

W872
1985a

PUBLIC HEARING

before

COMMISSION ON SEX DISCRIMINATION IN THE STATUTES

on

Sex Discrimination in Criminal Justice and Correctional Institutions

November 19, 1985
Room 348
State House Annex
Trenton, New Jersey

MEMBERS OF COMMISSION PRESENT:

Senator Wynona M. Lipman, Chairwoman
Theodosia Tamborlane, Esq.
Greta Kiernan
Phoebe Seham, Esq.
Jacqueline Lefferts, Esq.

ALSO PRESENT:

Alma Saravia
Executive Director,
Commission on Sex Discrimination in the Statutes

Leah C. Healey
Assistant Director,
Commission on Sex Discrimination in the Statutes

New Jersey State Library

W872
1985a

PUBLIC HEARING

before

COMMISSION ON SEX DISCRIMINATION IN THE STATUTES

on

Sex Discrimination in Criminal Justice and Correctional Institutions

November 19, 1985
Room 348
State House Annex
Trenton, New Jersey

MEMBERS OF COMMISSION PRESENT:

Senator Wynona M. Lipman, Chairwoman
Theodosia Tamborlane, Esq.
Greta Kiernan
Phoebe Seham, Esq.
Jacqueline Lefferts, Esq.

ALSO PRESENT:

Alma Saravia
Executive Director,
Commission on Sex Discrimination in the Statutes

Leah C. Healey
Assistant Director,
Commission on Sex Discrimination in the Statutes

New Jersey State Library

TABLE OF CONTENTS

	<u>Page</u>
Gary Mitchell, Esq. Department of Public Advocate Inmate Advocacy Section	4
Catharine Hanssens, Esq. Department of Public Advocate Inmate Advocacy Section	4
Margaret Agüero Office of the Ombudsman, Department of Corrections	16
Sergeant Bernice Flukers Corrections Sergeant Rahway State Prison	30
Kathleen Roe Assistant Director, Parents Anonymous of New Jersey	37
Thomas Blatner Director of Management Team, Division of Youth and Family Services	43
Sharon McCobin Director of Hunterdon District Office Division of Youth and Family Services	46
Viola Thomas Corrections Officer Leesburg State Prison	58
Agnes Kennebrew Corrections Officer Trenton State Prison	63
Patricia Watson Corrections Officer Youth Reception and Correction Center, Yardville	70
Deborah A. Hansen Supervisory Interstate Specialist, Office of Interstate Services	73
Wanda Webster Stansbury Consultant, Division on Women Minority Affairs	80

TABLE OF CONTENTS (continued)

	<u>Page</u>
Ricky Jacobs New Jersey Association on Corrections	80
Elizabeth McRoberts Principal Clerk Stenographer Bureau of Parole	84
Raphaela Arias Principal Clerk Typist Office of Interstate Services	87
John Mavros Executive Director, The Joint Connection	93
Grace Biderman	100
Denise Green Representative, Volunteers of America	101
Patricia Collier Director of Reform, Education, and Vocational Training Volunteers of America	104
Anita Ashkinazy Chairwoman, Women's Committee, Communication Workers of America	104
Lucille Pfleeger Co-chairwoman, Alice Paul Chapter, National Organization of Women	107
Kathy Kuffe Forum Project	110
APPENDIX	
Statement with supplemental report on behalf of Clinton Institution Inmates, submitted by Kathleen Roe, Assistant Director, Parents Anonymous of New Jersey	1x
Statement submitted by Patricia Watson Correction Officer, Yardville Correction Center	17x
Statement submitted by Local 1039 of Communication Workers of America	19x

TABLE OF CONTENTS (continued)

	<u>Page</u>
Progress Report: Sex bias in the teaching of Criminal Law submitted by Nadine Taub, Women's Rights Litigation Clinic	20x
Cover letter with P.B.A. file copies of grievances and related material on Dave Wolfgang, Don Ukinus, Anthony Nessine, Carl Stoneback, and William Hundley, submitted by William Hundley	33x
Cover letter and copies of letters sent to Burlington County Freeholders, submitted by Peter J. Rivera, Corrections Officer Burlington County Jail	65x
Backup information to testimony of Sergeant Bernice Flukers	72x
Testimony submitted by Gary Mitchell Deputy Public Defender, and Catherine Hanssens, Assistant Deputy Public Defender	77x
Resume submitted by Rafaela Arias Office of Interstate Services	99x
Resume submitted by Elizabeth McRoberts Bureau of Interstate Services	102x
Testimony submitted by Ricky Jacobs New Jersey Association on Correction	104x
Resume submitted by Deborah A. Hansen New Jersey Office of Interstate Services	106x

* * * * *

d1: 1-56
tm: 57-107
di: 108-119

SENATOR WYNONA M. LIPMAN (Chairwoman): We are going to begin this hearing now. My name is Senator Wynona Lipman, and I am Chair on the Commission on Sex Discrimination in the Statutes. I want to begin this public hearing with a brief statement about what our focus is today.

The Commission is mandated by law to conduct a thorough review of all statutes containing sex-based classifications in order to determine their relevance to contemporary standards of equality and to propose a comprehensive modernization of those statutes. The Commission conducts its studies by topic areas. To date, we have published the following reports: "Sex Discrimination in the Employment Statutes;" "Sex Discrimination in Marriage and Family Law;" "An Analysis of Wage Discrimination in New Jersey State Service;" and "Toward Economic Equity — Recommendations for the elimination of sex discrimination in the credit, housing, insurance, pensions, probate, property, public obligations, and tax statutes."

In 1981 the Commission decided that after its study of economic equity, its next area of study would be criminal justice and the sub-topic of correctional facilities.

The Commission believes it is in society's best interest, as well as the inmates', to assure that once an individual is convicted of a crime, her or his stay in a correctional facility offers the inmate an opportunity to develop the skills necessary to go forth into society as a productive member after her or his release. We want to ensure that the system recognizes the needs of both incarcerated men and women. Therefore, the areas of particular interest to us today are visitation and custody rights of incarcerated parents; opportunities in employment, education, and vocational training for inmates; prison health care services; and employment opportunities for State employees involved with the correctional system.

There are vast differences in the numbers of men and women inmates. Women comprise only five percent of the incarcerated population in New Jersey. The differing needs of incarcerated women who are in the minority may not have been fully recognized. The Commission is holding this fact-finding hearing as part of its mandate

to ensure that the social policies in the criminal statutes and regulations treat all incarcerated inmates equally without regard to their sex.

Prior to introducing the members of the Commission, I want to establish the ground rules for today's public hearing. The Commission requests that testimony be not more than ten minutes. That goes for members of the Commission in their questions also, please. The testimony should not focus on individual concerns, but rather deal with systematic problems. The Commission would like the witnesses to address how they think New Jersey's Statutes or regulations should be changed to ensure that there is no disparate treatment of incarcerated men and women.

We appreciate your appearance here today, and at this time I wish to introduce the members of the Commission. I will ask each of them as I present them to indicate their particular area of concern at today's hearing.

I would like to introduce the newest member of our Commission who is very much involved in these proceedings, Ms. Jackie Lefferts.

MS. LEFFERTS: Thank you. My main interest in being here today is to see that the correctional system recognizes the needs of both incarcerated men and women on an equal basis, even though the numbers are unequal.

SENATOR LIPMAN: Ms. Theodosia Tamborlane. I didn't say esquire to both of these young ladies here, but it is so.

MS. TAMBORLANE: As Vice Chairwoman of the Commission, I am particularly interested in hearing testimony related to the health care being afforded the inmates in our correctional institutions, and my secondary interest is the vocational opportunities afforded through training or education while the inmates are in our correctional facilities.

SENATOR LIPMAN: Yes, as I said before, I am Wynona Lipman, and my interest is in the rehabilitation of inmates. I would like to push the idea that the training given the inmates inside the institution be such as can be used when they leave the institution. If our laws do not coincide with this idea, it is something we must change.

This is Alma Saravia, who is Executive Director of the Commission on Sex Discrimination. Please speak, Alma.

MS. SARAVIA: One thing that I would like to ask is if any of the witnesses have written testimony can they make sure that Leah Healey, our Assistant Director, gets a copy of that. We will be keeping the record open for an additional ten days to two weeks so that you may submit written testimony to the Commission office that will be included in the public hearing transcript. Copies of the public hearing transcript will be made available after they are published.

SENATOR LIPMAN: One of our original members, Mrs. Greta Kiernan.

MS. KIERNAN: Thank you Senator. My name is Greta Kiernan, and I am particularly interested in the family structure and what happens to children of incarcerated parents, and how we can best try to put together a split-up family after incarceration, if possible.

SENATOR LIPMAN: This is Phoebe Seham, another esquire. Phoebe?

MS. SEHAM: Thank you. I am interested in equal treatment of male and female prisoners, but what hasn't been specifically mentioned here is the opportunities for employees of the State correctional system. I would like there to be equal opportunity there for women as well as men.

SENATOR LIPMAN: So, you have now heard a summary of the thrust of today's hearing. We are interested in equal terms of employment for employees of who serve the system, and we are interested in areas of incarceration of the inmates. I also would like to introduce our consultant for this particular study, Doctor Jenny Brown, former head of the Essex County correctional system, and now consultant to the State correctional system. (gestures in acknowledgement) At this time I would like to call the first witnesses. Is Ms. Hanssens with you, Mr. Gary Mitchell? All right, would you come forward?

Mr. Gary Mitchell of the Department of the Public Advocate from the Inmate Advocacy Section, and Ms. Catharine Hanssens, Esq. who is Staff Attorney with the Office.

GARY MITCHELL: We are pleased to be here this morning. I would like to briefly say that I am especially pleased having once served with the Commission as an intern. (Chairwoman asks speaker to speak up) I am very pleased to be here. This morning, the testimony we will give will focus on problems affecting women and male inmates in county jails and State correctional institutions. Catharine Hanssens will be presenting testimony to you, and I hope that we will have the opportunity to field any questions you may have.

CATHARINE HANSENS: I also would like to take advantage of the opportunity to present a written statement later since we do not have written testimony available today. I have copious notes, and I will try to keep it down to ten minutes.

What I would like to do is present an overview of some of the problems that we see in terms of sex discrimination in the State Prisons and county facilities, and give some observations and recommendations to deal with some of these problems legislatively.

SENATOR LIPMAN: Ms. Hanssens, I don't have a stopwatch, so, proceed.

MS. HANSENS: Okay. In the testimony I am going to give, I will sometimes refer to a particular jail as illustrative of a certain problem. That is not necessarily meant to indicate that that jail is more horrendous than other jails. They may have the same problems. Maybe it is that we have more recent investigations into that particular facility.

In order to understand the character of sex discrimination in New Jersey jails and prisons, it is important to understand the overall problem of conditions in all of our correctional facilities. In the State facilities, overcrowding and lack of access to programs are Statewide problems; and county facilities have particular problems with where the physical plants tend to be antiquated or not adequately maintained; and there are serious shortcomings in services both to men and women. So, in a lot of the county jails we have men having better access to totally inadequate law library facilities than women do. Even were women to have equal access to those facilities, their access to legal research materials would not be necessarily adequate.

Frankly, most of the county jails fail to comply with the mandated minimums that are set forth in the New Jersey Administrative Code regarding the operation of county facilities. I would say approximately half of New Jersey county jails are under court order or in the middle of litigation concerning the unconstitutional nature of conditions there. As a result, access of both sexes to the services they are entitled to by law is limited.

In that context, women still suffer more than men. Women are in facilities that are not only separate but unequal. In the county facilities, women tend to occupy a small area of the jail and don't have access to the facilities available to the majority male population. For instance, there will be one indoor gymnasium and in most county facilities the women will not have access to it. There is a law library, and the women will not always have equivalent access. The problem with the State facilities is that we have one centrally located State facility where women from all across the State are clustered. We don't have the separate kind of programming opportunities that are available to the men because they are in different facilities with different custody capacities. Not only are their pragmatic opportunities affected, but their access to their families are affected. They are in Clinton, which is not exactly an urban center. There are transportation problems for family members, and it affects their ability to reaccess the community from which they came, and to maintain family ties, which lots of studies show are very important to integration back into the community and to recidivism rates.

In general, I think we can best typify the attitude towards women in correctional facilities -- be it State or county -- as an afterthought basis. One way of illustrating that is to look at the situation in Hunterdon County, which has a very new facility, and yet it opened with insufficient space for the women. The women in that facility are double-bunked; the men are not. A similar problem also occurred in Middlesex County, where they did not have sufficient space for the women in a brand new facility.

Another illustration of the problem is the way that the State Department of Corrections was dealing with the problem of privacy for women inmates who were housed for medical problems at St. Francis Hospital. Despite the fact that women have been housed there for medical treatment for some time, and despite the fact that there were numerous complaints about male guards coming in in the middle of medical procedures or for security checks without announcing themselves, only recently has the Department of Corrections made plans to hire a minimum of one female guard per shift at St. Francis.

The illustrations of the disparate treatment of women inmates in the vocational, educational, and recreational area-- Specifically in the employment area, there is little or nothing offered in the county jails as far as employment training is concerned. At the State facility at Clinton, there is little attempt to offer training in areas with realistic future employment potential. Work opportunities include: upholstering, sewing, and consumer home management. Only recently has Clinton offered a course in electronics. In the area of education, separate classroom facilities and a variety of course offerings rarely are available to women in county jails. For instance, in Bergen County, the men have a separate classroom that is set aside for courses. Women who are able to take part in educational programs at Bergen County do so in a multi-purpose room which is also their indoor recreation area. The women in Bergen also are double-celled, so that multi-purpose room is important for a variety of things other than education. As I mentioned, in the area of physical exercise and recreation, women generally do not have the same access to gym facilities or outdoor recreation. For example, in Union County, Gloucester County, and Monmouth, there are no indoor recreational facilities for women.

Library access is also a problem. It is the same kind of situation, particularly in the county jails where we have one regular library and one law library. Generally the men have direct access. In most facilities, if a woman who wants to use the law library can name the specific case or statute she needs, she can get it. That would be difficult for someone trained in law, let alone someone who has no

experience in legal research, and because of this there are fewer jailhouse lawyers in the female incarcerated community. Yet, as an example, there isn't any attempt to provide these women with information on how you find a statute that deals with the custody of your children when you find out they are about to be taken away from you.

On that same line, social services in county facilities are generally less than what is available for men, and you don't find a lot of assistance with problems that affect incarcerated women. A lot of women that come into facilities are the primary caretakers and have minor children at home, meaning a lot of them deal with custody issues. Yet, they don't have assistance in dealing with the legal end of these things, nor do they have social workers who will assist them.

In the area of visitation and custody, visitation for women inmates in county jails is often less than what is available for similarly situated male inmates. Many county jails do not provide for contact visitation despite State regulations that call for this. None of these facilities routinely allow a mother to maintain contact with her infant children. From a developmental perspective, neither mother's nor child's best interests are necessarily served by separating the newborn from its mother. The mother-child bond is critical to the child, and the child needs continuity of care, so if the mother is going to be the primary parent for that child once she is released it is very critical that she has continued contact with that child during the first two years of the life. Studies show that the mother-child bonding that happens during that period often cannot be reconstructed if it is interrupted.

In terms of medical care, there is a critical problem in practically all the county facilities, and I think also at Clinton. There is insufficient staff at Clinton to provide adequate, 24-hour-a-day health care. Almost none of the county facilities have infirmary facilities for women. A nurse from Middlesex County recently told me that she had a woman that was seriously ill because of an operation that did not go well for her, and they had no infirmary facilities for women. So, what happens in a lot of county facilities

is the woman may be segregated in an unsanitary segregation cell when there aren't infirmary facilities for women, because we don't have any coed anything in the county facilities, and if there is one facility, the men have access to it and the women do not.

Medical screening of women in the State and county facilities does not include specific procedures that are necessary to ensure women's health and the control of contagious diseases. Most expert medical authorities recommend that women have a history taken, be physically examined by a doctor, and have testing including tests for contagious diseases. Other experts have also recommended that the pregnancy test be administered upon admission. There are a variety of reasons for this. A woman may be given medications, so it is very important when a woman comes into a facility that you know whether or not she is pregnant. Some drugs may be contraindicated that you do not want to give to women, and you cannot count on a woman to know at every particular point in time whether or not she is pregnant. One of the things that is so horrifying about the unwillingness to do this is that the test is so inexpensive. We are talking about fifty cents to two dollars per inmate to administer a pregnancy test.

SENATOR LIPMAN: Ms. Hanssens?

MS. HANSENS: Yes?

SENATOR LIPMAN: Will you sum up?

MS. HANSENS: Sure. I think our recommendations would be as follows:

That the legislation should provide further impetus for the Department of Corrections to enforce minimum standards for county jails. The New Jersey Administrative Code contains provisions setting minimum criteria for county jails regarding services in those facilities in the areas I just discussed. The Department of Corrections is also charged with the responsibility of enforcing those minimum criteria. One of the enforcement mechanisms is to restrict admission to the county jails. So far, that remedy has never been used. We would recommend that legislation be developed to encourage the DOC not only to use the existing remedy to follow its statutory mandate to enforce these standards, but also to develop alternative

remedies for enforcement other than restricting access to jails. I think if the minimum standards for county facilities were followed, that would eliminate most of the types of problems I just discussed.

The Department should also study the feasibility of the use of satellite women's units as an alternative to the housing of all female State prisoners at Clinton.

The third recommendation would be accommodations for women who wish to retain and care for their infant children. That should be statutorily guaranteed at both State and county facilities.

Our fourth recommendation would be the provision of the central medical services such as medical screening and prenatal care. We believe that it should be standardized in all State detention facilities. There are now two different standards of medical care; one for the poor and incarcerated, and one for the rest of us. Nor should medical care vary from county facility to county facility and among the State.

SENATOR LIPMAN: Do you have copies of your presentation ready for us?

MS. HANSSENS: No, I don't. No, but what I would like to do is provide some additional detail in the area of recommendations, and then submit this to you within the next week or so, if that is okay?

SENATOR LIPMAN: We would appreciate that. Now I am going to give the Commission a chance to ask you some questions. Who is first?

MS. LEFFERTS: I will ask you the first question. How long did you spend on your investigation, and to what correctional facilities did you go other than Clinton?

MS. HANSSENS: The observations included in my testimony are based on-- I have been with the office for a year and a half and involved in one way or another with 21 different counties. We get both written and telephoned-in complaints from all the county jails. We have different investigators who field those calls. Personally, I have been to a number of the facilities. Right now, I am familiar primarily with Bergen County, Monmouth County, and Burlington County. But, this testimony is not solely based on my own personal experience. It is basically a collection of observations and reports that have come into our office in the last couple of years.

MS. TAMBORLANE: I have two questions for you. The first relates to your first recommendation that there should be some new legislation setting forth standards for county jails. Would you be able to provide to the Commission some more detail in terms of what you would want to see in those minimum standards and some draft language, if your office has developed anything like that?

MS. HANSSENS: Let me clarify. The first recommendation was that we have existing county jail regulations. For example, I think the regulations should be more specific in terms of exactly what should be required in medical screening, specifically prenatal care. But, I think the existing regulations are not being enforced. That is—

MS. TAMBORLANE: So, you are not recommending new legislation, but enforcement of existing regulations?

MS. HANSSENS: Legislation that would expand the variety of remedies the Department of Corrections would have when a county facility continually flagrantly disregards those minimum standards.

MS. TAMBORLANE: Okay. And you will then expand on that?

MS. HANSSENS: Yes, I would be happy to. Sure.

MS. TAMBORLANE: The second question I have is in reference to your recommendation for accommodations for women with infant children, because it is my understanding that there currently is a statute that provides that an infant child may remain up to two years with the mother. Are you saying that while it is on the books, this statute cannot be implemented because there are no accommodations?

MS. HANSSENS: I am familiar with the statute you are referring to, but as I see it, the problem with that statute is that it is really ambiguous. The way I read that statute is the superintendent determines whether it is in the best interest of the child to be with the mother. Or as the language also suggests, if the person in charge of that institution decides it is in the best interest of the child to send the child out of the facility and into the custody of the State, that will be done. The way I read the statute, it almost sounds like the woman runs the risk of giving up her child at the discretion of the person in charge of the facility should she decide to exercise the option of bringing the child in in the first place.

I think that needs to be modified to allow a woman to do that without having to risk giving up her child at the discretion of the superintendent.

MS. TAMBORLANE: All right, if we were to modify the language of that particular statute to make it less ambiguous and take away some discretion that is there now, I would assume from your testimony that accommodations still would have to be set up that aren't there now. Is that correct?

MS. HANSSENS: I would think so. What would be beneficial would be to look at states, such as New York, who are doing this right now, and are successful.

SENATOR LIPMAN: I just want to follow up on Theo's question. You are speaking mainly of county jails when you talk about it being at the discretion of the warden. It is also at the discretion of the Commissioner of Corrections at the State prisons for women to have the care of their infant children. Is that right? You are saying that it is now at the discretion of whoever is running the prison. Is that what you are saying?

MS. HANSSENS: You mean the way the statute reads?

SENATOR LIPMAN: Yes.

MS. HANSSENS: To the best of my knowledge, I don't know of any woman who has never been permitted--

SENATOR LIPMAN: In New Jersey, they used to have it-- That is, in practice the system has been stopped for some years, but they did have it. So it is to be supposed that the accommodations are available in the State prisons, not the county prisons. Would you explain your use of the term "satellite unit" as to what you would like to see established, and if you know of any satellite units?

MS. HANSSENS: What I am suggesting is part of the problem for women in the State system -- specifically Clinton -- is that they are all clustered together in one facility. The work-release opportunity for a woman from Camden realistically should be in the Camden area. She should have contact with the community into which she is going to return, which is not possible when she is in Clinton. It is also going to affect the Camden woman's contact with her family, so

one of the things we are recommending is that the Department of Corrections take a serious look at the possibility of setting up satellites to the existing male prisons, at least. In the last couple of years we have seen a boom in the building of new male facilities, and during that time there has been no attention paid to accommodating women in a way that makes more sense in terms of their reintegration into the community.

SENATOR LIPMAN: You see, I was interested in making a differentiation between whether your term meant a satellite unit as a work-release program or a satellite unit as a day-care operation for inmates to care for their children in a different setting.

MS. HANSSENS: That wasn't specifically what I was saying, but I think that is a good idea too. We have so many women that if you are a State prisoner and a woman you are at Clinton. Surely there are women who are minimum or lower custody that could be housed in a facility other than a Clinton and in a facility closer to where their families remain and job possibilities lie.

MS. SARA VIA: I had a question to follow up what you were saying. Is it your position that perhaps the doctrine of separate but equal is no longer viable? That is a very big legal question, and I know a lot has been written on it. Have you given it any thought?

MS. HANSSENS: I have given it some thought--

MS. SARA VIA: Considering that there are a good number of legal scholars and constitutional scholars in this country who would articulate that under a Constitutional standard of equality, separate but equal prison facilities are inherently unequal.

MS. HANSSENS: I think that may be true. Frankly, it is something I have thought about, and I know there are authorities who have written specifically on that topic that as long as they are separate -- particularly because of the economies of scales, but for a variety of reasons -- they are never going to be equal, and that to segregate the sexes in the way it is done now where men and women can't even be together in the same classroom is not only unnecessary, but completely contrary to what the real world experience is and what the inmates would be returning to anyway.

MR. MITCHELL: That concept isn't necessarily a radical departure from existing practice. Other jurisdictions such as Massachusetts, Kansas, Nebraska, Alaska, and some Federal prisons that currently do operate what they call co-correctional institutions that provide separate housing for male and female prisoners but the classifications, programs, and opportunities are made for those prisoners to reintegrate them into society are available to both at the same level, rather than attempting to attain parity where economies of scale simply don't permit it.

MS. KIERNAN: I would like to follow up on the question of the families and the difficulty of visitation, and the fact that women in Clinton are so far away from where they resided that they have a difficult time reintegrating into the community. Is this the case only with women prisoners who are in one facility, or are male prisoners normally housed near where they live and reintegrated more easily because of that?

MS. HANSSENS: I think Gary may be better at answering that. My understanding is that the Department of Corrections has taken the position with male inmates that in fact--

MR. MITCHELL: There are efforts made to house male prisoners closer to where they live if the appropriate classification type institution exists. For example, there are several medium security facilities, and there are efforts made to house male prisoners at institutions that are close to where they will be working and living, particularly towards the end of sentences when they are transferred to the closer facility. Obviously, with one institution in rural Hunterdon County it is not possible for women prisoners. So, there are some attempts to do that. The greater number of 12 or 13 male institutions that exist in the State system certainly provide the opportunity to do that.

MS. KIERNAN: So you are suggesting that if we establish something like a satellite system, moving some of the prisoners back into their community would help?

MR. MITCHELL: One would think it would, yes.

MS. SEHAM: I would like to get back to the law library reference that you made. Were you referring primarily to county jail facilities? Is there a law library at Clinton?

MS. HANSSENS: Yes there is. I think the problem in terms of the access to legal materials even for women at Clinton is a real issue. Having the library with law books, without the assistance of someone who can show how to find the statute on custody is needed. Having been through law school I know legal research is a mystery for quite some time before it all unfolds itself to you, so asking someone with no experience in the use of these facilities to be able to access it by simply walking into a library is unrealistic.

MS. SEHAM: When I was at Rutgers Law School some of the women students went to Clinton to teach law classes, but that may no longer be going on. Is the library at Clinton adequate compared to the library at the men's prisons?

MR. MITCHELL: There are several ways that I can respond to that. One is, just in terms of the books available, the books at Clinton are a smaller set of what may be available at the larger men's prisons, and we have found that often they are out of date at the women's prison, while the male prisons tend to be kept more up-to-date. It seems it is "the squeaky wheel gets the grease" kind of routine. In addition, paralegal training for women prisoners at Clinton appears to be sharply less than what exists for paralegal training of male prisoners, who ordinarily are more schooled in jailhouse lawyering to begin with.

MS. SEHAM: That is interesting to me. When I heard the term "jailhouse lawyer," I didn't think in terms of formal paralegal training. But they do have formal paralegal training at the men's prisons?

MR. MITCHELL: Yes.

MS. SEHAM: That is interesting. Thank you.

MS. SARAVIA: In looking at the law libraries, and I know there is a Supreme Court decision on this, did that decision determine or do you know if there is anything regarding hours of access to the law library and whether there be any disparate treatment amongst the

facilities? Also if people want to obtain copies of cases whether that should be available or whether there should be a cost involved? I know some of the facilities don't charge, yet apparently, Clinton does charge for Xeroxing.

MS. HANSSENS: I'm sorry, what was the first part of the question?

MS. SARA VIA: The first question is access hours that the law library would be open.

MS. HANSSENS: Are you talking specifically about Clinton, or are you talking about among the--

MS. SARA VIA: Yes, if you looked at that, comparing the facilities, if access is available at all the facilities--

MS. HANSSENS: You are talking about the State facilities?

MS. SARA VIA: Right.

MS. HANSSENS: That I can't answer.

MS. SARA VIA: Do you know? (speaking to Mr. Mitchell)

MR. MITCHELL: I really can't answer that either. On a different level counting jails, it is not. With regard to Clinton we don't really have that information at this time. That can certainly be obtained. With regard to county jails, you see it most dramatically where male prisoners have physical access to a room in which legal volumes are held, while female prisoners often have to know what they are requesting in advance, which is a rather absurd proposition.

SENATOR LIPMAN: Can I just end by asking you a question which is perhaps only of interest to me? How does your office operate? Do you get requests from inmates, or do you get requests from legislators; does the Commissioner or the Public Advocate direct what you do? How do you operate?

MR. MITCHELL: The Office of Inmate Advocacy was created in 1974. It is a part of the Office of the Public Defender, and as a unit it is housed within the Department of the Public Advocate. We receive complaints from inmates, families of inmates, legislators often from the district where the prison is located who become the recipients of a great deal of mail from their constituents, and that mail often gets forwarded from that office. We also receive requests for

investigations from corrections officers, jail administrators, and from other sections of the Executive department of government and the Governor's Office.

The complaints come in and often overwhelm our small staff. Essentially, we try to identify patterns or practices that have some systemic effect. We aren't there to respond to or resolve an individual person's grievance. For instance, we don't have the same role as the Ombudsman's Office within the Department of Corrections.

Our role is to identify issues that affect inmates as a class, and that have some general application to them. That is a paraphrase of the statutory authority creating the office, and that is what we try to do.

In the past year we have begun to turn attention to an area that -- as we sit here and make suggestions -- we have, because of the economies of scale and because the numbers of complaints tend to be from male inmates and not women inmates, our attention has unduly disregarded the paying of adequate attention to the problems facing women prisoners in both the State and county facilities.

In litigation that we brought in Camden and Essex Counties, women prisoners were housed totally out of the institutions involved in that litigation, so those lawsuits really didn't concern themselves with or attempt to rectify problems that women face.

This was a long way of getting back to your point, Senator. The complaints that we get come from all sources, and we take pleasure from the opportunity presented by this Commission to refocus our attention on sex discrimination in the county jails and State prisons.

SENATOR LIPMAN: Thank you very much. I assure you that our Commission appreciates your testimony and the time you took in coming here today, and we are eagerly looking forward to your script.

MR. MITCHELL: Thank you very much.

MS. HANSSENS: Thank you.

SENATOR LIPMAN: Miss Maggie Agüero, from the Office of the Ombudsman, Department of Corrections. Are you alone?

MARGARET AGÜERO: Yes I am. I have two testimonies, and I am not sure how the Commission wants me to handle this. I have one regarding

employment discrimination, and one regarding disparate treatment of inmates. Should I do one or the other first? How do you want me to do this?

SENATOR LIPMAN: There is no special order. Just tell us which one you are doing.

MS. AGUERO: I think you will know once I start.

Good morning. My name is Maggie Aguero, and I have been employed with the New Jersey Department of Corrections as an Assistant Ombudsman for the past eight and a half years. I appreciate the opportunity to appear before the Commission on Sex Discrimination in the Statutes to comment on employment opportunities for Department of Corrections employees.

As many of you know, for it has been well publicized, I am one of a group of women known as the Ad Hoc Committee of Women in Corrections. We formed our alliance when we realized that job discrimination, sexual harassment, and unjust employment were and continue to be our daily reality. Although we as a group endeavor to better our lot and the lot of other women in the Department, through meetings and negotiations we were ultimately forced to file discrimination and retaliation complaints so that our voices would be heard.

Today, I speak not only from my personal innumerable experiences of discrimination and retaliation, but I am here on behalf of the many women who have expressed to me their desire to testify in front of this Commission, but who are prevented from doing so because of fear of reprisal. Female employees in the Department of Corrections, like many of their counterparts in other State departments, are faced with limited employment opportunities due in part to the manipulation of Civil Service regulations, and in part to the existence of a "good old boys" club. The criminal justice field has been historically male dominated, and corrections in particular has been traditionally characterized in totally masculine terms. Much of the discriminatory practices in corrections are rooted in the stereotypic sex roles which are so deeply engrained in this profession. What this translates to, on a daily basis, for the woman

who works in this environment is that she can expect to be passed over for promotional opportunities; she can expect to be foreclosed from meaningful policy and planning discussions; she can expect to be sexually harassed by her male co-workers; she can expect to have a low level and low paying job; and if she wishes to keep her job, she must remain silent, or she can expect to be harassed and labelled the "enemy."

