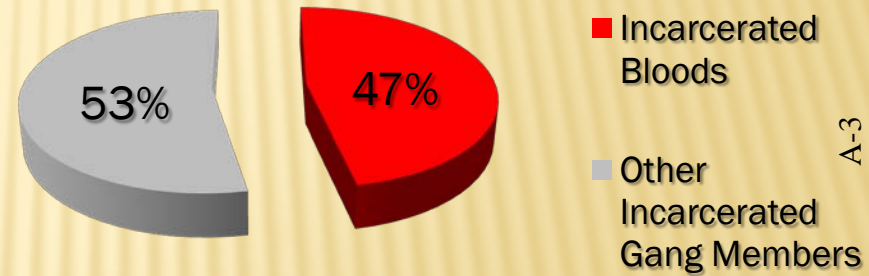
January 2005



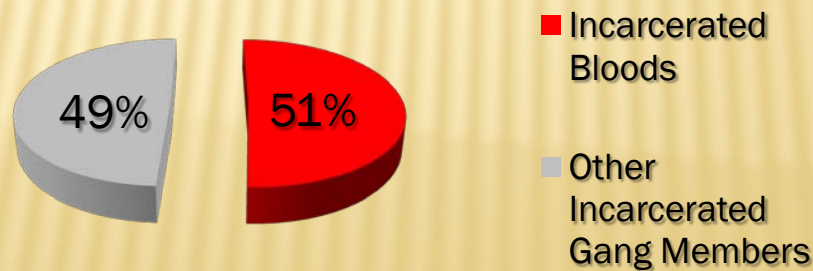
January 2006



January 2007



July 2008*



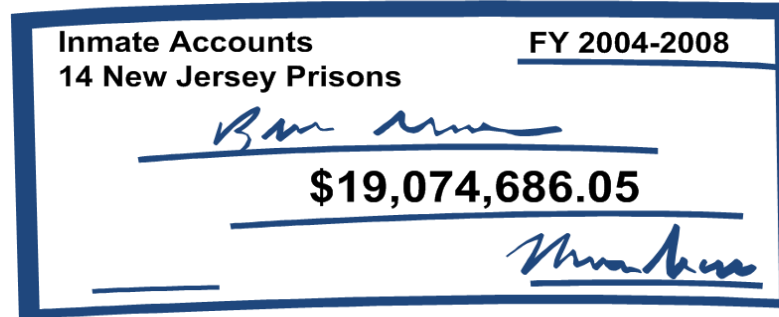
**Exhibit
GR-125**

A-3

TOTAL INMATE ACCOUNTS MONEY FLOW FY 2004-2008

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Exhibit
