

P U B L I C H E A R I N G

before

THE COUNTY PENAL SYSTEM STUDY COMMISSION

on

ATLANTIC COUNTY'S ADULT PENAL SYSTEM

Held:

May 29, 1974

County Freeholders Room

Guarantee Trust Building

Atlantic City, New Jersey

MEMBERS OF COMMISSION PRESENT:

John F.X. Irving, Chairman

Commissioner Arthur F. Brown

Commissioner Gerard A. DelTufo

Commissioner Joseph DeMarino

Commissioner Bessie G. Hicks

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1 CHAIRMAN IRVING: Good morning, This
2 is a continuation of our public hearings concerned
3 with the Atlantic County Jail.

4 The New Jersey County Penal System
5 Study Commission will continue, first, this morn-
6 ing, to hear again from Undersheriff Cartier.

7 Good morning, sir.

8 MR. CARTIER: Good morning.

9 CHAIRMAN IRVING: We did not have time
10 last evening to ask you for any specific recommen-
11 dations you have for the jail, and with special
12 emphasis, if you care to give special emphasis to
13 the role of the State in helping Atlantic County
14 meet its needs.

15 MR. CARTIER: I will try to be brief,
16 because you have a long schedule today.

17 There are several items I would
18 recommend. Number one would be a regionalized
19 as opposed to a county--a regionalized narcotic
20 treatment center, and a regionalized alcoholic
21 treatment center, and I say regionalized, because,
22 in particular in South Jersey, our counties,
23 some of them are much smaller than Atlantic
24 County, could not feasibly, financially support
25 or be able to support something like that on a

1 county basis. Standardization, by State,
2 as far as the operation of the county institu-
3 tions, I don't think is too feasible, because
4 we've got twenty-one counties, and as the Sheriff
5 of Middlesex and certainly the Undersheriff of
6 Ocean County know, the twenty-one counties have
7 twenty-one different physical plants, and to say
8 that these will be the State standards that you
9 must operate with is, in some areas, a total
10 impossibility. As one example, I know Sheriff
11 Kern mentioned quite strongly yesterday recrea-
12 tion, and we're greatly in favor of it. Several
13 counties in the State have absolutely no area
14 for recreation, so a mandate by a State standard,
15 a recreational program in some areas, is a total
16 possibility. Hudson County, for example, has no
17 outside space; neither has Bergen; Cumberland,
18 very limited; Camden, a jail on the 7th floor.
19 A standardized recommendation is implemented by
20 cash input, because I feel if the State mandates
21 certain things for counties, I think she should
22 be prepared to back them up with either financial
23 or technical assistance; financially, with phy-
24 sical facilities or staffing or personnel or a
25 technical advisory basis; this sort of thing.

1 But these would be my recommendations; regionaliza-
2 tions of areas in the State of narcotic treatment
3 centers, alcoholic treatment centers, and if a
4 State standard were set up, it would have to be
5 a very mild or minimal standard, because it would
6 have to be tailored twenty-one different ways
7 for twenty-one counties.

8 CHAIRMAN IRVING: At the moment, sir,
9 I take it the State of New Jersey annually sends
10 a person to do a review of the jail, somebody
11 from Institutions and Agencies, and the State
12 also has made some Criminal Justice planning
13 money and Action money available, and you've been
14 able to hire a couple of staff people. Am I
15 correct?

16 MR. CARTIER: That's correct, yes,
17 sir.

18 CHAIRMAN IRVING: Is that about the
19 extent of what the State does now?

20 MR. CARTIER: Yes, sir, that's about
21 it at the present time. They have made available,
22 for example, Captain Jamison who was mentioned
23 yesterday, was the individual who conducted the
24 State utilization study as well as Mr. Cannon,
25 the County Administrator. So they did make favor-

able technical advice. However, I don't look with a jaundiced view on the State personnel helping us, because the State personnel they have are primarily concerned and primarily familiar with State institutional background, and again, as some of the gentlemen know, the County institution is operated completely different than the State institution. Our type of inmate, because of why he is in there, is completely different than the State institutions. Our physical facilities, in comparison, are exceptionally limited. Even Trenton State Prison, as overcrowded as it is, has a lot more to offer the inmate, because of the type of inmate they have. They're all sentenced inmates.

CHAIRMAN IRVING: Thank you.

Are there any questions of Undersheriff Cartier?

If not, then, sir, I do want to thank you for being with us, both yesterday and today, and I do understand you're going to spend most of the day with us, so if something comes up we might want to ask you about, we might impose on you even further.

MR. CARTIER: I'm glad to help you in

1 any way that I can.

2 COMMISSIONER DE MARINO: I have a ques-
3 tion. Mr. Cartier, what is this?

4 MR. CARTIER: Those are post orders
5 for each individual in the institution.

6 COMMISSIONER DE MARINO: In other
7 words, you list the lobby, the hospital, and
8 each has its own separate orders?

9 MR. CARTIER: That's correct, yes,
10 sir.

11 COMMISSIONER DE MARINO: And is this
12 for every shift?

13 MR. CARTIER: Yes, sir. In addition,
14 I picked up one of the shift s.o.p.'s, for the
15 third shift, which was the shift that was opera-
16 ting when I went back.

17 COMMISSIONER DE MARINO: What about
18 the third shift?

19 MR. CARTIER: No, each shift has
20 their own. But each shift was on when I went
21 in. So I made up a copy of each.

22 COMMISSIONER DE MARINO: Let me see
23 if I understand you. What you're saying is
24 that this is used by all employees at all shifts?

25 MR. CARTIER: That's tailored strictly

1 to the third shift, which would be the four to
2 twelve.

3 COMMISSIONER DE MARINO: The third
4 shift, which is four to twelve?

5 MR. CARTIER: Yes, sir.

6 COMMISSIONER DE MARINO: All right,
7 and where's the first and second shift? Do you
8 have that?

9 MR. CARTIER: No, I couldn't get
10 those last night.

11 COMMISSIONER DE MARINO: But we will
12 get them?

13 MR. CARTIER: I'll try to get them for
14 you today.

15 COMMISSIONER DE MARINO: I haven't
16 had much of an opportunity to look at it, but
17 have you had an opportunity to review this?

18 MR. CARTIER: Yes, sir, I read it
19 before when it was first put out.

20 COMMISSIONER DE MARINO: I look at a
21 line in here and it says, "Please cover your ass;
22 your life can depend on it."

23 MR. CARTIER: Yes, sir.

24 COMMISSIONER DE MARINO: This meets
25 with your approval?

1 MR. CARTIER: Yes, it does.

2 COMMISSIONER DE MARINO: All right.

3 I have no further questions.

4 CHAIRMAN IRVING: Thank you, sir.

5 Before calling our next witness, I
6 want to read into the record an affidavit that
7 was given to me yesterday morning when Commissioner
8 Hicks and I visited the Atlantic County Jail.
9 I want to advise the members of the Commission
10 the reason for taking the affidavit. The affi-
11 ant is a pregnant woman whose delivery is now
12 overdue, and they felt it might be a danger to
13 her health to ask her to come today. She did
14 have a statement that she wanted to make availab-
15 le, and so I took it in affidavit form, and it
16 will become part of the record. It's relatively
17 short, and I would like to read it, since some
18 questioning may evolve later dealing with this.

19 "State of New Jersey, County of
20 Atlantic: I, Joyce Quick, being duly sworn
21 according to law depose and say:

22 "1. I have been in the Atlantic
23 County Jail for seven months approximately. I
24 was admitted prior to Christmas, 1973. When I
25 was admitted, I received no physical examination

1 even though I told the woman guard on the third
2 floor that I wanted to see a doctor. A doctor
3 sees a new inmate only on request. He is Doctor
4 Wilson and he saw me.

5 "2. I asked for a physical examina-
6 tion, but he told me there wasn't much he could
7 do because I was pregnant.

8 "3. I told Doctor Wilson I was on
9 medication for my nerves. Ancora State Hospi-
10 tal prescribed it for me when I was a patient
11 there. Doctor Wilson told me to have my mother
12 bring the medicine to me.

13 "4. When my mother brought the medi-
14 cine, Doctor Frank refused to let me have it
15 saying it would be bad for the baby's health.
16 The State Hospital knew I was pregnant when they
17 prescribed it.

18 "5. I did not get a physical from
19 any doctor until I was in the jail for one month.
20 Doctor Frank said he'd examine me every month.
21 I did not have confidence in Doctor Frank and
22 went to court to have my own doctor treat me.

23 "6. Doctor Frank does not see women
24 inmates for as long as a week at a time. He says
25 he is busy examining the men. A woman who re-

1 quests a doctor today may have to wait a week.

2 "7. Regardless of what one complains
3 about, everyone gets the same red liquid medicine.
4 This is one reason I have no confidence in the med-
5 ical program. I don't know what the medicine is.

6 "8. One time when three male guards
7 come up to the women's quarters, to remove a
8 woman who was causing trouble, they sprayed every-
9 one with Mace. Some got in my eyes. I fell and
10 hit my head and they refused to take me to the
11 hospital. I was worried about my back and about
12 the baby.

13 "9. I am charged with homicide and
14 I reside in Atlantic County. My trial has not
15 come up yet. Except for visits to the hospital,
16 I have not been out of the jail in the six
17 months I've been here.

18 "10. My bed is a metal bed and it
19 has one plastic mattress and one sponge mattress.
20 It is not comfortable and I am sometime sore as
21 a result."

22 It's signed Joyce Quick, sworn to
23 and subscribed before me this 28th day of May,
24 1974, John F.X. Irving, Attorney at Law, State
25 of New Jersey. Joyce Quick has also signed the

1 first page, to assure that it's one and the same
2 affidavit.

3 All right. May we now have Mr. Joseph
4 Wagner, please?

5 J O S E P H D. W A G N E R, sworn.

6 CHAIRMAN IRVING: Mr. Wagner, will
7 you state, for the benefit of the Commission
8 Members, your name and your position?

9 MR. WAGNER: I'm Joseph Wagner. I'm
10 the Director of Rehabilitation and Social Services
11 at Atlantic Jail.

12 CHAIRMAN IRVING: How long have you
13 had that position, Mr. Wagner?

14 MR. WAGNER: Since September, 1973.

15 CHAIRMAN IRVING: Would you care to
16 tell us what you did before this position?

17 MR. WAGNER: Before this, I was
18 Assistant Administrator and Administrator, three
19 years each; manager of a manufacturing firm in
20 California, and a manager for a--well, systems
21 services and systems analysis, N.C.R. Company
22 in Atlantic City.

23 CHAIRMAN IRVING: Do I understand
24 that you now spend full time directing a rehabi-
25 litation program for the Atlantic County Jail?

1 MR. WAGNER: Yes, that's true. I'm
2 funded by State Funds, SLEPA. My salary is paid
3 by SLEPA.

4 CHAIRMAN IRVING: Is that a one year
5 grant?

6 MR. WAGNER: Yes. It's in its second
7 year. It's due for a renewal at the end of June.

8 CHAIRMAN IRVING: Does the County of
9 Atlantic match that State money with funds?

10 MR. WAGNER: They put some funds in,
11 but it's not a complete match. It's 90 percent
12 State, five percent County and--or ten percent
13 County.

14 CHAIRMAN IRVING: I don't know if
15 you had a chance to look at the budget figures
16 that we went over yesterday, but I do not
17 recall seeing, as part of the budget for the
18 jail, any match by the County to qualify for
19 the State funds.

20 MR. WAGNER: I think--all the account-
21 ing is handled by the Treasurer, and I think some
22 of it comes out of the Sheriff's and some comes
23 out of the jail budget. I'm not familiar with
24 how they take it out. We have to send out our
25 purchase orders and everything through the Treas-

1 urer of Atlantic County.

2 CHAIRMAN IRVING: Yesterday, we had
3 some real questions about whether the budget
4 figures given to us were accurate and complete,
5 and this is possibly another item, then, that
6 Atlantic County is giving to the jail which does
7 not show on these figures.

8 MR. WAGNER: Possible, yes.

9 CHAIRMAN IRVING: Mr. Wagner, what I
10 would appreciate your doing this morning, for
11 the benefit of the Commissioners and for the
12 members of the press and public that are here,
13 is, first, to give us a profile, if you will,
14 on the people who are in the jail now, in terms
15 of--well, I think from several approaches, if
16 you can do that for us; male, female, juveniles;
17 minimum risks, maximum risks; the untried as
18 well as the guilty; the numbers, if you know,
19 of people with alcoholic problems, drug problems,
20 psychotic problems; one of the white males that
21 I passed by in the jail yesterday seemed to be
22 shouting incoherently, and I wondered if he were
23 mentally disturbed. That kind of profile, sir.

24 MR. WAGNER: All right. I think it
25 would be good if I described what programs we

1 have there, because it ties in practically exact-
2 ly with it.

3 CHAIRMAN IRVING: Go ahead, sir.

4 MR. WAGNER: We have the Work Release
5 Program that's been in existence for a second
6 year. So far, we've had one hundred people in
7 that program, and that alone has returned to the
8 County, \$6000 in the form of maintenance that
9 these men have paid, \$3.00 a day, while they're
10 on the program. As I say, we have one hundred
11 men who have been processed. Every one who is
12 sentenced in the County Jail is eligible, and
13 everyone is interviewed, and we put the name be-
14 fore the Judge with the recommendations of the
15 Sheriff and the Undersheriff, so no one is dis-
16 criminated against. The judges will not allow
17 certain people to go out on the program, and aver-
18 age, we have fifteen out of about twenty, twenty-
19 five, thirty that are sentenced. Ten, five,
20 it depends on what the season is. But we have
21 almost everyone who is sentenced who can possi-
22 bly be on the program, on the program. The
23 others would be needed in jail for the food ser-
24 vice, and they would most likely not be allowed
25 out, anyway, because of the nature of their of-

1 fense. The program is very well received by
2 the employers in the area, and to me, it's a
3 very successful program.

4 The Atlantic County Vocational School
5 supplies three teachers; one for maintenance and
6 carpentry, one for cooking, and one for sewing.
7 They have classes every day of the school year,
8 and they--I say their average number is three to
9 five in the class. The problems that I can go
10 into later is who can get into the class, the
11 nature of the class, the makeup. The sewing
12 is probably the most successful in the male and
13 female; both attend that. We also have under the
14 grant a correctional counselor. This man was a
15 sheriff's officer in corrections, and came from
16 their in the social services department. His
17 main job is when someone--as soon as someone is
18 incarcerated, to find out what they need in the
19 form of 5-A form, first of all, lawyers, and
20 then, all of the problems from there on. We
21 also have a part time social worker, and we
22 should have two recreation supervisors, a male
23 and a female. The male was funded by L.E.A.A.
24 and that position is going to go out, for the
25 funding is going to stop at the end of June.

1 To hire someone for the one month or two months,
2 we couldn't possibly do that. But we usually have
3 one male and one female. The problem with recrea-
4 tion is, well, three-fold. One, the weather. If
5 it's bad weather, we cannot possibly go out. The
6 next one is the actual guards, the fencing area.
7 We do not have guards, because they're needed in
8 court. The court officers are usually the guards
9 outside the fence. We cannot go out. The final
10 one is if there's a disturbance in the jail. Some-
11 times, restriction entails that they cannot go out.
12 So with this condition, one suggestion on that
13 would be a wall that was big enough that we
14 wouldn't have to worry about somebody getting
15 out, and also things being passed in. This
16 would be security. Another part would be partial
17 enclosure, or at least some place that would be
18 open to the air. It would be outside the cell,
19 and yet would be maximum security.

20 I think the main thing I would like
21 to testify about today is who is in the county
22 jail, because I think this is the real basis
23 of the problems, of all of the problems, actually.
24 We have had, in just a weekend, arrested, forty-
25 seven people in Atlantic County. About forty

1 were released over the weekend. Now, this
2 is a maximum security facility, supposedly. Yet,
3 these people come in and go right out. To me,
4 this adds paper work to the guards, paper work
5 for all the officials there. It breaks security
6 every time they come in. When you talk about
7 a physical, you can't give everyone a physical
8 under those conditions, especially if they're
9 going to be out within a few hours. This is one
10 of the biggest problems. We have too much traf-
11 fic flow through the jail, coming in and going
12 out. Another reason for this is the I.D. Depart-
13 ment is in the jail. If this was removed from
14 the jail, many, many people would never appear
15 on the records. They must come in, break maxi-
16 mum security, go downstairs and be written up
17 and released. It means they appeared in court.

18 CHAIRMAN IRVING: Let me interrupt you
19 for a moment, because I think this is important,
20 in view of the security problems at the jail.
21 Do I understand, and correct me if I'm wrong,
22 that if a man is out on bail, and he comes into
23 court to plead, that he then must go to the
24 jail, be fingerprinted for purposes of identifi-
25 cation? At the time he's fingerprinted, does

1 he sign in and get a new number?

2 MR. WAGNER: Yes.

3 CHAIRMAN IRVING: And then he goes
4 down to the basement of the jail to be finger-
5 printed, and then he goes home?

6 MR. WAGNER: Right, exactly.

7 CHAIRMAN IRVING: And do I understand
8 that on these three days, that as many as thirty
9 people will come in just to be fingerprinted, giv-
10 en new numbers and released?

11 MR. WAGNER: Exactly.

12 CHAIRMAN IRVING: In your opinion,
13 does this aggravate the security problems of the
14 jail?

15 MR. WAGNER: Definitely. It makes a
16 burden, first of all for the officers who are
17 in charge. They must be constantly opening
18 the gate, searching the people, have them brought
19 in, written up, released--written up and taken
20 downstairs. Now, an officer must take them down-
21 stairs, wait with them until they're finger-
22 printed, bring them back upstairs, get the paper-
23 work done and let them back out.

24 CHAIRMAN IRVING: Do you have any idea
25 of the reason for this? Does the local court

1 demand this be done?

2 MR. WAGNER: Yes, I think whenever a
3 man is admitted, you must show this was actually
4 the man and he actually did appear. In other
5 words, if someone came under the same name and
6 made the plea, then, when the time came, the next
7 person could say, well, that wasn't me. So I
8 think that's necessary, but it's not necessary
9 for the identification bureau to be in the jail,
10 and it would be better outside the jail, because
11 the police officers must sometimes use it. Now,
12 they have to come in and break security, also.

13 CHAIRMAN IRVING: All right. Do you
14 want to go on with your profile?

15 MR. WAGNER: If there's questions, I'll
16 answer them.

17 COMMISSIONER DE MARINO: On this point
18 alone.

19 CHAIRMAN IRVING: Go ahead.

20 COMMISSIONER DE MARINO: It seems to
21 me this is a minor detail to take care of. You
22 could set up an I.D. Bureau outside on the street
23 if you wanted to.

24 MR. WAGNER: Exactly.

25 COMMISSIONER DE MARINO: There's no

1 reason why an I.D. officer cannot run forty-
2 five or fifty sets of cards in advance, which is
3 done by all I.D. bureaus, so you don't have to
4 take the initial time to do it as they come in.
5 If that was done, you wouldn't have the traffic
6 going in and out of the jail. That problem is
7 a simple administrative problem. You can set up
8 an I.D. Bureau in the streets, or in the courts,
9 if you want to.

10 MR. WAGNER: That's true.

11 COMMISSIONER DE MARINO: I don't know;
12 what is the plea day here?

13 MR. WAGNER: Monday.

14 COMMISSIONER DE MARINO: And Friday
15 is the sentencing?

16 MR. WAGNER: Right.

17 COMMISSIONER DE MARINO: Now, you're
18 talking about perhaps forty to fifty people coming
19 in Monday and Friday going and coming. That's
20 a necessary factor, because without it, you
21 don't function in the law system. If you don't
22 have a sentence that the guy receives for the
23 crime, and if you don't pick it up right there
24 where he's sentenced, well, the State and other
25 police agencies will have a record of previous

1 arrests and sentencing and pleas. So all that
2 is a factor. It's a law factor that you have to
3 have.

4 MR. WAGNER: Right.

5 COMMISSIONER DE MARINO: But I think
6 that problem could be resolved very simply by
7 setting up your I.D. Bureau anywhere else but. In
8 fact, set it up in a room in the courthouse.

9 MR. WAGNER: Well, we suggested exact-
10 ly that, that it be connected with the court,
11 removed from the jail. The problem is, it
12 would keep a lot of the people out of the jail,
13 especially on these days. It makes recreation
14 on that day possible. That's one quick answer
15 to it. So now, we have only four days to work
16 with recreation. Plus you have the weather factor
17 and all. The other thing is the makeup in the
18 jail of the actual prisoners, persons who are
19 arrested and incarcerated. Too many people feel
20 that every person in the county jail is a danger-
21 ous person. The problem is, there are people who
22 are dangerous that are in the county jail, and
23 they must be treated under maximum security. It
24 does not include--well, I ran through the figures,
25 just to check, to find out what I was talking

1 about, and as of the first of May, we had one
2 hundred seventy-three as a total count. Now,
3 in my estimation, by going through the person's
4 file and records and the interview we had, seventy-
5 five would have to be held in the county jail.
6 These are persons who are in for serious crimes,
7 who were a danger to society, and possibly a danger
8 to themselves. We had, at the same time, fifty-
9 seven who were sentenced on this particular day.
10 Now, some of them would be three months, some of
11 them would be three days, ten days; some not even
12 over the weekend, for that matter. Fifteen for
13 alcoholic and drunken driving, and ten for nar-
14 cotics offenses. These were not going to be for
15 three hundred sixty-four days; they're going to be
16 there for two or three months. These people
17 could be best treated someplace else, and I think
18 the national figure shows that a person who is
19 an alcoholic and treated outside the institution,
20 outside the jail, it's about one hundred sixty
21 dollars less expensive for an alcoholic; about
22 forty dollars, I think, for a narcotic, less
23 expensive than the county jail. My point is,
24 these people are in the county jail and shouldn't
25 be; plus, there are serious offenders in the

1 county jail that--someone arrested on Friday
2 night that was unable to get before a Judge or
3 have bail made, or whatever may have to stay in
4 the jail possibly until Monday, Monday morning,
5 with a murderer. How do you treat them? Sup-
6 pose this fellow--and I can give you examples
7 until they're coming out of my ears. One guy was
8 arrested for walking on the Turnpike. When the
9 police officer gave him the citation, he ripped
10 it up. He was brought to the county jail. The
11 party was held in a local, where it would--I
12 think--well, one is now famous in the Atlantic
13 City area--sixty-three people were arrested, six-
14 ty one were leaving. They didn't, I hope, get
15 to the county jail; they most likely got to the
16 Atlantic City Jail. We have twenty-three arres-
17 ted over the weekend for a party in Egg Harbor;
18 twenty-one were let go. These are the things
19 that are the problem. You're bringing all these
20 people in the jail and letting them right out;
21 plus, you have to, because of the overcrowding,
22 mix them with other people, who are very danger-
23 ous, plus the burden that you're putting on the
24 officer is unbelievable. He has to look at this
25 person and say, well, that's right, he's in for

1 murder; she's in for drunken driving, or he--
2 you can't do that, just from the system's stand-
3 ards.

4 CHAIRMAN IRVING: Mr. Wagner, with
5 the Director of the Board of Freeholders in Essex
6 County, we developed a line of thought which I
7 think you were paraphrasing, and I'd like to go
8 back to it, because I think it's important, and
9 correct me if I'm wrong. Do I understand that
10 your testimony is that Atlantic County is paying
11 more than it should for the housing and semi-
12 treatment of alcoholics and narcotics?

13 MR. WAGNER: That's right.

14 CHAIRMAN IRVING: With less effective-
15 ness than if these people with medical problems
16 were treated in another facility?

17 MR. WAGNER: Exactly. They have to
18 treat the alcoholic as if he was a murderer. They
19 have to have the security as such, where he could
20 be placed in an out clinic or in a detox center,
21 in the Atlantic County Medical Center.

22 CHAIRMAN IRVING: And do I under-
23 stand you further to say that this alcoholic,
24 who I think we on the panel would all recognize
25 as a medical problem, he perhaps is thrown in

1 indiscriminately with serious offenders--

2 MR. WAGNER: Exactly.

3 CHAIRMAN IRVING: --and his life is
4 perhaps in some jeopardy?

5 MR. WAGNER: Right, exactly.

6 CHAIRMAN IRVING: And I believe we did
7 talk yesterday about the fact that one case that
8 came up for trial here in Atlantic County had
9 to do with the sodomizing of some inmates by
10 others, so that it's not just possible, but it
11 does happen; that crimes are committed within the
12 jail itself.

13 MR. WAGNER: Right. This is the
14 problem, not only with the alcoholics or not
15 only with the narcotics, which would be best
16 treated outside, and not necessarily in brand
17 new, big buildings; in buildings that are in
18 existence in Atlantic City right now, or in
19 Atlantic County, surely.

20 That's one thing. The next thing
21 is that people are brought in under the bail
22 system, and I'm pretty sure, although I don't
23 know if it's a matter of record, for a cer-
24 tain offense, there's a certain bail, and poss-
25 ibly, the Judge could say, I don't know about in

1 that county, but if you commit certain offenses,
2 then the bail is \$1000, or say, \$3000. Now, what
3 is the difference between the son of a rich man
4 and the son of a poor man? The difference is,
5 the poor man stays in jail. That's about the size
6 of it. We're under the ten percent bail; a
7 \$1000 would be a \$100. The person who could come
8 up with a \$100 he's out in a day or two. The
9 person who could not come up with a hundred dol-
10 lars stays in the county jail until we, the social
11 services, petition the court for a bail reduction
12 or a ROR, and that takes a week. They usually
13 cut it in half the first time, rather than say
14 how much can the man make, how much can the
15 man put up for us to be assured that he will come
16 to trial? If we would get that straightened out,
17 we would have a lot of people also taken out of
18 the county jail. He's in there one week; the
19 next week, we would have a bail cut, so he only
20 needs \$75 or \$50; then we can get him out. Now,
21 at the same time while he's in there, he's not
22 being rehabilitated and he's not being helped,
23 and if anything, he's learning how to commit
24 crimes and he's becoming very bitter at the soci-
25 ety that he knows. If we have three persons

1 arrested together, two persons are liable to get
2 out on the street within twenty-four hours for
3 the same crime, and one would have to stay because
4 he's poor, and that is, to me, a very big problem.
5 That is what I'm saying; seventy-five out of the
6 one hundred seventy-three actually have to be
7 held in the county jail. Now, the main thrust
8 of this, besides the problem of people who are
9 not in a criminal vein or in the criminal mind
10 as such, or haven't really gotten arrested and
11 incarcerated a number of times, so that they
12 need more help than we could possibly give on a
13 short term, that these people, who, for the first--
14 maybe not the first offense, but the first time
15 they've been incarcerated, are thrown in with
16 people who have been down the road many, many
17 times. Plus the problems that it creates for
18 the officers, for the system, for the write-up,
19 for the whole thing.

20 CHAIRMAN IRVING: Mr. Wagner, do I
21 understand what you're saying to us is, when you
22 people, representative of government, are look-
23 ing to see who or what causes crime look to your-
24 self, that government is one of the causative
25 factors in crime, because of the way it deals

1 with inmates and offenders?

2 MR. WAGNER: Right.

3 CHAIRMAN IRVING: There is a statement
4 in the SLEPA plan, Criminal Justice plan for
5 New Jersey, 1973. One sentence is--let me read
6 it to you, and see if you agree.

7 "Because of indifference, paucity of
8 funds and inadequate personnel, many local jails
9 have become, in the very real sense, the breeding
10 grounds for crime." Is that true?

11 MR. WAGNER: Yes. Exactly. And there
12 are many other overuses of correction for moral-
13 ity reasons, health reasons and mental. I
14 could read one, you know, the same thing.

15 "When criminal law invites the sphere of private
16 morality and social welfare, it often proves
17 ineffective and criminogenic," and that's a state-
18 ment from the Federal Studies, the President's
19 Commission on Crime. It seems so clear to me that
20 I hope I make it clear to everyone here; the
21 problem with the county jail is not unique to
22 Atlantic County. The problem of rehabilitation
23 is not unique to Atlantic County. The problem
24 is, you're putting too many people in jail, tel-
25 ling the taxpayer they must be in jail, these

1 are dangerous criminals, and then, trying to treat
2 everybody justly, when you have one person that
3 needs maximum security and have to be watched; if
4 an officer is walking down the corridor with him,
5 he can't be lackadaisical; and another person
6 who has never hurt a fly in his life, and yet,
7 you're trying to deal with all this, and from
8 systems, from an administration, it won't work.

9 CHAIRMAN IRVING: Mr. Wagner, who is
10 the kind of person who is in the Atlantic County
11 jail, because of the moral sense of New Jersey
12 Government?

13 MR. WAGNER: Say numbers, numbers rack-
14 et. We have one man doing 364. He operates a
15 lottery. The State of New Jersey operates a
16 lottery. Now, this man has a family and, you know,
17 another one would be for prostitution, which,
18 you can imagine, taking this--we only have, just
19 to give you an idea of breakdown, we only have
20 fifteen women. I think, maximum, we could take
21 seventeen. They bring in one girl like this and
22 put her in this jail, like this, without a physi-
23 cal. You're talking about communicable diseases
24 that are really very serious. We have another
25 girl there who is mentally retarded, we have

1 found. We have a testing psychologist that
2 comes in part time that's under the SLEPA grant.
3 I think I said that. Her offense was a stolen
4 car. She thought she borrowed it; the person
5 file a complaint with the police. When they
6 picked her up, she didn't have a driver's license.
7 She was arrested for that, with a \$5000 bail, and
8 when we finally got her, all the girls in the dorm
9 said she shouldn't be here. She just is a men-
10 tally retarded person who had been in a number of
11 programs and had dropped out.

12 CHAIRMAN IRVING: Is she in the jail
13 now, sir?

14 MR. WAGNER: Yes.

15 CHAIRMAN IRVING: How long has she
16 been there?

17 MR. WAGNER: I think three weeks now.
18 We have the possibility of getting her out this
19 week, a good possibility. The problem is where
20 we can put her, because she does need some help
21 and she does walk away from programs, we have
22 found in the past. In other words, if she would
23 go into a training center, she would be apt to
24 walk away, and we have something here, that we
25 need minimum security for her, but she doesn't

1 have to be in with anyone accused of murder,
2 or anything like that.

3 CHAIRMAN IRVING: You are, perhaps,
4 not too familiar with the Constitution of New
5 Jersey. It's one of the documents we have to
6 work with, in terms of seeing whether the State is
7 fulfilling its obligations to people like this
8 retarded woman that you talk about. Article I
9 of the New Jersey Constitution says: "All persons--"
10 not those who are innocent or in good health--
11 "All persons are by nature free and independent,
12 and have certain natural and unalienable rights,
13 among which are those of enjoying and defending
14 life and liberty, of acquiring possessing and
15 protecting property, and of pursuing and obtaining
16 safety and happiness." In your view, do you
17 think that New Jersey is violating its obligation
18 to this woman?

19 MR. WAGNER: Yes, I think so. We have
20 been working with the New Jersey rehabilitation.
21 One of the problems is, we have to have the inmate
22 taken out, and a medical exam given, and then
23 brought for a psychiatric exam before they will
24 take them on the program. We've been working with
25 Narco on the testing program. We have in our

1 budget for the new grant a remedial reading pro-
2 gram that would be individualized. In other words,
3 if a person stayed with us six months or so, he
4 would be helped. This, I think, would be a
5 great help. We can't do long time rehabilitation
6 in the jail. We can do it on the outside. We
7 have to get people in the jail who belong there,
8 and all the rest out. We have men brought down
9 on writ from Trenton State or from one of the
10 prisons, and this is a--I think you might find
11 out about later today--but if a person is brought
12 down on a writ, he loses his time that he is
13 serving in the New Jersey State Prison. He's
14 awaiting trial now in the county jail. he's in
15 with, as I say, he's a sentenced person, and yet,
16 he's going to stand trial for a new charge. He
17 might wait here two weeks, two months, and he
18 loses all that time from the State, and of course,
19 he's going to be a problem to every guard in the
20 area: When I coming to trial, what did you bring
21 me down here for if I'm not going to trial?
22 I was supposed to go to trial Monday. This is
23 another one. We have five to ten, usually; an
24 average of five to ten on writ. Some judge brought
25 it down, and now we have to house them until they

1 come up to trial. It will only take a number of
2 hours. If they want them down tomorrow, we can
3 have them down from the State.

4 CHAIRMAN IRVING: Mr. Wagner, do you
5 know there are two judicial vacancies in this
6 county right now?

7 MR. WAGNER: Yes, exactly. There's
8 something to do with the privilege, and the
9 political--anyway, why they couldn't put in
10 temporary judges, part time, even a retired judge,
11 I imagine, could come back and sit for the time
12 it takes until the process can work around to
13 get to appointing two men for this position.
14 Why do we have to work so short handed.

15 CHAIRMAN IRVING: Do I understand
16 that some of the inmates who were going to talk
17 to us this afternoon have been waiting three,
18 six months or longer for trial?

19 MR. WAGNER: Yes. When I looked at
20 the list--well, if you talk to Joyce Quick, she's
21 been waiting since before Christmas.

22 CHAIRMAN IRVING: I think that Elaine
23 Corbitt has been in since August of 1973?

24 MR. WAGNER: Right.

25 CHAIRMAN IRVING: I understand further,

1 Mr. Wagner, that if a county court judge is
2 appointed to handle criminal matters, he might
3 sit in this very room in which we are having the
4 hearings?

5 MR. WAGNER: Yes.

6 CHAIRMAN IRVING: And that this
7 would be used as a courtroom, if both these
8 vacancies were filled. There was another court-
9 room for one judge; the second would sit here.

10 Is it your feeling that if the State
11 appointed judges to these two vacancies, it
12 would help alleviate the delay of trial of
13 inmates in the county jail?

14 MR. WAGNER: Yes. Any way that you can
15 get a judge in those two positions would be a
16 help. You can't run it--just figure if it was
17 a business. Tell me what business would go
18 without two main executives in key positions for
19 so long without replacing them?

20 CHAIRMAN IRVING: What you're saying
21 is, I think, New Jersey says, on one hand, to
22 the person who comes back from State Prison to
23 the county jail, awaiting trial, you lose your
24 time for awaiting trial here, and you're losing
25 your time because the other branch of government,

1 State government, has failed to appoint a judge
2 that could handle you. Is that right? Is that it?
3 If I understand you, that's extremely inconsistent
4 and certainly does not aid in the rehabilitation
5 of the inmate.

6 MR. WAGNER: Plus, if he's in a program
7 in the State Prison, he loses that; he comes out
8 of it. Plus, he's more wise in the ways of jails
9 and things of that sort, so he becomes a problem
10 for the officers. It's just bad news to get a
11 man brought down on a writ.

12 CHAIRMAN IRVING: All right, sir.

13 Did you finish your statement, sir?

14 MR. WAGNER: Yes, I think so. As I
15 say, seventy-five of the one hundred seventy-three
16 that would be in shouldn't be. Now, you would
17 have all this space that we're talking about,
18 take the I.D. out, take half the prisoners out,
19 and I don't mean just release the dangerous
20 persons on the street, which I'm afraid, might
21 come out in the press, but it's not that. These
22 people would be out if their father had money,
23 and not a lot of money, just \$100 to \$500, they
24 would be on the street anyway.

25 CHAIRMAN IRVING: Well, these people

1 are legally innocent, if they've not been
2 brought to court, and further, the New Jersey
3 Constitution provides for a speedy trial.

4 MR. WAGNER: This might be a way of
5 correcting it, if you're wondering how the State
6 could do it. The State could just mandate, or
7 however you would go about that, that anybody who
8 was in the county jail awaiting trial must be
9 heard first before those out on release. That
10 would clear things up rather quickly.

11 CHAIRMAN IRVING: Why isn't it done,
12 Mr. Wagner?

13 MR. WAGNER: I don't know.

14 CHAIRMAN IRVING: Are you telling me
15 the ones that are heard in the jail are not
16 heard first?

17 MR. WAGNER: Yes. That's my belief,
18 yes. There's been others heard before Joyce
19 Quick. They were just in a list. When their
20 trial comes up on that list, then the court
21 administrator, I imagine, appoints them. But
22 if it was mandated, if you're awaiting trial in
23 the county jail, you go first, unless the defen-
24 dant's attorney had some reason to delay it,
25 the county could not delay it.

1 CHAIRMAN IRVING: Judge DelTufo?

2 COMMISSIONER DELTUFO: Mr. Wagner,
3 you've indicated that you are responsible for
4 rehabilitation in the Atlantic County Jail.

5 MR. WAGNER: And social services.

6 COMMISSIONER DELTUFO: And that's as
7 a result of your appointment by the Board of
8 Freeholders and financed by SLEPA, or whatever
9 agency were you appointed by?

10 MR. WAGNER: Well, I was hired by
11 the Sheriff's Department, I'm a Sheriff's Officer,
12 and I'm paid by SLEPA, with the approval of the
13 freeholders.

14 COMMISSIONER DELTUFO: It's my personal
15 opinion that when a person is sent to jail, regard-
16 less of the level, regardless of which system
17 it's in, that society expects two things. One
18 is that he pay for the particular crime that he's
19 been incarcerated for. But just as important
20 to society is that this person become rehabilitated.
21 Okay? And that's for two reasons, because society
22 doesn't want to have another dangerous situation
23 on its hands with this individual, and they're
24 tired of paying for him again. This costs money.
25 Now, I want to know if an effective rehabilitation

1 program is possible at the county level, and this
2 is what my questions will be directed at, from
3 your testimony, from what you've given today, you
4 being the one responsible for rehabilitation, and
5 I also think you wear two hats; you said social
6 services and rehabilitation. You separate those
7 two. I mean, you're concerned about recreation,
8 you're concerned about whether they get the mail,
9 you're concerned about security. That's under
10 the social service aspect?

11 MR. WAGNER: Right.

12 COMMISSIONER DELTUFO: Let's concen-
13 trate under the rehabilitation aspect of it.
14 Does this man or woman get the program or the
15 rehabilitation, psychological programs that she
16 or he needs? This is important. You're saying
17 that seventy-five people out of one hundred and
18 seventy-five, approximately, are in there for more
19 than three months, or for a long time.

20 MR. WAGNER: I'm saying that they should
21 be incarcerated because--

22 COMMISSIONER DELTUFO: They're there
23 for three months, maybe, to a year?

24 MR. WAGNER: Right.

25 COMMISSIONER DELTUFO: So that a pro-

1 gram for these people is practical?

2 MR. WAGNER: Right.

3 COMMISSIONER DELTUFO: What do you have?
4 You have work release. You feel that is rehabil-
5 itative?

6 MR. WAGNER: No, they're ineligible for
7 work release, because they're awaiting trial.
8 We only have twenty to thirty people out of the
9 one hundred seventy-three that have been sentenced.

10 COMMISSIONER DELTUFO: Have you per-
11 sonally pursued, as far as your studies are concern-
12 ed, what systems or what programs are working in
13 other places that could be applied in your county?

14 MR. WAGNER: Yes.

15 COMMISSIONER DELTUFO: What have you
16 found? Which systems are working in rehabilita-
17 ting?

18 MR. WAGNER: Those that have the space.

19 COMMISSIONER DELTUFO: No. What
20 programs, particularly? Is it a behavior modifi-
21 cation type of a program?

22 MR. WAGNER: Yes.

23 COMMISSIONER DELTUFO: Is it a group
24 therapy type of a program?

25 MR. WAGNER: Yes, all of these.

1 COMMISSIONER DELTUFO: Where are they
2 working, do you know?

3 MR. WAGNER: Bordentown; Yardville,
4 we visited. The places like this, where they
5 have the space.

6 COMMISSIONER DELTUFO: Are they group
7 therapy programs? Are they behavior modification
8 programs?

9 MR. WAGNER: I think--it has to be
10 a combination of many things. I'm not sure exact-
11 ly, to answer your question, which it is.

12 COMMISSIONER DELTUFO: You're not famil-
13 iar with any of these programs?

14 MR. WAGNER: I'm familiar with the fact
15 that they have them.

16 COMMISSIONER DELTUFO: And are you
17 familiar with their success?

18 MR. WAGNER: No.

19 COMMISSIONER DELTUFO: But you don't
20 have these programs in the Atlantic County Jail?

21 MR. WAGNER: No.

22 COMMISSIONER DELTUFO: Are you trying
23 to get them in the Atlantic County Jail?

24 MR. WAGNER: Yes, definitely.

25 COMMISSIONER DELTUFO: What are you

1 doing to get them in the county jail?

2 MR. WAGNER: We would have to get the
3 space.

4 COMMISSIONER DELTUFO: You're trying to
5 get more space?

6 MR. WAGNER: No, utilize the space we
7 have, which puts it back to, first, we must get
8 out of the county jail the people that don't be-
9 long in there.

10 COMMISSIONER DELTUFO: Let's concen-
11 trate on the seventy-five that belong there, and
12 are there for a long period of time and now need
13 something other than busy work, the sewing mach-
14 ines and sewing classes, and some of the things
15 that you've testified to which, in my opinion,
16 anyway, seems to be just busy work.

17 Are they tested? Are the prisoners
18 presently tested for their reading level, for
19 example?

20 MR. WAGNER: No. We haven't had the
21 funds for that. They will be in the new grant
22 for SLEPA.

23 COMMISSIONER DELTUFO: You feel that
24 testing the particular person as far as his
25 reading level is significant?

1 MR. WAGNER: Definitely.

2 COMMISSIONER DELTUFO: Because if he's
3 going to be rehabilitated, the first thing you
4 have to know is, can he read, because from our
5 experiences in other counties, we've found that
6 the reading level was quite low for the particu-
7 lar inmate. So if you were giving him books
8 and materials to study, the first thing he would
9 have to do is to bring his reading level up so
10 that he could help himself.

11 MR. WAGNER: Right.

12 COMMISSIONER DELTUFO: You don't have
13 that program here.

14 MR. WAGNER: We will have it.

15 COMMISSIONER DELTUFO: When?

16 MR. WAGNER: When the SLEPA funds come.

17 COMMISSIONER DELTUFO: When will the
18 SLEPA funds come?

19 MR. WAGNER: In the end of June, first
20 of July.

21 COMMISSIONER DELTUFO: Are you sure?

22 MR. WAGNER: No.

23 COMMISSIONER DELTUFO: Do you feel
24 that you're doing everything possible to get
25 those funds here?

1 MR. WAGNER: Yes.

2 COMMISSIONER DELTUFO: Can we help
3 in any way?

4 MR. WAGNER: I think, from what I
5 understand from the Planning Department, they
6 are going to be approved. But, you know, what
7 way you could help, I don't know. If you can
8 force it. If you show that there is a need,
9 I'm sure it will help. But we do definitely need
10 a testing program. We not only need testing for
11 a reading level, but testing for aptitude, which
12 we also placed in the grant, the request for
13 funds for that. Because our problem with the
14 testing is, it has to be in-house, because of the
15 movement of inmates. This is part of the problem.
16 We can have Narco come out to test. They have a
17 program where--I don't know how many weeks, but
18 the person would be paid while he goes to school.
19 For them to be tested, we must bring them out
20 of maximum security and bring them over to a
21 minimum security, because we have the people from
22 Narco coming out who are not allowed to go into
23 maximum security, and just in bringing them over,
24 that can take a half hour to an hour to an hour
25 and a half.

1 COMMISSIONER DELTUFO: But don't you
2 see? You're concerned with security, as far as
3 your testimony is concerned. Is that because
4 you're a sheriff's representative, and you've
5 always been concerned about security?

6 MR. WAGNER: No, I just feel--

7 COMMISSIONER DELTUFO: Security seems
8 to be very heavy on your mind. I'm concerned
9 about rehabilitation at this point.

10 MR. WAGNER: Right.

11 COMMISSIONER DELTUFO: I think you
12 should be concerned about rehabilitation.

13 MR. WAGNER: Right.

14 COMMISSIONER DELTUFO: --by bringing
15 in those programs. Now, if security is an
16 obstruction and if the sheriff or if the freehold-
17 ers or someone is obstructing you, this is what
18 I'd like to know.

19 MR. WAGNER: Who is obstructing it?

20 COMMISSIONER DELTUFO: What is stopping
21 this type of testing or this type of program
22 coming in? Security?

23 MR. WAGNER: First of all, I came in
24 September. That's part of the reason. Secondly,
25 we don't have the funds for the testing.

1 Third, you cannot bring people in to test into
2 the maximum security.

3 COMMISSIONER DELTUFO: Have you requested
4 funds from the Board of Freeholders? Have
5 you put it in your budget?

6 MR. WAGNER: I don't have a budget with
7 the county. As I say, it comes part from the
8 Sheriff and part from SLEPA.

9 COMMISSIONER DELTUFO: If you talked
10 to the Sheriff, do you think you could increase
11 the funds, besides the SLEPA funds?

12 MR. WAGNER: First of all, the budget
13 is made up so far in advance, and when I came
14 on in September, the budget was more or less set.

15 COMMISSIONER DELTUFO: Are you going
16 to do this next year?

17 MR. WAGNER: Yes, definitely, because
18 the program will completely fall apart if they
19 don't take it over.

20 COMMISSIONER DELTUFO: How about a
21 psychiatrist? Do you have a psychiatrist coming
22 in?

23 MR. WAGNER: No, we do not.

24 COMMISSIONER DELTUFO: Someone capable
25 of running the group therapy session? You do not?

1 MR. WAGNER: We have someone capable
2 of running the group session.

3 COMMISSIONER DELTUFO: Who is that
4 person?

5 MR. WAGNER: Testing Consultants for
6 Psychiatry. He has a Master's Degree.

7 COMMISSIONER DELTUFO: Who is he?

8 MR. WAGNER: George Oliver.

9 COMMISSIONER DELTUFO: Where is he
10 from?

11 MR. WAGNER: He's part time, and he's
12 from the local high school, the counseling depart-
13 ment in the local high school.

14 COMMISSIONER DELTUFO: He's a local
15 high school counselor?

16 MR. WAGNER: Yes.

17 COMMISSIONER DELTUFO: Does he have
18 any special qualifications for running group
19 therapy?

20 MR. WAGNER: Yes.

21 COMMISSIONER DELTUFO: What are they?

22 MR. WAGNER: I'd have to give you his
23 resume.

24 COMMISSIONER DELTUFO: I don't want
25 that. I want to know what his qualifications are

1 as far as running group therapy.

2 MR. WAGNER: A Master's Degree in
3 counseling.

4 COMMISSIONER DELTUFO: What else?

5 MR. WAGNER: He's had credits in
6 Temple University, credits in many different
7 colleges.

8 COMMISSIONER DELTUFO: Is he presently
9 running group therapy sessions for these people?

10 MR. WAGNER: For the women.

11 COMMISSIONER DELTUFO: Why can't he
12 run it for the men?

13 MR. WAGNER: Because of security.

14 COMMISSIONER DELTUFO: Because of
15 security again.

16 MR. WAGNER: Right.

17 First of all, just as I'm saying
18 about the space, if you take fifteen men in the
19 cellblock, all right, he could possibly run it
20 upstairs, in that cellblock, if all fifteen would
21 participate. But we can't force anybody to
22 participate, which is another problem with those
23 who have not been sentenced. They're innocent
24 people; they don't have to participate in any
25 rehabilitation program, because that would more

1 or less--they would have to say, well, I am
2 guilty and I need rehabilitation.

3 COMMISSIONER DELTUFO: But there are
4 seventy-five, at least seventy-five at the time
5 that are in there and that you know will be in
6 there for a long period of time?

7 MR. WAGNER: Yes. I can feel they're
8 going to be in there for a long period of time;
9 I don't know it as a fact.

10 COMMISSIONER DELTUFO: Would you say
11 there are at least seventy-five that have already
12 been sentenced, out of that one hundred seventy-
13 five?

14 MR. WAGNER: No. On that particular
15 day, which was May 1st, there were fifty-six
16 that were sentenced.

17 COMMISSIONER DELTUFO: But on other
18 days, it could be as high as seventy-five?

19 MR. WAGNER: Our average is twenty
20 sentenced inmates, and I doubt that there could
21 readily be seventy-five sentenced, because if
22 they're sentenced for a serious crime, they go
23 to the State. We have sentencing for twenty
24 days, thirty days; we have four for three hundred
25 sixty-four, and two of them are lottery.

1 COMMISSIONER DELTUFO: What is the
2 maximum that someone is sentenced to in your
3 institution?

4 MR. WAGNER: Three hundred sixty-four.

5 COMMISSIONER DELTUFO: One year.

6 MR. WAGNER: Yes.

7 COMMISSIONER DELTUFO: But in spite
8 of this, you feel, from your background, whatever
9 your qualifications are as far as being the
10 Director of Rehabilitation here in Atlantic County,
11 that a meaningful rehabilitative program or programs
12 can be adapted and can be applied to the present
13 conditions, the present system?