In the interest of brevity, and in order to allow others the opportunity to be heard, I will end this part of my testimony with, first, a thank you to the Commission for providing the platform upon which these discriminatory practices can come to light, and more importantly, to ask this Commission to explore these disparities, to expose these injustices, and to rectify these equities.

Thank you.

SENATOR LIPMAN: Do you want us to ask you questions on that one?

MS. AGUERO: If you would like.

SENATOR LIPMAN: You are going to shift gears right after this, right?

MS. AGUERO: I am going to shift gears right after this, yes.

SENATOR LIPMAN: Do you want to start on your end, Phoebe?

MS. SEHAM: I understood what you said, and I think you are very courageous to come here and say it today. Can you give us in writing some specific examples so that-- You are summarized, and I appreciate your brevity, too, because we do have a lot of people who want to speak here. But, can you give us some specifics in writing?

MS. AGUERO: Yes, I can. That goes for both of my testimonies. They are rough notes, but I will make up a final draft and hand it over to you.

MS. SEHAM: Thank you.

MS. AGUERO: So, yes, I can do that.

SENATOR LIPMAN: You seemed to sum it up quite well.

MS. AGUERO: Thank you.

SENATOR LIPMAN: Greta?

MS. KIERNAN: I don't have any questions at this time.

SENATOR LIPMAN: Alma? (negative response)

MS. TAMBORLANE: In line with your testimony, I have just a comment, and you can probably provide some information in writing on this. Of interest to me is what you characterized as the manipulation of the Civil Service rules and regulations. At one time I worked for the Department of Civil Service, so I know how complicated the rules and regulations are, and because I do some employment law I also know the way in which people throughout the State system have had problems. In your written testimony, if you could specifically provide some information on that, because -- as you are probably well aware -- there is legislation to change the Civil Service system. My interest would be in what the problems are and the way it has been experienced by yourself and others in the Department of Corrections with the system, and if you even have the ability to address whether any of these problems would be remedied under the legislation proposed. I don't know whether you have looked at that or not, but we certainly would want to look at it.

MS. AGUERO: Okay. I will confer with my attorney, and if she has no problems with some of the specifics regarding what you are asking, I will provide that information for you.

MS. TAMBORLANE: Thank you.

MS. AGUERO: Okay.

MS. LEFFERTS: Along with you, how many people are involved with this class action suit at this time?

MS. AGUERO: There are ten women, and we represent a class. We have members of the management, ranks, professionals, corrections officers, and a whole series of secretarial and clerical titles represented in the class.

MS. LEFFERTS: Thank you.

MS. AGUERO: Okay.

MS. SARAVIA: In terms of the information that you provide us with, could you address the area of bona fide occupational qualifications?

MS. AGUERO: Yes. Again, assuming there is no problem legally, I will address that in my written testimony.

SENATOR LIPMAN: Now we will go back to general statements. Take "stereotypic sex quotes"-- Can you describe that please?

MS. AGUERO: Stereotypic sex quote? (witness expresses confusion in incorrect quote)

SENATOR LIPMAN: Outside of clerical-- Is that what you were going to tell me? Stereotypic sex roles. That was in your testimony.

MS. AGUERO: Okay. Stereotypic sex roles would be characterizing women in the low paying jobs; preventing them from continuing up their career ladder because of lack of mentors or lack of career movement upwards--

SENATOR LIPMAN: I have to stop you just a minute.

MS. AGUERO: Sure.

SENATOR LIPMAN: I thought that the equity in pay of corrections officers both male and female -- I am not discussing promotion and advancement, I am talking about the regular corrections officer -- was equal.

MS. AGUERO: It is equal.

SENATOR LIPMAN: So what do you mean by low-paying?

MS. AGUERO: Clerical jobs.

SENATOR LIPMAN: That is what I thought. And most of the women who work inside the prison are not clerks.

MS. AGUERO: I would say that there is a small percentage of female corrections officers, and most of them--

SENATOR LIPMAN: And a large percentage of the other. Is that what you mean by stereotypic?

MS. AGUERO: Right.

SENATOR LIPMAN: That is what I thought. And also, one of your comments was -- now referring to corrections officers, this has to do with promotion and discussion of policies for the prisons -- they are foreclosed from discussions at a higher level?

MS. AGUERO: Right. That is correct, for the most part.

SENATOR LIPMAN: In your opinion, is that because they have not been adequately promoted? What is the reason for woman corrections officers to not have any voice?

MS. AGUERO: Okay, when I speak about female employees, I am speaking of all female corrections employees, not just corrections officers. In my opinion, traditionally the field has been male

dominated and it is taking a long time to get the top level administrators to realize that this is 1985 and things are supposed to be equal. They are moving in that direction, somewhat, but not with commitment and not with force.

SENATOR LIPMAN: Any other questions? (no response from Commission) You can proceed to your second topic.

MS. AGUERO: Okay. Thank you. Now I am going to speak regarding the disparate treatment of inmates in the correctional setting.

The Department of Corrections, which is charged with providing inmates basic services and a humane and safe environment, is not providing them equally to both sexes. Unequal conditions exist at the State and county levels, and include the types and locations of facilities, visitation and custody rights of incarcerated parents, opportunities in employment, education, and vocational training for inmates, the adequacy of prison health care services, and prison industries. Where the Department has instituted programs in education, vocational training, actual jobs in industry, and other benefits, they have done so principally for the large male prisoner population.

Only minimal attention has been given to the problems and needs of female offenders in New Jersey. Little has been written; few statistics have been collected, and even fewer projects have been developed or initiated specifically for female offenders, either adult or juvenile. Nearly all of the penal reforms introduced in the last 20 years were aimed at male offenders, and most new programs have allowed women to participate only as an afterthought, if at all.

The female offender has as equal a right to the opportunity for self-improvement as does the male offender. In my opinion, the only apparent advantage women have over men in New Jersey's penal system is that fewer of them are exposed to it.

For years, people in the criminal justice system have treated female and male offenders differently. Few have worried about these differences. Most have not even been aware of them. It has only been recently that examination of traditional practices has revealed a pattern of distinctly different treatment. The reasons for this difference have been many.

For instance, fewer numbers: There are fewer women offenders than men. Approximately one of every five arrested, one of every nine convicted, and one of every thirty persons sentenced to jail or prison is a woman. This is coming out of the Uniform Crime Reports 1984.

Lack of available data: New Jersey, unfortunately, has little information available on who its female offenders are, what programs are available to them, and what programs are needed. New Jersey has no central clearinghouse for information on female offenders, and it has no coordinating agency. This lack of available data to even professional criminal justice planners and staff necessitates returning the focus to a very basic level. One cannot monitor and ensure the protection of individual civil rights if one has no knowledge of the numbers and situations of the population in question.

Less violent crimes: Generally, female offenders are arrested for less violent or heinous crimes than men. Only one of every ten persons arrested for homicide, robbery, burglary, and assault is a woman; a proportion which has remained relatively constant for the past ten years. Riots or serious disturbances occur less frequently in female institutions.

Different traditional roles: Traditionally, a woman's role in society has been different from a man's. Many people, including correctional specialists, accept the assumption that a woman is usually supported by a man, is suited only for certain jobs, and if given a choice, would rather stay home with her children than work.

Economic realities: There are only limited resources available for all offenders; male, female, adult, and juvenile. Because of the additional expense of special programs, a simple cost analysis such as limited funds are better spent on the larger and more troublesome population — the male offenders.

Factors other than number, expense, and inconvenience have also contributed to unequal programs for women inmates. All stereotypes have been perpetuated in the institutions so that the reality is, however, that where programs have been made available, they have often been primarily in fields considered traditionally female, not in fields that will generally command high wages upon release.

I would like to outline some of the most significant differences in the treatment of male and female offenders. Some of these differences benefit women; others suggest patterns of neglect.

Prison and jail facilities: The only female correctional facility in the State is located in Clinton, which is a rural community in Hunterdon County. This facility isolates women offenders from their families and communities by virtue of its location. The same types and numbers of facilities provided men are not available to women. County jails exhibit differences in treatment or situations also. But the differences relate more to unequal access to available facilities, than to differences among facilities. Opportunities that accrue to men because of the large numbers of institutions, and the types and locations of these institutions, are as follows:

First, men get the opportunity to transfer between institutions for programs, training, or services.

Secondly, men are placed in an institution more appropriate to the type of security their individual cases require.

Thirdly, many men may participate in work-release programs because their institutions are near community resources. In contrast, women have no opportunity to transfer between institutions because there is only one female correctional facility. Therefore, the following situation exists:

First, women cannot transfer between institutions to get programs, training, or services.

Secondly, women are placed in an institution which houses inmates with a range of security levels. Consequently, women who are low security risks often have less personal freedom than their male counterparts.

Thirdly, women have little opportunity to participate in outside work-release programs since the prison is located in a rural setting far from community resources.

Vocational training in prisons: Women inmates are not provided the same range of opportunities available to their male counterparts. The wider range of men's prison facilities and their proximity to communities provide male prisoners greater opportunity to

meet their needs for on-the-job training. Men generally get training in skilled trades or go on to work-release programs. Men have the opportunity to work in industrial operations. Men's prisons offer programs in financially rewarding fields, like electronics, printing, plumbing, radio and television repair, welding, and so on. Because of the size and location of the women's facility, female inmates have fewer opportunities. The women's institution limits the vocational programs to traditional low-paying female occupations, such as housekeeping, cosmetology, food services, nurses aide, and secretarial training, and work-release opportunities are limited because of the institutional location.

Women prisoners must have parity with their male counterparts. They have the right to a range in quality programming substantially equivalent to that offered men, but based on the needs and interests of female inmates.

Employment and education: For a significant number of female offenders, a lack of money was a motivating factor in the decision to commit a crime. The typical female offender is poor, under-educated, unskilled, but nevertheless, supporting themselves and children. Because female offenders are fewer in number and easier to ignore, they are in a worse position than male offenders. Because she is a female, she suffers from a number of well documented discriminatory practices which affect all women who want to work. Less pay for equal work, less opportunity to enter the better paying jobs, more credit problems, less access to the advantage of veteran's preference, and fewer support services such as child care to allow her job flexibility. Because she is an offender, she suffers from educational programs which are less favorable, either quantitatively or qualitatively than those for men. She suffers from the prejudice of prospective employers, she is blocked from obtaining a license for many occupations, she is considered unqualified for many jobs, and she has problems in all jobs which require bonding.

Although female offenders do not have employment and educational opportunities equivalent to those provided male offenders, I am not implying that the situation for male offenders is ideal or

even particularly good, but rather that differences do exist between them. At this point, because of time constraints, I am not able to address the quality of offerings for males nor am I suggesting a standard for female programs based on men's programs.

Health care services: Adequate health care in prisons is rare for either male or female offenders. More often than not the staffing is inadequate and most prisons have had problems attracting and keeping qualified health staff because of unsatisfactory salaries, facilities, equipment, job status, and personal safety. The most numerous complaints my office receives concern medical care, or the lack of it. The major concerns of both male and female prisoners are as follows: Inaccessibility of the staff physician; quality of medical/dental care received; lack of prompt and regular treatment; lack of emergency care; excessive use of psychotropic drugs; examinations and diagnoses by paramedics; signing up for sick call the day before in order to get care; and no preventive medicine is practiced.

As it relates to women prisoners, the medical equipment available in Clinton is, in my opinion, obsolete, and at the very least inadequate to serve the needs of the 400 and plus inmates incarcerated there. There is one full-time physician, and it is not clear to me whether this person is there three or five times a week. The Department recently issued internal guidelines which address the issue of inmate pregnancy. These guidelines provide that the institution will pay for the termination of a pregnancy due to medical complications, but not for termination of a pregnancy by an inmates choice.

The Department of Corrections' standards require that, "Medical services be conducted in a professional, humane, and ethical manner with all possible considerations for the patient's right to privacy, and without discrimination against individuals for any reason. Female attendants are always provided for female patients." This standard has since been rescinded, and female patient's rights to privacy are no longer protected at St. Francis Hospital.

In sum, women offenders are not receiving equitable opportunities. Women offenders are beginning to demand expanded opportunities and are filing legal suits to obtain equal conditions. Recent trends in the courts are supportive of the principle of equality where disparities amount to Constitutional violations. These trends also indicate that the courts are trying to fulfill the unique needs of women offenders rather than simply duplicating the programs available to men.

In conclusion, it is my hope that this Commission will continue to investigate the disparity in treatment of male and female offenders, and that it will work until there is a just and humane solution to these problems. Thank you.

MS. SEHAM: Again, thank you. I am assuming that you can flush these statements out with examples from the complaints that have been filed with you and so on, and you are giving us a very good summary of the conditions that you found. Thank you.

MS. AGUERO: Thank you.

SENATOR LIPMAN: Greta?

MS. KIERNAN: Yes, thank you very much, Ms. Aguero. I just wanted to touch on employment training. The male prisoners are trained in ways in which they can find jobs more easily than females. Is that pretty much correct?

MS. AGUERO: They are trained in different areas which command higher paying wages once they are released.

MS. KIERNAN: But do they find work when they leave the prison on a better scale than the women who leave prison?

MS. AGUERO: I would say probably so, although I have no way of knowing that, and I don't have any statistics to back that up. Only in view of the fact that they will be trained for the kinds of skills that are needed in the market today as opposed to what some of the women are being trained for.

MS. KIERNAN: Is there any training in computer work or any kind of word-processing? Or is it just the basic secretarial work that--

MS. AGUERO: There is secretarial training at the Clinton Correctional Institution and I understand there are some computers and hardware somewhere in the institution, but I do not know whether or not that program has been implemented.

MS. KIERNAN: Are women trained in cosmetology allowed to practice that when they leave prison?

MS. AGUERO: No, they are not. They are not able to obtain licenses upon their release.

MS. KIERNAN: Has anyone ever figured out why they are training women in prison for a job they cannot hold when they leave?

MS. AGUERO: Has anyone ever figured it out? I don't know about anyone, but it just goes with the ongoing neglect of female needs and everything else that I have been saying.

MS. KIERNAN: Thank you.

SENATOR LIPMAN: Does the Department make application to help the inmate get a license, for example, where-- Does the Corrections Department become an advocate of this? I mean, whoever taught her has to know something about the outside world. You know you have to make application to get a license.

MS. AGUERO: I can't answer that. I don't know whether there is any assistance for either the males or the females. Males are taught barbering skills, but I am not sure if anyone advocates on their behalf to get a license.

MS. SARA VIA: So, to the best of your knowledge, they are not apprised to the fact that if they are going out to apply for a licensed profession you must meet the legal requirements of the Rehabilitated Offenders Act, which are very strict, and if you have committed certain types of offenses you cannot participate in any type of licensed profession-- Not just for cosmetology, but for any type of licensed profession. There is no official counseling about if you are going out you must meet the statutory requirement. It is my sense from reviewing the statute that there are very strict application procedures.

MS. AGUERO: Right. Are you asking me whether the inmates know this?

MS. SARA VIA: Yes. Are they counselled in some way?

MS. AGUERO: I have no way of knowing that.

SENATOR LIPMAN: There is always hope to all who come. How about higher education for the inmates, even the GED?

MS. AGUERO: There is GED available to men and women at all institutions, and there are some college programs available to both men and women. I think there are only one or two women who qualify to be able to take college level courses. As far as I know, there is no one on a study program.

SENATOR LIPMAN: Okay. Something that you said bothers me. The standards of health have been rescinded?

MS. AGUERO: One particular standard, yes. What that means is the women who are at the hospital at St. Francis are watched all the time by male corrections officers, and there have been many complaints that these correction officers have been present during times of examination, times of shower taking, and so on and so forth. Obviously, the police have some problems. This is a violation of the inmates' privacy.

SENATOR LIPMAN: I see.

MS. TAMBORLANE: Is there a unit within the Department of Corrections that is responsible for the development and/or the revision of medical standards and guidelines.

MS. AGUERO: Yes. I can't think of the name of it now, but there is a health coordinator in the Department, and this person works in conjunction with the medical departments in all the institutions, and is under the Bureau of Institutional Support Services. I am not sure of the name.

MS. TAMBORLANE: If you could supply that information I would like to know that.

MS. AGUERO: Sure.

MS. LEFFERTS: How long have you been a correctional officer?

MS. AGUERO: I have never been a correctional officer.

MS. LEFFERTS: Then what position do you hold with the Department of Corrections?

MS. AGUERO: I hold the position of Assistant Ombudsman in the State Department of Corrections.

MS. LEFFERTS: Assistant what?

MS. AGUERO: Ombudsman.

MS. LEFFERTS: Okay. And, what does your job consist of?

MS. AGUERO: I work for the Commissioner and the Deputy Commissioner in the Office of the Ombudsman where we answer inmates' individual complaints regarding their treatment and care while in the custody of the Department of Corrections.

MS. LEFFERTS: And how long have you had this position?

MS. AGUERO: Eight and one half years.

MS. LEFFERTS: Do you specifically work at Clinton or do you work at all the prisons throughout the State?

MS. AGUERO: I work at all the prisons throughout the State, plus juvenile facilities and satellites.

MS. LEFFERTS: And you have had an opportunity and used that opportunity to go to every correctional institution in the State of New Jersey?

MS. AGUERO: That is correct.

MS. LEFFERTS: Thank you.

SENATOR LIPMAN: Do you have a large staff? The reason I am asking is that we have quite of number of complaints about corrections in our own offices, so having jurisdiction over all the prisons plus the juvenile facilities, if you don't have a large staff I don't see how you could make it.

MS. AGUERO: Well, we do not have a large staff. We have an Ombudsman, we have five Assistant Ombudsmen at this time, and we have two clerical employees. Obviously, we are very busy. Every month we break a new record for phone calls, referrals, letters, complaints, and so on and so forth. We are field personnel and, for the most part, are out in the field.

SENATOR LIPMAN: Any more questions?

MS. LEFFERTS: I have one more.

SENATOR LIPMAN: Yes?

MS. LEFFERTS: Of the complaints you get, how many are actually rectified? What do you do to rectify these complaints, or are they ever rectified?

MS. AGUERO: Only speaking for myself-- Individual Assistant Ombudsmen or the Ombudsman handle individual complaints on their own. We each have a caseload as the work comes in. We have no authority and no power. The only authority or power we have is the power to make reports, recommendations, and referrals--

MS. LEFFERTS: To whom?

MS. AGUERO: To the Commissioner and the Deputy Commissioner.

MS. LEFFERTS: In your experience in making these requests known, how many of them were ever complied with, or do prisoners or the employees of the prisons ever get back to you and say, "Yes, in fact, this was taken care of. Your recommendation was acted upon."

MS. AGUERO: Yes, that does happen, although it happens on individual cases only. One of the things that I have always wanted to do was try to summarize the problems of inmates and deal with them in a systematic way. If I get 15 complaints that personal belongings have been lost and there are 15 different claims running around, obviously there is something wrong with the process of moving inmates' personal belongings. That has really not been something that we have been successful in doing. We are successful on individual-type matters. We are not so successful on population or systemic-type problems.

MS. LEFFERTS: Do you also deal with the families of these prisoners if they make complaints to your office?

MS. AGUERO: Yes, the families call and write letters and complain, and we try to be as attentive as we can to their needs also.

MS. LEFFERTS: Thank you.

MS. AGUERO: Okay, you are welcome. Thank you.

SENATOR LIPMAN: All right, we'll look forward to your putting flesh on some of your summarized sections. Thank you.

I now call Sergeant Bernice Flukers of Rahway.

SERGEANT BERNICE FLUKERS: My name is Bernice Flukers. I am presently employed at Rahway State Prison, and until recently, I was the first female supervisor employed in a male institution. There is now supposed to be a second one in Camden. I have been a correctional officer and then sergeant for 13 years, and am in my 14th year now.

My problem is most definitely sexual discrimination. To add on to what Maggie was saying, I can give you explicit examples if you want. This has some of the explicit examples of how females can be treated, ignored, outright intimidated and harassed, and all of those things. (displaying packet of letters/statements) It is not as cut and dried or as easy to prove, because -- and one of you, I think it was Ms. Tamborlane, said she had worked for Civil Service -- a common practice of Civil Service when they want to "get to you" is to charge you with what we commonly refer to as "folder stuffing" in which you get charges that are ridiculous, which are then downgraded to less than five days so that Civil Service does not automatically hear you. I can tell you, since I called Mrs. Saravia and made inquiries about coming down here and actually testifying myself -- I made a statement to her about what would happen when I came, and she said nothing could happen -- well I am here to tell you something can happen. After I called--

SENATOR LIPMAN: Excuse me, Sergeant Flukers?

SGT. FLUKERS: Yes?

SENATOR LIPMAN: I have been assured by Commissioner Fauver that all employees have today at his expense.

SGT. FLUKERS: Oh, it's not today. Since I called to come down here I have been put on nights -- nights meaning that as long as I was working days after two and a half years being on nights with no choice--

SENATOR LIPMAN: I see, we should have had this at night, then you would have had-- (laughter)

SGT. FLUKERS: I was told I could only work two positions, but immediately after I was put on nights Saturday, I have been assigned, as you will see, to housing units I was told I couldn't work at before. Another thing, there is a law now in existence, that should be named the "Flukers' Law." I have the distinction, too, of having a child who is incarcerated -- I am not ashamed of that; that is his problem, but I am his mother -- and I can go to see my son. I haven't been since the Saturday before Labor Day a year ago, because I went there and was told that because I had made no prior preparations or had not given advance notice that I was coming, I couldn't have a contact

visit with my son. This happened after I went to Rahway. He went to prison while I was in Clinton, and I was there for nine years while he was in jail. There was no problem with me visiting my son then. Only after I came to Rahway. Then I was not allowed to see him. In fact, I was charged, asking for five days suspension -- which was downgraded to one-- Then a law came down that anyone working for the Department must give prior notice to visit a relative in prison. Well, it seemed to be for me personally, because we have had people come to Rahway to visit without prior notice, because we do not make prior preparations.

As you will see in your copy of my statement, I wrote Mr. Fauver and asked him to address the problem that since there was no person prior to me, was I just being a female working in a male institution who couldn't do certain things? Well, it seemed to be the certain things I couldn't do were work days, and go into all the areas I go into at night. Mr. Fauver, seeing no reason to answer me, gave it to Mr. Hicks. Mr. Hicks let me know from the tone he set that my answer would be almost nothing. He started off with, "Mr. Fauver referred your undated letter to me..." This told me he was going to address the fact that I forgot to date the letter, rather than address the contents of it. I got no relevant response at all. Right now, the only thing I can look forward to-- And I am telling you this personally, because I have nothing to go back on, and was the only one up until now. Clinton has male sergeants, and they go everywhere the females go. The male officers do have a problem as far as where they can and cannot work, but the supervisors there do not have a problem with this. The male supervisors at other places do not have a problem. Now, I would say that if we, the female supervisors coming, cannot work in the male institutions, then take the men out of Clinton and give that back to us. We have a male superintendent and a male assistant superintendent at Clinton. We have male captains, lieutenants, and sergeants, too. But I happened to want to go and did go into a male institution -- coincidentally, after the superintendent hired me he was fired -- and I am still there. But I want the jail open. I want to be able to work the same place my male counterparts can, since I am earning the same dollar. If I can't handle it then get me the hell out. -

I had a lot of things written down, but I would prefer, since I know what I am doing and you all know better what you should be asking, ask me some questions, because I have the answers that Maggie didn't have. I have them.

SENATOR LIPMAN: Excuse me, you are the first Sergeant--

SGT. FLUKERS: I am the first Sergeant in the State of New Jersey to be employed in a male institution.

SENATOR LIPMAN: Employed in a male institution.

SGT. FLUKERS: Yes.

SENATOR LIPMAN: Are you saying that there is another female sergeant, maybe at Clinton?

SGT. FLUKERS: No, no, no. Clinton is a female institution. There is now one other female sergeant in a male institution.

MEMBER OF AUDIENCE: There are two. One in Yardville.

SGT. FLUKERS: There are two now? (questioning audience) They have one in Yardville? Thank you. I hope they don't go through what I went through.

SENATOR LIPMAN: You are a pioneer of sorts. Just the same, some of what you are telling us seems not to be uncommon but becomes uncommon because of your rank. Is that right?

SGT. FLUKERS: My rank and gender.

SENATOR LIPMAN: Your rank-- Well, we know your gender. That is what I wanted to get at. What you are reporting is really the dignity that should be given to female officers of rank in any institution, and what you feel at present is not being given?

SGT. FLUKERS: It is more than a feeling ma'am, it is a fact.

SENATOR LIPMAN: It is a fact.

SGT. FLUKERS: Yes it is. It is a fact. I could not work the star; I could not work the control point. There are all areas-- In fact, he only told me I could work the two areas. But, the minute he felt--

SENATOR LIPMAN: Sergeant, what is the control point?

SGT. FLUKERS: That is where people go to different shops and areas within the compound wall. He said the reason I couldn't go is because of the possibility of my strip-frisking. And then if that is

going to be his version, than why am I in these camps, far away from any help, and the only supervisor there with one officer, overseeing 117 men? What would I do then? When a bell goes off I had better go right along with my counterparts. It isn't, "Will you go?"; I better go otherwise I'll be fired.

SENATOR LIPMAN: Wait a minute, let me clarify something. You say when a bell goes off-- That means that when another officer is in trouble a bell goes off?

SGT. FLUKERS: Yes.

SENATOR LIPMAN: And what does that mean you have to do like your male counterparts?

SGT. FLUKERS: We better respond.

SENATOR LIPMAN: You respond quickly to the officer in trouble?

SGT. FLUKERS: Immediately.

SENATOR LIPMAN: All right.

MEMBER OF AUDIENCE: Can I make a clarification? It is not just officers, it is inmates alike. Everybody goes when you get a bell; officers and inmates.

SGT. FLUKERS: Yes, that is right.

MEMBER OF AUDIENCE: We call it a "Code 33" at Trenton State Prison. A loud bell goes off at a certain designated area. You get three bells and everybody has to move out, regardless of your sex or rank.

SENATOR LIPMAN: Honey, you really speak a different language, but I am trying hard. (laughter) All right, I get the picture.

SGT. FLUKERS: We want the jail open to us because the Attorney General's ruling had nothing to do with what they are doing. They are using that. When the inmate carries the State to court and says it is an invasion of privacy, well, once you hire me, I am there. I have no qualms about men walking around in front of me. They have nothing I haven't seen.

MS. LEFFERTS: Officer, are you saying that this discrimination you are encountering is because you are a female working

in a male institution, or that a female working in any penal institution has these problems? In other words, if we take you out of Rahway now and put you in Clinton as a sergeant, would you have the same problems?

SGT. FLUKERS: No way. No way.

MS. LEFFERTS: It is only because you are in the male institution?

SGT. FLUKERS: Yes.

MS. LEFFERTS: Okay. But an officer who is in Clinton, if you were the same sergeant in Clinton--

SGT. FLUKERS: Of the same sex.

MS. LEFFERTS: Same sex--

SGT. FLUKERS: Yes.

MS. LEFFERTS: You would not have the same problems?

SGT. FLUKERS: No way.

MS. LEFFERTS: So the problems that you are telling us about now are for females who are -- in fact you are the first officer -- in a male prison. Is that right?

SGT. FLUKERS: Yes. I will never be allowed to work where the men work. I will never be allowed to earn the same dollar, even, because when the overtime comes, I cannot earn the same dollars as my counterparts.

MS. LEFFERTS: You are saying there are male officers in Clinton. Do they have the control in Clinton that they have in Rahway and the other male prisons?

SGT. FLUKERS: They have the control, but the men officers -- there is a difference here, there is some confusion -- have problems probably similar to what I have in Clinton, but the male supervisors in Clinton do not have the same problems. That is the difference.

MS. LEFFERTS: Okay, so you are saying that your problem is not necessarily indicative of your sex because a man can have the same problem?

SGT. FLUKERS: The men can have the same problem in the female institution--

MS. LEFFERTS: Exactly, that is what I am saying.

SGT. FLUKERS: But not if they were in their male part.

MS. LEFFERTS: Right. But, a man in Clinton would have the same problems that you are having in the male institutions. Is that what you are saying?

SGT. FLUKERS: Yes.

MS. SEHAM: I think there is a confusion in terms--

SGT. FLUKERS: The male officers--

MS. SEHAM: Jackie, the officer is the lowest rank. A sergeant is superior to an officer.

SGT. FLUKERS: Yes.

MS. SEHAM: This sergeant is having trouble as a supervisor. She is a sergeant. The male sergeants at Clinton do not have the problems that she is having at Rahway. Is that correct?

SGT. FLUKERS: Correct.

MS. SEHAM: Okay, but it is the term officer that I think has become confusing.

SGT. FLUKERS: The male sergeants do not have the same problems that I have.

MS. LEFFERTS: Okay, that is what I am asking.

SGT. FLUKERS: No, they don't have the same problems.

SENATOR LIPMAN: That is what we were trying to get clear.

MS. TAMBORLANE: In terms of the assignments in which you say you are not allowed to go to the different places within the prison because you are a female sergeant, if you were on those different assignments would that mean that you would be compensated greater? Is the compensation you receive related to the assignments you are given within the prison?

SGT. FLUKERS: Yes, but not exactly as you are saying. It is because I am not allowed to make the same dollar as my male counterparts. You can take my base salary of say \$30,000 per year, which is all I will get. My male counterparts can make upward of \$50,000 because they can work overtime where I can't.

MS. TAMBORLANE: But it is just the overtime, not the assignment of the position, per se?

SGT. FLUKERS: Yes.

MS. TAMBORLANE: Okay.

SENATOR LIPMAN: Are you finished?

MS. TAMBORLANE: For the moment.

SENATOR LIPMAN: Anyone else have any questions for Sergeant Flukers? Now we have a sheet which gives us a little more--

MS. TAMBORLANE: I'm sorry, I do have another question. What about promotions then, given that you can't go to these different points, does that affect any future promotions for you?

SGT. FLUKERS: It most definitely would, because if I can't work there now, they wouldn't hire me first. You have to take and pass a test; but forget about that. If they won't let me work in certain areas now, they won't hire me on a higher level either. And secondly, with me not being able to work all these places, I wouldn't be qualified either, and they could use that against me, because I can't be qualified if I can't work all of these areas.

MS. TAMBORLANE: Okay. Does that also mean that you are less desirable as an employee when you want to transfer to another male institution?

SGT. FLUKERS: Most definitely.

MS. TAMBORLANE: Thank you.