GR-133



Inmate Disbursements



**14 NEW JERSEY
PRISONS**
\$63.8 MILLION

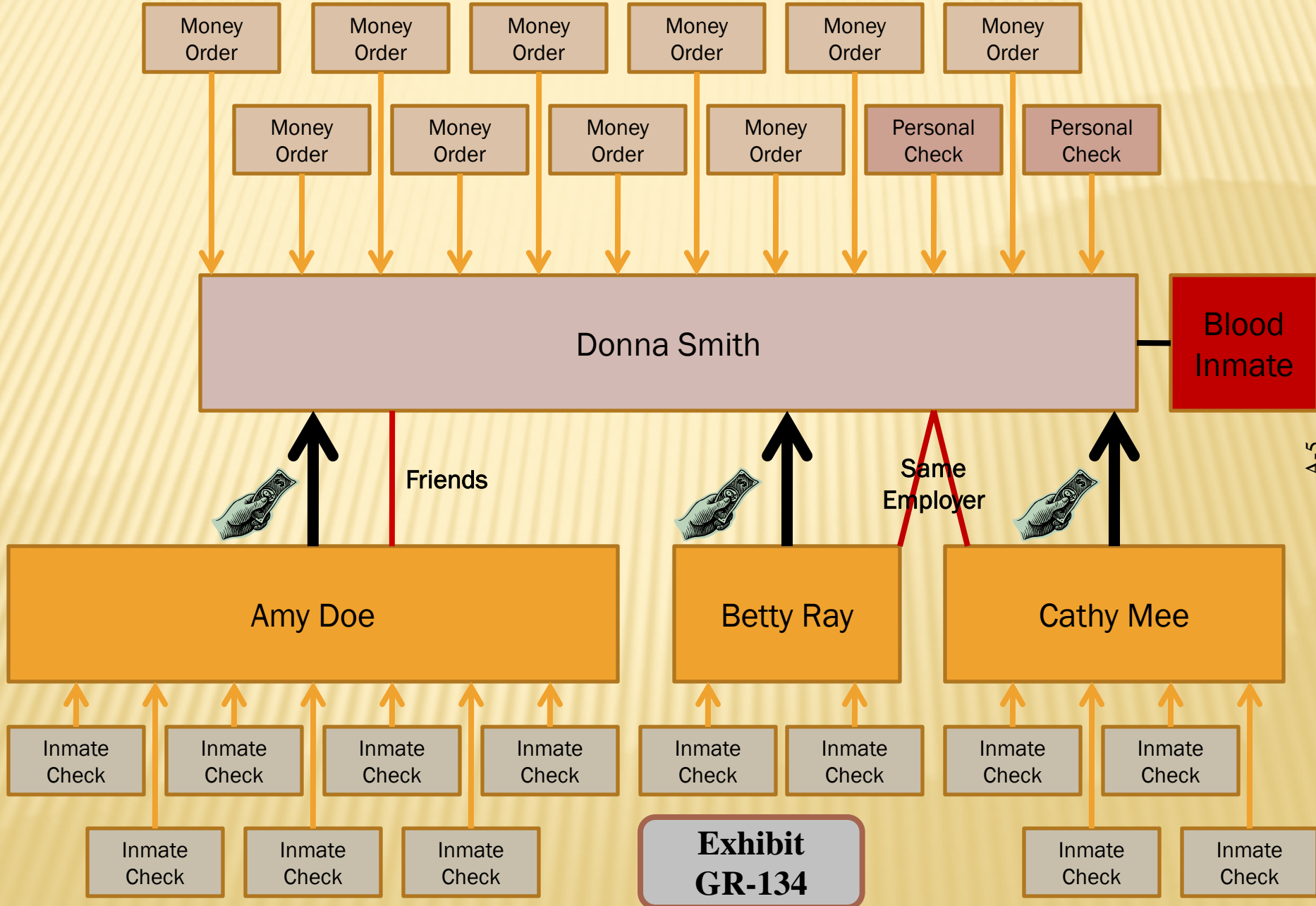


Mail Receipts
\$54 Million

Visitor Receipts
\$9.8 Million

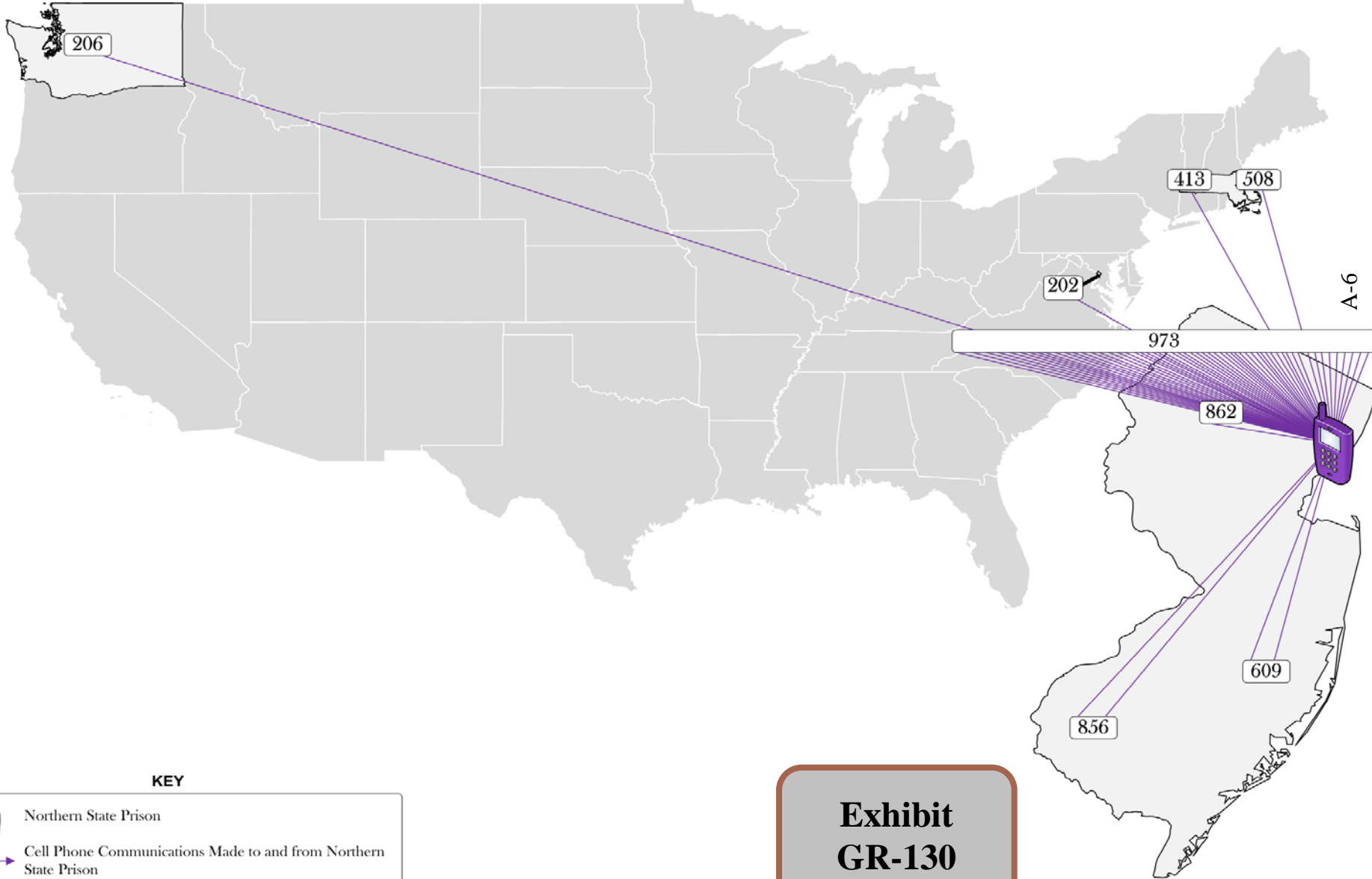
Example of Inmate Accounts/“Street to Street” Scheme

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Cellular Phone Communication Activity of an Imprisoned Gang Member

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A total of 60 communications were made to
and/or received from one cell phone over 3+
days.
8/15/2005, 8/21/2005, 9/19/2005