14 MR. WAGNER: Yes. It could be, when
15 other problems are taken care of; in other words,
16 when we could bring people in, as you said, have
17 the testing and the programs, without having
18 this problem of moving people from maximum secur-
19 ity and into maximum security.

20 COMMISSIONER DELTUFO: Let me tell you
21 something. In Caldwell, they had a psychiatrist
22 on a part time basis who has been so successful
23 with rehabilitating the inmates, and that's a
24 county jail, the larger one, and the people are
25 mostly sentenced --to such an extent that he is

1 now going to be full time, and he's running these
2 group sessions, and this is the kind of remedial
3 or rehabilitative programs--something that's effect-
4 ive, that's not going to allow that person to
5 come back, or, when he gets out, not to become a
6 danger to himself or to society again, and not
7 going to cost the taxpayer an additional two or
8 three thousand dollars to house him again.

9 MR. WAGNER: Who pays his salary?

10 COMMISSIONER DELTUFO: The county.

11 MR. WAGNER: I would like this as part
12 of the record, because this is what we're going
13 to be asking for.

14 COMMISSIONER DELTUFO: These are things
15 that you should be asking the county for, the
16 sheriff first, and then the county.

17 MR. WAGNER: Exactly.

18 CHAIRMAN IRVING: Mrs. Hicks?

19 COMMISSIONER HICKS: Yes.

20 I'd like to know the total amount
21 from your budget from SLEPA.

22 MR. WAGNER: Fifty-four thousand
23 dollars.

24 COMMISSIONER HICKS: That's for the
25 year. That includes your salary?

1 MR. WAGNER: Yes, it does.

2 COMMISSIONER HICKS: And, may I ask,
3 what is your salary?

4 MR. WAGNER: Twelve-five. \$12,500,
5 and the correctional counselor's salary, which is
6 \$7500, and the part time psychologist, which is
7 \$250 a month, and it--also pays travelling for
8 the work release program, the van is in there,
9 and gasoline for that, and expenses for the social
10 services department. Many of the things in social
11 services that we do would be, say, a man is arres-
12 ted in Atlantic City and taken to the county jail.
13 Some of his belongings might stay in Atlantic
14 City, in the jail at Atlantic City, and they
15 might have a car on the street. If they tow it
16 off the street, he might have to pay a certain
17 amount of money per day while it's houses in a
18 parking lot. We would then go get that car for
19 him, get it out, get the money for that car.

20 COMMISSIONER HICKS: Is your title
21 Rehabilitation Director?

22 MR. WAGNER: And Director of Social
23 Services.

24 COMMISSIONER HICKS: After you've
25 rehabilitated the inmates to a certain extent,

1 what are you doing in the area of job development?
2 Can you place them or get them a job, once they
3 leave the institution?

4 MR. WAGNER: We've been very successful
5 with work release. They deal with sentenced in-
6 mates who are now in a different classification
7 than all the other inmates in there. They can
8 be trustees, they can get good time, things of
9 that sort. Those awaiting trial can't get any
10 of these things. Anyway, the sentenced person,
11 we have, out of the hundred that we have processed
12 in two years, only three have escaped, and seven
13 have returned to the institution. Now, within
14 the two year period, it's hard to say. They're
15 great for recidivism rates; in other words, that
16 have so few people going back. But it's only
17 two years old, so it's kind of difficult to
18 judge in such a short time.

19 COMMISSIONER HICKS: Right. Well,
20 is there a job developer working on that, anyway?

21 MR. WAGNER: Yes. The work release
22 coordinator is that. If a person comes in and
23 has a job, we try to get him back into his own
24 employment. If he doesn't have training, then
25 we try to get them through the New Jersey Rehabil-

1 itation, to get in a job program when he gets
2 out. If we could have the judges give us a
3 relay, insofar as they would lessen a man's term
4 if he would sign up for such a program, it would
5 be a great help there. Our problem is that when
6 a person is released, he's completely released,
7 so if he serves his time, even if it's 364, we
8 can't tell him where to go after that last day
9 is served.

10 COMMISSIONER HICKS: How many persons
11 are on your administrative staff?

12 MR. WAGNER: For the rehabilitation?

13 COMMISSIONER HICKS: Yes, from
14 the SLEPA grant.

15 MR. WAGNER: There's just myself,
16 administratively. Work release coordinator is
17 an administrator, also, and we have one secre-
18 tary, part time.

19 COMMISSIONER HICKS: How many persons
20 working from the SLEPA grant are minorities?

21 MR. WAGNER: Two. Two out--the
22 correctional counselor is a--the correctional
23 counselor and the women's recreation.

24 COMMISSIONER HICKS: Are these perma-
25 nent Civil Service employees?

1 MR. WAGNER: I don't think they have
2 had the test yet, but they would be permanent
3 positions, yes. The idea is that the county will
4 take over this program when the state funds are
5 finished.

6 COMMISSIONER HICKS: What is the fund-
7 ing a year, from one month to another?

8 MR. WAGNER: July 30th to July 30th.

9 COMMISSIONER HICKS: And you're sure
10 of funding?

11 MR. WAGNER: We're fairly sure.
12 The first year, the main thrust was work release,
13 and after that, it went into the rehabilitation
14 and social services. This is when I came on
15 board in September, and then it--this following
16 year, as I say, would be the testing and the read-
17 ing, remedial reading, literacy programs, which
18 would be the main thrust.

19 COMMISSIONER HICKS: All right. No
20 further questions.

21 CHAIRMAN IRVING: Sheriff?

22 COMMISSIONER DE MARINO: Mr. Wagner,
23 I'm not going to go into the I.D. Bureau. You
24 agree with me that it can be done very simply
25 and at no cost to anybody, right?

1 MR. WAGNER: Right.

2 COMMISSIONER DE MARINO: Pleas and
3 sentencing; you also agree that that matter can
4 be handled anywhere but in the jail, if you really
5 wanted to?

6 MR. WAGNER: Exactly.

7 COMMISSIONER DE MARINO: You mentioned
8 narcotics as a factor in the amount of ten, fif-
9 teen people, and I'm certain you're talking about
10 strictly narcotic users, and not those that are
11 sellers.

12 MR. WAGNER: Exactly, that have no
13 other offense except narcotics.

14 COMMISSIONER DE MARINO: And repetition
15 within that same narcotic offense?

16 MR. WAGNER: Yes.

17 COMMISSIONER DE MARINO: Has anyone,
18 yourself or anyone to your knowledge, looked
19 towards the local jurisdictions of this county
20 to see whether or not judges are available on
21 local jurisdictions, so that you can eliminate,
22 for instance, if an arrest is made in Mays Landing,
23 that there is a local jurisdiction, and the near-
24 est available judge is there in Mays Landing, he's
25 brought there and they can be processed and re-

1 leased on ROR? As you mentioned, has anyone
2 checked and does the entire jurisdiction, the
3 separate jurisdictions around the county of
4 Atlantic, have available judges in each of them?

5 MR. WAGNER: I'm sure they have avail-
6 able judges. That there would be such cooperation
7 and who would pay for that would be the question.

8 COMMISSIONER DE MARINO: Well, I'm
9 not too concerned about paying. Let's start
10 this way. Is there any individual jurisdiction
11 within this county that doesn't have any judge
12 or what we call swinging judges or moving judges,
13 whatever you want to call them; one maybe handles
14 five different townships?

15 MR. WAGNER: Not to my knowledge, sir.

16 COMMISSIONER DE MARINO: Not to your
17 knowledge what? That we have any or we don't
18 have any?

19 MR. WAGNER: That we have a vacancy,
20 where there is any particular municipal government
21 that doesn't have a judge and--

22 COMMISSIONER DE MARINO: How many
23 jurisdictions are there; separate jurisdictions
24 in Atlantic County; communities?

25 MR. WAGNER: I'm not sure. Eighteen,
I think it is. Twenty.

1 COMMISSIONER DE MARINO: All eighteen
2 have municipal courts, with eighteen municipal
3 judges?

4 MR. WAGNER: No. I can recall two or
5 three that uses the same judge.

6 COMMISSIONER DE MARINO: So the judge
7 rotates.

8 MR. WAGNER: Yes.

9 COMMISSIONER DE MARINO: So that if
10 someone went to the assignment judge of this
11 county and said to the assignment judge of this
12 county, perhaps a lot cheaper than putting addi-
13 tional--not saying that you don't need additional
14 judges, but perhaps a lot cheaper all the way
15 around, that they put judges on a part time
16 basis, or made available on the local levels,
17 you would eliminate those people ever coming
18 to the county in the first place. The only that
19 would come forth would be their record, right?

20 MR. WAGNER: I don't think that has
21 been presented. I'm not sure.

22 COMMISSIONER DE MARINO: It's apparent
23 it's not, because if you wound up with forty-seven
24 people here over the weekend and forty-six were
25 released, it appears to me that there was forty-six

1 out of forty-seven minor charges involved that
2 should have been done to take care of right there
3 on the local level, and never come forth to the
4 county, meaning no paper work, no duplication and
5 all those things.

6 MR. WAGNER: Right, exactly.

7 COMMISSIONER DE MARINO: I would sug-
8 gest somebody look into that.

9 What is done to mentally disturbed
10 inmates that are housed in the jail; sentenced?

11 MR. WAGNER: What are done with them
12 when they're sentenced? I don't think they would
13 be sentenced to the county jail. They would be
14 placed in another program, either Ancora State
15 Hospital or--such as we have.

16 COMMISSIONER DE MARINO: Where?

17 MR. WAGNER: Ancora.

18 COMMISSIONER DE MARINO: It's state
19 hospital, located in Atlantic County?

20 MR. WAGNER: No, it's not in Atlantic
21 County. It's located in the area. It's about
22 twenty miles, I would say, but as I say, that
23 would be the sentence. The persons who are
24 incarcerated and show severe mental problems,
25 we have to then get a court order to have the

1 judge mandate them to Ancora.

2 COMMISSIONER DE MARINO: And where do
3 they go?

4 MR. WAGNER: Ancora, also.

5 COMMISSIONER DE MARINO: That's a state
6 hospital, you say, Ancora?

7 MR. WAGNER: Yes.

8 COMMISSIONER DE MARINO: A mental
9 institution?

10 MR. WAGNER: Yes.

11 COMMISSIONER DE MARINO: What is done
12 as far as the security of those people during that
13 period of time? Now, I know it must take you a
14 week to maybe ten days--

15 MR. WAGNER: Exactly.

16 COMMISSIONER DE MARINO: --to get them
17 in, and then when you got them in, they're only
18 on a temporary commitment anyway, maybe seven
19 to ten days, and what happens then?

20 MR. WAGNER: Usually segregated. He's
21 got an isolation cell.

22 COMMISSIONER DE MARINO: What's an
23 isolation cell in Atlantic County? Is it the
24 same as the rest of the cells, with bars?

25 MR. WAGNER: Right, except it's just

1 one person.

2 COMMISSIONER DE MARINO: One person in
3 the cell, by himself?

4 MR. WAGNER: Right.

5 COMMISSIONER DE MARINO: Is it padded
6 walls?

7 MR. WAGNER: No, I don't think there's
8 padded cells in the jail.

9 COMMISSIONER DE MARINO: Well, the
10 point I'm trying to bring out is, if someone is
11 mentally disturbed to the point where he was sent
12 to Ancora or any state hospital, and then he's
13 sent back to you because the law says they can
14 only be there on a temporary commitment, and then
15 when you get them back, you get them back with a
16 diagnosis or prognosis, maybe of, guarded, which
17 means he's on the fifty yard line, doesn't know
18 whether he's better, worse, going to get worse;
19 nobody takes the responsibility and you get him,
20 put him back in a similar type cell that has no
21 facility whatsoever. Do you have, in this county,
22 any facility, either at one of your Atlantic City
23 hospitals or wherever, a cell where you can or
24 a room where you can put these type of people in,
25 under guard?

1 MR. WAGNER: Not to my knowledge.

2 I'd say no.

3 COMMISSIONER DE MARINO: Well, let's
4 take this. An arrest occurs, an offense occurs,
5 and out of the arrest comes an injured inmate;
6 injured to the point that he needs hospital care.
7 Where is he sent?

8 MR. WAGNER: He's sent to the hospital
9 area of the jail.

10 COMMISSIONER DE MARINO: What hospital?

11 MR. WAGNER: We have a--which hospital
12 in the jail?

13 COMMISSIONER DE MARINO: Is it an in-
14 firmary in the jail?

15 MR. WAGNER: Yes, right. We have that.

16 COMMISSIONER DE MARINO: What are
17 those facilities there? What are they?

18 MR. WAGNER: Well, it's a dorm-type.
19 I think it has eight beds in it. It's right next
20 to the doctor's.

21 COMMISSIONER DE MARINO: Similar-type
22 cells? Is it the bar-cell area?

23 MR. WAGNER: The doors are barred, and
24 the walls, but the whole area is open, with just
25 the beds around the perimeter of the wall.

1 COMMISSIONER DE MARINO: So that a
2 mentally disturbed person would be placed inside
3 that section?

4 MR. WAGNER: No. I think if the officers
5 could ascertain or, as you say, brought back in
6 this guarded condition, he would be isolated.
7 That would mean he would be--

8 COMMISSIONER DE MARINO: Not in the
9 infirmary, just in a separate cell?

10 MR. WAGNER: Yes. In what they call
11 the interview cells or--

12 COMMISSIONER DE MARINO: Who watches
13 him while he's there?

14 MR. WAGNER: We had such a case--may-
15 be this would clear it up. We had the boy who
16 set the nursing home on fire, killed twenty-one
17 people, I think. He was housed in an interview
18 cell, and I'm pretty sure he was checked every
19 five or ten minutes. It was approximate to the
20 sergeant's office, so that anything could be heard.
21 This, I think, is probably where.

22 COMMISSIONER DE MARINO: So he's not
23 under constant watch, like mental people should
24 be? He's not under a constant watch?

25 MR. WAGNER: No, no. No, sir.

1 CHAIRMAN IRVING: Do I understand
2 that this arsonist was allowed to have matches
3 and cigarettes while he was in isolation?

4 MR. WAGNER: I--I'm just--I don't
5 know that that was policy. You would have to ask--
6 I don't know of it. I never gave him any, I
7 know. I know he was there over a year, awaiting
8 trial, with the varying processes. Probably,
9 he was put in State.

10 COMMISSIONER DE MARINO: Would you
11 suggest to the sheriff or undersheriff or to the
12 Board of Freeholders that they make a room avail-
13 able that could be kept under more or less con-
14 stant watch?

15 Did you have anyone commit suicide,
16 or attempt to, by ramming themselves into the cell
17 bars?

18 MR. WAGNER: We've had someone try.
19 I don't think anyone has succeeded.

20 COMMISSIONER DE MARINO: Now, have
21 you ever gone before the assignment judge of
22 this county, with your problems, telling him
23 about the lack of uniformity of bails?

24 MR. WAGNER: No, not yet, I haven't.

25 COMMISSIONER DE MARINO: Well, you

1 come before us this morning and you tell us of
2 the many ills that you see, and yet--I'm looking
3 to see what initiative--you know, everybody has
4 a part, and if everybody brings their point for-
5 ward, at least that portion of it--here, you're
6 sitting and you're asking that certain things be
7 done, and yet, you never go to the source, and
8 the source in this case would be the assignment
9 judge of this county.

10 MR. WAGNER: Right.

11 COMMISSIONER DE MARINO: If you went
12 to him and you told him that you had someone sit-
13 ting there for six months, and yet, they tried
14 twenty-two people that were off the street and
15 left one that was incarcerated for six months, I'm
16 almost certain that he would research it to see
17 why that person in fact is staying there.

18 MR. WAGNER: We do go before the
19 Public Defender and the Prosecutor, we do present
20 them with problems, such as in this Joyce Quick
21 matter. We do make these requests to the social
22 services, but I would never jump without knowing
23 the facts, and know who to --where and why, and
24 this is what I'm doing right now, and have been
25 doing since September: Trying to get all the

1 facts in order. But, yes, it should be done.

2 COMMISSIONER DE MARINO: All right.

3 I'm going to sidetrack for a second. This position
4 that you now hold; you were appointed by the
5 Sheriff, I assume.

6 MR. WAGNER: Yes, sir, and the Freehol-
7 ders.

8 COMMISSIONER DE MARINO: And the
9 Freeholders. Was this a competitive--

10 MR. WAGNER: Yes.

11 COMMISSIONER DE MARINO: Meaning
12 that they put out, requesting a background, or
13 education within the field, and did you complete
14 against others?

15 MR. WAGNER: Yes. I think there were
16 five--I think there were fifty resumes sent in,
17 and five actual interviews with applicants.

18 COMMISSIONER DE MARINO: Let's talk
19 about the people that are in the jail and not
20 going to trial first. Is it possible that it's
21 not the fault of the State but perhaps the fault
22 of defense that they're not brought to trial
23 early? For example, the public defender in this
24 county? Is it possible that he is asking for
25 delays?

1 MR. WAGNER: It could be possible.

2 COMMISSIONER DE MARINO: What kind of
3 a charge is against Joyce Quick?

4 MR. WAGNER: Homicide.

5 COMMISSIONER DE MARINO: Well now,
6 it's possible, if I was defending someone for
7 homicide, that it would probably take, because you
8 have to go back almost to the childbirth of the
9 defendant and go--it would probably take six
10 months or seven months. Is it possible that it's
11 not the court delaying that, but the defense?

12 MR. WAGNER: It would be possible.

13 COMMISSIONER DE MARINO: And that,
14 again, becomes a problem in the State, because the
15 defense, most of your people here, I assume, judg-
16 ing by what I hear you say, are represented by
17 the Public Defender.

18 MR. WAGNER: Yes.

19 COMMISSIONER DE MARINO: Which means,
20 now, that the public pays both for the defense
21 and the prosecution.

22 MR. WAGNER: Yes.

23 COMMISSIONER DE MARINO: And the time
24 of delay within their own system, we wind up paying
25 to house them while they're there.

1 MR. WAGNER: Exactly.

2 COMMISSIONER DE MARINO: Have you ever
3 made a background check on those people that
4 come in with minor violations, and now, let's
5 talk about within the twenty-four to forty-eight
6 hours. For example, someone gets arrested, and
7 you know he's brought in for possession of a
8 marijuana cigarette. All right? Minor charge;
9 more than likely, he'll be released. However,
10 he's arrested on a Friday or Saturday morning
11 at 2:00 a.m. or a Friday evening, for that matter,
12 and now he's incarcerated in your jail. If he was
13 to be released, like you said, that most of those
14 that come in would just be immediately released,
15 who and when are you going to make a criminal
16 record check of that person's background? Just
17 to get to the point I'm driving at, you know,
18 it's a known fact, maybe 99 percent of the time,
19 that a murderer, a rapist, an arsonist, are not
20 caught committing those crimes; they're caught
21 committing minor crimes, and as a result of the
22 minor violation, you understand, you wind up
23 uncovering that he's wanted in other states for
24 murder, interstate flight, and so on.

25 MR. WAGNER: My total suggestion for all

1 of the following involved would be a central
2 intake system, where, someplace, you would have
3 this judge that you're talking about that would
4 be available all the time, where you would have
5 the computer printout from the I.D. which would
6 tell you the past, where every person arrested
7 in the county would be brought to some central
8 intake operation, which would have maximum secur-
9 ity, which would have padded cells, which would
10 have doctors twenty-four hours a day, nurses,
11 where all of these things could be done before
12 they reach the county jail. That's the--

13 COMMISSIONER DE MARINO: Well, all
14 right. Now, the point that I'm raising, and
15 answer the question, if the person is arrested
16 on a Friday, regardless of where you take him,
17 the mere fact that it's a minor charge and he
18 should be released rather than held for two or
19 three days, you could probably be releasing on
20 the public someone who's wanted for murder, ar-
21 son, rape, something like that.

22 MR. WAGNER: Not if a full background
23 check is made.

24 COMMISSIONER DE MARINO: How are you
25 going to do that from a Friday to a Monday? Are

1 you familiar with the time it takes to get a
2 full background check? Do you know the procedure?

3 MR. WAGNER: Through the I.D. Bureau,
4 yes.

5 COMMISSIONER DE MARINO: What does the
6 I.D. Bureau have to do with them; fingerprint them,
7 right?

8 MR. WAGNER: Yes.

9 COMMISSIONER DE MARINO: And what does
10 he do with the fingerprints?

11 MR. WAGNER: Well, I think by September
12 of this year, they're supposed to have a computer
13 printout.

14 COMMISSIONER DE MARINO: That's right,
15 but we're not talking about the future, we're
16 talking about today. That hasn't come in yet,
17 and some day, you'll be back saying that the county
18 needs a computer system to tie into that computer.
19 But right now, a person who is fingerprinted, you
20 have to send the fingerprints to the State, and
21 that takes at least twenty-four to forty-eight
22 hours before it comes back, which means we have
23 to have at least that amount of time, because
24 the police may have a man who is wanted for
25 ten other crimes within ten other states. So it's

1 almost impossible to take the system that you're
2 in, release them, twenty-four hours; the fact
3 that they were held over the weekend until Monday
4 gives you enough time to go before a judge Monday
5 morning and say to him, forty-one of the forty-three
6 have no previous record, other than minor narcotic
7 violations. They can be released ROR. So that
8 period of time you need, because we're getting to
9 a stage today, it appears, in police work, that
10 we're more interested in seeing how fast we can
11 get them out than how fast we can get them in,
12 and nobody wants to accept the responsibility
13 today. Do you find that to be a problem?

14 MR. WAGNER: Yes.

15 COMMISSIONER DE MARINO: In other
16 words, would you take the risk of signing your
17 name to a piece of paper, saying this man is
18 capable of being released to the public, and
19 would you give any reasonable assurance that he
20 would not cause any other problems?

21 MR. WAGNER: Not unless, as you say,
22 that I had the person for a period of time.

23 COMMISSIONER DE MARINO: Yes; so you
24 do want him for a period of time.

25 MR. WAGNER: Yes. I don't want him

1 in the jail for a period of time.

2 COMMISSIONER DE MARINO: The public
3 defender has to have him for the period, because
4 he has to defend him.

5 MR. WAGNER: Yes.

6 COMMISSIONER DE MARINO: And the
7 prosecutor has to have him for a period of time
8 because he has to prepare his case against him.

9 MR. WAGNER: Yes.

10 COMMISSIONER DE MARINO: And the
11 courts need him for a certain period of time
12 because they have to sentence them; would you
13 agree to that?

14 MR. WAGNER: Yes. Some of the judges
15 will not send people to the county jail because
16 they know the condition, where if you had this
17 center where they could be held for three days
18 a week, whatever, it would take at least--at
19 least they would be housed in an area which would
20 be--

21 COMMISSIONER DE MARINO: Well, when
22 you say have a center, you're talking about
23 having a judge available.

24 MR. WAGNER: Yes.

25 COMMISSIONER DE MARINO: Do you know

1 that this county, like any county in this state,
2 has a judge available at all times?

3 MR. WAGNER: Yes.

4 COMMISSIONER DE MARINO: Must have a
5 judge available, by statute, at all times?

6 MR. WAGNER: Yes.

7 COMMISSIONER DE MARINO: Have you ever
8 called a judge at 2:00 in the morning, telling
9 him, I have a man, I want him processed?

10 MR. WAGNER: No, because he's not
11 brought to me when he's arrested.

12 COMMISSIONER DE MARINO: Well, do
13 you know that that should be done, according to
14 the Statute? You go to the nearest available
15 magistrate or the nearest available judge, and
16 usually, the Superior Court has one available
17 at all times, and I'm saying to you, there's always
18 one available.

19 MR. WAGNER: How does he make his
20 judgement? He doesn't have any background, so
21 he sends them to the county jail.

22 COMMISSIONER DE MARINO: Until the
23 background is put in front of him.

24 MR. WAGNER: Yes.

25 COMMISSIONER DE MARINO: Which, I think,

1 is a reasonable thing to do.

2 MR. WAGNER: Right.

3 COMMISSIONER DE MARINO: Which defends
4 what you were saying before; take the man and
5 release him.

6 MR. WAGNER: No. I didn't mean it
7 that way. You shouldn't take him into the
8 county jail, maximum security area, unless you know
9 he belongs there. If a person is arrested, it
10 might take two, three, four days, but in a
11 central area, wherein the prosecutor, wherein
12 the public defender, where a victim, some place
13 where everybody can work from this individual
14 before he's placed in the county jail.

15 COMMISSIONER DE MARINO: All right.
16 It appears as though everybody hides behind and
17 uses the word maximum security. What is maximum
18 security?

19 MR. WAGNER: It's --I'm not sure
20 what you mean. It's completely locked in.

21 COMMISSIONER DE MARINO: It's almost
22 the definition of a hazard. I can take this room
23 here, if I put bars all around on every window
24 and I put a guard at the door, I've got a
25 maximum security room.

1 MR. WAGNER: If you take the carpet
2 out, and if you take out anything that could be
3 burned, or used as a weapon.

4 COMMISSIONER DE MARINO: So you don't
5 need a separate institution, but maybe part of
6 that institution can be made maximum.

7 Do you have trustees in the jail?

8 MR. WAGNER: Yes, they do.

9 COMMISSIONER DE MARINO: Well, isn't
10 it the same building, a maximum security building?
11 Aren't your trustees walking around?

12 MR. WAGNER: Right.

13 COMMISSIONER DE MARINO: No supervi-
14 sion, no control; they walk around, the trustees.
15 Why do you say it's maximum security?

16 MR. WAGNER: How can I--I'm sorry, I
17 don't follow you. The problem is that it's locked,
18 and it's one locked, complete institution, and
19 they're allowed to walk around in that.

20 COMMISSIONER DE MARINO: Mr. Wagner,
21 the point I'm trying to bring out is, you can
22 separate, in almost any institution--I grant you
23 that your space problem is a problem, but you
24 can make a maximum security floor if you want,
25 and just adjust them by moving them around. Have

1 you ever done that type of survey, to separate,
2 because you are in the rehabilitation area.

3 MR. WAGNER: Have I ever done the survey?

4 COMMISSIONER DE MARINO: Yes.

5 MR. WAGNER: Yes, it's been suggested,
6 but the problem comes up, not enough space.

7 COMMISSIONER DE MARINO: Have you ever
8 attempted to secure volunteer teachers, or people
9 in the educational field, that perhaps will give
10 some of their time to inmates that are here on
11 short stays?

12 MR. WAGNER: Yes. We have. It's been
13 a ruling of the sheriff and the undersheriff that
14 volunteers are not allowed in the institution.

15 COMMISSIONER DE MARINO: Why is that?

16 MR. WAGNER: I hate to say it. Security.

17 COMMISSIONER DE MARINO: You mean to
18 tell me, if you took certain people that are lack-
19 ing in reading ability or things along those lines,
20 in the educational field, and you have someone who
21 is willing to instruct, an English teacher, a
22 reading teacher, so on, that they will not allow
23 them into the jail to help those that are still
24 innocent and awaiting trial?

25 MR. WAGNER: We would bring the

1 people out of the maximum security into the
2 minimum security, and then they would be allowed
3 to work that way.

4 COMMISSIONER DE MARINO: Has that been
5 done?

6 MR. WAGNER: Yes.

7 COMMISSIONER DE MARINO: You have that?

8 MR. WAGNER: On a very limited basis.

9 COMMISSIONER DE MARINO: That's all I
10 have.

11 CHAIRMAN IRVING: Undersheriff Brown?

12 COMMISSIONER BROWN: Mr. Wagner,
13 you indicated before that you are a sheriff's
14 officer?

15 MR. WAGNER: Yes, sir.

16 COMMISSIONER BROWN: You are Civil
17 Service?

18 MR. WAGNER: No. As I say, I was
19 hired in September, and we're waiting for the
20 Civil Service, and whether the grant continues,
21 and so many other factors.

22 COMMISSIONER BROWN: When you were
23 hired, or were you when you were hired, assigned
24 in the jail, prior to this particular job you have
25 now? In other words--

1 MR. WAGNER: Did I have past experience?

2 COMMISSIONER BROWN: Yes.

3 MR. WAGNER: Not in this county.

4 COMMISSIONER BROWN: You had past
5 experience?

6 MR. WAGNER: Not in this county. I
7 had it in Broad Meadows Prison, and Glenn Mills
8 Reformatory in Delaware County.

9 COMMISSIONER BROWN: I heard some
10 testimony in relation to the Board of Freeholders,
11 the Sheriff. Who actually hired you?

12 MR. WAGNER: That would be difficult
13 to say. The Sheriff hired me--I was interviewed
14 by the Sheriff, the Undersheriff, by the Freeholder
15 Board, and who actually signed the S-6 Form was
16 academic. They all agreed.

17 COMMISSIONER BROWN: Who do you report
18 to? Do you report to Warden Howell, or do you
19 report to the Undersheriff, or do you report
20 to the Sheriff?

21 MR. WAGNER: I report to the Under-
22 sheriff and the Sheriff.

23 COMMISSIONER BROWN: Do you coordinate
24 your programs with Warden Howell?

25 MR. WAGNER: We cooperate very well, but

1 I don't coordinate. I tell him what we're
2 doing and ask him if there's any problem with
3 that.

4 COMMISSIONER BROWN: You made refer-
5 ence before to sentences to the state hospital
6 in Ancora. I realize that you have the ability
7 and the staff to take care of those that are
8 assigned to your jail, if you find they're psychot-
9 ic, to get them transferred to a state hospital
10 on various types of commitments, sometimes per-
11 manent commitments or temporary, ten day commit-
12 ments, if an application is made and it's signed
13 by a judge, either by the Undersheriff or Sheriff.
14 You made reference, however, to a direct sentence.
15 I'm not familiar with that. Do you, of your
16 own knowledge, know of any direct sentences, where
17 the court has sentenced people to Ancora?

18 MR. WAGNER: Well, this person, the
19 arsonist, he was sentenced directly to the Vroom
20 Building. Is that what you mean?

21 COMMISSIONER BROWN: All right. Yes.
22 That's an example.

23 All right. Do you have the authority
24 in your position, now, for a prisoner classifica-
25 tion?

1 MR. WAGNER: Do I have the authority?

2 COMMISSIONER BROWN: Yes. Is it part
3 of your duties?

4 MR. WAGNER: We have a classification
5 committee that meets on Wednesday, which would
6 act as a reclassification, which any inmate can
7 appear before this Board and tell us what his
8 problem is. The classification, as such, again,
9 because of space and because of time and a number
10 of other things done by the Sheriff's officers,
11 the sergeant on duty, and we cannot--we have not
12 been permitted to sort of join in this or, you
13 know, say, move people around in the jail. Once
14 we have the meeting on Wednesday, which we would
15 have five to six individuals come down and tell
16 us what the problem is, if I tell the Undersheriff
17 about it, they will move the person, definitely.

18 COMMISSIONER BROWN: You have, also,
19 on an inmate that is committed for the first time,
20 you are not brought in to advise or be involved
21 in where he will be placed in what section of the
22 jail.

23 MR. WAGNER: No. We visit him every
24 day. Every day, we visit all the sections, and
25 that's how we find out that somebody is misplaced

1 or--

2 COMMISSIONER BROWN: Could you give me
3 a quick breakdown on what you use for actual
4 classification, and what references? Like Grand
5 Jury, held for Grand Jury, awaiting trial, held
6 for trial? Could you give me a rundown?

7 MR. WAGNER: On what I would classify
8 them as?

9 COMMISSIONER BROWN: What you're
10 actually classifying when you have your meeting.

11 MR. WAGNER: In the meeting, we actually
12 listen to the problems involved. We want to find
13 out about them, why they don't want to be where
14 they are right now.

15 COMMISSIONER BROWN: We're not talking
16 about assignment in this meeting; we're not talking
17 about jail assignments in this meeting, as far
18 as separation to the twenty-ones or thirty-ones,
19 or separations of the elderly from the young,
20 or separation of crimes; murders, from, let's say,
21 a motor vehicle violation. You don't go into
22 that whatsoever?

23 MR. WAGNER: No, I don't. That would
24 be done by the sergeant, and if a person who was,
25 say, any one of those, twenty-one, never been

1 convicted of an offense before, he came before
2 us on Wednesday and said, I'm in with a bunch of
3 hardened criminals, then that's when I would come
4 into the picture.

5 COMMISSIONER BROWN: Okay, thank you.

6 The reference to the courts, as far
7 as handling the inmate cases and criminal matters,
8 I believe the Sheriff raised the question that
9 it could possibly be the Public Defender possibly
10 holding up the calendar. Has anybody checked to
11 see whether or not--I mean, the court is taking
12 the brunt of the argument so far. Has anyone
13 checked to see if it's actually the Prosecutor?

14 MR. WAGNER: No. When we have a problem
15 we go to everyone. We go the Prosecutor, Public
16 Defender, and I'm--you know, it's more or less
17 pillar to post. Finally, we go to Judge Horn
18 with the problem.

19 COMMISSIONER BROWN: All right.

20 The writ of habeas corpus that's used is usually
21 instituted in most cases, to my knowledge, by
22 the Prosecutor. The Prosecutor makes a request
23 to bring somebody back from either Bordentown
24 or State's Prison, because they feel they have a
25 case ready. It's usually approved and signed by

1 the Judge of the Court. Is it possible for you
2 to meet with the Prosecutor and/or possibly the
3 court, the assignment judge, and ask if these
4 particular inmates can't be held until possibly
5 the day before trial? As you've stated, you have
6 transportation facilities. It will be helpful,
7 probably, to the inmate, as far as his time,
8 because this is a serious thing, losing time.
9 Couldn't it be coordinated with you and the Under-
10 sheriff and the Warden to try to bring this about,
11 to try to cut down this loss of time?

12 MR. WAGNER: It could be. We have a
13 court administrator in the county, and all of them
14 could work together and do this, yes.

15 COMMISSIONER BROWN: You are familiar
16 with the Criminal Justice Planning Council that
17 has been enacted in this County?

18 MR. WAGNER: Yes.

19 COMMISSIONER BROWN: Are you a member?

20 MR. WAGNER: No.

21 COMMISSIONER BROWN: You have no
22 representation on the Council?

23 MR. WAGNER: No.

24 COMMISSIONER BROWN: Do you know of
25 their recommendations of transferring the respon-

1 sibility of the operation of the jail from the
2 Sheriff to the Board of Freeholders?

3 MR. WAGNER: Yes.

4 COMMISSIONER BROWN: Now, you, in your
5 particular assignment, how will this affect you,
6 in relation to your programs? Will you also be
7 incorporated in this transfer?

8 MR. WAGNER: Yes. We're supposed to
9 come in under the jail, whatever and whichever
10 way.

11 COMMISSIONER BROWN: In other words,
12 if the Board of Freeholders should take over the
13 responsibilities of the operation, you will still
14 continue to have the rehabilitation program and
15 continue to bring it forward, and also the social
16 aspects of your operation?

17 MR. WAGNER: As long as the grant
18 holds out, and if it is taken over by the
19 County in June of next year.

20 COMMISSIONER BROWN: All right.
21 Thank you.

22 CHAIRMAN IRVING: Mr. Wagner, before
23 we release you, I'd like to ask you a couple of
24 questions which may or may not be answerable by
25 yes or no, and if you don't want to answer any
 of these, please do not.

1 In your opinion, does a lack of training
2 of the corrections officer retard the rehabilitation
3 at the jail?

4 MR. WAGNER: It would depend on which
5 training you were talking about. Training in
6 behavior modification or training in some of these
7 programs that are offered to a correctional officer,
8 yes, the lack of that training. The lack of
9 training for handling inmates, no.

10 CHAIRMAN IRVING: Lack of sensitizing
11 training?

12 MR. WAGNER: Yes, we could use that.

13 CHAIRMAN IRVING: Have you ever seen
14 an officer assault an inmate?

15 MR. WAGNER: No.

16 CHAIRMAN IRVING: Have you heard that
17 it's been done?

18 MR. WAGNER: I have heard force has
19 been used, yes.

20 CHAIRMAN IRVING: Have you ever
21 seen officers use Mace on inmates?

22 MR. WAGNER: No, I've never seen it.

23 CHAIRMAN IRVING: Have you heard
24 that it's been done?

25 MR. WAGNER: Yes.

1 CHAIRMAN IRVING: Have you heard officers
2 use provocative language in dealing with inmates?

3 MR. WAGNER: Yes, it's been reported.

4 CHAIRMAN IRVING: You've not heard the
5 language yourself, sir?

6 MR. WAGNER: No.

7 CHAIRMAN IRVING: Are you familiar
8 with an incident in which the inmates on the
9 second floor of the jail found one of the guards--
10 one of the officers obnoxious to them, and signed
11 a writ to get him removed from the second floor?

12 MR. WAGNER: Yes, I did.

13 CHAIRMAN IRVING: Is this the only effect-
14 ive way that the inmates have of addressing a grie-
15 vance to the administration?

16 MR. WAGNER: There's difficulty with
17 the request slips and things of that sort. I
18 think their most effective way is if they tell
19 us, and we go to the authorities. If then it
20 doesn't work, then they usually use what they
21 call a disturbance, and that brings results.

22 CHAIRMAN IRVING: In this incident
23 that I'm talking about, had they tried other
24 measures which weren't productive, do you know?

25 MR. WAGNER: I couldn't answer that

1 honestly. I know that we knew of it, and we
2 told the authorities that there was a--there was
3 going to be trouble.

4 CHAIRMAN IRVING: All right, and there
5 was nothing done at that point?

6 MR. WAGNER: If I recall correctly, if
7 it was something that was--the person was not
8 assigned there for the whole, you know, month
9 or whatever. It's something that came up, in
10 other words, on a certain day, he would be assigned
11 and on that certain day, there was talk that--
12 and it sort of built up to the--when it finally
13 came to the writ. But it wasn't that he was
14 there from Monday to Friday, and by Friday, it
15 had gotten out of hand.

16 CHAIRMAN IRVING: What was the nature
17 of his conduct that the inmates found so offensive?

18 MR. WAGNER: I think it was language,
19 but--

20 CHAIRMAN IRVING: Provocative language?

21 MR. WAGNER: Yes.

22 CHAIRMAN IRVING: All right. We will
23 have some guards testify later on, and perhaps they
24 can elucidate on that.

25 I do want, Mr. Wagner, to thank you

1 for coming. I think maybe all of us imposed too
2 much responsibility on you. I think we do recog-
3 nize that you are responsible for rehabilitation,
4 and you're not the top man at the jail. I think
5 maybe some of our questions implied that you had
6 final responsibility. What I found, Mr. Wagner,
7 was most disturbing in your testimony is the
8 statement, implied or expressed, that the govern-
9 mental neglect which breeds crime in the jails
10 of this State is governmental neglect at the
11 State level as well as at the county level in the
12 failure to appoint judges, the failure to set
13 standards for these jails, the failure to make
14 technical assistance available, the failure, at
15 least until recently, to make funds available
16 for training and rehabilitation. I hope we will
17 fulfill our obligation to you, sir, and to the
18 other people here, by going back to the State
19 with recommendations that will help the State
20 cooperate more fully with Atlantic County.

21 MR. WAGNER: I think one of the
22 recommendations I would make to the State would
23 be the inspections of the institutions be revamped
24 completely. They should have a man in corrections
25 from every part of it; from the courts, from the

1 Sheriff's Department, to go in and sit with each
2 county and say, look, these are your problems,
3 let's talk about it. Not just come down and
4 say, there's a window broken, there's a light
5 out, that doesn't work, this doesn't work, write
6 a report and leave. That's not the way to do it.
7 If they would come down and meet with the Sheriff,
8 and meet with the person in charge of--meet with
9 the officer, spend some time in constructive
10 criticism, and then have the clout to go before
11 whomever is holding it up, as an outside force,
12 as someone who couldn't be fired tomorrow, or
13 couldn't be let go mysteriously, or something of
14 that sort. If the State wanted to do something,
15 then he could come down and talk, not as some
16 kind of a squad that's coming in to find fault.
17 Somebody says, this is the way it's going to be,
18 this is what the State wants, this is in the
19 Constitution of the State; your own prejudices
20 aside, this is what's going to be done. Who do
21 we have to see to get it done? I think if it was
22 a constructive inspection yearly, instead of an
23 enumeration of faults, it would be much more
24 effective.

25 CHAIRMAN IRVING: I'm sure that the other

1 Commissioners agree with me that Atlantic County
2 is trying to move ahead and trying to develop
3 rehabilitation programs, and we in the State will
4 try in whatever way we can to beef up the State's
5 capability to help these institutions. Thank
6 you very much.

7 Let's take three or four minutes to
8 rest.

9 [Whereupon, a recess was taken, after which,
10 the following occurred.]

11 CHAIRMAN IRVING: Doctor Wilson, if you
12 are ready, sir, will you first come over and give
13 your name to the Reporter?

14 D R. C H A R L E S E. W I L S O N, sworn.

15 CHAIRMAN IRVING: Doctor Wilson, we
16 appreciate your coming and visiting with us this
17 morning.

18 Will you, first, for the purposes of
19 the record, indicate your position in Atlantic
20 County?

21 DOCTOR WILSON: I am a practicing
22 physician in the field of General Medicine and
23 have been doing so for the past fifteen years,
24 in Atlantic City. Personally, I'm a member of
25 the Chosen Board of Freeholders in Atlantic County,
serving on the unexpired term of Mr. John Sircusa.

1 CHAIRMAN IRVING: And as a Freeholder,
2 sir, do you have special responsibility for the
3 County Jail?

4 DOCTOR WILSON: Yes, I do.

5 CHAIRMAN IRVING: There are several
6 matters that have come up within the last twenty-
7 four hours, sir, which maybe you can respond to.
8 You may know that the presentment by the Grand
9 Jury last summer indicated--I don't have the exact
10 quote in front of me, but it indicated that the
11 Board of Freeholders appeared to show a lack of
12 concern about the conditions at the jail. Would
13 it be fair to assume that that was true, that
14 that has changed?

15 DOCTOR WILSON: Let's assume, sir,
16 that they have been accused of that, and that is
17 partially true and partially untrue. I was not
18 there at the time of this. However, I do feel
19 with all sincerity that there has been a change
20 in the mentality as regards present mores in
21 reference to the criminal justice system in Atlan-
22 tic County.

23 CHAIRMAN IRVING: And the Grand Jury
24 also indicated that there was an apparent lack
25 of concern to have a first rate medical program

1 at the jail.

2 DOCTOR WILSON: That's correct, sir.
3 That was also mentioned.

4 CHAIRMAN IRVING: Now, Doctor Wilson,
5 yesterday, we talked about the budgets for the
6 jail, and I can share my copy with you, if you
7 don't--

8 DOCTOR WILSON: I have a copy, sir.

9 CHAIRMAN IRVING: The Sheriff's Depart-
10 ment requested, this year, a \$40,000 budgetary
11 item for a full time physician, and \$5000 for a
12 part time physician, and neither of those amounts
13 was approved, and I wonder if you could tell us
14 the rationale for that.

15 DOCTOR WILSON: I can't give you too
16 much of the rationale, realizing that I came into
17 office in the latter part of December. Much of
18 the budgetary items and the personnel involved in
19 that budget structure, were designed and passed
20 upon prior to my coming aboard. There was, in the
21 budget, as you say, two physicians. One in full
22 time, and one in part time, one at \$40,000 per
23 year, and the other at \$5000. They had been elimi-
24 nated from the budget structure. If you would like
25 to have my opinion concerning that decision, I

1 personally think that, at the time, it was an
2 unwise decision. There were certain conditions
3 presented to me later, after the so-called resolu-
4 tion of the problem, of the difficulties involved
5 in getting a full time physician; a physician,
6 at least, to assume that role. This was the main
7 presentation as to why this position was not filled;
8 to find that proper individual willing to give
9 one hundred percent of his or her time to that
10 structure.

11 CHAIRMAN IRVING: You may recall that
12 the County did approve a figure of \$32,000 for fees,
13 which, I understood from yesterday's testimony,
14 were for medical fees, and the additional request
15 of \$5000 meant that the Sheriff's department was
16 asking for \$37,000 for medical care for the jail
17 for the current year. Now, can you project at
18 all at this point whether that kind of budget
19 is likely to be approved for medical care for
20 1975?

21 DOCTOR WILSON: I would say that a
22 budget that is in the realm of employing the
23 proper people to do the proper job, for all of
24 those--what you would call ancillary support
25 systems, whether it's in the form of medication,

1 whether it's in the form of consultation, whether
2 it's for the so-called Outreach type of facilities
3 for ongoing care, I project, from where I sit,
4 that the proper blends of dollars, the proper
5 blends of people to do the proper things for the
6 incarcerated inmates.

7 CHAIRMAN IRVING: Is it your impression,
8 sir, that Atlantic County is not so hard pressed
9 that an increase in budget is an unrealistic
10 projection?

11 DOCTOR WILSON: I would not say unreal-
12 istic. I would say more so if we are placed in
13 the situation of handling people's money, we have
14 to look not with that myopic type of aspect, but
15 down the long term chute, which is, where do our
16 dollars go. There's much more than the criminal
17 justice system of the county that we have to
18 address ourselves to, and we must take the best
19 blends of people and the best blends of dollars
20 again, to do those things that we can get the
21 most out of.

22 CHAIRMAN IRVING: Yes, indeed. Well,
23 I assume, you know there is a standard from the
24 American Correctional Association, and now, new
25 standards of the Federal Government dealing with

1 criminal justice, and those standards say that
2 in a county jail, a person should have a physical
3 examination, either at the moment he's admitted,
4 or within twenty-four hours. Now, do you think,
5 sir, that Atlantic County can move to that day
6 when an inmate will receive a physical exam with-
7 in twenty-four hours?

8 DOCTOR WILSON: Personally, I support
9 that. I think that should be put in our institu-
10 tion; that a person, within twenty-four to forty-
11 eight hours, a person coming in to our institution
12 should have a complete physical examination.

13 CHAIRMAN IRVING: One of the statements
14 made by the Grand Jury is that because so many
15 of the inmates have drug problems and have--and
16 you would know this far better than I, since you
17 are a medical man--apparently run the risk of
18 having contagious hepatitis, that it's very
19 dangerous, legally dangerous as well as medically
20 dangerous for the county not to be examining these
21 people as soon as they're admitted to the jail.

22 DOCTOR WILSON: Hepatitis, especially
23 with the--considering, at any time, I would
24 assume, that the population could be anywhere
25 from fifty to eighty percent, could be detected,

1 known, undetected or unknown hard core heroin
2 users, or are probably drug users. There are
3 disease entities which are concomitant with drug
4 use, and it carries with it certain aspects which
5 represent certain danger to the individuals in
6 that environment. Not even a physical examination
7 at that time could detect hepatitis; it could be
8 in a period of incubation. However, it would
9 place us in a better position to determine if
10 this individual would have a disease entity that
11 would represent a danger to our clients, the
12 people housed in the penal institution.

13 CHAIRMAN IRVING: Doctor, earlier this
14 morning, and you may have heard this testimony
15 yesterday, and there was a discussion that we
16 should deal with medical problems in a medical
17 setting, and if we could--this was the Sheriff
18 testifying--if we could get out of the Atlantic
19 County Jail, those people that have medical prob-
20 lems, and that have difficulty, primarily in adjust-
21 ing to society, we would reduce the 175 population
22 by approximately 100, and I wonder, first of all,
23 whether you think, as a governmental official,
24 that that's the way to go, and if it is, is there
25 any thinking with an Atlantic County government

1 now about creating or working with other counties
2 to create these regional type facilities to deal
3 with the alcoholic or the drug user, rather than
4 treating them as we now do, as criminals?

