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ANNUAL REPORT
of the
OFFICE OF INMATE ADVOCACY
DEPARTMENT OF THE PUBLIC ADVOCATE

Submitted to the Governor and the members of the Legislature pursuant to P.L. 1974,
c.27, sec. 47 (N.J.S.A. 52:27E-46)

December 1, 1977

During the period covered by this report, the Office of Inmate Advocacy dealt almost exclusively with matters concerning conditions in the county jails of New Jersey. The Office has not been provided with funding in the state budget since July 1, 1976. Our sole source of funding is a grant from the Law Enforcement Assistance Administration through the State Law Enforcement Planning Agency, which is limited to county and local penal facilities. Because of the impossibility of dealing with all such institutions, we have confined ourselves to the county facilities, since they are larger and hold people for greater periods of time.

COUNTY JAIL REPORTS AND MEETINGS

As explained in our last annual report, the office staff during the summer and fall of 1976 visited and thoroughly inspected all of the adult penal facilities operated by the counties, a total of 28 institutions.* Through internal staff discussions, we identified eleven institutions in ten counties as presenting the most serious problems in terms of their deviation from the requirements set out in court decisions, professional standards, and state guidelines. Detailed reports of our findings and recommendations, including citations to the applicable decisions and standards, were prepared and submitted to the relevant county officials, including Sheriffs, Freeholders, Prosecutors, County Counsel, and Criminal Justice Planners. Each of these reports was followed by a face-to-face meeting with many of the officials. In all cases where the report was not completed within six months of our initial inspection,

* Seven counties (Bergen, Burlington, Camden, Essex, Gloucester, Middlesex, and Mercer) operate separate facilities for detainees and sentenced persons. Hudson operates a jail and penitentiary, but in the same building. Bergen has recently closed its jail and consolidated all operations in the "Annex".

a follow-up visit occurred, to insure that our information was up-to-date and accurate. Such meetings were held in the following counties: Gloucester - December 15, 1976, Burlington - February 1, 1977, Somerset - February 24, 1977, Ocean - March 15 and April 13, 1977, Union - March 17, 1977, Monmouth - March 22, 1977, Middlesex - June 23, 1977, Warren - July 20, 1977, Bergen - July 27, 1977. Most of the 10 counties have been responsive although there was a delay in completing the Passaic reinspection because of initial reticence on the part of county officials.

Somerset County was overall the most cooperative. There, a full-time nurse was hired for the first time. A rule book was written for inmates which is more comprehensive than any other used in the State. Disciplinary and grievance procedures were developed and put into operation, and action was begun to bring about a regular program of exercise for the inmate population. In Monmouth, Saturday visiting was added and the nurse's hours were extended from half to full-time. However, provisions for visiting and health care remain inadequate, and discussions are continuing. In Gloucester, a new rule book was issued, and action to replace the ancient jail speeded up, but many serious problems remain. In Bergen, the 50 year old fortress-like jail was closed two weeks after our visit, and all inmates moved to the modern Jail Annex, where they can be provided adequate health care and other programs. In Middlesex, we assisted the Criminal Justice Planning Board in its consideration of alternatives to the present jail and workhouse. In Ocean, we similarly became involved in planning for a new jail, and were involved in the decision to seek federal funds for a psychological and social work staff. Warren has appointed a new Warden, has sought federal funding for new social service programs, and is

trying to correct some of the deficiencies. In Burlington and Union, there have been some small improvements, but significant reform is hampered by financial limitations.

Although we have not felt it necessary to give them the same level of attention, since the magnitude of problems was not as great, we have not ignored the other county jails. Visits were made to Cumberland, Hudson, Hunterdon, Atlantic, and Cape May Counties and reports of our findings and recommendations are being submitted to the appropriate officials. We maintain continuing communication with other counties. In Mercer, Essex, Morris, and Salem, we have been instrumental in bringing about reforms, such as grievance mechanisms, improved health care and more adequate programs.

SPECIAL SERVICES

Inmate Law Libraries

In cooperation with the New Jersey State Library of the Department of Education, the Office prepared a list of recommended selections for inmate law libraries for county penal facilities. Since the United States Supreme Court recently decided that all penal facilities must make a law library or other legal assistance available to their inmates, this project has been valuable to the counties which are required to comply with this mandate.

Mercer County Detention Center Disturbance

When inmates at the Mercer County Detention Center staged a peaceful demonstration by refusing to be locked in their cells last March, staff from the Office immediately went to the jail and aided in the successful effort to resolve the matter. Since the bulk of the matters of concern to the inmates

involved problems with the criminal justice system, we sought to bring about communication with the judiciary and the Prosecutor, which resulted in some important actions to speed up the processing of criminal cases in the county. We also represented the inmates in discussions with the jail administration on matters relative to conditions in the institution. In part as a result of our involvement, the demonstration ended without violence, and communication was developed to try to insure that it would not be necessary to resort to such direct action again.

