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1980
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, 1980

INTRODUCTION AND SUMMARY

In 1980, the sixth calendar year of operation, the Office of Inmate Advocacy compiled another record of substantial achievement in carrying out our legislative mandate, to represent the interests of persons in penal confinement throughout the State of New Jersey. This was accomplished despite the limited funding and resources available to the Office and, perhaps most remarkably in our litigious society, without the necessity to resort to any new litigation initiatives.

The Office was able to enter into or significantly expand its operations in several new areas. These included comprehensive technical assistance to counties which were engaged in the planning and design of new jail facilities, and assistance in the analysis and possible solution to the growing problem of jail overcrowding which became extremely serious in the last third of this year. The Office's core function of providing direct assistance to inmates who have concerns regarding problems within their institutions has continued to be our basic operation. This effort is a safety valve of immeasurable importance to the jails of this state, since without it many inmates would have no place to turn when they feel that they are being denied minimally humane treatment. Through listening to an inmate's complaint and providing advice or an answer which he was unable to obtain elsewhere, the staff of the Office is often able to turn someone whose frustrations may lead to antisocial conduct into one who understands that the "system" can be made to provide him with fair treatment. It is impossible to say how many injuries to officers or how much destruction of property was prevented by the existence of this safety valve.

The Office is presently in its fifth and certainly its last year of funding through the State Law Enforcement Planning Agency. Its federal funding provided through LEAA will terminate at the end of this fiscal year on June 30, 1981. At this point it is unclear whether the Office of Inmate Advocacy will continue to receive any funding after that date. If the functional existence of the Office were to cease, and the safety valve as well as the technical services which we provide were thus to come to an end, it is impossible to say what consequences might occur for the administrators and employees of the county jails of New Jersey, not to mention for the inmates for whom they are responsible.

LITIGATION

Our comprehensive lawsuit involving conditions at the Passaic County Jail, filed in January of 1978, was substantially concluded in this year. As noted in previous reports, most of the issues in that suit were resolved through settlement agreement between this Office and county officials. Those which remained for resolution by the Court primarily involved matters of visiting. As a result of the decision by the Court and the pressure provided by this Office and the Court-appointed Special Master, the number of hours available for visiting was expanded from the total of three and a half per week, at the time the suit was filed, to over twelve at this time in addition to the allowance of visits at other hours on a more routine basis. Our request for the allowance of contact visits was denied by the Court however on the basis of higher Court decisions in other cases. In this year also the county put into place a comprehensive classification system to ensure that inmates are housed in accordance with their individually determined characteristics and needs. This should both help to eliminate the pattern of racial

segregation which was common at the jail when the lawsuit was filed and to improve the provision of services available to the population. A professional food service director was hired, resulting in a very substantial improvement in the quality of food as well as efficiencies in its handling, and screening devices were installed to ensure that inmates may use the toilets without being in full view of others. The only matter that now remains under the Court Order is the provision of outdoor recreation and more frequent general recreation. Because of the physical limitations of the present structure, this probably will not be available until an addition, which has been approved by the Freeholder Board, is completed.

The effects of the Passaic lawsuit have been substantial in that other counties have developed classification systems, improved their disciplinary procedures, and in some cases expanded visiting hours. Thus, although it is demanding of resources and time consuming, this litigation has enabled the achievement of objectives even beyond its own scope.

INDIVIDUAL INMATE COMPLAINTS

In the course of the twelve-month period covered by this report, well over two hundred individual complaints were formally processed by this Office. By our terminology this means that following the receipt of a letter or telephone call from or about an inmate in a county jail, a formal contact was made with administrative personnel to ascertain their position on the matter and to seek a resolution to it. These actions culminate in some formal follow-up, generally in the form of a letter to the inmate and/or the administration summarizing the problem and the solution. The resolution of these

matters may take from a few minutes for the phone calls and preparation of letters and reports involved, to several days including direct on-site investigation and lengthy follow-up.

These formally recorded individual complaints do not include the hundreds of calls received from inmates throughout the year who report that their "rights have been violated" and who often threaten to take direct action if a resolution is not reached. In most of these cases, after listening to the inmate's description we advise him that in fact there is no right to that which he is seeking, and that the situation he is protesting has the sanction of law. In the great majority of cases this serves to cool the anger which has been aroused, since our staff has been trained to deal with inmates in a manner which will serve to reduce emotional responses. In a related area this Office receives many calls and letters regarding related services such as attorney representation, court action, and the like. In these cases it is the practice of the Office to refer the matter to the agency, such as the local Public Defender Office or a bail project where the resolution of the complaint may be sought.