5 DOCTOR WILSON: Yes, sir. We've been
6 going through a period of conceptionalization,
7 based upon the recommendations of many things we've
8 heard, seen, and we've read. What has been very
9 important to me is a project designed some twelve
10 to fifteen months ago, and perhaps longer, the
11 Special Action Office for Drug Abuse, in conjunc-
12 tion with SLEPA. It's also known as TASC, Treat-
13 ment Alternative to Street Crime. Realizing with
14 all logic that a large faction, let's assume
15 fifty percent of the individuals presently inside
16 of the institution are there due to drug related
17 crimes, that is, the so-called street crime, or
18 in the vernacular, the drug dependent crime or the
19 property crime. Let's assume that in the drug
20 rehabilitation center, we can habilitate or re-
21 habilitate this individual for somewhere in the
22 realm of \$1500 a year, and let's assume that
23 that same patient, housed in our institutions,
24 is costing us in the realm of \$10,000. I think
25 people should be left to their areas of who is

1 capable of performing the task of rehabilitation,
2 and those who are capable of performing the task
3 of law enforcement. I would presume at this point
4 that if we could eliminate through selectively
5 treating, fifty percent of our present population,
6 think of the enormous savings and salvage of human
7 life, and think of the social costs and the proper-
8 ty costs of our community. So I agree with you,
9 sir. It's that we should pinpoint--this is one
10 of our primary aims, objectives and goals is to
11 establish, at the single state agency level, let
12 us start at the top, let it start at Trenton and
13 trickle down through the counties; some form of
14 task problem must be accepted whereby we could
15 go through this diversion system, realizing that
16 there are no simple, no immediate answers, but
17 this at least is one positive, constructive
18 direction in which to go. It should start at
19 the level of the Governor, adopting the policies
20 of the Federal Government, Special Action on Drug
21 Abuse and the Law Enforcement Assistant Adminis-
22 tration, who have the dollars, the proper program-
23 atic things, the proper evaluation technique
24 applied to it, and ongoing technical assistance.
25 We should turn to those forces. But it has to

1 start at this level, also.

2 CHAIRMAN IRVING: Yes. Well, as you
3 know, New Jersey is concerned about shortage of
4 funds to operate State Government now, and the
5 proposal that we build a series of regional
6 facilities for whatever use in the medical or
7 criminal justice field is a proposal that has to
8 be sold hard in order to be effective; that again,
9 as you've indicated on the county level, various
10 units are competing for the tax dollar. At the
11 State level, the competition is even more intense.
12 I hope our Commission can speak to this at the time
13 we make our recommendations to the State, which
14 will be before this calendar year is over, and
15 that we will begin to develop at least this blue-
16 print for regional treatment centers. But I
17 think we agree on that. I appreciate your thought.
18 During the intermediate term, however, sir, let's
19 say within the next year or two, I don't see that
20 happening, those regional facilities being avail-
21 able, and I wonder what your thought is as to
22 how Atlantic County is going to deal, for example,
23 this very summer, with what is anticipated to be
24 an overflow population at the jail. We had testi-
25 mony yesterday that the population will exceed

1 two hundred, in a building which is equipped to
2 handle some one hundred eighty at the most, and
3 a building which yesterday we saw, as Mrs. Hicks
4 and I went through; mattresses on the floor, people
5 already being denied the basic care to which they
6 are entitled as human beings. What's going to
7 happen this summer, and what's going to happen
8 if gambling is authorized here? The Sheriff in-
9 dicated we may need another building entirely;
10 another jail. Do you have any thoughts about
11 this summer, and do you have any thoughts about
12 whether organized gambling will aggravate your
13 problems?

14 DOCTOR WILSON: There is a possibility.
15 There is that possibility. If we assume that
16 gambling attracts the anti-social and invites
17 criminality, then let's assume that that is true,
18 and that it will increase our enrollment of the
19 number of individuals inside of our institution.
20 Then it will only compound the problems that we
21 have. It will only aggravate the problems that
22 do exist. Realizing that we do have physical
23 structure problems, realizing that we do have
24 programatic problems, therefore, all of these
25 problems will be aggravated, sir, in my estima-

1 tion, from whatever source or whatever action happens
2 to represent an increased flux to flow into the
3 county. I am of the opinion that, through the
4 cooperation of the Prosecutor's Office, the judi-
5 ciary, and all those ancillary report systems,
6 religious and others, in our community; Narco,
7 our local drug rehabilitation center, that a
8 crash program of diversion of those individuals
9 who are considered as alcoholics, drug abusers,
10 and where it's feasible and legally possible,
11 that they be separated from our penal system; that,
12 at the point of pre-arraignment and bail, let them
13 be diverted. In my estimation, if this does be-
14 come a reality, this would be one of the best
15 answers to it.

16 CHAIRMAN IRVING: Let me ask you one
17 other question, and then I'm sure members of
18 the Commission would like to talk with you on
19 other aspects of the county jail and the State's
20 relationship, indeed, the State's responsibilities
21 to the County.

22 We had talked earlier this morning
23 about the fact that there are two judicial vacan-
24 cies now in the Atlantic County Court, and these
25 two vacancies, if filled, could process some of

1 the inmates who are awaiting trial in the Atlantic
2 County Jail. Do you have any feeling about
3 whether those vacancies are aggravating the prob-
4 lem at the jail?

5 DOCTOR WILSON: From where I said, sir,
6 I would say yes; that anytime one portion of the
7 positive contributing aspect, i.e., the lack of
8 adequate judges, to process the cases, if this
9 represents one man's day and one woman's day for
10 receiving proper justice, then I think someone,
11 I or someone has failed the entire system. We
12 need to bring everyone together in concert, as
13 your Commission is here today, to come together
14 in concert, and if it's the lack of judges or
15 it's the lack of defenders or it's a lack of
16 personnel at the jail, and anywhere there's a
17 breakdown, then we have injustice and injustice
18 performed.

19 CHAIRMAN IRVING: We'll yield to the
20 other members of the Commission.

21 Judge Deltufo?

22 COMMISSIONER DELTUFO: Doctor, as
23 a Freeholder, do you feel you are attuned to
24 the feelings of constituents as to their atti-
25 tude involving the jail and the inmates in the

1 Atlantic County Jail?

2 DOCTOR WILSON: I would like to feel that
3 I do.

4 COMMISSIONER DELTUFO: And feeling
5 that you are attuned to it, can you tell us what
6 their attitude is, what your constituents' atti-
7 tude is about the inmates and about the jail and
8 about expenditures in this area?

9 DOCTOR WILSON: That depends on what
10 you're listening to, sir. I get numerous calls
11 during the course of the day, and it's a longi-
12 tudinal call, and I get a letter, it's a latitudi-
13 nal thing. It depends on to whom you're listening
14 to. It starts with food, it starts with religion,
15 it starts with race, it starts with creed, it
16 starts with injustices from the Sheriff down
17 and from the bottom up. Now--

18 COMMISSIONER DELTUFO: These are com-
19 plaints, I gather, that you get?

20 DOCTOR WILSON: These are complaints.

21 COMMISSIONER DELTUFO: What is their
22 feeling as far as expending money, or their con-
23 cern? Is there a concern among your constitu-
24 tents?

25 DOCTOR WILSON: There is a concern by

1 my constituents of their checks and their purse
2 strings. An enormous concern.

3 COMMISSIONER DELTUFO: Do you feel
4 that this is in any way prohibiting additional
5 expenditures into this area?

6 DOCTOR WILSON: I would say it does,
7 to a degree. There are limitations placed around
8 exactly how the people would like to see their
9 dollars allocated. What my constituents are
10 saying to me, basically, is, gentlemen, give me
11 less services and the best you can for my dollars.

12 COMMISSIONER DELTUFO: I'm concerned--
13 this is generally what they're saying?

14 DOCTOR WILSON: This is generally.

15 COMMISSIONER DELTUFO: I'm concerned
16 about this particular area, since this is a func-
17 tion which we are to perform. Do you find any
18 hesitation or hesitancy to spend money in this
19 area?

20 DOCTOR WILSON: Especially in the
21 criminal justice area.

22 COMMISSIONER DELTUFO: Concerning
23 the Atlantic County Jail, and the County Penal
24 Systems. I'm not talking about Public Defenders--

25 DOCTOR WILSON: No, I wouldn't say

1 that I've received any comment from any constitu-
2 ent saying, spend less dollars, especially in the
3 jail. I've never received that type of comment.
4 But I could say there's an aura that says, do the
5 best you can, whatever the area happens to be.

6 COMMISSIONER DELTUFO: Has the Board,
7 in your opinion, adopted an attitude or a program
8 whereby the constituents can be informed that if
9 they do spend effective dollars in the area of
10 rehabilitation, or in this area, that they can
11 be saving money, and not in the long run, by not
12 allowing a particular individual to come back,
13 by cutting out the commission of crimes, that this
14 is a dollar well spent? Does the Board have this
15 understanding? You see, it's important that we
16 know this, because you are the people who can
17 cause the changes that are necessary, with the
18 help of the State, with the help of Federal Aid.
19 But I'm concerned about the thinking in this
20 area by the people who are responsible. I mean,
21 do you have that understanding; that by spending
22 money, you're saving money?

23 DOCTOR WILSON: Our Board is very
24 cognizant of this. The fact is that we're attempt-
25 ing now to --we've been in a period of conceptu-

1 alization in this whole aspect, and this has been
2 one of the key notes of our presentation, is,
3 first, you have to sell the people on exactly this.
4 We recognize the course of recidivism in this case;
5 that is, the so-called turnstyle aspect of indi-
6 viduals, in, out, in and out. We know the dollar
7 savings that this can represent, and the people
8 can be sold on this, and I think the majority of
9 the people are sold on this. But there is, again,
10 an aspect of there is no immediate and simplistic
11 answers, even to this good and positive and con-
12 structive approach. I don't think we have to do
13 too much selling on it, personally, because if you
14 can show any American citizen, and above all, the
15 good Atlantic Countians, that you can save thou-
16 sands and thousands of dollars through good habili-
17 tation and rehabilitation projects inside of our
18 penal systems, I'm quite certain they would go
19 for it.

20 COMMISSIONER DELTUFO: I quite agree
21 with you, Doctor.

22 What, if any, private help have you
23 encouraged or procured in this area; any private
24 organizations, institutions?

25 DOCTOR WILSON: Private organizations,

1 institutions? That is, in--

2 COMMISSIONER DELTUFO: Any church
3 groups?

4 DOCTOR WILSON: In selling this idea?

5 COMMISSIONER DELTUFO: Well, in
6 assisting you in rehabilitation or improving
7 the condition at the county jail.

8 DOCTOR WILSON: I wouldn't say there's
9 any normalized activity. More of a word of mouth.

10 COMMISSIONER DELTUFO: Purely on a
11 voluntary basis?

12 DOCTOR WILSON: That's correct, sir.

13 COMMISSIONER DELTUFO: What procedures
14 do you have to review procuring State and Federal
15 Aid in this area? Is there a commission or a
16 person responsible to study what State or Federal
17 Aid is available to the counties?

18 DOCTOR WILSON: I've usually, personally,
19 I've--I can speak for the other freeholders; we've
20 turned to our planning commissioner, we've turned
21 to our treasurer.

22 COMMISSIONER DELTUFO: Do you know
23 what State or Federal Aid is available?

24 DOCTOR WILSON: To name off the grant
25 structure, there is definitely SLEPA dollars, in

1 the form of grant structures, proposals. Also
2 in the way of grant structures.

3 COMMISSIONER DELTUFO: Do you know
4 whether or not your particular board has secured
5 the maximum amount of State and Federal Aid?

6 DOCTOR WILSON: I would like to--I would
7 like to feel that we have--

8 COMMISSIONER DELTUFO: Do you know
9 that you have?

10 DOCTOR WILSON: No, I do not know.
11 I do not know.

12 COMMISSIONER DELTUFO: Now, as far as
13 rehabilitation, I think you and I are agreed that
14 effective programs, probably medical programs,
15 psychological programs, are needed to have really
16 effective rehabilitation. What are your thoughts
17 on what types--as a physician, now, not as a
18 Freeholder--what types of programs would be effect-
19 ive in treating the inmates, or rehabilitating
20 the inmates, not only the narcotic or alcoholic,
21 but the anti-social individual, in the county
22 system, because it may be that effective rehabili-
23 tation may not be applicable in the county system
24 because of its structure. But if so, do you feel--
25 which program; group therapy, behavior modifica-

1 tion? Can you enlighten us?

2 DOCTOR WILSON: You know, we have often
3 heard this said, that we have our inmates in too
4 short a range, or they're in too short a period
5 to do anything positive. I don't agree with this.
6 I think if you have a man, touch and feel situation,
7 what you can do for him physically and psychological-
8 ly, if it's no more than a physical examination,
9 if it's positive, that, in my estimation, is part
10 of the whole scheme of things in rehabilitation.
11 I'm looking at the time frame as long as we have
12 him. It's an across-the-board type of program-
13 atic thing, when you're talking about rehabilita-
14 tion. If it's in a penal setting, you do the
15 best that you can in that setting with what you
16 have. If it happens group media, group therapy,
17 if it happens to be one-to-one therapy, or family
18 therapy, if that can come about; if it's a
19 behavioral modification, so well be it, provided
20 it's done by people who are qualified to perform
21 it, because--go ahead.

22 COMMISSIONER DELTUFO: I'm sorry.

23 What are you doing now to procure
24 this type of treatment, to procure this type
25 of program in your institution?

1 DOCTOR WILSON: Well, I hope, first,
2 that we have qualified people who will represent
3 the directorship, who are able to bring to us
4 the needs of our institution, address ourselves,
5 and identify, what are our needs?

6 COMMISSIONER DELTUFO: Well, I think
7 you've stated there's a need for this type of
8 program, and it can be effective.

9 DOCTOR WILSON: There is, yes.

10 COMMISSIONER DELTUFO: And you are
11 certainly in a position to bring this into the
12 county.

13 DOCTOR WILSON: Yes.

14 COMMISSIONER DELTUFO: Are you doing
15 anything now?

16 DOCTOR WILSON: I think we are
17 addressing ourselves, by, once we have established
18 a need, is that we have, in turn, established a
19 system to address ourselves to that need.

20 COMMISSIONER DELTUFO: And what is
21 that system?

22 DOCTOR WILSON: That system is that
23 we get the proper blend, and I mentioned before,
24 of people to do the job; we get the proper blends
25 of dollars and the proper blends of programatic

1 things.

2 COMMISSIONER DELTUFO: Fine.

3 DOCTOR WILSON: Now, if we can get
4 these--if we can get them all in place, then
5 we're in concert. We have to work with what we
6 have.

7 COMMISSIONER DELTUFO: What are you
8 doing to get these people and this proper blend?
9 Is there a program that the Board of Freeholders
10 has adopted or that is assigned to the Warden
11 or the Undersheriff or to the Sheriff to hire
12 psychiatrists, psychologists, or to hire part
13 time or full time psychiatrists, or to set up
14 a program and send the bill to a program?

15 DOCTOR WILSON: That would be good.

16 COMMISSIONER DELTUFO: It would be,
17 but is it being done?

18 DOCTOR WILSON: Is it being done?

19 We are in the process, again, in concert, in saying
20 that perhaps we do need a part time psychiatrist,
21 and we do need him. There is a need for him.
22 We have to find dollars for him. We have to
23 find a programatic structure for him, if it doesn't
24 exist, or he has to design one. If it's a psycholo-
25 gical battery that we need, we have to turn to a

1 psychological source to get a battery of tests
2 for this individual. If it's an individual, as
3 you said a few minutes ago, that is unable to
4 read, then we have to establish a program that is
5 defined for that individual.

6 COMMISSIONER DELTUFO: Everybody has
7 to do that, Doctor, but is it going to be done?
8 Is it being done? Do we have any assurance that
9 it will be done in Atlantic County? Do the
10 people have assurances that this is what you will
11 be pursuing here in Atlantic County?

12 DOCTOR WILSON: As a conceptualization,
13 it is at the point of fruition. We are directing
14 our programs towards that. I will say it will be
15 done.

16 COMMISSIONER DELTUFO: Now, one other
17 question, Doctor. What systems, if any, do you
18 have to cut off problems in the jail, as a free-
19 holder? Do you strictly rely on the Sheriff or
20 Undersheriff or Warden to control any of the
21 problems that are in the jail?

22 DOCTOR WILSON: I think that's--that
23 happens to be his bailiwick.

24 COMMISSIONER DELTUFO: There's nothing
25 in effect where the Board of Freeholders keeps

1 attuned to the conditions to possibly cut off a
2 problem before it begins?

3 DOCTOR WILSON: If we have all of the
4 pieces in place, if we know that a problem exists.

5 COMMISSIONER DELTUFO: Is there a special
6 committee that's responsible for this on the
7 Board of Freeholders? Is there a particular com-
8 mittee that's responsible to coordinate what is
9 happening in the jail, and to report back to
10 the Board?

11 DOCTOR WILSON: Yes. That happens to
12 be under my directorship.

13 COMMISSIONER DELTUFO: Is that the
14 committee that you are chairman of?

15 DOCTOR WILSON: The Sheriff and Under-
16 sheriff report to me, and I in turn report it to
17 my committee, and we take it to the full board.

18 COMMISSIONER DELTUFO: Thank you.

19 DOCTOR WILSON: You're welcome, sir.

20 CHAIRMAN IRVING: Doctor Wilson, I
21 want to introduce you to Mrs. Hicks, who's a
22 community relations specialist to the Newark
23 Human Rights Commission, and a member of this
24 Commission.

25 COMMISSIONER HICKS: Doctor Wilson,

1 there was some talk yesterday about morale
2 being low among the guards, the employees in
3 general in the jail. My question to you is,
4 have you thought in terms of devising affirmative
5 action plans for the employees there within the
6 jail in order to--well, it would serve a number
7 of purposes, because they would be familiar with
8 the structure, and the regulations, working with
9 the inmates in every aspect. Had you thought
10 of this with your committee? I realize you didn't
11 have any input into the budget last year, but
12 sitting here listening, I'm thinking of the
13 Warden, who is getting nine-five annually, and
14 a rehabilitation director, that gets twelve-five,
15 and a sheriff that gets eleven-two. So certainly,
16 that has to destroy morale at any level, and I'd
17 like to know, are there any plans being made in
18 terms of upgrading the employees in the jail?
19 We're talking, most of us, in regards to hiring
20 more personnel, more professionals, but I think
21 a base exists with the employees there that spent
22 years, even employees that are not permanent yet.
23 What's being worked out for them, and I'm awfully
24 concerned about the role of the Warden in this
25 jail, because he's different from some of the

1 other counties, that I've been in, and I'm just
2 wondering, who sets the salaries? Is this set
3 down by Civil Service? Is this left to the
4 discretion of your committee?

5 DOCTOR WILSON: No. I think, in most
6 instances--let's say first that I agree with you;
7 that I have received much input from the question
8 of low morale at the jail, and there are various
9 and sundry items that relate to this low morale.
10 I would like to see that picture changed, and
11 again, it depends on--and I'm not looking for
12 any ways out--to whom you happen to be talking
13 to on a given day, realizing that many of the
14 salaries, in my estimation, are substandard for
15 the type of people you're trying to attract.
16 I have attempted, in most instances, to upgrade
17 the salaries. To give you an idea, when a so-called
18 CS-6 that comes before my desk that has to be
19 passed on, there's a salary range from a certain
20 level to a certain level. In many instances,
21 they're started off someplace in the middle of
22 the minimum and the maximum dollars spent, or
23 so-called arranged structure for this given
24 position. This has been one of the contributing
25 factors to low morale, if you consider that.

1 But it involves so many other areas, Mrs. Hicks.
2 I get it one day, it's food, I get it another day
3 that it's disciplinary problems, I get it one day,
4 it's mail. We have to say, don't look at this
5 as a fragmentary aspect of the morale low. We have
6 to take all these personal items, these physical
7 items and put them all together. This has been,
8 I think, one of my main handicaps in that we've
9 looked at only isolated areas. We can't look at
10 it in a vacuum, by any means.

11 COMMISSIONER HICKS: With your planning
12 committee, have you made any contact or touched
13 base in any way with the Anti-Crime High Impact
14 Program, who are funding a number of county pro-
15 grams throughout the State, and I think their
16 basic purpose is for the reduction of stranger to
17 stranger crime, which a number of your inmates
18 are in for those sort of offenses, and I feel that
19 if you were to stop working and putting together
20 an affirmative action program, I think many of
21 the problems and many of the complaints and
22 grievances that come to you, there will be a
23 person there to weed them out, and that person
24 would be known as your affirmative action
25 coordinator. I'm pretty sure he can keep you

1 better apprised of employment grievances as they
2 relate to the jail.

3 That's one thing, and another thing
4 I'd like to know, sir, again, I ask you, do the
5 guidelines on the salary change, like you just
6 explained to me? It still doesn't answer my
7 question. Is there an overall directive from
8 Civil Service, stipulating X amount of dollars
9 for X position?

10 DOCTOR WILSON: No, that, I can't
11 say. I can only say that from where I sit is
12 when I get an affidavit and it establishes the
13 minimum dollars and the maximum dollars, in most
14 instances, the individual either coming aboard
15 is an increase, whether it be merit dollars or
16 increase in cost of living; that these dollars,
17 in my estimation, for what we are asking for
18 in the form of skills in a given job are not
19 adequate, from where I sit. But again, it's a
20 recommended salary that either comes from the
21 auditor or the treasury that we vote on, and of
22 course, you have a tendency--perhaps this is
23 wrong, too--you try to get the best skills, the
24 best individual for the minimal amount of dollars,
25 and this happens to be the squeeze we're in.

1 COMMISSIONER HICKS: Right.

2 But the discriminatory elevations reflected in
3 the figures that I call to your attention--I mean,
4 you always have a morale problem unless something
5 is done about it. I can't see two guys working
6 in the Sheriff's office, one comes up to become
7 the warden and gets nine-five, and the other
8 comes up to the Director of the program through
9 the warden's office, and he gets twelve-five.

10 No further questions.

11 CHAIRMAN IRVING: Sheriff DeMarino,
12 of Middlesex County.

13 COMMISSIONER DE MARINO: You've been a
14 freeholder, Doctor, since December?

15 DOCTOR WILSON: That's correct.

16 COMMISSIONER DE MARINO: Perhaps maybe
17 the Commission should have subpoenaed someone
18 with perhaps more time on the board. We know you
19 are involved in the committee directly, but it
20 appears as though that many of the questions
21 that could be answered, because of the lack of
22 time that you had on the Board, just couldn't
23 be answered by you.

24 I only have two or three brief ques-
25 tions, I believe. We'll take, first, the medical

1 staff. Do you feel that, for \$20,000 a year,
2 you can get two part time doctors?

3 DOCTOR WILSON: It is possible. It
4 is possible.

5 COMMISSIONER DE MARINO: The \$40,000
6 that I see in the budget; after talking about
7 thirty-five to forty, can you give me a determina-
8 tion as to the amount of hours that that would
9 involve, if you have \$5000 for a part time and
10 \$40,000 for full time? Let's take the full time
11 first, \$40,000 a year. Is he full time?

12 DOCTOR WILSON: I don't think it's
13 adequate. Even if it was just considered full
14 time.

15 COMMISSIONER DE MARINO: Well, let's
16 answer one question at a time. One, is it full
17 time, as the budget says? The budget says,
18 full time position for \$40,000 a year.

19 DOCTOR WILSON: What the budgetary
20 item requires for a physician in this State, it's
21 full time. And you say is that full time?

22 COMMISSIONER DE MARINO: Yes. Well,
23 let's take the full time, as opposed to the part
24 time. Now, for \$5000 a year, what kind of a
25 doctor do you get?

1 DOCTOR WILSON: I'd say you will get
2 very little time and very little services.

3 COMMISSIONER DE MARINO: Very little
4 time sounds like, judging from what I've heard,
5 the undersheriff said he comes in two days a
6 week. Now, would you know, being in charge of
7 the Committee, being a man of that field, if
8 he does in fact come in for two days a week and
9 for what period of time? In other words, if
10 he comes in for an hour, you understand, then
11 he's coming in for two hours a week, by fifty
12 weeks or fifty-two weeks, whatever you have the
13 \$5000 for, and I'm trying to set the figure with
14 the amount of time and nedessary medical care.
15 Then you look at the full time, who gets forty
16 thousand dollars a year, and I'd like to know,
17 what does that full time consist of? Judging
18 from what I heard the Sheriff or the Undersheriff
19 say, it amounts to four days a week, meaning he
20 comes in for four days. Does he come in for four
21 days for an hour each day, or two hours each
22 day? Does it consist of just entertaining medi-
23 cal complaints that there may be, or does he
24 give a periodic examination of the portion of
25 the inmates there? These are the answers that

1 I'm looking for. Can you tell me that; what
2 you get for \$40,000 a year?

3 DOCTOR WILSON: Well, again, not being
4 only on site at the time that this physician or
5 physicians in the process, if I would look at a
6 full time physician, I would look at him in a
7 time frame of being seven days a week, three hun-
8 dred sixty-five days a year. That's full time.
9 He would be the coordinator of all medical ser-
10 vices, and the director of all medical services
11 inside of that institution. Now, even that, con-
12 sidering that this individual has to have vaca-
13 tion, has to have a day or time off, if you were
14 saying full time, for \$40,000 today, for full
15 time, for one full time physician, to maintain
16 that facility, I say, gentlemen, we're just kid-
17 ding ourselves.

18 COMMISSIONER DE MARINO: Doctor, I'm
19 going to relate to my county. In my county, I
20 can get any doctor at any given time, any differ-
21 ent time of the day, at a flat fee of \$50 every
22 time I call him, which means that if I want to
23 call a doctor at two in the morning, I got him
24 for \$50. The same jail physician which we hire
25 for a fee of approximately I think nine or ten

1 thousand dollars--now, I'm talking about a
2 practicing physician. We pay him ten thousand
3 dollars a year to come in every morning for one
4 hour, maybe two, to take any sick calls, every
5 given day of the week, five days a week, and then,
6 to cover the gap, we have another physician that
7 comes in for the same amount, that takes perhaps
8 two or three days a week, and then he also comes
9 in in the evening hours for perhaps two weeks,
10 just in case we have any problems that occur
11 during the latter part of the day. Now, they are
12 the flat fees paid by the county to these physi-
13 cians. In addition to that, if we were to call
14 them out, and I would rather use this practice
15 that we use, that it costs me \$50 to call him
16 out, regardless of what time of the day, and I
17 think it's worth \$50 to get a physician out of
18 wherever he may be into the jail to check a par-
19 ticular inmate that arrived at that time. I
20 look at the budget that shows me, here in Atlan-
21 tic County, \$45,000, that doesn't examine any
22 inmates on entry, judging by the testimony that
23 I heard, and some not--maybe for days, some
24 for weeks, and I've heard mentioned by the
25 Chairman, who read into the record a statement

1 taken from an inmate who hasn't seen a physician
2 in two months--or one month before she saw the
3 physician. Now, that, to me, appears as though
4 we either have, or you have, in this county, a
5 doctor who is receiving political patronage,
6 or receiving \$40,000 a year, or \$5000 part time,
7 or a doctor who is not appearing when he should be
8 appearing, if what these people say is true, that
9 they haven't seen anyone, and in her case, she
10 was pregnant, which--I would assume, I don't
11 know what stage of the pregnancy she was in, but
12 I would assume, within a month's period of time,
13 she would have an examination, at least one
14 examination. Now, my only suggestion to you,
15 you weren't here when this budget was prepared,
16 nor can I put you on the spot where I'm going to
17 ask you to make any statements, one way or the
18 other against your peers in the same profession.
19 However, it seems to me that \$45,000 should buy
20 at an institution the size of Atlantic County,
21 some kind of scheduled--now, most doctors could
22 take--I could give you two doctors at \$20,000
23 a year without any problem if I told them that
24 every morning, one of those doctors were to report
25 to the jail between 7 and 8, every day of the

1 week, five days a week, and the other doctor
2 will cover the overlaps, so then, we have some-
3 one covering it seven days a week. I would think
4 you could do that for that kind of money. Would
5 you agree?

6 DOCTOR WILSON: That is possible. It's
7 possible.

8 COMMISSIONER DE MARINO: Is there, for
9 \$40,000 and five thousand dollars part time,
10 any schedule set for these doctors, or do they
11 come in at random, or wait for calls?

12 DOCTOR WILSON: I have been of the
13 opinion that there is a schedule.

14 COMMISSIONER DE MARINO: What is that
15 schedule; would you know?

16 DOCTOR WILSON: No, I do not know the
17 schedule exactly.

18 COMMISSIONER DE MARINO: Would it be
19 the schedule that I heard; four days, one doctor
20 comes in, full time comes in for four days,
21 and the part timer comes in two? Now, that dis-
22 crepancy alone, giving a man, full time, alone,
23 \$40,000 and a part timer, for two days, \$5000
24 seems to me enough to cover it.

25 DOCTOR WILSON: Yes, I agree.

COMMISSIONER DE MARINO: I suggest, judging from what I heard in the Atlantic County Jail about the medical problems, that perhaps you, as a freeholder, see that there is a schedule, and that they are there, whether there are complaints or not, because they're being paid to be here.

DOCTOR WILSON: I agree with you.

COMMISSIONER DE MARINO: And see that they work it out so that it's covered all the time, so that, at least, they can have a sick call daily in the jail, and have someone check them. Now, of course, you're going to get fakers, and perhaps 80 percent of them will be fakers. But it's the one or two legitimate complaints, and the doctor will be able to detect the phony complaints, as opposed to the real ones. So I suggest you take a look into that area.

Does the county have any mental health center of its own?

DOCTOR WILSON: It had one, but it's since been declared without a program that is adequate, or meets the standards of the Institutions and Agencies. As such, the county in itself does not have a formalized program.

1 COMMISSIONER DE MARINO: But you do
2 have a county mental health building?

3 DOCTOR WILSON: We did. We did have
4 one.

5 COMMISSIONER DE MARINO: And you did
6 have a program?

7 DOCTOR WILSON: That was the reason
8 it lost its license; because it did not have
9 a program.

10 COMMISSIONER DE MARINO: When, if I
11 may ask, did you have the county mental health
12 center?

13 DOCTOR WILSON: Something like fifty
14 some odd years.

15 COMMISSIONER DE MARINO: You had it
16 for fifty some odd years, and what happened to it?

17 DOCTOR WILSON: Because of its lack
18 of programatic.

19 COMMISSIONER DE MARINO: Explain that.

20 DOCTOR WILSON: Programs; that is,
21 for individuals who have bonafide emotional
22 disturbances, and who were admitted there. It
23 had not the staff nor the programs for rehabili-
24 tation and treatment of these individuals that
25 met the standards of the Bureau of Institutions

1 and Agencies.

2 COMMISSIONER DE MARINO: Well, doctor,
3 what happened to that physical structure?

4 DOCTOR WILSON: That physical structure
5 continues to exist. It is now being used for a
6 shelter care facility, as a shelter care facility.

7 COMMISSIONER DE MARINO: Do you feel,
8 as a doctor in the profession, that perhaps
9 maybe somebody ought to look back into the problem?
10 Perhaps not utilize the entire building, but if
11 you have those that are--I'm talking about those
12 that are now incarcerated with, perhaps, mental
13 problems; I've heard the previous people that
14 testified stating there is a number, perhaps a
15 small number maybe two, three, four or five,
16 that perhaps you can utilize that building again
17 for what it was originally intended for, and re-
18 lieve the jail of that responsibility of just
19 segregating a person by saying, take him from
20 this area and put him in another area, without
21 taking any consideration towards the injury they
22 may cause themselves or a guard or anyone else.

23 DOCTOR WILSON: We've just tackled that
24 problem in the past two weeks. I don't know
25 if you're familiar with our situation of a Federal

1 grant for a county mental health facility to
2 be located there. We're now in the process of
3 reapplying for this grant structure, reestablish-
4 ing the grant, if possible, to use another portion
5 of our facilities for mental health care.

6 COMMISSIONER DE MARINO: I'm not sug-
7 gesting that my county is perfect. It's got many,
8 many ills and problems. However, I suggest you
9 contact someone from the Board of Freeholders in
10 Middlesex County, and perhaps you can ideas as
11 to how they acquired it, and we have our own
12 facility there, and it may be some aid to you
13 or to the people on the Board. That was funded
14 through federal monies, also.

15 Doctor, how many county schools, voca-
16 tional schools do you have, or do you have any?

17 DOCTOR WILSON: We have one that is
18 not completed yet.

19 COMMISSIONER DE MARINO: This is your
20 first?

21 DOCTOR WILSON: This is our first
22 school, yes.

23 COMMISSIONER DE MARINO: First school?

24 DOCTOR WILSON: First county vocational
25 school.

1 COMMISSIONER DE MARINO: And when will
2 it be completed?

3 DOCTOR WILSON: Well, we were supposed
4 to have been in it, into the building, I think,
5 last year. We're still in the process of complet-
6 ing a portion of the structure for total occupancy.

7 COMMISSIONER DE MARINO: Doctor, as a
8 member of the Board, and I'm asking, will you
9 see that that building just doesn't lie dead
10 evening hours and weekends, like most schools do
11 within our counties and our state and our country,
12 for that matter, and perhaps work in a direction
13 that we take those --not so serious--and even
14 the serious, for that matter. I can think of
15 the world's worst criminal, and if they're guarded
16 properly, and if you have the proper transporta-
17 tion vehicle, and you can bring them into school
18 under guard, and work them out in the open--would
19 you work in that direction? I'm asking that you
20 pursue this after you check it out and see if it's
21 feasible, that these county vocational schools
22 are open to the inmates. In fact, open it up
23 to the employees, your guards, your inmates, whether
24 it be remedial reading or what have you, and
25 see that the staff in the schools, if it requires

1 additional teachers or whatever--but you already
2 now tell me you have a plant about to open, and
3 I hate to see that plant operate six or eight
4 hours a day, and then lay dead while we have
5 humans that are just being packed away with no
6 chance of rehabilitation. Do you follow what
7 I'm talking about?

8 DOCTOR WILSON: I am in 100 percent
9 accord with you. 100 percent.

10 COMMISSIONER DE MARINO: Thank you
11 very much. That's all I have.

12 CHAIRMAN IRVING: Undersheriff Arthur
13 Brown of Ocean County perhaps has some questions.

14 COMMISSIONER BROWN: Doctor, it's
15 been kind of long, and I'll try to make it short,
16 if I can.

17 You mentioned earlier the fact that
18 you have an awful lot of feedback coming from
19 constituents that call in relation to problems
20 in all areas of the operation of county government,
21 but you mentioned some complaints related to
22 county jails. When you received these calls--
23 let's say about poor food, if this is the complaint,
24 or inmate segregation, or whatever the problem
25 may be. What action; actual, positive action do

1 you take on a complaint?

2 DOCTOR WILSON: I immediately go to
3 Undersheriff Cartier. This has been my primary
4 contact, and in almost all instances, we sit, we
5 debate, we discuss the issues, we discuss the
6 source, and we, in concert, establish a plan to
7 address ourselves to the complaint. Whether it
8 is founded or unfounded, we investigate it.

9 COMMISSIONER BROWN: And do you feel,
10 in most cases, it's resolved to the benefit of
11 the complaintant?

12 DOCTOR WILSON: I really think so.
13 In most instances, if not all instances.

14 COMMISSIONER BROWN: I'm going to be
15 very frank in this next question, and you may be
16 able to give me your opinion, you may be able
17 to give me a direct answer, but because of your
18 limited time, as a member of the Board, it may
19 be difficult for you to answer this question.
20 Do you think that the administration of the jail
21 has actually received the full cooperation of
22 the Board of Freeholders in the past?

23 DOCTOR WILSON: I don't think so, sir.
24 From where I sit, it is, again--it's what I
25 read, what I hear. I think there has been some

1 gaps inside of the total picture of cooperation
2 between the jail and the Board of Chosen Freeholders.

3 COMMISSIONER BROWN: I appreciate your
4 answer. I appreciate your frankness. The fact
5 that you are Chairman of the Committee serving on
6 jails, is it your intention to improve the relation-
7 ship with the operation of the jail?

8 DOCTOR WILSON: Definitely. Definitely,
9 in every instance that I can, and making it, again,
10 as I said a few minutes ago, a positive, very
11 frank contributing aspect.

12 COMMISSIONER BROWN: Have you discussed
13 this with other members of the Board?

14 DOCTOR WILSON: Oh, yes. All the way.

15 COMMISSIONER BROWN: And how do they
16 react?

17 DOCTOR WILSON: Extremely receptive
18 in all instances.

19 COMMISSIONER BROWN: Were you in
20 fact a member of the Board when the Criminal
21 Justice Planning Commission of the county was
22 formulated?

23 DOCTOR WILSON: No, sir. I was not
24 here at that time.

25 COMMISSIONER BROWN: Have you, to your

1 knowledge, received any feedback in relation to
2 their plans in relation to the operation of the
3 jail?

4 DOCTOR WILSON: Yes, there has been
5 somewhat of a relay of information, from where
6 they sat; exactly how far they had taken certain
7 issues, just what they had done at that time.
8 There was some relay.

9 COMMISSIONER BROWN: To your knowledge,
10 is there a resolution prepared to take the
11 responsibility of operation and control--

12 DOCTOR WILSON: So, sir.

13 COMMISSIONER BROWN: --transferring
14 from the Sheriff to the Board of Freeholders,
15 that responsibility?

16 DOCTOR WILSON: There is no formalized
17 resolution. We have, again, during that period
18 of conceptualization, in walking through this,
19 in where we're going, our solicitor, members of
20 the Planning Board, had been involved in the
21 designing of a resolution to see exactly where--
22 whether or not we were legal or illegal in any
23 formation or any wording of this resolution.
24 But a formal resolution has not been adopted,
25 and it has not been formalized.

1 COMMISSIONER BROWN: Has county counsel
2 indicated to you whether it is or is not legal?

3 DOCTOR WILSON: He stated, from his
4 opinion, there are fractions that we may be illegal
5 in the designing of this resolution.

6 COMMISSIONER BROWN: If the transfer,
7 the way it stands now, were to be legal, and
8 the transfer could possibly be made to the Board
9 of Freeholders, assuming the full jurisdiction
10 and responsibility for operation, how would the
11 Board of Freeholders, holding the reins, holding
12 the purse strings, holding the full responsibility,
13 how would it change the operation to benefit the
14 community and inmates alike?

15 DOCTOR WILSON: Again, from all of the
16 information that I have been able to get from
17 the various sources, from the Grand Jury present-
18 ment, from all other aspects, points that this
19 would be the best route, or one of the routes, one
20 of the ways in which to go. For many of the
21 problems that we now have could perhaps now be
22 remedied by the adoption of the separation. I
23 personally am in favor of the separation.

24 COMMISSIONER BROWN: You state--and I
25 didn't ask you, and you volunteered it--you said

1 you are in favor, but yet, in your testimony,
2 just a few minutes back, you were asked a question
3 in relation to the Sheriff, and your direct
4 answer was, it's his bailiwick.

5 DOCTOR WILSON: At this stage.

6 COMMISSIONER BROWN: At this stage.
7 Traditionally, Sheriff, being a consitutional
8 officer, and being elected by the people, is
9 responsible now and has been for many years for
10 the operation of the jail. Do you feel that by
11 the Board of Freeholders transferring the responsi-
12 bility entitle to another realm is more or less
13 circumventing the wishes of the people in being
14 able to vote for the person that is going to
15 represent them in this particular phase of
16 government?

17 DOCTOR WILSON: That could be.

18 COMMISSIONER BROWN: Has this been
19 taken into consideration by the Board?

20 DOCTOR WILSON: Yes, it has.

21 COMMISSIONER BROWN: Are you familiar
22 with the piece of legislation that had been
23 drawn up by Senator Perskie of this County?

24 DOCTOR WILSON: A piece of legislation,
25 no.

1 COMMISSIONER BROWN: That would trans-
2 fer, also, to the Board of Freeholders, the
3 authority for the operation of the Surrogate's
4 Office and the operation of the County Clerk's
5 Office.

6 DOCTOR WILSON: I've heard of this.

7 COMMISSIONER BROWN: You've heard of
8 it?

9 DOCTOR WILSON: Yes.

10 COMMISSIONER BROWN: I'm going to be
11 very frank with you. Is there a power play by
12 the Board of Freeholders in this particular county
13 to take over all forms of government?

14 DOCTOR WILSON: I wouldn't say that
15 there's that concerted effort, not from my posi-
16 tion.

17 COMMISSIONER BROWN: Not from your
18 position, and you can't speak for the rest of
19 the Board?

20 DOCTOR WILSON: I certainly can't.

21 COMMISSIONER BROWN: No further
22 questions.

23 CHAIRMAN IRVING: Sheriff?

24 COMMISSIONER DE MARINO: Doctor,
25 not to bring up a subject again, and I heard you

1 here; that \$40,000 figure has got me confused, even
2 though it's not been approved--

3 DOCTOR WILSON: No, it's not approved.
4 It was scratched.

5 COMMISSIONER DE MARINO: I'm concerned,
6 because you were about to say, I believe, that a
7 doctor, in any practice, I assume, can make
8 \$100,000 a year; no two ways about it. Privates
9 make a lot more than the \$0,000 base on the full
10 time like this. Let me ask you this: You're
11 not related to that doctor, are you; that proposed
12 doctor?

13 DOCTOR WILSON: No.

14 COMMISSIONER DE MARINO: I don't think
15 you'll vote for selecting that doctor, even
16 though you're in the field, are you?

17 DOCTOR WILSON: I would vote to
18 elect the best doctor to occupy the position.

19 COMMISSIONER DE MARINO: Let me ask
20 you this: What does the Board of Freeholders pay?

21 DOCTOR WILSON: I think it's \$9000, sir.

22 COMMISSIONER DE MARINO: And would you
23 say you devote a lot of time to this office?

24 DOCTOR WILSON: I personally do. I
25 think I devote an awful lot of time.

1 COMMISSIONER DE MARINO: And it's appar-
2 ent that you're a dedicated person, because you're
3 giving of your time, even being a professional in
4 the medical field, on behalf of the public, serving
5 as a member of the Board of Freeholders, for
6 \$9000 a year; a lot more time, perhaps than the
7 person you're suggesting gave for \$40,000 a year.
8 I would suggest to you that perhaps maybe you
9 run for the doctor's position at \$40,000 --
10 (laughter) and resign from the Board of Freeholders.
11 I think that would be more profitable, and it would
12 be a benefit for the public.

13 That's the only point I wanted to bring
14 out.

15 CHAIRMAN IRVING: Doctor, one final
16 question. I want to ask, again, in the medical
17 field, do you know, when one visits a seashore
18 community like this, one ordinarily thinks of
19 the red tide as something that plagues the beach
20 and threatens the tourist trade. Since I've
21 come here yesterday, I've learned that there's
22 another red tide which causes concern, and this
23 is a certain red liquid medicine that is dispensed
24 at the jail. Do you know what this red tide is,
25 and whether it is dispensed with safety guards?

1 Let me, before you answer, sir, just excerpt
2 for you briefly from this affidavit of one of
3 the inmates, who says--I'm quoting now --
4 "Regardless of what one complains about, everyone
5 gets the same red liquid medicine. This is one
6 reason I have no confidence in the medical pro-
7 gram. I don't know what the medicine is."
8 This inmate has been in that jail since December
9 of 1973.

10 Also, sir, the Grand Jury indicated
11 last summer that drugs were being dispensed as
12 a disciplinary device in the jail, to keep every-
13 body tranquil, and I wonder whether that is part
14 of that. Can you allay my fears?

15 DOCTOR WILSON: There has been the
16 accusation that a so-called red substance, Mepro-
17 bamate, which is a grain classification of all
18 tranquilizers, that there is a large quantity of
19 this being dispensed. I've received it from
20 many sources that large quantities are being
21 given to the inmates for the purpose of tranquili-
22 zation, or to so-called make peace with them.
23 I did not approve of the dispensing medications
24 for this purpose. We're in the process of looking
25 at this now with a very jaundiced eye. If this

1 does exist, then that practice will cease.

2 CHAIRMAN IRVING: All right. Thank
3 you. I do, Doctor, want to thank you again for
4 coming and spending so much time with us, and
5 we wish you luck in solving the many problems of
6 the county.

7 (Witness excused.)

8 CHAIRMAN IRVING: If it's agreeable,
9 Officer, and to the members of the Commission,
10 we would like to hear from you, sir, before
11 we recess for luncheon.

12 [Brief recess.]

13 CHAIRMAN IRVING: Officer, will you
14 come over, first, and give your name to the
15 Reporter.

16 [O F F I C E R J O H N A U E R, sworn.]

17 CHAIRMAN IRVING: Officer, will you
18 please give us your full name and your official
19 position at the jail?

20 OFFICER AUER: My name is John Auer.
21 My official title is Sheriff's officer, I'm
22 currently employed at the Atlantic County Jail
23 in Mays Landing.

24 CHAIRMAN IRVING: Officer, how long
25 have you been in this position?

1 OFFICER AUER: Approximately fifteen
2 to eighteen months.

3 CHAIRMAN IRVING: And would you tell
4 us what kind of work you were involved in before
5 becoming an officer?

6 OFFICER AUER: Yes, sir. I was in
7 the United States Air Force for twenty-two years.

8 CHAIRMAN IRVING: I take it you're
9 a permanent employee, rather than a temporary.

10 OFFICER AUER: Yes, sir.

11 CHAIRMAN IRVING: Are you one of
12 the fortunate men to have had training at Skillman?

13 OFFICER AUER: Yes, sir.

14 CHAIRMAN IRVING: Did you find the
15 training helpful, sir?

16 OFFICER AUER: Yes, sir.

17 CHAIRMAN IRVING: One of the comments
18 made in the testimony yesterday was that the
19 administration of the jail hoped that people
20 like yourself, who received training, would pass
21 the word along to those who were not so fortun-
22 ate. Is that able to be done, do you think?

23 OFFICER AUER: Yes, sir, it is.

24 CHAIRMAN IRVING: You can repeat the
25 essence of what you learned for the benefit of

1 an untrained officer?

2 OFFICER AUER: Yes, sir. Well, right
3 at the present time there, they had a school for
4 the person that's on temporary status on full
5 time pay. I think they just completed the school-
6 ing, which took over a period of three months.

7 CHAIRMAN IRVING: When you came on as
8 an officer, did you say that was sixteen months
9 ago?

10 OFFICER AUER: Yes, sir, approximately.

11 CHAIRMAN IRVING: Did you have any
12 orientation program to help you break into this
13 position?

14 OFFICER AUER: No, sir.

15 CHAIRMAN IRVING: You had no orienta-
16 tion.

17 OFFICER AUER: No, sir.

18 CHAIRMAN IRVING: Were you taught
19 the use of a gun; firearms?

20 OFFICER AUER: Well, I have--I had
21 my experience, sir, prior to taking this position,
22 Sheriff's officer, when I was in the Air Force,
23 This is more or less a continuation of my career.
24 During my twenty-two years in the Air Force,
25 it consisted of Air Police, which I don't know

1 whether you're aware of the titles of the Air
2 Force or not, they're the same as the Military
3 Police in the Army.

4 CHAIRMAN IRVING: Well, generally,
5 when a man is hired as an officer, does he receive
6 no firearms training?

7 OFFICER AUER: No, sir.

8 CHAIRMAN IRVING: He does not.

9 OFFICER AUER: Not to my knowledge,
10 sir. I wasn't.

11 CHAIRMAN IRVING: Is he sometimes
12 given a gun, if, for example, you're responsible
13 for an inmate who's being taken to the hospital,
14 do you have a gun with you when you go to the
15 hospital with that inmate?

16 OFFICER AUER: Well, the only time
17 a weapon would be issued to one of the officers
18 there, if the individual was qualified to handle
19 that particular weapon.

20 CHAIRMAN IRVING: And would you deter-
21 mine qualification; do you know?

22 OFFICER AUER: Well, yes, sir.
23 We're taken out on the firing range, and Under-
24 sheriff Cartier is one of the instructors. He
25 has been taking officers out at different times

1 to qualify the officers.

2 CHAIRMAN IRVING: So that it's your
3 belief and understanding that the only men who
4 are given a gun are those who have first had the
5 firearms training?

6 OFFICER AUER: Yes, sir.

7 CHAIRMAN IRVING: Or that there are
8 officers now who have received, to your knowledge,
9 no orientation, or when they came on and became
10 employed, and especially no use of firearms?

11 OFFICER AUER: To my knowledge, sir.

12 CHAIRMAN IRVING: I take it if there's
13 no orientation, then perhaps there's no effort to
14 sensitize an officer to the special kind of job
15 he has in a jail; sensitivity in being careful
16 as to the kind of language one uses, so it's
17 not provocative.

18 OFFICER AUER: No, sir.

19 CHAIRMAN IRVING: Nothing like that.

20 OFFICER AUER: No.

21 CHAIRMAN IRVING: Do you think that
22 a white officer would recognize that a word like
23 kid or boy could be provocative to a minority
24 member?

25 OFFICER AUER: No, sir, I don't think

1 so.

2 CHAIRMAN IRVING: You don't think they
3 would recognize that as being provocative?

4 OFFICER AUER: No, sir, not an officer.

5 CHAIRMAN IRVING: Do you think that
6 that's provocative?

7 OFFICER AUER: No, sir, I don't.

8 CHAIRMAN IRVING: I mean, if I called
9 you boy and thanked you for being here, you would
10 not take offense of that?

11 OFFICER AUER: No, sir.

12 CHAIRMAN IRVING: You're thicker
13 skinned than I am, sir, because I would find that
14 offensive, and it would be offensive for me to
15 do that, certainly.