SGT. FLUKERS: Thank you all for hearing me. Hopefully, we can do something about it.

SENATOR LIPMAN: Sergeant, if we have need for further clarification--

SGT. FLUKERS: More in depth explicit? I would be glad to.

SENATOR LIPMAN: All right, thank you very much.

(In response to applause from audience) You know, I don't like to be the bearer of bad tidings, but you are really not supposed to applaud. Of course, you applaud if you like, because this is a different kind of hearing.

Kathleen Roe, from Parents Anonymous, please come forward.

KATHLEEN ROE: Thank you. My name is Kathy Roe, and I am the Assistant Director of Parents Anonymous of New Jersey. I am here today to testify on behalf of the three Parents Anonymous groups whose memberships are inmates at the Clinton Correctional Facility in Hunterdon County. Before presenting our groups concerns, I would like to take the opportunity to familiarize you with the purpose and goals of Parents Anonymous.

We are an international organization of professionally sponsored self-help groups for parents who have either identified a problem with child abuse, or, due to their own history of child abuse have the potential to develop that problem. Inmates at Clinton Correctional Facility approached our organization in 1977. Most of the women at Clinton had a history of childhood abuse. Many were in prison for child abuse related charges, and all of the inmates interested in starting a PA program felt that they had serious problems as parents, and wanted to learn to become better parents before returning to the community.

Since 1977, the one Parents Anonymous group has grown to three groups. The inmate members of PA have been responsible for putting on two major conferences to educate the public and professionals to the needs of women in prison. I would like to speak to some of these needs and issues raised by our membership at Clinton Prison.

First is medical care. After requesting to see a doctor, the women inmates reported an average of ten days before being seen. It is not uncommon for women to wait three to four weeks before actually seeing a physician. In the past year there has been only one physician for 430 inmates. Only in the last month was another physician added. Yearly gynecological exams, PAP smears, and breast examinations are non-existent. Women report that gynecological exams are done only when a problem is indicated.

There has been a more recent concern among the prison population about the policy or lack of policy regarding AIDS. Women who have reported sexual contact with a victim of AIDS state they have difficulty being tested in any way. When tested, inmates are only given the results if they are positive. Now, if you were being tested for cancer, wouldn't you want to know the results, even if they were negative?

Vocational training and parole restrictions are two areas also targeted by the PA inmates in Clinton. Vocational training for women appears to be inadequate. Yes, they have clerical skills training which is helpful, but art, horticulture, food service, and

upholstery do little to prepare inmates for jobs when they are released as compared to their male counterparts who participate in vocational training such as auto mechanics, electrical shop, welding, and building maintenance.

Women convicted of violent crimes are often denied placement in halfway houses, while their male counterparts with violent crime histories are routinely placed in these halfway houses.

And finally, we would like to address the area most vital to our organization, which is the breaking of the cycle of child abuse. As I stated earlier, Clinton now has three PA chapters that meet in the prison. For the first time we also have the men in prison participating in the PA groups. PA is a place for parents to deal with their own history of abuse and to learn to become better parents. Since the group's inception in 1977, there has always been a waiting list of parents who want to participate, want to get help, but cannot because of the waiting list. This opportunity should not be denied to inmates if we want to stop the cycle of abuse, and if we want to keep the next generation of children out of institutions like Clinton Prison. Thank you.

SENATOR LIPMAN: Ms. Roe, in your group meetings, you are not saying to us there is coed attendance, are you?

MS. ROE: Yes, I am.

SENATOR LIPMAN: You are saying that?

MS. ROE: Yes. For the first time this year, we now have three men who are parents participating in the Parents Anonymous group in Clinton.

SENATOR LIPMAN: All right, I guess I won't-- I understood that the male prisoners at Clinton were more apt to be at the grandparent stage, but I guess they are also at the parent stage.

MS. ROE: There are a few of them there, yes.

MS. LEFFERTS: I will ask the question the Senator was going to ask. When we were out at Clinton they told us there were no male prisoners there except for those who were over 40 or 50 years old. They were all elderly. Are you now saying that they are not?

MS. ROE: I have met two that did not appear elderly to me. Since I am not from Clinton I can't tell you the ages of the prisoners there, but I can tell you--

MS. LEFFERTS: That you dealt with younger men.

MS. ROE: Yes.

MS. LEFFERTS: Thank you.

MS. TAMBORLANE: Is there a reason why your association is working only with the women inmates at Clinton and not with the male inmates in the system?

MS. ROE: We would very much like to work with male inmates in other prison systems, but we have not had a reception in other prisons like we have had in Clinton. We have a staff psychologist at Clinton Prison who initiated the program and has worked very hard with the administration there to have the program accepted. They have done a fine job innovating this program at Clinton. Unfortunately, other prison systems, including the male systems, have not been open to starting groups which would deal with the child abuse issue.

MS. TAMBORLANE: Could you make application to the other prisons we have in our State system?

MS. ROE: Yes, we are still doing that. Right now at the Midstate Correctional Facility we are working to try to get some groups for men who have sexually molested their children. So, we are attempting to do that now.

MS. TAMBORLANE: What is the waiting list all about? Why is there a waiting list to get into your program?

MS. ROE: The group size is limited, with 12 to 15 people being the largest the group can be. We have a waiting list of anywhere from 25 to 50 women at a time who have to wait until they can get into the group. There are just not enough slots or groups.

MS. TAMBORLANE: Is that because the group is run by the one psychologist you mentioned?

MS. ROE: We have one psychologist and two social workers who sponsor these groups as part of their job responsibility, but because of their other responsibilities they are limited to the amount of time they can spend sponsoring PA groups.

MS. TAMBORLANE: And these people are your employees rather than the prison employees?

MS. ROE: No. They are the prison employees.

MS. TAMBORLANE: They are the prison employees?

MS. ROE: Yes.

MS. TAMBORLANE: Okay, if I understand you correctly, the problem with the waiting list is related to the priorities of the prison, with regard to the use of these professionals' time?

MS. ROE: Yes, that is correct.

SENATOR LIPMAN: Will you tell me again how long your group has been in existence, and what made you come together?

MS. ROE: Parents Anonymous has been in existence since 1970. We are an international organization that came together because one parent who was having a child abuse problem at that time was trying desperately to get help but was being put on waiting lists six to nine months long. So, finally, after being court ordered and having her child placed, she met with a therapist and decided the only way to get help was to meet with other parents to talk about the problem and be their own support group. That is how PA started in 1970. Nationwide there are over 1500 chapters of parents meeting in these groups to get help to stop the cycle of child abuse.

SENATOR LIPMAN: Now I am going to ask a delicate question. You are a non-profit group, correct?

MS. ROE: Yes.

SENATOR LIPMAN: Is your staff volunteers?

MS. ROE: The majority of our staff is volunteers. Our State organization has four paid employees. All of our sponsors are volunteers if the agencies do not give them release time. We have a 24 hour hot line of all volunteers. Basically, we are a volunteer-based grass roots organization.

SENATOR LIPMAN: And is the hot line the basic expense of your group?

MS. ROE: Yes, that is the bulk.

SENATOR LIPMAN: That is the bulk of your expenses. All right, thank you.

MS. ROE: Thank you.

MS. KIERNAN: Thank you very much. Tell me, is there any follow-up when the inmates leave the prison system? Are they directed into a local group?

MS. ROE: Yes they are.

MS. KIERNAN: And are they given the kind of assistance to get functioning within society again in this area?

MS. ROE: Not only is there follow-up, but many of the inmates who leave Clinton after participating in the PA groups are actually responsible for getting new groups started in areas when they go home, and if there isn't a group started we help them get it going. So, there is at least some continuity.

MS. KIERNAN: With regard to your statistic about the portion of women in the prison who were abused, are abusers, or more commonly are both, is there any correlating data with the male prison population?

MS. ROE: Absolutely. Studies show that up to 90% of people involved in violent crimes have been victims of childhood abuse. So, it is where you want to stop the cycle, and that is what we are interested in, getting it in place somewhere.

SENATOR LIPMAN: There are a lot of people in New Jersey--

MS. KIERNAN: It certainly seems to me that we should encourage a group like this to get into the male prison system, in any way we can.

MS. ROE: We would appreciate any cooperation we could get. Thank you.

SENATOR LIPMAN: Wait a minute. Phoebe?

MS. SEHAM: No, thank you, I appreciate your information and the question area has been well covered.

SENATOR LIPMAN: All right. Thank you very much. It has been very interesting. We are glad you are there, we really are. I think I have to take a little exception here and call Tom Blatner who is the Director of the Management Team for the Division of Youth and Family Services, since I understand that he has a pressing engagement. Would you introduce your companion?

THOMAS BLATNER: I certainly will. I would like to introduce Sharon McCobin, who is the Director of our District Office in Hunterdon County, which is located very close to the Clinton Facility. Sharon has been very involved in our activities there, so I thought it would be very useful if she were here with me to give you a firsthand account of what has been going on up there.

What I would like to do is give you a brief overview of what our involvement has been at Clinton over the last three years. I would have to say that our involvement up there has been one of the most productive and rewarding experiences for me. I think I will follow-up on the previous person who testified by saying that I was brought into the situation by Parents Anonymous. In December of 1983 I was invited to a Parents Anonymous conference at Clinton, and I really didn't know what I was getting into. I was supposed to give a few comments in terms of what DYFS is supposed to be doing and doesn't do, but what it turned into was a barrage on the part of the women at Clinton about what DYFS should be doing. What we ended up talking about were a whole series of needs, which ranged from information about where their kids are, issues of custody and visitation, what kinds of services they get while they are at Clinton, and what kind of follow-up they need when they leave Clinton. Following that conference I did a very quick study about what the system is between DYFS and the correctional system -- focusing on Clinton.

I think what I really came up with is that there really hadn't been much of system between the Division of Youth and Family Services, and Corrections, and that a lot of the problems were because there wasn't a system. There were programs, but beyond that, there were some serious attitudinal and policy issues we had to look at.

First of all, I think that in many of our local district offices which deal with ongoing supervision of children in the counties there was an attitude that if a woman was incarcerated that automatically meant that person was a bad parent, and a lot of the issues around visitation, custody, and follow-through came from that attitude. So, I think that our original focus was to say that unless we are willing to confront that attitudinal problem up-front and say

that it is not necessarily so, and that every individual, whether in or out of prison or wherever, must be approached on an equal basis with decisions made on an equal basis, or we are not going to make progress. So, that was the original thrust of our activity.

I would like to quickly go through what has developed since that first conference in December of 1983, and give some suggestions about where we intend to go in the future.

First of all, I think the Parents Anonymous group -- which has now grown to three groups up at Clinton -- is an extremely important program. Generally, within the State, there has not been a real commitment to self-help groups, but if you look at self-help broadly in terms of Alcoholics Anonymous or many of the areas that self-help has grown into, they are not only extremely effective, but they are able to engage people in conversations that other kinds of services may not be able to. And the fact that Parents Anonymous went into Clinton and then expanded its program is a very important process which we are committed to. We provide funding to Parents Anonymous, and I think it is a very valuable program in terms of support and specific issues.

Secondly -- in the context of the Parents Anonymous group -- one of the things that came out is that there was a great need for parent education. Now, I have talked about this so many times, but I went through more years of education than I like to remember, and nowhere along the way did I ever get any formal education about what my responsibilities should be in a family or relationship, or as a parent. I can't think of anything more important, and when we get into the discussions within the Parents Anonymous groups there is certainly a lack of knowledge, but also a real inquisitiveness and willingness to understand what all the issues are in terms of parenting and health and that kind of thing. We did establish a parent education class at Clinton, in which a pediatrician and psychologist came in, with each class having 25 female inmates. We have had three classes to date. I think that program, which is not only educational but another kind of support, is a very important program for both imparting knowledge and giving the women at Clinton a sense that they are important and someone is paying attention to them.

I would like to add that the officials at Clinton have been extremely supportive of our efforts. Darryl Johnson who is the social representative has been a real ally in trying to get these programs off the ground. So, I think it was more a situation where people weren't doing things as opposed to not wanting to do things. I think a lot can happen in this area.

The next piece of our program was that in addition to having support at Clinton and having a parent education program, many of the issues the women had dealt with were their relationship with DYFS, where their kids were, the future of their kids, and the decisions around their kids. We felt that in addition to straightening things out policy-wise we had to have an ongoing presence at Clinton so we could deal with ongoing issues, so we assigned a social worker from Sharon's office, named Sherri McNichol, to be stationed at Clinton two days a week. Sherri is responsible for participating in all the ongoing programs at Clinton, and also responsible for taking visitation and custody issues that the women in Clinton have on an individual basis and working with our local district offices to resolve them and get some assistance in the future.

Now, the minute we did that, what emerged was the realization that unless we had some sort of ongoing program in our local district offices where the women come from and will be going back to, and where their children are, that we are not really dealing with the program. So, the next step was to identify one individual in each of our district offices -- we have at least one district office in every county in the State -- to be a liaison to Clinton, and be responsible for understanding what the needs were of women from that community who were at Clinton, and to follow through on any custody issues there may have been. At the last Parents Anonymous conference we had virtually all of our liaisons attending as assurance that it was a real resocialization program, because what is going on within this Parents Anonymous group is very positive and the women who are involved in it really break the stereotype of what people think about incarcerated women by virtue of the fact that they have an opportunity to participate in something positive. I think that it was a very important thing to just get these people together.

SENATOR LIPMAN: Can I just interrupt you? Do you mean that the female inmate becomes less hostile when involved in such programs? Hostile is a broad term, perhaps I should use angry, or whatever.

MR. BLATNER: Yes. I think that if you look at the situations the female inmates are in-- First of all, they are incarcerated against their will, so there are a lot of feelings about that. The women we are dealing with are parents and in many cases the response within the system has been that because they are incarcerated they are "bad parents," and everything is going to be done to keep their child away from them, so there is reasonable hostility around that. And also, there had not been an ongoing supportive program to work these issues through, both in terms of education and more importantly, there had not been a way to address concerns about where their child was, and what the future is.

So, I think our experience has been that by providing the opportunity to talk generally and specifically about their children there has been a very positive response. I have been to two or three of the classes and have found a very positive type of environment. Now, this doesn't mean to say that there aren't issues. There are some inmates who will not get their children and shouldn't, and with assistance there are some who might be able to, and then there are some who totally ought to. As with most of the DYFS system, I think that the biggest problem is lack of decisiveness and lack of information sharing with clients. I think the fact that Sherri is up there and is someone with whom the women can discuss their individual problems is helping us move towards solutions, as opposed to continuing to face problems.

← SHARON ^{SE} McCOBIN: Every parenting class I and Sherri -- who reports to me -- have participated in, I deal with the Division of Youth and Family Services as an issue. Usually they are dealing with child development and parenting issues up to that point, and then I come in and talk about the Division, foster care placement, and what we do. There is always a tremendous amount of hostility, because many of the women there see us as "the baby snatchers" and feel we have not worked with them and that their parental rights are being terminated.

I think this group has been tremendous as far as a forum to get these issues on the table for the women to express their needs and desires, and also to learn how to work more effectively with the Division, since one of the skills they learn at that parenting class is working with the system. That had not existed prior to this group, and I think it is quite valuable.

SENATOR LIPMAN: Somehow with the thought that if one attends this parenting class it would be helpful to them in getting custody of their children again, would it not be very frustrating that there is a long waiting list and they can't get into class?

MS. McCOBIN: Well, the class is not offered in that way. But it is a possibility in terms of how some of the women may perceive it. When they apply, Sherri does discuss with them what the class is about, and that in no way are there guarantees that by participating in this class they are going to get their children back or that things are going to work out the way they want. So, there are no guarantees and we do try to lay that on the table.

MR. BLATNER: Let me quickly go through the rest of what I have. We do have a program where our Department of Human Services transfers Social Service Block Grant money to the Department of Corrections to be used for a visitation program at Clinton which occurs four days a week with 200 children involved. I think that program is very important. There is a camp retreat program which is a visitation program for one weekend a month where the children can come up and spend time with their parent on a weekend rather than a day visit. Unfortunately there are only eight slots on that program at this time, but both the Department of Corrections and our Department are very interested in expanding that, and we are trying to figure out ways to do that. I think that in research from other states we have found that kind of program is extremely important, not only in maintaining contact, but also in developing a relationship that goes beyond the institution.

In addition to that, we have made every attempt to try to have our DYFS caseworkers transport children up to Clinton on a much more regular basis, and that has improved the communication. There is still more to be done with that.

I would say, in terms of the problem area we are still looking at, there are still attitudinal issues that need to be overcome, not only on the part of our DYFS workers, but also on the part of some caretakers and their willingness to be involved in having the children visit their parents. And in some cases there are issues of the willingness of the children to be involved in the visitation. There are still issues as to whether or not transportation is available, particularly with some of the great distances people have to go to get there. And, of course, there are incidental things like the child being ill, and if you are ill, with the schedule as it is you are not going to be there for another six weeks. Those kinds of problems remain. But, I think we are well on the way to expanding this program. I feel very positively about it.

The other thing it provides is a forum, which is almost like an advocacy base, and is very healthy for these issues to come up within the system. So, in terms of future plans, we are going to provide more training to our district offices, both in formal training and experiential kinds of things with Clinton. We are intending to expand the visitation program, and in that vein we are in discussions with the Department of Corrections about that expansion. There have been some experiments with Sharon using some of the Hunterdon foster homes to move some of the kids closer to the parents, so that we can facilitate visitation, and we want to look at the impact of that. Our Bureau of Research, in conjunction with the Department of Corrections, is currently conducting a survey of the needs of all the women in Clinton, and we will finally have some good, hard data on what the nature of the issue is, because previously there hasn't been good statistical information.

And, if this program is successful, our intent would be to enter into discussions with the Department of Corrections about expanding the program, so that the other facilities can have the benefit of this kind of program.

MS. LEFFERTS: At the present you are only at Clinton. Is that correct?

MR. BLATNER: That is right.

MS. LEFFERTS: And, you are making an attempt to go to all the prisons?

MR. BLATNER: Well, we have just begun discussions about that. Now, at the local level, the liaisons in the district offices are responsible not only for working with Clinton, but also the local correctional facilities. I would say that there is still a tremendous need to focus on what happens at the local level, in terms of foster care issues or custodial issues, and what the future plans are in these kinds of things, which we will continue to dwell on.

MS. TAMBORLANE: What I don't know that I would like to is basically some nuts and bolts information as to how DYFS becomes involved. In other words, a woman is sentenced to Clinton in any court in any county in New Jersey, and taking the hypothetical that she has three children who are all under the age of 12, tell me what happens. How does DYFS become involved, and how are decisions made as to whether her children will be placed in foster care, whether her parental rights will be terminated, and what would happen?

MR. BLATNER: Sharon, would you like to answer that?

MS. McCOBIN: Okay. Of course, it has to be stated that each situation is different. In situations like the one that you have described, the Division would not become involved, because the woman may have known that she was going to get picked-up and become incarcerated. Maybe she didn't, but there may have been other resources, such as a relative who took the children. There are a lot of women at Clinton that I know had the situation where the Division did not become involved, and the family stepped in and planned for the child. However, in cases where that didn't happen, and a woman got picked-up and was incarcerated, the district office we will sometimes get a call from the arresting police officer saying he has arrested this woman who has three minor children, and what should he do with these children? At that point of crisis we get involved. In those cases we try to get from the woman where a good place would be to put her children. Does she have any relatives or resources we could use? That is always our first attempt. If that fails, and it is a crisis where those children need to be placed, we then go to a foster care placement. So, every situation is somewhat different.

MS. TAMBORLANE: In terms of your foster care placements, since these are the children of an about to become or already incarcerated woman, do you have different types of foster homes than you would if the placement were because a mother died, let's say?

MS. McCOBIN: No.

MS. TAMBORLANE: Okay, so your foster parents--

MS. McCOBIN: We are always trying to recruit foster parents, which is one of our agency's needs.

MR. BLATNER: It would more be based upon -- different foster homes have experience with different kinds of kids and interests -- the needs of the kids, not necessarily the situation the parents were in.

MS. TAMBORLANE: That is what I meant. But you do have some foster homes where the parents are more used to dealing with children of incarcerated parents than not?

MR. BLATNER: Well, it is hard to say incarcerated parents, because each child of an incarcerated parent presents different issues and problems--

MS. TAMBORLANE: I know that.

MR. BLATNER: So, we do not have specialized foster homes directly built around children with incarcerated parents, nor do I think that we should.

MS. TAMBORLANE: With regard to the termination of parental rights, when would it occur that your office would move to do that with a woman who is in Clinton?

MR. BLATNER: With regard to this whole discussion of the future of the child, in the past there were not time limited case goals for all the children under our supervision, so that one of the major issues in the whole DYFS system is foster care drift. The kids would be placed in foster care on a crisis basis, and then they would flounder and would be moved from foster home to foster home. Last January we implemented a totally new system which was time limited case goals for all 50--

MS. TAMBORLANE: Time?

MR. BLATNER: Time limited case goals, for all children under our supervision. There are four case goals we have established that

range from the child staying home under supervision to the child being taken out of the home on a short-term basis, to the child being taken out of the home on a long-term basis, to the child being taken out of the home and adoption being the case goal. There is a series of time limits placed upon these case goals so you don't get these foster care drifts. And a child of an incarcerated person would go through the process of case planning in the same way anyone else would. Now one of the issues we would have to look at, and Sharon may want to address this, is that we would have to look at both the nature of the crime and the probability of the person to carry on parental responsibilities, and also we would have to look at the length of the sentence and what period of time the child might be away from the parent. But in terms of the process of our termination of parental rights, it would be not different than that of any other child.

Now, there is a whole proposal that has been made by the American Bar Association Committee on Adoption -- which is studying the Termination of Parental Rights Statute in New Jersey -- that there is a strong feeling that it ought to be strengthened and more time limited, and that kind of thing, to which I think there will be a whole public debate, because it is a very important issue.

SENATOR LIPMAN: Mr. Blatner, does the judge make the decision about the child for you at the time the inmate is sentenced? Do you just go in and get to be what they call the "child snatcher"? What happens?

MR. BLATNER: Well, depending upon the situation, if we are called in, then--

SENATOR LIPMAN: If you are called in. By whom are you called in?

MR. BLATNER: We could be called in by family, the police, someone from corrections, or a variety of people who could call us in, and the reason for being called in is that there is no place for the children to stay.

MS. McCOBIN: Sometimes the woman herself calls us, and says that she cannot make a plan and she wants to place her child into foster care. So, there are many different ways that we are called into the case.

MR. BLATNER: I think that the child snatching thing--

SENATOR LIPMAN: I'm sorry I used the term.

MR. BLATNER: That's okay, it is better to have it out on the table.

MS. McCOBIN: That's my fault.

MR. BLATNER: I think that some of the problems in this situation have occurred more after incarceration, and in the past DYFS has not had a system or almost willingness to give information to the parents about their children. I think what is so important about this liaison program is that Sherri is a very extraordinary social worker, and her job up there is to provide information and advocacy for parents about their kids. The couple of times that I have been up there the first question was, "I want to know what is going on with my child, and I want to get some information about how he/she is doing," and there is an ongoing mechanism to do that. They should know where their kids are like anyone else.

SENATOR LIPMAN: Alma?

MS. SARA VIA: Yes, I had four questions. One concerns the issue of Termination of Parental Rights Statute, which is rather general now, at least in terms of my reading of the statute. Some other states have language on the books that would say that a parent is not automatically considered unfit just because that parent has been incarcerated. Do you think there is a need for any type of statute like that in New Jersey? Specifically, New York State has a statute like that.

MR. BLATNER: Well, given our experience, I think that is something that should be considered. My personal position is that every situation involving children and their parents should be considered on an individual basis, and the notion that any class of people would be discriminated on the basis of anything is not fair.

MS. McCOBIN: From what I have seen of the women at Clinton, I would also agree with that.

MS. SARA VIA: You indicated that there was going to be a survey of women at Clinton, but what we heard earlier this morning from the Department of the Public Advocate is there are a large number of

women in the county facilities, so what steps can be taken to survey their needs? Then, once you do the survey, can you come up with some data that includes how many women have children under DYFS supervision, where the foster homes are, what links you are going to have if the child is in foster care to ensure there is a continuing link with the incarcerated parent, and how many instances and what procedures are there to terminate parental rights?

MR. BLATNER: Well I would say that—

SENATOR LIPMAN: Alma, would you put that a little simpler? What is your question?

MS. SARA VIA: I think Tom probably has the answer to that.

MR. BLATNER: The survey that we are doing is not only at Clinton, but wherever we have children under supervision who have incarcerated parents. So, we will know how many children under our supervision have incarcerated parents. In terms of expanding our program, a lot of it comes down to resources. I feel comfortable enough at this point to say that the model we have slid into is a very positive model, with a combination of self-help, parent education, and then having the linking kind of thing.

The liaisons in our local district offices right now are responsible for not only providing liaison to Clinton, but also to the county facilities. I think one of the issues we are going to have to overcome is that the Department of Corrections as a State agency has been extremely supportive, and has been our partner in this whole process. We are going to have to go from county to county to county and develop the same kind of relationships, which is going to take some time. But, it is a matter of understanding what the needs are and looking at the resources that will be required to do it. But, I believe in the program.

MS. SARA VIA: Can you anticipate what additional funding would be necessary to carry out all these programs? Not today, but we are going to keep the record open for two weeks.

MR. BLATNER: I think that until we get the data back in terms of the needs of the kids and parents it is hard to project that, but I am certain we would be able to develop that kind of information.

MS. SARA VIA: Thank you.

MS. KIERNAN: Mr. Blatner, I assume that most of the things you have just discussed occur with the male prisoners the same as with the female prisoners if they happen to be primary caretakers. Would they have the same rights and the same follow-through?

MR. BLATNER: Yes. A lot of the same issues-- Because of this program at Clinton we have already gotten individual inquiries from the male population that we are following-up on an individual basis. There are some differences in terms of the parental status in some of the men.

MS. McCOBIN: In some of the things that we have found there are differences, because we are not sure some of the men are the real parents. That is an entirely different situation, that perhaps-- I don't want to get into motivation, but why are they asking to visit with this child if it is not their child? I don't know, but that is a problem in terms of custody and parental rights.

SENATOR LIPMAN: In terms of child support it is not a big problem. We wish they would ask to see their children.

MS. McCOBIN: Yes. But, we have run into some situations in the beginning where the father was asking for a visit, could not prove he was a father, and when you went back into the situation it was questionable in terms of whether visitation should take place. I think it is a little more complicated than with the mothers.

MS. KIERNAN: One other thing, I was -- this is all a brand new area for me -- interested in what you said about when you get into this system, and how you get into this particular problem. If someone male or female is being sentenced, is asking if they have the care of a minor child a difficult question at that time? Or is it only if they volunteer that that you might find out that there is a minor child involved, and are they likely to volunteer that information?

MR. BLATNER: It is primarily voluntary at this point, and some may and some may not, depending on their situation.

MS. KIERNAN: Is there any way of follow-through on that? Is there the concern that the child is not being cared for properly, or do you just leave that to the discretion of the parent at that point?

MR. BLATNER: I think it is something we should look at, but again I personally think that we have to balance making sure we are doing everything we can across the board with the fact that a lot of parents don't want DYFS involved and don't need DYFS involved. They can make their own arrangements like anyone else would if they were going into a hospital. I would think that we have to be quite careful in saying that DYFS is going to get involved in every case across the board, or look at it anyway.

MS. KIERNAN: Oh, no, I didn't mean to say that. I just wondered if there was a point at which someone who didn't recognize that this might be a problem, or that a child might get lost in the system, could bring up the question at that time, without forcing--

MS. MCCOBIN: I would venture to say that I think our judges should be more educated in that area. That is not always addressed, and that they are not specifically asked that is an issue the women bring up. That information is not gathered; it is a time of extreme crisis for many of them, or they may not wish to share it, but they could be asked.

MS. KIERNAN: That is a right. If the question were raised it might help someone at some time.

MS. SEHAM: I have another question. It has been suggested to us that part of the solution of disparate treatment of male and female inmates might be to make each prison accommodate both sexes in some way. Whatever you send to us and whatever you prepare for us after today, it would be helpful if you could visualize how DYFS would operate should that happen. In other words, if each prison in the State should have a wing, floor, or area where women prisoners were housed rather than all the women prisoners being concentrated at Clinton. In some ways it might ease your burden because the women might be closer to their families and children, and so on. The transportation would be easier.

MR. BLATNER: Well, then I would say that--

MS. KIERNAN: At the same time you would have more classes to run.

MR. BLATNER: In terms of whether that proposal makes sense for the correctional system, I would defer to them to answer that. I would say that our approach to a program for children essentially would be the same, in terms of kinds of courses that are important, and self-help, and liaison with the local community. Obviously the closer any parent is going to be to his or her children the more it will facilitate communication and visitation, and that sort of thing. But I think we could provide you with some information on that.

SENATOR LIPMAN: If the Commission has no further questions. I would like to wind up by asking our consultant, Dr. Jenny Brown, if she has a question? (negative response) Leah, Assistant Director of the Commission, do you have a question? (negative response) I would also like to introduce Janet Grace, who is representing the Division on Women, which has program social workers in the corrections system. If you have a question please feel free to ask? Do you have one now? (negative response) Thank you.

MS. TAMBORLANE: Can I ask one more?

SENATOR LIPMAN: Sure.

MS. TAMBORLANE: I have one more question with regard to funding. If I understood you correctly, you said that DYFS supplies the Department of Corrections the funds for this visitation program through a block grant. Is that correct, and does the Department of Corrections match in their budget this block grant in any way?

MR. BLATNER: They really over-match it with their social work staff and the staff they put into the program. They have been extremely supportive in terms of this program, and this program makes their job a lot easier.

MS. TAMBORLANE: Is this block grant something that is likely to continue being available?

MR. BLATNER: This is Social Service Block Grant funding, and I think the Federal Government-- There are certainly all sorts of plans for incursions into Social Service funding, but I think this is a program that is more important than something that should be contingent upon Federal funding, so I think this is something that should be looked at as an ongoing State program.

MS. TAMBORLANE: Okay, that is what I wanted to bring out, that it was contingent upon Federal funding, and therefore, could be removed, and then you would not have access to those moneys for those programs.

MR. BLATNER: Yes, that is possible.

SENATOR LIPMAN: Do you have any more questions? (negative response) Thank you very much Mr. Blatner, and-- I am sorry, did we all get her name? (referring to Ms. McCobin)

MR. BLATNER: This is Sharon McCobin.

SENATOR LIPMAN: And what is your exact title?

MS. MCCOBIN: District Office Manager from Hunterdon County.

SENATOR LIPMAN: District Office Manager. All right, thank you very much.