KEY



Northern State Prison



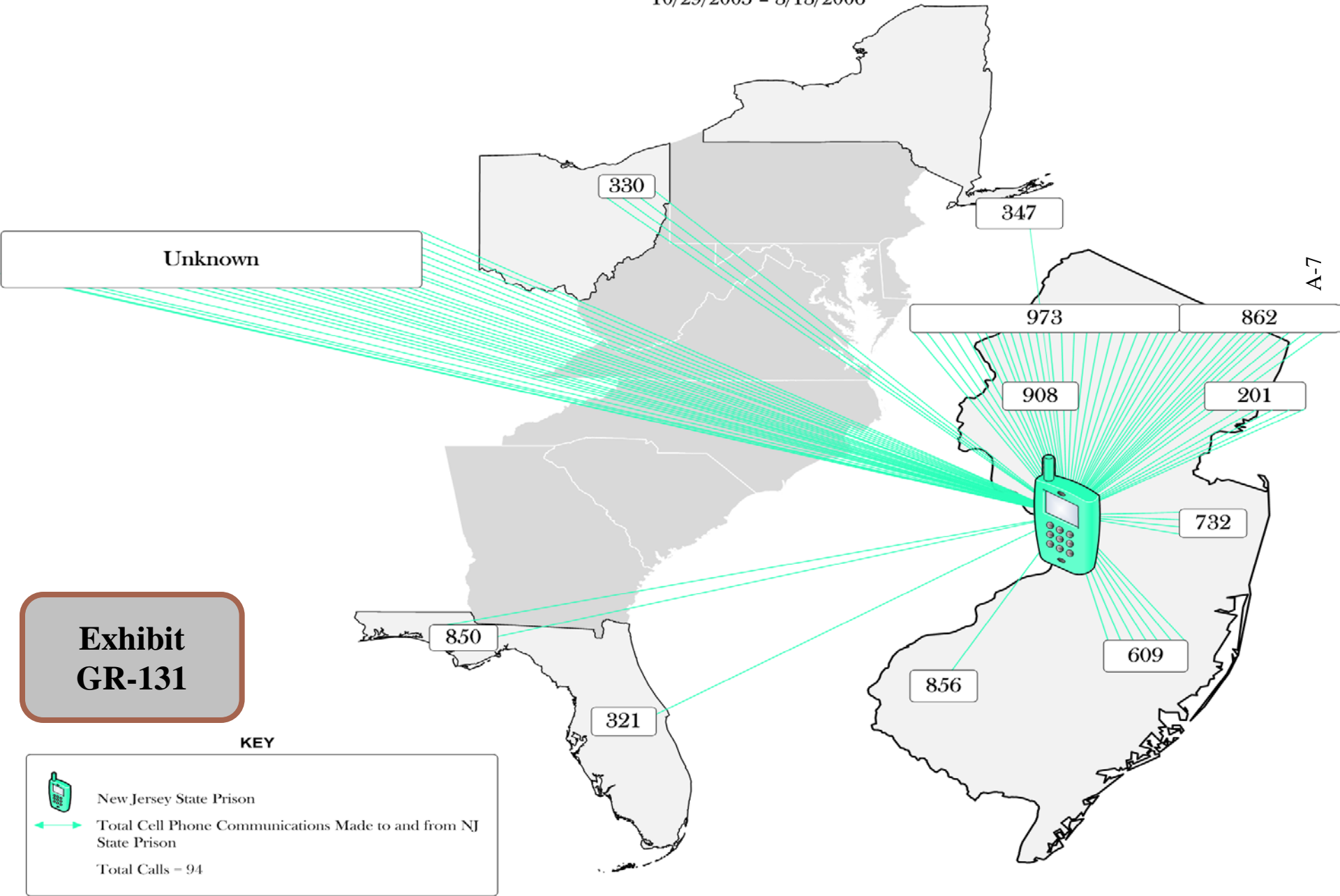
Cell Phone Communications Made to and from Northern State Prison