16 OFFICER AUER: Yes.

17 CHAIRMAN IRVING: I'm trying simply
18 to explore whether some of the problems within
19 the jail are not the result of a lack of training,
20 so that an officer might unintentionally say
21 something that appeared to be provocative to
22 an inmate, and not even realize, you see, that
23 it was provocative language. Do you think that
24 happens?

25 OFFICER AUER: No, I don't think so.

1 I think that the officer would correct the
2 individual as to the proper way to address them,
3 which I've done several times since I've been
4 there, and I've done it prior to my employment at
5 the county jail.

6 CHAIRMAN IRVING: Let me ask you a
7 couple of questions, and you may decline to answer
8 any of them.

9 In your sixteen months in the jail,
10 have you seen any officers use physical force on
11 an inmate?

12 OFFICER AUER: You mean unnecessary?

13 CHAIRMAN IRVING: Unnecessarily.

14 OFFICER AUER: No, sir, I haven't.

15 CHAIRMAN IRVING: Have you seen Mace
16 used to quiet inmates?

17 OFFICER AUER: No, sir, not to quiet
18 inmates.

19 CHAIRMAN IRVING: Have you seen Mace
20 used in the jail?

21 OFFICER AUER: Yes, sir.

22 CHAIRMAN IRVING: Could you tell us
23 under what circumstance you've seen the Mace used?

24 OFFICER AUER: To remove an inmate
25 from a particular maximum security cell where he

1 was creating a problem.

2 CHAIRMAN IRVING: Is the Mace sprayed
3 in the face of the inmate?

4 OFFICER AUER: Yes, sir.

5 CHAIRMAN IRVING: What effect does that
6 have, sir?

7 OFFICER AUER: It blinds them, it
8 burns a little, but it's not a damage to the eyes.

9 CHAIRMAN IRVING: Do you think that's
10 the policy within the jail, at the moment, in
11 terms of getting a troublesome inmate out of a
12 cell; that Mace is used as part of the machinery
13 for getting him out of the cell?

14 OFFICER AUER: I would say that that
15 would be the last resort to remove an inmate or
16 inmates from a particular area.

17 CHAIRMAN IRVING: Are you familiar with
18 the incident that Joyce Quick gave us an affidavit
19 about, in which she indicated three male guards
20 came up to the women's section to get a woman
21 inmate out, and that she, like many of the other
22 women, were sprayed with Mace?

23 OFFICER AUER: That happened just about
24 a month or two months ago?

25 CHAIRMAN IRVING: Yes.

1 OFFICER AUER: Yes, sir. I was in-
2 volved in that particular incident.

3 CHAIRMAN IRVING: You, yourself, used
4 the Mace, sir?

5 OFFICER AUER: No, sir, I didn't.
6 One of the other officers did.

7 CHAIRMAN IRVING: You were at the scene.
8 Was the situation dangerous to the lives of the
9 officers, that they were forced to use Mace?

10 OFFICER AUER: Yes, sir.

11 CHAIRMAN IRVING: Could you tell us
12 in what way the officers' lives were in danger?

13 OFFICER AUER: Well, there was--I don't
14 recall exactly the number or amount of women that
15 were in there, I'd say anywhere between ten to
16 twelve women, and they were asked, the one partic-
17 ular girl was asked to come out of the cellblock
18 or the dorm, and she refused, and the sergeant
19 there said, well, we'll have to bring you out,
20 and he went in there, he talked to her for approxi-
21 mately five, ten, fifteen, twenty minutes, I
22 guess, and she still refused, and all the other
23 girls there started to put arms around her and
24 her legs and everything else, forming a chain,
25 and we asked the girls, there was a couple of them

1 that were pregnant, we asked them if they didn't
2 want to get involved, please move to the other side,
3 just in case Mace was necessary to be used, and
4 they refused to move, and the sergeant asked us
5 to remove the girl from the dorm, and when I
6 reached for the girl, one of the girls there
7 grabbed a handful of salt and threw it in my eyes,
8 and I was blind for approximately may be five to
9 ten seconds, and the other ones there grabbed
10 ahold of Officer Thomas, and I think--I think there
11 were about nine or ten of them beating on him
12 with different articles that they had in the cell,
13 in the dorms at that time, and when I regained
14 my eyesight, there, I went to assist him, to grab
15 ahold of the girl, to take her, remove her from
16 the dorm, and at that time, one of the other
17 girls there grabbed a bucket of Clorox and threw
18 it in his face, and he was completely blind,
19 and they started beating on him with different
20 objects that they had, and that time, there, I
21 was removing the girl from the dorm.

22 CHAIRMAN IRVING: This was obviously
23 a very difficult situation, was it not, for every-
24 body?

25 OFFICER AUER: Yes, it was.

1 CHAIRMAN IRVING: Do you think, officer,
2 that if the men had training that there might be
3 another way to deal with a situation like that,
4 rather than confront the women with Mace, in
5 what was obviously a very emotional and tense
6 situation?

7 OFFICER AUER: Not that particular
8 case, no, sir. I don't think anything, regardless
9 of how much training an individual had, that it
10 wouldn't change the situation at all.

11 CHAIRMAN IRVING: I'm not a corrections
12 officer, I'm really not a behaviorist, but I
13 wonder, when emotions are that high, if it isn't
14 better to do nothing, to let emotions to calm
15 down and to see if there's any other way to resolve
16 the matter, rather than to go at the female inmates
17 with Mace, which runs the risk of not only damage
18 to them, but I think in increasing hostility,
19 making your job there much more difficult with
20 those same women over the foreseeable future.

21 Let me ask you this, sir: Should the
22 women inmates have within themselves articles
23 that can be used as weapons; Clorox that can be
24 thrown in your face? Is this good for security?

25 OFFICER AUER: Well, I would say no

1 to that. I don't feel that they should have those
2 articles in there. But there are certain articles
3 in there that they more or less handwash and every-
4 thing else, and I guess it requires bleach, and
5 for them to have that.

6 CHAIRMAN IRVING: Is it possible
7 that there are some drugs in those cells, as well?

8 OFFICER AUER: It could be, sir.

9 CHAIRMAN IRVING: How often are the
10 cells searched; do you know?

11 OFFICER AUER: The women's cells, sir,
12 I don't know, sir.

13 CHAIRMAN IRVING: How often are the
14 men's cells searched?

15 OFFICER AUER: Periodically.

16 There is no set time on it.

17 CHAIRMAN IRVING: Would this mean maybe
18 once a month, once every two months?

19 OFFICER AUER: I would say approxi-
20 mately every two months.

21 CHAIRMAN IRVING: Every two months,
22 the cells are searched. Are you familiar with
23 the guideline by the American Correctional Asso-
24 ciation which says that where there is a problem
25 of drug addiction among inmates, that the cells

1 should be searched every day?

2 OFFICER AUER: No, sir.

3 CHAIRMAN IRVING: You're not familiar
4 with that.

5 OFFICER AUER: No, sir.

6 CHAIRMAN IRVING: Officer, what would
7 you say is the morale of the Sheriff's officers
8 at the jail?

9 OFFICER AUER: Right at the present
10 time, sir, I'd say it's pretty low.

11 CHAIRMAN IRVING: Why is the morale
12 low, sir?

13 OFFICER AUER: Well, right at the
14 present time, regarding this changeover from--
15 that the Freeholders intend to take over the
16 jail portion from the Sheriff.

17 CHAIRMAN IRVING: The men see that as
18 a setback for them?

19 OFFICER AUER: Yes, sir, they do.

20 CHAIRMAN IRVING: Do you know why
21 they feel that way?

22 OFFICER AUER: Yes, sir, because I
23 would say a couple months prior to my employment
24 there, they just advanced from correctional
25 officer to sheriff's officer, this is what I was

1 informed, that the Civil Service took, as a
2 promotion, it entitled them not only to the pay,
3 but the title, also. Now, the sheriff's officers
4 there now feel it's a demotion in title, and
5 right at the present time, I have approximately
6 forty-six signatures that are against reverting
7 back to correctional officers, out of possibly I
8 guess fifty-four, fifty-five sheriff's officers,
9 who are actually working in the jail portion.

10 CHAIRMAN IRVING: Forty-six men have
11 signed this petition--is it a petition?

12 OFFICER AUER: It's a not a petition,
13 it's just that I drew up here the ones who are
14 for it and the ones who are against it, and so
15 far, I have forty-six men who are actually against
16 the changeover.

17 CHAIRMAN IRVING: And they are opposed
18 to the change because they feel it will mean a
19 kind of demotion for them in their careers?

20 OFFICER AUER: Yes, sir.

21 CHAIRMAN IRVING: Do they also consider
22 the possibility that if a skilled penologist was
23 put somewhere in the structure, that men like
24 yourself would get the benefit of training and
25 perhaps the Board having to go into a situation

1 similar to what you described, with Clorox being
2 thrown in your face; that there may be some real
3 pluses in bringing into the administration a person
4 skilled in penology, to head up a unit of correc-
5 tions?

6 OFFICER AUER: No, sir, I don't think so.

7 CHAIRMAN IRVING: All right. Judge
8 DelTufo?

9 COMMISSIONER DELTUFO: Officer, when
10 were you first aware that our Commission was
11 coming to Atlantic County?

12 OFFICER AUER: I wasn't aware of it,
13 until this morning, here, or yesterday, there,
14 when this gentleman there, approached me about
15 being here today.

16 COMMISSIONER DELTUFO: Well, is your
17 only purpose in being here to testify as to the
18 guards' objection about the proposed relinquishing
19 of the jails to the Freeholders?

20 OFFICER AUER: Oh, no, sir, no, sir.

21 COMMISSIONER DELTUFO: Well, why are
22 you here?

23 OFFICER AUER: Because the gentleman
24 asked me if I would be here.

25 COMMISSIONER DELTUFO: Well, did they

1 feel that you had something significant to
2 advise this Commission, regarding your work?

3 OFFICER AUER: I don't know.

4 CHAIRMAN IRVING: Perhaps I can answer
5 that, Judge DelTufo and members of the Commission.
6 When I came down to Atlantic County with some
7 students to help in the preparation for this,
8 people that I respect suggested to me that Officer
9 Auer was an articulate officer who knew the needs
10 of the corrections officers and who would make
11 a clear presentation, and on that basis, then,
12 when I was in the jail yesterday, I approached
13 the officer and asked him if he would be willing
14 to come today and talk to us.

15 COMMISSIONER DELTUFO: Thank you.

16 Based on your testimony then, with
17 the exception of this recommendation to relinquish
18 the control the Freeholders, the morale, then of
19 the guards in the institution would be considered
20 high or--

21 OFFICER AUER: Yes, sir, I think it
22 would.

23 COMMISSIONER DELTUFO: No other prob-
24 lems, except with that one incident of relinquish-
25 ing controls to the Freeholders?

1 OFFICER AUER: Not to my knowledge.

2 COMMISSIONER DELTUFO: Have any of
3 the guards complained to you about any other condi-
4 tions that exist in the system?

5 OFFICER AUER: Yes , sir, one, as far as
6 the hazardous duties that exist at the jail at
7 the present time; that the jail was not designed,
8 as far as a jail itself.

9 COMMISSIONER DELTUFO: Now, are you
10 in some supervisory capacity with relationship
11 to the other guards? In other words, are you
12 in charge; are you a shift leader?

13 OFFICER AUER: Well, at the present
14 time, I'm just lobby officer on the first floor,
15 more or less just assist the sergeant there, and
16 helping the different attorneys and doctors and
17 everything else get the inmates--

18 COMMISSIONER DELTUFO: And you would
19 say, to the best of your knowledge, the only
20 complaints with the guards would be in the capacity
21 that I just mentioned, as far as relinquishing
22 controls, and the somewhat hazardous risk or hazar-
23 dous duties that you would have to perform there?

24 OFFICER AUER: I would say this would
25 be one of them. Like I say, I wasn't aware of why

1 I was coming here, and I didn't go around ques-
2 tioning the different officers as to, you know,
3 their morale or what would improve their morale
4 or anything else.

5 COMMISSIONER DELTUFO: Well, how do
6 you feel, as a guard, working in the institution?
7 How is your morale, with the exception of the
8 relinquishing of control?

9 OFFICER AUER: My morale is all right.

10 COMMISSIONER DELTUFO: Do you feel that
11 everything is okay in the jail, as far as you are
12 concerned?

13 OFFICER AUER: No, I feel that a lot
14 of improvements could be made to the institution.

15 COMMISSIONER DELTUFO: For example?

16 OFFICER AUER: Well, I think we actually
17 need a larger jail to house the people that we --
18 take care of at Atlantic County, because we are
19 overcrowded, and some of the people that are in
20 there now, inmates, I feel that they shouldn't be
21 there. What I mean by that is that some of the--
22 like, say, for instance, this one individual,
23 he's been here since February. he was brought
24 down from another State Prison to be tried for an
25 offense that happened in another city, and the

1 man is still here, and as of yet, he hasn't
2 been taken to trial.

3 COMMISSIONER DELTUFO: Have you had any
4 problems with your supervisors, or are there any
5 problems that may reflect on either your morale,
6 or the morale of the men with regards to your
7 supervisors, immediate supervisors?

8 OFFICER AUER: No, sir.

9 COMMISSIONER DELTUFO: There's no
10 problem in that regard.

11 I have no further questions.

12 CHAIRMAN IRVING: Mrs. Hicks, do you
13 have any questions?

14 COMMISSIONER HICKS: Just one. Where
15 the Mace was used, was there a matron on duty
16 at all that night?

17 OFFICER AUER: The women's dorm?

18 COMMISSIONER HICKS: Yes.

19 OFFICER AUER: Oh, yes, ma'am.

20 COMMISSIONER HICKS: What was the reason
21 for having you take the inmate out? What was so
22 important? Was she creating a disturbance in the
23 dorm?

24 OFFICER AUER: From what I was told--
25 like I say, I wasn't aware of the reason why

1 they was bringing her out there. The sergeant
2 that was in charge, the matrons upstairs had talked
3 to the sergeant who was in charge, and he explained
4 to us why he wanted her removed from the dorm.

5 COMMISSIONER HICKS: Was there any
6 physical force in any way?

7 OFFICER AUER: To remove the girl?

8 COMMISSIONER HICKS: Yes.

9 OFFICER AUER: Yes.

10 COMMISSIONER HICKS: No further ques-
11 tions.

12 CHAIRMAN IRVING: Sheriff De Marino?

13 COMMISSIONER DE MARINO: Yes.

14 Mr. Auer, it may sound like I'm badger-
15 ing you, but I'm not. I'm here to pull facts,
16 so that they're taken down by the Reporter and so
17 that we can present them before our legislature.
18 So don't get offended in any way.

19 You say you served with the Air Force
20 Police for twenty some years, twenty-two years?

21 OFFICER AUER: Yes, sir.

22 COMMISSIONER DE MARINO: And when did
23 you get discharged?

24 OFFICER AUER: April 1st, 1972.

25 COMMISSIONER DE MARINO: When did you

1 start here?

2 OFFICER AUER: I believe it was July 31st,
3 '72.

4 C OMMISSIONER DE MARINO: So that you
5 were out from the service approximately three months
6 and then you went from there to here.

7 OFFICER AUER: Yes, sir.

8 COMMISSIONER DE MARINO: Okay.
9 When you applied for this--had you applied for
10 other jobs during that three month period?

11 OFFICER AUER: No, sir.

12 COMMISSIONER DE MARINO: No other jobs.

13 OFFICER AUER: No, sir. I was in the
14 process of going for an interview down in Somers
15 Point, but at that particular time, approximately
16 a week before that, I was--I already filled out
17 an application at the Sheriff's Department.

18 COMMISSIONER DE MARINO: All right.
19 Starting salary here; what was it that you received?

20 OFFICER AUER: I'm trying to think, now,
21 sir. I think it was \$6900.

22 COMMISSIONER DE MARINO: What do you
23 receive now?

24 OFFICER AUER: \$7750.

25 COMMISSIONER DE MARINO: That \$6900;

1 would you consider that a low salary?

2 OFFICER AUER: Yes, sir.

3 COMMISSIONER DE MARINO: However, it
4 was good enough for you, because you have a mili-
5 tary pension in addition to it, right?

6 OFFICER AUER: Yes.

7 COMMISSIONER DE MARINO: Which covers
8 your medical expense and all that.

9 OFFICER AUER: Right, sir.

10 COMMISSIONER DE MARINO: While you
11 served in the military, twenty-two years, were you
12 in the Air Police for twenty-two years?

13 OFFICER AUER: Yes, sir.

14 COMMISSIONER DE MARINO: What type of
15 a weapon did you use?

16 OFFICER AUER: It varied from a caliber
17 45 pistol to 38 Combat Masterpiece; BAR's.

18 COMMISSIONER DE MARINO: All right.
19 So that everyone understands and well take them
20 one at a time, we talked about--well, a BAR,
21 you're talking about a rifle, an automatic rifle?

22 OFFICER AUER: Right.

23 COMMISSIONER DE MARINO: You talked
24 about a 45. Let's take the twenty-two years.
25 Approximately what percentage of those years

1 would you say you carried a 45? Did you carry
2 anything other than a 45?

3 OFFICER AUER: Yes, sir, a 38.

4 COMMISSIONER DE MARINO: What type of
5 38?

6 OFFICER AUER: Combat Masterpiece.

7 COMMISSIONER DE MARINO: Describe the
8 size and length of it.

9 OFFICER AUER: Four inch barrel. It
10 was a Smith and Wesson.

11 COMMISSIONER DE MARINO: And how many
12 shots?

13 OFFICER AUER: Six.

14 COMMISSIONER DE MARINO: What do you
15 carry now?

16 OFFICER AUER: Smith and Wesson 357.

17 COMMISSIONER DE MARINO: You carry a
18 Smith and Wesson 357 Magnum. Why, when you had
19 twenty-two years of training with a 45 caliber,
20 and carrying a 38, do you now carry a 357 Magnum?

21 OFFICER AUER: Because I always wanted
22 a 357, and never had any reason to buy one before.

23 COMMISSIONER DE MARINO: Are you famil-
24 iar with the nomenclature of a 38 caliber? If
25 I was to hand you one now, do you think you can

1 go through the fundamentals, dismantling it?

2 OFFICER AUER: Yes, sir, I think so.

3 COMMISSIONER DE MARINO: Are you sure?

4 OFFICER AUER: Well, I haven't dis-
5 assembled one in about four years.

6 COMMISSIONER DE MARINO: In about four
7 years. The 357 Magnum that you're carrying; are
8 you experienced in disassembling that and putting
9 it back together?

10 OFFICER AUER: I haven't taken it apart
11 yet, sir.

12 COMMISSIONER DE MARINO: You haven't?

13 OFFICER AUER: No, sir.

14 COMMISSIONER DE MARINO: So you now
15 carry a weapon, you're familiar with the velocity,
16 the distance, the knock down power of that weapon?

17 OFFICER AUER: No, sir. I never checked
18 it out.

19 COMMISSIONER DE MARINO: Have you ever
20 fired it?

21 OFFICER AUER: Yes, sir.

22 COMMISSIONER DE MARINO: Where?

23 OFFICER AUER: At school.

24 COMMISSIONER DE MARINO: What school?

25 OFFICER AUER: Skillman.

1 COMMISSIONER DE MARINO: Skillman.

2 So the only school you went to so far was--well,
3 let me back up a little bit. I want to try to get
4 it in some order.

5 When you came here for a position,
6 you filled out an application?

7 OFFICER AUER: Yes, sir.

8 COMMISSIONER DE MARINO: With whom?

9 OFFICER AUER: With the Sheriff's
10 Department.

11 COMMISSIONER DE MARINO: With the
12 Sheriff's Department, and who did you specifically
13 or purposely go to? Who did you directly --

14 OFFICER AUER: Gene Massarelli.

15 COMMISSIONER DE MARINO: And what's
16 his position?

17 OFFICER AUER: I think it's Chief
18 Clerk up there. I don't know.

19 COMMISSIONER DE MARINO: Oh. Wasn't
20 with the Sheriff's Department?

21 OFFICER AUER: No, sir.

22 COMMISSIONER DE MARINO: Let me ask
23 you this, and this may be embarrassing on your
24 part, but don't be embarrassed; I'm looking for
25 frankness in your answer. Did you receive the

1 position because you have, perhaps, a political
2 friend, or someone who gave you insight to applying
3 for this position?

4 OFFICER AUER: My brother-in-law worked
5 up there.

6 COMMISSIONER DE MARINO: Worked up
7 where?

8 OFFICER AUER: At the Sheriff's Depart-
9 ment.

10 COMMISSIONER DE MARINO: As what?

11 OFFICER AUER: As a Sheriff's officer.

12 COMMISSIONER DE MARINO: He's a Sheriff's
13 officer. So he told you to put in an application?

14 OFFICER AUER: No. He knew I was looking
15 for a job and with my experience, he asked me if
16 I was interested in one, and I said, yes, and he
17 said, well, go up and see about applying for one.

18 COMMISSIONER DE MARINO: Mr. Auer,
19 I heard testimony since we've been here to the
20 fact that there was an existing list, a Civil
21 Service list of approximately 18 men. Do you know,
22 of your own knowledge, whether or not you were
23 hired prior to those people?

24 OFFICER AUER: No, I don't, sir.

25 COMMISSIONER DE MARINO: Did you ever

1 take a Civil Service exam--

2 OFFICER AUER: Yes, sir.

3 COMMISSIONER DE MARINO: --for this
4 position? Did you pass it?

5 OFFICER AUER: Yes, sir.

6 COMMISSIONER DE MARINO: When?

7 OFFICER AUER: I think it was February
8 15th, '73, sir.

9 COMMISSIONER DE MARINO: All right.
10 So that when you came on, you came on temporary,
11 and you were given an exam, and where did you
12 place on that exam?

13 OFFICER AUER: I don't recall. I
14 think 12th or something like that, sir.

15 COMMISSIONER DE MARINO: You were 12th
16 on the list, and so, when they were going down
17 the list, they came to your name, and you were
18 consequently hired?

19 OFFICER AUER: Yes.

20 COMMISSIONER DE MARINO: That was in
21 '73. Are you aware that there's a statute that
22 says within one year's time of being a Sheriff's
23 officer, you must go to an officer's training
24 school?

25 OFFICER AUER: Yes.

1 COMMISSIONER DE MARINO: Other than
2 Skillman, which is not recognized by the New
3 Jersey Police Training Commission, have you atten-
4 ded any police training sanctioned schools?

5 OFFICER AUER: No.

6 COMMISSIONER DE MARINO: Have you
7 attempted to?

8 OFFICER AUER: No, sir.

9 COMMISSIONER DE MARINO: Are you inter-
10 ested in going to any schools?

11 OFFICER AUER: Yes, I would be interested
12 in going to school.

13 COMMISSIONER DE MARINO: You said you
14 were trained with the use of a weapon. Where were
15 you trained?

16 OFFICER AUER: Well--

17 COMMISSIONER DE MARINO: You mentioned
18 Skillman.

19 OFFICER AUER: Right.

20 COMMISSIONER DE MARINO: And in Skill-
21 man, what was the period of time you were trained?

22 OFFICER AUER: Right offhand, there,
23 I wouldn't be able to answer.

24 COMMISSIONER DE MARINO: A day? Eight
25 hours? It's a three-week program, right?

1 OFFICER AUER: Yes.

2 COMMISSIONER DE MARINO: Would you
3 say that one day of the three weeks is devoted to--
4 or one hour?

5 OFFICER AUER: No, sir. I would say,
6 including the firing range time and everything,
7 about four days.

8 COMMISSIONER DE MARINO: About four
9 days total on the weapon, or intermittent?

10 OFFICER AUER: Yes, sir.

11 COMMISSIONER DE MARINO: Intermittent;
12 in other words, you did other things, but an hour
13 of the day was devoted to--

14 OFFICER AUER: No. Three days was
15 consisted of on the firing range.

16 COMMISSIONER DE MARINO: All right.
17 Mr. Auer, at Skillman, what type of a weapon did
18 you use?

19 OFFICER AUER: A 357.

20 COMMISSIONER DE MARINO: Your own,
21 personal weapon?

22 OFFICER AUER: My own weapon, yes, sir.

23 COMMISSIONER DE MARINO: Is that a
24 department-issued weapon?

25 OFFICER AUER: No, sir.

1 COMMISSIONER DE MARINO: How is it
2 you're using, as a Sheriff's officer and an em-
3 ployee in the county, a weapon that's not issued
4 by the county?

5 OFFICER AUER: I just took it up to
6 Skillman. I could have checked out who the depart-
7 ment that says they were available.

8 COMMISSIONER DE MARINO: The point
9 that I'm trying to get to is this, Mr. Auer:
10 Are there any rules and regulations saying what
11 you must carry as a Sheriff's officer in this
12 county?

13 OFFICER AUER: The only thing I know,
14 sir, is, the weapon that you carry must have quali-
15 fied. You must be qualified with that particular
16 weapon.

17 COMMISSIONER DE MARINO: Meaning that
18 if I went out and qualified with a carbine, I
19 would be able to carry a carbine.

20 OFFICER AUER: No, sir, they don't
21 use that.

22 COMMISSIONER DE MARINO: Why not?

23 OFFICER AUER: Well, I don't think
24 that's in their arsenal in Atlantic County.

25 COMMISSIONER DE MARINO: All right. If

1 I went out to qualify with a 32 caliber--well,
2 let's ask it this way, instead of beating around
3 the bush. How many Sheriff's officers do you know
4 of carrying weapons other than 38 calibers, and
5 even carry Mausers, to your knowledge?

6 OFFICER AUER: No, I couldn't answer
7 that, sir, because I don't know.

8 COMMISSIONER DE MARINO: Well, fellow
9 officers that you know of; do they carry any other
10 weapon other than a 38 caliber? To your knowledge.
11 If you don't know--

12 OFFICER AUER: I don't really know, sir.

13 COMMISSIONER DE MARINO: Are there
14 any six inch weapons issued by your department?

15 OFFICER AUER: That, I don't know,
16 either, sir.

17 COMMISSIONER DE MARINO: Are there any
18 two inche weapons issued by your department?

19 OFFICER AUER: I couldn't answer that,
20 either, because I don't know.

21 COMMISSIONER DE MARINO: In the case
22 of an emergency, in case you had to pick up so
23 many weapons to quell a disturbance in the jail,
24 what weapon would you get? You don't carry your
25 weapon in the jail, am I right?

1 OFFICER AUER: No, sir, no weapons
2 are authorized inside.

3 COMMISSIONER DE MARINO: Where is
4 your weapon at the time you're on duty?

5 OFFICER AUER: I don't actually carry
6 my weapon to duty, sir. The only time I carry
7 my weapon to duty would be for, like, say, week-
8 ends or holidays. The other times, I don't carry
9 my weapon. It's just to and from work.

10 COMMISSIONER DE MARINO: Just to and
11 from work.

12 OFFICER AUER: Yes, sir.

13 COMMISSIONER DE MARINO: Now, the answer
14 to my question is, if there was a disturbance,
15 are there necessary weapons, or are there avail-
16 able weapons in the institution?

17 OFFICER AUER: Yes, sir.

18 COMMISSIONER DE MARINO: All right.
19 What kind?

20 OFFICER AUER: They have, as far as
21 I know--I couldn't really say, sir, but I do know
22 that they have shotguns.

23 COMMISSIONER DE MARINO: Have you ever
24 seen--

25 OFFICER AUER: I saw some of them, yes,

1 sir. They have shotguns, and they have 38 Spe-
2 cials. Now, other than that, I don't know.

3 COMMISSIONER DE MARINO: Thirty-eight;
4 two inch, four inch, six inch?

5 OFFICER AUER: They're four inch.

6 COMMISSIONER DE MARINO: Now, with
7 the shotgun, were you ever skilled in that?

8 OFFICER AUER: No, just familiariza-
9 tion, sir.

10 COMMISSIONER DE MARINO: So that if
11 there was a disturbance in the jail, and you were
12 ordered by your superior to get the shotguns, only
13 by the familiarization, you would pick up the
14 shotgun and move out with it; is that right?

15 OFFICER AUER: Yes.

16 CHAIRMAN IRVING: Excuse me, sir.
17 Does familiarization mean no experience in actually
18 firing that, before you had to, in an emergency?

19 OFFICER AUER: Oh, no. Familiarization
20 is, the safety is on as far as loading and unload-
21 ing.

22 COMMISSIONER DE MARINO: Familiariza-
23 tion. Let's--

24 OFFICER AUER: You don't qualify with,
25 say, the shotgun.

1 COMMISSIONER DE MARINO: Let's clarify
2 that. Familiarization means that they showed
3 you the weapon, they show you how it's loaded,
4 unloaded, perhaps make you do it once or twice,
5 showing you where the safety is, No firing or
6 no knowledge of the velocity or the impact or
7 the spread of the cartridge that would be fired.
8 Am I right?

9 OFFICER AUER: Yes.

10 COMMISSIONER DE MARINO: What type of
11 shell would they use, would you say, to your
12 knowledge, in a familiarization? Do they show
13 you what type of a shell is used?

14 OFFICER AUER: No. We used a different
15 type of shell. I don't know the exact name of it
16 there. It's a plastic-type shotgun shell.

17 COMMISSIONER DE MARINO: The point
18 that I'm trying to bring out is this, Mr. Auer,
19 and I'm not--believe me, I'm not--this is a problem
20 that was even in my county, you understand, before
21 I became sheriff. The point that I'm trying to
22 bring out is that there are several weapons, and
23 because of the lack of schooling of the personnel,
24 there are times that people were not qualified to
25 handle certain weapons as they should handle them.

1 Now, a shotgun, just not to take up too much time,
2 you can put anything from a rifle slug in there
3 to a birdshot, even salt, if you want. Now, the
4 difference is, unless you're schooled properly,
5 you have no knowledge. I wouldn't want to quell
6 a disturbance where I can use salt, you understand,
7 and find someone inserting a rifle slug, who,
8 by the time it's stopped, after it's come out of
9 the gun, it will knock down twenty people. Do
10 you understand?

11 OFFICER AUER: Yes.

12 COMMISSIONER DE MARINO: Now, have you
13 had any schooling on those lines? Do you think
14 it's necessary?

15 OFFICER AUER: Yes, sir. As far as
16 the job consists of us using these weapons, yes,
17 it is necessary.

18 COMMISSIONER DE MARINO: When was the
19 first time you ever heard of Mace?

20 OFFICER AUER: It's hard to say. I
21 don't--

22 COMMISSIONER DE MARINO: Well, did
23 you know about Mace two years ago, before you came
24 on the job?

25 OFFICER AUER: Yes, sir.

1 COMMISSIONER DE MARINO: Have you
2 ever used it in the Military Police?

3 OFFICER AUER: No. I had it available,
4 but we didn't use it.

5 COMMISSIONER DE MARINO: Do you know
6 the components used in Mace?

7 OFFICER AUER: No, sir, I don't.

8 COMMISSIONER DE MARINO: Do you know
9 what the intentions of Mace are, or the reasons
10 for using it; the purpose of using Mace?

11 OFFICER AUER: Not technically, no.

12 COMMISSIONER DE MARINO: Yet, it's
13 available there for you, and if you were ordered
14 to get it, you would get it to quell a disturbance.
15 Am I right?

16 OFFICER AUER: Well, I would say--I
17 would like to rephrase that. The use for it would
18 be to more or less stun the person, to blind them,
19 so that he wouldn't be able to see and resist.
20 It does cause a burning sensation there to your
21 eyes.

22 COMMISSIONER DE MARINO: It's equiva-
23 lent to tear gas. It's similar to tear gas.

24 OFFICER AUER: Yes.

25 COMMISSIONER DE MARINO: Now, the

1 point that I'm trying to bring out in your partic-
2 ular case is this: Is everyone that works in that
3 jail properly trained? First of all, we know for
4 a fact that you all didn't go to school; we heard
5 the testimony of the Sheriff and the Undersheriff.
6 Is everyone that's there familiar with the equip-
7 ment that's there for their daily use, whether
8 it be weapons, Mace, clubs, whatever?

9 OFFICER AUER: Yes, sir, I think so.

10 COMMISSIONER DE MARINO: You say they
11 are; yet you, yourself, say you're not.

12 Are you familiar with the distance
13 that Mace should be used from?

14 OFFICER AUER: I think it's approxi-
15 mately five to ten feet.

16 COMMISSIONER DE MARINO: All right.
17 Probably five to ten. Do you realize what can
18 happen if you used it at a foot, two feet, point
19 blank, if you used it point blank in the guy's face
20 and let it go?

21 OFFICER AUER: No, I don't--

22 COMMISSIONER DE MARINO: Well, it can
23 have damaging effects.

24 OFFICER AUER: Yes.

25 COMMISSIONER DE MARINO: So you're

1 not familiar with it, is what I'm saying.

2 OFFICER AUER: According to the instruc-
3 tions on the canister there, it's not dangerous
4 to the individual's eyes and face. Spray it in
5 his face, and it's recommended that it be sprayed
6 in the individual's face.

7 COMMISSIONER DE MARINO: Unless you
8 use what? Unless not properly used--if you read
9 the entire canister--it's just like aspirins.
10 Two are good for a headache, thirty-two can get
11 rid of you permanently.

12 Clorox was in the female's sector
13 of the jail. Now, I'm shocked to find out that
14 you shake down the jail every two months. I would
15 think, for everybody's benefit, especially for
16 the safety of the guards, that a daily shakeup,
17 at least a once a week shake up, total shake up,
18 I mean where the linens are broken down, the bunks,
19 the mattresses removed, a total from top to bottom,
20 total shakedown, at least once a week. You said
21 to this Commission that it is only done what,
22 every two months or--

23 OFFICER AUER: I'd say approximately
24 that.

25 COMMISSIONER DE MARINO: Approximately

1 every two months that they have a total shake-
2 down. Let's not talk about a total shakedown.
3 Let's talk about a brief search. Is that ever
4 done; meaning you go into the confines of the
5 cells to check beneath the mattresses, beneath
6 the sheets, and all that?

7 OFFICER AUER: Yes, sir.

8 COMMISSIONER DE MARINO: Does anyone
9 ever check the linens, pillowcases, blankets,
10 daily?

11 OFFICER AUER: Daily?

12 COMMISSIONER DE MARINO: Yes.

13 OFFICER AUER: No, sir.

14 COMMISSIONER DE MARINO: Do you have
15 any ripped sheets, pillowcases, blankets in your
16 jail?

17 OFFICER AUER: Yes, sir.

18 COMMISSIONER DE MARINO: You do.
19 Now, has it ever occurred to you that, perhaps
20 by removing a quarter of an inch of a sheet,
21 pillowcase or a blanket, in due time, you can
22 make a garrot, you can make a noose, you can
23 make a rope?

24 OFFICER AUER: Yes, sir.

25 COMMISSIONER DE MARINO: Have you,

1 considering your own safety, or your officer's
2 safety, ever got together and said to the Sheriff,
3 we want these jails and these inmates shaken down
4 every day. We want a total check of sheets,
5 blankets, pillowcases daily? Because your own
6 safety is involved.

7 OFFICER AUER: No, sir, I don't recall
8 this ever being done.

9 COMMISSIONER DE MARINO: Are there any
10 rules and regulations, to your knowledge, that
11 say you must check beneath mattresses, under
12 pillows, in pillowcases, in the shoes, in the
13 clothing of the inmates, or any rules as to the
14 factor of damaged property, county property; are
15 there any reports made out on damaged county
16 property?

17 OFFICER AUER: No, sir.

18 COMMISSIONER DE MARINO: Meaning that--
19 well, what happens when a guy rips a sheet? Is
20 he issued another sheet? To your knowledge.
21 If you don't know, tell--

22 OFFICER AUER: I don't really know.

23 COMMISSIONER DE MARINO: Are there any
24 rules or regulations where inmates are held respon-
25 sible for the county property that they have in

1 their custody?

2 OFFICER AUER: Yes, sir.

3 COMMISSIONER DE MARINO: There is.

4 Well, what happens when an inmate destroys sheets
5 and pillowcases and things of that nature?

6 OFFICER AUER: I have no knowledge of
7 that, sir.

8 COMMISSIONER DE MARINO: Have you ever
9 seen an inmate with a portion of a sheet, or
10 anything that weaves a rope?

11 OFFICER AUER: Yes, sir.

12 COMMISSIONER DE MARINO: You've seen
13 that, since you've been in this jail?

14 OFFICER AUER: Yes, sir.

15 COMMISSIONER DE MARINO: Have you
16 ever made a report out on it?

17 OFFICER AUER: No, sir.

18 COMMISSIONER DE MARINO: Well, what
19 did you do, if anything?

20 OFFICER AUER: It was removed from
21 the individual's area, or the dorm, and a
22 report--well, a report was submitted along with
23 the item.

24 COMMISSIONER DE MARINO: Are you a
25 member of the F.O.P.?

1 OFFICER AUER: Yes, I am.

2 COMMISSIONER DE MARINO: Are you an
3 officer?

4 OFFICER AUER: No, I'm not.

5 COMMISSIONER DE MARINO: Are you
6 a grievance chairman?

7 OFFICER AUER: No, sir. No officer.

8 COMMISSIONER DE MARINO: Mr. Auer,
9 some time ago, maybe before your time, Atlantic
10 County had all corrections officers. Are you
11 aware of that?

12 OFFICER AUER: Yes, sir.

13 COMMISSIONER DE MARINO: And it was
14 just within the recent past that they converted
15 from corrections officers to sheriff's officers.
16 Is that right?

17 OFFICER AUER: Yes, sir.

18 COMMISSIONER DE MARINO: All right.
19 Now, during that period of time, do you have any
20 knowledge, when you talk to your fellow officers
21 as to why they made that conversion from corrections
22 officers to sheriff's officers? Was it a factor
23 that they would get more money as a sheriff's
24 officer than they would as a corrections officer?

25 OFFICER AUER: No, sir. I don't

1 know what actually brought the change about, other
2 than that they--they were going from corrections
3 officer to Sheriff's officer.

4 COMMISSIONER DE MARINO: Well, did they
5 all agree to go from corrections officers to
6 sheriff's officers?

7 OFFICER AUER: Evidently, yes, they
8 did, because they had to sign some type of paper
9 for Civil Service, authorizing them to change
10 their title, from what I was told.

11 COMMISSIONER DE MARINO: Officer, it's
12 a known fact, probably not known to you, that
13 sheriff's officers do earn by title and by Civil
14 Service, and make more money than corrections
15 officers. Is it possible that your fellow offi-
16 cers who signed that, the fact if they accept
17 the corrections officers' title that it would
18 mean less money to them?

19 OFFICER AUER: No, sir--

20 COMMISSIONER DE MARINO: If you're not
21 aware of this, don't answer. What have you, or
22 any of the officers done to improve the security--
23 first of all, let me ask you this: If you were
24 in charge, taking your twenty-two years exper-
25 ience in the Air Police, your fifteen months here,

1 and if you were looking at that jail today,
2 and you had total responsibility, what would you
3 do to make it more secure? Do you have any idea
4 that you can relate to us, and that we can use?

5 OFFICER AUER: Well, I probably would
6 design another jail.

7 COMMISSIONER DE MARINO: Well, aside
8 from designing another jail, what can you do with
9 the one you have presently? Is there anything
10 that you can do to improve the security, for the
11 protection of both the inmates and the guards?

12 OFFICER AUER: That's a pretty good
13 question, there.

14 COMMISSIONER DE MARINO: Let me ask
15 you this: If the Undersheriff wasn't in the
16 room, and if you knew there would be no repercus-
17 sions whatsoever, would you then make a statement,
18 or are you saying that you haven't--

19 OFFICER AUER: Oh, no, sir, no, sir,
20 that doesn't--

21 COMMISSIONER DE MARINO: Doesn't
22 bother you at all?

23 OFFICER AUER: No, sir.

24 COMMISSIONER DE MARINO: Then you have
25 no ideas?

1 OFFICER AUER: Yes, sir.

2 The only thing is, it would --more or
3 less, it would slow down the operation of the
4 overall jail, for the simple reason that we have
5 too much activities right at the present time to
6 contend with, with the size of the jail and the
7 way it's laid out.

8 COMMISSIONER DE MARINO: So that, you're
9 saying, because of the size and the overflow, that
10 it's impossible for you to come up with any sugges-
11 tions that would improve the security.

12 All right, one final question, then,
13 I have of you, and I'll be done.

14 How many officers, to your knowledge,
15 do you know, have no training whatsoever, meaning
16 that they haven't gone to Skillman or they haven't
17 gone to any police training school. Do you know
18 of any fellow officers? Do you know of any one
19 officer that's been there longer than you, and
20 has never been to school?

21 OFFICER AUER: I think there is
22 probably one that's never been to school. Probably
23 more than that. There may be about five or six
24 that haven't been to school.

25 COMMISSIONER DE MARINO: All right.

1 Would you agree that before we--and I put myself
2 in your category--ask for more monies that we,
3 ourselves, the Sheriff's officers, must go out
4 and better ourselves within that position, meaning
5 that we should acquire all the schooling possible,
6 learning as much as we can before we can go out
7 and make demands for more money? Do you agree that--
8 well, in Atlantic County, do you have enough
9 schooling, in your estimation, or do you feel that
10 you can use more?

11 OFFICER AUER: No, I feel that you
12 can always use more schooling.

13 COMMISSIONER DE MARINO: Do you believe
14 that it's true that we should better train ourselves
15 before we request more money?

16 OFFICER AUER: No, because I feel that
17 the duty itself is hazardous, and I feel that
18 the officers we have up there at the present time
19 are capable of doing the job.

20 COMMISSIONER DE MARINO: John, let
21 me say this to you in closing: You're saying you
22 should get more money because the job is hazardous,
23 and yet, I asked you several questions, gave you
24 several opportunities to say what could be done
25 to relieve the hazards, and yet, I hear nothing.

1 There will always be hazards, unless we're trained
2 and prepared, and the fact that it is a hazard,
3 yes, it's a calculated risk, you should get paid
4 so much for a hazard, but when you have a jail
5 that's sound and the rules and regulations are
6 tight, and there's proper prevention to combat
7 the hazards, you'll eliminate the hazards, in
8 my opinion.

9 That's all I have.

10 CHAIRMAN IRVING: Before I go to
11 Undersheriff Brown, may I see if the thrust of
12 your testimony is, at the present time, officers
13 at the Atlantic County Jail can be called upon
14 to use guns, weapons, in emergency situations, or
15 Mace in an emergency situation, the use of which
16 they are not trained in?

17 OFFICER AUER: Well, as far as handling
18 the weapons, if it's necessary for the people to
19 use weapons, those people would not be called upon
20 for the particular emergencies to handle weapons
21 if they weren't qualified.

22 CHAIRMAN IRVING: You mean in a kind
23 of emergency situation, the disturbance that
24 Sheriff DeMarino talked about, only mentrained
25 in the--

1 OFFICER AUER: Only if you were trained
2 and qualified in handling weapons would you
3 respond.

4 CHAIRMAN IRVING: And the others
5 would not participate in quelling the disturbance?

6 OFFICER AUER: Right.

7 CHAIRMAN IRVING: Which means that
8 half your manpower would not be available when
9 you needed them most. Is that so?

10 OFFICER AUER: It would make it difficult.

11 CHAIRMAN IRVING: I'm sorry, I'm pre-
12 empting Undersheriff Brown.

13 COMMISSIONER BROWN: Sheriff's officer
14 Auer, when, if you know, was the title of Sheriff's
15 officer adopted, by the Sheriff's Department in
16 Atlantic County, at the request of the Civil Ser-
17 vice, from the title of Corrections Officer to
18 Sheriff's Officer? Do you know approximately
19 when?

20 OFFICER AUER: I believe it was in May
21 of '72.

22 COMMISSIONER BROWN: In May of '72,
23 and you were relieved from service on an honor-
24 able discharge in April, and you joined the Sheriff's
25 Department in approximately July 1st of '72?

1 OFFICER AUER: July 31st, sir.

2 COMMISSIONER BROWN: And actually, you
3 were hired as a Sheriff's officer, not as a correc-
4 tions officer.

5 OFFICER AUER: Right, sir.

6 COMMISSIONER BROWN: The statement that
7 you volunteered before, the fact that you didn't
8 feel that the--all right. The statement I believe
9 you made was that the morale of the Sheriff's
10 officers would be affected if it were to revert
11 back to corrections officer, as an effect of,
12 let's say, the Board of Freeholders assuming the
13 responsibility of the operation, which, of course,
14 the title would no longer would be under the
15 Sheriff. So therefore, you couldn't be called
16 Sheriff's Officer, and it would reflect back with
17 Civil Service's authority to corrections officer
18 title. You say that would affect the morale.

19 OFFICER AUER: Yes, sir.

20 COMMISSIONER BROWN: Let me ask
21 you this, in relation to the inmates, and this
22 is important. This reflection of lowering the
23 morale. Do you feel that that would affect your
24 interrelationship with the operation, in relation
25 to handling inmates?

1 OFFICER AUER: No, sir, I don't
2 think so.

3 COMMISSIONER BROWN: What I'm worried
4 about at this time is, would the inmates be
5 affected by some abuses that would be taken out--
6 a short time back, on Palisades Parkway, the
7 police didn't get a pay increase. The police
8 started writing up everybody they could for every
9 violation in site, and this resulted in a
10 public opposition to them. I wouldn't want the
11 inmates subject to any low treatment because of
12 the low morale on the transfer.

13 OFFICER AUER: I couldn't speak for
14 the rest of the officers, but I would most likely
15 say that I don't think it would affect it one
16 bit.

17 COMMISSIONER BROWN: All right.

18 You made another statement in relation
19 to the transfer of responsibility from Sheriff
20 to Freeholders, and I'm going to cite a hypothet-
21 ical case. If there were a possibility of ob-
22 taining a professional penologist who was up on
23 the latest methods of an operation of this type
24 of facility, would this not affect the training
25 and affect the operation and training, and benefit

1 the complete, overall operation, and ultimately
2 help the inmates?

3 OFFICER AUER: I don't think so, sir.

4 COMMISSIONER BROWN: You don't think
5 so. What makes you--

6 OFFICER AUER: Excuse me, sir. Would
7 you mind going over that again? I was a little
8 confused.

9 COMMISSIONER BROWN: If it was possible
10 for the Board of Freeholders, if this transfer is
11 effectuated, to hire a trained, professional penolo-
12 gist for the amount of money that they apparently
13 have in the kitty, who would work for that partic-
14 ular price, would it not be beneficial to the
15 complete operation to have this type of man on
16 board?

17 OFFICER AUER: I don't know. I don't
18 think so, sir.

19 COMMISSIONER BROWN: You don't think
20 so. Could you tell me why?

21 OFFICER AUER: Well, I don't think--
22 it isn't going to change the operation of the
23 institution any, as far as the type of inmates
24 that they have. You're still going to have the
25 same type of inmates, and I don't see how it

1 would affect it.

2 COMMISSIONER BROWN: Is that your
3 final answer?

4 OFFICER AUER: That's all I can say
5 right now.

6 COMMISSIONER BROWN: All right. Get
7 off that for a minute.

8 You made mention that you were
9 called in to help subdue a group of unruly women
10 inmates. Was there a matron --and I don't remem-
11 ber whether anybody asked this--was there a matron
12 present at the time you were called in this
13 area?

14 OFFICER AUER: Yes, sir.

15 COMMISSIONER BROWN: Is this M.O.P.?

16 OFFICER AUER: Yes, sir.

17 COMMISSIONER BROWN: You said you
18 didn't use the so-called Mace. Did you actually
19 see it used?

20 OFFICER AUER: No, I didn't, sir.

21 COMMISSIONER BROWN: You didn't see
22 it used.

23 OFFICER AUER: No, sir.

24 COMMISSIONER BROWN: So you testified
25 to something--you're really testifying to hearsay.

1 If you didn't actually see it used, how do
2 you know it was used?

3 OFFICER AUER: Because you could smell
4 it, and one of the girls there, a couple of the
5 girls claimed that they had it on them. I was
6 too busy subduing the girl and trying to take her,
7 remove her from the dorm at that time.

8 COMMISSIONER BROWN: Is it possible
9 that when you stated that salt was thrown in
10 your eyes, that possibly, the so-called the tear-
11 gas could have hit you?

12 OFFICER AUER: There wasn't any tear
13 gas used, sir.

14 COMMISSIONER BROWN: Well, actually,
15 Mace, all right. As long as we're on that sub-
16 ject--

17 OFFICER AUER: No, sir. I was in--
18 I was probably about fifteen feet away from the
19 area where it was used.

20 COMMISSIONER BROWN: Have you actually
21 ever used Mace, yourself? I'm not talking on an
22 inmate. Do you know how it operates?