(RECESS)

AFTER RECESS:

SENATOR LIPMAN: In order to expedite this hearing, I would like to ask the following officers a couple of questions. Is Officer Viola Thomas present? (affirmative response) Officer David Wolfgang? (no response) Officer Wolfgang is not present. Officer Don Ukinus? (no response) Officer Ukinus is not here. Maybe he will be coming in later. Officer Loretta Brancato? (no response) Officer Brancato is not present. Officer Viola Thomas is the only one present. Officer Thomas, will you please come up here? (indicating witness table)

Is Officer Messine present? (no response) Officer Carl Stoneback? (no response) Officer Lena Donzola? (no response) Officer Agnes Kennebrew is present. I think we are now in business.

Okay, Officer Thomas, we will start with you. Do you have an opinion regarding why these officers registered to speak? Maybe I should be asking Maggie Aguero why those who are registered here did not appear today. You have no opinion?

MS. AGUERO: Well, maybe they couldn't get the day off or something like that; I was almost unable to get the day off myself.

SENATOR LIPMAN: All right. That is contrary to my understanding regarding procedure, but let us hear from you.

OFFICER VIOLA THOMAS: My name is Viola Thomas, and I work at Leesburg State Prison. I am a Senior Corrections Officer, and I will have been in their employ for three years in July of '86.

I am glad to be here. I have some views and opinions. I was listening to what everyone was saying, but I do not have answers for a lot of the things that were said. I have opinions, but I do not think this is the place for me to give them to you because I have a job to go back to and I want it to be there when I go back. Therefore, there are certain things I will not say regarding the line of questions you were asking.

SENATOR LIPMAN: Well, why don't you just give us information regarding your subject matter?

OFFICER THOMAS: Okay. I will talk to you about sex discrimination at my place of employment.

SENATOR LIPMAN: Okay.

OFFICER THOMAS: I view this hearing as an opportunity. It is an avenue being opened to me, as a woman and a female corrections officer. It gives me the opportunity to express my views, personal opinions, and suggestions on sex discrimination because I am a female corrections officer working in an institution for men.

I began my employment at Leesburg State Prison on July 23, 1983. Since the day I began my employment I have been shunned by most of my fellow officers as not belonging, nor able to fulfill my job responsibilities. Those responsibilities are in certain areas of prison work, such as working housing units, going on medical trips, pat frisking, and strip searching inmates.

It is my understanding that several of the male officers now have lawsuits pending in court asking that if the female officers can't perform these duties, then they should not receive the same pay as the male officers who do perform them.

As a female officer I have been lied about by my fellow officers whose desires seem to be to build up their ego by saying they slept with me. I must say that these statements are erroneous falsehoods, and extremely fabricated. If I wanted to be spiteful about the matter, I could have these officers brought up on charges within the institution and sued in civil court for defamation of character.

I no longer intend to sit idly by as a silent minority and be sexually discriminated against and harassed. I am willing and able to work in any area of the institution in which I am assigned.

Any further defamatory rumors against my character by these officers shall be handled through the proper channels. I have never dated any officer at Leesburg State Prison, and I never will.

Sometimes I feel as though I am on trial, subjected to lies that an ignorant male officer has told other officers and even the inmate population about me.

As a female corrections officer working in an all-male prison -- 90% of my co-workers are male -- one is subjected to and exposed to all kinds of comments, gestures, sexual proposals, and other insidious remarks.

The administration and the supervisory personnel have been fair in their treatment of females working in the male prisons, taking into consideration that they have rules which must be followed that are passed down through the judicial system.

It still remains that co-workers -- male officers -- resent the fact that a female is working side-by-side with them, she is not allowed to perform all the required duties the male officer performs, and yes she receives the same pay and benefits.

I believe it is important for a woman who is working on the job to realize her rights as an individual and a human being, and that she must exercise her rights against discrimination.

Since I am black and female, that puts me in the category of a double minority in the working class scenario. I was recently taken off a position I held for 17 months because my union representatives grieved the fact that I had weekends off. I am member of the union and never once did a union representative come to me and inform me about the grievance they were initiating. The only reason they had me removed from my position was because I was black and female. The position called for weekends off. This was done out of jealousy and nothing more. I have been put down because I attended college on a part-time basis.

There is also no opportunity for advancement among female corrections officers at Leesburg State Prison. The chance of advancing to Sergeant, Lieutenant, Captain, or Chief are nil because of the fact that women are only allowed to work in certain areas of the institution.

I have no problem with working around the inmate population. I have had work details of inmates who were incarcerated for crimes ranging from stabbing their mother to repeated burglary. I see my job as an opportunity and a challenge to do an effective and quality job.

Since my employment at Leesburg State Prison there have been two separate incidents of female officers falling in love with inmates and, consequently, losing their jobs. This could be one of the reasons for the rigid treatment from some of the male officers. They have been heard to say that if a female officer wants to mess around, there are more than enough male officers who are more than willing and ready.

I hope my testimony will help by opening the way for other women to express their opinions and views on sex discrimination at their place of employment. I believe that the doors of opportunity have just begun to open for women who are seeking jobs which are predominantly held by men.

It is my ambition to advance within the Department of Corrections to the highest position available. The way must be paved for our daughters in the future, so why not start now?

Limitations should be removed so that all women will be able to infiltrate into what are now considered to be jobs that only men can do, especially the high-level supervisory positions. Thank you.

SENATOR LIPMAN: Are you the only one in your -- I do not know how to put this -- position at Leesburg? Is there another black, female officer at Leesburg?

OFFICER THOMAS: Yes, there are several of us.

SENATOR LIPMAN: There are several. Could you tell me approximately how many there are?

OFFICER THOMAS: How many black officers there are?

SENATOR LIPMAN: Female, yes.

OFFICER THOMAS: Female officers?

SENATOR LIPMAN: Yes.

OFFICER THOMAS: We may have about 10.

SENATOR LIPMAN: Ten at Leesburg.

OFFICER THOMAS: I think so.

SENATOR LIPMAN: Do they all have similar problems to yours?

Well, first of all, I ought to ask how many male correction officers are there, compared to the 10 female officers. Do you have any idea?

OFFICER THOMAS: Oh, yes. There are well over--

SENATOR LIPMAN: Is it about two to one?

OFFICER THOMAS: No, I would say more like 20 to one.

SENATOR LIPMAN: Really?

OFFICER THOMAS: Yes.

SENATOR LIPMAN: Okay. Your problem is being held stationary in your position and not being able to advance, plus a multitude of other little surrounding problems, mainly sexual harassment, right?

OFFICER THOMAS: Yes.

SENATOR LIPMAN: And the corrections officers went to court to try to get your salary lowered?

OFFICER THOMAS: Yes.

SENATOR LIPMAN: On the basis of your duties?

OFFICER THOMAS: Yes.

SENATOR LIPMAN: Do you think that rigorous training of women corrections officers would rectify this situation? We have complaints from male corrections officers who say that women have the easy jobs. In short, if there is a riot on the tier, the male officers are called upon, not the female officers.

All right. Do you think a rigorous training schedule for the female officers would help in this case? Is it attitude which mainly needs to be changed?

OFFICER THOMAS: I really think it is the attitude of some of the male officers, because the female officers have to go through the same type of training that male officers go through.

If there is a Code 100 in the area, everyone has to respond. Whether two inmates are fighting or an officer's life is in jeopardy, both female and male officers have to respond.

SENATOR LIPMAN: Males and females respond at the same time?

OFFICER THOMAS: Yes. Quite a few times the female officer gets there before the male because we are in better shape than they are.

SENATOR LIPMAN: You are in better shape? I see.

OFFICER THOMAS: Yes, we are in better physical shape.

SENATOR LIPMAN: Okay. Does anyone have any questions?
Theo?

MS. TAMBORLANE: I was interested in what you said regarding the union filing a grievance without asking you about it.

OFFICER THOMAS: Right. They never came to me, nor did they say anything to me about taking my position away.

MS. SEHAM: They didn't file a grievance for you; they filed a grievance against you, right?

OFFICER THOMAS: Yes, against me.

MS. TAMBORLANE: Okay. They filed a grievance against you because the position you were in gave you weekends off?

OFFICER THOMAS: Yes.

MS. TAMBORLANE: What position was that?

OFFICER THOMAS: It was a detail -- a cleanup detail -- with approximately 20 or 25 inmates who cleaned up inside the institution.

MS. TAMBORLANE: Were you the only officer on that detail?

OFFICER THOMAS: Yes, from Monday through Friday, 7:45 to 4:00, it was my job to make sure everything was kept clean.

MS. TAMBORLANE: How long were you on this detail before a grievance was filed against you?

OFFICER THOMAS: Seventeen months.

MS. TAMBORLANE: Seventeen months? When you are on a specific assignment, such as the one you are describing, is there a rotation that usually occurs, where you rotate out of that assignment, or do you stay there ad infinitum or until the union files a grievance?

OFFICER THOMAS: Usually one can bid on a position. Whoever has the most seniority would get the job. The job was assigned to me by my Lieutenant. I had the job -- as I said -- for 17 months, but the union representatives at the prison grieved the fact that I had weekends off. They didn't mind that I had the job, but they didn't think I should have weekends off.

MS. TAMBORLANE: So what was the result of the grievance they filed against you? What happened?

OFFICER THOMAS: I was taken off the position.

MS. TAMBORLANE: Someone else now has that job, and they have weekends off?

OFFICER THOMAS: No. No one has it. No one has the weekend off. Now, they assign the position to everyone. It has a different officer every day, and the weekends were taken away.

MS. TAMBORLANE: In other words, it doesn't matter who has the job now, the schedule includes weekends.

OFFICER THOMAS: No, no one works it on weekends. It is not done on weekends.

SENATOR LIPMAN: But they change the officers during the week?

OFFICER THOMAS: Yes.

SENATOR LIPMAN: I see. Does anyone have any further questions? (no questions) Thank you very much, Officer Thomas.

OFFICER THOMAS: Thank you.

SENATOR LIPMAN: I would like to call Ms. Kennebrew next. Do I make a mistake when I call you Ms.?

OFFICER AGNES KENNEBREW: It is Mrs.

SENATOR LIPMAN: It is Mrs.? All right. I thought you might take exception to the fact that I didn't say Officer.

OFFICER KENNEBREW: Either one is fine; it doesn't matter.

My name is Officer Kennebrew. I am Senior Corrections Officer assigned to Trenton State Prison, a facility of the Department of Corrections, State of New Jersey. I am here on behalf of female corrections officers at all our institutions.

I would like to give a brief overview of the problems. The Department has been guilty of unlawful discrimination against female corrections officers in many ways over the term of their employment, including but not limited to the following:

Transportation. All females have been denied the opportunity to handle assignments involving escort duty from one unit to another. They cannot take assignments involving outside transportation of inmates to doctors, courts, medical trips, or pickups.

Promotional opportunity. Whenever there is a test given for promotions, questions on the test are related to areas in which female corrections officers are not allowed to work. So, we cannot answer these questions because we cannot work the housing units due to our sex.

Hours of work. Work hours are often changed without prior notice, contrary to applicable contract provisions. Also, they are never given the more desirable weekend days off. Male officers with less seniority are coming into the work site and getting better days off due to certain job positions, this discouraging females from taking positions in male institutions; therefore, by not taking these positions, they are sent to Clinton.

My final analysis is, these discriminating practices violate the provisions of New Jersey Statute 10:5-1, and they are continuing at the present time. Personally speaking, don't give me a job because I am a female, give it to me because I am capable, qualified, bona fide, and I can perform the jobs as well as any male officer. I should be treated as an equal employee in all aspects of the job. Thank you.

SENATOR LIPMAN: How many female officers are at Trenton State?

OFFICER KENNEBREW: Presently there are 24 females at Trenton State.

SENATOR LIPMAN: Twenty-four. Is the ratio still 20 to one?

OFFICER KENNEBREW: Yes, ma'am. Maybe there are about 800. That includes-

SENATOR LIPMAN: Corrections officers at Trenton State?

OFFICER KENNEBREW: Yes.

SENATOR LIPMAN: You are including the Vroom Building?

OFFICER KENNEBREW: Yes. The satellites are St. Francis and—

SENATOR LIPMAN: And St. Francis?

OFFICER KENNEBREW: Yes.

SENATOR LIPMAN: Okay. I think we get the general drift about areas you cannot go into. Before hearing testimony today, I wasn't really clear about whether there were any areas except the

housing units that you could not work in. I am now talking about transportation, and so forth. Is it the housing unit which keeps you from getting promotional opportunities?

OFFICER KENNEBREW: Yes, it is.

SENATOR LIPMAN: When I say housing unit, that means that you are refused the opportunity to work on the tier.

OFFICER KENNEBREW: Yes.

SENATOR LIPMAN: And that has to do with dressing and undressing of male prisoners?

OFFICER KENNEBREW: Correct.

SENATOR LIPMAN: All right. Are there any other questions?

MS. TAMBORLANE: You heard an officer talk before about the union filing a grievance against her. Is this something that is experienced in Trenton State Prison also? Will the union file grievances against the female officers?

OFFICER KENNEBREW: Well, it hasn't happened at Trenton State to my knowledge, but that is not to say it can't happen.

MS. TAMBORLANE: Are women officers union representatives?

OFFICER KENNEBREW: No.

MS. TAMBORLANE: All the union reps are male?

OFFICER KENNEBREW: Yes, male.

MS. TAMBORLANE: Okay.

SENATOR LIPMAN: There are no female union reps?

OFFICER KENNEBREW: No.

SENATOR LIPMAN: May I ask a question? If you know the answer to this question, you can answer it, Officer Kennebrew, but I would like to ask this question of the Department. I don't know if we will get an answer from anyone. How long have there been female officers in male prisons? How many years have they been there? Since when have female officers been hired as correction officers? Can someone answer that question?

MEMBER OF AUDIENCE: Since 1970.

SENATOR LIPMAN: Since 1970? So roughly, they have been there for 15 years.

OFFICER KENNEBREW: And the first one was hired at Trenton State Prison.

SENATOR LIPMAN: The first female officer was hired at Trenton State Prison? Okay, that is 15 years.

MEMBER OF AUDIENCE: The first one was at Yardville Reformatory.

SENATOR LIPMAN: Okay.

MS. KIERNAN: Just to focus for a second on the fact that female corrections officers seem to be in a dead end situation -- there is no place for them to move up to -- can you tell me how you got into this? When did you become interested in becoming a corrections officer, and what did you expect would come of it?

OFFICER KENNEBREW: It was a challenge.

MS. KIERNAN: Yes, it is a challenge. Did you get the impression that this would be a problem and that you would not be able to advance, or when you went into your training program were you given the feeling that you would be allowed to compete and improve your status and earn a better living as years went by?

OFFICER KENNEBREW: Well, I did start at a female institution, which was Clinton. I was there for about 10 months. St. Francis Prison Unit erupted and I was one of the first to go there with a fellow officer. When I first started, they did not allow me into Trenton State Prison. I could only work at St. Francis.

Somehow I did something and I ended up going down to Trenton State Prison, which was my employer all along. Now I am here, but it is still a fight. It's hard.

MS. KIERNAN: I can tell. I am just trying to find out what expectations there are, and how they are stopped. As I see it-- The picture I am getting is, one takes on this challenge -- as you put it -- and gets into a very challenging and difficult area. She then achieves a level where there is no further advancement possible. I have heard that from so many people. They say, "I can't be promoted because I can't work in the same situation males work in. That is what the rules are."

OFFICER KENNEBREW: It is not that we can't.

MS. KIERNAN: Well, I mean can't--

OFFICER KENNEBREW: They won't let us.

MS. KIERNAN: Well, that's can't also. It is not that you are unable to; you are not allowed to. That is what I am saying. That seems to be what is happening to female employees, as I get the picture from them today. This is across the board, in all institutions.

OFFICER KENNEBREW: Yes. Basically, there may be the same problem with the men at Clinton. It is just vice versa. The men at Clinton are going through the same thing that women in the male institutions are going through.

MS. KIERNAN: We haven't heard testimony to that effect, and I would be very interested in hearing that.

OFFICER KENNEBREW: Okay. The reason why I am saying that is because I did work at Clinton when there were also males working there. So, I can relate to Clinton as well as to the male institutions.

SENATOR LIPMAN: It really has something to do with sex, doesn't it?

OFFICER KENNEBREW: Yes. It is not performance, it is just sex. I think employment should come before the rights of incarcerated inmates.

MS. KIERNAN: If I can follow up on what I was just trying to ask you, the next step up the ladder on this job is to get more pay and to be in a different situation, to be in a position that you cannot now get into. What reasons are you given for your inability to achieve this level? I am not asking what the real reasons are; I am asking what reasons are given to you for that not being possible.

OFFICER KENNEBREW: Do you mean the reasons why we can't advance?

MS. KIERNAN: Yes, why you are not allowed to move into the next position, as it were, where there would be more pay, overtime pay, or any of those types of situations.

OFFICER KENNEBREW: Okay. There is a promotional test for Sergeants, Lieutenants, Captains, and so forth. I would say a lot of women run into the problem of not being able to advance because we are ignorant regarding problems that are asked about in the tests. We haven't worked in the areas where we had to deal with those problems.

Say a question is asked about taking count. Females don't take count at male prisons. There may be things like that in the test, and we can't relate to them since we are not affiliated with them. So, how can we advance if we do not have knowledge regarding these things?

MS. KIERNAN: So when that promotional exam comes up, you are not prepared to take it because you have not had the experience to be able to answer some of the questions?

OFFICER KENNEBREW: True.

MS. SEHAM: I am not sure I understood your original question, when you asked what reasons they were given for not advancing. If one is not allowed to work in a certain area, what is the reason for that? What do they tell you?

OFFICER KENNEBREW: There is no reason. It is just if you take the test, you pass—

MS. SEHAM: No, I am not talking about the test now. You are saying females don't take count. What does that mean?

OFFICER KENNEBREW: That is taking a count in the housing units.

MS. SEHAM: That is because you are not allowed to work in the housing area?

OFFICER KENNEBREW: Right. We are not allowed to work there.

MS. SEHAM: What is the official reason for that? Is it because of the inmates' privacy?

OFFICER KENNEBREW: I would say it is the Attorney General's--

MEMBER OF AUDIENCE: It is the Attorney General's opinion.

MS. SEHAM: It is the Attorney General's opinion, but why?

SENATOR LIPMAN: All right. A member of the Department wishes to respond to that question.

MEMBER OF DEPARTMENT OF CORRECTIONS: It is the official policy of the Department.

SENATOR LIPMAN: That is the official policy? I think Phoebe's question is, who decides the official policy, the Commissioner and his staff? A young man just mentioned the Attorney General.

MEMBER OF DEPARTMENT OF CORRECTIONS: In the past it was the Attorney General's opinion. However, I believe the prevailing Federal Case Law now says that female promotional employment opportunity takes precedence the privacy of inmates. (balance of statement inaudible from back of room)

I would just like to add to that. BFOQ matters, which most of these women have been talking about, is the issue at hand in terms of sex discrimination. The Federal government, along with eight other states do not have BFOQs in their correctional system. New Jersey is one of the States that maintains a BFOQ against females working in male housing units. However, that is not necessarily true of California or New York that I know of.

SENATOR LIPMAN: All right. We are back to the good old BFOQ, right?

MS. KIERNAN: Senator, excuse me. May I ask anyone who is going to make comments to come up and speak into the mike so we can have it in our record?

SENATOR LIPMAN: It has been brought to my attention that the stenographer cannot hear everyone who speaks from the audience. So, if you are going to give us an answer to a question and you are not at the witness table, would you come up so that you can talk into the microphone? Okay? Agreed.

All right, if there are no further questions-- Theo, do you have a question?

MS. TAMBORLANE: In addition to the housing, you have identified a second area in which women are not allowed to participate, and that is the transportation of inmates to wherever they have to go, whether it be to the hospital, court, or whatever.

OFFICER KENNEBREW: Even dropping them off from different satellites such as Jones Farm. The reason for this still comes back to the inmates' privacy. They do not want us to touch them, so therefore we cannot go.

I have been on a lot of transportation trips, but when this was seen, somebody ran to someone else and I was stopped. Then the SOP came out with the jobs we could and could not work, and transportation was number one.

SENATOR LIPMAN: What is an SOP?

OFFICER KENNEBREW: Standard Operational Procedures.

MS. TAMBORLANE: And that is uniform throughout all the State prisons?

OFFICER KENNEBREW: I would say basically yes. No female in a male institution does transportation trips.

MS. TAMBORLANE: Thank you.

SENATOR LIPMAN: I want to thank you, Officer Kennebrew.

I think we have one other officer. Ms. Watson? Am I right? Is Ms. Watson the only other representative officer working at a prison who is here to testify? We have gone through seven. Do you have an opinion, Ms. Watson, of why the officers who called in and wanted to testify are not here?

OFFICER PATRICIA WATSON: Yes. First of all, my name is Patricia Watson.

SENATOR LIPMAN: I know. I asked you a question: Do you have an opinion regarding why the officers who signed in are not here? It is an unfair question, but I am asking it anyway.

OFFICER WATSON: All right. No, I have no idea at the moment.

SENATOR LIPMAN: All right, just one second. Maggie?

MS. AGUERO: Senator, I have an opinion, if I can come up and tell you about it.

SENATOR LIPMAN: All right. Would you hold it just one second, Ms. Watson?

MS. AGUERO: The question was asked why the officers who signed up are not here. I can tell you that I have traveled throughout all the State institutions and there is a real fear of reprisal. It is not imagined; it is real. It is not something that doesn't happen. It does happen. There is retaliation and there is reprisal. Some of it reprisal. Some of it is blatant, some of it is not. I would only suggest that some people have either been talked to, or they have had second thoughts about coming. Thank you.

SENATOR LIPMAN: All right. I just kept asking the question because so many called and they are not here today.

All right, Ms. Watson, at last I can get to you.

OFFICER WATSON: My name is Patricia Watson. I am senior corrections officer, assigned to the Youth Reception and Correction Center at Yardville, a facility of the Department of Corrections, State of New Jersey.

First of all, I would like to say that I thank you for the opportunity to be able to sit here and briefly give you my point of view regarding a few things in the system.

Basically, I am not prepared, but I know what I would like to say. I found out about this on short notice, but I felt I owed it to myself and to my colleagues to appear here today.

Everyone has basically touched on what I am about to focus on, such as job area assignments and transportation. These are the main, key points, particularly work assignments and not being able to take the inmates on different trips, etc. Also, a main key point is not being able to work the housing units.

One other thing I want to go into before I go any further is, for about three years or more at my place of employment I have been fighting for a female locker room. As of now, we still do not have one, as do the male officers, and it has been causing us undue hardship and inconvenience. We have to use the public toilets. We do not have any place where we can actually go in private. Every day we have to come in in our uniform and we have to carry our personal belongings because we have no place to put them. That is one thing I would really like to get across, because we just want equal facilities, such as the men have.

SENATOR LIPMAN: We have to do that in the Senate too, Ms. Watson.

OFFICER WATSON: Yes. It is very much needed.

I also want to speak about one of the officers from Leesburg who said that the male officers have filed a grievance. I do not know if they have done it at Yardville at the present time, but I have talked with a couple of the officers and they feel that women should work the housing units. We are making the same basic pay, and we can do the job. It is not as if we are not qualified, because there is a test qualification period. Every year we go to be qualified with

weapons. That is one of the things needed in order to transport inmates to hospitals, doctors, or whatever. It is even needed for working in the towers or riding patrol, for those different types of jobs.

Personally speaking, I feel that employment rights should supersede those of incarcerated inmates. We are the overseers of these people. I think this is very important. There should also be a greater emphasis placed on training, not just for the females but for the males, because there are incompetent male officers as well as incompetent female officers. I wanted to point that out also.

I do not know who spoke from the back of the room, but when one is speaking about Federal versus State prisons, Federal prisons are totally different from State prisons because some Federal prisons are coed. We do not have that. So I do not know how they are getting that mixed up, nor what reason they have for doing so.

I feel that if a female officer can do the job, carry her weight, and make the same basic pay, she should be able to do the job and she should be given the opportunity to show her performance on the job. Now if she fails in her performance, then that is a different story. Boot her out. That is the way I feel. But if she is qualified, if she goes for the appropriate training, and if she takes the test and passes the qualifications each year, why not give her the job?

Personally speaking, I have been through a lot of hell -- excuse me -- and that is one of the reasons why I wanted to speak out today on these matters. I feel as though someone should do something about it. I am not downgrading Civil Service, or anything like that. I do not know who the key person is that is keeping us at a standstill. It has to be someone.

I feel it is about time some of the rules, regulations, or laws are changed. If they are not, we will never get any preferable days off, such as weekends. There are days when we want to be with our families. Male officers are coming in with less time -- I have seven years in the system, and I have worked hard -- who get better days and weekends off. They get better job positions due to the fact that we

cannot work the housing units, nor other areas that are necessary for us to advance.

So in closing, I would like say that we are really crying out to you as females. For many years we have been on the bottom, but this is 1985 and everyone should wake up to the fact that women are really coming up in this world. They are taking the lead in a lot of areas that were not foreseen.

Some are single parents and they have to make it on this job, or whatever job they might be in, especially corrections which is not an easy job. We get hit with many things from every angle, not only from the inmates, but also from our fellow workers and the higher echelon. It is just one of those things, and I feel we really need help in this area. Thank you.

SENATOR LIPMAN: Thank you. Are there any questions for Ms. Watson. (no questions)

We are now going to change the pace a little bit by calling Ms. Deborah Hansen from the Department of Corrections.

What is your job in the Department of Corrections, Ms. Hansen?

DEBORAH A. HANSEN: I am a Supervisory Interstate Specialist in the Office of Interstate Services.

SENATOR LIPMAN: Interstate Services?

MS. HANSEN: That's correct.

SENATOR LIPMAN: You are going to explain what that means, right?

MS. HANSEN: I'm going to try.

Interstate Services is basically responsible for all the interstate movement of Department clients that fall under five interstate agreements and/or compacts. That would include such laws as the Uniform Extradition Act, the Compact for the Supervision of Parolees and Probationers, the Juvenile Compact, and the Interstate Agreement on Detainers, which has to do with the speedy trial rights of incarcerated inmates across State boundaries for purposes of trial.

We do various other interstate functions which are adjuncts to those laws, including the interstate transportation of all fugitives

across State boundaries, and also including, under the Corrections Compact, the transfer of inmates between facilities.

SENATOR LIPMAN: I thought only the Sheriff did that.

MS. HANSEN: Well, the Sheriff does certain things for the county. For example, Senator Lipman, if the Department locates escapees on the highways of Los Angeles, California, we would then extradite them under the Uniform Extradition Act on behalf of the Department and return them to prison. That is what the Officer of Interstate Services does.

SENATOR LIPMAN: What is the Juvenile Compact?

MS. HANSEN: The Interstate Compact on Juveniles encompasses 12 articles, including the transfer of juveniles across State boundaries to better rehabilitative services, such as education. It also provides for the interstate supervision of parolees who are juveniles under the law, and it provides for the interstate supervision of probationers who are juveniles under the law. It also provides for the return of delinquent or non-delinquent runaways to the State of New Jersey. It is an all-encompassing compact; however, it is probably one of the most misunderstood in the State.

SENATOR LIPMAN: Yes, it is a little misunderstood. Would you like to continue?

MS. HANSEN: Yes, thank you. I would like to read, because my statement is rather lengthy. My issues here are basically— I use myself as an example, but you hear throughout this testimony that there are system problems which I believe are retaliatory in nature. I also believe they are consistent and pervasive within the Department of Corrections.

I have been employed by the State Department of Corrections since September of 1973. For your information, on the testimony I have handed you, I have also appended my resume. I did that because I hold certain national positions in which I have some esteem out of state, and I honestly feel I am not getting the same esteem within my own organization.

SENATOR LIPMAN: Is that the New Jersey section?

MS. HANSEN: In April of 1979, I was promoted to Chief, Bureau of Interstate Services, and remained in that position until my Bureau was administratively transferred to the Bureau of Parole in 1983. It was at that time that my current position, Supervising Interstate Specialist, Office of Interstate Services, was created. At this juncture in my career, I started to evaluate the sequence of events that negatively impacted on my Bureau's efforts during the years I was the only female Bureau Chief, from 1973 until 1983.

I found that the Bureau was consistently assigned low priority to Division budget requests, despite the validity of my work force analysis and high workload indicators.

My staff has not grown since the Bureau's creation in July of 1977, despite growing interstate responsibility within the Department of Corrections.

My transportation budget, utilized to meet all the interstate transportation needs of the Department, was consistently and grossly under-funded. During these years our transportation budget ranged from \$26,000 to \$32,000 per fiscal year. The same budget since our transfer into another bureau has ranged from \$60,000 to \$100,000 per year.

I was mandated by my Division heads to remove from my budget request, previously allocated moneys to attend national meetings. From then on I experienced difficulty in getting approval for State travel expenses to this meeting. In my case, it is my feeling that this act was deliberate.

My Division heads did not adequately support me in my complaints regarding a professional peer, the Chief of the Bureau of Parole. My complaints about the Chief of the Bureau of Parole during his tenure at my Bureau centered around what I believed to be his attempts to discredit me and my staff in order to reduce our effectiveness as a Bureau.

In any divisional staff meeting at which I was the only female manager in attendance, the Chief of Parole could be observed whistling while I spoke, searching under the conference table, and otherwise making disruptive remarks and gestures. He unofficially banned me from training efforts with his Bureau, took attendance of my

staff when I was out of the office, and otherwise consistently criticized what I believed to be interstate prerogatives, even to the point of initiating problematic procedures.

Of particular note is a situation that occurred in my Bureau's hallway, whereby an interested employee who was recently promoted to my Bureau from the Bureau of Parole was approached by the Chief. The Chief made a crude -- and I stress that that is said very kindly -- open gesture which was viewed as intimidating by my employee. These incidences were, in my opinion, overlooked by my Division heads who consistently took no substantial action to cease the negative labeling and the public attacks.

The operation took a drastic turn for the worse when the Bureau's professional staff was cut by 50% by order of the Commissioner. The clerical staff was also cut by one-third. By the time my office had been transferred under the jurisdiction of the Bureau of Parole in September of 1983, there existed, for one year, an estimated 8000 mail backlog. This backlog included unprocessed arrest and violation reports, fugitive location information, legal documents, pending extradition matters, and unattended to apprehension and detention requests. This workload situation was known to my Division heads who took no substantial action to alleviate this potentially litigious situation for two years.

In October of 1983 I met, along with other corrections women, with representatives of the Governor's office. We collectively expressed our concerns over what we believed to be sex-based discrimination in our Department. The afternoon the Commissioner was advised of my part in the meetings with the Governor's staff, he returned to the Department of Corrections and ordered the removal of a vacant escort officer's position from my jurisdiction. This cut my transportation staff by one-third.

My one remaining field officer has accrued over 320 hours in compensatory time. He has made numerous official complaints over the last two years about this situation. To date, the Department has not responded to any of his requests.