Total Calls = 60

**Exhibit
GR-130**

Cellular Phone Communication Activity of an Imprisoned Gang Member

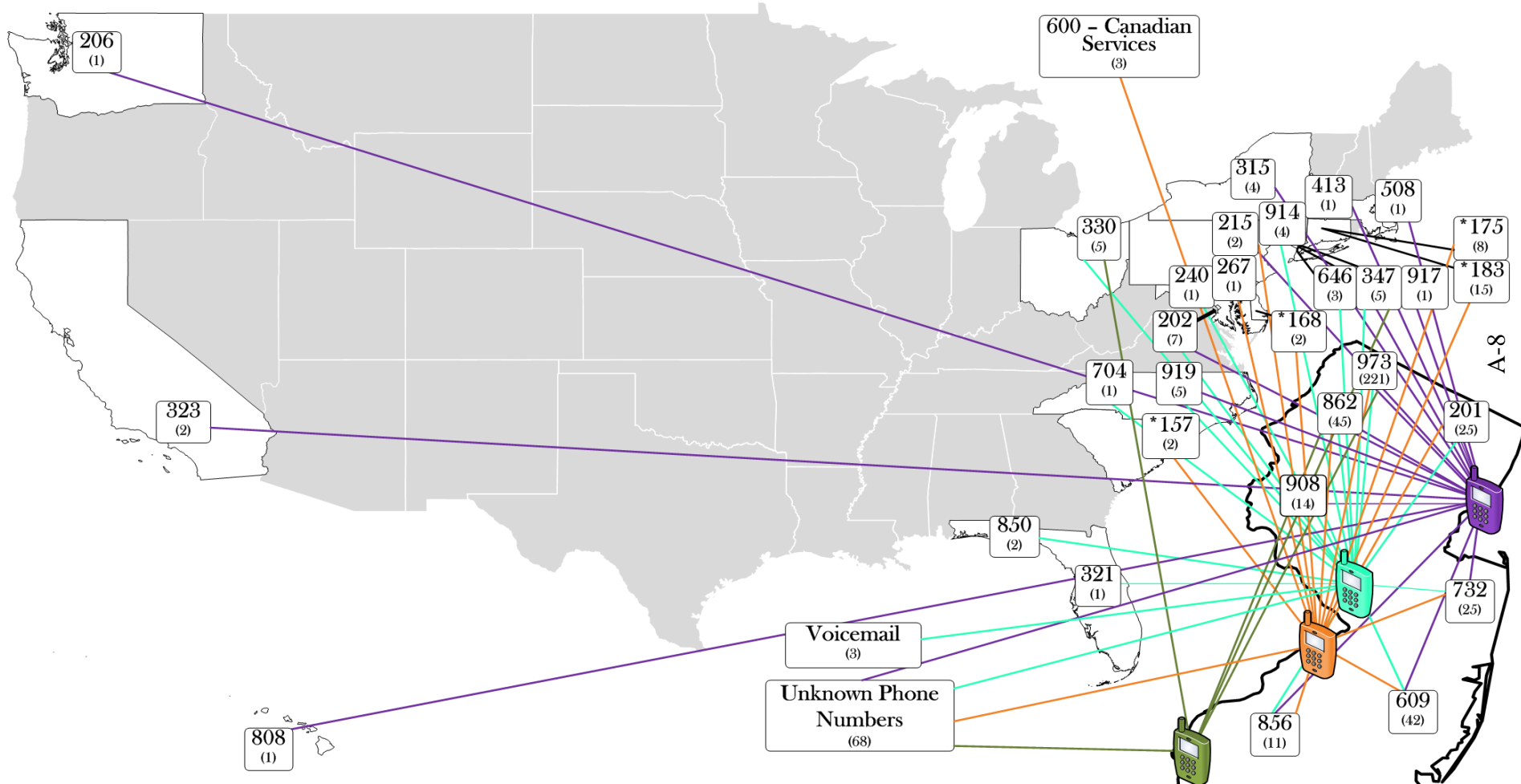
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A total of 94 communications were made to and/or
received from one cell phone during 19 days of usage.
10/29/2005 - 3/13/2006



Geographical Reach of 17 Cell Phones Confiscated from NJ Prisons:

Over 80 Non-Consecutive Days from 2004 - 2007

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KEY

- Northern State Prison
 - Geographical Reach of Cell Phone Communications Made to and from Northern State Prison
 - New Jersey State Prison
 - Geographical Reach of Cell Phone Communications Made to and from New Jersey State Prison
 - Garden State Youth Correctional Facility
 - Geographical Reach of Cell Phone Communications Made to and from Garden State Youth Correctional Facility
 - South Woods State Prison
 - Geographical Reach of Cell Phone Communications Made to and from South Woods State Prison
- (#) # calls = 532 total
* Direct Connect Area Code

**Exhibit
GR-132**



State of New Jersey
Commission of Investigation
609-292-6767
www.state.nj.us/sci