23 OFFICER AUER: No, sir. I never used
24 it.

25 COMMISSIONER BROWN: Have you actually

1 seen it used?

2 OFFICER AUER: Yes, sir.

3 COMMISSIONER BROWN: Does it come out
4 a gas form; does it come out in a mist--

5 OFFICER AUER: It comes out in a liquid
6 form, and it comes out in a spray.

7 COMMISSIONER BROWN: It comes out in
8 a spray? You're sure of that? You're sure
9 it doesn't come out in a stream?

10 OFFICER AUER: No, I saw it come out
11 like in a spray.

12 COMMISSIONER BROWN: Are you sure it
13 was Mace? Could it have been one of the other
14 products that Mace is already attributed to taking
15 the blame for, like a Federal product, another
16 product?

17 OFFICER AUER: Probably was a small
18 stream, but like I say, it came out like--some-
19 thing like a spray can.

20 COMMISSIONER BROWN: Were you here when
21 the affidavit was read on this inmate, Joyce
22 Quick, who claimed that she was hit with it?

23 OFFICER AUER: No, sir, I wasn't.

24 COMMISSIONER BROWN: Was this inmate
25 Quick familiar to you? Do you know her?

1 OFFICER AUER: Just if somebody pointed
2 her out to me. I don't know her other than that.

3 COMMISSIONER BROWN: Well, was she there,
4 to your knowledge, at the time this incident
5 happened?

6 OFFICER AUER: I don't know. I think
7 she was there. I think there was about twelve
8 or thirteen there. I recall her name being mentioned
9 in there.

10 COMMISSIONER BROWN: If this product
11 comes out in a spray, is it possible that she would
12 be hit with it? Is it possible that all the girls
13 there would be hit with it?

14 OFFICER AUER: No, sir, not unless you
15 aimed it at them.

16 COMMISSIONER BROWN: Not unless you
17 aimed it. Do you know, if in fact, whether or
18 not it was aimed at her?

19 OFFICER AUER: No, I don't know, cause
20 when I was removing this girl from the dorm there,
21 I had my head covered there and removing her,
22 trying to remove her from the dorm.

23 COMMISSIONER BROWN: After the Mace
24 is sprayed, is there a reaction that's left
25 there? Is there any kind of an odor, any kind

1 of a smell, any kind of displeasure?

2 OFFICER AUER: Yes, sir, there's a
3 smell, an odor there, yes, sir.

4 COMMISSIONER BROWN: Is it bearable,
5 unbearable?

6 OFFICER AUER: It's unbearable.

7 COMMISSIONER BROWN: It's unbearable?

8 OFFICER AUER: Yes, sir.

9 COMMISSIONER BROWN: Do you feel that
10 this type of product--and you said it was the
11 last resort--do you think this type of product
12 actually belongs in use in a jail?

13 OFFICER AUER: Yes, sir.

14 COMMISSIONER BROWN: You do?

15 How many officers actually were in there to sub-
16 due this group of women, besides the inmate?

17 OFFICER AUER: Three, sir, I think.

18 COMMISSIONER BROWN: Three besides
19 the matron?

20 OFFICER AUER: Yes, sir.

21 COMMISSIONER BROWN: And you say
22 there are eight inmates involved?

23 OFFICER AUER: About eight to twelve,
24 sir. I don't actually recall. There was
25 Sgt. Howard, Officer Thomas and myself, along

1 with a matron.

2 COMMISSIONER BROWN: So actually, you
3 feel you met the proper force--you used proper
4 force in dealing with the force that was exhibited
5 by the women; in other words, this was it. You
6 dealt with it in the way you were trained to deal
7 with it.

8 OFFICER AUER: Yes, sir.

9 COMMISSIONER BROWN: You learned
10 this type of a method at Skillman?

11 OFFICER AUER: Yes, sir. We didn't
12 actually use any chemicals or anything like this,
13 no.

14 COMMISSIONER BROWN: The question was
15 asked before whether or not it could have been
16 affectuated without the use of Mace. I think you
17 answered that the Mace had to be used, because
18 there was no other way. Were there other officers
19 that could have been called to that particular
20 scene at that particular time, that would have
21 been available?

22 OFFICER AUER: Yes, sir, there was
23 additional officers down the stairs.

24 COMMISSIONER BROWN: Was there a
25 sergeant in charge of the operation at that time?

1 OFFICER AUER: Yes, sir.

2 COMMISSIONER BROWN: Was the sergeant
3 there at the problem site?

4 OFFICER AUER: Yes, sir.

5 He's the one that got--he had some of
6 the Clorox thrown on him.

7 COMMISSIONER BROWN: Is it a--it's
8 another interesting point. Is it normal for
9 Clorox to be left inside a cellblock area?

10 OFFICER AUER: That, I don't know about
11 the women, sir.

12 COMMISSIONER BROWN: Is it left in
13 the men's area? Is it available to the men inmates?

14 OFFICER AUER: No, sir. Once inawhile,
15 it used to be, to clean their underclothes.

16 COMMISSIONER BROWN: Is there a laundry
17 available for cleaning for the women?

18 OFFICER AUER: Yes, sir.

19 COMMISSIONER BROWN: And that same
20 laundry is used by the men; in other words, a
21 pickup day for the men and a pickup day for the
22 women?

23 OFFICER AUER: Yes, sir.

24 COMMISSIONER BROWN: Why, to your
25 knowledge, would the Clorox be in the women's

1 section?

2 OFFICER AUER: Probably for certain
3 articles that the girl's wanted to wash.

4 COMMISSIONER BROWN: Do you think it's
5 a safe practice to allow Clorox in any area?

6 OFFICER AUER: No, sir.

7 COMMISSIONER BROWN: That's all I have.

8 CHAIRMAN IRVING: One final question
9 from the Sheriff.

10 COMMISSIONER DE MARINO: Mr. Auer,
11 for your own protection, I suggest you check
12 with county counsel or your own attorney, if
13 you have one, that you look into the fact that
14 you were carrying your weapon, because the stat-
15 ute reads--what I'm saying is, that in order to
16 have the protection of the New Jersey Police
17 Training Commission, you must complete a school,
18 sanctioned by the State, by the Training Commission,
19 within one year of the date of hiring, and in your
20 case, if you were hired in July of 1973, I suggest
21 that before July of '74, that you get yourself
22 enrolled into a police training commission school,
23 understand, and complete it, because even if
24 you're attending at the time, and you go over
25 the one year period, you will not have the protec-

1 tion of the Commission, meaning if you use that
2 weapon, understand, the Commission and the State
3 will not come forth on your behalf, stating that
4 you've been properly trained in the use of the
5 weapon.

6 That's all I have.

7 CHAIRMAN IRVING: Let me say to the
8 members of the Commission and for the benefit
9 of the audience--

10 OFFICER AUER: I have to answer that.
11 Prior to my being qualified with that weapon,
12 that weapon was never carried. That weapon was
13 never carried until after I completed the school.

14 COMMISSIONER DE MARINO: Yes, but
15 you were qualified by the Skillman School, is
16 that right?

17 OFFICER AUER: Yes.

18 COMMISSIONER DE MARINO: The Skillman
19 School is not sanctioned under the New Jersey
20 Police Training Commission.

21 CHAIRMAN IRVING: Officer, thank
22 you very much for coming today.

23 [Witness excused.]

24 CHAIRMAN IRVING: Because of the
25 way this testimony has developed, we want to hear

1 from Officer Zimmerman now, before we break for
2 lunch, if it's convenient for you, sir.

3 O F F I C E R C H A R L E S F. Z I M M E R -
4 M A N, sworn.

5 CHAIRMAN IRVING: Officer, will you give
6 us your full name and title, sir?

7 OFFICER ZIMMERMAN: Yes, sir.
8 My name is Charles F. Zimmerman, Z-I-M-M-E-R-M-A-N;
9 I'm a Sheriff's Officer assigned to the Atlantic
10 County Jail.

11 CHAIRMAN IRVING: How long have you
12 been an officer at the jail, sir?

13 OFFICER ZIMMERMAN: December 2nd, 1971.

14 CHAIRMAN IRVING: Let me make it clear
15 to you, sir, that if our time would have permitted,
16 we would have subpoenaed you to come, if we had
17 known of your identity, therefore, you are here
18 in lieu of a subpoena, but at our specific request,
19 so that we encourage you to speak frankly and
20 objectively.

21 OFFICER ZIMMERMAN: Thank you, sir.

22 CHAIRMAN IRVING: There had been some
23 testimony earlier about the availability or non
24 availability of drugs within the jail. Has there,
25 to your knowledge, ever been a searching of the

1 jail and looking for drugs, and if so, can you
2 tell us whether any drugs appeared?

3 OFFICER ZIMMERMAN: Yes. Well, as has
4 been previously established, searches are made of
5 the entire jail periodically. Inmates go out
6 for recreation, we can search their cells and
7 dormitories, whatever, or they are specifically
8 taken out just for the purpose of searching that
9 area. Also, intermittently, the inmates' persons
10 are searched. They're specifically told to empty
11 their pockets, and pat frisked, and everything
12 they carry is gone through. In my own experience,
13 one particular inmate I found carrying two bundles
14 of capsules, later identified as Benzedril, fifty
15 milligram capsule.

16 CHAIRMAN IRVING: Can you tell us when
17 this occurred, sir?

18 OFFICER ZIMMERMAN: This occurred
19 approximately five or six months ago.

20 There have been occasions where contra-
21 band articles pertaining to drugs have been found.
22 Narcotics paraphernalia would be a hyperdermic
23 needle. Mainly, the drug articles found in the
24 institution are medications that are hoarded by
25 the inmates; in other words, the taking of these

1 drugs has been falsified. In other words, they
2 hide the capsule or pill in their mouth and later
3 on spit it out and save it for later, to be used
4 on an accumulated basis.

5 CHAIRMAN IRVING: Let me ask you, is
6 this currently in practice?

7 OFFICER ZIMMERMAN: No, sir. Most
8 of the medications which would be harmful to an
9 inmate or in liquid form. My specific duties
10 are dispensing of medication at the jail, and the
11 medications that I am given by the medical staff,
12 I have been told that the ones that are in liquid
13 form could possibly be harmful, if taken in large
14 doses. This is why they are in liquid forms.
15 It's given to them in a cup, and the cup is returned
16 after they take it.

17 CHAIRMAN IRVING: All right. Two
18 kinds of questions, then, occur to me that I
19 feel it important to ask.

20 What was the most recent time, approxi-
21 mate date, if you can remember, when a search
22 revealed either hyperdermic needles or drugs with-
23 in the jail?

24 OFFICER ZIMMERMAN: It's been--well,
25 the most recent was approximately a week, ten

1 days ago, where it had been discovered that
2 one of the liquid medications, later identified
3 as Phenobarbital, had been found, approximately
4 six ounces of it. Now, whether or not this medi-
5 cation had been diluted or not, I don't know.

6 CHAIRMAN IRVING: You're saying that
7 within the last week to ten days, a search uncov-
8 ered some Phenobarbital in the jail?

9 OFFICER ZIMMERMAN: Yes.

10 CHAIRMAN IRVING: Is that what I under-
11 stand you to say?

12 OFFICER ZIMMERMAN: Yes.

13 CHAIRMAN IRVING: And what was the
14 quantity, do you know?

15 OFFICER ZIMMERMAN: Approximately six
16 ounces.

17 CHAIRMAN IRVING: Was that found in the
18 cell of an inmate?

19 OFFICER ZIMMERMAN: It was found in
20 the dormitory. To whom it belonged to, we could
21 not determine that.

22 CHAIRMAN IRVING: Does this kind of
23 discovery not suggest to you, sir, that there be
24 a more frequent search of the entire jail than
25 once every couple of months, as was testified to?

1 OFFICER ZIMMERMAN: I agree with that
2 one hundred percent. In fact, I was--maybe I
3 can enlighten you as to some of the problems.
4 I was requested and accepted the assignment of
5 formulating a squad of officers, specifically for
6 that purpose. I made two attempts--these were all
7 on a voluntary basis--I made two attempts to get
8 all these officers together in an effort to es-
9 tablish exactly how we were going to operate,
10 what methods we were going to use, and how much
11 advance notice would be given to them. At both
12 of these attempts to get these officers together,
13 a few showed. There was a definite lack of
14 interest to participate in these things. However,
15 there is a definite need for it, and I know the
16 officers recognize this need. Just recently, sev-
17 eral of the new officers who do appear to be dedi-
18 cated to their particular line of work, are par-
19 ticipating in this program now. I am no longer--
20 I requested that I be removed from that capacity.

21 CHAIRMAN IRVING: Are you saying
22 that what the Grand Jury talked about last summer,
23 lack of administrative control, still pertains
24 in that some officers who are supposed to be
25 involved in this studied search just did not

1 care to participate, and did not participate?

2 OFFICER ZIMMERMAN: I would believe so.
3 Like I said, I had put a notice on the bulletin
4 board requesting signatures, and I had received
5 approximately thirteen signatures of officers that
6 wanted to do this, and they just never bothered.

7 CHAIRMAN IRVING: All right. Let me
8 ask you another question. Since you had responsi-
9 bility for the dispensing of drugs, do you know
10 whether or not drugs are used as a disciplinary
11 measure, to keep the inmates tranquil?

12 OFFICER ZIMMERMAN: My own personal
13 knowledge, I would have to say no. However, when
14 I was first assigned to this particular duty, I
15 took an inventory of one particular type of medi-
16 cation I mentioned earlier, it was Benzedril.
17 At this time, at that particular time, which was
18 November of 1973, the inventory that I took con-
19 sisted of fifty inmates in the jail who were taking
20 this type of medication prescribed by the doctor.
21 The total jail population at that time was 150--
22 I'm sorry. The figure that I quote you was
23 wrong. One hundred fifty were in the jail, seven-
24 ty-five were taking the medication.

25 CHAIRMAN IRVING: And when was this,

1 sir?

2 OFFICER ZIMMERMAN: This was in November
3 of 1973. That's just that one particular type of
4 medication. That's not including any other
5 medications they might have been receiving at that
6 time.

7 CHAIRMAN IRVING: Well, if I were an
8 inmate at the Atlantic County Jail, and I went to
9 a person like yourself, charged with dispensing
10 drugs, or to the doctor, and said that when I was
11 outside, my private doctor prescribed Benzedril for
12 me, would I be able to get it on my own sayso?

13 OFFICER ZIMMERMAN: If he said it to
14 me, he wouldn't be able to. The only responsibil-
15 ity I have as far as inmates and doctors is con-
16 cerned is, compiling a list of inmates who re-
17 quest to see the doctor.

18 CHAIRMAN IRVING: Well, if I were to
19 say that to one of the doctors, could I get it
20 on my own?

21 OFFICER ZIMMERMAN: I couldn't say that.
22 I don't know.

23 CHAIRMAN IRVING: Judge DelTufo?

24 COMMISSIONER DELTUFO: Yes.

25 We've had a pretty rosy picture painted

1 by Officer Auer as far as the morale of the men
2 went, except with one incident involving the
3 transfer of the responsibility of running the
4 jail to the Freeholders.

5 Now, you were here, listening to
6 testimony. Do you feel that there's a morale
7 problem with the officers, other than what
8 Officer Auer testified to?

9 OFFICER ZIMMERMAN: I believe that
10 there is more to it than just this particular
11 incident.

12 COMMISSIONER DELTUFO: And do you
13 feel that the morale is a problem to the effect
14 that--to the extent that it affects the operation,
15 proper operation of the jail?

16 OFFICER ZIMMERMAN: I believe so.

17 COMMISSIONER DELTUFO: All right.
18 Now, there was an incident that you told me about
19 involving the grievance that was not forwarded,
20 or you were not satisfied with. Would you tell
21 this Commission about it?

22 OFFICER ZIMMERMAN: It was pertaining
23 to an administrative approval, originating from
24 the warden involving assistance of an inmate
25 assigned to my particular area of responsibility.

1 As far as I was concerned, this was an administra-
2 tive order, because it had been expressed directly
3 to me by the warden. On two separate occasions,
4 once involving myself, a shift commander, sergeant,
5 ordered the inmate out of--or ordered the inmate
6 away from his duties. He was performing a task.
7 He was, in fact, performing a task when the order
8 was issued for him to leave. I questioned it
9 at the time, I questioned the sergeant. I asked
10 him, you know, if in fact an administrative order
11 had been issued discarding the previous one, and
12 he said no. He says, you know, if I catch him
13 in there again, I'm going to run him out again.
14 It was his explanation that it was his personal
15 feelings that this inmate be removed.

16 COMMISSIONER DELTUFO: So you filed
17 a complaint?

18 OFFICER ZIMMERMAN: I filed a specific
19 complaint.

20 COMMISSIONER DELTUFO: In writing?

21 OFFICER ZIMMERMAN: In writing.

22 COMMISSIONER DELTUFO: Who did you
23 forward it to?

24 OFFICER ZIMMERMAN: I forwarded one
25 copy to the warden and one copy to the Undersheriff.

1 The complaint was directed to the Sheriff, and
2 at the request of Undersheriff Cartier, I asked
3 him if I should hold the Sheriff's copy, and he
4 said, yes, because we can dissolve this right now,
5 we can settle this back here. It's our problem.
6 He didn't feel the necessity for involving the
7 Sheriff in that. What I had done was requested
8 an administrative hearing to define the authority
9 and to establish whether or not this order was
10 in fact issued, and the hearing I requested would
11 consist of the warden, the undersheriff, myself,
12 and two other officers assigned to duties similar
13 to mine. At this hearing--excuse me. Both of
14 the sergeants were requested to be at the hearing
15 also.

16 At this hearing there was extensive
17 verbal vollyball back and forth, describing the
18 inefficiencies of my particular area of responsi-
19 bility. These inefficiencies not only applied
20 to my area of responsibility, they applied to the
21 entire jail. Examples given were, you have an
22 inmate working for you that has access to, say,
23 uniforms, and suppose another inmate in the jail
24 says that, I need an extra pair of pants, and I
25 don't want to have to pay for these, cause I

1 ripped them, you know, can you get me a pair of
2 pants. Now, this inmate working for me is going
3 to be on the spot, and he's going to steal a
4 pair of pants for the other inmates. He's steal-
5 ing from the institutional store, is what it would
6 amount to, what he would be doing. My rebuttal
7 to this is, this is anywhere in the institution.
8 There is an inmate assisting the officer in
9 charge of the commissary. There is approximately
10 twelve inmates in the kitchen area, laundry
11 area, that have access to institutional stores
12 that can readily do the same thing, and it's
13 merely a question of how well I can supervise
14 this inmate to see that he doesn't steal. Now,
15 if that was the question--I was not asked that
16 question.

17 COMMISSIONER DELTUFO: Well, what was
18 your grievance? What was the problem with that?

19 OFFICER ZIMMERMAN: My complaint was
20 the--I questioned whether or not the sergeant
21 had the authority to countermand an order from
22 the warden, whether that order be verbal or
23 written. That was my question.

24 COMMISSIONER DELTUFO: Did you get
25 an answer to that?

1 OFFICER ZIMMERMAN: As far as the
2 warden was concerned, the sergeant did not have
3 the authority, and the outcome of the hearing was,
4 the warden had his say, and the warden specifically
5 questioned one of the sergeants as to a remark
6 that another officer had made, and the undersheriff
7 had the final word, and the whole thing was
8 smoothed over.

9 COMMISSIONER DELTUFO: Do you feel that
10 there has been a problem as far as the effect as
11 the warden has with the men, as far as the under-
12 sheriff overriding the warden in situations, or
13 that line being defined? Do you feel that that's
14 a morale factor?

15 OFFICER ZIMMERMAN: I feel it is.

16 COMMISSIONER DELTUFO: And does it
17 occur frequently, infrequently?

18 OFFICER ZIMMERMAN: I wouldn't say
19 it occurs frequently. It occurs often enough
20 to establish that it does exist.

21 COMMISSIONER DELTUFO: Well, what
22 happens? Is the warden's responsibility or the
23 warden's say just completely ignored?

24 OFFICER ZIMMERMAN: I would say it's
25 bypassed. I wouldn't say it's ignored, I would

1 say it's bypassed.

2 COMMISSIONER DELTUFO: In other words,
3 the men then lose respect for the warden, or
4 the warden's position.

5 OFFICER ZIMMERMAN: I would say so,
6 yes.

7 COMMISSIONER DELTUFO: You tell me
8 about an incident involving a recent injury that
9 you incurred at the jail.

10 OFFICER ZIMMERMAN: Yes. The incident
11 occurred on a Sunday afternoon. An inmate had
12 requested to speak to the sergeant in charge of
13 the institution, and this inmate was brought down
14 to speak to the sergeant, and I was present in
15 the same--in the office when the conversation took
16 place. The inmate had requested to make a phone
17 call. I might add that the specific inmate was
18 down on a writ from Trenton State Prison, had been
19 there for a couple of months. The general prac-
20 tice as far as phone calls are concerned is that
21 inmates will be granted phone calls if there is
22 a clear possibility that such phone calls will
23 get them out of the jail, or if there is a death
24 in the family, or to contact his attorney if
25 something has developed in his case. The inmate

1 refused to specify the reason for his request.
2 He did not give any reason for his request at
3 all. The Sunday being a visiting day, the request
4 was denied because of the amount of traffic in
5 the institution, and that it would require an
6 officer to be in the general area of this inmate
7 making this phone call, and consequently being
8 away from his regular duties. The inmate was
9 denied his request. We took him back upstairs
10 to the second floor area. I stayed on the second
11 floor because this inmate had committed an assault
12 on an officer previously, and I wanted to make sure
13 that he got back in his cellblock. The inmate
14 refused to go in. We talked to him, told him,
15 you know, he should go in his cell, the request
16 was denied by the sergeant; as officers we had
17 no way of, you know, countermanding his order and
18 go ahead and putting him on the phone. We
19 couldn't do it, and it was explained to him why
20 the request was denied, because he refused to
21 establish a need for this phone call. He just
22 flatly refused. After all conversation failed,
23 and I might add that the conversation, on the
24 part of myself was not an abusive type of confronta-
25 tion, the inmate still didn't go in his cell. The

1 sergeant in charge of the jail was contacted,
2 and requested me to come down to the first floor.
3 As I was about to leave the floor, I heard some
4 scuffling behind me. There were three other
5 officers present, I heard some scuffling behind
6 me, I turned around, and the inmate was--had
7 grabbed ahold of an institutional mop wringer,
8 it's rather large, rather bulky, in an effort
9 to make sure he didn't go in his cellblock.
10 Another officer took it away from him, and a
11 scuffle ensued. During the scuffle, we tried to
12 restrain him. The man completely resisted; he
13 had to be subdued. We made an attempt to subdue
14 him. As a result, I sustained a broken finger
15 and extensive abrasions on my back.

16 COMMISSIONER DELTUFO: Well, what's
17 the problem with having to subdue him; the fact
18 that there was some article in the area where
19 it shouldn't have been? Did that cause your
20 injury or contribute to it?

21 OFFICER ZIMMERMAN: Yes. As far as
22 the abrasions on my back, this is what caused
23 the injury. There were two institutional-sized
24 metal mop buckets, and three mops in the hallway.
25 When Undersheriff Cartier first started his

1 administration in the jail, lockers were provided
2 for these articles.

3 COMMISSIONER DELTUFO: In other words,
4 had these articles been where they should have been
5 and not where they shouldn't have been, these
6 injuries would not have occurred?

7 OFFICER ZIMMERMAN: I'm getting to that.
8 These lockers have a lock on the handle, and
9 approximately a month after the lockers were
10 provided, the locks ceased to function, and no
11 attempt has been made to repair them, and they
12 don't have a hasp and lock on them. They could
13 have got them anywhere.

14 COMMISSIONER DELTUFO: Are injuries
15 frequent on the guards at the Atlantic County Jail.

16 OFFICER ZIMMERMAN: No, I wouldn't
17 say they're frequent.

18 CHAIRMAN IRVING: May we go off the
19 record for one minute?

20 [Off the record discussion.]

21 CHAIRMAN IRVING: Sheriff DeMarino
22 has questions, and then, as I sense the mood of
23 the crowd, we will break for some lunch.

24 COMMISSIONER DE MARINO: How long
25 have you been a Sheriff's officer?

1 OFFICER ZIMMERMAN: Since the title
2 change. I was hired previous to the title change.

3 COMMISSIONER DE MARINO: You were hired
4 previous to the title change, and then that made
5 you a sheriff's officer?

6 OFFICER ZIMMERMAN: That's correct.

7 COMMISSIONER DE MARINO: How long have
8 you been in that capacity, either as a sheriff's
9 officer or a correctional officer?

10 OFFICER ZIMMERMAN: December of 1971.

11 COMMISSIONER DE MARINO: Tell me this:
12 Is it a fact or isn't it a fact that the jail
13 operates with various rules and regulations,
14 depending who issues what order? What I'm trying
15 to bring out is this: If a particular sergeant
16 is in the embrace of those higher than him, and
17 gives out an order, is it a fact that he's more
18 protected, right or wrong, than others in authority?
19 Are there favorites amongst superiors or favorites
20 among officers who can do no wrong, regardless of
21 how many violations they make?

22 OFFICER ZIMMERMAN: It would obviously
23 depend on the seriousness of the violation. I
24 would say there are those who possibly are
25 disciplined less than others.

1 COMMISSIONER DE MARINO: Well, in
2 your case, you say that you had a grievance, and
3 judging by what I heard you say, you wound up,
4 instead of being the complaintant, being the
5 victim of that grievance.

6 OFFICER ZIMMERMAN: It was--

7 COMMISSIONER DE MARINO: Did anyone
8 decide on whether or not your grievance was
9 legitimate?

10 OFFICER ZIMMERMAN: No.

11 COMMISSIONER DE MARINO: Well, let
12 me ask you this: Did any superior officers, or
13 were any officers brought up in a departmental
14 hearing in the past three years?

15 OFFICER ZIMMERMAN: One. It was due
16 to an escape.

17 COMMISSIONER DE MARINO: So due to
18 an escape, you had one departmental hearing.
19 Were any superior officers brought to a depart-
20 mental hearing?

21 OFFICER ZIMMERMAN: I'm sorry, I
22 misunderstood your question. The superior officer
23 was one.

24 COMMISSIONER DE MARINO: One?

25 OFFICER ZIMMERMAN: I would say there

1 are others who have been in a departmental hearing.

2 COMMISSIONER DE MARINO: That have been.

3 OFFICER ZIMMERMAN: Yes.

4 COMMISSIONER DE MARINO: Are there those,
5 to your knowledge, that might have gotten away
6 with the same violation that others were brought
7 before departmental hearings for? In other words,
8 were you ever brought before a departmental hear-
9 ing for an infraction that perhaps is done by
10 other officers every day and is not--

11 OFFICER ZIMMERMAN: I have never been
12 brought before a departmental hearing for any
13 reason, but--

14 COMMISSIONER DE MARINO: Do you know of
15 any persons who have been--

16 OFFICER ZIMMERMAN: I know of one
17 person who has resigned under whatever circumstances
18 I don't know, but he had been--or he had been
19 subject to a departmental hearing for infractions
20 that other officers--

21 COMMISSIONER DE MARINO: Have done,
22 and never were brought up for?

23 OFFICER ZIMMERMAN: Have done.

24 COMMISSIONER DE MARINO: Let me ask
25 you this. What is the chain of command?

1 OFFICER ZIMMERMAN: Chain of command
2 for the officers' staff from the bottom, the
3 officer would go to the sergeant, then the warden,
4 the undersheriff, and the sheriff.

5 COMMISSIONER DE MARINO: In the last
6 two days of hearing testimony, it appears as though
7 the warden is someone who is here with the title,
8 Warden, and for some reasons unknown to me, he
9 keeps getting short circuited.

10 Let me see if I can put the question
11 more direct. What's the authority, or what
12 authority does the Warden have, and what's your
13 opinion of the Warden's authority and ability?

14 OFFICER ZIMMERMAN: In--

15 COMMISSIONER DE MARINO: First, does
16 he have authority?

17 OFFICER ZIMMERMAN: In the technical
18 sense of the word, he should have.

19 COMMISSIONER DE MARINO: I know what
20 he should have--

21 OFFICER ZIMMERMAN: In the practical
22 sense of the word, I would say his authority is
23 bypassed quite frequently. In other words, he's
24 more or less a figure.

25 COMMISSIONER DE MARINO: All right.

1 So more or less, the Warden, in your jail, where-
2 ever he's at, if you really had a complaint and
3 you wanted any results, you, yourself, it would
4 be almost in vein for you to go to the Warden?

5 OFFICER ZIMMERMAN: Well, it was in
6 this case.

7 COMMISSIONER DE MARINO: So that if
8 the Warden did substantiate the fact that you
9 were correct in whatever your grievance was,
10 understand, if he--does he go to bat?

11 OFFICER ZIMMERMAN: For whom?

12 COMMISSIONER DE MARINO: Well, for
13 you.

14 OFFICER ZIMMERMAN: He did support
15 my complaint.

16 COMMISSIONER DE MARINO: And what
17 happens once it goes from him to--who's next?

18 OFFICER ZIMMERMAN: The Undersheriff.

19 COMMISSIONER DE MARINO: --the
20 undersheriff. What happens next?

21 OFFICER ZIMMERMAN: On this particular
22 complaint, nothing.

23 COMMISSIONER DE MARINO: Would I be
24 safe in assuming that--am I subsequently correct
25 that the Warden, for some reason or other, is

1 short circuited? In other words -- what is
2 your opinion of the ability of the Warden? Do
3 you think he can do the job?

4 OFFICER ZIMMERMAN: I think he could,
5 if he was given the proper authority.

6 COMMISSIONER DE MARINO: What is the
7 feeling of the men toward the Warden?

8 OFFICER ZIMMERMAN: I believe that
9 they feel the same way.

10 COMMISSIONER DE MARINO: So that now,
11 one of the problems that I can foresee here is
12 the fact that the morale would probably be picked
13 up some if, in fact, the Warden was running the
14 jail.

15 OFFICER ZIMMERMAN: We had a period
16 of time between Undersheriffs, which the Warden
17 was in charge of jail operations for a period of
18 approximately--well, it was from March to September.
19 During that period of time, the Warden, as far
20 as I could tell, performed his function as he
21 should have. I see a problem with the--with
22 his position, whereas, if he needed specific
23 items, or the undersheriff needs specific items,
24 or the sheriff needs specific items to upgrade
25 the jail, or the officers' staff, the programs

1 or whatever, if the funds are not provided,
2 there's nothing he can do about it.

3 COMMISSIONER DE MARINO: I can agree--

4 OFFICER ZIMMERMAN: As far as decision
5 making, the ability to set policies, I believe he
6 is capable in that capacity.

7 COMMISSIONER DE MARINO: Let me ask
8 you this. The Warden; would you know his political
9 affiliation?

10 OFFICER ZIMMERMAN: No, sir, I don't.

11 COMMISSIONER DE MARINO: You wouldn't
12 know whether he was a Republican or Democrat,
13 would you?

14 Do you know the affiliation of the
15 Sheriff and/or the Undersheriff?

16 OFFICER ZIMMERMAN: Well, the Sheriff
17 was elected on the Republican party. The Under-
18 sheriff, I have no idea.

19 COMMISSIONER DE MARINO: My understand-
20 ing, and this is my final question, is that if
21 the Warden was running the jail, because of his
22 time on the job, because--and I assume this War-
23 den in Atlantic County must have worked his way
24 up?

25 OFFICER ZIMMERMAN: I have heard that

1 he has.

2 COMMISSIONER DE MARINO: Through the
3 ranks, okay. Would I be correct in assuming that
4 if he was running the jail, even though he was
5 under the authority of the Sheriff, and without
6 the fact that an Undersheriff is an authority over
7 the jail, do you think the jail would run smoother
8 or operate better?

9 OFFICER ZIMMERMAN: Many of the problems
10 that we have at the jail are not necessarily wheth-
11 er a man is capable of running the jail. A lot
12 of the problems are based on lack of concern
13 from the people who are supposed to supply the
14 things we need. Whether or not the Warden himself
15 was running the jail, I don't see--if everything
16 is laid out the way it's supposed to be, it will
17 work, but if a warden is here as a figurehead,
18 and somebody else is going to see that the Warden
19 is--

20 COMMISSIONER DE MARINO: That's the
21 point that I'm interested in.

22 Let me ask you this: If you had the
23 authority to rate, would you say that the warden
24 is a figurehead?

25 OFFICER ZIMMERMAN: At this particular

1 time, I would say so.

2 COMMISSIONER DE MARINO: I have no
3 further questions.

4 CHAIRMAN IRVING: There being no
5 further questions, we will recess for a reason-
6 able period of time, until about 2:30, at which
7 time, we will hear testimony from the inmates
8 who will be here.

9 [Recess for luncheon.]
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1 [Afternoon Session.]

2 CHAIRMAN IRVING: Lorraine Corbin?

3 Would you come up and give the Court
4 Reporter your name, please, and he will swear you
5 in, and then we'll ask you to sit down and talk
6 to us.

7 L O R R A I N E C O R B I N, sworn.

8 CHAIRMAN IRVING: Please be seated at
9 that table.

10 You might want to move in a little
11 bit to that other table and be comfortable.

12 Before I ask you to introduce yourself,
13 I want to advise, for purposes of the record,
14 and the Members of the Commission, that the Under-
15 sheriff has informed me that Doctor Frank, who
16 is the jail physician, will not come today, des-
17 pite the earlier assurances by the Sheriff and by
18 the Undersheriff that he would come. I under-
19 stand from Undersheriff Cartier that Doctor
20 Frank left the jail at 11:00 this morning, that
21 he indicates he has housecalls to make, and he
22 has "an office full of clients." I find it diffi-
23 cult not to editorialize on the failure of the
24 doctor to appear before the State Commission.
25 I think one can objectively take note that there

1 are problems when a man is giving part time
2 where a full time commitment is necessary. I
3 think, also, each Commission Member must draw his
4 own conclusions about whether the failure of the
5 doctor to come can tell us about such matters as
6 the dispersal of drugs, as reported by the Grand
7 Jury last summer; such dispersal being used, ac-
8 cording to the Grand Jury, for disciplinary meas-
9 ures rather than for health needs; whether the
10 failure of the doctor to confirm or deny that
11 that still exists is a matter that we must draw
12 some conclusions on, absent his testimony.

13 COMMISSIONER BROWN: I wonder if it
14 might not be a good idea at our next hearing to
15 have him resubpoenaed to have him come to where
16 we are, rather than have us come back to him.

17 CHAIRMAN IRVING: Thank you. Yes,
18 we could certainly do that. We did not subpoena
19 the doctor, because we always hope that a pro-
20 fessional will recognize that when the State
21 comes in every forty years to a county like
22 Atlantic, it might be sufficiently important
23 for him to take an hour away from his private
24 practice to talk about medical care of those
25 people who are under the custody of the State and

1 the County.

2 Would you tell us your name, please?

3 MISS CORBIN: Lorraine Corbin.

4 CHAIRMAN IRVING: Lorraine Corbin?

5 Are you now an inmate at the Atlantic County
6 Jail?

7 MISS CORBIN: Yes.

8 CHAIRMAN IRVING: Are you awaiting
9 trial?

10 MISS CORBIN: I'm waiting for senten-
11 cing.

12 CHAIRMAN IRVING: You're awaiting
13 sentencing?

14 MISS CORBIN: Sentencing.

15 CHAIRMAN IRVING: Would you like to
16 tell us what you have been found guilty of?

17 MISS CORBIN: Conspiracy to robbery.

18 CHAIRMAN IRVING: Do you remember when
19 you were admitted to the Atlantic County Jail.

20 MISS CORBIN: Yes. August 31st.

21 CHAIRMAN IRVING: August 31st?

22 MISS CORBIN: Of 1973.

23 CHAIRMAN IRVING: And do you remember
24 when your trial was held?

25 MISS CORBIN: April--I think it was

1 the 20th.

2 CHAIRMAN IRVING: April 20th.

3 MISS CORBIN: 1973.

4 CHAIRMAN IRVING: So that, Miss Corbin,
5 you were in the Atlantic County Jail awaiting
6 trial during September, October, November, Decem-
7 ber, January, February, March--seven and a half
8 months, approximately.

9 MISS CORBIN: Yes.

10 CHAIRMAN IRVING: Do you have any
11 resentment over the fact that it took so long
12 for your case to come up for trial?

13 MISS CORBIN: Well, I really wanted
14 a speedy trial. I wrote in for a speedy trial,
15 but it didn't do no good.

16 CHAIRMAN IRVING: To whom did you write?

17 MISS CORBIN: I wrote to Judge Rimm--
18 to Judge Rimm. I got an answer from Judge Horn.

19 CHAIRMAN IRVING: You wrote to Judge
20 Rimm, and you asked for a speedy trial?

21 MISS CORBIN: Yes.

22 CHAIRMAN IRVING: What did the
23 response say?

24 MISS CORBIN: He said, you'll get
25 a speedy trial within six months, depending on

1 my lawyer, he said.

2 CHAIRMAN IRVING: He said you can
3 get a speedy trial within six months?

4 MISS CORBIN: Within six months.

5 CHAIRMAN IRVING: You know that
6 the Constitution of New Jersey guarantees all
7 of us a right to a speedy trial. Do you think
8 if a person is in jail and is innocent, legally
9 innocent, that your trial ought to come up very,
10 very fast?

11 MISS CORBIN: Yes.

12 CHAIRMAN IRVING: Do you think six
13 months is too long to wait for a trial?

14 MISS CORBIN: Well, I think when I wrote
15 him, it was before six months.

16 CHAIRMAN IRVING: I understand that,
17 but the fact is, you waited six and a half months
18 for your trial. Now, I realize you're not trained
19 in the law, and I don't want to ask you tough
20 questions, but I'm interested in your opinion as
21 a citizen and as a person who went through this,
22 waiting day by day, six and a half months for
23 your trial to come up. Do you think that that
24 was unfair to you?

25 MISS CORBIN: Yes.

1 CHAIRMAN IRVING: All right. Miss
2 Corbin, we want to ask you a few questions along
3 several lines, and I want you to know that you
4 don't have to answer any of those.

5 MISS CORBIN: Yes.

6 CHAIRMAN IRVING: There are several
7 other women from the jail and some men that are
8 going to testify, so we don't have as much time
9 as we'd like to spend with each person.

10 Do you care to tell us of any problems
11 that you think exist in jail that we ought to
12 be concerned about, and that we ought to try to
13 alleviate or change?

14 MISS CORBIN: Well, like, you know,
15 they want us to be like young ladies, and we
16 think we should wear young ladies' clothes. It
17 consists of blouses and stuff like that.

18 CHAIRMAN IRVING: They want you to
19 act like young ladies?

20 MISS CORBIN: Well, we're wearing
21 county clothes, but we want to have blouses, too,
22 and, like, the jackets that we wear, you know,
23 you get hot in those army jackets, so we want
24 to wear a couple blouses rather than the army
25 jackets.

1 CHAIRMAN IRVING: When you were ad-
2 mitted to the jail, did you receive these rules
3 for inmates?

4 MISS CORBIN: Yes.

5 CHAIRMAN IRVING: Were you told that
6 some of these don't apply anymore?

7 MISS CORBIN: Yes.

8 CHAIRMAN IRVING: You were told that.

9 MISS CORBIN: Yes.

10 CHAIRMAN IRVING: Do you know which
11 ones don't apply?

12 MISS CORBIN: It was quite a few months
13 ago.

14 CHAIRMAN IRVING: Do I understand,
15 Miss Corbin, that an inmate is issued jail
16 clothing?

17 MISS CORBIN: Yes, two.

18 CHAIRMAN IRVING: Two sets of cloth-
19 ing?

20 MISS CORBIN: Yes.

21 CHAIRMAN IRVING: And I take it your
22 thought is you would prefer to wear civilian
23 clothing in the jail?

24 MISS CORBIN: No, the clothes is
25 okay, but we just want the--the young ladies want

1 to wear blouses underneath our jackets, because
2 them jackets, they kind of rub against you, and
3 blouses wouldn't hurt. One blouse at least.

4 CHAIRMAN IRVING: You're not allowed
5 to wear a blouse under the prison uniform?

6 MISS CORBIN: Well, they took most
7 of our blouses, but we got a couple that we can
8 wear.

9 CHAIRMAN IRVING: All right. Do
10 you have any other matters you'd like to call to
11 our attention?

12 MISS CORBIN: That's most of them.

13 CHAIRMAN IRVING: One of the matters
14 I'd like to ask you about--again, I don't want
15 to put words in your mouth, and if you don't
16 know, just say so.

17 I've personally been concerned, hearing
18 comments, and we have an affidavit from Joyce
19 Quick, who I think you know, indicating that a
20 red liquid medicine is given to the inmates.
21 Do you know what kind of medicine that is?

22 MISS CORBIN: No. All I know is that
23 it's red. Most of the girls, they give it to.
24 I don't take it.

25 CHAIRMAN IRVING: Can you speak a

1 little louder?

2 MISS CORBIN: Most of the girls, they
3 give red medicine to.

4 CHAIRMAN IRVING: They give the red
5 medicine to most of the girls?

6 MISS CORBIN: Yes.

7 CHAIRMAN IRVING: Do they give the
8 medicine, regardless of what the complaints are?

9 MISS CORBIN: Yes. If a person has
10 maybe a sore throat or something, they give the
11 medicine for that, or pain, they give it to them
12 for that. You keep taking the same medicine, what-
13 ever it is.

14 CHAIRMAN IRVING: It's the same red
15 liquid medicine?

16 MISS CORBIN: Yes.

17 CHAIRMAN IRVING: Can you be sure that
18 it is the same? Is it possible that there are
19 two red liquid medicines?

20 MISS CORBIN: No. One color is a pink
21 and the other is a red, and most of all, the girls
22 get the red.

23 CHAIRMAN IRVING: Regardless of what
24 their complaints are, they all get the same red
25 medicine?

1 MISS CORBIN: Yes.

2 CHAIRMAN IRVING: Do you know whether
3 it's possible for an inmate to store up this
4 red medicine?

5 MISS CORBIN: No, not that I know of,
6 no.

7 CHAIRMAN IRVING: It's not possible?

8 MISS CORBIN: They could, but as far as
9 I know, nobody does.

10 CHAIRMAN IRVING: If a woman inmate
11 were to tell a doctor that she's not feeling well,
12 is it your impression, from your testimony, that
13 he would then give her this red medicine?

14 MISS CORBIN: Yes. Most of the time,
15 yes.

16 CHAIRMAN IRVING: Now, do I understand
17 this to be correct, from earlier testimony; that
18 when an inmate is admitted to the jail, no physi-
19 cal examination is given to her.

20 MISS CORBIN: No.

21 CHAIRMAN IRVING: How long were you in
22 the jail before you had a physical examination?

23 MISS CORBIN: I guess--I came in August.
24 I guess some time around in the beginning of
25 September, I think. Like when they checked our

1 eyes and stuff like that.

2 CHAIRMAN IRVING: About three weeks,
3 would you say?

4 MISS CORBIN: It could be, possible.

5 CHAIRMAN IRVING: Possibly three weeks
6 when they checked your eyes?

7 MISS CORBIN: Yes.

8 CHAIRMAN IRVING: Did they give you
9 any blood examination?

10 MISS CORBIN: I'm not sure, when I
11 first came there. I'm not sure.

12 CHAIRMAN IRVING: The reason I sugges-
13 ted that was because the Grand Jury suggested that
14 that test be given, in case of people having
15 hepatitis, infectious hepatitis, for their own
16 protection.

17 Are you familiar with any incidents
18 of women in the jail who have had pain and
19 needed medical care--

20 MISS CORBIN: Yes.

21 CHAIRMAN IRVING: And were they able
22 to get medical care when they have pain?

23 MISS CORBIN: Not right away, because
24 I was one of them.

25 CHAIRMAN IRVING: You were one of them?

1 MISS CORBIN: Yes.

2 CHAIRMAN IRVING: Will you tell us
3 a little bit about your experience?

4 MISS CORBIN: Well, I hurt my leg
5 outside, I guess around--it was kind of cool.
6 I was going outdoors, and my leg had swollen up,
7 and I went to the doctor, he gave me some aspirins
8 for it. Then, about a week later, I started
9 breaking out in little bumps, so I went to him
10 and he told me to get this white powder called
11 Maxeem, or something, and that didn't do any
12 good, because it made my bumps get worse, and
13 started itching, and they send me to the hospital,
14 and the doctor said it was a virus, and he gave
15 me different kinds of medicines.

16 CHAIRMAN IRVING: Did you get the
17 medicine that helped you when you got to the
18 hospital?

19 MISS CORBIN: Yes. The doctor gave me
20 some kind of cream.

21 CHAIRMAN IRVING: But the jail doctor
22 gave you a medicine that did not help, is that
23 what you're saying?

24 MISS CORBIN: Because it had broke me
25 out, my whole body, there were little red bumps

1 all over me.

2 CHAIRMAN IRVING: Well, do I under-
3 stand Miss Corbin, that you had some pain in
4 the leg, you had broken out into a rash, the
5 jail doctor gave you some medicine that not only
6 didn't help, but made the situation worse?

7 MISS CORBIN: Yes.

8 CHAIRMAN IRVING: And as a result of
9 it getting worse, you then asked to go to the
10 hospital, did you?

11 MISS CORBIN: Yes, because a different
12 doctor, Doctor Wilson, I think, he was the one
13 that sent me to the clinic.

14 CHAIRMAN IRVING: I understand that.
15 I understand further that there is a woman inmate
16 at the jail who I think perhaps is pregnant, and
17 has had some bleeding, uteral bleeding. Do you
18 know what kind of medical care she's getting?

19 MISS CORBIN: Well, most, she go
20 to the hospital on Fridays, but for a doctor,
21 no, because when she started that bleeding is
22 when they came upstairs and sprayed Mace on her,
23 and she got knocked down, and that's when her
24 bleeding started.

25 CHAIRMAN IRVING: Her bleeding started

1 when she was sprayed with Mace and knocked down?

2 MISS CORBIN: Right.

3 CHAIRMAN IRVING: Was this at the time
4 we heard about this morning, when three guards
5 came into the women's unit to try to remove a
6 girl who was causing some difficulty?

7 MISS CORBIN: Yes.

8 CHAIRMAN IRVING: And were you there at
9 the time?

10 MISS CORBIN: Yes, I was.

11 CHAIRMAN IRVING: And did the girl
12 throw Clorox at the guards?

13 MISS CORBIN: Well, he was attacking
14 her. I don't know whether she threw it or not.

15 CHAIRMAN IRVING: Now, the girl who
16 suffered the bleeding. Is she the girl that the
17 guards were trying to remove from the cell?

18 MISS CORBIN: No, no.

19 CHAIRMAN IRVING: Was she a bystander
20 who got knocked down?

21 MISS CORBIN: Like, when they came in,
22 they came in, you know, they came in with Mace,
23 they came upstairs, and first, they came with
24 the Mace, and, like, getting off the elevator,
25 he was rolling up his sleeves, you know, and when

1 he came in here, they just said, which girl is
2 it, and they grabbed for her, and she fell, and
3 the other girls were trying to keep her from fal-
4 ling, hitting her head on the floor, and that's
5 when they started spraying Mace all over every-
6 body, and that's when Joyce fell, and they bumped
7 her head, and later on, after it was all over, we
8 said she was bleeding, and they said they weren't
9 taking anybody to the hospital, except the ser-
10 geant and the guard that got hurt.

11 CHAIRMAN IRVING: This was the time
12 when the women inmate began to bleed internally?

13 MISS CORBIN: Yes.

14 CHAIRMAN IRVING: Do you know the name
15 of the inmate?

16 MISS CORBIN: Joyce Quick.

17 CHAIRMAN IRVING: Joyce Quick is the
18 girl?

19 MISS CORBIN: Yes.

20 CHAIRMAN IRVING: When you say the
21 guards came into the women's unit rolling up
22 their sleeves, do you know why they were doing
23 that?

24 MISS CORBIN: Well, when the matron
25 called them, they just said it was a women giving

1 her trouble. So when they came upstairs, they
2 brought the Mace with them. The one sergeant
3 that came up there; they didn't have to bring
4 the other guards up. They asked which girl it
5 was, and the big one, Dave Thomas, he just rolled
6 his sleeves up, and that's when we were trying
7 to keep the girl from hitting the floor, and
8 that's when they started spraying Mace on every-
9 body.