After these meetings became known, the Assistant Chief of the Bureau of Parole started official acts which were discrediting to me and one of my staff members. He circulated a slanderous memo, not only to the Commissioner but also to the Parole Board Chairman, my current Assistant Commissioner, and my Bureau Chief, attacking not only my managerial capabilities. I filed a grievance against the Assistant Chief and stated that he had violated Department procedures, and that he had made serious, slanderous remarks. I hired an attorney and a Certified Court Reporter at a cost of \$1,500, and the memos were withdrawn with a public apology.

Shortly thereafter, the Assistant Chief retired from State service. Meanwhile, my staff member had to file a grievance about what he felt to be ongoing attacks on his professional competency. It was after these grievances that Bureau management finally moved to staff Interstate Services, some two years after the initial layoffs.

Upon the Assistant Chief's absence, I wrote to the Chief of the Bureau expressing my intent to pursue an in-line promotion, to Assistant Chief, Bureau of Parole. I requested an interview. Some months later I received a memo from the Chief advising me that a subordinate male was hired. This individual has no classified management status and less formal educational degrees than I.

I advised the Chief that I felt he denied me the opportunity to compete by not interviewing me. The position mysteriously appeared in December of 1984. It was posted. I applied for an interview, filed an application with Civil Service, and was finally interviewed by the Chief in January of 1985. In February I was advised for the second time that the same subordinate male was hired.

I have filed an internal discrimination complaint on this matter with the Affirmative Action Officer in the Department of Corrections. I wrote to the Affirmative Action Officer in the Department of Corrections and gave him a list of items that I wanted him to investigate on my behalf. When I received his lengthy report approximately two months after I filed, not one item I had requested him to investigate was included in the facts of that report.

Naturally, I complained -- not formally but informally -- to the Department of EEO in Civil Service.

I have also been witness to manipulation on the part of this Bureau's management. EPEIS ratings were manipulated. In such ratings "outstanding" is given to the incumbent, thereby permitting the incumbent an excess of one point on any Civil Service score, or on any score otherwise determined by the Department of Civil Service.

In this particular case, the subordinate male was given an "outstanding," and I was given a "satisfactory," despite the fact that I disagreed with my merit rating.

I have just received notification from Civil Service that since there were less than three applicants for the position, the incumbent was hired. This is the very process I projected by memo to the Chief of the Bureau in 1984, one year earlier.

Since transfer to the Bureau of Parole, other retaliatory acts included but were not limited to:

Refusal on the part of the management of the Bureau or his representatives to grant lateral transfer requests of my clerical staff to more desirable clerical positions in the office of the Chief and the Assistant Chief. Lower seniority and less experienced clerical members were provisionally promoted.

Interstate workload concerns and resources remain, in my opinion, a consistently low priority to the Chief.

For two years I have not been consulted for input to Bureau budget requests or requests for summer assistance.

My administrative requests have been consistently denied by the Bureau management, prompting me to go to my current Division heads for resolution.

I am one of four managers in the Bureau of Parole. I am the only female manager. Yet, I have not been invited to any management meetings on Bureau-wide issues. In fact, I haven't been invited to some meetings on interstate matters.

I have had a number of insubordinate incidents directed to me by senior parole officers. Complaints to the Chief or his representatives have been consistently stalled or ignored until I pushed for resolution at the Division level.

The Chief and his representatives continue to treat my position as a primary line supervisor, diminishing the status and authority inherent in my Civil Service job classification.

Bureau employees have advised me that they keep their professional distance, as association could negatively impact on their career. One secretary was even advised not to go to lunch with me.

I believe these tactics are deliberate. I don't think they are particularly done to me, but I do believe that they are deliberately done with the intention of making the operation fail or to continue a negative work environment.

In my opinion, there is abusive discretion in the manipulation of Civil Service regulations. I firmly believe these events point to official abuse of authority by various officials in my Department. I do believe these are acts of discrimination, and I believe they are acts of retaliation.

I sincerely thank this Commission for your patience.

SENATOR LIPMAN: Thank you, Ms. Hansen.

Pheoebe, do you have any questions?

MS. SEHAM: I am overwhelmed.

SENATOR LIPMAN: Greta?

MS. KIERNAN: No, no questions, but thank you for your testimony.

SENATOR LIPMAN: Yes. I think she was pretty clear.

Theo, do you have any questions?

MS. TAMBORLANE: No, she said it all.

SENATOR LIPMAN: Oh, I don't believe Theo has no questions.

MS. HANSEN: Do you want me to tell you how they manipulate the regs?

MS. TAMBORLANE: Your testimony is a good example.

SENATOR LIPMAN: Jackie?

MS. LEFFERTS: I think your testimony has been pretty inclusive of a lot of incidents that have happened, not just here.

MS. HANSEN: I sincerely appreciate this. This was really something for us to be able to come to, and I appreciate your time, efforts, and, most importantly, your understanding.

SENATOR LIPMAN: We don't discriminate against our male members, they just discriminate against us by not coming. We have some male members on this Commission.

I would like to introduce someone that we may not all know, Ms. Wanda Webster Stansbury, who works for the Division of Women. She is also sort of an advisor to us. What is your particular job with Corrections?

WANDA WEBSTER STANSBURY: I am a consultant to the Division on Women Minority Affairs. We are working on an initiative to impact employment career opportunities for women who are ex-offenders. I would like to share in whatever way I can with this Commission.

SENATOR LIPMAN: Okay. Is Ricky Jacobs here? (affirmative reply) Ms. Jacobs is from the New Jersey Association on Criminal Justice.

RICKY JACOBS: I was told to shy away from repeating testimony, so I have prepared some additional information we thought was important to get across.

Unfortunately, as we discussed specific, concrete instances of discrimination in the system, specifically in the county jail system -- I am now speaking of the inmates -- we failed to evaluate the quality of services that currently exists.

In our effort to secure services for women, we tend to concentrate on struggling with maintaining whatever inroads we have made and little attention is given to problems with our current services. The prevailing attitudes within the institutions as a result of what I think is a lack of training of the professional and correctional staff, with regard to the female inmates in particular, result in negative attitudes which prohibit the programs and services we have from being effective.

SENATOR LIPMAN: Do you mean the programs of the Association of Corrections?

MS. JACOBS: No. We work with all the institutions.

SENATOR LIPMAN: You have the Halfway House, right?

MS. JACOBS: We get the women and men from the State institutions at the Halfway Houses. We also do out-client work and

work on the county level, giving services in the institutions as advocates. We sort of do this in addition to the social services aspect of the institutions.

SENATOR LIPMAN: Okay. Proceed.

MS. JACOBS: In my work at the State level with the female inmates we receive specifically from Clinton, I have always been struck by the childlike treatment the women are subjected to. Ironically, it is done under the guise of what is good for them, ignoring the basic paternalistic and dependent nature it fosters. So, it is no wonder that upon their release, I have to deal with the effect of this attitude. It results in either very passive or very aggressive behavior, with negative results at the workplace and at home. Subsequently, the women are very disappointed and frustrated. They have a difficult time succeeding the community.

On the county level, I most recently encountered extremely negative attitudes on the part of the staff working with women. Specifically, I would say that social services would prefer not to work with women at all. The attitude seems to be that to deal with them is virtually impossible and that they are animals. Hence, the services they receive are limited. Sometimes the complaints we get from women are on all levels. Sometimes we get complaints regarding the State, but, more specifically, we see them from different counties, and we hear a lot of complaints about their being neglected. Basically, they are neglected.

For instance, at one of the county institutions the women were denied education -- and this has happened at many county institutions -- because of behavior problems; their privileges are taken away for a short period of time. When this was investigated, the answer I received was that most people do not know what is going on in the institution. The explanation was, "Well, the teacher hasn't been in," or, "There is difficulty in getting the women to another part of the institution for this educational service." In the end I am then told, "Well, it has been reinstated." But, somehow, the women were not informed that it was reinstated, so they were not able to receive the benefit of these services.

In closing, without serious attention given to training, especially for both the correctional staff and the social services staff, I think problems occur. The correctional staff that I have come across seems to be more sensitive to the needs of the women, and they understand some of the problems they have to deal with; however, there is always the problem with them not wanting to cross over the line of social service staff work. So, sometimes the women lose out because they do not get either of the services, or they have to wait longer for whatever services are available, even if it is something as simple as getting a lawyer's phone number because they cannot have the phone book in their section of the institution. They have to wait for a social service worker to look up the phone number for them. They do not want to leave the phone book in that section of the institution because looking up phone numbers is not the corrections officer's job. Consequently, the problem just gets exaggerated as it goes along.

There is a lack of information for the women. They do not have exposure to information on AIDS for instance, and they have to specifically ask for information. They need this type of information, and AIDS is just one example of the health issue which, as someone else said, is really important.

Basically, to repeat what was said, I think the services or programs that are available tend to end up doing advocacy work for the women without keeping in mind what their needs are. We end up having to concentrate on things other than what is not being provided for them.

SENATOR LIPMAN: Jackie?

MS. LEFFERTS: With this evaluation you have done, what solutions would you suggest?

MS. JACOBS: I think there has to be built-in training, both for social service staff and correctional staff with regard to exactly who they are dealing with, what the specific problems of women inmates are, sexism, and general negative attitudes about who a female inmate is and what kinds of problems they have.

There is always reference made to their so-called manipulative abilities. When one makes a complaint or when women say

they haven't been given information, or they haven't been visited by whomever, whether it is the bail unit or the public defenders office -- obviously, there are problems with getting to institutions often enough -- what is always said is, "Well, you can't listen to them; they are just trying to get over on you." So, there is sort of a general idea of who these women are and how difficult they are to service, even when one has been in the field for a long time and he knows with whom he is dealing.

So, I guess it is a matter of not wanting to deal with the real issues at hand. I think that training should definitely be in the forefront, plus some sort of policing technique, in order to follow through to make sure that whatever training or services that were supposed to be provided were provided.

MS. LEFFERTS: What office would police that kind of thing?

MS. JACOBS: I guess the Ombudsman or the Inmate Advocacy. I think part of the problem is that the women themselves have a hard time asking for the things they could probably get if they were insistent enough. They are really not taught how to ask.

MS. LEFFERTS: Is it because they do not know who to ask or do they ask and they aren't--

MS. JACOBS: They are turned down or ignored very often. So, they don't really have an advocate within their institution, especially within the county institutions because the county system is so limited.

MS. LEFFERTS: Would you suggest an advocate from their own group, or should an outsider come in as an advocate? In other words should the position of advocate be developed at the prison?

MS. JACOBS: I think either would suffice. There definitely has to be someone there specifically for them so there is at least someone who can meet with them on an ongoing basis to find out what is happening or what their needs are.

SENATOR LIPMAN: So, you advocate a type of ombudsman?

MS. JACOBS: Probably an ombudsman type, yes.

SENATOR LIPMAN: You mentioned AIDS. In your estimation -- and maybe someone from The Department of Corrections will have to answer this -- has AIDS been a big problem amongst women prisoners?

MS. JACOBS: I don't think it has necessarily been a big problem in terms of numbers. But with the information we have -- especially with regard to IV drug users -- they have to be made aware of what happens with the use of needles, or with whatever sexual partners they have had. They are not given that information.

SENATOR LIPMAN: Greta?

MS. KIERNAN: Thank you for giving us specifics. I was particularly interested in looking up telephone numbers. This gives us a picture of what it is like to be in prison and how insurmountable some things that seem very elementary to us can be.

SENATOR LIPMAN: Thank you so much for coming.

Is Ms. Elizabeth McRoberts here?

ELIZABETH McROBERTS: My name is Betty McRoberts, and I have been employed in State service for 14-1/2 years. I laterally transferred to the Department of Corrections from Trenton Psychiatric Hospital in 1977 in the position of Senior Clerk Stenographer. After being employed for a short while in the Bureau of Personnel, I accepted a promotion into a newly created Bureau -- the Bureau of Interstate Services -- as a Principal Clerk Stenographer. This position was assigned the duties of secretary to the Chief. My title was upgraded to Secretarial Assistant III in December, 1978, as a result of a Departmental upgrading for all secretaries to Bureau Chiefs.

Deborah Hansen, from whom you heard a few minutes ago, became my supervisor and Bureau Chief in April, 1979. In working closely with the Chief, over the years I have personally observed acts of hostility, discredit, and public disparagement exhibited by Fred Holley, Chief, Bureau of Parole, as well as other members of the Bureau of Parole.

When the Interstate Bureau was administratively absorbed by the Bureau of Parole in September, 1983, I was laterally transferred, except then I was working for a Supervising Interstate Specialist instead of a Bureau Chief. I felt this transfer changed the status of my professional position, and any attempt to regain that status has been thwarted to date.

A series of events since transfer into the Bureau made me realize that my association with Ms. Hansen and the Bureau of

Interstate Services would hinder my employment growth within the Bureau of Parole and the Department of Corrections.

A particular sequence of upgradings occurred in the Chief's office in February of 1984. My Holley's Secretarial Assistant II was administratively upgraded to Administrative Assistant. This action left a vacant Secretarial Assistant II position as personal secretary to the Chief. I was the only eligible candidate as I held the only in-line title in the unit scope. I soon became aware that the Chief ordered the downgrading of the vacant position to Secretarial Assistant III to preclude, I believe, my promotional opportunity to compete and to provisionally appoint a specific Principal Clerk Stenographer. When the position of Secretarial Assistant III was posted as a promotional opportunity, I wrote the Chief and requested an interview along with a request to be laterally transferred instead of promoted. I was not accepted for the position and I filed a grievance. At the grievance hearing, the Chief asserted that I was not chosen because he posted the position as a promotional opportunity. I firmly believe that the downgrading of the position was intentional, to preclude my working in any capacity in the Office of the Chief due to my past affiliation with Ms. Hansen. Mr. Holley created a Catch-22 situation for me.

This type of situation was also evident in the sequence of events which occurred when I applied for another lateral transfer to a Secretarial Assistant III position in the Bureau of Planning and Programming in 1984. I applied for this position in order to regain my status as a secretary to a Bureau Chief and to remove myself from the negative work environment existing in the Office of Interstate Services, Bureau of Parole.

This position was originally posted as a promotional opportunity to the title of Secretarial Assistant III with stenography. The opportunity was amended, shortly after the closing date on the original posting, to Secretarial Assistant III, non-stenographic. I was afforded an interview; however, I was advised one month later that the position had been filled. The new incumbent was laterally transferred from a Head Clerk's position to a non-stenographic Secretarial III title. I think these events would

lead one to believe that the announcement was altered and tailored to fit the individual who received the position.

In the summer of 1985, I applied for a Secretarial Assistant II position to the Superintendent at Trenton State Prison. This vacancy was posted as a promotional opportunity throughout the Department of Corrections. I was not given the opportunity of an interview; however, I did receive a letter from the Superintendent stating that he had chosen to promote someone within the immediate work area. I believe I was denied the opportunity to compete.

These practices are the routine practices of the Department of Corrections rather than exceptional situations.

While employed in Interstate Services I am personally able to attest to the negative employment environment that has existed since 1979. I believe this environment was and continues to be created by officials outside the control of the Supervisor, Ms. Hansen.

During the two years that the office had been marginally staffed, I, as a clerical member, had to perform various duties outside the scope of my job specifications simply out of workload necessity. The working environment in Interstate was one of high tension, caused by increasing and uncontrollable workload, staff shortages, and apparent apathy on the part of the Bureau and Division management. In addition, the hostility and lack of assistance exhibited on the part of Bureau management filtered to me as secretary to Ms. Hansen.

In the two years since I have been employed by the Bureau of Parole, I have had to take two leaves of absences for mental and emotional exhaustion, diagnosed as hypertension. I am under constant medication for this condition today. Additionally, I have experienced opthalmic migraines which have required the assistance of others to provide immediate transportation to the eye doctor upon onset. This has happened a number of times during and immediately after work hours. According to my doctor, these migraines are caused by "extreme tension and stress in your environment."

I do not wish to reiterate the testimony of Ms. Hansen as I believe it is comprehensive and descriptive of the negative work environment I have been witness to and involved in over the past six

years. What I would like to stress is the condition I find my professional career and health in, due simply to what I believe are retaliatory acts against Ms. Hansen and her staff. Thank you.

SENATOR LIPMAN: Thank you, Ms. McRoberts. Jackie, do you have any questions?

MS. LEFFERTS: I really don't have any questions because I think a lot of your testimony just confirms what Ms. Hansen said.

SENATOR LIPMAN: That's true. Alma, do you have any questions?

MR. SARAVIA: No questions.

SENATOR LIPMAN: Greta?

MS. KIERNAN: I agree, but I was wondering is there no other avenue of approach other than being here with us today to focus on these problems and make a change?

MS. McROBERTS: To focus? I would like to make a change, but that opportunity has not been extended to me, despite my efforts. I would like to leave that work environment. It is not conducive to good health. I have been told that by my doctor, but I know it myself. However, I have not, to this date, had the opportunity to leave, and I would like to.

MS. LEFFERTS: Why not? Why haven't you?

MS. McROBERTS: Why not? I have applied for vacancies and I have been told, for one reason or another, either that the job does not exist, or it is not a promotion, or I am just not qualified for the job. Then someone with less seniority ends up sitting in that seat. I feel as though I am a victim of circumstances because of my affiliation with my boss.

SENATOR LIPMAN: Thank you, Ms. McRobert.

Ms. Raphaela Arias?

RAPHAELA ARIAS: My name is Raphaela Arias. I am employed by the State of New Jersey, Department of Corrections. From April, 1984, to April, 1985, I was employed as a Senior Clerk Transcriber for the Bureau of Parole, District Office 6. Since April, 1985, I have been employed as a Principal Clerk Typist with the Office of Interstate Services. My resume is attached to the copies of my statement.

I am giving this testimony because for the year I have worked in the District Office I feel that I have been subjected to a work environment that is and continues to be hostile towards women.

I applied for numerous positions in State service because of benefits and job security, and because I had hoped to get a position where I could utilize my bilingual capabilities. I decided to take the first position that was offered, believing that once I was in the system, coupled with my background in languages, I would move into a position I was better qualified for.

One thing I did leave out of my resume was that I speak fluently in five languages: English, Spanish, German, French, and Italian.

I was told that the State needed and was looking for qualified bilingualists. Even though I tested and was placed number one and number two on several bilingual lists with Civil Service, I have never been called for any of these positions. When I inquired, I was told that departments were being reorganized, or that they had decided not to fill the positions.

I accepted a position with the Department of Corrections, Bureau of Parole, District Office 6 in Trenton as a Senior Clerk Typist. At my interview, I told the District Parole Supervisor that I was in the process of a divorce and that I had resumed using my maiden name even though I was not legally divorced. He called Central Office and I was told that I would have to use my married name. The District Parole Supervisor then called me at home the next day and told me not to accept any other positions because they wanted me. The day after that, he called and said that he pushed the paperwork forward and I had the position— "Come in and sign the papers."

When I went into the office to sign the papers, the District Parole Supervisor started making numerous remarks, such as, "Your husband must be crazy. If I had a wife like you, I'd do anything to keep her." That type of remark, along with the way he leaned back in his seat eyeing me, made me feel uncomfortable. I want to stress that I was a single parent with three young children; I was in the process of a divorce; and I needed a job.

On my first visit to the office for the interview, I inquired about the salary range I would be receiving in my title. I wanted to know whether it was the starting salary or whether it was the full range of the salary. I stated that I felt I deserved a better starting salary because of my background and qualifications, and because I would be taking a large cut in salary to take this job.

The District Parole Supervisor said if he could he would start me at a higher salary range, but that it was out of his hands because it was Civil Service policy. A year and one-half later, I learned that I could have, in fact, been started at the fourth level within the Senior Clerk Transcriber title. This would have been an additional \$1500 plus in salary.

When I took a promotional position to Office of Interstate Services in April, 1985, the Supervisor in Interstate felt that I deserved to start at the fourth level of my promotional title. Because I had been started at the first level when I started State service, I could not be promoted at the fourth level. This resulted in a \$2000 plus difference in salary. I am a single parent with three children. This is of considerable concern to me. It also meant that I had to continue to work part-time instead of being able to spend time with my children. I have also learned that it is not unusual to start male professionals at the fourth level.

I would also like to add that I spoke to the Bureau Chief about my qualifications because I was interested in the title of Parole Officer Trainee. After looking at my qualifications, he said that I qualified for Parole Officer, which is an extremely high jump in pay, and it would be a professional position.

After I started working in the office, the District Parole Supervisor continually came to my desk on a daily basis trying to engage me in conversation, often making it difficult for me to concentrate on my work. He would ask me out to lunch in front of the entire office.

A couple of weeks after I started work it was National Secretaries Week, and he asked me to lunch to celebrate the occasion. I asked if he was taking all the secretaries out and he said he could

not afford to take everyone out. I told him I felt that in that case he should take someone out who had been there longer.

The District Parole Supervisor was taking management courses through Civil Service, and he asked if I would mind typing some papers for him for a fee. I said I didn't mind but my typewriter was broken. I am speaking now of the typewriter I had at home. He said he had a typewriter in his home and he would bring it in so I could take it home. On the day I was to type the material, he indicated his daughter needed it so he would drop it off at my house right after work.

He came to my house at 7:00 P.M. to drop off the typewriter and some papers. While he was there and with my children present, he asked me out to dinner. When I said, "No, thank you," he then asked me out for a drink, which I also refused. He continued to ask me to lunch or for a drink at work in front of my co-workers, making me feel increasingly uncomfortable and agitated. I spoke to the union representative in the office and to my immediate supervisor, the Head Clerk. Both individuals were already aware of the problem, as the District Parole Supervisor had been blatant in his remarks in front of the entire office. I spoke to them about ways to resolve the harassment.

The last straw came when the District Parole Supervisor stopped by my house over Easter weekend, while I was out, and dropped off a cassette tape of Diana Ross as a gift for me, and some Easter candy for my children. My two older children were at home at the time. He was not in the office on the Monday after Easter, but I spoke to the Head Clerk about what had happened over the weekend. She then called Mrs. Isabelle Levine, Supervising Parole Officer, Bureau of Parole, who was the Regional Supervisor over District Office 6. Mrs. Levine suggested I tell the District Parole Supervisor in no uncertain terms exactly how I felt, and if he continued, to file a sexual harassment complaint against him.

Mrs. Levine reassured me that my actions would not cost me my job, since I was worried about possible retaliation. When he came in the next day I said that I wanted to speak to him. We went into this office and I said, "Since I began work here, you have continuously come

to my desk and tried to make conversation, even though I continued to keep my back turned to you while you were talking. You continued to ask me out to lunch and dinner and embarrassed me in front of the entire office even though I continuously turned you down. I am giving you notice right now that I don't want the attention, and I don't appreciate it. I also don't appreciate your coming by my house and dropping off gifts for me and candy for my children, and I want all these actions and attention to stop immediately. If it doesn't stop, I will file a sexual harassment suit against you immediately." He said, "Okay, I won't bother you anymore."

I also want the Commission to know that I thought if I filed a sexual harassment suit against my supervisor the most that would be done would be that his supervisors would be made aware of it and he would be reprimanded. I did not think that it was possible for it to go any further than that.

He did stop the harassment for a couple of weeks, and then he started again, even though it was somewhat sporadic. By this time, however, I had gained enough confidence that when he'd say something, I would tell him exactly what I personally thought of him. He, however, would continue to tell the Parole Officers in the office quite loudly about his exploits in the motel down the street with the hookers on the street during his routine two to three hour lunches. He boasted openly about being with a prostitute who was on parole with our own office.

Whenever women walked by the office or came into the office, he would make crude sexual remarks about them. He made it very clear that he preferred black women and Puerto Rican women, and he even went so far as to tell me to my face that his sexual fantasy was to find a black Puerto Rican woman. I happen to be Puerto Rican.

Whenever we had lunches for anyone leaving the office, especially at the Christmas party in December, 1984, he would follow me around, offer me drinks, and then brush up against me. Of particular note was the District Parole Supervisor's behavior at the biweekly staff meetings everyone had to attend, where secretaries had to take minutes of the meetings.

During these staff meetings, the District Parole Supervisor would make many sexual remarks with the crudest possible language. I complained to the District Parole Supervisor that I found the language and sexual talk offensive. He laughed and said that I couldn't expect him or any of the men to stop talking like men.

After a few months, another woman started working in the office and she also found the language objectionable. We discussed the situation one day after a staff meeting and we decided that she would ask the other women in the office how they felt. Most said they found it objectionable but they had never said anything because they didn't think it would do any good.

The Principal Clerk and the Head Clerk then went into the District Supervisor's office, told him that the language was objectionable, and that if the staff meetings were not conducted in a more businesslike manner, the secretaries would refuse to take the minutes. It would then be up to him to explain to the Bureau Chief why the minutes were not taken.

In my opinion, within one year at District Office 6, I was the victim of both sexual harassment and employment discrimination. I never formally moved to administratively push this further because I was aware that when this individual was Supervisor at District Office 7, Parole Officers personally complained to the Bureau Chief about his behavior and nothing was done.

I have experienced great emotional anxiety over the office environment in which I work. I continue to lose over \$2000 per year, as I was not given access to the fourth step of my salary range at the time of my employment. In the latter instance, I believe that I was, due to my work experience, eligible for this benefit. In my opinion, both of these situations are a result of my sex, female.

Thank you for taking the time to listen to my testimony.

SENATOR LIPMAN: Thank you. Phoebe?

MS. SEHAM: Your complaint, and the other two complaints emanating from the same office, are worded as though they should be directed to the Division on Civil Rights, or the Federal Equal Employment Opportunity Commission. You know that our Commission

doesn't have the power to deal with individual complaints of employment discrimination. Have you filed these complaints with anyone else, or do you intend to?

MS. ARIAS: I just found out recently, as I said, that I could have done something further, and I certainly intend to.

MS. SEHAM: It is of interest to us and it will help us, but we cannot resolve individual cases, although it certainly sounds as though you ought to file a complaint someplace.

SENATOR LIPMAN: Greta?

MS. KIERNAN: No, thank you very much.

SENATOR LIPMAN: Thank you, Ms. Arias.

Yes, Ms. Hansen? (testimony from audience inaudible)

Thank you. John Mavros, Executive Director, The Joint Connection.

JOHN MAVROS: Senator, I regret that I do not have a written statement to share with you today. My name is John Mavros. I am a resident of Newark and the Executive Director of The Joint Connection. The Joint Connection is a not-for-profit charitable organization which has its main office in Newark and a branch office in Camden, New Jersey. We were established in 1973 in order to make transportation arrangements for families -- relatives and friends -- to visit State prisoners at correctional sites in New Jersey.

Since that time, our agency has grown and expanded services, and the level of services, to the extent where we now have three projects and two office sites in Camden and Newark.

I would like to share some information about the projects with you, and then I would like to make some general remarks about the problems we have experienced over the years.

I might add as part of my introduction that I am the founder of this program. Today, we have 14 full-time staff persons and 16 part-time people, along with 40 community volunteers who work with us.

The Joint Connection provides transportation services out of Camden, Paterson, Passaic, Jersey City, and Newark for relatives and friends to visit at the State correctional sites. The arrangements we make have grown now to the point where about 1000 people every week, or

over 50,000 people every year, are passengers in one of the vehicles we operate, or in one of the vehicles we rent from these locations, to New Jersey State correctional facilities.

The project is subsidized through a Purchase of Services Agreement with the New Jersey Department of Corrections, and about one-half of the funding comes from fees that are paid by the passengers themselves, from the visitors who use these services.

We have found that about 90%, or nine out of 10 of the persons using the services for visits are women and children who are going to see their spouses, sons, or parents.

We also operate a project for parolees, State offenders who are released from State correctional institutions in New Jersey and who are seeking counseling assistance and employment services. This is available at no cost to the residents of Camden County and Essex County where our staff works with employers in those communities to schedule job interviews. After we have initially screened, tested, and provided assessment to the parolees who walk into our office -- or who we meet with at the State District Parole Offices in East Orange, Newark, and Camden -- we process about 10 parolees every week. We screen about 10 parolees every week, and from these we are able to find employment for, or successfully place, about two.

We do have an attrition rate during the process of employment counseling and assistance, to the extent where we are placing one out of every three persons who walks into our office and completes the full testing and assessment program we have.

During the course of explaining the work we do with the parolees, I would like to comment later about training, education, and the problems they encounter within the State system, and the problems they face once they are released.

Our most recent project is operated on a funded basis and is supported entirely through private contributions. It is called the PATC project. PATC stands for Parents and Their Children. This operates in the Essex County Jail Annex in North Caldwell, where The Joint Connection has, with the cooperation of the county jail administration, set up a children's center -- it is really a PATC

Center for parents and their children, and it is in the women's wing of the jail annex — in order to provide a location where females, some of whom are awaiting trial as detainees and others who are sentenced to 365 days or less and who would be under county jurisdiction can meet with their children. At this time, there are about 150 females in the women's wing, and they have an opportunity to have their children visit and receive parenting instruction and counseling from three persons who are with our staff. Volunteers, recruited from the community, also come in and speak with them.

We take about 35 children to the PATC Center from communities in Essex County every week for a private visit with their mothers. We have two visiting sessions, and the program has grown as the population within the women's wing has grown.

With that introduction, I would like to direct some remarks to the problems with visitation and the custody rights of incarcerated parents, which is the first issue area of our concern.

You may not be aware of the fact that very few prisoners receive visiting opportunities with their children. The problem is particularly acute, believe it or not, for male prisoners who have women to whom they may not be legally married, and with whom they may not have been living at the time of their incarceration; however, they still have very young children and they are interested in seeing that they maintain contact, or at least provide emotional support for their offspring during the time they are serving their sentence.

For example, in working with the male prisoners who are in the Jail Annex in Essex County we have encountered much greater difficulty with developing a visiting project for them to privately visit with their children than we did with the female prisoners. This is due principally to conflicts or communication difficulties with the caretaker or the spouse who is the other parent of the child.

We have also found that even with the services we provide at the Jail Annex for females, there would be extremely limited contact with their children for the women who are in the PATC project if it were not for the project The Joint Connection operates. We spent a weekend at the Jail Annex observing the women's visiting sessions for

the entire Saturday and Sunday contact visiting period in order to determine if we were taking children who would not otherwise be able to visit if our transportation -- which is done on weekday evenings -- was not available. What we found surprised us. We found that none of the women who were in the sentencing part of the jail -- at that time, that was the only part which was receiving our services -- received a visit from a child during the entire weekend. However, during the previous week and the following week, our service was responsible for taking 30 different children to visit in that two week period.

SENATOR LIPMAN: John?

MR. MAVROS: Yes?

SENATOR LIPMAN: You didn't hear our ground rules because you came in this afternoon. You are supposed to be winding up now. You are well past 10 minutes.

MR. MAVROS: Okay, I'll do that.

My point is, there are very serious problems confronting female and male prisoners in the county institutions, many of whom have even more limited services than there are in Essex County, and also in the State corrections facilities where we get a large number of requests from male prisoners who are seeking an opportunity to see their children.