Middlesex County Workhouse "Strike"

In a similar situation, the Office stepped in when the inmates at the Middlesex County Workhouse staged a "strike" in October. Through a full day's face-to-face discussion with inmate representatives and administrative officials, we were able to bring about an agreement ending the strike and setting up a regularly functioning inmate committee, again making it less likely that such strikes would occur in the future.

Mental Health Care

One issue which arose repeatedly in our visits to the counties was the inadequacy of mental health services available to inmates housed in the county jails. Wardens frequently complained that manifestly disturbed persons were brought to them by the police, and that they have no facilities to treat their conditions. The only remedy readily available to them - commitment to a state hospital - was often unavailing because the inmate was returned in no better shape than when he left. To examine and hopefully reach an effective solution to this problem, the Office has begun an investigation, in cooperation

with the Public Advocate's Division of Mental Health Advocacy, of services available at both the county and state level. This investigation, aimed at determining what improvements are needed, is continuing.

State Prison Back-up

While not involved in state prison conditions per se, because of funding considerations, the Office has been concerned with the effect on jail conditions caused by the back-up of persons sentenced to the state prison who remain in county facilities because of the lack of space in the prisons. We have been in regular contact with Department of Corrections staff. Examination of conditions in Trenton and Rahway Prisons and the Yardville Reception Center, led to development of a system for bringing special cases to the proper authorities where expedited consideration for transfer is appropriate. Thus, we have had some impact on making things somewhat better for the counties during this difficult period.

INDIVIDUAL COMPLAINTS

In addition to our larger investigations, the Office has sought to encourage individual inmates in the county facilities to bring complaints regarding conditions to our attention. This has proven somewhat difficult to do in these institutions for two reasons:

- (1) The populations in the jails are highly transient. As a result, some inmates never learn of our availability. There has been no mechanism for new arrivals being informed about the Office.
- (2) Pretrial detainees, in general, are primarily concerned with the disposition of the charges pending against them, and not matters such as their health and

physical environment.

While there is no solution to the second of these considerations, we have sought to deal with the first by promoting permanent notice mechanisms. For example, the Somerset County Jail Rule Book, given to each inmate, gives the address and telephone number of this Office and a description of its responsibilities. Interestingly, although every inmate at that facility is thus informed of our availability, we receive fewer complaints per capita from Somerset than from many other counties, largely because the grievance mechanism, developed at our urging, settles most issues at an early stage.

Nonetheless, we have received over 300 requests for assistance from or about individual inmates in 25 county institutions in the last twelve months. Depending on the nature of the matter, our response may involve personal or telephone contact with the inmate and/or jail officials or referral to another agency which will be able to deal with the problem. In general, we have been successful in resolving such matters as medical attention, disciplinary procedures, and visiting arrangements. Larger issues, such as access to legal materials, food services, and general housing conditions which cannot be immediately resolved, are incorporated in our full report to the county for discussion along with the other issues.

Our experience convinces us that this mechanism for responding to individual complaints provides an important safety valve for the tensions of incarceration, and may well lessen the possibility of violent responses by the inmates.

LITIGATION

Because of the policy of this Office not to bring lawsuits except where the matter cannot be resolved administratively, we have not yet been engaged in any major affirmative litigation. It is anticipated that, in at least some counties, deficiencies which constitute substantial violation of the legal rights of inmates will not be resolved through negotiations, and that some lawsuits will have to be brought in the next year.

We have an appeal on behalf of certain inmates sentenced to the Mercer County Correction Center who were denied parole consideration although their sentences aggregated well over one year. The case, Cain v. New Jersey State Parole Board, will be argued in the Appellate Division on December 6, 1977.

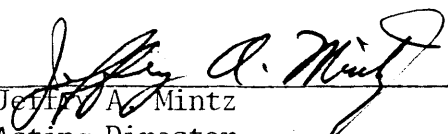
GENERAL COMMENTS

The loss of state funding for the Office of Inmate Advocacy, which has required us to cease all services to inmates in the adult correctional facilities in the State, has resulted in a situation where no agency outside of the Department of Corrections itself is presently available to respond to the concerns of those people. Officials of that Department, as well as many responsible inmates, have expressed concern that this useful outlet for the tensions of prison life has been lost. While it is understood that in the present financial situation in the State, other priorities now take precedence, we hope that in the not too distant future, it will be possible to restore this Office to the budget and thereby lessen to some degree the possibility that these tensions may build to the point of producing serious and costly disturbances. A modest budget for the Office has been included in the Department's request for FY 1979. We urge the Governor and Legislature to act favorably on this item.

We also take this opportunity to express our appreciation to the Governor and the Legislature for their favorable action in removing the termination date for this Office which was written into the original Public Advocate Act. We hope that we will continue to live up to the "vote of confidence" implied by this action.

Respectfully submitted,


STANLEY C. VAN NESS
Public Advocate


Jeffrey A. Mintz
Acting Director
Office of Inmate Advocacy