10 CHAIRMAN IRVING: Your testimony was
11 you were trying to help the girl--

12 MISS CORBIN: Yes, because her head
13 did hit the floor.

14 CHAIRMAN IRVING: Do you know approxi-
15 mately when this happened? Was it a month ago,
16 or two months?

17 MISS CORBIN: No, I guess about two.

18 CHAIRMAN IRVING: About two months
19 ago?

20 MISS CORBIN: Yeah, because it was be-
21 fore I went to Court.

22 CHAIRMAN IRVING: Have you seen any
23 other incidents in which guards assaulted or
24 abused the female inmates?

25 MISS CORBIN: When I first came here,

1 around September and October, when I was here that
2 time.

3 CHAIRMAN IRVING: What happened then?

4 MISS CORBIN: They did the same thing
5 again with Mace, spraying it on everybody. You
6 know, instead of them asking you questions, can
7 you talk to the girl, they just come in and just
8 get crazy, start spraying the Mace on everybody,
9 and that stuff burns, makes your face and every-
10 thing burn.

11 CHAIRMAN IRVING: Do they come in to
12 spray Mace in order to quiet the girls down?

13 MISS CORBIN: Well, when you come
14 upstairs, if they come and talk to you, they
15 wouldn't have to bring Mace, but when they come,
16 they come with the Mace.

17 CHAIRMAN IRVING: Do they come because
18 the girls are getting out of control?

19 MISS CORBIN: When the girls are get-
20 ting out of control, they have a reason for it.
21 Either they ask for something, you know, it's
22 different reasons. When we ask for ice, we can't
23 get that. They talk to us in nasty way, and we
24 ask to talk to the sergeants, they just get nasty
25 about it.

1 CHAIRMAN IRVING: You ask for ice?

2 MISS CORBIN: You know, different stuff.

3 CHAIRMAN IRVING: Different things like
4 that.

5 And this was last September, you think
6 that happened?

7 MISS CORBIN: Well, October.

8 CHAIRMAN IRVING: It was last October
9 when the guards used the Mace?

10 MISS CORBIN: Yes.

11 CHAIRMAN IRVING: And then they used
12 it again, at the time that Joyce Quick was hurt.

13 MISS CORBIN: Yes.

14 CHAIRMAN IRVING: Are you allowed to
15 keep in your cell items like Clorox, broom handles?

16 MISS CORBIN: We got a big dorm, and
17 like, it holds sixteen girls, but there's not
18 that many in there. But we do have clothes to
19 wash, but now, we don't have any dorm anymore.

20 CHAIRMAN IRVING: If I were authorized
21 to search the cells, should I be surprised if I
22 found drugs in any of the cells?

23 MISS CORBIN: No, we're all in one
24 big dormitory.

25 CHAIRMAN IRVING: Is it possible that

1 I would find drugs in the big dormitory?

2 MISS CORBIN: No.

3 CHAIRMAN IRVING: It's not possible.

4 All right. Let me see if the other
5 Commissioners want to ask anything.

6 Judge?

7 COMMISSIONER DELTUFO: Yes.

8 Miss Corbin, you've been in the
9 Atlantic County Jail for about nine months; is
10 that correct?

11 MISS CORBIN: Going on nine months.

12 COMMISSIONER DELTUFO: Have you re-
13 ceived any training or been involved in any
14 programs?

15 MISS CORBIN: Well, I've been taking
16 up sewing and going to Basic Ed.

17 COMMISSIONER DELTUFO: You've been
18 taking up sewing and going to Basic Ed?

19 MISS CORBIN: Basic Ed.

20 COMMISSIONER DELTUFO: And how long
21 have you been doing that?

22 MISS CORBIN: Started in September.

23 COMMISSIONER DELTUFO: Teachers
24 come in to teach you?

25 MISS CORBIN: Yes. Vocation teachers.

1 COMMISSIONER DELTUFO: What do they
2 teach you?

3 MISS CORBIN: Well, sometimes, in sewing,
4 they'll be making different kinds of outfits.

5 COMMISSIONER DELTUFO: What about
6 Basic Ed?

7 MISS CORBIN: They teach us to read
8 and write and we discuss things, you know.

9 COMMISSIONER DELTUFO: Do you have
10 any other complaints that you may not have
11 thought out about, such items as mail? How
12 about your mail? Are you satisfied with the way
13 the mail is being handled?

14 MISS CORBIN: Well, like, I want to
15 know why I couldn't keep all my mail in the dormi-
16 tory that I had.

17 COMMISSIONER DELTUFO: Where is your
18 mail kept?

19 MISS CORBIN: Well, it's in my locker,
20 and quite a few more girls, too. Like, by me
21 being nine months--well, I had collected a lot
22 of mail. You do like to read over your old mail.
23 Well, I had to get that, take that out, because
24 I had it in a big bag. I had mail.

25 COMMISSIONER DELTUFO: How about visit-

ing. Have you had any problems with visiting?

MISS CORBIN: No, except for when we's on restriction. I think because after one girl is punished, they could just sit down and talk to that one person--

COMMISSIONER DELTUFO: In other words, if one girl has done something wrong, then the entire dormitory is punished?

MISS CORBIN: Yes.

COMMISSIONER DELTUFO: Has that been a procedure there since you've been there?

MISS CORBIN: Yes.

COMMISSIONER DELTUFO: I have no further questions.

CHAIRMAN IRVING: When you're on restriction, are you able to get medical care?

MISS CORBIN: It depends. Like the last time we was on restriction, they took maybe one or two girls at a time. But we don't get commissary, no mail, different stuff like that. No television and stuff.

CHAIRMAN IRVING: If you asked for a doctor today at the jail, do you know when you would be able to see one?

MISS CORBIN: No. Like if I were to ask for a doctor today, I probably wouldn't even

1 see him until Friday or Saturday. Maybe not
2 even then, because he claims he has to take care
3 of the boys or something.

4 CHAIRMAN IRVING: He would busy taking
5 care of the boys? Is that what you said?

6 MISS CORBIN: Yeah. That would be
7 the reason he'd say.

8 CHAIRMAN IRVING: Have you had occasion,
9 in the several months you have been in the jail,
10 to ask for a dentist?

11 MISS CORBIN: No. Quite a few girls
12 have.

13 CHAIRMAN IRVING: Quite a few girls
14 have asked to see a dentist?

15 MISS CORBIN: Yes. I think a couple
16 of them went.

17 CHAIRMAN IRVING: Does the dentist
18 come on the property?

19 MISS CORBIN: No, they take them out.

20 CHAIRMAN IRVING: Am I right in
21 assuming you've had no examination of your teeth
22 in the time you've been there?

23 MISS CORBIN: True.

24 CHAIRMAN IRVING: You've had none?

25 MISS CORBIN: No, sir.

1 CHAIRMAN IRVING: Is there any eye
2 examination to see if you need glasses, with all
3 that mail you read?

4 MISS CORBIN: No.

5 CHAIRMAN IRVING: Let me get back to
6 this red tide, as I call it, this red liquid
7 medicine. Have you ever tasted it?

8 MISS CORBIN: No. It smells horrible.

9 CHAIRMAN IRVING: The smell is awful?

10 MISS CORBIN: I smelled it but I never
11 tasted it.

12 CHAIRMAN IRVING: Have you seen any
13 reaction in women who take it?

14 MISS CORBIN: Most of the girls who
15 take it use it to fall asleep.

16 CHAIRMAN IRVING: They take it to
17 fall asleep. Does it make them feel better?

18 MISS CORBIN: Some of them.
19 Half of them don't feel so hot after they take it.
20 They feel worse. They be complaining more after
21 they take it.

22 CHAIRMAN IRVING: Do you think it
23 makes them quiet? Is that why they fall asleep?

24 MISS CORBIN: Well, most of them take
25 it, if they take it at 8:00, they'd be sleeping

1 before nine, when you come around.

2 CHAIRMAN IRVING: I'm sorry, I didn't
3 understand it.

4 MISS CORBIN: I said, most of the girls,
5 when your medicine come around eight, she'd be
6 sleeping before nine. If you take it, if you
7 lay down, you'll fall asleep right away. Most of
8 the girls take it in the morning, though. They
9 keep themselves busy going to sewing class and
10 everything.

11 CHAIRMAN IRVING: And you get the
12 red medicine in the morning, and get it again
13 at night?

14 MISS CORBIN: Yeah, some of them.

15 CHAIRMAN IRVING: Some of them get
16 it in both the morning and night?

17 MISS CORBIN: Yes.

18 CHAIRMAN IRVING: And in the morning,
19 they stay awake, because they're at sewing?

20 MISS CORBIN: Those that go down.
21 Those that stay upstairs go back to sleep.

22 CHAIRMAN IRVING: Those that don't
23 go to sewing go back to sleep?

24 MISS CORBIN: Yes.

25 CHAIRMAN IRVING: And have you noticed,

1 after they do take the medicine, in the morning,
2 they do go back to sleep?

3 MISS CORBIN: Yes.

4 CHAIRMAN IRVING: Even though they
5 just had a full night's sleep?

6 MISS CORBIN: Yes.

7 CHAIRMAN IRVING: What do you think
8 that medicine is?

9 MISS CORBIN: I don't know. That's
10 why I didn't want to take it. They was sleeping
11 and everything. I don't understand why the
12 doctor was giving everybody the same medicine for
13 the same thing.

14 CHAIRMAN IRVING: Did you ask any
15 of the officials at the jail why everybody gets
16 the same medicine, and why that medicine makes
17 everybody sleepy?

18 MISS CORBIN: No. Each girl have,
19 you know, each girl that takes it, it's a differ-
20 ent thing wrong with her. It's the same thing.
21 That's why the same medicine doesn't work on
22 the same girl, you know. Same way.

23 CHAIRMAN IRVING: The same medicine,
24 regardless of the complaints, but the same
25 effect is that they all get sleepy.

1 MISS CORBIN: Yes.

2 CHAIRMAN IRVING: All right. I think
3 you've given us some clues as to what it might be,
4 even though you're not trained as a medical person.
5 I appreciate that.

6 One or two other questions, and I will
7 ask no more.

8 Have you heard any provocative or abusive
9 language by a guard against one of the inmates,
10 while you've been in the jail?

11 MISS CORBIN: You know, some of them
12 use language, maybe not knowing it, but they be
13 saying it. Like, in the morning, we on a restric-
14 tion. When they come up, damn it, or, you know,
15 different words, but--you know.

16 CHAIRMAN IRVING: I've heard it said,
17 Miss Corbin, that an experienced person visiting
18 the Atlantic County Jail can tell at certain times
19 by seeing who is on duty, what officers are on
20 duty, if there's likely to be a riot, if there's
21 likely to be a disturbance; that some of the guards
22 tend to be very provocative, tend to create un-
23 rest. Do you think there's any truth to that?

24 MISS CORBIN: Well, most of that, it
25 usually happens on certain shifts.

1 CHAIRMAN IRVING: On certain shifts?

2 MISS CORBIN: Yes.

3 CHAIRMAN IRVING: Is that because of
4 the certain people on those shifts that are provo-
5 cative?

6 MISS CORBIN: Yes.

7 CHAIRMAN IRVING: Mrs. Hicks?

8 Mrs. Hicks is a community relations
9 expert with the Newark Human Rights Commission,
10 and she may have some questions for you.

11 COMMISSIONER HICKS: Miss Corbin, is
12 the guard still on duty that was involved in
13 the Mace incident?

14 MISS CORBIN: Yes. He been working
15 every day ever since.

16 COMMISSIONER HICKS: Same shift?

17 MISS CORBIN: Yes.

18 COMMISSIONER HICKS: Have you ever
19 witnessed persons having to take --you know,
20 medication forced on them, whether they wanted
21 to take it or not?

22 MISS CORBIN: Like, no, not if the
23 girls don't want their medicine at night or
24 something. Sometimes they don't take it.

25 COMMISSIONER HICKS: Have you ever

1 witnessed it being forced upon them?

2 MISS CORBIN: No.

3 COMMISSIONER HICKS: Would you describe
4 for us, briefly, the girls' dormitory?

5 MISS CORBIN: It's a big--it's about
6 a little larger than this. We have sixteen beds,
7 top and bottom; we have a television, ironing
8 board, iron, little sink, toilets and all that.
9 You know. Just different things. Beds and stuff
10 like that.

11 COMMISSIONER HICKS: And that arrange-
12 ment suits with you? Comfortable in there?

13 MISS CORBIN: Well, yeah. It's all
14 steel.

15 COMMISSIONER HICKS: Well, tell me,
16 can all areas of the dormitory be seen by the
17 matron on duty, or by the matrons off duty?

18 MISS CORBIN: For her to see, she would
19 have to come into the little part of the gate
20 and look into it. You know, like it's two gates,
21 and you have to come in like a little vestibule
22 to see it all.

23 COMMISSIONER HICKS: Have you ever
24 witnessed anyone being hit by an officer, male
25 or female?

1 MISS CORBIN: No.

2 COMMISSIONER HICKS: Can a girl be harmed
3 without the female officers being able to see or
4 hear her?

5 MISS CORBIN: Sure, they can.

6 COMMISSIONER HICKS: They can?
7 And what do you attribute that to; the office
8 being away from the dormitory?

9 MISS CORBIN: Well, like up in the
10 corner is a shower, and like right besides the
11 shower, it's a full toilet, and to go into the
12 shower, you have to go up into the back. It's
13 a small area.

14 COMMISSIONER HICKS: Do disturbances
15 occur when certain officers are on duty on a
16 certain shift?

17 MISS CORBIN: Yes, ma'am.

18 COMMISSIONER HICKS: Tell us about
19 one of them.

20 MISS CORBIN: Well, if you would ask
21 a matron for something, maybe she's doing some-
22 thing in the office, and you ask her, and you
23 even messing and she hurts you, you might say
24 something smart back to her, you know.

25 COMMISSIONER HICKS: How often does

1 the Undersheriff and Sheriff visit you?

2 MISS CORBIN: Well, half the time,
3 the request slips sent, it takes them two or three
4 weeks. If we want to talk to them, we send re-
5 quest slips, and when we send them, we don't
6 get an answer.

7 COMMISSIONER HICKS: Who do you sub-
8 mit them to?

9 MISS CORBIN: We write to the Under-
10 sheriff, or the Board, but it takes awhile to
11 get there.

12 COMMISSIONER HICKS: You sent it by
13 whom ?

14 MISS CORBIN: The matron that takes
15 them.

16 COMMISSIONER HICKS: And you've never
17 received a response?

18 MISS CORBIN: Sometimes we see them,
19 but sometimes we don't.

20 COMMISSIONER HICKS: No further
21 questions.

22 CHAIRMAN IRVING: Sheriff DeMarino?

23 COMMISSIONER DE MARINO: Miss Corbin,
24 what's the cell area? Is it a clean area?
25 Is there cleanliness in the cell area? Are there

1 rodents around, rats?

2 MISS CORBIN: Yes. The other morning,
3 we saw one.

4 COMMISSIONER DE MARINO: You saw what
5 the other morning?

6 MISS CORBIN: A rat. A mouse, a rat.

7 COMMISSIONER DE MARINO: A rodent.
8 You aren't sure whether it was a mouse or a rat.

9 MISS CORBIN: Yeah, it was one of
10 them.

11 COMMISSIONER DE MARINO: Is there
12 food allowed in your cell areas?

13 MISS CORBIN: Just what we get, you
14 know, from downstairs in the kitchen .

15 COMMISSIONER DE MARINO: Have you
16 reported the fact that you've seen a rodent?

17 MISS CORBIN: Yes.

18 COMMISSIONER DE MARINO: To whom?

19 MISS CORBIN: We told the matron,
20 we told her there was a mouse, and could they
21 try, to, you know, exterminate the dormitories.

22 COMMISSIONER DE MARINO: Have they,
23 to your knowledge?

24 MISS CORBIN: No.

25 COMMISSIONER DE MARINO: How frequent-

1 ly are the rounds --well, first of all only female
2 matrons watch you, right?

3 MISS CORBIN: Yes.

4 COMMISSIONER DE MARINO: How frequent
5 do they stop in to check on you people?

6 MISS CORBIN: Well, like, in the morning,
7 they have to count, and in the afternoon, they
8 count, but if you call the matron, she usually
9 comes, if you want her for something.

10 COMMISSIONER DE MARINO: What's the
11 relationship between the matrons and the female
12 inmates? Is it good, bad, strained, or--

13 MISS CORBIN: Well, if the matron
14 treats you nice most of the time, you know, the
15 inmates respond the matron the same way.

16 COMMISSIONER DE MARINO: Let's say
17 this: Are there any matrons that perhaps don't
18 command respect from the inmates? In other words,
19 are there any particular matrons that you don't
20 get along with, for example?

21 MISS CORBIN: No, no. I couldn't say
22 that, because, as far as I'm concerned, I get
23 along with all of them.

24 COMMISSIONER DE MARINO: How many
25 are there?

1 MISS CORBIN: There's two on each shift.
2 I think it's nine. There's a couple of new ones.

3 COMMISSIONER DE MARINO: When the rounds
4 are made, or when the matron comes in, do they
5 have an area around the cellblock dorm that you
6 people are in so that they can physically check
7 all the areas?

8 MISS CORBIN: Well, when it's time
9 for them to check, count the girls, the one
10 that's on the shift that's standing at the gate,
11 the new matron, she comes in to count each girl,
12 everything like that.

13 COMMISSIONER DE MARINO: Do any of
14 the girls, other than taking liquid medicine,
15 palm pills or red liquid medicine? Do you know
16 what I mean by that, that they put them behind
17 their tongue or hold it in their hand and save
18 it for later?

19 MISS CORBIN: No.

20 COMMISSIONER DE MARINO: Let me ask
21 you this. Do you know of any unusual sex acts
22 committed either by inmate on inmate, or guards
23 upon inmates?

24 MISS CORBIN: No.

25 COMMISSIONER DE MARINO: I have no

1 other questions.

2 CHAIRMAN IRVING: Undersheriff Brown
3 from Ocean County would like to ask you a couple
4 of questions.

5 COMMISSIONER BROWN: I wonder if you
6 could please tell me--were you found guilty, or
7 did you plead to a charge?

8 MISS CORBIN: Well, when we got locked
9 up, we got locked up for homicide, because there
10 was four of us that got locked up.

11 COMMISSIONER BROWN: And what was the
12 outcome? Did you plead?

13 MISS CORBIN: We plea bargained. Took
14 a plea bargain.

15 COMMISSIONER BROWN: And how long ago
16 was this?

17 MISS CORBIN: Cause I just went to court
18 in April, it was April 19th or 20th.

19 COMMISSIONER BROWN: April 19th or
20 20th. Have you seen a probation officer in this
21 period of time?

22 MISS CORBIN: No.

23 COMMISSIONER BROWN: Off the record.

24 [Off the record discussion.]

25 COMMISSIONER BROWN: That's all I

1 wanted to know. I'm very interested in trying
2 to find out what the hold up was. Do you know
3 what the hold up is in the sentencing?

4 MISS CORBIN: No. I know now. I have
5 to go back for sentencing.

6 COMMISSIONER BROWN: Have you asked
7 anybody?

8 MISS CORBIN: I asked my lawyer. I
9 asked why did he have to take so long.

10 COMMISSIONER BROWN: Is your lawyer
11 the public defender?

12 MISS CORBIN: Yes.

13 COMMISSIONER BROWN: What did he say?

14 MISS CORBIN: Took him quite awhile,
15 cause after I went for my trial, took him almost
16 I guess three weeks before I even saw him to
17 ask him what had happened, becuse I went in
18 front of the Judge and the Prosecutor when I went
19 to court.

20 COMMISSIONER BROWN: Did the Judge
21 actually set a date? Do you know your date of
22 sentencing?

23 MISS CORBIN: He said June 10th.

24 COMMISSIONER BROWN: And when were
25 you notified of that?

1 MISS CORBIN: That day I went for
2 my plea bargain.

3 COMMISSIONER BROWN: The day you went
4 for your plea bargain, you were notified?

5 Okay, thank you.

6 CHAIRMAN IRVING: Miss Corbin, I want
7 to thank you very much for coming--do you want to
8 say something else?

9 MISS CORBIN: Yes. Like at night,
10 even in the morning, at night, it's real cold in
11 the dormitory, and like, we either ask the matron
12 to call down for the sergeant, and she said the
13 sergeant said there's nothing he can do about the
14 heat, and it's freezing in that dorm, even with
15 the blankets on, and we ask could we at least
16 have heat, and he said it works by a certain
17 temperature.

18 CHAIRMAN IRVING: Do you have any
19 thermometer up there, so you can tell what the
20 temperature is?

21 MISS CORBIN: No, that's down in
22 the office. They had a switch the matron could
23 use to turn the heat on and off, but they stopped
24 that. At night, it really gets cold.

25 CHAIRMAN IRVING: Does each girl have

1 one blanket?

2 MISS CORBIN: Yes.

3 CHAIRMAN IRVING: If there are no
4 other questions, we certainly wish you well at
5 sentencing and thereafter.

6 MISS CORBIN: I wish you had come a
7 little earlier.

8 [Witness excused.]

9 CHAIRMAN IRVING: We'd like Miss
10 Janet Simmons now.

11 I want to say, for purposes of inform-
12 ing the Commission Members and the people of
13 the audience that we've asked the inmates to
14 come in one at a time, so that the one does not
15 hear the other's testimony, and we therefore have
16 greater credibility.

17 Miss Simmons, would you give the
18 Reporter your name, please?

19 J A N E T S I M M O N S, sworn.

20 CHAIRMAN IRVING: Please be seated
21 at that table, Mrs. Simmons.

22 Would you state your name so we all
23 can hear it, please?

24 MISS SIMMONS: Janet Simmons.

25 CHAIRMAN IRVING: Miss Simmons, do I

1 understand that you are now an inmate at the
2 Atlantic County Jail?

3 MISS SIMMONS: Yes.

4 CHAIRMAN IRVING: How long have you
5 been at the jail?

6 MISS SIMMONS: Approximately five
7 months, a little more.

8 CHAIRMAN IRVING: A little more than
9 five months?

10 MISS SIMMONS: Yes.

11 CHAIRMAN IRVING: Are you awaiting
12 trial?

13 MISS SIMMONS: Yes.

14 CHAIRMAN IRVING: Would you like to
15 tell us, and you don't have to if you don't want
16 to, what you are charged with?

17 MISS SIMMONS: Homicide.

18 CHAIRMAN IRVING: You're charged with
19 homicide, and you've been waiting five months.

20 MISS SIMMONS: Yes.

21 CHAIRMAN IRVING: Has anybody told
22 you why it's taking five months for your trial
23 to come up?

24 MISS SIMMONS: No.

25 CHAIRMAN IRVING: Do you have any

1 idea when your trial will come up?

2 MISS SIMMONS: June. Some time in
3 June.

4 CHAIRMAN IRVING: Some time in June?

5 MISS SIMMONS: Yes.

6 CHAIRMAN IRVING: I want to ask you
7 about medical care at the jail, Miss Simmons.
8 Have you ever had occasion to ask for a doctor
9 while you were in the jail?

10 MISS SIMMONS: Yes.

11 CHAIRMAN IRVING: How long ago have
12 you asked for a doctor?

13 MISS SIMMONS: Since I first came
14 there, I had problems with bleeding, and a
15 couple times, the doctor refused to see me,
16 and then when I did get to see him, he gave
17 me a shot and told me that it was normal, wasn't
18 nothing wrong with me, and I've been trying to
19 get to go to the hospital ever since I came into
20 the jail, and last week, they finally okayed for
21 me to go tomorrow.

22 CHAIRMAN IRVING: Is it your testimony
23 that, for five months, you've been trying to--

24 MISS SIMMONS: Yes, get to the
25 hospital, cause the doctor won't check you.

1 CHAIRMAN IRVING: When the jail
2 physicians refused to let you go to the hospital,
3 did they say why?

4 MISS SIMMONS: He told me it was nor-
5 mal. There wasn't nothing wrong with me.

6 CHAIRMAN IRVING: He told you the
7 bleeding was normal?

8 MISS SIMMONS: Yes.

9 CHAIRMAN IRVING: Did he mistake for
10 monthly female bleeding?

11 MISS SIMMONS: No, I told him what
12 was the problem, I told him I had a miscarriage
13 before I came in, and I had been bleeding heavy
14 since then, and I stopped, and it comes back on
15 me, two or three times a month, and he told me
16 it was normal.

17 CHAIRMAN IRVING: He told you it
18 was normal?

19 MISS SIMMONS: Yes.

20 CHAIRMAN IRVING: Have you received any
21 medication at the jail, or except for that shot
22 that you talked about?

23 MISS SIMMONS: No. Gave me some
24 aspirins for my cramps. That's all.

25 CHAIRMAN IRVING: When the girls ask

1 for medicine, is there any one kind of medicine
2 that appears to be given out more frequently
3 than anything else?

4 MISS SIMMONS: Like, in the morning,
5 they give you Benzedril and another kind of medi-
6 cine. They said it's for your nerves. Most of
7 the girls there get it.

8 CHAIRMAN IRVING: Most of the girls
9 get it? They say it's for the nerves?

10 MISS SIMMONS: For the nerves, yes.

11 CHAIRMAN IRVING: Can you describe what
12 it looks like for us?

13 MISS SIMMONS: One is pink and the
14 other is red.

15 CHAIRMAN IRVING: One is pink and one
16 is red?

17 MISS SIMMONS: Yes.

18 CHAIRMAN IRVING: Who told you it was
19 Benzedril?

20 MISS SIMMONS: The doctor.

21 CHAIRMAN IRVING: The doctor?

22 MISS SIMMONS: Yeah. I asked him
23 for something so I could sleep at night, and
24 that's what he prescribed for me, and most all
25 the other girls there get it too.

1 CHAIRMAN IRVING: You asked him
2 for something to help you sleep at night, and
3 he gave you this medicine?

4 MISS SIMMONS: Yes.

5 CHAIRMAN IRVING: Was it red, did
6 you say, or pink?

7 MISS SIMMONS: It was two of them. One
8 is red and one is pink.

9 CHAIRMAN IRVING: And he said it was
10 Benzedril, and would help you sleep?

11 MISS SIMMONS: Yes.

12 CHAIRMAN IRVING: And do you get that
13 every night?

14 MISS SIMMONS: Yes.

15 CHAIRMAN IRVING: Do you get it in
16 the morning, also?

17 MISS SIMMONS: Yeah. No, I don't get
18 mine in the morning no more, I stopped it, be-
19 cause I told him I couldn't operate the sewing
20 machine right. So he stopped mine in the morning.
21 But there's some girls get it in the morning, too.

22 CHAIRMAN IRVING: Some of these girls
23 get this medicine twice a day?

24 MISS SIMMONS: Twice a day.

25 CHAIRMAN IRVING: When they get it in

1 the morning, does it have any effect on them?

2 MISS SIMMONS: Makes you sleepy.

3 CHAIRMAN IRVING: Have you ever seen
4 an instance in which this medicine has been given
5 to a girl who has been unruly or hard to manage,
6 to quiet her down?

7 MISS SIMMONS: If some girls just came
8 in and they couldn't see the doctor, well, the
9 nurse will prescribe it. Like if someone came
10 in there on drug cases, they would give it to
11 them until they could see the doctor the next day.

12 CHAIRMAN IRVING: You mean if I were
13 a woman and I was admitted to the Atlantic County
14 Jail today, and I said I was on drugs and I needed
15 something, and there was no doctor available, I
16 would be given this Benzedril?

17 MISS SIMMONS: Yes.

18 CHAIRMAN IRVING: So they just take
19 my word for it that I'm on drugs?

20 MISS SIMMONS: On drugs, and they'll
21 give it to you.

22 CHAIRMAN IRVING: Is it possible or
23 has it happened that a woman has perhaps gotten
24 into the Atlantic County Jail, has not been on
25 drugs, but has gotten drugs, just to break the

1 boredom of the time there?

2 MISS SIMMONS: Anybody can get the
3 medication. You know, just tell them you can't
4 sleep at night, and they give it to you.

5 CHAIRMAN IRVING: Just say you can't
6 sleep at night and they--

7 MISS SIMMONS: And they give you this
8 medication.

9 CHAIRMAN IRVING: And will they also
10 give it to you, if you can't sleep, in the morning?

11 MISS SIMMONS: Yes.

12 CHAIRMAN IRVING: Has anybody ever
13 gotten it three times a day?

14 MISS SIMMONS: No.

15 CHAIRMAN IRVING: Just one or two
16 other questions.

17 Have you ever seen an officer assault
18 a girl? By that, I mean, either knock her down,
19 hit against her?

20 MISS SIMMONS: Yeah.

21 CHAIRMAN IRVING: How recently was that?

22 MISS SIMMONS: I don't know, maybe about
23 a month and a half ago.

24 CHAIRMAN IRVING: Do you want to tell
25 us about that incident?

1 MISS SIMMONS: One of the girls had
2 some obscene language--used some obscene language
3 against the matron, so she went down to the office
4 and called the guards. Three guards came up there
5 with Mace and riot helmets. So they came in the
6 dorm and told the girl to leave, you know, and
7 we asked them, could we get the thing straightened
8 out? So they started dragging the girl out the
9 dormitory, you know, and they hit her head, they
10 grabbed her by her feet and snatched her off the
11 table, and her head hit the floor. By that time,
12 all the other girls tried to stop it, and one
13 pregnant girl was pushed against the table, hit
14 her stomach and head on the table, and another
15 girl was chased by another guard, and she tried
16 to get away from him by throwing bleach on him,
17 because he had hit her, and when I was trying to
18 help the other girl get away, he hit me in my
19 mouth twice.

20 CHAIRMAN IRVING: What were you doing
21 at the time?

22 MISS SIMMONS: I was trying to help
23 the girl to get away from the guards, because
24 the way they was dragging her out wasn't right.

25 CHAIRMAN IRVING: I understand.

1 Judge, do you have any questions?

2 COMMISSIONER DELTUFO: You've been
3 there five months?

4 MISS SIMMONS: Yes.

5 COMMISSIONER DELTUFO: Do you have
6 any complaints that you feel we should know about?

7 MISS SIMMONS: As far as the doctor,
8 you know, that's my biggest complaint, about him.

9 COMMISSIONER DELTUFO: Just the doctor?

10 MISS SIMMONS: Yes.

11 COMMISSIONER DELTUFO: What do you
12 do during the day, for example, on weekdays?
13 How is your time occupied?

14 MISS SIMMONS: Some of the girls that
15 have been there for awhile, they can go down to
16 sewing, and then after that, we go down to Basic
17 Ed, and then we have recreation, and then, after
18 3:00, we come back upstairs. But then, there's
19 girls there that can't get down, so they're con-
20 fined to the dorm all day.

21 COMMISSIONER DELTUFO: What happens
22 after 3:00 p.m. after you get back?

23 MISS SIMMONS: After 3:00 p.m.,
24 everybody's upstairs in the dormitory with nothing
25 to do.

1 COMMISSIONER DELTUFO: You stay
2 up there from 3:00 p.m.?

3 MISS SIMMONS: Until the next morning.

4 COMMISSIONER DELTUFO: What time do
5 the girls generally go to bed?

6 MISS SIMMONS: Around about eleven,
7 11:00. After watching television.

8 COMMISSIONER DELTUFO: From three to
9 eleven is basically unoccupied times, except for
10 meals, I would presume.

11 MISS SIMMONS: Yeah.

12 COMMISSIONER DELTUFO: I have no
13 further questions.

14 CHAIRMAN IRVING: Mrs. Hicks, do
15 you have any questions?

16 COMMISSIONER HICKS: Yes, I do.

17 What would happen if an emergency
18 occurred in the dormitory at night, when the key
19 is downstairs? What procedure?

20 MISS SIMMONS: They would have to call
21 downstairs. First, they would have to call. Then
22 they go downstairs and get the keys.

23 COMMISSIONER HICKS: So in other words,
24 the key is not kept on the second floor?

25 MISS SIMMONS: No, they're not on the

1 floor, no.

2 COMMISSIONER HICKS: After the Mace
3 incident, were all the girls in the dormitory
4 restricted?

5 MISS SIMMONS: After, yeah. They put
6 us on restrictions.

7 COMMISSIONER HICKS: For how long?

8 MISS SIMMONS: I think it was about a
9 week and a half, something like that.

10 COMMISSIONER HICKS: Are you permitted
11 to attend religious services of your own choice?

12 MISS SIMMONS: No.

13 COMMISSIONER HICKS: You're not. Have
14 you requested this?

15 MISS SIMMONS: Yeah, we asked about it,
16 and they said the men were allowed, but we wasn't.

17 COMMISSIONER HICKS: Does the Chaplin
18 visit you?

19 MISS SIMMONS: No.

20 COMMISSIONER HICKS: Have you requested
21 to see a Chaplin?

22 MISS SIMMONS: No, I haven't.

23 COMMISSIONER HICKS: Do you have access
24 to a library, law books?

25 MISS SIMMONS: Yes.

1 COMMISSIONER HICKS: Law books?

2 MISS SIMMONS: No. The books down
3 there, they old.

4 COMMISSIONER HICKS: You realize that
5 you're entitled to have access to law books.

6 MISS SIMMONS: Yes.

7 COMMISSIONER HICKS: Do you understand
8 the written rules you were given?

9 MISS SIMMONS: Yes.

10 COMMISSIONER HICKS: Do you understand
11 that all of them are not effective, or were you
12 told?

13 MISS SIMMONS: About the laws of the
14 jail?

15 COMMISSIONER HICKS: Yes. The written
16 rules and regulations.

17 MISS SIMMONS: Yeah.

18 COMMISSIONER HICKS: You were told that
19 all of them were not effective?

20 MISS SIMMONS: Yeah, I know that.

21 COMMISSIONER HICKS: No further ques-
22 tions.

23 CHAIRMAN IRVING: Do you understand,
24 Miss Simmons, that the Constitution of New
25 Jersey says--this is Article I, Section 3: "No

1 person shall be deprived of the inestimable privi-
2 lege of worshiping Almighty God in a matter agree-
3 able to the dictates of his own conscience."

4 That doesn't say, except for people who are in
5 jail. All right? This is a right you have, afford-
6 ed by the Constitution of the State. The disturb-
7 ing thing is that we heard of the same thing in
8 Essex County, at the very time, we're trying to
9 rehabilitate and help people like yourself, and
10 if religion is one of the things that can help
11 straighten people out, denying people religious
12 services is extremely damaging.

13 Any other questions?

14 COMMISSIONER BROWN: I have one.

15 CHAIRMAN IRVING: This is Undersheriff
16 Brown from Ocean County.

17 COMMISSIONER BROWN: You indicated
18 that when the officers arrived to break up the
19 fracas that was going on, one of the girls threw
20 some Clorox at one of the guards?

21 MISS SIMMONS: Yes.

22 COMMISSIONER BROWN: This Clorox;
23 was it in a paper cup?

24 MISS SIMMONS: It was in a bottle.
25 I mean, in a plastic container.

1 COMMISSIONER BROWN: In a plastic
2 container with a--

3 MISS SIMMONS: Screw cap.

4 COMMISSIONER BROWN: Did they throw
5 it from the plastic container toward the officer,
6 or did she pour it in something and throw it?

7 MISS SIMMONS: No, she threw it out
8 of the container.

9 COMMISSIONER BROWN: All right, thank
10 you.

11 CHAIRMAN IRVING: I think there are
12 no other questions. We want to thank you for
13 coming, Miss Simmons, and hope that your sentence
14 is lenient, and that your future is very happy.

15 MISS SIMMONS: Thank you.

16 [Witness excused.]

17 CHAIRMAN IRVING: Officer, may we
18 have Mr. Willie Barnes, if he is here?

19 Sir, will you give this gentleman
20 your name?

21 W I L L I E B A R N E S, sworn.

22 CHAIRMAN IRVING: Mr. Barnes, will
23 you sit at that table, please, so that we can
24 talk with you?

25 Mr. Barnes, let me make sure you

1 understand who we are and what this is all about,
2 so you will feel comfortable, okay?

3 We have been asked by the State of
4 New Jersey to do a study of jails in New Jersey.
5 We are in Atlantic County today, and we were
6 here yesterday; we're talking to various people
7 about the Atlantic County Jail. So we would like
8 to ask you some questions. If you don't want to
9 answer them, that's all right. We want to ask
10 them not to embarrass you but to try to be help-
11 ful in understanding what the realities are at
12 the jail. Do you follow me?

13 MR. BARNES: Yes, sir.

14 CHAIRMAN IRVING: Now, Mr. Barnes, I
15 understand that you are an inmate at the Atlantic
16 County Jail?

17 MR. BARNES: Yes, sir.

18 CHAIRMAN IRVING: Do I understand that
19 you have been in a place called the hole?

20 MR. BARNES: Yes, sir.

21 CHAIRMAN IRVING: Would you describe
22 the hole for us?

23 MR. BARNES: It's a small room with a
24 bed, toilet facilities, no shower facilities.
25 You're not allowed out--you eat there, sleep

1 there. No recreation.

2 CHAIRMAN IRVING: How does it happen
3 that you were put in the hole?

4 MR. BARNES: I got in a fight with
5 some officers in the jail.

6 CHAIRMAN IRVING: What caused the
7 fight?

8 MR. BARNES: Well, I put in a request
9 slip on a Sunday to go downstairs to see the
10 sergeant. I went down to see the sergeant, and
11 I asked him could I have a phone call. He again
12 asked me who did I want to call, and I told him
13 I wanted to call Father Vince, and he asked me
14 for what purpose, and I told him it was private,
15 and I'd rather speak to him about it, and he told
16 me--he told me that no phone calls was allowed
17 to be given on weekends. So I asked him could
18 he call Father Vince for me, and he said no. So
19 I continued asking for a phone call for about a
20 half an hour, and he decided to call upstairs to
21 see, to have the officer check in the books to
22 see when the last time it was that I had a phone
23 call. So the officer told him six days ago.
24 So he still say I couldn't have the phone call.
25 So then I asked him, what was the purpose of

1 calling upstairs, finding out when the last time
2 I had the phone call was, when you wasn't going to
3 give me one? So then I said, aren't we allowed
4 to have religious rights in the jailhouse? If I
5 want to call a minister or priest, can't I call
6 him, or you call him for me, and he said something
7 about the State--I don't recall exactly his words
8 on that, but anyway, he still refused to give me
9 the phone call, along with another officer that
10 he was speaking about the phone call to, that he
11 denied me the phone call.

12 CHAIRMAN IRVING: Let me ask you this
13 for a moment, since it occurs to me. Are the
14 inmates at the jail able to attend religious
15 services?

16 MR. BARNES: It seems as though they're
17 not. Like, I have never seen no religious ser-
18 vice in there, in all the time that I've been there.

19 CHAIRMAN IRVING: You've not seen any
20 religious services in all the time you've been
21 there?

22 MR. BARNES: No, sir.

23 CHAIRMAN IRVING: And how long have
24 you been there?

25 MR. BARNES: I've been there now since

1 February 20th.

2 CHAIRMAN IRVING: Since February 20th
3 of this year?

4 MR. BARNES: This year.

5 CHAIRMAN IRVING: Have the inmates
6 ever asked to have religious services?

7 MR. BARNES: Some of the ones that I
8 know of, some of the Muslim brothers in the jail
9 have asked to have services in the jailhouse,
10 you know, and they requested to have their liter-
11 ature come in.

12 CHAIRMAN IRVING: And were they able
13 to have religious services?

14 MR. BARNES: Well, I can't speak on
15 that, because I don't know if they were allowed
16 to have none or not. I'm not sure.

17 CHAIRMAN IRVING: There's never been
18 a notice sent around, indicating, that, on Sunday,
19 there will be a religious service for those who
20 want to attend?

21 MR. BARNES: I've never seen one, my-
22 self.

23 CHAIRMAN IRVING: Let me go back to
24 this other incident. Now, when you were denied
25 the use of the phone call, an argument broke out,

1 I take it?

2 MR. BARNES: No. An argument didn't
3 break out. I was moved from the first floor to
4 the second floor, where I house at, and I refused
5 to go in when I got upstairs, because I wanted a
6 phone call, and the officers locked the doors,
7 and said, you know, you're not going in, you're
8 going downstairs in the hole, and so I backed up
9 against the wall, I think there was four officers
10 on the floor at that time, and I said, the
11 officer said, well, you're going in the hole.
12 So I backed up against the wall, and then I
13 said, well, if you don't put your hand on me, I
14 won't put my hand on you, although I knew that
15 I was going down in the hole, and I wanted to go
16 there for a purpose, you understand. The purpose
17 I was going there for, I wanted to see Father
18 Vince to explain it to him. I couldn't explain
19 it to the jail officials at that present time.
20 So then, the officer called downstairs for them
21 to bring the Mace and the sticks up. So it
22 was about fifteen minutes before they got up
23 there with it, you know, and during that time,
24 one of the officers decided to take it upon
25 himself to take me to the hole on his own, you

1 know, and during that, he kicked me in my privates,
2 and then I came out of my shell and said, you know,
3 if he's going to kick me, which I know that that's
4 not the way you're supposed to subdue an inmate,
5 by kicking him in the privates or using your hands
6 as far as physically beating him, so I defended
7 myself against the three officers, and then, dur-
8 ing the time we was going at it, one of the offi-
9 cers got their finger broke or hurt or whatever
10 it was, and then, later, the officers came up-
11 stairs with the sticks, and I just gave up, you
12 know. Like, I didn't exactly give up. This is
13 what I wanted. I was going downstairs, anyway.
14 So one of the officers tried to hit me with a mop,
15 and the sergeant had to tell him to put it down,
16 and as they was taking me out in the hallway, I
17 got outside the elevator, the officer who broke
18 his finger, he shoved me while the other officers
19 was rolling me with the sticks and Mace, and he
20 started to hit me in the face. So I said, if
21 you want to fight me, tell your officers to get
22 off me, and we'll have a fair one. The sergeant
23 had to come out and break that up. When we got
24 down to the hole, the sergeant opened the door,
25 and I was talking to him, the same officer that

1 was beating on me, he came running through the
2 crowd to attack me, and the sergeant told them to
3 hold him back, that he would take care of it.
4 So then, the sergeant told me that I would have
5 a hearing, you know, later on. Just go ahead
6 in the hole.

7 CHAIRMAN IRVING: How many officers
8 were in that group that you say ganged up on
9 you with Mace and sticks?

10 MR. BARNES: The officers that had
11 the Mace and the sticks, they didn't gang up
12 on me, they was doing their job, as far as coming
13 upstairs with the Mace and the sticks.

14 CHAIRMAN IRVING: They didn't use
15 them on you?

16 MR. BARNES: They didn't use them
17 on me at all. It was just the officer that
18 attacked me, you understand, by kicking me in
19 my privates, you understand, while another offi-
20 cer jumped on me, you know, and like one officer
21 was standing over top of me with a garbage can,
22 telling the other officers to get back, that he
23 was going to bust me in my--he said some foul
24 language I'd rather not say, and as the garbage
25 can was coming down at me, I sidestepped and

1 punched him in the face, and a few minutes later,
2 like I said, the sticks came upstairs.

3 CHAIRMAN IRVING: Do you know when it
4 was that you were put in the hole?

5 MR. BARNES: It was on a Sunday, but
6 I don't remember the date.

7 CHAIRMAN IRVING: How many weeks ago,
8 would you think?

9 MR. BARNES: I got out of the hole
10 last week. I was in the hole for two, two and
11 a half weeks.

12 CHAIRMAN IRVING: You were in the hole
13 for two and a half weeks.

14 MR. BARNES: That's right.

15 CHAIRMAN IRVING: Do I understand
16 your testimony to mean, Mr. Barnes, that for
17 two and a half weeks, you had no exercise; you
18 left the cell only to take a shower?

19 MR. BARNES: Yes, sir.

20 CHAIRMAN IRVING: Was there any
21 chance for you to have a hearing? Was there any
22 hearing to determine whether what you were charged
23 with doing was the fact? Do you understand
24 what I'm trying to ask you? Was there any hearing
25 about whether you wanted to stay in the hole for

1 two and a half weeks?

2 MR. BARNES: No. There was no hearing
3 on that. Like, I spoke to the Warden and the
4 Undersheriff, you know, and I--then there was--
5 what was about to happen, that I explained it to
6 them, and they felt that it was time for me, you
7 know, to come out of the hole, that I had spent
8 enough time in there, but I would still have to,
9 you know, go to disciplinary hearing as soon as
10 it could be arranged, you know, that all the people
11 would be there at once, they could have the hearing.

12 CHAIRMAN IRVING: Is the hole frequently
13 used as a means of discipline for the male in-
14 mates, do you know?

15 MR. BARNES: On one shift. The morning
16 shift.

17 CHAIRMAN IRVING: The morning shift
18 uses the hole?

19 MR. BARNES: Yes, sir. The majority
20 of the inmates that go in the hole is black,
21 and they go in on the morning shift, cause the
22 officers there, they really shouldn't be working
23 in the jailhouse. Like, they were trained to be
24 officers, but their attitudes wasn't trained,
25 which they can't be trained.

1 CHAIRMAN IRVING: Can you explain that
2 a little more? These are officers that you think
3 ought not to be employed there?

4 MR. BARNES: Don't get me wrong. I'm not
5 speaking of all officers, I'm just speaking of
6 certain officers in the jail house that work on
7 the dayshift, and they go around harassing people
8 and try to take things in their own hands, in-
9 stead of relaying a message to the sergeant or
10 warden or undersheriff, somebody that can take
11 care of it. They just nix you off, and they
12 have a very prejudiced attitude, and they get
13 very foul.

14 CHAIRMAN IRVING: They use provoca-
15 tive language?

16 MR. BARNES: Yes, sir.

17 CHAIRMAN IRVING: What do you mean,
18 they take things in their own hands? Would you
19 call it assaulting an inmate?

20 MR. BARNES: I would call it assaulting
21 an inmate. If I put my hands on an officer in
22 any way, by pushing him, that is assault, and I
23 had an officer in the jailhouse that did this to
24 me, and I had almost to fight him four times al-
25 ready, and I walked into the sergeant's office,

1 and asked him to please tell this officer to leave
2 me alone, I don't want to have a fight with him,
3 and that was the second time it happened, and
4 then it happened two more times after that, you
5 know, and, like, he's the type of individual that
6 I don't like, and I don't like to fight people
7 that I don't like, because, I want to hurt him.

8 CHAIRMAN IRVING: I see. I take it from
9 your testimony that a person who wants to look
10 into these comments you've made could rather
11 quickly identify who these officers are because
12 of the shift they work on, and because of the--

13 MR. BARNES: Not only because of the
14 shift they work on, it's because of complaints
15 by the inmates that have been put in. One of
16 these particular officers has been moved off the
17 second floor in the jailhouse because of his
18 actions that he takes up there, and his foul
19 language that he uses towards the inmates, and
20 they put him downstairs in the corridors, and
21 he still does the same thing, and these incidents
22 is always happening with him in the jailhouse,
23 where inmates want to assault him behind his
24 actions.

25 CHAIRMAN IRVING: Are you saying that

1 the personality of some of these men is such
2 that they really don't belong in these jobs?

3 MR. BARNES: They really don't belong
4 in those jobs behind the fact that they can cause
5 almost every inmate in the jail to get hurt be-
6 hind the fact that if a riot break out, the
7 officers, they're all white, and just by a white
8 officer messing with a black inmate the wrong
9 way, there might be a white dude in the block,
10 and he would get what the officer should get.
11 There's white inmates in that jail, they haven't
12 eaten in eight days.

13 CHAIRMAN IRVING: You mean the black
14 inmate will take the food from the white inmate?

15 MR. BARNES: Take it from them. Take
16 their store, too. I have brought this to the
17 attention of the warden and the undersheriff,
18 but, like, what they say is true, you know, if
19 no one confronts them with it, what can they do
20 about it? But still, if they get the bad apple
21 out of the basket, the whole basket won't go
22 bad, and this is the kind of problem that occur
23 in that county jail.

24 CHAIRMAN IRVING: Do you think it
25 often happens that a white inmate will go three

1 or four days without food?

2 MR. BARNES: Well, I've known it to
3 happen, since I've been there several times. In-
4 mates get beat up, you know. I have also asked
5 the warden that the sergeants should screen the
6 inmates out a little better than what they do
7 when they come in, like, you know, have different
8 blocks for different charges, armed robbery or
9 homicide or something like that, in different
10 blocks, you know.

11 CHAIRMAN IRVING: Mr. Barnes, could
12 I ask you about one other matter? That has to
13 do with medical care.

14 If you, today, go back to the jail,
15 and you ask for a doctor, how long do you think
16 it will take before you see one of the jail
17 doctors?

18 MR. BARNES: Tomorrow. If he don't
19 come in tomorrow, or if he do come in tomorrow,
20 and he don't want to see me, he won't see me,
21 you know.