We have also found with people who come in for employment that it is extremely difficult to begin to direct them to an employment interview due to the very limited experience and training they received within the facility they were released from which would prepare them for employment. I would like to recommend that some consideration be given to at least a pre-release program, be it four or six weeks, which would assist prisoners who are going to be released within the next 60 to 90 days. In this way they could learn what employers' expectations are and what kind of consideration they have to give to being able to present themselves well during a job interview, plus what kinds of plans they have to make in order to do so.

At the present time, we have some job opportunities available and we cannot make referrals because we either do not have qualified candidates -- people with the training or the experience -- or we do

not have available transportation for people to get from inner city Newark or inner city Camden to industrial parks, which have moved to the suburbs in recent years, so they can be interviewed and obtain work.

SENATOR LIPMAN: John, would you give us some examples of the types of jobs you have available?

MR. MAVROS: Yes. For example-- I checked our present list, and this week we have eight jobs. I think five were for waste disposal attendants, and three were for tractor trailer drivers in South Kearny, two different companies in South Kearny. We have persons with the background and experience to do tractor trailer driving; they have the special licenses needed to do this type of work. However, we cannot make arrangements for those persons to get to South Kearny from Newark because they do not have their own cars even though they have a driver's license. There is also no public transportation available so they can get to work without paying out money they do not have in their pockets.

SENATOR LIPMAN: John, just one more question. We have heard a lot of complaints about corrections officers not being able to do transportation work. Since you are in transportation, may I just ask you something personal? Do you use female drivers?

MR. MAVROS: Yes, we do use female drivers.

SENATOR LIPMAN: How often, John? Is it regularly, or when you don't have a male driver?

MR. MAVROS: No, very often. Of the 14 full-time people on our staff, we have five males and nine females employed. Of the 16 part-time people, many of whom are drivers, we have 10 males and six females employed.

SENATOR LIPMAN: They drive interchangeably?

MR. MAVROS: Yes. We are required to hire persons with a bus license for van driving. It is called a Bus II license, and for driving a school bus it is a Bus I license. We do make the assignments interchangeably.

SENATOR LIPMAN: And there is nothing wrong with an ex-inmate doing this job?

MR. MAVROS: No, there is not.

SENATOR LIPMAN: There is no State law that says they can't travel between counties is there?

MR. MAVROS: To my knowledge, there is no State law that says that, no. We have received occasional complaints from corrections officials within a visiting program who would advise us that if a driver is an ex-offender -- we do make an effort to hire ex-offenders -- he or she must receive clearance from his Parole Supervisor in order to go onto the grounds. This applies as long as he or she is on parole. However, there are no prohibitions against someone driving who has "maxed" out, or who is not on parole. He or she can drive in and go back on State grounds, but he cannot go back in to visit someone without approval from the Superintendent or his former parole officer.

SENATOR LIPMAN: We heard that.

MR. MAVROS: We have had a fairly successful experience in hiring both our part-time and our full-time staff.

I also want to point out that there is a need for some attention to health care services, particularly as it relates to testing persons who are admitted to the county facilities, either as detainees or persons who are sentenced to county facilities for 364 days or less.

I am aware that the Department of the Public Advocate, through the Office of Inmate Advocacy, has been instrumental and energetic in pursuing the promulgation of standards which would require that persons admitted to the county facilities receive a certain set of tests for venereal diseases, syphilis, gonorrhea, T.B., and hepatitis. Unfortunately, publishing these standards is not going to provide any financial relief or support for the counties who are already overburdened with the cost. Many are overburdened with the cost of their correctional systems and their jails. They will receive no financial support to have the testing done, to have the analysis done, or to interpret it to the prisoners. Therefore, the counties are being placed in a Catch-22 situation, where they are expected to do this. They may subsequently expect to be sued for failure to meet the established State standards because they do not have the funds with which to do this testing.

SENATOR LIPMAN: Greta, do you have any questions?

MS. KIERNAN: We had testimony earlier from Parents Anonymous; are you familiar with their work?

MR. MAVROS: Yes.

MS. KIERNAN: They mentioned the difficulty they are having working in the male prisons at the moment. They have not been able to establish programs in the male prisons for a number of reasons. I was wondering if that would in some way relate to what you said about the male prisoners visiting with their children, or whether there is any way we can cooperate with that kind of an effort in order to get that program in place? I think this would lead to a better visitation situation.

MR. MAVROS: Sure. We would be glad to work with them. In fact, we do have a counselor from Parents Anonymous who holds sessions at the PATC Center at the Jail Annex with the female prisoners. We would welcome the opportunity to work with them.

My point is, even greater attention and I guess support has to be given to establishing programs for the male prisoners because it is a neglected area, and I feel it is a much more difficult area to work with.

MS. KIERNAN: Well, we totally agree with that. Our role here is to make some recommendations based on discrimination, both for males and for females.

MR. MAVROS: Sure.

SENATOR LIPMAN: Phoebe?

MS. SEHAM: No, thank you.

SENATOR LIPMAN: Alma?

MR. SARAVIA: No.

MR. MAVROS: I also want to point out that as the prison system grows, we need to see that the budgets developed for new institutions, such as Newark Prison and River Front State Prison, are going to include--

SENATOR LIPMAN: Where is that?

MR. MAVROS: River Front State Prison is in Camden.

SENATOR LIPMAN: River Front is in Camden and Newark is in northern New Jersey.

MR. MAVROS: Those budgets must include support moneys, preferably on a prorated basis or a proportionate basis, for the establishment of education, training, and visitation programs at those facilities, so that they don't get off to a start which we will then have to change.

I have an example at River Front, where it was stated before it opened that there would be no need for transportation from the North Jersey area because the prisoners would be from Camden and South Jersey. But, within six weeks we were receiving calls and SOS communications from both families and prison officials, inquiring about the availability of transportation through The Joint Connection.

Unfortunately, we had to wait to make the arrangements because our program could not operate without the State support for transportation. It took a couple of months to strike the right cord and get the proper level of funding for us to start that up. I am pleased that we did that two weeks ago.

SENATOR LIPMAN: Yes, we know all about that.

John, I really am happy to see you enjoy your work, but I am afraid I have to call the next witness now. Thank you very much.

MR. MAVROS: If you want me to provide any written data or supportive material, if you outline those areas for me, I would be glad to forward it to you.

SENATOR LIPMAN: All right.

MR. MAVROS: Thank you.

SENATOR LIPMAN: Thank you, John.

I think the lady behind you wants to say something.

GRACE BIDERMAN: I was wondering if I might make a comment on your question about transportation?

SENATOR LIPMAN: Yes.

MS. BIDERMAN: My name is Grace Bidermann. I am not in corrections, but I did notice that you questioned transportation and hiring women to do the transportation for Mr. MaVros.

I merely wanted to make a comment. Transportation in his instance is entirely different from that--

SENATOR LIPMAN: Oh, we understand that. I was just pushing him about affirmative action since he was lecturing us. I was just wondering if he did it.

MS. BIDERMAN: I see, because it is a form of extra income for the corrections officers, and by denying female officers transportation duty, they are denying them extra income.

SENATOR LIPMAN: Oh, I see. I see your point. Thank you very much.

MS. Denise Greene, Volunteers of America. We will then get to the Communication Workers of America. I hope they are still here.

DENISE GREENE: I have Patricia Collier with me, who is also from VOA. She happens to be the expert in the area I am going to speak about today before the Committee. I brought her here just in case there were any questions or inquiries from the Committee that I could not handle myself.

SENATOR LIPMAN: All right.

MS. GREENE: I would like to apologize for not having a written statement for you today. I was told late afternoon yesterday that I had to be here this morning, so we will get a written statement to you within a week.

SENATOR LIPMAN: Okay. You have our address, don't you?

MS. GREENE: Yes.

SENATOR LIPMAN: Okay.

MS. GREENE: The Volunteers of America Program accepts residents from nine of the institutions operated by the Department of Corrections. Our population is coed, adult, and these programs have been in operation since 1978.

My focus this afternoon will be to highlight observable deficits in employment, education, and vocational training of incarcerated women in particular.

It is difficult to pinpoint why these deficits exist or where fault lies, if any. From our observations, we are not certain whether these deficits are a result of lack of preparation, programs available inside the institutions, or whether they are a direct reflection of these women's life preparedness. We have noted the following:

We have received females within the last three years who have no apprenticeship training. Vocational training at the female institutions is limited to sewing machine operators, upholstery, and hair dressing. These training areas provide women with basic skills and minimal hours, not sufficient enough to assume a position in the community under the title of seamstress, upholsterer, or hairdresser.

One percent of the female population we have received have attended or completed a GED Program, often at the institution. The other females received little educational support, or they have failed to take advantage of programs offered.

Primarily, what we have seen is that women are coming to our Community Release Program with little or no skills, or they come in with whatever they possessed prior to incarceration.

Overall, what we have found is a need to have strong incentives for women to complete either education and/or training.

SENATOR LIPMAN: I just have to break in here a moment.

MS. GREENE: Yes?

SENATOR LIPMAN: You said you are a Community Release Program?

MS. GREENE: Yes ma'am.

SENATOR LIPMAN: Is that the exact title of a special group, or are you all over the State?

MS. GREENE: The Community Release Programs are operated by the State Department of Corrections. We contract on a per-diem basis, and there are currently three programs that operate under our specific contracts.

Inmates are eligible to apply for Community Release when they are within nine months of release on parole. The Department clears them through their channels, and then they are sent to us.

SENATOR LIPMAN: Is this all female or all male?

MS. GREENE: We are adult coed.

SENATOR LIPMAN: Coed, that's what you said. You said you are coed?

MS. GREENE: Yes.

SENATOR LIPMAN: Where do you exist? I don't know of any coed halfway houses.

MS. GREENE: We are currently in Camden, New Jersey.

SENATOR LIPMAN: Camden?

MS. GREENE: The New Jersey Association for Correction runs programs with the Department as well, and—

SENATOR LIPMAN: Are you like an outpatient program? I mean, they don't live in, do they?

MS. GREENE: It is residential.

SENATOR LIPMAN: It is residential?

MS. GREENE: Yes.

SENATOR LIPMAN: And you are allowed to be coed?

MS. GREENE: Yes, we are coed.

SENATOR LIPMAN: That is very difficult to believe.

MS. GREENE: Well, they don't sleep in the same housing units. We just have coed programs, and we accept both male and female.

SENATOR LIPMAN: I see. All right.

MS. GREENE: Problems that are evident include the need to teach our females not only work related skills, but also job retention skills. Almost always, prior to our women assuming positions in the community, our staff is required to work on personal grooming and other readiness skills prior to their reaching this stage of employability.

Traditionally, our female populations are harder to place and harder to keep in viable employment positions. VQA has a successful employment program, with 94% of our population employed. However, our job development efforts meet with opportunities for positions that our female clients do not possess skills for. These are areas that are traditionally opened to women, such as office skills, clerk-typist, and secretarial positions, and we have not, to date, found anybody to place in these kinds of work environments.

Industrial work is also out of their realm, and these are traditionally the higher paid positions. Therefore, our women are continually placed in minimum wage earning positions which perpetuate lower earnings and limited opportunities for growth.

MS. SEHAM: Thank you. I didn't know about the program.

SENATOR LIPMAN: I didn't either. We have a male halfway house and we have a female halfway house, but never the twain shall meet.

MS. GREENE: We have limited space for females, and, unfortunately, we are not even able to keep that up to capacity. We only have 10 spaces for females, but we have not been at capacity in some time. There is a problem with getting females out of the institution and into community-based programs where we can provide services, so that they are released without encountering problems and all kinds of things.

SENATOR LIPMAN: You said nine months before release?

MS. GREENE: They are eligible to apply within nine months.

SENATOR LIPMAN: All right. Excuse me, I am sorry to hog the questions. I just didn't believe what I was hearing.

Did we get your name?

PATRICIA COLLIER: Yes. My name is Patricia Collier.

SENATOR LIPMAN: And your position is?

MS. COLLIER: Director of Reform, Education, and Vocational Training.

SENATOR LIPMAN: For the Volunteers of America?

MS. COLLIER: Yes.

SENATOR LIPMAN: Okay. Are there any questions? (no questions) Thank you very much, and we will look forward to getting your written testimony.

MS. LEFFERTS: The Senator has to make some calls, and in the interest of time she has asked me to call the Chairman of the Women's Committee of the Communication Workers of America. Is she here? (affirmative response) Okay, and are Caroline Wade and Norman Leavens here with you?

ANITA ASHKINAZY: No.

MS. LEFFERTS: They are not here. Are you going to represent everyone?

MS. ASHKINAZY: No, I am not. I am representing Local 1039, CWA, and also the Women's Committee of the CWA.

MS. LEFFERTS: Okay. These other two people are not here?

MS. ASHKINAZY: No, they are not.

MS. LEFFERTS: Could you pronounce your last name for us, please?

(At which time witness pronounces her last name)

Ashkinazy, okay.

MS. ASHKINAZY: My first name is Anita. I am going to be brief. What I have to say has already been said, but I believe it has to be said by the union representative of the women in the central office in Trenton and in the Department of Corrections.

Several years ago a group of women from the Department of Corrections approached the Women's Committee, CWA, with an account of serious problems that existed in the Department which boggled the mind of the most seasoned State worker or union representative.

Women spoke about the overt and sexual harassment that existed in Corrections, from innuendo to physical contact, and the promotion of men without proper credentials over women with years of experience and education. They delineated the blatant disregard of Civil Service rules and regulations, and contractual obligations by describing how the Department managed to manipulate Civil Service rules and regulations by ignoring the contract, "in the best interest of the favored," not the qualified, not the hard-working, in-line-for-promotion worker, whether she was clerical or professional.

From this testimony the Ad Hoc Committee in Corrections was formed. We notified women in corrections, through leaflets and surveys, that they need not fear the powers in the Department. We were behind them in their desire to get a fair hearing when it came to promotion, that they need not fear sexual harassment, and that we would join them in any grievance file or any charges filed with EEOC or Affirmative Action.

Out of our actions as a Committee, a lawsuit was filed. Several women received promotions, but we have only touched the surface. A thorough investigation must be made into the Department. The Department still does not abide by Civil Service rules and regulations, sexual harassment still exists, and sex discrimination still exists. We have a Comparable Work Law that is useless without action taken by the Task Force, the Legislature, and the Governor. Certainly, the law, if acted upon, would be a boost to the women in corrections who are harassed, discriminated against, and insulted even further by receiving low wages, with nowhere to go on the career ladder.

Certainly, a fair, new, Civil Service Law would stop over zealous and self-serving men from feathering their nests by manipulating Civil Service rules.

I urge the Commission on Sex Discrimination in the Statutes to investigate the Department of Corrections because it must be cleaned up now.

MS. LEFFERTS: Thank you.

MS. ASHKINAZY: I have written testimony. Actually, it is typed testimony; however, it is not on a CWA, Local 1039 letterhead. I will give you this, but I would prefer sending it to you on our letterhead.

MS. LEFFERTS: Do you have any recommendations that you would like to make, Ms. Ashkinazy?

MS. ASHKINAZY: Yes. I believe that the Commission, number one, should continue its existence. There must be an investigation into the Department of Corrections. It would certainly take more than a year, or two years, to investigate this. There is blatant sex discrimination, that's why the Commission exists. It exists to investigate these kinds of problems. Those are recommendations right off the top of my head. If you would give me another half-day, I certainly could think of many more.

MS. LEFFERTS: Phoebe, do you have any questions?

MS. SEHAM: No. This Commission is not an investigatory Commission. We can--

MS. ASHKINAZY: But you do investigate sex discrimination in the statutes.

MS. SEHAM: We gather information and we make proposals for changes in the statutes, but we make other recommendations too. So, we can make recommendations. We don't have the real power to do the kind of investigation you are talking about, but by having this hearing today and by calling for information, we are doing a kind of investigation which may have results similar to the ones you are talking about.

MS. ASHKINAZY: There was a lot of testimony given here today that did not specifically deal with what the Commission does, and I

understand that because I have interacted with the Commission on a regular basis, on issues of comparable worth, child care, and other issues. Therefore, I don't think my testimony was out of line at all, and I believe that you do have the power. The Senator has the power, and so does the Commission, to make recommendations to legislators with power and to the Governor, who does have a program working now, Affirmative Action. That is what we need in corrections, a real Affirmative Action Program that is working.

MS. LEFFERTS: Are there any other questions?

MS. KIERNAN: Ms. Ashkinazy, you mentioned Civil Service and reform of Civil Service.

MS. ASHKINAZY: Yes.

MS. KIERNAN: Do you have a particular proposal in mind?

MS. ASHKINAZY: The CWA Civil Service Reform Bill, which is now pending in the Senate. I would also submit that to you.

MS. KIERNAN: No, I just wanted to know which one. There are several Civil Service reform proposals, as you know, and I was identifying which one you were identifying as the correct one for you.

MS. ASHKINAZY: I believe Assemblyman Karcher sponsored our bill.

MS. KIERNAN: The one that has passed the Assembly?

MS. ASHKINAZY: Yes.

MS. KIERNAN: As opposed to some of the others that are around?

MS. ASHKINAZY: Yes.

MS. KIERNAN: Okay. Thank you.

MS. LEFFERTS: Thank you very much.

MS. ASHKINAZY: You are welcome.

MS. LEFFERTS: Next we would like to call -- if we could, we would like them to appear together -- the Board of Trustees for the Forum Project, the Assistant Director, Kathy Kuffe, and Lucille Pfleeger.

LUCILLE PFLEEGER: Do you care which person goes first?

MS. LEFFERTS: No. Are the subjects related? Are you both with the Forum?

MS. PFLEEGER: I just had a quick glance at this (referring to witness list) and I notice I am listed as being with the Forum Project, and actually I am with the Forum Project but what I have written out here comes from a perspective as a feminist with the National Organization for Women. I hope they fit together.

MS. LEFFERTS: Okay.

MS. PFLEEGER: All right. I am Lucille Pfleeger from Glassboro, New Jersey, I co-chair the Alice Paul Chapter of NOW, and I have been on the board of the Forum Project.

I have come today to give testimony as a co-coordinator of a chapter of the National Organization for Women. Our organization is aware that we should be concerned for and assisting in any way possible women who are incarcerated. We have attempted to find an ex-prisoner who would speak at one of our program meetings, but we have been unsuccessful in our search for a speaker, because women who have been prisoners want to forget the experience. We understand why.

In my personal background I was working in prison reform for many years before I became a declared feminist. I am a retired public school music teacher. For several years I was a part-time law and justice major at Glassboro State College with my main interest in corrections. I took four of my courses with the prisoners inside Leesburg State Prison. I served as a Gloucester County Juvenile Conference Committee member for probably 20 years. As a Housing Authority Commissioner working with the youth living in our public housing, I visited most of the youth correctional institutions in New Jersey. I chaired the Gloucester County Jail Study Committee, which is composed mostly of concerned church people, the majority being Quakers, which existed for several years. I have served on the Board of the Forum Project since its inception inside Trenton State Prison. My husband and I are still involved in Forum Project and its attempts to serve the needs of ex-prisoners and the poor in the inner city of Trenton.

For seven years I wrote a weekly column in our local newspaper in Glassboro. Yesterday, in searching for the column in which I quoted Kathy Kuffe's column from Forumbridge, which was a

publication from inside the prison, I was astounded by the number of times I had written about prisons and prisoners. Some of my readers were disturbed by that fact because they thought I was coddling prisoners and had no concern for the victims.

My husband and I temporarily house newly-released prisoners from Leesburg who come to Glassboro to participate in their college program, which they had started inside the prison. Most of the above efforts were involved with male prisoners because they are in the majority and because their prisons are near to me. Because of the distance involved, I have never worked with the women at Clinton. I became acquainted with Kathy Kuffe through Forum's publication, Forumbridge, -- which included men's prisons also -- and after her release, through her work as Assistant Director of the Forum Project Office in the city of Trenton, which is still going on today.

As a feminist I have learned that women prisoners are usually victims, with only a small minority being dangerous and thus in need of being separated from society in a prison environment. Most women who become involved in the sex industry, which includes prostitution and pornography, have been the victims of incest and violence at the hands of male relatives, including fathers, uncles, brothers, or husbands, boyfriends, pimps, and "lovers." The whole society which keeps women in the lowest paid jobs and thus in poverty is responsible for such women's crimes as shoplifting and theft. Young girls who become runaways usually have been pushed out of their homes. I remember hearing at a Juvenile Conference Committee the case of a young girl being charged by her parents with incorrigibility because she refused to stay in her home if her step-father was present and her mother out of the house at work. The young girl could not verbalize the problem, but the cause was obvious.

The National Organization for Women wants to change those conditions which force women to be charged with crimes. In the meantime, we would like to see changes in the criminal justice system for women similar to the creation of the JINS Program, which is Juveniles in the Need of Supervision, although I call it Juveniles in Need of Protection and I would call this program Women in Need of

Protection. The JINS Program is to keep troubled youths out of the criminal justice system. The criminal justice system should not be used to solve social problems.

As realists, we are aware that some women in course will be incarcerated. We would like to see those women receive education and counseling while in prison so that they will be ready for upgraded gainful employment on their release — and you have heard that many times today. In prison they should receive programs that teach nutrition and health care, either by professionals or volunteers. There should be remedial reading programs with appropriate instructional materials available, and a library with materials of interest to women. There should be good recreational programs with opportunities for physical exercise and weight control activities. Women prisoners should be involved in programs to teach them assertiveness and faith in their own self worth.

Vocational programs which teach women marketable skills would make it possible for a successful return to the general population. The system should provide halfway houses and assistance in finding and keeping a job. Women should be encouraged to create and accomplish their own successful parole plans. Volunteers should be encouraged to work in women's prisons and county jails because they help to humanize the incarceration experience.

I appreciate the fact that this Commission is concerned for women in the criminal justice system, and I thank you for the opportunity to speak today. I will close by reminding this Commission that women make good corrections officers, and urge that women be given more opportunities for employment, and especially opportunities to move into upper level positions.

Kathy will talk more about the Forum Project, and if you would like to hear more about it I would be glad to join in with her later. Thank you very much.

MS. LEFFERTS: Thank you.

KATHY KUFFE: As Lucille has said, I am Kathy Kuffe, and I work with the Forum Project. Between 1976 and 1979, I ran the Clinton Forum Project Office, doing a variety of things, including parole plans, and advocacy for the women prisoners there.

When a man goes to prison, he is mistaken, wrong, misguided, got off on the wrong foot, or at the very worst, sewing wild oats. A woman is all of those things and she is also immoral, because ladies don't go to jail. Starting on that basic premise you can see why discrimination runs rampant at Clinton, yet is hard to put your finger on. It is pervasive.

The women themselves are the biggest problem. They feel they deserve no more. They don't complain; they aren't aware. They don't know what discrimination is. They come in and they are called "girls" if they are middle-aged, and "sweetie" if they are young attractive women, while the men are called Mr. Jones or Mr. Smith. Observing the medication line is a very revealing thing: "Good morning, Mr. Jones; hello, Susie." The corrections officers who come on the job at age 24 or 25 must be called officer Officer Jones or Officer Smith, while the middle-aged woman is, -- who finally, after having been beaten or abused by an alcoholic husband for 25 years, pulled out a gun and shot him -- Susie, or Joann or Mary. So, that's where you begin. After that you see things in the area of education. During the time I was at Clinton there were three college courses available: psychology, sociology, and creative writing. Once you completed those three courses, there was nowhere else to go. At the same time, the male prisoners at Trenton State Prison, through closed-circuit television systems from Trenton State College, were earning degrees. Women were never afforded that opportunity.

I was rather taken aback listening to Ms. Greene for VOA use the word "incentives." In Clinton, incentives are a joke. You cannot offer an incentive unless you are dealing with someone who believes in herself and knows what an incentive is supposed to be. What greater incentive than freedom? There is no needed incentive to bring those women to the educational building. They will go if there is something there for them. At one point in time I was called into the superintendent's office and asked, "Kathy, you are intelligent and articulate, why do you make so much trouble? Why are you constantly talking to newspaper reporters? Why are you writing articles? Why are you doing all of this? Of course you know this isn't helping you to

get out of prison." And I said, "You want an honest answer? I am bored. You haven't given me anything else to do." Now there is an upholstery industry that I am not all that familiar with because it has been a while since I was there. While I was incarcerated there was an electricians class for women who wanted to get into electronics. However, there were limited tools, and the only appliances they could learn to fix were those allowable for possession by the prisoners, which means they never got to fix a toaster. Perhaps they fixed an electric lamp, or a little cassette deck, or something of that sort, but it was severely limited. They knew nothing about electronics when they got out. They were tinkerers.

The sewing industry was an absolute joke. The machinery and equipment used in the sewing industry has been obsolete in private industry for 100 years. Women have gotten out and gone into factories and looked at machines that were totally alien to them. That training did them absolutely no good, but rather it manufactured the clothing that was State-issued for the prisoners to wear. That was the real function of the sewing industry.

The beauty school, provided you were going to be there long enough to complete enough hours-- A woman would work all of those hours, come out, and be licensed by a board of the very same people who owned beauty shops. They would get licenses, but not jobs. There was the stigma of being an ex-offender. I ran into one woman who I knew in Clinton who had finished her beauty school hours after being released; she got a job. She is the only one I have ever met who has done so.

In the male prisons, during recreation periods or at the mess hall, two men can sit and hold a conversation and in amusement go like this or say good for you. (making hand gestures and simulating a pat on the back) If you do that at Clinton, you are a woman who is guilty of a sexual act. I witnessed two incidents in one week's time. One woman had taken a pair of scissors from the cottage to the mess hall with full stated intention to kill another woman. Another woman impulsively jumped up and kissed a male friend on the cheek. The woman with the scissors got two days in lock-up. The woman who kissed got five. That tells you something about confused priorities.

In terms of recommendations, things are so bad there I can't see where standardized training programs, broadened educational opportunities, and that kind of thing alone can be effective. There has to be some kind of awareness; some kind of counseling; something that says to these women, "You are important. You are a person. You are not immoral, you are simply incarcerated."

I get carried away. The other thing I wanted to touch on is medical care. I went on a rampage at one point when I discovered that the doctor there wasn't a doctor; he wasn't even an intern. He was from another country and didn't speak English well, so no one could understand him and no interpreter was provided. He was not a doctor and certainly not a gynecologist. There was a gynecologist who came into the prison one day per week. We had between 200 and 300 prisoners there, many of whom, having lived a street life, had been promiscuous and had some severe gynecological problems. Certainly a greater percentage of a female prison population will require gynecological care than any other group of women. The procedure was you would put your name on the list or you would see the, "medical doctor," who would refer you to the gynecologist. There were at any given time 30 or 40 names on the list. The doctor would come in and see the first five or six women, and then decide he was going home for the day. As a result, there were women who waited two, three or four months to even be seen by a gynecologist. There was one woman who I tried to help for months, and only because we filed suit was she seen by a gynecologist. She had had tumors removed from her breasts several times during her incarceration, and finally because of neglect, lost one breast.

Those kinds of things are horror stories. They were going on continually during my time there, and from what I am told nothing has changed or improved, but has simply been exacerbated. That is about it.

MS. LEFFERTS: One question I would like to ask that no one has touched on today is, someone told me -- and I don't know if this is true or not, since you were there perhaps you can confirm or deny it -- that the religious organizations there are paid by the State to come in and minister to whatever religious sect people belonged to, and are

paid extra dollars to do that. Should that not be a voluntary thing? Then the State could put the dollars into something else like the medical care? Would you know about that?

MS. KUFFE: I have never heard of any religious factions coming in. There was a chapel there, and people went to chapel, but I never heard of them coming in or being paid to come in. That doesn't mean it doesn't exist, it simply means that it was certainly very low-key if it was. But, I agree, absolutely.

SENATOR LIPMAN: Who runs the services in the chapel?

MS. KUFFE: At this point I don't know. When I was there it was a Mr. Cherry who was affiliated with the education department. As for a pastor, I am not sure.

MS. LEFFERTS: I was told that for every religious sect someone is paid to come in by either the Catholic or Protestant Diocese.

SENATOR LIPMAN: Well, I think that applies somewhat more to the county level, perhaps. I know there are chaplains at the county level, but I don't know about the State level.

MS. AGUERO: (from audience) To clarify, we do have chaplains, and we do have priests, and clergy people who are employees of the State Department of Corrections.

SENATOR LIPMAN: Who are employees.

MS. AGUERO: Yes.

MS. PFLEEGER: But the church groups are allowed in. You know, they come in and they hold services -- well, I am talking about Leesburg -- or they can come in and have a program or a party. There are volunteer religious groups, but there are also paid chaplains; I know some.

MS. LEFFERTS: That was my point. If we are paying these chaplains, and people aren't even aware of it-- Are these inmates not aware that they have the right to this religious counseling?

MS. AGUERO: They are aware that there are services available to them in whatever denomination they decide on. And they voluntarily partake of those services.

MS. LEFFERTS: Why does the church pay for those kinds of services, when they do the services outside for people who are not incarcerated for free?

MEMBER OF AUDIENCE: As a preacher's kid my father was paid for something. I mean, they don't do it for free. They are obviously paid something to be a preacher at a parish.

SENATOR LIPMAN: It is similar in hospitals, too. They get paid to come around and speak to the sick. In my county, for example, -- and I don't know if it still exists -- the chaplain came in and had regular programs -- I don't mean church services -- where he trained the inmates in singing and acting. That is, he trained the male inmates. The female inmates were not only not permitted to participate, they weren't even invited to come. I find that greatly discriminating.

MS. PFLEEGER: I mentioned in my testimony about studying the jail, and Gloucester County is a little more rural than some of the counties, so we have only a few women in jail. We had a horrible jail, and they had a section set aside for women. But they would only have one, two, or three women, so to pay a matron to supervise them wasn't a cost they felt was wise or productive. So we used to send our jailed women prisoners to Camden, and we used to be very concerned that a Gloucester County woman would find it very difficult to function and survive in a large county jail in the city of Camden. So then they were sent down to Salem. County jails are not very good places for women. There are lots of problems.

MS. KUFFE: Neither are State prisons.

MS. PFLEEGER: My feeling is while these women are in prison is a time when we ought to get their health straightened out, and their gynecological problems straightened out, and they should have training in child care, contraceptives, and all kinds of things. While they are in there we should do these things for them. I think we make some attempts, but we don't do enough.

MS. LEFFERTS: Don't they have a lot of outside groups? We were told that at Clinton they have a lot of outside groups come in with programs for these prisoners. Did you find that was true when you were there?

MS. KUFFE: No.

MS. LEFFERTS: You did not?