Although the Office remains fully available to respond to any individual complaints, it is our practice to seek methods of resolving such matters without the necessity of our intervention. This normally takes the form of encouraging the development and expansion of grievance mechanisms within the institution. For example, during this year we met with officials and inmates at the Atlantic County Jail who were seeking technical advice regarding the development of an Inmate Representative Committee to handle grievances. We also assisted Ombudsmen in the Passaic County Jail and elsewhere in improving

their procedures, and we have reviewed a number of drafts of inmate rule-books which afford a mechanism of informing inmates of what is expected of them and what they can expect of the institution. When we receive a complaint from an inmate housed in a facility, where we are aware that an effective internal grievance mechanism exists, it is our practice to require the inmate to utilize that mechanism before resorting to the assistance of this Office. While it is doubtful that these efforts will ever fully eradicate the need for a central agency such as this to handle inmate grievances, it is expected that the development and improvement of these in-house programs will enable the Office to concentrate its limited resources on larger issues.

TECHNICAL ASSISTANCE IN JAIL PLANNING AND DESIGN

A very substantial portion of the Office's resources in this calendar year were devoted to working with counties who are in the process of planning and/or designing new jail buildings to replace or supplement existing sub-standard facilities. Because of the virtual revolution in jail design which has occurred within the last decade, many counties have found that their present buildings do not allow them to meet current legal standards and professional guidelines. This Office works with the counties in the design and development stage to ensure that the new building will not suffer from similar deficiencies. Following construction, we have also worked with counties to ensure that their operations maximize the benefits which the physical plant permits. From the feedback which we have received it is apparent that this service has been found to be of immense benefit to the counties with which we have worked. During the current year we have engaged in some aspect of this

type of work in Atlantic, Camden, Gloucester, Hunterdon, Middlesex, Monmouth, Morris, Ocean, Passaic, and Warren Counties. The following are highlights of our work in some of the counties where it has been most significant.

Gloucester County. Gloucester has recognized the need to replace its totally antiquated jail, located on the third floor of a fifty-year-old courthouse building for many years. Since our first major contact with Gloucester County in 1976, we have played a part in this endeavor. Regrettably, due to political infighting the planning and design has been protracted. The Director met with the Gloucester Freeholder Board in February of this year and made it clear that continued delay could not be tolerated because of the legal deficiencies in the existing structure. Since that time, in cooperation with their architectural firms, the county has moved rather expeditiously towards the completion of a design for a facility which will allow them to meet all of the current legal and professional standards. It is anticipated that ground will be broken for this construction by late spring of 1981, and an accelerated construction process is planned.

Hunterdon County. Hunterdon has also had a lengthy process bringing it to its current point of having a virtually final design for a new jail. In 1977 a design for a rather elaborate correction center for Hunterdon County was reviewed and approved by this Office. However, it was subsequently determined that the cost of construction and staffing of that facility would be more than the county could bear. Planning for a scaled down facility has now consumed over two years with eight or ten "final" designs having been produced. One very positive aspect of the Hunterdon County position is their effort to keep the population of the institution low through the maximization of alternatives

to incarceration. The county presently plans to break ground for the new jail by early spring of 1981.

Ocean County. Ocean is another county with a similarly long process in its efforts to replace its existing jail, and at this point is not nearly as far along as the two just discussed. A comprehensive planning design was produced in 1975, and a full architectural study by a different firm was done in 1977, neither leading to fruitful results. An unusual factor in the Ocean situation is that their existing jail is only twenty years old. However, because of the radical changes in jail design standards, it is thoroughly obsolete and inadequate to the county's needs. Regrettably, the design which has been produced for replacing it, while it would result in a substantially improved facility, is still well below what should be done in many important respects. We are seriously concerned that the county will find itself producing another structure which will be obsolete before it is opened, leading to further expense for the taxpayers in the future. A comprehensive response to the proposed Ocean County design is presently being prepared and will perhaps be done in cooperation with the Department of Correction which also has concerns about it. Thus, it is not possible to say when this facility will be completed.