22 CHAIRMAN IRVING: Have you ever
23 requested a doctor, and had to wait several days
24 for one?

25 MR. BARNES: Well, today, I went down

1 to the doctor and I been requesting for three
2 days to see the doctor, you know, and I want
3 to see him about a bland diet, because I been
4 on a bland diet for three years because of my
5 stomach, and they only feed you cereal there,
6 corn flakes, three times a day, seven days a
7 week, and today was my second time I approached
8 the doctor about this cereal, whereas, I seen
9 other inmates in the jailhouse getting eggs
10 that was on a bland diet, raw eggs, and cheese,
11 and I asked him about it. Well, you told me
12 that you could only get cereal, why are they get-
13 ting eggs, and he said, he don't know, he must
14 know somebody down in the kitchen. So you find
15 out the person they rapping to down in the kit-
16 chen and see what they can do for you. Me, per-
17 sonally, I don't feel I should have to do that
18 when I'm on a bland diet. So I went directly
19 to his office to the warden, and told the warden
20 what he told me and the warden called me down
21 to the kitchen, and at lunch time this afternoon,
22 they had raw eggs.

23 CHAIRMAN IRVING: I have one last
24 question. When the various inmates ask for
25 medicine, and the medicine is given to them,

1 have you noticed that the same kind of medicine
2 tends to be given?

3 MR. BARNES: I'm not a druggist. I
4 don't know anything about medicine.

5 CHAIRMAN IRVING: Do they give medicine
6 in pill form or liquid form?

7 MR. BARNES: Pill form and liquid.

8 CHAIRMAN IRVING: What color is the
9 liquid?

10 MR. BARNES: Red, white. Some is orange.

11 CHAIRMAN IRVING: Do you know what the
12 red liquid is?

13 MR. BARNES: It's a drug for sleeping.
14 For sleeping, that's what they give it to you
15 for, sleeping.

16 CHAIRMAN IRVING: Can you get it at
17 night, if you say you want something to sleep?

18 MR. BARNES: You tell the doctor you
19 have problems sleeping, you know, he'll give you
20 a drug. But, see, actually, the drugs given out
21 in the county jail for sleeping, it's really
22 not necessarily behind the fact if the inmates
23 is getting the proper exercise they should get,
24 they shouldn't need no tranquilizers to go to
25 sleep at night.

1 CHAIRMAN IRVING: Now, can an inmate
2 who has had a tranquilizer to go to sleep at night
3 also get a tranquilizer in the morning?

4 MR. BARNES: Some of them give it to
5 them two times a day.

6 CHAIRMAN IRVING: Does anyone get
7 it three times a day?

8 MR. BARNES: Not that I know of.
9 Medication only comes around twice a day, morning
10 and night.

11 CHAIRMAN IRVING: So this medication
12 that you can get at night and again in the morning,
13 is a red medication that's a tranquilizer?

14 MR. BARNES: It's red liquid, and some
15 of it is white, and orange.

16 CHAIRMAN IRVING: Judge Deltufo?

17 COMMISSIONER DELTUFO: You indicated
18 this was not the first time you had been in the
19 Atlantic County Jail. You had been there before?

20 MR. BARNES: Yes. Only two days, the
21 first time I was there. I got out on bail.

22 COMMISSIONER DELTUFO: Other than
23 that, you have not been in jail--

24 MR. BARNES: Atlantic County?

25 COMMISSIONER DELTUFO: Yes.

1 MR. BARNES: No, I haven't been in
2 the Atlantic County Jail, but two times.

3 COMMISSIONER DELTUFO: Other jails?

4 MR. BARNES: Yes.

5 COMMISSIONER DELTUFO: Why do you
6 feel you keep going into jails? Have you ever
7 thought about that?

8 MR. BARNES: Before I answer that
9 question, could I ask you a question?

10 COMMISSIONER DELTUFO: If you like.

11 MR. BARNES: What does that have to
12 do with the Atlantic County Jail?

13 COMMISSIONER DELTUFO: Well, it
14 may help. When you go into a jail, it is not
15 only to be housed there, but to be given some
16 sort of training and skill, so that when you come
17 out, you're not likely to go back in again.

18 MR. BARNES: Well, there's no vocational
19 schools there.

20 COMMISSIONER DELTUFO: Well, is that
21 a reason why you keep going back to jail. You
22 have no vocational training? Do you feel that
23 that's the problem?

24 MR. BARNES: No, I couldn't honestly
25 say that, because I do have vocational training.

1 COMMISSIONER DELTUFO: Why do you feel
2 you keep going back to jail?

3 MR. BARNES: I've asked myself that
4 question many times. I haven't answered it yet.

5 COMMISSIONER DELTUFO: Do you feel
6 that you haven't been able to come to grips with
7 that answer, or have that question answered for
8 you?

9 MR. BARNES: Well, I can say that I
10 haven't had the chance to really do what I'm
11 able to do.

12 COMMISSIONER DELTUFO: What do you
13 feel you are able to do?

14 MR. BARNES: Well, I'm a classified
15 welder. I'm a mason. Landscaper. Painter.

16 COMMISSIONER DELTUFO: Why haven't
17 you been able to do that?

18 MR. BARNES: Well, before I got locked
19 up, I did have my own business, landscaping.

20 COMMISSIONER DELTUFO: Then you were
21 able to do one of the things that you thought
22 you were capable of doing?

23 MR. BARNES: Yes, sir.

24 COMMISSIONER DELTUFO: But you still
25 went back?

1 MR. BARNES: Yes. I was gradually
2 getting out of crime.

3 COMMISSIONER DELTUFO: What do you
4 do when you're in the prison during the day; for
5 example, what's your daily routine in the three
6 months you've been in the Atlantic County Jail?

7 MR. BARNES: Well, there's nothing
8 really to do but watch T.V., play cards, and I'm
9 not, for one, and a lot of people there is not
10 one for watching T.V. all day long.

11 COMMISSIONER DELTUFO: Well, are there
12 any programs available for you?

13 MR. BARNES: Well, the programs, every-
14 body can't get in them, you know? They don't
15 have the large enough area for everybody to be
16 involved in them programs that they do have at
17 the county jail.

18 COMMISSIONER DELTUFO: Have you request-
19 ed to go into the specific programs? Are you,
20 first of all, aware of the programs that are
21 available?

22 MR. BARNES: Yes, I'm aware of them.

23 COMMISSIONER DELTUFO: Have you request-
24 ed to go into a specific program?

25 MR. BARNES: Yes, I've requested to go

1 into a program, but I never got an answer back
2 on it.

3 COMMISSIONER DELTUFO: Which program
4 is that?

5 MR. BARNES: It's working around the
6 building, like building maintenance.

7 COMMISSIONER DELTUFO: Are there any
8 educational type programs available?

9 MR. BARNES: Yes. They have schooling.

10 COMMISSIONER DELTUFO: You have a high
11 school degree, high school diploma?

12 MR. BARNES: No, I don't.

13 COMMISSIONER DELTUFO: Are there high
14 school equivalency programs available to you?

15 MR. BARNES: The Atlantic County Jail?

16 COMMISSIONER DELTUFO: In the county
17 jail.

18 MR. BARNES: I think there is, I'm not
19 sure.

20 COMMISSIONER DELTUFO: Have you re-
21 quested to go into that program?

22 MR. BARNES: I never expected to stay
23 in the Atlantic County Jail that long. I came
24 down February 20th, and I was supposed to go to
25 trial March 1st, and trial has been on my mind

1 more than anything else, but also, you know,
2 there's things around that go on which you
3 can't help but to see.

4 COMMISSIONER DELTUFO: How did the
5 conditions at the Atlantic County Jail compare
6 to the other jails that you've been in?

7 MR. BARNES: Well, every jail has
8 problems, but they don't have the same problems.

9 COMMISSIONER DELTUFO: Do you think
10 this jail has about the same problems the other
11 jails have? More or less?

12 MR. BARNES: I couldn't say more or
13 less, because another county jail may have a
14 problem that's bigger than all Atlantic County's
15 problems, put together.

16 COMMISSIONER DELTUFO: How is the food?
17 Well, you did complain about the
18 special diet.

19 How about mail and visiting. Do you
20 have any problems with that?

21 MR. BARNES: Well, inmates in the jail
22 feel that, you know, the mail should be sealed
23 going out, and only opened and checked on coming
24 in. But, like, the mail, when you write a let-
25 ter, you have to send it out open, you know,

1 and they go through it, and, like, they say it's
2 for if you send a letter to another jail, you
3 can send some contraband in, which any jail you
4 send a letter to in New Jersey, the mail is
5 censored, or out of the State, the mail is cen-
6 sored. So if it was any contraband in there, they're
7 going to find it, understand? So there's no
8 purpose, there's no reason for --

9 COMMISSIONER DELTUFO: Is it regular
10 procedure that all mail that goes out of Atlantic
11 County Jail is open; it goes out open?

12 MR. BARNES: It goes out open. They
13 seal it themselves. Instead of the inmate sealing
14 it, they seal it.

15 COMMISSIONER DELTUFO: How about
16 visiting privileges? Are you satisfied
17 with the amount of visiting privileges allowed,
18 or the conditions under which you are allowed
19 to visit?

20 MR. BARNES: Then again, inmates
21 feel that the visiting should be seven days a
22 week.

23 COMMISSIONER DELTUFO: Visiting should
24 be seven days a week?

25 MR. BARNES: Yes. It's only Saturday

1 and Sunday now, and contact visits, seems like
2 Atlantic County Jail doesn't really have the area,
3 large enough area, facilities to have contact
4 visits at the present time.

5 COMMISSIONER DELTUFO: Thank you.
6 I have no further questions.

7 CHAIRMAN IRVING: Do you have any
8 questions, Mrs. Hicks?

9 COMMISSIONER HICKS: I yield to
10 Mr. DeMarino.

11 COMMISSIONER DE MARINO: What charge
12 are you in for?

13 MR. BARNES: I'm ready to be charged
14 on a B and E charge.

15 COMMISSIONER DE MARINO: Breaking
16 and entry?

17 MR. BARNES: Yes.

18 COMMISSIONER DE MARINO: And you say
19 you've been in since--

20 MR. BARNES: February 20th.

21 COMMISSIONER DE MARINO: And you're
22 awaiting trial. No plea has been set up or
23 anything like that?

24 MR. BARNES: The plea is not guilty.

25 COMMISSIONER DE MARINO: You said

1 that there were no black guards. Is that
2 correct? There are no black guards in the jail?

3 MR. BARNES: Yes, there is black
4 guards in the jail.

5 COMMISSIONER DE MARINO: Oh, I mis-
6 understood you. I thought you said that there
7 are none.

8 MR. BARNES: No, there's black guards,
9 but they don't go around harassing people like
10 other guards. You know, they do get in some--
11 they do have their differences with inmates,
12 you know, but not as frequently as some of the
13 other officers.

14 COMMISSIONER DE MARINO: Well, all
15 of the white guards; do all of them--

16 MR. BARNES: I didn't say all of them.

17 COMMISSIONER DE MARINO: Then I
18 misunderstood you. What you're telling me is,
19 you don't have problems with the black guards,
20 and there's only one or two of the white guards
21 that you have problems with, because they agi-
22 tate?

23 MR. BARNES: Yes, sir.

24 COMMISSIONER DE MARINO: I misunder-
25 stood you, I'm sorry.

1 On the mail, you're aware of the
2 fact, or perhaps you're not aware of the fact
3 that they can search mail coming and going strict-
4 ly for contraband, but not censorship. You said
5 censorship. That's no longer allowed, to censor
6 mail.

7 MR. BARNES: Well, speaking to that,
8 you know, like legal mail coming into the jail-
9 house is not supposed to be opened. It's supposed
10 to be opened in front of you. Inmates get legal
11 mail that's already opened when they get it.

12 COMMISSIONER DE MARINO: Have you gotten
13 some legal mail that was opened?

14 MR. BARNES: Have I?

15 COMMISSIONER DE MARINO: Yes. Do
16 you know for a fact that you got some legal mail
17 that was opened?

18 MR. BARNES: No, I didn't get any
19 legal mail that was opened, but other people have
20 gotten legal mail in the institution that has
21 been opened before they got it.

22 COMMISSIONER DE MARINO: From their
23 attorneys?

24 MR. BARNES: From their attorneys,
25 from other people, other legal people.

1 COMMISSIONER DE MARINO: Now, let
2 me ask you this: Did anyone ever bring that
3 complaint forward, or write to the Judge about it?

4 MR. BARNES: Not that I know of. They
5 never wrote to the Judge about it, but it was
6 to be brought up down here today.

7 COMMISSIONER DE MARINO: Has anyone
8 ever written a letter to the Judge; an inmate,
9 you know, bypassing everyone, the Sheriff, the
10 whole bit, the Warden, and directing it to the
11 Judge?

12 MR. BARNES: Well, as I understand it,
13 in Atlantic County, you can't write to the news-
14 paper or people on the outside that will have
15 anything done about a county jail, because the
16 letter won't get out.

17 COMMISSIONER DE MARINO: One final
18 question. What do you think is the most impor-
19 tant thing that should be done?

20 MR. BARNES: In the Atlantic County
21 Jail? I think the inmates shouldn't have to
22 wait in that jail as long as they do for trial.
23 If the Prosecutor feels they are guilty, take
24 them to trial. They shouldn't have to wait over
25 there the way that they do. They're supposed to

1 be innocent until proven guilty, but it seems as
2 though in there, you're guilty until you're proven
3 innocent. And like, you know, you're supposed to
4 be treated just like an individual on the street,
5 but you're not, you know, and I think that's one
6 of the most important things in being able to
7 discuss your case with your lawyer, behind the
8 fact the Public Defenders over there, they may
9 come over and see you for five minutes, and next
10 thing you know, you're in court. You never seen
11 again until it's time for court. You're picking
12 a jury.

13 CHAIRMAN IRVING: Mr. Barnes, I want
14 to thank you very much for coming today, and
15 appearing before us.

16 UNDERSHERIFF CARTIER: Mr. Chairman,
17 I don't know whether this is proper or not, but
18 yet, I know the fact was brought up that they
19 were held for quite a bit of time. This was one
20 of the individuals that was brought down on a writ
21 from State Prison, February 20th, and I think it
22 would be very important for the Commission to hear
23 his story why he was brought down and what he's
24 been doing since he's been there. I think that's
25 important.

1 CHAIRMAN IRVING: Want to tell us a bit
2 about that?

3 MR. BARNES: I was remanded over Feb-
4 ruary 20th for court on March 1st. When I got
5 down there the 20th, the first came around, I
6 didn't see anyone from the court, the Prosecutor
7 or a lawyer. I stayed there about a month before
8 I seen anyone at all, and the lawyer, he stated
9 that he had about ten minutes, and I haven't seen
10 him again. I seen a lawyer last week, another
11 lawyer took the case over, and I was supposed to
12 go to court today, and the case has been scheduled
13 three times, four times, now, already, since
14 February 21st.

15 CHAIRMAN IRVING: Do I understand you
16 were remanded to this jail from the State jail?

17 MR. BARNES: Yes, sir.

18 CHAIRMAN IRVING: And that happened in
19 February?

20 MR. BARNES: That happened in February.

21 CHAIRMAN IRVING: Presumably, you
22 were remanded here because your trial was ready
23 to begin here?

24 MR. BARNES: The trial was ready to
25 begin here, right.

1 CHAIRMAN IRVING: So you are here, and
2 you are losing credit time?

3 MR. BARNES: So far, I've lost 30 days
4 of worktime and about one hundred and some dollars
5 of work money.

6 CHAIRMAN IRVING: But I take it your
7 testimony is the food is so good here, that you
8 don't mind.

9 [Laughter]

10 I'm being facetious. We're trying,
11 Mr. Barnes, seriously, to understand what happens
12 when an inmate comes from a State Prison to a
13 county jail and then has to wait, and loses good
14 time as a result of--

15 MR. BARNES: It's so much of good time,
16 and the fact is that the county jail is boring;
17 you only have so much room to move around. You
18 can't go out in the yard when you want to. It's
19 not an every day thing, go out in the yard. As
20 I understand it, there's recreational facilities
21 right inside the jailhouse there, but all the
22 time we've been there, we never went to the
23 recreation room, because of lack of Sheriff's
24 officers, I understand, to guard us.

25 CHAIRMAN IRVING: Sheriff Brown?

1 COMMISSIONER BROWN: I changed my mind,
2 finding out that he was an inmate here on a writ.

3 Forgetting that you're a prisoner of
4 the State system, temporarily, if you can, I'm
5 going to pose a hypothetical condition for you.
6 If you had a choice to be in the county system or
7 in the State system, at this present time, forget-
8 ting about your case, now, try to forget that
9 you're losing time, if you can possibly adjust
10 your thinking to a point of, let's say, right now,
11 you're arrested, and the officer should say to you,
12 all right, now, you're under arrest. This is the
13 first time you've been arrested, and knowing what
14 you know about the county system and all that
15 you know about the State system, you had a choice
16 to go to either the county or the state, where
17 would you like to go?

18 MR. BARNES: I would rather go to
19 the State.

20 COMMISSIONER BROWN: Because of the
21 recreation, because of the food? Is the food
22 better in the State system?

23 MR. BARNES: I wouldn't say your food
24 is better. The food is, as far as the State is
25 concerned, about feeding, it's terrible, you

1 know, but you don't have to go through the harass-
2 ment that you go through in the County Jail. You're
3 not limited to, restricted to the tier, you know.
4 You're allowed to move about. The prison in
5 Yardville, Bordentown or Annandale, to me, they're
6 more like a county jail than the county jails,
7 actually. You can have more freedom there than
8 you do in the county jail, and you're a convicted
9 prisoner up there.

10 COMMISSIONER BROWN: What you're saying
11 is that time is tougher to do in a county institu-
12 tion than it is actually in a state institution.

13 MR. BARNES: What I am saying is,
14 the county jail is like you're convicted already
15 and doing time there.

16 COMMISSIONER BROWN: So if you had
17 a choice, if you were arrested right now, you
18 would say, all right, take me to the State;
19 is that right?

20 MR. BARNES: Yes, sir.

21 COMMISSIONER BROWN: All right.

22 Thank you.

23 CHAIRMAN IRVING: Mr. Barnes, Thank
24 you very much for coming to speak to us today.
25 We wish you good luck.

1 [Witness excused.]

2 CHAIRMAN IRVING: We'd like Mr. Robert
3 Lyons, please, if he is outside.

4 R O B E R T L Y O N S, sworn.

5 CHAIRMAN IRVING: Mr. Lyons, would
6 you be seated, please?

7 Mr. Lyons, may I explain to you very
8 briefly what we are doing here today. The State
9 of New Jersey asked us to do a study of jails
10 in the State. We came here yesterday to Atlantic
11 County. We're looking at the jail in Atlantic
12 County, we're talking to people like yourself,
13 who may have something to tell us about the jail.
14 You don't have to tell us anything if you don't
15 want to. However, our interest is, of course,
16 in your own situation, but also in trying to make
17 recommendations to the State and to the county
18 to improve on any conditions that are deficient.
19 Do you understand what I'm saying?

20 MR. LYONS: Yes, I do.

21 CHAIRMAN IRVING: Would you tell me,
22 Mr. Lyons, how long you have been at the Atlantic
23 County Jail?

24 MR. LYONS: I've been incarcerated at
25 the Atlantic County Jail for six months now.

1 CHAIRMAN IRVING: You've been there
2 for six months, now?

3 MR. LYONS: I came in January.

4 CHAIRMAN IRVING: Has your case come
5 up for trial?

6 MR. LYONS: Yes, it has. It came
7 up last month. I'm awaiting sentencing.

8 CHAIRMAN IRVING: Your case came up
9 last month. It was in April?

10 MR. LYONS: April.

11 CHAIRMAN IRVING: So that you waited
12 January, February, March, and what, about mid-
13 April, was it?

14 MR. LYONS: Yes.

15 CHAIRMAN IRVING: So you feel you
16 waited three and a half months for your case to
17 come up?

18 MR. LYONS: Yes.

19 CHAIRMAN IRVING: Do you think that
20 you had a speedy trial, as the State Constitution
21 entitled you to?

22 MR. LYONS: No, I don't feel I had a
23 speedy trial.

24 CHAIRMAN IRVING: Do you have any
25 idea why you didn't get a speedy trial?

1 MR. LYONS: I have no idea why.
2 They said there was a court backlog. They had a
3 backlog of cases. This is why the case didn't
4 come up.

5 CHAIRMAN IRVING: By them, you mean
6 the jail guards?

7 MR. LYONS: The Public Defenders.

8 CHAIRMAN IRVING: The Public Defenders
9 said there's a case backlog, and that's why your
10 case didn't come up? Are you aware that there
11 are two judgeships vacant here in this county now?

12 MR. LYONS: Yes, I am.

13 CHAIRMAN IRVING: And those vacancies
14 have apparently existed for some period of time?

15 MR. LYONS: To my knowledge, yes.

16 CHAIRMAN IRVING: Mr. Lyons, is there
17 anything you would especially like to tell us
18 about some needs at the county jail that you have
19 witnessed, in the several months you've been in
20 the jail?

21 MR. LYONS: Yes, there are.

22 CHAIRMAN IRVING: Please tell us.

23 MR. LYONS: Well, they have these needs.
24 They have to do with recreation and medical
25 attention; outgoing mail in the jail, and in gener-

1 al, the condition in jail.

2 We live in--we're housed in sixteen
3 men to a dormitory, and they have open commodes and
4 open sinks and showers, which is, in my opinion,
5 it's a hazard to your health, bad for your health.
6 We are not allotted a great deal of time outside
7 in the yard. During the months I've been there,
8 the cold months, we didn't go out at all. As it
9 started to warm up, we went out once a week, twice
10 a week, something like this, and as far as speak-
11 ing on the sanitary conditions, they're very poor.
12 They have, like I said, open commodes, and there's
13 sixteen fellows housed in one dormitory. Every-
14 one has to use these commodes, and they don't use
15 disinfectant to keep these commodes clean, and
16 at times, they back up, and we have a stench in
17 the dormitory. We feel this is bad for the health,
18 and stuff like this.

19 As far as like about mail, ingoing,
20 out, I understand that all mail coming into the
21 institution must be censored first. They also
22 censure the mail going out from Atlantic County.
23 The inmates feel they should be able to close
24 their mail coming out. We can't get any con-
25 traband to send out, it's very unlikely that there

1 will be any contraband going out, and in the
2 springtime, when everybody goes out to work, I've
3 seen officers reading inmates' letters. Also--

4 CHAIRMAN IRVING: May I just interrupt
5 you a moment? You mentioned a concern about
6 medical care. That's an area that I have a spec-
7 ial interest in. Would you elaborate on that?

8 MR. LYONS: Yes. The medical attention,
9 it varies from time to time. Sometimes, you get
10 the doctor, other times, you can't. There have
11 been times, like a man had an abscess, and I
12 spoke to the officer about it, and it took me
13 several hours just to take him to the hospital
14 to see about this abscess. During this time,
15 there was a little friction between the officer
16 and the inmate, because he was in pain, and
17 they passed from the hospital to the doctor's
18 office, and the dentist that they have there
19 wasn't all that--he only does extractions, he
20 doesn't do fillings. If you have a toothache,
21 you have to have a tooth extracted, whether
22 it's worth saving or not.

23 CHAIRMAN IRVING: Have you ever asked
24 for any medication to help you sleep at night?

25 MR. LYONS: Yes, they give you medi-

1 cation to help you sleep at night.

2 CHAIRMAN IRVING: What does it look
3 like, sir?

4 MR. LYONS: Medication that is red
5 and pinkish in color.

6 CHAIRMAN IRVING: Is it solid or
7 liquid?

8 MR. LYONS: It's in a liquid form.

9 CHAIRMAN IRVING: It's red and it's
10 liquid?

11 MR. LYONS: Yes, it is.

12 CHAIRMAN IRVING: You get that at
13 night, just by requesting something--

14 MR. LYONS: You have to go down to
15 the doctor and tell him--there's a lot of personal
16 problems, or whatever is causing you to have in-
17 somnia, keeps you awake at night, and the doctor
18 will prescribe it for you. The medication just
19 isn't given to you because you say you can't
20 sleep. It's distributed by the officers. At
21 one time, there were nurses coming around, but
22 female nurses and fellows don't mix, and you
23 have the temperatures rising, frictions. So
24 when you're awake in the morning, you get some
25 medicine, and you feel like home and you're

1 walking around in your underwear, and if the
2 nurses are there, they seem to take an attitude
3 about getting dressed in the morning to get their
4 medication. So now, they have officers to give
5 medication.

6 CHAIRMAN IRVING: Can you get some-
7 thing to quiet your nerves in the morning?

8 MR. LYONS: Yes. The doctor prescribes
9 that, also, and most medication given in jail has
10 to be prescribed by the physician.

11 CHAIRMAN IRVING: By the physician?

12 MR. LYONS: Yes. Otherwise, you don't
13 get any medication.

14 CHAIRMAN IRVING: Have you seen the
15 same inmate get this red liquid medicine both in
16 the evening and again in the morning?

17 MR. LYONS: Yes. It's given twice a
18 day, in the morning, and in the evening.

19 CHAIRMAN IRVING: Have you ever seen
20 this red liquid medicine used to quiet down an
21 unruly or unsettled person?

22 MR. LYONS: We have different types
23 of medication. As they vary from--depending
24 on how violent the inmate is, they have different
25 names for the medication.

1 CHAIRMAN IRVING: What I'm getting at,
2 Mr. Lyons, is that the Grand Jury, last summer,
3 indicated that it disapproved very strongly of
4 having drugs used to tranquilize unruly inmates,
5 and I'm wondering if that still goes on--

6 MR. LYONS: See--excuse me. It stems
7 from some of the inmates that are coming into
8 the county jail having been addicted to hard
9 narcotics, heroin, and they're not allowed to
10 dispense Methadone, and they give this to them,
11 in the process of withdrawal, and it continues
12 if you request it, if you can't sleep. As far
13 as being unruly, you have to be more explicit
14 there.

15 CHAIRMAN IRVING: Well, what I was
16 getting at, if guards come upon an inmate who is
17 acting up, he's loud and maybe abusive, have you
18 seen it happen that the red liquid medicine will
19 be given to that inmate to quiet him down?

20 MR. LYONS: No, not to my knowledge.

21 CHAIRMAN IRVING: You haven't seen
22 that?

23 MR. LYONS: No, unless I was down
24 the hospital, or where they took him down to the
25 hole. In the dormitory, there isn't any kind of

1 cohesion with the inmates and the officers there.
2 They just don't go about it in the right way.
3 I feel this way about it. I think that the offi-
4 cers have some kind of training, whereas, the
5 officers that they have there now, if you were
6 an officer and I was an inmate, and I requested
7 something, and you tell me to wait a minute, I
8 would be standing there waiting for you to
9 come back, if you don't come back, this is how
10 verbal arguments start.

11 CHAIRMAN IRVING: Mr. Lyons, if I
12 were admitted to the Atlantic County Jail today,
13 and I told the doctor that I was on drugs, and
14 I was going through withdrawal, could I get this
15 red liquid medicine without having a physical
16 examination? Would they take my word for it,
17 on withdrawal?

18 MR. LYONS: This depends, see. Like,
19 I was addicted to heroin three years ago, and
20 the first time I ever kicked it was last year,
21 and I was locked up last year, and I didn't have
22 a regular, physical examination, and the doctor
23 that saw me, I told him I was going through
24 withdrawals, and he saw the tracks on my arms
25 and he gave me medication. Last year, they had

1 pills. This year, they had the red liquid, and
2 they gave it to me.

3 CHAIRMAN IRVING: Have you felt that
4 you had licked the addiction problem?

5 MR. LYONS: I've not been addicted to
6 hard narcotics in two years.

7 CHAIRMAN IRVING: Are you optimistic
8 that you will be able to stay away from it?

9 MR. LYONS: No, I'm not optimistic
10 on staying away from it. I just got off it, and
11 I feel that I've overcome it. My own personal
12 opinion about institutions, as they are, they're
13 supposed to rehabilitate people, whereas the
14 Atlantic County Jail does have somebody on re-
15 habilitation programs, but they're not extended
16 to all over the jail, whereas there's very little
17 movement in the jail, as far as rehabilitation,
18 and the library is very poor.

19 CHAIRMAN IRVING: Let me go back a
20 little bit. I understand your testimony to be
21 that, up until two years ago, you were addicted
22 to heroin?

23 MR. LYONS: Heroin, yes.

24 CHAIRMAN IRVING: And I understand your
25 testimony further is that you're not optimistic

1 that you'll be able to stay off heroin over a
2 long period of time.

3 MR. LYONS: Right.

4 CHAIRMAN IRVING: Is there any program
5 at the jail that helps develop in you motivation
6 to stay off of it?

7 MR. LYONS: I feel as though I'm one
8 of the more fortunate inmates. I attend the
9 vocation cooking school, and this is giving me
10 an opportunity to learn a different profession,
11 and a trade, so when I do come back out, I'll be
12 able to fit into society as a constructive person,
13 but as I say, these are limited, schools are limi-
14 ted, and as far as rehabilitation there, there's
15 very little of it.

16 CHAIRMAN IRVING: But I mean to say,
17 you've had no drug counselling program involved.

18 MR. LYONS: No, you don't have any
19 drug counselling. You have people from Narco,
20 but it's difficult to get them to see you at times.
21 At the time I went through withdrawals, I did it,
22 as I say, cold turkey, I didn't see anyone from
23 Narco. There wasn't a drug program there for me
24 to go in. They don't have a drug program.

25 CHAIRMAN IRVING: Thank you.

1 Judge Deltufo?

2 COMMISSIONER DELTUFO: I have no
3 questions.

4 CHAIRMAN IRVING: Mrs. Hicks?

5 COMMISSIONER HICKS: No questions.

6 CHAIRMAN IRVING: Sheriff DeMarino?

7 COMMISSIONER DE MARINO: Two questions.
8 What are you being held for?

9 MR. LYONS: On an assault battery on
10 a police officer.

11 COMMISSIONER DE MARINO: Do you have
12 an extensive record?

13 MR. LYONS: No, I do not. This is
14 the second time I've ever been incarcerated, in
15 my entire life.

16 COMMISSIONER DE MARINO: What was
17 the second time for?

18 MR. LYONS: Forgery.

19 COMMISSIONER DE MARINO: That was
20 handled on a criminal complaint, or--

21 MR. LYONS: A criminal complaint.
22 I was convicted and placed on probation--

23 COMMISSIONER DE MARINO: Would you
24 talk a little louder?

25 MR. LYONS: I was convicted and placed

1 on probation for two years. I violated probation,
2 and I had to serve six months. This is when the
3 assault took place on the officer. So the only
4 charge I have pending is the assault and battery
5 on the officer.

6 COMMISSIONER DE MARINO: And you're
7 awaiting trial on that?

8 MR. LYONS: No, I'm awaiting sentencing
9 on that.

10 COMMISSIONER DE MARINO: One final
11 question. The jail jive, the talk between the
12 inmates. Is it a known fact, or do you know for
13 a fact that inmates can get together and say,
14 if you can fake or phony it in front of the
15 doctor, you can wind up getting this red juice or
16 medicine to give you a high or--

17 MR. LYONS: If you fake it. Well,
18 you don't get high from it.

19 COMMISSIONER DE MARINO: Well, tran-
20 quil or whatever--

21 MR. LYONS: The doctor has to see you,
22 and I would say--

23 COMMISSIONER DE MARINO: The point
24 I'm trying to make, Mr. Lyons, is that everybody
25 that goes before that doctor, do they go there

1 of their own choice or is it becoming common
2 practice?

3 MR. LYONS: For their ownelves, I
4 couldn't speak for the entire population of the
5 jail.

6 COMMISSIONER DE MARINO: Well, how
7 about in your case? Have you ever gone on your
8 own?

9 MR. LYONS: Yes, I've gone to the doctor
10 at times.

11 COMMISSIONER DE MARINO: What type of
12 a physical does he give you?

13 MR. LYONS: He checks your eyes, your
14 ears, your nose, your pulse, and your respiratory
15 system, and that's all.

16 COMMISSIONER DE MARINO: And then
17 you tell him you can't sleep nights--

18 MR. LYONS: He asks you what seems to
19 be the problem. Do you have any pressing prob-
20 lems? Doctor, I'm having problems sleeping at
21 night. He asks you why. Is there anything
22 bothering you? Do you feel that your case is
23 keeping you up, or do you have any problems at
24 home, or whatever it might be, and it's between
25 you and him, and then he decides what he's going

1 to do for you.

2 COMMISSIONER DE MARINO: So then,
3 it's not tough to get that medicine.

4 MR. LYONS: No.

5 COMMISSIONER DE MARINO: That's all I
6 have.

7 CHAIRMAN IRVING: Undersheriff Brown
8 of Ocean County has some questions.

9 COMMISSIONER BROWN: When you go into
10 the exercise area, how large an area is this?

11 MR. LYONS: It's the size--it's
12 a little longer than a regulation basketball
13 court. Two baskets, and you have an area set
14 up for volleyball. I would say it's about--

15 COMMISSIONER BROWN: Well, you've
16 described it. But it is a large gymnasium-size,
17 like a high school gymnasium?

18 MR. LYONS: Not quite. Not quite
19 as large as that.

20 COMMISSIONER BROWN: How many at a
21 time go into this exercise area?

22 MR. LYONS: They only allow twenty--
23 sixteen inmates.

24 COMMISSIONER BROWN: So actually,
25 you have enough to play an organized game, let's

1 say of basketball or volleyball--

2 MR. LYONS: Yes.

3 COMMISSIONER BROWN: --depending on
4 what you choose.

5 MR. LYONS: Right.

6 COMMISSIONER BROWN: You feel that
7 this area should be expanded to longer periods
8 of time and made available for more inmates?

9 MR. LYONS: I feel that the recreation
10 should be extended more than just this once every
11 two weeks, every three weeks, one day a week in
12 the yard for an hour. Like I said, the county
13 conditions, living up there, I think it's neces-
14 sary that inmates, if they do go outside for
15 fresh air, it would relieve a lot of tension
16 that's on.

17 COMMISSIONER BROWN: Do I understand
18 your testimony that you go approximately only
19 once every three weeks?

20 MR. LYONS: Once every two or three
21 weeks.

22 COMMISSIONER BROWN: How long a period
23 is this when you do go out?

24 MR. LYONS: I would say--as it gets
25 warmer, you go out more frequent.

1 COMMISSIONER BROWN: Now, when you
2 go out, do you go out for fifteen minutes, a
3 half hour?

4 MR. LYONS: A half hour to forty-five
5 minutes. It depends on how many dorms they're
6 taking out that day.

7 CHAIRMAN IRVING: I have one final
8 question. From the time you've been at the
9 jail, sir, have you witnessed any homosexual
10 acts, inmate to inmate or guard to inmate?

11 MR. LYONS: No, I have not.

12 CHAIRMAN IRVING: I would like to
13 thank you, sir, on behalf of the Commissioners,
14 and we wish you good luck.

15 [Witness excused.]

16 CHAIRMAN IRVING: We will take a short
17 recess, and we will hear from David Ross, and
18 then Father DiPasquale.

19 [A recess was taken.]

20 CHAIRMAN IRVING: Mr. Ross, will you
21 give the Reporter your name?

22 D A V I D R O S S, sworn.

23 CHAIRMAN IRVING: Mr. Ross, will you
24 sit at that table, please?

25 I understand your name is David Ross?

1 MR. ROSS: Yes, sir.

2 CHAIRMAN IRVING: And do I understand
3 you are an inmate at the Atlantic County Jail?

4 MR. ROSS: Yes, sir.

5 CHAIRMAN IRVING: Let me tell you
6 briefly, Mr. Ross, that we are a State Commission
7 who are doing a study of the jails. We are here
8 to see what the needs are and what recommendations
9 we can make to the State to help improve these jails.

10 We would like to ask you a few ques-
11 tions. If you don't want to answer them, that's
12 your privilege, okay?

13 MR. ROSS: Okay.

14 CHAIRMAN IRVING: How long have you
15 been in the jail, sir?

16 MR. ROSS: Six months.

17 CHAIRMAN IRVING: You've been in the
18 Atlantic County Jail six months. Has your trial
19 come up?

20 MR. ROSS: I got a court date about a
21 month and a half, two months ago to appear in
22 court, but that was the extent of it.

23 CHAIRMAN IRVING: You've been waiting
24 six months for trial?

25 MR. ROSS: Since the first of January,

1 yes.

2 CHAIRMAN IRVING: You were admitted on
3 New Year's Day, were you?

4 MR. ROSS: No, around the first week,
5 the 9th or something. I've been incarcerated
6 since around that time.

7 CHAIRMAN IRVING: Would you mind telling
8 us what you are charged with?

9 MR. ROSS: Robbery, armed robbery.

10 CHAIRMAN IRVING: Armed robbery.
11 Has anyone told you why you are waiting here six
12 months, legally innocent, and not able to come to
13 trial?

14 MR. ROSS: No.

15 CHAIRMAN IRVING: Do you know you
16 have a constitutional right to a speedy trial?

17 MR. ROSS: I applied for a speedy
18 trial at my municipal hearing. I waived my rights
19 to a preliminary and asked for a speedy trial,
20 and the Judge said that--further that on to the
21 next court, and that was the extent of it.

22 CHAIRMAN IRVING: Is that a municipal
23 court judge?

24 MR. ROSS: Yes, Chaim Sandler.

25 CHAIRMAN IRVING: And that was way

1 back in January, was it?

2 MR. ROSS: Yes, it was.

3 CHAIRMAN IRVING: And you didn't
4 get your speedy trial, despite the specific request.
5 Were you indicted by a Grand Jury?

6 MR. ROSS: Yes.

7 CHAIRMAN IRVING: Do you know when
8 that indictment came down?

9 MR. ROSS: March 15th or the 20th,
10 something like that.

11 CHAIRMAN IRVING: I see. So the
12 Prosecutor has been preparing, presumably, since
13 March 20.

14 MR. Ross, do you want to call our
15 attention to any problems that you see in the
16 jail which should not exist?

17 MR. ROSS: I have a lot of them.

18 CHAIRMAN IRVING: Would you tell us
19 about principal ones?

20 MR. ROSS: Well, recreation. I've
21 been there six months. I've been outside about
22 eight times, you know, and several times, you
23 know, you have to go through a whole thing to
24 bring it to the attention, which is, really,
25 it's at the attention already, but getting to

1 the yard, you got to start raising cane, and
2 eventually, they'll get around to you, when it's
3 a necessity, because all the men are so closely
4 housed, the venilation is poor, you're breathing
5 what other people exhale, and the bathrooms are
6 right in the dorm, and I have sinus trouble,
7 personally, and I find it hard to breathe in
8 that type of environment.

9 CHAIRMAN IRVING: Have you complained
10 to one of the jail physicians?

11 MR. ROSS: Yes, I have.

12 CHAIRMAN IRVING: What did he say?

13 MR. ROSS: He gives me some deconges-
14 tants and some Neosynephrin, and that's what I've
15 been doing ever since.

16 CHAIRMAN IRVING: Some what?

17 MR. ROSS: Neosynephrin. Some nose
18 spray.

19 CHAIRMAN IRVING: Have you ever
20 complained to him that you need something to
21 help you sleep at night?

22 MR. ROSS: Yes. See, when I first
23 came there, I was on the medication, but I
24 don't like to take any medication, you know,
25 over a length of time, because I was a, you know,

1 dope fiend, drug addict at one time, and I don't
2 like to take any type of medication because I don't
3 want to get back into the habit of it. So I went
4 to the doctor and I told him this, and I told him
5 I have trouble sleeping at times. If, you know,
6 I go to maintenance school during the day, and
7 when I get in the yard, like, I have a full day,
8 I have no trouble sleeping. But some days, two
9 or three days at a time, I don't have no full day,
10 nothing active, and I find myself unable to get
11 to sleep, so I told the doctor I didn't want to
12 get on this medication, you know, every day, every
13 night, the way they issue it out to the inmates
14 there. I said, could you put it so when I needed
15 it, I could tell the nurse, well tonight, I think
16 I'll take it because I might have trouble sleeping,
17 or something like that, and I said the reason I
18 wanted to do it that way is because if they put
19 me on a regular basis and I didn't want to take
20 it, then I would be swinging with it, which is
21 concealing the medication, which is called con-
22 traband. So I didn't want to start no trouble,
23 so this is why I came to you with the trouble,
24 and he said, you take it every day or you don't
25 take it. So I don't take it.

1 CHAIRMAN IRVING: I understand you
2 to say that the doctor indicated you would have
3 to take this tranquilizer--

4 MR. ROSS: Take it every day or don't
5 take it at all.

6 CHAIRMAN IRVING: He was encouraging
7 you every day, even though you had indicated to
8 him you had a drug problem in the past?

9 MR. ROSS: They have my medical records.
10 This is not the first time I have been incarcerated
11 there.

12 CHAIRMAN IRVING: Did he indicate why
13 he wanted you to take this medication every day?

14 MR. ROSS: No. He just said that
15 he couldn't give it to me as I needed it. Couldn't
16 prescribe it for me that way, so I had to take it
17 every day or not at all. So I preferred not to
18 take it at all.

19 CHAIRMAN IRVING: Was that possibly
20 because there's not a doctor there full time,
21 and it's impossible to get a guard to know what
22 day what person gets medication?

23 MR. ROSS: Well, medication comes
24 around twice a day, eight in the morning and
25 around about eight at night, and the way I pre-

1 sented it to him, like, eight at night, when the
2 nurse came past, I felt like I would want it, I
3 would take it. I'd say, well, I think I'll have
4 my sleeping medication tonight, something to that
5 effect, and if I didn't want it, I'd tell you,
6 well, I don't think I want it tonight.

7 CHAIRMAN IRVING: Is this Doctor Frank
8 that gave you the information?

9 MR. ROSS: Yes.

10 CHAIRMAN IRVING: Do I understand then,
11 your testimony is that you indicated, on occasion,
12 you could not sleep at night, and the doctor said
13 the only way he would give you a tranquilizer was
14 if you agreed to take it every night?

15 MR. ROSS: Right.

16 CHAIRMAN IRVING: You told him you
17 didn't want to take it every night, and you would
18 not take it at all?

19 MR. ROSS: Right.

20 CHAIRMAN IRVING: You made a reference
21 to people swinging it, concealing drugs or tran-
22 quilizers?

23 MR. ROSS: Yeah. Well, you know,
24 some of the guys swing on, you know, one guy
25 will jump in front of the guard where he can't

1 see that, and switches cups and all like that.

2 CHAIRMAN IRVING: Does that go on now?
3 Does that swinging go on now?

4 MR. ROSS: Whenever they can do it,
5 yeah.

6 CHAIRMAN IRVING: Whenever they can do
7 it? Is it possible that some men are able to
8 store up the drugs without using them?

9 MR. ROSS: Well, they keep it for like
10 a--one or two, you know, medication, as it comes
11 up, and then they take it, and it's sort of like
12 taking dope or alcohol or something. You know.

13 CHAIRMAN IRVING: Then an inmate--

14 MR. ROSS: In other words, they let
15 the dosage mount up, and then they take it.

16 CHAIRMAN IRVING: In other words, you
17 go down to the doctor and they prescribe and he
18 will give you the tranquilizer, or the drug, would
19 you then bring it back to your cell?

20 MR. ROSS: It was distributed by
21 nurses. Now, the nurses have left. Now it's
22 just security guards distributing the medication.

23 CHAIRMAN IRVING: When they distribute
24 it, is it possible--is this what you're saying;
25 that you would --

1 MR. ROSS: They bring it past the dorms
2 and cellblocks.

3 CHAIRMAN IRVING: And then, you can
4 bring it back to your bunk and not consume it?

5 MR. ROSS: A guy will have an empty
6 cup, and he'll give it to the guy that passed him,
7 make a motion, and put the empty cup up there, like
8 that.

9 CHAIRMAN IRVING: Does this drug or
10 tranquilizer have any exchange value? Can you
11 exchange it for cigarettes?

12 MR. ROSS: Oh, yeah. Like some guys
13 that are addicted to different types of drugs,
14 coming off the streets, cigarettes, candy, differ-
15 ent things like that for them.

16 CHAIRMAN IRVING: Would you say it's
17 a fairly common practice for the men to store the
18 drugs and then barter it away?

19 MR. ROSS: No. It was more so when
20 they had pills there, but now, it's not as fre-
21 quent, but it still transpires, still goes on.

22 CHAIRMAN IRVING: Not as frequent,
23 but it still transpires?

24 MR. ROSS: Right.

25 CHAIRMAN IRVING: Are there any other

1 problems you want to alert us to?

2 MR. ROSS: Well, medical, I had a
3 cyst behind my ear, and I went to the doctor,
4 and he told me, you know--it really bothered me.
5 My ear was enlarged, it looked like I had a
6 cauliflower ear, and he told me that I either
7 had to wait until I got out on the street or
8 went to another institution, because he was too
9 busy to, you know, do anything about it.

10 CHAIRMAN IRVING: Is this causing you
11 any pain?

12 MR. ROSS: Yes, it was.

13 CHAIRMAN IRVING: How long ago did
14 this happen, sir?

15 MR. ROSS: I don't know, because I
16 went to the Undersheriff, and he got a court order
17 to bring me to Atlantic City Hospital. But the
18 doctor had to approve the court order and he
19 got mad that I went to the Undersheriff, and
20 he never did approve it.

21 CHAIRMAN IRVING: So you never got
22 any treatment for that ear?

23 MR. ROSS: Antibiotics for a week or
24 so. But he told me eventually it would have to
25 be cut out, because it would come back.

1 CHAIRMAN IRVING: Let me see if any
2 of the Commission members have any questions of
3 you, Mr. Ross.

4 This is Sheriff DeMarino.

5 COMMISSIONER DE MARINO: I failed to
6 ask the other inmates this; it's an error on my
7 part.

8 You've been in for how long
9 a period of time?

10 MR. ROSS: Since around January 9th,
11 something like that.

12 COMMISSIONER DE MARINO: So you have
13 been there some five months?

14 MR. ROSS: Yes.

15 COMMISSIONER DE MARINO: Tell me.
16 Do you have any monies while you're in the jail?

17 MR. ROSS: Do I have money? Yes, I
18 have money.

19 COMMISSIONER DE MARINO: How do you
20 get your money? Is it brought in by relatives or--

21 MR. ROSS: I got my income tax return,
22 and I put it on my account there.

23 COMMISSIONER DE MARINO: All right.
24 I know it's a problem, and I know for a fact
25 that there's many times that inmates don't have

1 monies. In other words, you just don't have funds
2 to even buy cigarettes. Are there any people that
3 bum cigarettes or different things from each other?

4 MR. ROSS: Well, the ones that mooch
5 and bum will mooch and bum, and there's guys that
6 will take what they want.

7 COMMISSIONER DE MARINO: That's what
8 I'm interested in. Because of the lack of funds,
9 even to buy cigarettes, do you know of any inci-
10 dents, that someone who doesn't have any cigarettes
11 and someone comes off the streets that he knows
12 he has cigarettes, do you know of them being taken
13 from other inmates by physical force?

14 MR. ROSS: Well, usually, they try to
15 do it in a--

16 COMMISSIONER DE MARINO: Threat?

17 MR. ROSS: No. You know, they--like
18 the guy will go down on sick call. When he comes
19 back, all his stuff is gone. They ship it to
20 another dorm and then tell the runner, go tell
21 Joe I said to lend me a pack of cigarettes, when
22 all the time these cigarettes are the ones he
23 stole from this individual.

24 COMMISSIONER DE MARINO: Is there any
25 way where inmates can earn monies, say, while

1 they're in the jail? Not much, but say a dollar
2 a day or fifty cents a day, or something?

3 MR. ROSS: I go to the M.B.T.A. Vocational
4 Training Program there, maintenance training pro-
5 gram, I get a quarter a day, which is--which ends
6 up as a dollar and a quarter a week.

7 COMMISSIONER DE MARINO: Does that help
8 you to your cigarette supply or--

9 MR. ROSS: Well, it's better than noth-
10 ing. You can get a pack of cigarettes and a candy
11 bar, whatever you might need. An envelope, some-
12 thing like that.

