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

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

December 1, 1979

During its fifth calendar year, the Office of Inmate Advocacy achieved substantial progress in improving jail conditions through negotiation. A partial settlement and court ruling have produced major changes in Passaic County, some of which we have been able to apply elsewhere. Through general cooperative relationships with the administration in other counties we have worked with them to develop changes which have improved the lot of the inmates, and have generally had a positive impact on administration and staff as well.

The high regard in which the work of the Office is held was demonstrated by the fact that on July 1, 1979, we entered the fourth year of operation under funding provided through the State Law Enforcement Planning Agency. It is rare that SLEPA continues to fund a program for more than three years. The unique and vital nature of this Office, as well as the substantial accomplishments which we have made, persuaded them to continue the program for this extended period. It is doubtful, however, whether this can continue much longer, and thus the program will not last unless it is restored to the state budget. The SLEPA grant also remains limited to county and municipal jails, and thus without state funding we are unable to provide services in the state prisons and reformatories.

LITIGATION

As reported in our 1978 Annual Report, the Office of Inmate Advocacy was compelled by the substantially resistant attitude of the officials at Passaic County to file suit in Federal District Court regarding conditions in that jail. During the fall of 1978, discussions with county counsel led to a settlement agreement on many of the issues in the suit. The settlement was signed by counsel in January of this year, and, since the case was a class action, was presented to the Court for review. Following submission of the settlement to inmates at the jail, the members of the class, for review, the agreement was made an order of the Court following a hearing on April 10, 1979.

As a result of this order, the jail authorities are required to provide professional extermination services to insure that vermin are controlled, to afford a basic medical examination to all newly admitted inmates to protect against contamination of the entire population, to employ a dietician to insure that meals are nutritious and tasty, and to provide recreation on a regular basis to all inmates. In an area which the judge found to be of great importance, the defendants agreed to provide barriers to screen the open toilets from the dining tables of the housing areas so that those engaged in toilet functions could have a modicum of privacy and particularly so that these activities would not take place in full view of those partaking of meals.

When the trial opened on March 6, 1979, the only issues which remained open concerned the total ban on newspapers and magazines at the jail and the extremely restrictive visiting hours and conditions. At the start of the trial Judge Stern made clear that because of the paramount nature of

the free press guarantee in our law, the ban on reading material could not stand. The defendants, with some grumbling, agreed to permit inmates to buy newspapers and magazines subject to restrictions on accumulation and abuse, which agreement later became part of the consent order. Judge Stern also indicated in the course of the hearing that the total ban on visiting by the children was a probable constitutional deprivation which required immediate correction. He ordered interim relief which would permit those inmates who so desired to see their children during a special visiting period.

The trial proceeded on the remaining visiting issues. By its end, all parties had agreed that the existing visiting hours were too limited to permit reasonable opportunity for contact with friends and relatives, and that they should be expanded. Clear dispute remained only on the issue of whether any visits during which contact between inmates and visitors was allowed could safely be afforded by the jail.

Judge Stern's decision was substantially delayed, largely due to the issuance of an opinion by the United States Supreme Court shortly after the trial on the subject of prisoners' rights in a pretrial detainee context. That opinion rather significantly limited the scope of these rights as they had been enumerated in numerous lower court decisions. In view of this, the opinion issued on July 18, 1979 constituted an almost total victory for this Office's position. The Judge held flatly that the denial of visiting by children of inmates was an abridgement of their constitutional rights,

and that the overall visiting circumstances at the jail were too limited. Most importantly, the Judge appointed a Special Master to oversee the implementation of all the matters which had been agreed to in the previously issued consent order, as well as to make a determination as to whether or not contact visits could be safely provided in any fashion at the jail. During the summer and fall the Special Master made numerous visits to the jail and continuously prodded them into compliance with the provisions of the consent decree, while at the same time holding hearings and otherwise evaluating the position of the defendants that contact visits could not be afforded safely. His report on the subject of contact visits is due to be issued shortly.

As expected when we brought the litigation, the Office has been able to make substantial use of the reforms won in the Passaic litigation in promoting similar achievements at other facilities. The Office will continue to devote whatever resources are necessary to insure that progress continues at the Passaic County Jail to the maximum feasible extent.

CORRECTION OFFICER TRAINING

In this calendar year the Office became very heavily involved in the development and presentation of training programs for correctional personnel on legal matters. A member of the staff who had previously been teaching at the Correction Officers Training Academy was selected to attend a week-long institute at the National Jail Center at Boulder, Colorado, where he was instructed in both the substance and technique of training correctional

personnel in relevant legal issues. A curriculum relative to New Jersey was then developed and various counties were contacted and informed of the availability of this program. As a result, rather than waiting for individual officers to be sent by their counties to the Correction Officers Training Academy, on-site programs were held at the individual institutions which were attended by all or a substantial percentage of the officer corps. In several cases these included the ranking officers, as well as the entry level personnel.