Middlesex County. Middlesex County has not been involved in efforts to replace its two obsolete facilities, the jail in downtown New Brunswick and the workhouse on Route 130 in North Brunswick, nearly as long as the others discussed, but has moved much more rapidly towards a final design. This design was just reviewed by the Office of Inmate Advocacy and, with some minor suggested modifications, has been approved as meeting the requirements imposed by court decisions and professional standards. Here again, it is anticipated that ground will be broken in the spring for a single facility for both pre-trial and

sentenced inmates to be located on a site near the existing workhouse in North Brunswick.

JAIL OVERCROWDING

The Office of Inmate Advocacy, as a result of its constant contacts with county jails and excellent relations with a number of jail administrators, was the first state agency to become aware of the jail population explosion which began to occur in the spring and summer of 1980 and which reached epidemic proportions in the early fall. A state-wide survey of population trends was conducted and meetings were held with jail administrators, officials of the Administrative Office of the Courts, bail project directors, and others in an effort to seek explanations regarding the cause of this circumstance and to try to develop solutions for it.

This is an example of one of the many situations where mutuality of interests exists between the obligations of the Office of Inmate Advocacy to ensure that the rights of persons in penal confinement are respected and the persons who operate the jails, inasmuch as it becomes more difficult for those officials to function when they are holding populations above the capacity of the institution. While we have not yet found a clear explanation or solution to this problem, it is anticipated that a substantial effort in the coming year will be devoted to it. From a public interest standpoint it is most important that a solution be found if at all possible so as to avoid the necessity of many counties engaging in large expenditures to build additional bed space for their increased incarcerated populations.

INDIVIDUAL COUNTIES

Besides the work of the Office with those counties which are designing replacement facilities, the Office has had a number of substantial contacts with most counties on matters relating to existing procedures and activities. Some highlights of these matters are the following:

Gloucester County. In addition to the physical deficiencies of the existing building noted in a previous section, communication was made very difficult because of a phone system which permitted inmates only one personal phone call a week. We were able to put the Sheriff in touch with officials of the telephone company, and thereby to arrange for the installation of a greatly improved telephone system within the housing areas. Inmates are now able to make calls to their families on a much more frequent basis, and at no cost to the county for phone charges.

Burlington County. It was brought to our attention that inmates of the Muslim faith housed in the Burlington County Jail were not provided with any substitute at times when pork products, forbidden by their religion, were served to the inmate population. Through negotiation with the Sheriff, we were able to reach a partially successful resolution to this deprivation of religious freedom.

Essex County. A major disturbance occurred in the Essex County Jail in March when a foiled escape attempt degenerated into an all night rampage in the course of which two floors of the jail were substantially destroyed and several officers seriously injured. The Office was in contact with Essex County authorities throughout the night of the initial disturbance, and was heavily involved in follow-up efforts to see to it that those legitimate areas

of concern raised by the protesting inmates were responded to and that those who were involved in the incident were not subject to physical retaliation by the officer staff.

Hudson County. During the officers' strike at the Hudson County Jail in September, this Office, along with the Hudson County Regional Public Defender Office, was in daily contact with the institution to ensure that despite the limited manpower available, basic necessities such as health care continued to be provided to the inmates.

Hunterdon County. A major investigation was launched into health care practices at the Hunterdon County Jail as a result of a number of complaints received regarding them. We are attempting to follow this up with a solution which will result in increased medical service to the inmate population.

Mercer County. The Office has worked closely with the professional services staff at Mercer County in an effort to produce an expansion of their existing classification system.

Morrmouth County. Through the intervention of this Office, the practice of shackling inmates who showed signs of mental disturbance in a permanently crouched position has been discontinued, and the intervention of professional staff where such situations arise will be increased.

Union County. The Office has developed a very close and positive working relationship with the Sheriff and Jail Administrator in Union County and has worked with them in the development of improved visiting, increased recreation, and a satisfactory classification program, as well as other procedures which will enable them to afford minimum rights and services to the inmate population.

CONCLUSION

It should be apparent that the efforts of the Office of Inmate Advocacy provide a vital service to those who are confined in the county jails of this state, as well as to the officials who are responsible for running those institutions, and that these services are afforded in a manner fully respectful of the best interests of the public at large. It is hoped that the Office will be able to continue to provide these services in the future.

Respectfully submitted,

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