13 COMMISSIONER DE MARINO: Do you feel
14 that if, for instance, you did work within the
15 institution, and they gave you perhaps seventy-
16 five cents a day, that that would help you in
17 the manner in which you can afford to have
18 cigarettes, gum, or some of the store supplies,
19 and perhaps relieve a lot of the problems, the
20 minor problems, like the bartering of cigarettes
21 and the stealing from one another and the fight-
22 ing over--

23 MR. ROSS: I feel so. Like, it's
24 always been--I've always complained that, like,
25 when I first came, I didn't have any money, and

1 it was right after Christmas, and my family
2 wasn't, you know, they didn't have too much
3 money to afford things, and at the time, I didn't
4 have a toothbrush, toothpaste, necessities, you
5 know, just to keep my hygiene together, and I
6 felt, always felt as though these things should
7 be afforded, the jail should supply these things,
8 to people that are being held there, and they
9 don't have them.

10 COMMISSIONER DE MARINO: You don't get
11 these supplies either?

12 MR. ROSS: No. If you don't have the
13 money, you don't brush your teeth, and you don't
14 have water or soap or nothing.

15 COMMISSIONER DE MARINO: So if the
16 county gave X amounts of monies--I know in our
17 county, in the workhouse, we let them wash cars.
18 They get seventy-five cents per car, or seventy-
19 five cents a day, and I know it has cut out quite
20 a bit of problems.

21 I'm asking you for a definite yes
22 or no.

23 MR. ROSS: Yes.

24 COMMISSIONER DE MARINO: That the
25 monies, regardless of the amount, it doesn't have

1 to be great; if seventy-five cents a day would
2 aid the problems of those that have no money,
3 to fight with those that have?

4 MR. ROSS: Yes.

5 COMMISSIONER DE MARINO: Do you know
6 of any thefts of money from inmates, if a guy
7 is coming off the streets and he has money on
8 him, or in the store--you're not allowed to keep
9 the money on you, are you?

10 MR. ROSS: No. Your money is put in
11 an account.

12 COMMISSIONER DE MARINO: Is any pres-
13 sure brought to bear on that one that has money,
14 so that he has to give half of it to a guy--
15 a shakedown.

16 MR. ROSS: Well, on that, it's not
17 done too much through a money transfer. Like,
18 you have to put a money transfer through on
19 the warden, or the Undersheriff, and he questions
20 them pretty rigidly from what I understand, and
21 like, what they'll do is, when you get a guy who
22 fills out a commissary order, whatever you want
23 to get, you better buy me this, or you're going
24 to get it.

25 COMMISSIONER DE MARINO: If you put

1 monies--monies are there to buy products, candy,
2 cigarettes, and whatnot, from which they derive
3 small profits. Now, those small profits, I assume,
4 are put into a recreation fund or into a fund
5 where additional gum and cigarettes and tooth-
6 paste and toothbrushes and things are bought,
7 so that those who can't --this is the way it
8 works in my jail--are given those supplies.

9 MR. ROSS: It doesn't run like that
10 over there.

11 COMMISSIONER DE MARINO: I might say
12 just that we make mention of that idea--I'll
13 talk to Mr. Cartier about it.

14 Now, one more thing. I've learned
15 something, I think it's an error, but I've heard
16 inmates say that in Atlantic County, if you have
17 a toothache, and you complain, that they extract
18 it, meaning that the only thing that the County
19 will pay for is the extracted tooth. If they
20 have to do repair, filling, or anything else,
21 you have to pay.

22 MR. ROSS: That's true, because Mr.
23 Lyons was just here, his filling came out last
24 week, and they told him they have a contract for
25 extraction only; that if he had to have any

1 dental work done, he'd have to pay for it him-
2 self.

3 COMMISSIONER DE MARINO: So that, if
4 a man has pain, a man, an inmate, he'll bear that
5 pain for one of two reasons; either he can't
6 afford to have the tooth repaired, or he's afraid
7 that he's going to have that tooth extracted.

8 MR. ROSS: Right.

9 COMMISSIONER DE MARINO: I have no
10 other questions.

11 CHAIRMAN IRVING: Mrs. Hicks has a
12 few questions.

13 COMMISSIONER HICKS: Sir, how often
14 does the Warden and the Undersheriff and the Sher-
15 iff visit your tier?

16 MR. ROSS: That's another beef that
17 I always have with them, you know. Like, the
18 officers on the floor, they get scared, if you
19 want to see the Sheriff or the Warden. You say,
20 we'd like to see the warden, or the sergeant, I
21 mean, and they don't call downstairs and relay
22 the message, because sometimes, the sergeant
23 calls up, you call down there again, don't call
24 down there no more. So I wrote up a petition
25 before that, I feel as though they should make

1 periodic checks, just to see the general con-
2 ditions of the jail is up to par and all. But
3 I've seen the warden upstairs twice in five and
4 a half, six months, and I seen the sergeant up
5 there three times, and that's two times since
6 they had an escape from there a couple weeks ago.

7 COMMISSIONER HICKS: How do you feel
8 about it? Do you feel if the warden will make
9 visits on the tier, this will improve relations
10 between the inmates and the warden?

11 MR. ROSS: Yes.

12 COMMISSIONER HICKS: Okay. Have you
13 been denied the privilege of participating in
14 religious services?

15 MR. ROSS: No.

16 COMMISSIONER HICKS: Have you requested
17 them?

18 MR. ROSS: No.

19 COMMISSIONER HICKS: Do you know that
20 you are allowed to have access to law books?

21 MR. ROSS: Well, I asked about that,
22 and I got a real doozy. He said if my people
23 would bring them in to me, they couldn't stop
24 them from coming in, but if my people could
25 afford a library, they could afford to bail me

1 out and get me a prominent lawyer.

2 COMMISSIONER HICKS: No further questions.

3 CHAIRMAN IRVING: Mr. Ross, I'd like
4 to thank you for coming today and testifying, and
5 I'd like to wish you well in the future.
6 You're excused, sir. Thank you.

7 [Witness excused.]

8 CHAIRMAN IRVING: Father DiPasquale?

9 F A T H E R V I N C E N T D I P A S Q U
10 A L E, sworn.

11 CHAIRMAN IRVING: Father, I certainly
12 appreciate your being with us both yesterday and
13 today, and waiting patiently. We always save
14 one's best witness until the end, so it's an
15 unintended bit of flattery in imposing on your
16 time.

17 Will you give us your full name, sir?

18 FATHER DI PASQUALE: Father Vincent
19 DiPasquale.

20 CHAIRMAN IRVING: Are you assigned to
21 a parish here, Father?

22 FATHER DI PASQUALE: Yes. St.
23 Monica's Roman Catholic Church.

24 CHAIRMAN IRVING: Are you familiar
25 with the practices and conditions of the Atlantic

1 County Jail?

2 FATHER DI PASQUALE: Very much so.
3 I've been associated with it for I guess, three
4 and a half to four years now.

5 CHAIRMAN IRVING: In what capacity?

6 FATHER DI PASQUALE: Actually, I
7 wear three hats. I'm a volunteer Catholic Chaplain
8 out there. I have services at different times,
9 and I bring communion to the guys. I'm also
10 the legal screening chairman for the American
11 Civil Liberties Union, and also, the legal rights
12 chairman for the N.A.A.C.P. I work in those
13 three capacities at the Atlantic County Jail.

14 CHAIRMAN IRVING: Father DiPasquale,
15 you've heard testimony for the last day and a half.
16 What do you think we should know about, about
17 the jail? Can you confirm or deny, based on --
18 I take it, sir, first, that you make frequent
19 visits to the jail?

20 FATHER DI PASQUALE: I try to get out
21 there about two or three times a week. Some
22 weeks, it's once, some weeks, it's four times.
23 It's all according to what's happening. And I
24 try to have Mass out there maybe twice a month,
25 whenever I get free from my parish to get out there.

1 CHAIRMAN IRVING: And is it fair for
2 us to assume, then, that you are quite familiar
3 with the jail and with many of the persons in
4 the jail?

5 FATHER DI PASQUALE: I know three quar-
6 ters of the jail population. A lot of them are
7 my parishioners, and I know a lot of them from
8 the street.

9 CHAIRMAN IRVING: How long have you
10 been working with the jail in these three capa-
11 cities?

12 FATHER DI PASQUALE: About three to
13 three and a half years.

14 CHAIRMAN IRVING: Well, based on that
15 rather wide experience and all these hats that
16 you wear, sir, what do you see are the real
17 problems? In other words, can you confirm or
18 deny some of what we've been hearing the last
19 day and a half, in terms of problems and possible
20 solutions?

21 FATHER DI PASQUALE: Yes, I can.

22 First of all, I'd like to go on
23 record as stating that I don't believe the jails
24 work, period. If you're going to spend money,
25 please don't build another jail.

1 Maybe the first part of what I would
2 like to say is an ideal, but I'd like to get it
3 on the record. I think it's important. We've
4 got to somehow deal with alternative programs,
5 and something more to do with behavior problems,
6 deal with behavior problems. The biggest problem
7 I found in this county, and I guess it's not
8 only here, it's every place else, the balance of
9 justice between what I call white collar crimes
10 and poor people's crimes. The jails are for the
11 poor, and organized crime is for the rich. So
12 it comes down basically to that, as far as I
13 can see.

14 Now, if jails are going to exist--I
15 wrote some suggestions I would like to make
16 to the Commission. If they're going to exist,
17 I think one thing that, somehow, we have to teach
18 the mentality of this county is that men awaiting
19 trial are innocent until they're proven guilty.
20 Most of the remarks that I run into at the jail--
21 not by all, because there are a lot of good cor-
22 rections officers out there, but by a lot of
23 people are that there's a lot of prejudgment go-
24 ing on, and they treat individuals who are ac-
25 cused of a crime the same as if they were guilty.

1 The amazing part that I found out there at the
2 jail is that the men who are guilty have more
3 privileges than the men that are considered inno-
4 cent. For example, in religious services, I
5 have an easier time having Mass for the trustees,
6 the men that are guilty, than I do for the men
7 that are in the tiers, that are upstairs, that
8 are innocent. I usually have to see them one
9 at a time, and it's very sporadic. Whenever I
10 go into the jail, I can usually tell how things
11 are going to be by who is on duty. If certain
12 guards are on duty, I might as well turn around
13 and go home, because I know in some areas, I'll
14 get a run around. For example, I give a list of
15 eight guys to be interviewed, and if certain
16 guards or certain sergeants are on duty, he'll
17 bring them down one at a time, maybe every half
18 hour, drag you out for the whole afternoon. If
19 other sergeants are on duty, they'll bring all
20 eight or nine of them down at the same time.
21 There are certain sergeants on duty, I can tour
22 the jail, I can actually sit in the cellblocks
23 with the guys, play checkers and talk with them.
24 It's all according to who is on duty. There are
25 no specific rules and regulations as regards to

1 that. So a lot of times, I call the jail first
2 and try to find out what sergeant is on duty be-
3 fore I go out to the jail.

4 One of the things that I think, since
5 men are supposed to be innocent until they're
6 proven guilty, I really think the dormitories,
7 and somehow, the situation--the only reason men
8 are in there, a lot of times, awaiting trial,
9 is because they can't make bail for the same
10 crime that, be it homicide or anything else, if
11 a man had money, he would be walking the streets
12 the same as you and I are. There should be work
13 release for men that are innocent, until they're
14 proven guilty. A lot of guys lost their jobs
15 over the five and six months they sit around and
16 waiting for the trial, could be earning money
17 for their families.

18 Recreation and services and things
19 to this effect. One of the biggest problems
20 I see out there is the business of recreation.
21 I really feel that men should, and I really
22 feel it can be done, that each dorm can come
23 down an hour a day. There's no reason why
24 recreation has to be limited to the first shift.
25 Why can't it be from nine in the morning to six

1 and seven at night, especially when you have light
2 outside until six or seven o'clock at night?
3 One of the problems I've always heard everytime
4 they can't have recreation for the prisoners,
5 is, they can't have recreation unless a sheriff's
6 officer is on duty in the tower, with a shotgun
7 or a pistol, whatever they use out there. So
8 my question was, why can't a sheriff's officer
9 be assigned specifically each day just to do that?
10 That would be his assignment for the day. We're
11 told that they have so many duties that they
12 really can't do these things, they don't have
13 the men available for them. Well, my argument
14 for that is, I spent a lot of time in court, and
15 I fail to see why you need two and three guards
16 inside of a court session. I fail to see--some-
17 times I see plenty of ping-pong games going on
18 in the guard's recreation room downstairs, and I
19 see a lot of men sitting around, especially some-
20 time when court isn't in session, and if you need
21 an extra man, hire an extra man to do that. That's
22 what it comes down to. I see a real problem,
23 like I said. I think what Mr. Barnes said is
24 very true; if the men had recreation during the
25 course of the day, I really think that they

1 would tired enough to sleep at nights. We had
2 a recreation director at the jail, and the poor
3 guy, I think, kind of gave up in frustration. He
4 tried, but it was the same problem again. Half
5 the time, he sat in his office because he didn't
6 have a guard to guard the prisoners in the tower
7 while they were on recreation.

8 Okay. The other problem which was
9 expressed, freedom of mail and telephones. I
10 have real problems with men that are innocent
11 until they're proven guilty, trying to use a
12 telephone a little more often. I think some-
13 thing can be worked out with Bell Telephone
14 whereby there will be more phones available, where
15 men can make calls a lot easier. The same thing
16 as to regards to mail. I don't think that out-
17 going mail should be censored, and if it's going
18 to be censored, I definitely think it should be
19 censored by guards, or by the warden or by the
20 Undersheriff. Maybe it should be censored by
21 a Chaplin or censored by--first of all, it
22 shouldn't be censored. If it's going to be, it
23 should be done by the director of recreation
24 or someone like that, or director of rehabilita-
25 tion.

1 I have a little plan I'd like to
2 share with you. I've been thinking about this
3 for a long time. I think one of the biggest
4 breaths of fresh air that came to the jail is
5 Mr. Wagner, and his past experience, and coming
6 in from the outside is probably the best thing
7 to happen to this county. You see, I have a
8 real problem with this county. I'm from Camden,
9 and I have a real problem with the mentality
10 of this County. If you open your mouth and you
11 talk in this county, you know, you're either a
12 Communist, or you're way out, you're crazy, or
13 something else to this effect. It's kind of a
14 home rule that existed here for a long time.
15 The last time I was subjected to what I feel in
16 this county is when I was arrested myself with
17 Doctor Martin Luther King, and I spent some time
18 in the southern jails. So I feel the mentality
19 of this county, if you're really going to set
20 up a jail system, I think we definitely need a
21 warden, but a warden that has some expertise in
22 prison work. Definitely, he has got to come
23 from outside this county. There's so much polit-
24 ical crap in this county, there's so much in
25 ties and everything else that's going around here

1 that I fail to see how you can find anybody, lo-
2 cally, that could really hold this job and do a
3 good job with it. The game is politics in this
4 county, and has been for a long, long time. You're
5 not going to overturn the thirty-five years of
6 Mr. Farley's regime in a few minutes.

7 There should be a head of security
8 and there should be a director of rehabilitation
9 with equal power. I really feel those two posi-
10 tions have to really be separated. The persons
11 in charge of security should basically take care
12 of that. There should be corrections officers,
13 transportation, you know, locking and unlocking
14 of doors, things to that effect. The director
15 of rehabilitation should be involved with the
16 whole classification of the prisoner, the follow-
17 up on the prisoner, the work release of the
18 prisoner, the development of the prisoner, family
19 relations, connections to the community. One
20 of the big problems we have in our jails, we
21 rarely let outside people inside to see what's
22 going on. I know the only reason I got in there
23 way back was because I made noise and privately
24 put some pressure, you know, on Undersheriff
25 Schmidt.

1 Your bail system has to be reorganized
2 again and developed so that people get equal
3 bails, and they don't end up with ransom, as I
4 see a lot of the bails as being. I think contact
5 visits can be organized on an individual basis,
6 if it's done through the Department of Rehabili-
7 tation. Religious services, mail, anything to
8 this effect should all be handled by the Director
9 of Rehabilitation. For example, when I go to
10 a jail and I come into the jail as a priest and
11 I say to the sergeant on duty, I have a list of
12 men I want to bring communion to, and I give him
13 the list, well, certain sergeants in the jail
14 usually tell me, go over my list and tell me,
15 well, this guy shouldn't go to communion, he's
16 no good. This guy shouldn't do this, he's no
17 good. Why are you giving communion to that guy?
18 My answer is, I don't tell them how to run the
19 jail as corrections officers, and it's not for
20 him to judge who's going to go to communion and
21 who's not going to go to communion. At the same
22 time, since I am in there under a couple of
23 faces, when I ask for interviews, I really feel
24 it's not the opinion of the guards, when I bring
25 a list that I want to see somebody, the men

1 should be brought down and I should not be ques-
2 tioned, well, what do you want to see him for, he's
3 a bum, he's no good. Things to this effect. It
4 goes back to what I expressed this morning: The
5 attitude. A lot of behavior development and train-
6 ing on the parts of the corrections officer is
7 very necessary.

8 I think there has to be a lot of
9 community participation in the jail. It's just
10 got to be opened up to the community, to the press.
11 There's got to be a citizen's group. I'm con-
12 vinced that a citizen's group has to come in,
13 be able to see what's going on inside the jail,
14 and be able to even sit in on grievance hearings,
15 as regards inmates, especially. It's a very
16 strong area. But I really think those--for example,
17 when I go with communion, I should call the
18 Director of Rehabilitation, make my arrangements
19 for religious services and everything through
20 him; not through the sergeant, not through the
21 corrections officer.

22 CHAIRMAN IRVING: Are you really saying,
23 Father, that in one building, you can't have both
24 a jail and a rehabilitation center? Is that
25 what you're really saying; that you have to

1 develop this artificial dichotomy; have some
2 people concerned with security and some people
3 concerned with rehabilitation?

4 FATHER DI PASQUALE: If you're going
5 to operate under that system, yes, because I
6 think that most people operate with different
7 mentalities. There's a mentality, if you do
8 something good for an inmate, for a prisoner,
9 then you're a dogooder, or, here he comes again,
10 or you get comments, we'll call DiPasquale, he'll
11 do things for you, he'll get you out of jail.
12 But the mentality, the attitudes are the things
13 that really have to be worked on. Like group
14 sessions between inmates and prisoners. It's
15 not a gigantic thing; it's done throughout a
16 lot of places in the country. Bring people from
17 the outside that will devote time and run group
18 sessions, sensitivity sessions. Things that I'm
19 very much into and I feel very strong about are
20 prisoners' rights groups. I really feel if you
21 give the prisoners some power inside the jail,
22 where they can almost run their own institution
23 to a point, that they're going to be much stricter
24 on some of the other guys, and keep the place in
25 shape than will the guards. But I definitely feel

1 the business of attitudes on certain guards, there's
2 a lot of fantastic guards at that jail, a lot of
3 good men, men that I admire very much. There are
4 also individuals out there that are very preju-
5 diced; individuals out there that are very biased
6 and prejudged of individuals. When you get into
7 the question of the warden, well, I'm just afraid
8 out at the jail, you know, the warden's job has
9 really been reduced. You know, sometimes, it's
10 more of being a clerical secretary than actually
11 being a warden. I feel sorry for the warden;
12 I think he should have more power. I think he
13 should be trained in a lot different area. I
14 think our warden is used in a lot of ways. There's
15 a lot of community people we can tap from. Over
16 the past two days of hearings, I've been very
17 impressed by some of the things the Sheriff had
18 to say about Middlesex County--I think it's Middle-
19 sex, isn't it?

20 COMMISSIONER DE MARINO: Yes.

21 FATHER DI PASQUALE: I was very
22 impressed about that. I was going to drive up
23 there and kidnap him and bring him back here.
24 But I think one of the biggest problems--Sheriff
25 Kern is a good man. He's got a heart as big as

1 this room. I've known Frannie from a basket-
2 ball official, and everything else, but I don't
3 think he's really a Sheriff, or wants to get into
4 that concept. I'm really sorry he ran for the
5 office of Sheriff; he should have stayed in the
6 work he was doing before.

7 These are some of the things that
8 I meant to express to the Commission, because I
9 do feel that a lot of things are covered up out
10 at the jail that should be made public, and
11 the biggest problem I still see at the jail is
12 the problem of politics, no matter who's running
13 for the Sheriff's job, who's in there. The guy
14 who is running is trying to find out the dirt
15 and expose it. The guy who is in there is trying
16 to cover it up so it isn't exposed. Somehow,
17 we have to take any institution that deals with
18 the lives of people and take it out of the poli-
19 tical sphere. Totally out of it.

20 These are some of my feelings, as
21 regards to jail, very strongly.

22 CHAIRMAN IRVING: We certainly appre-
23 ciate having them.

24 One of the allegations, you may recall,
25 that was discussed by the Grand Jury last summer,

1 was what we tried to delve into in the last two
2 days, sir, and it had to do with whether the
3 tranquilizers or drugs, this red liquid is being
4 dispersed with some rationale; whether it's a
5 medically sound medical program, or whether one
6 of the allegations raised by the Grand Jury is
7 factual; that the drugs are used to keep peace,
8 to keep the place quiet, have a percentage of
9 the population sufficiently drugged so that they
10 will not cause trouble. Are you able to--

11 FATHER DI PASQUALE: I could answer
12 from what I hear. Again, all this is from hearsay.
13 I keep my ears pretty much open when I'm out of
14 the jail. Certain individuals, yes, will use
15 medication to calm things down. For example,
16 I know one individual prisoner I'm thinking of
17 now, I think his name is Relves, he's a giant
18 of a man who's in the hospital and is kept drugged
19 most of the day. He has a beautiful hole through
20 his tongue and has been waiting for an operation
21 for quite a long time in that area. Now, I'm
22 trying to get a court order to get that operation,
23 but at the same time, he's also considered some-
24 body that everybody's always telling me, whenever
25 I go in the jail, stay away from him, he's danger-

1 ous. I've had a lot of conversations with the
2 man. He's never been dangerous to me. I've shook
3 his hand, I've prayed with him, and I haven't
4 had any problems with him. Maybe he's dangerous
5 when he gets in other capacities, I don't know.
6 But I think in his case, the man is kept drugged
7 on quite a few occasions. I do hear prisoners
8 tell me that drugs are used to quiet guys down.
9 Now, of course, I can't prove this.

10 CHAIRMAN IRVING: We understand. We
11 will take what you're saying and accord it what-
12 ever weight it perhaps should have.

13 Do you know how long this gentleman,
14 approximately, has been waiting for this operation
15 on the tongue?

16 FATHER DI PASQUALE: Exactly?

17 CHAIRMAN IRVING: No, approximately.

18 FATHER DI PASQUALE: Exactly, I
19 don't know. It must be at least a month or bet-
20 ter.

21 CHAIRMAN IRVING: Do you know from
22 being--

23 FATHER DI PASQUALE: He's been com-
24 plaining to me for the past month or so, any-
25 way.

1 CHAIRMAN IRVING: Is he in pain, do
2 you know?

3 FATHER DI PASQUALE: He claims he is,
4 yes, sir.

5 CHAIRMAN IRVING: He claims he's in
6 pain, as a result of the bullet wound?

7 FATHER DI PASQUALE: He was shot
8 six or seven times right before he was arrested.
9 Not by the police, but by a cohort of his, and
10 he's enormous. I think he's around three hundred
11 sixty some pounds. I don't know whether you saw
12 him or not when you were going through the jail.

13 CHAIRMAN IRVING: Yes, we did see him.
14 I didn't know he was the one you were referring
15 to.

16 Well, I don't want to editorialize,
17 but I have some reactions to that. It's parallel
18 to what I talked about earlier today and yester-
19 day. The New Jersey Constitution guarantees that
20 all citizens will be protected in safety and
21 happiness. Safety is broad enough to include
22 medical safety, safety from infection, and I
23 wonder if a man is waiting several weeks for an
24 operation and is in pain, whether New Jersey is
25 fulfilling its obligations to him.

1 Do any of the members of the panel
2 want to ask Father DiPasquale any questions?

3 Judge DelTufo?

4 COMMISSIONER DELTUFO: I really feel
5 humble in the presence of your testimony. I feel
6 after sitting here for a long time and being in-
7 volved in previous hearings, that this is the
8 type of thing that I myself am very much interested
9 in and will not rest until this type of change
10 has been implemented. I am not concerned with
11 giving more paint, larger quarters, more bars,
12 but this is the type of reform that is necessary,
13 and it's just fantastic to hear that such things
14 are possible, and these are listed as real prob-
15 lems.

16 I would like to ask you a few ques-
17 tions, Father.

18 First of all, are you familiar with
19 any program, have you been involved in any pro-
20 grams that have been applied to the county systems
21 that have worked, or have you seen results of
22 effective programs as far as rehabilitation is
23 concerned?

24 FATHER DI PASQUALE: I think the work
25 release program is a good thing. I really feel--

1 COMMISSIONER DELTUFO: Well, I know
2 that it's good. Work release gets the person
3 right back to where he was before, as far as I'm
4 concerned. This is a liberalization of the whole
5 system. Fine. But what about rehabilitation?
6 What guarantees does society have that this guy
7 is not going to come back, commit another crime,
8 or they're going to be paying for him again, be-
9 cause unless the people are convinced this is go-
10 ing to happen, we're not going to have the ex-
11 penditures necessary to make those changes.

12 FATHER DI PASQUALE: Locally, I haven't
13 seen any, but I've been experienced with others,
14 in other areas.

15 COMMISSIONER DELTUFO: Where is that?

16 FATHER DI PASQUALE: I've worked
17 with the Fortune Society in New York, where ex-
18 cons are working primarily with their own. I
19 really think that's a real big area. I've had
20 a lot of work to do with the diagnostic center
21 in Philadelphia, D.R.C., which I think is a
22 fantastic program for alcoholics. I can't say
23 that publicly. We refer a lot of men from here
24 up there, and I think the county has to start
25 looking in that direction with what they're doing

1 in Philadelphia, the cooperation between the
2 police department in Philadelphia and the D.R.C..
3 Instead of arresting a guy on a drunk charge,
4 bring him right to D.R.C., where men from A.A.
5 may work with the alcoholic. Of course, in Phila-
6 delphia, they've got some eighteen to twenty-five
7 halfway houses across the city, some strong A.A.
8 programs and development in that area. I think
9 the biggest problem with Atlantic County in a
10 lot of these fields and areas, we're fifteen
11 to twenty or thirty years behind the times. I'm
12 still waiting for the sixties to get to Atlantic
13 County, where people will get upset and we'll have
14 some unrest so we can have some change.

15 COMMISSIONER DELTUFO: You say you
16 have some ideas about a concept of a jail or
17 a concept of a correctional center, and you hope
18 that it's not--the future does not hold a jail
19 as we're familiar with. What do you foresee as
20 the future in this area?

21 FATHER DI PASQUALE: Halfway houses.
22 We have one we've been struggling for three and
23 a half years to get off the ground in Atlantic
24 City.

25 COMMISSIONER DELTUFO: In other words,

1 people with the appropriate supervision and secur-
2 ity will be treated as human beings, sitting
3 around the table, for example, at dinner. Dis-
4 cussions would be between the individuals, just
5 like you and I might discuss a problem, or work
6 out a problem, as a human being, rather than a
7 rat in a cage. Do you feel that just that change
8 of atmosphere--

9 FATHER DI PASQUALE: Is very important.

10 COMMISSIONER DELTUFO: --would be
11 significant as far as rehabilitation is concerned?

12 FATHER DI PASQUALE: Very definitely.

13 COMMISSIONER DELTUFO: So if we were
14 going to spend large sums of money, or recommend
15 that the State spend large amounts of money in
16 this area--

17 FATHER DI PASQUALE: I recommend that
18 they spend it in the area of alternatives.
19 For example, halfway houses, the diagnostic center
20 type thing. Money is already in drug rehabili-
21 tation, but more in therapeutic community type
22 things, where people are going to help each
23 other and help themselves.

24 COMMISSIONER DELTUFO: Will it
25 really work?

1 FATHER DI PASQUALE: I think it will,
2 yes. I'm very optimistic about it. It's not going
3 to work one hundred percent. Nothing is going
4 to work one hundred percent. You're going to have
5 fallbacks, but I think if you stick with it, it's
6 going to work. I still feel the strongest thing
7 that works is ex-con to ex-con, ex-drug addict
8 to drug addict. I feel once you get an ex-con
9 on board, that really wants to work, who knows
10 what's going on, I really see things move.

11 COMMISSIONER DELTUFO: I agree.

12 Now, just briefly, these problems
13 that you've encountered in your visits to the
14 jail, and the recommendations that you've made.
15 What have you done personally to correct the
16 situation? What have you done personally, and
17 to whose attention have you brought the problem
18 with these guards, for example? Now, you say
19 that there are some guards out there really
20 creating a problem. What have you done?

21 FATHER DI PASQUALE: Well, on occasion,
22 we've presented, you know, complaints.

23 COMMISSIONER DELTUFO: To whom?

24 FATHER DI PASQUALE: Well, I've pre-
25 sented--I present some complaints to the Under-

1 sheriff, and I've presented some to the Sheriff
2 himself.

3 COMMISSIONER DELTUFO: Have the com-
4 plaints been acted upon?

5 FATHER DI PASQUALE: Some have, yes.

6 COMMISSIONER DELTUFO: To your satis-
7 faction?

8 FATHER DI PASQUALE: Not totally, no.

9 COMMISSIONER DELTUFO: Well, why
10 weren't they acted on completely, do you feel?

11 FATHER DI PASQUALE: I think some of
12 the complaints are not acted on, again, because
13 we get back into the political thing.

14 COMMISSIONER DELTUFO: Political--

15 FATHER DI PASQUALE: Where things are
16 smoothed over or forgotten about or lost in
17 paperwork. Right now, I'm working with the
18 American Civil Liberties Union on the suit we
19 filed against the county jails, and I did the
20 legwork legally for it, hoping that through the
21 courts, we can effect some change. We've gone
22 in that direction, waiting to see--I think Fri-
23 day is the first hearing on it, I think, we're
24 scheduled for it. I've worked through local
25 organizations and I've worked a lot for the

1 Prosecutor's Office. I've had a lot of help
2 through the Prosecutor's Office. We've registered
3 a lot of our complaints into the Prosecutor's
4 Office, and a lot of the stuff has been discussed,
5 and I've seen changes over the past years. I
6 think back three and a half years ago to four
7 years ago, there was one part time social worker
8 working, I think, one morning a week in the whole
9 entire jail. That was about it. You know, we
10 have come a long way for the Criminal Justice
11 Planning Board of which I'm a member. I'm
12 the N.A.A.C.P. representative on it. But I
13 think there is progress being made, and I really
14 think, though, my own self, that the only way
15 you make progress a lot of times is to bring
16 pressure and make noise, and through pressure
17 and through noise, change comes. That's the kind
18 of society we live in.

19 Maybe an example. I was working in
20 the poverty program in Camden back in the sixties
21 and we got very little appropriations until we
22 almost had a riot. After the riot, we got more
23 money than we could even deal with. So when we
24 had our meeting, part of the group decided that
25 maybe we ought to burn one of the city blocks

1 down. Then we'd have enough money to run every-
2 thing for the summertime. So I mean, you know,
3 I begin to wonder about the kind of society that
4 we live in, that people only react to pressure.
5 They only react to crisis. They don't react
6 to preventive material, preventive areas.

7 I do have another question that bothers
8 me a lot. It's one of my problems. I am really
9 beginning to wonder if, under the political system
10 that we have in this country, whether the change
11 we're talking about can really become effective.
12 It's a question in my mind. I have a real problem,
13 as you can see, with a lot of our own theories
14 of capitalism, which I'll get into about a five
15 hour discussion on, if you want me to.

16 COMMISSIONER DELTUFO: Well, I'm only
17 concerned, obviously, to see if it's practical,
18 the recommendations you've been recommending and
19 the things you've been talking about, and I've
20 been reading about, and I think they are workable
21 under our present system, providing the right
22 people are there, keeping the pressure on, and
23 I think that's the key, and I think you're right.

24 FATHER DI PASQUALE: I'd like to
25 respond to one thing. I find myself in a very

1 funny position. You see, I interview inmates a
2 lot, and of course, a lot of things I inter-
3 view them about I really can't speak to the
4 Commission about, unless I have their permission
5 to speak about it. I hear a lot of questions
6 about the jail, and I get into things, probably
7 in a lot deeper area. I have always talked
8 to a lot of the guards, and a lot of the guards
9 have told me a lot of things, but of course, in
10 the position that I'm in, I feel that I can't
11 really state all these things I feel inside
12 of myself that I do know, because of the confi-
13 dences in myself, both as a counselor and as a
14 priest. So that is kind of a touchy area as
15 regards even bringing complaints. Like a lot
16 of things that I get, I always can't bring a
17 complaint about, because it's a very--again, how
18 I receive information, you know, isn't always
19 the same way that other people receive informa-
20 tion.

21 COMMISSIONER DELTUFO: Right.

22 Thank you. I have no further questions.

23 CHAIRMAN IRVING: Mrs. Hicks, do you
24 have any questions?

25 COMMISSIONER HICKS: No.

1 CHAIRMAN IRVING: Sheriff DeMarino?

2 COMMISSIONER DE MARINO: Yes, just a
3 few.

4 Father DiPasquale, to clear up one
5 matter, the court attendants that you make refer-
6 ence to, that there may be some sitting here,
7 two in a court or three in a court, I would agree
8 with this, and sometimes, I have some reservations
9 about it. The court attendants are set by New
10 Jersey court rules, which state that criminal
11 courts, you must have three attendants on assigned
12 duties. However, I don't think it's that great
13 of a problem that if either the Sheriff or the
14 Undersheriff or someone approached the assignment
15 judge and told him of the problems that he had,
16 that the judge would not be receptive to listen-
17 ing to the problems, at least, and perhaps making
18 some recommendations or, on any given days, when
19 some judges are out, judges conventions, sick-
20 ness or whatnot, those men are now lying idle.
21 I assume they're not placed in a position where
22 they can be put into the tower on those days,
23 where you can have more recommendation.

24 FATHER DI PASQUALE: Even to hire
25 a full time man to guard the tower.

1 COMMISSIONER DE MARINO: Right, or
2 if there's a need of that, then make it a special
3 assignment, and put a man out there. But there
4 are ways to do it without costing money.

5 Besides you, are there any other
6 clergies that come to the jail? Being you know
7 most of them that are there, let's talk about
8 faiths. Do you know of any Jewish inmates?

9 FATHER DI PASQUALE: I've talked to
10 Jewish inmates, yes, sir.

11 COMMISSIONER DE MARINO: Is there a
12 Rabbi assigned to the jail, do you know?

13 FATHER DI PASQUALE: There's no Rabbi,
14 no. There's an assigned Chaplin to the jail
15 who's on salary. He's an Episcopalian priest
16 who's a part time chaplin on salary at the jail.
17 It's the only assigned chaplin at the jail.

18 COMMISSIONER DE MARINO: You speeded
19 up my questions. Are you telling me that, in
20 Atlantic County, they have an Episcopalian Chap-
21 lin that's on the payroll? You wouldn't know
22 his salary, would you?

23 FATHER DI PASQUALE: \$3000 a year as
24 part time. He's listed in that paper that you
25 have.

1 COMMISSIONER DE MARINO: And yet,
2 he is the only one. How many Episcopalians do
3 you have in there?

4 FATHER DI PASQUALE: I never really
5 checked to find out how many Episcopalians.

6 COMMISSIONER DE MARINO: Knowing the
7 inmates that you do, what would you say the
8 percentage of Jewish --

9 FATHER DI PASQUALE: Jewish, very
10 small.

11 COMMISSIONER DE MARINO: Roman Catho-
12 lic?

13 FATHER DI PASQUALE: Thirty-five percent,
14 maybe.

15 COMMISSIONER DE MARINO: And the re-
16 maining would be broken up among the other faiths?

17 FATHER DI PASQUALE: I think there's
18 a heavy group of inmates who claim the Muslim
19 faith. Various other faiths. Baptists, there's
20 a high percentage of Baptists in the jail. Some
21 Episcopalians. We have one man out there now
22 who aspires to the Voodoo faith. He's been coming
23 to my Mass.

24 COMMISSIONER DE MARINO: So that
25 there's only one on the payroll, and yet, you

1 heard Chairman Irving several times that the
2 Constitution of New Jersey states that each man
3 has the right to attend the religious services
4 of his particular faith, under the Constitution.

5 Now, again, as a suggestion, I suggest
6 that perhaps maybe you take that section of the
7 Constitution and bring it forth to a freeholder's
8 meeting here, and see that they put other faiths
9 on the payroll.

10 Now, that figure of \$3000; again, let
11 me use my county. I have a Minister, a Rabbi,
12 a Catholic priest, a Protestant, and if I have
13 another faith and he asks for a priest, I'll go
14 out and hire one, or I bring one in. Most of
15 the time, you don't have to hire them. However,
16 I have them all for \$800 a year each, and they
17 come in periodically. They don't need other than
18 the fact that they check in at the desk, they
19 can walk around that jail at random. Now, per-
20 haps you can cite other jails, other areas where
21 this type of step is taken, and sometimes, I
22 get enough documentation that you can go ahead
23 and prove to your own county that it's done in
24 other areas. For \$3000, I think that's more
25 than the entire payroll that I had for the clergy

1 in our county.

2 You speak of education, or mentality.
3 What would you consider the mentality of the
4 Sheriff's officers to be? You said there were
5 great ones and then you said there are some that
6 don't belong there. But on an educational judg-
7 ment, I want--

8 FATHER DI PASQUALE: All right. Did
9 you see the movie "Joe?"

10 COMMISSIONER DE MARINO: No.

11 FATHER DI PASQUALE: Okay. I think
12 a lot of corrections officers, you have what we
13 call God, Mother and the American Flag Military
14 mentality, basically; a mentality where, security
15 at all costs, security is the top figure as re-
16 gards the mentality. More interest in what
17 kind of uniform I'm wearing, how I look, you
18 know, more of a law enforcement mentality in the
19 old, conservative sense than actually a correc-
20 tions officer mentality, where that built-in
21 sensitivity should be there; sensitivity to work
22 with the inmates as well as the corrections offi-
23 cers for them. I describe it as God, Mother and
24 --that kind of mentality, but probably a lot of
25 people would object to it.

1 COMMISSIONER DE MARINO: But generally
2 speaking, would you say that there are those in
3 the institution that are corrections officers
4 that just don't have the mentality to cope with
5 the inmate problems?

6 FATHER DI PASQUALE: Very definitely.

7 COMMISSIONER DE MARINO: What would you
8 say on a percentage basis, using your judgment,
9 your opinion?

10 FATHER DI PASQUALE: Percentage, I'd
11 have to really sit down and do it out.

12 COMMISSIONER DE MARINO: If you don't
13 know, don't tell me.

14 FATHER DI PASQUALE: No, I know. I'm
15 trying in my own mind, I'm thinking of the area
16 of sergeants. I can see people that I deal with.
17 Two sergeants that I feel very strongly should be
18 in that jail as sergeants. There are two or
19 three others that I feel very strongly should not
20 be there as sergeants. I know a couple of sheriff's
21 officers who do transportation who shouldn't be
22 transporting prisoners, they should be back work-
23 ing in the jail. They were at one time, and they
24 were fantastic men, especially from the point of
25 view as sitting down and talking to guys and

1 treating them as human beings. They were pretty
2 fantastic men inside the jail.

3 COMMISSIONER DE MARINO: What would make
4 a man want to get out of the jail and become a
5 transportation officer?

6 FATHER DI PASQUALE: I don't totally
7 know the answer to that. I presume there's a
8 higher rate of pay or something.

9 COMMISSIONER DE MARINO: Perhaps a
10 higher rate of pay, or a better duty?

11 They probably don't rotate, do they?

12 FATHER DI PASQUALE: I really don't
13 know.

14 COMMISSIONER DE MARINO: I just want
15 to clear up another point. I don't want you to
16 sit up here and let you think that Middlesex
17 County is running flawless. We probably have
18 as much problems as Atlantic County. And maybe
19 different problems than Atlantic County has.
20 However, when one says, what can be done, and
21 I guess I can see this freely here in Atlantic
22 County, I'm not running for office here in At-
23 lantic, that it depends on who's running. You
24 know, you have your disagreement as, or your
25 feelings because perhaps of the way you dress

1 and the way guards talk to you, and I have my
2 feelings among fellow Democrats, of which I am
3 a Democrat in my county, there seems to be three
4 parties; the Democratic party, the Republic party,
5 and one that I formed called the People's party,
6 which says that you represent people. They come
7 first. Of course, it's tough in some counties
8 to have that party, and like you have a Hap Far-
9 ley here, we had a guy named David Wilentz in
10 Middlesex County. But that doesn't mean you can't
11 beat the machine, nor does that mean you can't
12 win, because I think I proved that in my own
13 county, and you only win by surrounding yourself
14 with enough people. I don't agree with the
15 method of burning down city blocks or causing
16 a riot, but you can cause problems by rallying
17 people--

18 FATHER DI PASQUALE: I'd like to clari-
19 fy that, because probably in the press tomorrow,
20 I don't want that to be the top headline, I
21 don't agree with that either. I'm just saying
22 that's how people reacted to it. I'd have to
23 clarify that, because--

24 COMMISSIONER DE MARINO: But the
25 point I'm trying to make is, it's not easy, but

1 changes can come about. In all due respects to
2 the Sheriff and the Undersheriff, the people have
3 the say as to who represents them, and if that
4 person is not doing it to their satisfaction,
5 then you remove them. However, I keep in mind
6 the factor that if we take some of the directions
7 that I hear from the people of Atlantic County,
8 they're saying to take the responsibilities
9 of that jail and to put them in the hands of
10 the criminologists, or penologists, that we have
11 good and bad in them, too. We have some with
12 degrees a mile long that I've seen that couldn't
13 find their way out of a telephone booth if arrows
14 were drawn on the floor. But, you know, once
15 you're locked into that type of a person, you
16 may have lost your rights, because he's locked
17 in by Civil Service, and by his position, whether
18 it be tenure or whatever, and then you have to
19 wait until he dies to have change.

20 I didn't mean to belabor the point,
21 but I'm just trying to say that something can be
22 done, and if everyone quits, you understand,
23 nothing will be done.

24 FATHER DI PASQUALE: I'll react to that
25 in the sense that, in this county, there are

1 people that have fought the machine and have
2 overcome the machine. There are people that are
3 independent enough to do that. But you also have
4 a lot of people that want to do that and can't
5 do that, because of their dependency, especially
6 in a shore community such as this, for job security
7 and for a lot of securities, and you know, I
8 think you've got to look at the county and you've
9 got to look at the total mentality of the
10 county. I think we've turned the corner, but I
11 think we've got a lot of years to go in turning
12 that corner, as far as developing a healthy poli-
13 tic in this county.

14 CHAIRMAN IRVING: I wonder if Under-
15 sheriff Brown has any questions?

16 COMMISSIONER BROWN: Yes. I'd like
17 to ask Father, he stated he's a curate at a
18 local church nearby?

19 FATHER DI PASQUALE: Yes, sir.
20 St. Monica's Roman Catholic Church. I'm the
21 assistant there.

22 COMMISSIONER BROWN: Do you, in your
23 ministry as a priest, fulfil the requests of in-
24 mates who may be Lutherans, or may be other than--
25 I understand you have an Episcopalian Chaplin

1 assigned there--the other faiths. Do you administer
2 to them?

3 FATHER DI PASQUALE: I try to. As
4 many as I can with the time I have.

5 COMMISSIONER BROWN: Have you approached
6 the Sheriff, or anybody, and the powers that be,
7 to ask them why you couldn't have entourage to
8 the jail, the same as the minister, for those
9 people you had the request from? In other words,
10 have you pursued this from any angle, to --

11 FATHER DI PASQUALE: No, I've asked
12 for permission to conduct Mass at the jail.
13 The Undersheriff has been very gracious and really
14 has put no restrictions on it. The problem that
15 I run into, it's according to who is on duty.
16 The restrictions change each time that I go into
17 the jail. I can, you know, on certain nights
18 that I go into the jail, I told you, I can have
19 everybody in the place down for Mass, and I can
20 go from cellblock to cellblock. There are other
21 nights when I'm going to have to go in, and one
22 person is going to be brought down at a time.
23 I'm going to have see them as individuals, and
24 with 180 guys, I can't spend from five o'clock
25 at night to seven the next night seeing them

1 that way. So again, my problem is not with the
2 Undersheriff; he's never given me any hassle as
3 regards my procedure inside the jail. But it's
4 when you get to the jail itself, it's according
5 to who is on duty. There are some Saturdays
6 and Sunday nights I don't go out there, because
7 I call ahead and find out who's out there. So I
8 don't go.

9 COMMISSIONER BROWN: I'm interested in
10 one other aspect. You clarified for the press
11 that you weren't in favor of burning to force
12 or promote your philosophy. Do you advocate, by
13 peaceful means or by any other means, the over-
14 throw of our democracy? You spoke of capitalism,
15 and you seem to be very much opposed to our
16 system.

17 FATHER DI PASQUALE: I'm very much
18 opposed to it. I believe I'm very highly in
19 the Christian system, which, I think if you get
20 into the Gospel, is very much in contradiction
21 to the capitalistic system, and this is the
22 philosophy that we're now talking about. I also
23 feel very strongly, in the kind of society we
24 live in, it's a kind of society that has two
25 sides to it. It's a society, you say, overthrow

1 of democracy, it's impossible to overthrow democ-
2 racy, because I don't feel we live in one. Very
3 strongly, I feel about that, and I also feel
4 very strongly that our society has become, you
5 know, this business that everybody's son can be-
6 come President is no longer a reality. Everybodys
7 son with three or four million dollars can become
8 President. So I really feel we have to clarify
9 what we're talking about, if you want me to really
10 answer that question. I would be very happy to.
11 But I want to clarify terms when I'm answering.

12 COMMISSIONER BROWN: Well, I'm not
13 sure that every mother or every father would want
14 his son or relative to become President, with
15 the publicity that's forthcoming, but that's neither
16 here nor there.

17 You didn't answer my question. Do
18 you advocate the overthrow of the government?

19 FATHER DI PASQUALE: Do I advocate
20 the overthrow of the government? No, I do not.

21 CHAIRMAN IRVING: Father, unless you
22 have something else to say, I do want to thank
23 you on behalf of the Commission. We'd like to
24 hear from one other gentleman before we head for
25 our co-nties. We wish you every success in your

1 reform efforts, sir.

2 [Witness excused.]

3 CHAIRMAN IRVING: Mr. Feldman?

4 MR. FELDMAN: I'm glad to see we're
5 finishing.

6 CHAIRMAN IRVING: Mr. Feldman, will
7 you give your name to the--

8 MR. FELDMAN: I'll be very brief.

9 CHAIRMAN IRVING: Sir, could you simply
10 follow the procedure of giving your name to the
11 Reporter, so that we will have it?

12 MR. FELDMAN: Okay. I'm delivering
13 three documents here. I'm Morton Feldman, attorney
14 at law, Atlantic City, and I would like--

15 COMMISSIONER BROWN: Would you swear
16 the witness--

17 MR. FELDMAN: --mainly to--

18 COMMISSIONER BROWN: Excuse me--

19 CHAIRMAN IRVING: We have been swearing
20 witnesses in. Do you have any--

21 MR. FELDMAN: I would have an objection
22 to being sworn.

23 COMMISSIONER BROWN: Under those condi-
24 tions, I suggest that maybe we go off the record
25 temporarily.

1 CHAIRMAN IRVING: Yes. Let us go
2 off the record.

3 [Off the record discussion.]

4 CHAIRMAN IRVING: There being no
5 further witnesses to come before the Commission,
6 I would like to thank all of you that have come
7 before us for making the day and a half possible.
8 I think by spotlighting the jail, we have made
9 a contribution. I believe in the audience we
10 have several civic leaders, who, if they begin
11 to band together, perhaps you have already begun,
12 with the help of informed people like Father
13 DiPasquale, I think there are many others like
14 the good priest here, and with the continuing
15 interest of the Atlantic City Press, who have sat
16 here in the uncomfortable chairs for the day and
17 a half, the representative of the Philadelphia
18 Newspaper, with that kind of help and support,
19 I think there is a better day ahead for Atlantic
20 County, and I would hope that we in turn are
21 called upon from time to time, if you want us
22 to help in the future, if you want me to come
23 back personally and work with you, I would be
24 delighted to do that.

25 The Commission will announce, through

1 its Trenton Staff people, the time and place
2 of future hearings. This meeting is now adjourned.
3 Thank you.

4 [Whereupon, the hearing was adjourned.]

5
6 * * * * *

C E R T I F I C A T E

I, Charles P. McGuire, do hereby
certify that the foregoing is a true and correct
transcript of testimony taken at the time and
place hereinbefore mentioned.

Charles McGuire
CHARLES P. MC GUIRE
C.S.R.

DATE: 7/23/74

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