To date such programs have been held at the county jails in Passaic, Middlesex, Essex, Hudson and Cumberland Counties, and are scheduled in the near future to be held at several other locations. These programs have been universally well received and have had a dual contribution. First, they have given the jail personnel knowledge in an area of great importance to them, but generally ignored in other training programs, and secondly, they have developed substantially positive communication between this Office and the personnel of the institutions. As a result of this, we are often able to work together in a cooperative fashion in solving the problems which exist in the respective institutions. Many of the counties have expressed interest in this program and will seek to avail themselves of the services.

INDIVIDUAL COUNTIES

The Office has continued its policy of maintaining regular contact with all county jails even where we do not suspect that significant problems exist, in order to ensure that our information is current and that we are abreast of developments and changes throughout the institutions for which we are responsible. The following listing highlights some of our major contacts, but is not exhaustive of the counties we dealt with or the matters pursued.

Gloucester County Jail - Woodbury In this institution, which all agree to be one of the most deficient in the state, we made a thorough re-inspection this year and determined that few changes had been made. A substantial setback in replacing the existing structure occurred when the November election results indicated that the voters opposed construction of a jail and county offices on a site proposed by the prior Freeholder Board. We anticipate that major involvement with Gloucester County will occur in the coming year.

Hunterdon County Jail - Flemington In similar fashion the plans to replace the existing deficient jail in Hunterdon County were scrapped last winter when a determination was made that they possibly would be too expensive. We have been in contact with the Citizens Committee set up by the Freeholders to evaluate possible alternatives.

Mercer County Detention Center - Trenton In this institu-

tion we have dealt with major issues involving disciplinary procedures and the availability of kosher food to an inmate who was an Orthodox Jew.

Middlesex County Jail and Workhouse - New Brunswick We have

worked closely with the new administrators of these institutions in developing a new Inmate Rulebook, training of officers, and have been requested to advise the architects and planners retained by the county who are developing plans for a new facility to replace the existing deficient structures.

Morrmouth County Correctional Institution - Freehold We have

conducted several major investigations at this institution and have worked with the administration in an effort to provide increased recreation, improved telephone contacts, more frequent visiting, and better medical care.

Union County Jail - Elizabeth We have continued to work closely

with the administration of this institution in their effort to bring the jail up to modern professional standards and ensure adequate availability of all possible programs. During the year this institution opened an indoor recreation area, the first in its history, increased its visiting hours substantially and began a limited program of contact visiting for certain low-risk inmates.

Warren County Jail - Belvidere We have had considerable contact

with this institution, and have witnessed very substantial improvements in the conditions over the year. However, despite sincere efforts to do what could be done to the existing facility, the present jail cannot function as

an adequate institution for the housing of human beings. For the first time in our experience the county governing body is beginning to recognize this and to move toward the replacement of the jail with a structure meeting contemporary standards.

INMATE COMPLAINTS

Again this year the number of individual inmate complaints which were processed by this Office has been reduced. While this is due in part to our heavy commitment in time to the Passaic County Jail suit, and the absence of one of our investigators for a six-month period, we also attribute it to the fact that individual institutions are continuing to improve their procedures for the processing of inmate grievances internally. It has been the policy of this Office to promote such internal grievance mechanisms so that problems could be settled quickly and directly in the place where they arose. Also, because of our positive relationship with many counties we are able to settle many matters with one or two phone calls, and thus a large number of individual complaints which we did handle were never formally recorded. While we have instituted new procedures which will hopefully insure that all such matters are appropriately recorded in our files, we do not expect that this will lead to any increase in actual matters handled because of the factors mentioned above.

SPECIAL SERVICES AND MISCELLANEOUS ACTIVITIES

The Director served on the Department of Corrections Committee which resulted in the issuance of new guidelines for county jails in November. We believe that these guidelines represent a substantial step forward in

setting minimum standards for county jails and are hopeful that the Department of Corrections will now institute a vigorous program for seeing to it that they are carried out within the individual counties.

This year has seen a number of changes in jail personnel, with several of the older wardens retiring and being replaced by young persons less set in their ways of doing things. In all such cases we have attempted to quickly develop a positive relationship with the new administrator so as to insure that the concerns of this Office were adequately understood by the institution and to see to it that we have a good working relationship with the jail officials.

CONCLUSION

Through the Passaic litigation and our other work we continue to see real progress brought about in improving the conditions of our county jails through the efforts of this Office. While much remains to be done, we can feel very positive about the achievements we have made and the prospects for continuing future improvement.

Respectfully submitted,

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