MS. PFLEEGER: They came into Leesburg a great deal. Let me tell you a little incident. My husband is a music professor at Glassboro State College, and all my classmates -- I was the only woman in the class -- loved music. So I was bringing music down to them, and I even loaned them my husband's saxophone and my own trombone, because they were putting on a big program. It was really a big thing, and they wanted my husband to get down there to hear them, since they were going to come onto the campus at Glassboro State College in the program that Kathy mentioned and they wanted my husband to know that they were good musicians. So, we went down and we had to wait and wait to be processed to get in, and the program was started before we got in there. Then, we were waiting for this particular group to perform because they wanted us to be there, but before they got to perform there was a church group that was supposed to perform, and we were told they had they piano, so we never heard the performance we came to hear. So, I know there are church groups in there.

SENATOR LIPMAN: Greta?

MS. KIERNAN: I would like to ask Ms. Kuffe a question. You mentioned that there were only three educational programs available at the time you were there. Do you know if there is a better opportunity for education for women there now, since that time?

MS. KUFFE: I don't know.

MS. KIERNAN: I just wanted to--

MS. AGUERO: I already testified to that this morning that we have certain programs that are available to the women--

MS. KIERNAN: I was really concerned that you mentioned that there were the three degree programs and then the men at Trenton State Prison could get closed-circuit television programs in a degreed program, and I didn't know, since time has elapsed, if that were a program that was available in the prison system of Clinton.

MS. AGUERO: I don't believe--

MEMBER OF AUDIENCE: There are adjunct professors coming to the institution at a two year college level program. There are also

people who leave the institution and are students at Mercer County and Essex County Colleges.

SENATOR LIPMAN: Yes, we have release programs.

MS. LEFFERTS: How many women are in that program?

MEMBER OF AUDIENCE: You spoke to a couple of them while you were up there. (remainder of speaker's answer from audience inaudible at this point)

MS. LEFFERTS: She was in a college program?

MEMBER OF AUDIENCE: She was in a college program. (remainder from audience inaudible)

MS. LEFFERTS: How long ago were you at Clinton, Ms. Kuffe?

MS. KUFFE: I left in 1979.

MS. LEFFERTS: Okay, so that is seven years ago. Are there any other questions?

MS. PFLEEGER: When Kathy was talking about their having only two or three courses, in Leesburg they had a complete course, and they started it in the prison, and then when they were released they came to the campus at Glassboro State College, and several finished their bachelor's degrees. One of the prisoners my husband and I housed for about three months went on and got his master's and has completed most of his doctorate work also. But at Clinton there is no such program. Well, the one at Glassboro State College is through now too, but— Do you understand what the Forum Project is? That there was the Forum Project inside the prisons, and then—

MS. LEFFERTS: Yes, we do. We heard that.

SENATOR LIPMAN: You are outside and inside.

MS. PFLEEGER: Yes.

SENATOR LIPMAN: What do you do outside? Same as inside?

MS. KUFFE: No, I am now seeing kind of the end result of all of the apathy I saw when I was inside. We have an emergency food program and counseling. Basically, our clientele are female, single-headed households, with dependent children. We have discovered that in Mercer County alone, 67% of these households live in poverty. We constantly fight—

SENATOR LIPMAN: They are ex-offenders?

MS. KUFFE: The biggest majority are ex-offenders. Of course, that is difficult to measure, because how do you determine what is an ex-offender. Were they released 10 years ago or last month? People tend to think if you were released last month you are an ex-offender, but ten years ago you are not. There are many many people who have never made an acceptable reintegration into society because of the apathy they acquired while incarcerated. These are women who don't know how to budget, they don't have any self-esteem whatsoever, and they have the feeling that they deserve to be in the position they are in. They don't complain an awful lot.

My problem now is -- and I have stepped onto a lateral soap-box -- I run around and scream and yell about the emergency food and shelter program that Congress enacted. It is rather revealing if you think about how it came about. It was tacked onto the jobs bill, and it was called the humanitarian money, because so many of the middle class American workers were out of work at that time. The welfare population has always been there, and has always been hungry, and before Congress decided to enact this program we were struggling to get funds to feed these people and we are still struggling to get funds to feed these same people, simply because having spent close to \$200 million at this point--

SENATOR LIPMAN: To keep them in prison?

MS. KUFFE: No, I am talking about the humanitarian moneys that the government puts out for emergency food and shelter. The biggest majority of those funds are going to support -- not emergency shelter -- males with alcoholic and substance abuse problems. They are standing on the street corner; they are visible and an embarrassment to society, so therefore, they are taken into the local shelter with no verification asked -- you can be Rockefeller and go into an emergency shelter -- and are paid for with Federal funds. The women are taking their children into abandoned buildings in the city of Trenton. They are not visible. They are too busy trying to keep the rain off their children's heads to go out there on the street corner, and so they are the neglected segment. They are the bottom rung of the ladder.

MS. LEFFERTS: Maybe we need to start helping these women before they get in prison, not only while they are in prison.

MS. PFLEEGER: That is what I was trying to say.

MS. KUFFE: Yes.

SENATOR LIPMAN: I know we had a fire in Newark yesterday in a supposedly uninhabited abandoned building where about 50 people came running out.

MS. KUFFE: Of course. I am sure you saw in the newspapers last January/February about the building on North Clinton Avenue with the 20 starving children crying huddled around a fire. I talked to the policemen who had discovered that, and one of them said to me, "You know, I have been doing this kind of work for 12 or 15 years, and I have never seen anything like it." He had a candy bar in his pocket and there was a little four year old girl-- He said there was a pot of something that looked like vomit and the children were just going like this; (indicating children's actions) like it was mush, and he just instinctively reached into his pocket and held the candy bar out to this one little girl, and in her anxiousness to get the candy bar she set her sleeve on fire. It was really a sordid story. And by the way, the man who owned the building and was collecting rent from these people was living at the local emergency shelter, being paid for with Federal funds.

SENATOR LIPMAN: Was living at the local--

MS. KUFFE: At the rescue mission, yes.

SENATOR LIPMAN: Some stories to have to tell, aren't they? If you have exhausted your questions-- Yes?

MS. PFLEEGER: I wanted to tell you that I included some newspaper articles I had written some time ago, and there are not ten copies because I had to make them at Glassboro State College and I ran out of change.

SENATOR LIPMAN: Alma will see that we get copies of everything. I want to thank you for testifying and thank everyone who is left for coming. We appreciate this testimony, and I think we are considerably smarter than we were when we came this morning. Thank you so much.

MS. KUFFE: Thank you.

SENATOR LIPMAN: Good bye.

(HEARING CONCLUDED)

APPENDIX

TESTIMONY

BY: Kathleen Roe, Assistant Director
Parents Anonymous
State Resource Office
Parents Anonymous of NJ Inc.
P.O. Box 250
Trenton, NJ 08607
November 26, 1985

Parents Anonymous is a free self-help program which creates an environment in which parents can express pent up anger and anxieties and learn to change their abusive behaviors. In Parents Anonymous the need to protect the child is emphasized, but the parent is not punished. More importantly, the abuse and exploitation of children is prevented by restructuring parental attitudes and behaviors and developing parent's strengths and coping abilities.

The Parents Anonymous program was started ten years ago by a psychiatric social worker, and an abusing parent who was unable to find viable treatment resources for her problem. Together they formed a group of troubled parents who met anonymously, received support from each other without stigma, and learned to change their destructive behaviors. This original model of Parents Anonymous still remains. Local groups, called chapters, meet once each week in a safe open environment. A professional or "sponsor" volunteers his or her time to facilitate and act as a resource for each group. Within the support of the group, peer counseling as well as professional counseling techniques are used. Parents gain insights into problems that might take months or even years of highly expensive and not always available clinical therapy. Today there are over 1500 chapters of Parents Anonymous worldwide.

The results of the approach are impressive. The effectiveness of the Parents Anonymous Program was documented in an evaluation of Parents Anonymous in 1976. One finding was that there was "a statistically significant decrease in frequency of physical abuse immediately after joining Parents Anonymous".

New Jersey State Library

Parents Anonymous is cost effective. Utilizing over 200,000 hours per year of volunteer time, the program has been estimated to cost approximately \$40 per year per family.

In New Jersey, the services offered and supported by Parents Anonymous are:

Parents Anonymous Groups - Presently there are 28 active PA groups located throughout New Jersey. Groups are sponsored by a professional volunteer but are actually run by a parent chairperson. Groups meet weekly for two hours.

Parents Anonymous Hotline - This is a 24 hour, toll-free hotline that parents can call to talk with a volunteer about anything that is bothering them. Staffed by trained volunteers, the Hotline aims at preventing child abuse by giving parents an opportunity to vent frustrations to someone rather than at their children.

Parents Anonymous Sexual Abuse Program - Based on the Parents United model in San Jose, California, this program will provide professionally facilitated self-help groups to perpetrators of incest, adults molested as children, mothers of victims, and child survivors of incest. Groups are currently in Newark and Camden.

Training and Community Education - The PA State Resource Office has an active speakers bureau which provides training to schools, churches, community groups, and professionals to offer information and stimulate discussion on the issues of child abuse detection and prevention.

The Governor's Task Force on Child Abuse Family Help Line - PA presently administers and supervises the Family Help Line, a telephone call-in service. The purpose of the Help Line is to provide information, referrals, and crisis-intervention to families in need.

A Child Abuse Resource Center - Which loans materials and provides thousands of free informational packets per year to prevent further and future abuse of children.

In light of the above facts, it is apparent that among self-help groups, Parents Anonymous is unsurpassed from both a quality and quantity standpoint in assisting families in carrying out their roles and responsibilities.

Inmates at the Clinton Correctional Facility approached our organization in 1977. Most of the women at Clinton had a history of childhood abuse. Many were in prison on child abuse related charges and all of the inmates interested in starting a PA group felt they had serious problems as parents and wanted to learn how to be better parents when they returned to their families. Since 1977 the one PA group has grown to three groups.

The inmate members of PA have been responsible for organizing and sponsoring two major conferences to educate the public and professionals to the needs of women in prison.

The attached report speaks to the needs and issues identified by the inmate members of Parents Anonymous in the Clinton Correctional Facility.

SUPPLEMENTAL REPORT ON BEHALF OF
CLINTON INSTITUTION INMATES

Clinton Institution for Women
Drawer E
Clinton, New Jersey 08809

CLINTON INSTITUTION FOR WOMEN

On behalf of all the inmates incarcerated in Clinton Institution for Women, the allegations, events and facts set forth in the following paragraphs are submitted for review. All claims can be substantiated by individualized case records and testimony of inmates, medical and dental sick call books, and Institutional and Public Records.

I. MEDICAL CARE

- A. **BLATANT MEDICAL NEGLECT, INADEQUATE PROFESSIONAL JUDGMENT AND A CONSISTANT PATTERN OF DELIBERATE INDIFFERENCE TO SERIOUS MEDICAL NEEDS OF PRISONERS HAS RESULTED IN A CLEARLY RECOGNIZABLE SHOW OF INCOMPETENCY, INEFFICIENCY, AND INATTENTION WHICH FALLS MEASURABLY BELOW THAT WHICH MIGHT BE REASONABLY EXPECTED BY ORDINARY FALLIBLE MEDICAL PERSONEL.**

1. Women are required to sign in Medical Sick Call books for the purpose of seeing the doctor or dentist. A brief summary of the medical problem is also listed to the best of the inmates ability. Inmates names and ailments are called into the medical staff once a day by the Unit Corrections Officers. Nurses on duty who receive the sick call lists decide who sees the doctor and who does not. This procedure of sick call is conducted under conditions preventing any type of reasonable or meaningful evaluation. Documented records reflect the vast majority of women wait weeks or months before seeing the doctor regardless of the seriousness of the illness or complaint. The medical book records also reflect that the women sign the books consistantly for periods of weeks or months in a desperate attempt to obtain medical attention.

2. Prescribed medication for heart patients, epileptic patients and other patients (inmates) on daily prescribed medication have been forced to wait for necessary and vital medication to be refilled and authorized by the doctor. This has resulted in many inmates having to go for unreasonable periods of time without medication. In one instance an inmate had to resort to having their lawyer call the Administrative Staff in an attempt to have the medication promptly dispensed.

3. There is one doctor on staff between the hours of 9:00 a.m. till to provide medical attention, diagnosis and general care for over 400 inmates.

I. Medical Care (continued).

The women housed in Maximum Security Units (South Hall, Administrative Segregation, West Corridor) number approximately forty-one (41). These women are seen only once a week. The Institutions recent, if not sudden, attempt at placing another part time doctor on staff to perform complete physical examinations on women who have been here for lengthy periods of time and who have not been seen for years is nothing more than a thin layer of topsoil for burying mistakes. The gap between theory and practice is a debilitating aspect of medical care.

4. Upon arriving at the Institution all inmates are to be given complete physical examinations. Documented cases reflect many inmates are placed into population before blood work and screening is performed. This tantamount act of gross negligence jeopardizes the health of the entire population as well as the health of the Correctional Staff.

5. Inmates do not receive regular yearly physical examinations, nor do they receive regular or periodical breast examinations; pap smears; eye examinations or dental check up. All of which are fundamental to preventative health care and should be mandated for the safety and concern of the population and Correctional Staff.

6. Inmates are not informed of medical test results within a reasonable, sufficient period of time even when results are repeatedly requested. Medical tests include but are not limited to x-rays, biopsys, blood work and pap smears.

7. Proper medical follow-up examinations, tests and post operative procedures are not performed in many instances.

8. To date there have been four (4) inmate deaths accountable to AIDS Syndrom. In each instance the deceased inmate made numerous attempts to receive

I. Medical Care (continued).

medical attention for improperly treated ailments. Other fellow inmates also tried desperately to get medical attention for these inmates but all efforts were to no avail and disregarded by both medical personnel and the Administrative Staff.

These deaths could have been forestalled, if not prevented totally, by timely diagnosis, treatment, and proper environment. In all instances the deceased inmates were kept in their regular housing units as well as work assignments. These deaths occurred between 1982 and 1985. To date there has been no screening procedures done for the women who have openly admitted and submitted letters to the administration stating they had intimate sexual contact with some of the deceased victims, nor has any type of AIDS Screening been done in the Institution which has a high percentage of intravenous drug users and homosexuals. The substantial risk of transmitting this incurable disease to not only other inmates and Correctional Staff members, but also to our own families far outweighs any reasonable basis for not performing proper testing, and segregation of infected inmates.

One of the deceased women was housed in general population, one in a Maximum security building that permits its residents to attend school with minimum security inmates, and one woman suffered from the symptoms of AIDS since May, 1984, while locked approximately 23 hours a day in Administrative Segregation, which is a punishment unit. This unit also keeps inmates under double lock for approximately 16 hours a day effectuating a solitary type environment. This particular inmate had been suffering for 2½ years with an infected ear that

I. Medical Care (continued).

continually ran a puss type fluid. Constantly on sick call, she was seen twice during this period of time by the doctor. Ear drops were the only medication prescribed. This medication provided no relief. Inmate requested, several times, to see a specialist and was denied. Due to the lack of proper professional attention, fellow inmates cleaned her ear out several times a day. After suffering from this abusive lack of treatment and neglect she became emotionally distraut and became involved in a verbal confrontation with a correctional officer, whereby she demanded medical attention. This resulted in the officer writing a misstated charge of "threatening" and instead of receiving medical attention the inmate was put into lock followed by Administrative Segregation. Her continual complaints were ignored by the medical staff and administration. The inmate subsequently died in September, 1985, two weeks after she was finally admitted to St. Francis Hospital for severe respiratory complications.

9. If the records reflected only one unjustifiable death resulting from treatment or lack of treatment that was not the product of professional or tactical decisions it would still be one too many. Unfortunately, the records at this juncture of time reflect not one but four deaths of young women.

10. There are currently inmates housed in the special prison ward unit in St. Francis Hospital in Trenton. AIDS afflicted inmates who have no other alternative but to await death, as well as other female inmates admitted to this hospital are shackled to the beds, locked in the rooms and also the corridor itself is locked and secured by armed guards. They have been subjected to having male officers accompany them into operating rooms, showers, bathrooms, test areas, and examining rooms. They have been stripped of their last vestige of privacy and human dignity. Not only is it a violation of the 8th Amendment of the

I. Medical Care (continued).

United States Constitution, which affords all prisoners the absolute right to be free from cruel and unusual punishment, it is a distressingly sad violation a womans dignity.

11. Major operations such as hysterectomys are performed without the opportunity or fundamental courtesy of allowing inmates, at their own expense, to receive second opinions by their own doctors or specialists.

12. Improper diagnosis and inadequate examinations have resulted in unnecessary suffering and substantially created more serious medical complications.

13. Dental appointments are conducted in the same manner as medical, by the signing of Dental books. There are two full time [?] dentists and one part time dentist on staff to treat over 400 inmates. After the first initial check-up upon entering the institution, the vast majority of inmates are never seen again, regardless of their requests or needs.

No preventative dentistry such as teeth cleaning, scaling, or periodontal work is performed. Preventative dentistry should be routinely and periodically performed to alleviate advanced complications.

Reports reflect a wait as long as two years and seven months to complete an estimated eight weeks of dental work. To date the work is still incomplete. A majority of inmates who have had teeth extracted wait an unduly excessive period of time before receiving false teeth.

II. HOUSING AND SANITARY CONDITIONS

* For the purpose of presenting an accurate and factual report, we respectfully request Department of Health records be produced to provide the Committee with actual dates of housing inspections and the finding of said inspections in each housing unit of Clinton Institution.

A. UNSANITARY CONDITIONS OF CONFINEMENT IN HOUSING UNITS ARE CONTRIBUTABLE TO THE FOLLOWING FACTORS:

1. Lack of general cleaning equipment, cleaning fluids, disinfectants, grease cutting solutions, bleach, etc., presents a major problem and creates a substantial risk of spreading contagious and infectious diseases. It is important to note each unit houses on the average of forty (40) inmates.

The only cleaning products supplied to each unit are:

Babo Cleanser - an abrasive cleaner. Recommended for use on sinks, shower stalls, and toilets. It is not a disinfectant, nor should it be used on general surfaces.

Toilet Cleaner - This liquid cleaner is to be used only in toilets and urinals. The caution label clearly states: Not to be used on sinks, bathtubs, porcelain, or other vitreous surfaces. It is not a disinfectant.

G17/999 - All purpose liquid cleaners - These are the only two all purpose cleaners supplied to each unit. The ration of dilution is 2oz. to one gallon of water for G17. This product comes to each unit pre-diluted and bottled. Often it is re-diluted by the issuing cottage officers. These products are not germ killing disinfectants.

Liquid bleach is no longer issued to the women who work in food service, nor do any inmates receive bleach although approximately 40 women per cottage all must utilize the same washing machine.

II. Housing and Sanitary conditions (continued).

The lack of medical treatment combined with sub-standard cleaning products creates a reprehensible living environment leaving both inmates and Corrections Staff vulnerable to insalubrious health conditions.

2. 85% of the window screens are torn or missing in housing units. Kitchen and dining areas are plagued by flies and other insects.

3. Paint is peeling and chipping off walls of inmates rooms, corridors, kitchen areas and other rooms designated for inmates use.

4. Drain pipes in showers and shower areas are often clogged and do not allow for proper drainage of water.

B. RANDALL COTTAGE

Randall Cottage is a newly constructed housing unit in which a magnitude of serious problems has arisen.

1. Approximately 35 women are housed in this unit. The unit is a sealed building with no operable windows to allow for fresh air or reasonable ventilation. The unit was constructed with central air conditioning and heating fixtures. On the many instances when this system has malfunctioned or in the instances of power failures, the inmates have no source of ventilation what so ever.

2. The fire alarm system inside Randall Cottage has been disconnected since the summer due to system malfunctions.

3. The unit's interior is designed with cubicles instead of rooms. Partitions which separate each cube do not go from floor to ceiling and there are no doors for each cube. Each cube is 67 square feet and must be shared by two (2) inmates. Between each bunk there is only 23 inches of walking space per inmate.

The design and deficiencies of this unit can not support a standard for double celling.

II. Housing and sanitary conditions (continued).

C. HANDLING OF FOOD PACKAGES AT VISIT TRAILOR.

All food packages coming into the institution are subject to inspection by Corrections Staff at the Visit Trailor. Recently new procedures have been promulgated whereby food products are taken out of the original packaging (canned goods are left intact) and the contents of each package is emptied into plastic bags. Not only does this procedure create storage problems for the inmates who do not have proper facilities other than boxes to keep the bagged food items in, which results in the crushing and breakage of the food, there is no adequate protection against accidental contamination in the visit trailor. The trailor Officers handle clothing and other items permitted to inmates at the same time food is handled. Also, there is a heavy flow of traffic in this area from visitors while the food is being taken out of its original packaging, opened and emptied into plastic bags.

We feel strict guidelines for the handling of food should be instituted at the Visit Trailor. These guidelines should be similar to Divisional Standards set forth for the Food Service Program, Standard 370.271, .272, .273.

III. EDUCATIONAL, OCCUPATIONAL AND VOCATIONAL TRAINING.

A. The Spanish population in Clinton Institution is increasing at a steady, and rapid pace. A majority of these inmates do not understand or speak English. There is no bi-lingual teacher, nor are there any Spanish educational textbooks allotted for these inmates education.

Due to lack of funds the Institutional library has only an estimated 200 books to accomodate the spanish population who do not read English.

To date there are now approximately 35 Spanish inmates. There is only one Social Worker on Staff who is bi-lingual and she is not specifically appointed in assisting only the spanish population.

Another major concern of the Spanish population is the fact they are stipulated by the parole board to receive both mental health counselling and drug or alcohol abuse counselling. Unfortunately, it is very difficult for them to receive the required counseling without an adequate counseling staff.

B. CONTINUING EDUCATION FOR INMATES CONFINED IN SOUTH HALL.

South Hall is a closed maximum security unit for women serving extensive, long term sentences. These women are not permitted to leave the unit except for medical trips or court appearances. Otherwise, they are confined to their wing except for meals and designated recreation times.

The only vocational program afforded to these women is sewing. The top pay rate for this job is \$1.50 per day.

Mini classes are held one day per week and classes for the following range from approximately one to two hours each day.

Beauty Culture
Home Making
Electronics
Horticulture
G.E.D. (this class is held 5 mornings per week)

III. Educational, occupational, and vocational training. (continued)

None of the courses afforded to the South Hall residents will ever effectively prepare an inmate for employment opportunities once they are released. All other inmates not confined to South Hall, who qualify and pass college entrance examinations are permitted to attend two college courses per semester, given at the institution. South Hall residents have no opportunity for furthering their education or receiving college level education, although many are qualified and eligible.

For most residents of South Hall they will spend many, many years under extremely stagnant conditions. It would be in the best interest of the inmates as well as to the benefit of society if these women were afforded effective, practical and productive means in which to live and grow and to have the benefit of a fundamental education.

Also, South Hall Inmate Legal Association does not receive any para-legal training, whereas the Inmate Legal Association staff who have the responsibility of servicing all other inmates do receive the para-legal course.

C. COMMUNITY WORK OPPORTUNITIES.

Although Clinton Institution offers a variety of courses for inmates, none of them result in the issuing of a valid certificate or license that will qualify an inmate for employment once they leave the institution. Even those inmates who fulfill all the qualification or have the necessary amount of hours to be licensed or certified have no avenue in which to apply for them.

For a great number of inmates who have served the majority of their sentence but still are not eligible for half-way houses or community work release,

III. Educational, Occupational and Vocational Training, (continued).

the institution has little more to offer the inmates but to place them in a holding pattern. Whereas, in most male prisons in the State, inmates who reach this point are more readily allowed to participate in non-community work release programs. We believe we should be afforded the same opportunities as male inmates and that the criteria for qualification for such opportunities be equally applied.

November 22, 1985

To: Leach C, Healey, Assistant Director

Fr: Patricia Watson

Re: Sex Discrimination in Criminal Justice

I am Patricia Watson, a Senior Correction Officer assigned to the Yardville Correction Center, a facility of the Department of Corrections of the State of New Jersey. I have been employed as a corrections officer since October, 1979.

The Department of Corrections is a department of government of the State of New Jersey charged with the operation of the various correctional facilities throughout the State of New Jersey. The Yardville Correction Center, located in Burlington County, New Jersey, is one such facility, and it houses an all male population of inmates, about 1,200 in number.

I wish to begin by giving you an outline on Sex Discrimination in Corrections, Yardville Institution, with a brief statement that the department have been guilty of unlawful discrimination against me in many ways over the term of my employment at Yardville Correction Center including but not limited to the following:

A. Job assignments - I have been continually denied and all female officers of various jobs in; 1) Transporting Inmates (and Back-up) to doctors, hospitals and court, 2). Inter-state Trips, 3). Prison Reception Unit Escort, 17X

4) Court Line, 5). Center Control area, 6) Housing Units, 6) Work Release, 7) Outside Details.

B. Hours of Work- The work hours are often changed without prior notice contrary to applicable contract provisions. And often given the more undesirable jobs.

The only reason for this denial is because of my sex, as I am qualified to perform these duties the same as any male Officer. Also one of our job qualifications is to be qualified with all weapons each year as a requirement. Therefore why is it that we have to be qualified in the first place if we are not going to perform all of the duties of those employments stated.

C. Work Assignments-- On Housing Units-- All male colleagues with less time in service, opposed to my numerous years in service can bid on a housing unit. These are the areas that I also have been denied, which have weekends and parts of the weekends off. Therefore I can not bid on them, which we are never given the more desirable weekend days off.

D. Locker and Dressing area-- I have and all other female officers are denied the same or equal Locker Room facilities that male officers are afforded, thereby causing me unwarranted hardship and inconvenience.

My final analysis is that when I was hired as a Correction Officer the department knew that I was female going into an all male institution. Therefore I should not be denied the various job assignments or opportunities because I am a female, but because I am qualified and can perform the same duties the same as any male officer.

" Employment should supersede incarcerated inmates."

President
JAMES GALLAGHER

Executive Vice-President
RUTH KIERNAN

LOCAL 1039

Communications Workers of America, A.F.L.-C.I.O.

1020 WHITEHEAD ROAD EXTENSION
TRENTON, NEW JERSEY 08638
Phone: (609) 771-9200

Secretary
BERNICE ZICKWOLF

Treasurer
MARLENE HAZLETT



November 19, 1985

CWA - Local 1039

Several years ago a group of women from the Department of Corrections approached the Women's Committee - CWA with an account of serious problems that existed in the Department that boggled the mind of the most seasoned State worker or Union Representative.

The women spoke about the overt and subtle sexual harrassment that existed in Corrections - from innunendo to physical contact - the promotion of men without proper credentials over women with years of experience and education. They delineated the blatant disregard of Civil Service rules and regulations and contractual obligations by describing how the Department managed to manipulate Civil Service rules and regulations and ignore the contract in the best interests of the favored, not qualified, not the hard working, (in line for a promotion) worker, regardless of her status, (e.g.), clerical or professional.

Out of this testimony the Ad Hoc Committee in Corrections was formed.

We notified women through leaflets and surveys that they need not fear the powers in the Department - we were behind them in their desire to get a fair hearing when it came to promotions - they need not fear sexual harrassment - we would join them in any grievance filed, in any charges filed with EEOC or Affirmative Action. Out of our actions as a committee a law suit was filed. Several women received promotions. But we have only touched the surface. A thorough investigation must be made into the Department.

The Department still does not abide by Civil Service rules and regulations, sexual harrassment still exists, sex discrimination still exists.

We have a comparable Worth Law that is useless without action taken by the Task Force, the Legislature, and the Governor. Certainly the law if acted upon would be a boost to the women in Corrections who are harrassed and discriminated against and insulted even further by receiving low wages with nowhere to go on the career ladder.

Certainly a fair new Civil Service law would stop over zealous and self serving men from feathering their nests by manipulating Civil Service rules.

I urge the Commission to investigate the Department of Corrections because it must be cleaned up now.

Nadine Taub - Prof. of Law.



School of Law • Women's Rights Litigation Clinic
S.I. Newhouse Center for Law and Justice
15 Washington Street • Newark • New Jersey 07102-3192 • 201/648-5637

October 31, 1985

- SEE PROGRESS REPORT ATTACHED -

Nadine Taub
Professor of Law
Rutgers Newark Law School,

WOMEN'S RIGHTS CLINIC

R03-84-017
15 Washington St.

Progress Report: Sex Bias in the Teaching of Criminal Law Newark, N.J. 07102-3198
201-648-5637

I. ISSUE IDENTIFICATION

A. Meetings with Criminal Law Panel Members

The original project proposal provided that, for the subject of criminal law, a list of legal topics relating to gender and sex-role stereotyping or pertaining to legal rules having a differential impact by sex would be developed by the Project Director in conjunction with a panel of five nationally-known scholars acknowledged to be familiar with issues of sex discrimination and women's rights law in the field of criminal law. The Panel, chosen in July, 1984, consists of the following persons: Prof. Marina Angel (Temple), Prof. Maria Marcus (Fordham), Prof. Vanessa Merton (C.U.N.Y. Law School), Prof. Elizabeth Schneider (Brooklyn), and Barbara Underwood (Chief of Appeals & Counsel to the District Attorney, Kings County). Additionally, a student member was chosen: Lauren Shapiro, a law student at N.Y.U., who is also a member of the planning committee for the 16th National Conference on Women and the Law. The Project Director, Nancy S. Erickson, and the Primary Consultant, Prof. Nadine Taub (Rutgers, Newark) are also members of the Panel.

The first meeting of the Panel was held on July 26, 1984. It was a very fruitful session, resulting in two lists of topics (issues): a list of general categories of topics, and a list of more specific topics in criminal law. (Lists attached).

The Panel met twice more, on September 29, 1984 and January 19, 1985, and the discussions on those dates further clarified the project goals and issue identification. The Panel plans to meet next on March 2, 1985.

B. Contact with Others

The Project Director did a general mailing in the beginning of September to 24 criminal law professors who were identified through the AALS directory plus six black law professors whose names were suggested by Panel members (Peggy Davis at N.Y.U., Regina Austin at Penn., Phoebe Northcross at Temple, Paulette Caldwell, and Charles (Chuck) Jones at Rutgers). In addition, whenever a Panel member attended a conference, she passed out flyers concerning the project (see below under Publicity) and talked with people who might be interested in helping with the project.

C. Literature Review

1. Sex Bias in Criminal Law

a. General Literature on Sex Bias in the Law and in Law Teaching

Catherine Heid, who is a graduate of Ohio State University College of Law, has worked in the prosecutor's office, and has an undergraduate degree in criminology, was hired as a research consultant. She reviewed the literature available concerning sex bias in the law generally and sex bias in criminal law.

Basic sources concerning sex bias in the law include the multi-volume set of materials that was published as a result of the 1972 Symposium on the Law School Curriculum and the Legal Rights of Women, which took place at N.Y.U. Law School, and the three casebooks on sex-based discrimination by Davidson, Ginsberg, and Kay (latest edition is by Kay only); Babcock, Freedman, Norton, and Ross (with supplement by Wendy Williams); and Kanowitz (now out of date). Additionally, there are articles and books on the sex bias in legal education, such as James Elkin, On the Significance of Women in Legal Education, 7 ALSA Forum Special Issue on Women and Law, No. 2-3 (Amherst, Massachusetts: American Legal Studies Association, 1983); Meredith Gould, The Paradox of Teaching Feminism and Learning Law, 7 ALSA Forum Apecial Issue on Women and Law, No. 2-3 (Amherst, Massachusetts: American Legal Studies Association, 1983); Carrie Menkel-Meadow, Women as Law Teachers: Toward the "Feminization" of Legal Education, Monograph III, Humanistic Education and Law (New York: Project for the Study and Application of Humanistic Education in Law); and Nadine Taub and Elizabeth Schneider, Perspectives on Women Subordination and the Role of Law, in the Politics of Law: A Progressive Critique, 117 (Kairys, David, editor) (New York: Pantheon Books, 1982).

b. Literature Concerning Sex Bias in Specific Areas of Criminal Law

Ms. Heid is developing a bibliography concerning sex bias in specific areas of criminal law. The areas of criminal law most often written about with regard to sex bias are rape and other sexual assaults; prostitution; sexual harrassment; battered spouses; various defenses such as duress, insanity, self-defense, defense of others, and PMS; capital punishment; sentencing; and the treatment of women in penal institutions.

2. Methodology For Eliminating Sex Bias in Teaching

a. General

There has been a great deal of research done on methodologies for eliminating sex bias in teaching. The most

famous work on this topic is an essay entitled "The Classroom Climate: A Chilly One For Women?", by Roberta M. Hall. In this essay, the author describes how sexist behavior can create an unfavorable classroom climate for learning for women. For example, the professor may use sexist humor to "spice up a dull subject" or may make disparaging comments about women as a group; the professor may use the word "he" instead of "he or she"; the professor, when giving examples, may refer to persons in stereotyped roles such as lawyers and judges always being male and housewives and nurses always female; the professor may refer to males as "men" but females as "girls," "gals," etc. rather than "women"; the professor may use classroom examples in a way which reinforces the stereotyped negative view of women and "female" psychological traits such as a description of a female character in literature as "typically weak and irrational"; the professor may address the audience as if no women were included in the audience, or may suggest in class examples that "women should be home with their children" or "women don't need to work if they have a husband to support them"; the professor may treat men and women students differently in terms of their classroom discussion, such as calling on women less than they call on men or calling on women only for certain kinds of issues. This type of sexism in teaching will not be researched in this project. It has been researched in almost every college field, such as English, history, psychology, anthropology, political science, etc. There is no reason to believe that these "classroom climate" issues would be substantially different in a law school from other parts of an university. We will look for these "classroom climate" issues in the casebook review, but it will not be the major part of our project.

In terms of substance, we do not have many models to follow. The two sources that have been most helpful are Judith Gappa, Sex and Gender in the Social Sciences, and an article by Sheila Ruth, "Methodocracy, Misogyny and Bad Faith: The Response of Philosophy", in N. Dale Spender (ed.), Men's Studies Modified: The Impact of Feminism on the Academic Disciplines (Oxford: Pergamon Press, 1981).

The Gappa book describes a project similar to ours that was done in the social sciences. The usefulness of this book will be described more fully under Section II D below.

The Ruth article describes the sexism in the discipline of philosophy, the feminist critiques of the sexism in philosophy, and the backlash against the feminist critiques of philosophy. If one substitutes the word "law" for the word "philosophy" in her article, the criticisms sound very familiar. For example, she describes the different ways that the backlash against the feminist critiques of philosophy appear. Some of the attacks on the feminist critics are: "Feminism is a 'specialized' pursuit, not part of the mainstream of philosophy [substitute law];

"philosophy [law] is universal in scope, dealing with all mankind (sic), but feminism only applies to a segment of the population"; "feminist issues are trivial compared to the ultimate questions philosophers [lawyers] ought to address"; "feminist concerns are transient, bound to a particular time and place; philosophy [law] transcends a particular time and place"; "feminism is sociological, political, or anthropological; it asks no genuinely philosophic [legal] questions"; "feminists haven't yet learned to argue properly; they have not learned to give proper evidence for their claims, no general principles, just vignettes and metaphors"; "philosophy [law] is neutral in its analysis; feminism is a bias." All those weapons that have been used against feminist critiques of philosophy have also been used against feminist critiques of law and the legal system. One that is especially important to mention in the context of this project is what Sheila Ruth calls "assimilation." She describes it as follows (at p. 50):

"[O]ne way to devitalize the unpalatable is to co-opt it, to rob it of its revolutionary power by giving it small acceptance and recognition in a non-dangerous sphere. Give a few women visible, well-salaried positions in the administration with ostensible status but no real power, and they have nothing to 'bitch' about. In the intellectual realm, accept feminist theory as a marginally important enterprise, necessary for women, part sociology, part political science, acceptable as Women's Studies, one of those anomalous specialties sometimes found in universities, and you do not have to give it full status as philosophic investigation with universal significance. A place on the program at the American Philosophical Association (all the women's papers together) is less threatening than one paper in Ethics, one in Metaphysics, etc. To allow women their arguments so long as they are made within the limits of traditional issues, categories and methods is to assimilate the developing woman-consciousness into the existent male context."

Assimilation is exactly what has happened in the law school curriculum: courses in women and law have become acceptable, but feminist criticism traditional law courses has not been accepted.

II. CASEBOOK REVIEW

A. List of Criminal Law Casebooks in Use

A list of criminal law casebooks that are currently in use has been collected and is attached.

B. Collection of Casebooks from Publishers

Each casebook publisher was solicited in order to gather the casebooks for critique. All publishers eventually responded by sending copies of their casebooks.

C. Correspondence With Casebook Authors

Each casebook author was sent a letter describing the project and asking for his cooperation (there are no female criminal law casebook authors).

Responses were received from several of the casebook authors, and they were generally favorable toward the project. We intend to keep in close contact with the casebook authors to retain their cooperation.

D. Development of Plan for Casebook Review

Working with the research consultant, Catherine Heid, the Project Director developed a general approach to the plan for casebook review. It was substantially similar to the plan for textbook reviews described in the book by Judith Gappa, Sex and Gender in the Social Sciences. Ms. Heid developed a "model" table of contents for a criminal law casebook; each casebook will be reviewed topic by topic using this "model" outline.

E. Review of Each Casebook

There will be four levels of review for each casebook. First, a research consultant, either Ms. Heid or the newly hired research consultant, Joan Black, will do the initial casebook review. Second, her work will be reviewed by the Project Director. Third, the revised casebook review will be reviewed by a sympathetic and knowledgeable criminal law teacher. These casebook reviewers will be culled by recommendations from the Panel members, after searching the list of criminal law professors in the AALS directory of law teachers. One criminal law professor, Prof. Leroy Clark of Catholic University, has already indicated possible interest in doing the casebook review of the Kadish, Schulhofer, and Paulsen casebook. One of our Panel members, Marina Angel, has agreed to review the Johnson casebook. The fourth and final step in the casebook review is to send the revised casebook review of each individual casebook to the author or authors of that particular casebook for comments.

III. QUESTIONNAIRE DESIGN AND IMPLEMENTATION

A. Imprimatur of Association of American Law Schools

We are now in the process of solicitating the imprimatur of the AALS Section on Criminal Justice. We have already received the imprimatur of the Section on Women in Legal Education. The Project Director will consult further with people who know members of the Executive Committee of the Association of American Law Schools to see how to solicit their imprimatur.

B. Procurement of Up-to-date List of Criminal Law Professors from AALS

Within the past month, a new AALS directory of law teachers has been received. This contains the most up-to-date list of criminal law professors who teach in AALS approved American and Canadian law schools. We will send the questionnaire only to American law teachers.

C. Consultation with OSU Polimetrics Lab

In October, 1984, the Project Director met with Aage Clausen, the director of the polimetrics lab, and his assistants, Nora Groves and Valerie Martinez, to discuss the development of the questionnaire. On October 25, 1984 Ms. Martinez sent us a memo regarding possible questions for inclusion in the questionnaire.

On November 16, 1984 we received a letter from Prof. David Chambers regarding a survey he conducted among law professors, and giving some suggestions for the criminal law questionnaire. The criminal law Panel has not had much time to discuss the exact questions to be put on the questionnaire. It has been hoped that the questions for the questionnaire will arise out of the casebook review. By the time of the next Panel meeting, we hope to have a number of questions for the questionnaire ready for critiques from the Panel members.

D. Pilot Study to Pre-test Questionnaire

Prof. David Chambers (see above) has volunteered to be part of a pilot study to pre-test the questionnaire. That study is planned for March, 1985.

*This is
slice
option*

E. Distribution of Questionnaires

Distribution of questionnaires is planned for April, 1985.

F. Follow-up on Questionnaires

Follow-up on questionnaires is planned for May, 1985.

IV. COMPILATION OF SUPPLEMENTARY MATERIALS

A. Bibliography

The research consultants, Catherine Heid and Joan Black (hired in February), are compiling a bibliography of books and law review articles concerning sex bias in criminal law. This work will be passed on to a student assistant to open up the time of the research consultants for casebook reviews.

B. Casebook Examples

The Panel members have suggested that a good method for encouraging casebook authors to change their casebooks is to give them not only a bibliography of feminist materials in criminal law, but also examples of how portions of this bibliography could be used in their casebooks. The Panel decided that we needed at least three examples. Marina Angel, Vanessa Merton, and Barbara Underwood all agreed to contribute one example each. Marina Angel will cover State v. Chaney, a rape case; Vanessa Merton will cover the cases she teaches under the "duty to act" topic; and Barbara Underwood will cover the marital rape case recently decided by the New York Court of Appeals (Liberta). The Project Director will take these contributions and polish them into the right form to be presented to casebook authors. Generally speaking, that form will be: good editing of a major case; notes to be inserted in the casebook after the major case, which use feminist examples and refer to feminist books, articles, and other materials; and suggestions about teaching the case that could be put into a teacher's manual, which would include further references to feminist sources.

V. PUBLICITY

A. OSU "Brown Bag" on September 20, 1984

On September 20, 1984, the Project Director gave an OSU "Brown Bag" on sex bias in law teaching. It was attended by about 15 or 20 students and others.

B. AALS Workshop on Professional Development for Women in Law Teaching: New Orleans, October 11-13, 1984

As part of the AALS Workshop on Professional Development for Women in Law Teaching, the Project Director attended the Workshop and the project was publicized in two ways. First, a flyer explaining the project was published in the workshop booklet for all participants. Second, on Saturday, October 13, 1984, Jean Love of UC - Davis spoke on "Special Opportunities for Women in the Classroom: Sexism and Curricular Reform." In her discussion, she described the project and gave us some good publicity. Additionally, there were small group discussions in which the workshop participants broke down into their substantive teaching specialties. The Project Director and Primary Consultant went to the criminal law small group and solicited assistance from the participants concerning their interest in the project. Several interested persons made themselves known at this discussion.

C. Society of American Law Teachers: N.Y.C., December 14-15, 1984

From 1:30 to 3:00 on Friday, December 14, at the Society of American Law Teachers conference, there was a panel on "Race and

Sex in the Classroom." The project was mentioned by the moderator of the Panel and also came up in discussion afterwards. At 3:30, there were small group discussions in which there was also some mention of the project in some of the small groups. Names of some more interested criminal law teachers were solicited at this meeting.

D. Washington College of Law, American University,
Conference on Reforming the Sex Bias in the Law School
Curriculum: Washington, D.C., January 1985

A conference on reforming sex bias in the law school curriculum was held at American University, Washington College of Law, right before the AALS 1985 annual meeting. The director of the Women and the Law Project at Washington College of Law had planned this conference to deal primarily with teaching courses on women and the law. In other words, the conference stressed how to teach the law school course entitled "Women and the Law", "Sex-Based Discrimination", or whatever it is usually called at law schools. There is another conference planned by the same Women and the Law Project to be held next year that will discuss how to integrate feminist issues into the other law school courses.

At the January 1985 conference, the project director spoke about the project to the conference participants. She was also a workshop leader for one of the small groups. Several new individuals interested in the project were identified at the conference.

E. 1985 AALS Annual Meeting: Washington, D.C., January 3-6, 1985

The project was publicized at two different panels at the 1985 AALS annual meeting. First, the Project Director spoke regarding the project at a panel on Sunday, January 6, entitled "Feminist Concerns in Legal Education," presented by the Section on Women in Legal Education. Second, one of our Panel members, Elizabeth Schneider, spoke on sex bias in criminal law at a panel entitled "The Politics of Law" presented by the Section on Criminal Justice.

F. Women and the Law Conference: N.Y.C., March 22-24, 1985

The Project Director has been attempting to arrange for herself or one of the other Panel members to speak at one of the panels at the Women and the Law conference. Since the Women and the Law conference is run by students, who are a different group of students each year, so that there is no continuity, we have not yet connected with the conference planners in any meaningful way. This is disappointing, because one of the conference planners is the law student member of our Panel, but she did not attend the January 19th meeting and has not been heard from.

H
u
H
124

There is a Panel at the Women and the Law conference that would be suitable for a discussion of our project, and the Project Director has written to the Women and the Law conference to determine whether she or one of the other Panel members could take part in that workshop.

G. 1986 AALS Annual Meeting

Before the 1985 AALS annual meeting, the Project Director made plans to get together with the outgoing chair of the Section on Criminal Justice, Gene Schultz, and the incoming chair of the Section on Criminal Justice, Victor Streib, to discuss the possibility of a joint session sponsored by the Section on Women in Legal Education and the Section on Criminal Justice entitled "Sex Bias in Criminal Law." We had such a meeting on Saturday, January 5, and it went quite well. The incoming chair of the Section on Criminal Justice is quite enthusiastic about our project and planned to continue discussing the possibility of a joint session with Delores Donovan, who is the current incoming Chair of the Section on Women in Legal Education and also a criminal law teacher. At the informal discussion on January 5, at which were present Schultz and Streib, the Project Director, Marina Angel, Delores Donovan and Sally Sharp (1984 chair of the Section on Women in Legal Education), we also discussed the possibility that the Section on Criminal Justice might give its imprimatur to the questionnaire. Shultz and Streib said they would bring it up at the business meeting of the Section on Criminal Justice, which was to be held the following day. The Project Director has since sent a letter to Prof. Streib to determine whether it was approved.

H. Washington College of Law, American University, Second Conference on Reforming the Sex Bias in the Law School Curriculum

As noted above, Prof. Ann Shalleck, who is the project director of the Women and the Law Project at American University Washington College of Law, is planning a second conference on reforming the sex bias in the law school curriculum. The second conference would stress getting sex bias out of the standard law school courses, such as criminal law, civil procedure, property, torts, etc.

There are no firm plans for this second conference. It will probably be held either in October, 1985, in Washington, D.C. or in January, 1986 in conjunction with the 1986 AALS annual meeting. Prof. Shalleck has guaranteed that the project will be given special attention at that conference.))

Course and Course Materials:

- 1. Is the basic criminal law course a required course at your school?
 - 1. Yes (ANSWER QUESTION 2a)
 - 2. No (ANSWER QUESTION 2b)

2a. If yes, in what year? _____

- 2b. If no, do most students take it anyway?
 - 1. Yes
 - 2. No
 - 3. Don't know

3. How many credits is the basic criminal law course at your school?
 _____ credits How many semesters? _____ semesters

4. What other criminal law courses are offered at your school?

- 5. Does your school offer a course in sex-based discrimination?
 - 1. Yes
 - 2. No
 - 3. Don't know

6. What casebook do you use to teach the basic criminal law course?

a. Author(s): _____ Edition: _____

b. Why did you select this particular casebook?

c. How long have you used this casebook, including previous editions?
 _____ years

d. Which parts of the casebook are assigned? (You may attach syllabus)

7. Please name any other hornbook, treatise, or book used:

8. Other materials assigned:

(If these are mimeo materials compiled by you, we would appreciate your sending a set.)

9. What substantive crimes does the course cover?

10. What are the three most important things you want to cover in your criminal law course?

- 1. _____
- 2. _____
- 3. _____

Topic Coverage:

The following is a list of some topics affecting women or that might be of particular concern to one sex. Please indicate whether you cover the topic in your course and, if so, approximately how many class hours you spend on it. Some of these topics may not be "covered" per se but may arise in the context of a case used to "cover" another topic. If so, and if you then highlight or discuss the topic, indicate that you "cover" it. If you do not cover the topic in your course, please indicate why not by circling the appropriate number, 1 - 6, as follows:

1. Not covered in the book (would cover it if it were in the book).
2. Covered too poorly in the book.
3. Professor feels uncomfortable with the topic.
4. Adverse student reaction to the topic.
5. Not as important as other topics.
6. Belongs in another course (specify which course on line below) or other (Please explain on line below).

You may circle more than one number if appropriate. Finally, indicate whether the topic tends to polarize male and female students.

	Do you cover in course?		Time spent on topic (in hours)	If not covered, why not?						Does topic polarize M/F students?	
	Yes	No		1	2	3	4	5	6	Yes	No
11. Killing of fetus as homicide.			_____								
12. Abortion			_____								
13. Conspiracy between spouses.			_____								
14. Battering by spouses.			_____								
15. Self-defense by battered women.			_____								
16. Relationship between reasonableness and gender ("reasonable man").			_____								
17. Wife's misconduct as provocation.			_____								
18. Rape:											
a. Elements of the crime.			_____								
c. Mistake of fact defense.			_____								
d. Diminished capacity defense.			_____								
e. Death penalty for _____			_____								
f. Who can be a victim.			_____								
19. Statutory rape:											
a. Elements of the crime.			_____								

30X

	Do you cover in course?		Time spent on topic (in hours)	If not covered, why not?						Does topic polarize M/F students?	
	Yes	No		1	2	3	4	5	6	Yes	No
Statutory rape (Continued)											
b. Mistake of fact defense.	Yes	No	_____	1	2	3	4	5	6	Yes	No
20. Sexual harassment.	Yes	No	_____	1	2	3	4	5	6	Yes	No
21. Criminalization of failure to act, e.g., child neglect.	Yes	No	_____	1	2	3	4	5	6	Yes	No
22. Gender differentials:											
a. In sentencing standards.	Yes	No	_____	1	2	3	4	5	6	Yes	No
b. In capital punishment.	Yes	No	_____	1	2	3	4	5	6	Yes	No
c. In treatment of victim and witnesses in the criminal justice system.	Yes	No	_____	1	2	3	4	5	6	Yes	No
d. In degrees of culpability of accomplices.	Yes	No	_____	1	2	3	4	5	6	Yes	No
23. Prosecutorial discretion regarding who to "turn" against whom.	Yes	No	_____	1	2	3	4	5	6	Yes	No
24. Doctrine of marital duress.	Yes	No	_____	1	2	3	4	5	6	Yes	No
25. Prostitution:											
a. Elements of the crime.	Yes	No	_____	1	2	3	4	5	6	Yes	No
b. Criminalization.	Yes	No	_____	1	2	3	4	5	6	Yes	No
c. Vagueness.	Yes	No	_____	1	2	3	4	5	6	Yes	No
d. Criminal sanctions on "Johns".	Yes	No	_____	1	2	3	4	5	6	Yes	No
26. Pornography.	Yes	No	_____	1	2	3	4	5	6	Yes	No
27. Premenstrual syndrome (PMS) defense.	Yes	No	_____	1	2	3	4	5	6	Yes	No
28. Ways that sex discrimination in laws can be corrected.	Yes	No	_____	1	2	3	4	5	6	Yes	No

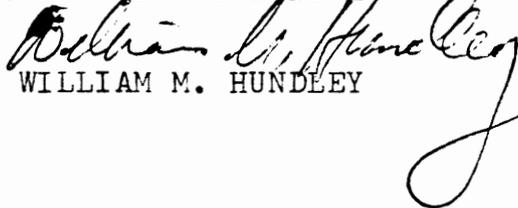
143 SOUTH BRIDGE STREET
SOMERVILLE, N.J. 08876
NOV. 14, 1985

~~XXXXXXXXXX,~~

ENCLOSED IN THESE ENVELOPES ARE PHOTO-COPIES OF THE P.B.A. FILES OF GRIEVANCES OF THE INDIVIDUALS MENTIONED TO YOU ON THE PHONE. DAVE WOLFGANG, DON UKINUS, ANTHONY NESSINE, AND CARL STONEBACK ARE AT THIS TIME VICTIMS OF REVERSE SEX DISCRIMINATION AT C.I.W. DAVE AND DON HAVE BEEN DENIED LATERAL MOVEMENT, TRAINING AND JOB BIDDING RIGHTS AT C.I.W. CLINTON'S REFUSAL TO HIRE ANYMORE MALES HAS BEEN IN EFFECT FOR SEVEN YEARS NOW. WE HAVE BONA-FIDE MALE POSITIONS WHICH C.I.W. REFUSES TO FILL AND IS SUPPORTED BY THE COMMISSIONERS OFFICE IN AN EFFORT TO APPEASE THE MALE INSTITUTIONS WHICH OUTNUMBER THE ONLY FEMALE INSTITUTION, IN AN EFFORT TO KEEP FEMALES AT A LIMITED NUMBER IN THE MALE FACILITIES.

THE MALE CORRECTION OFFICERS AT CLINTON REFORMATORY FOR WOMEN HAVE IN EFFECT BECOME THE SACRIFICIAL LAMBS FOR THE N.J. DEPT. OF CORRECTIONS IN A SINCERE EFFORT TO LIMIT THE FEMALE ROLE IN THE RUNNING OF THE PRISONS.

RESPECTFULLY SUBMITTED


WILLIAM M. HUNDLEY

MR. EUGENE McCAFFREY
PRES. OF N.J. CIVIL SERVICE COMMISSION
215 EAST STATE STREET
TRENTON, NEW JERSEY 08625

DEAR HONORABLE SIR,

TO INTRODUCE MYSELF MY NAME IS WILLIAM M. HUNDLEY. I LIVE AT THE ABOVE ADDRESS AND I AM EMPLOYED AS A SENIOR CORRECTION OFFICER AT THE CORRECTIONAL INSTITUTION FOR WOMEN, CLINTON, NEW JERSEY. THE FOLLOWING NARRATIVE SUMMARIZES WHAT I CONSIDER TO BE A CLASSIC CASE OF SEXUAL DISCRIMINATION AGAINST THE MALE CORRECTION OFFICERS PRESENTLY EMPLOYED AT THE INSTITUTION.

IN THE PAST YEAR THE MALE CORRECTION OFFICERS HAVE EXPERIENCED THE FOLLOWING PRACTICES AS INSTITUTED AND UPHELD BY THE SUPERINTENDANT PHIL DWYER AT THE CORRECTIONAL INSTITUTION FOR WOMEN (C.I.W.).

1. CHANGING OF BONA-FIDE OCCUPATIONAL QUALIFICATIONS (B.F.O.Q.'s) ON JOB POSTINGS FROM MALE/FEMALE TO FEMALE ONLY. THE JOBS POSTED ARE JOBS IN WHICH THE INMATES TO BE SUPERVISED ARE OF BOTH SEXES.
2. RESTRICTING AND LIMITING THE LATERAL MOVEMENT OF MALE CORRECTION OFFICERS WITHIN THE INSTITUTION. MALE OFFICERS PRESENTLY ASSIGNED TO THE ONE MALE HOUSING UNIT AT C.I.W. CANNOT APPLY FOR BETTER POSITIONS OUTSIDE THE MALE HOUSING UNIT UNLESS ANOTHER MALE OFFICER GUARANTEES IN WRITING THAT HE WILL FILL THAT VACANCY. MR. DWYER HAS MADE IT CLEAR THAT HE "WILL NOT HIRE ANY MALE CORRECTION OFFICERS".

THIS POLICY OF PUTTING STIPULATIONS ON THE MALES APPLYING FOR POSITIONS OUTSIDE THE MALE HOUSING UNIT HAS BEEN GRIEVED ALL THE WAY TO THE COMMISSIONER'S OFFICE AND UPHELD BY COMMISSIONER FAUVER.

3. REFUSAL TO HIRE MALE CANDIDATES FROM THE N.J. STATE CIVIL SERVICE LIST TO FILL VACANCIES LEFT OPEN BY MALE EMPLOYEES WHO LEFT STATE SERVICE. THE PRESENT LIST OF FEMALE CANDIDATES HAS BEEN EXHAUSTED. PROVISIONALS, FEMALES OF COURSE, NOT CERTIFIED, NOT TESTED, ARE WORKING IN VACANCIES IN WHICH MALES CAN WORK. THESE ARE SLOTS OUTSIDE THE FEMALE HOUSING UNITS.
4. THERE ARE FEMALE OFFICERS AT C.I.W. WHO HAVE NEVER SET FOOT INTO THE FEMALE HOUSING UNITS. REQUIREMENTS AT THEIR RESPECTIVE POST DO NOT REQUIRE THEM TO DO SO. WHO IS TO SAY THAT A MALE CANDIDATE COULD NOT OR SHOULD NOT FILL THOSE JOBS.

AT C.I.W. THERE ARE AT PRESENT 160 CORRECTION OFFICER POSITIONS OF WHICH 100 ARE MALE/FEMALE TYPE POSITIONS OUTSIDE THE FEMALE HOUSING UNITS

THESE POSITIONS ARE ONES THAT ARE INVOLVED WITH THE SUPERVISING OF INMATES OF BOTH SEXES IN THEIR RESPECTIVE ASSIGNMENTS AND VARIOUS ACTIVITIES. A DOUBLE STANDARD IS CLEARLY SHOWN WITH NON-CUSTODY STAFF WHO ARE MALE. MALE INSTRUCTORS (I.T.I.'s) WORK AND SUPERVISE ALL FEMALE CLASSES, TAKE OFF-GROUNDS TRIPS WITH ALL FEMALE INMATES WITHOUT CORRECTIONS STAFF INCLUDED OR OVERSEEING.

COMPLAINTS HAVE BEEN MADE TO THE AFFIRMATIVE ACTION OFFICER FOR THE DEPARTMENT OF CORRECTIONS. THE PROBLEM IS WITH WOODY WOODARD IS THAT HE CARRIES NO ENFORCEMENT POWERS. MY PHONE BILL AND SOME LETTERS HAVE CLEARLY SITED WHAT I KNOW TO BE VIOLATIONS AS FAR AS AFFIRMATIVE ACTION IS CONCERNED. I ALSO REMEMBER THAT WOODARDS PAYCHECK COMES FROM THE DEPARTMENT OF CORRECTIONS WHICH IN THIS CASE MAKES HIM NOT THE ANSWER TO THE PROBLEM, BUT PART OF THE PROBLEM. WHEREAS WOODY IS GREAT AT TELLING THE CLASSES AT C.O.T.A. WHERE AFFIRMATIVE ACTION WILL BE IN THE FUTURE, HE HAS DONE A GOOD JOB OF BYPASSING WHAT HAS ALREADY GONE DOWN IN THE PAST AND PRESENT. I'VE EVEN CONTACTED THE N.J. STATE DIVISION OF CIVIL RIGHTS AND THEY PASS THE BUCK TO WOODARD.

I FEEL THAT SOMEONE OUTSIDE THE DEPARTMENT OF CORRECTIONS HAS TO EVALUATE THE SITUATION AT CLINTON. THE DEPARTMENT IS TOO DEEPLY ENTRENCHED WITH THE POLITICS THAT GOES WITH NEPOTISM WHEN PHIL DWYER IS INVOLVED.

PHIL DWYER HAS UTILIZED INAPPROPRIATELY THE INVERSE SENIORITY RULE TO FILL A POSITION IN WHICH A MALE WAS REQUIRED. IF A POSITION REQUIRING A MALE OFFICER BECOMES VACANT, HE WILL REASSIGN A MALE OFFICER WITH THE LEAST AMOUNT OF SENIORITY TO FILL THE POSITION. THIS WILL PULL A MALE OFFICER (AS IT ALREADY HAS) OFF OF THE DAY SHIFT WITH DECENT DAYS OFF, AND PLACE HIM ON THE NIGHT SHIFT WITH LOUSY DAYS OFF. THEN MR. DWYER WILL HAVE THE MALE OFFICERS FORMER JOB POSTED WITH STIPULATIONS SO THAT THE JOB WILL BE POSTED FEMALE ONLY.

MR. DWYER FURTHER USES PAT FRISKING OF FEMALE INMATES AS A PLOY TO DENY THE JOBS POSTED TO MALE CUSTODY STAFF. THE ONLY CATCH TO THAT IS THAT THE MALE INMATES ARE EXEMPT FROM BEING PATTED DOWN. THEY GET PATTED DOWN BACK AT THE HOUSING UNIT. MY ARGUMENT IS IF THEY CAN'T PAT ALL THE INMATES DOWN IN THE IMMEDIATE WORK AREA, LET THEM ALL BE PATTED DOWN IN THEIR RESPECTIVE HOUSING UNITS, WHY EXEMPT THE MALES.

I FEEL YOUR OFFICE OR THE OFFICE OF THE AFFIRMATIVE ACTION SHOULD AT LEAST REVIEW THE PRACTICES AT CLINTON. WHEREAS AFFIRMATIVE ACTION IS SUPPOSED TO HELP OUT THE PLIGHT OF FEMALES IN THE WORKING FIELD, IT DID NOT MEAN THAT YOU SHIT ON THE MALES ENCOMPASSING THE SAME IDENTICAL PROBLEM. I LIKE TO THINK THE DOOR SWINGS BOTH WAYS.

WHERE THE P.B.A. IS ON THIS ISSUE

ONE OF THE QUESTIONS THAT PROBABLY CAME TO YOUR MIND IS "WHERE IS P.B.A. 105 INVOLVING THIS ISSUE OF REVERSE DISCRIMINATION"? GLAD YOU ASKED.

THE PBA HAS TAKEN A HIDDEN ROLE ON THIS ISSUE. YOU SEE AT CLINTON OUT OF 160 CORRECTION OFFICERS ONLY 90 OR MORE ARE MEMBERS. WHEN YOU TAKE INTO CONSIDERATION TRENTON STATE PRISON, RAHWAY, YARDVILLE, ANNADALE, LEESBURG, BORDENTOWN ALL OF WHOM CARRY 400 OR MORE CORRECTION OFFICERS LARGELY MALES WHO ARE OPPOSED TO FEMALES WORKING AT THEIR RESPECTIVE INSTITUTIONS, VOTING WISE OR POLITICALLY SPEAKING THEIR VIEWS DETERMINE WHERE THE VOTE WILL GO. FEMALE POSITIONS IN THE MALE INSTITUTIONS HAVE ALWAYS BROUGHT ABOUT HEATED DISCUSSIONS AND HAVE CAUSED MORE THAN ONE UNION MEETING TO GO INTO AN UPROAR.

I COULD VERY EASILY APPROACH THE P.B.A. EXECUTIVE COMMITTEE WITH THE PROBLEMS I'VE PRESENTED TO YOU AND THEY WOULD JUST AS EASILY "TABLE THE MATTER", THE LONE FEMALE INSTITUTION VICE-PRES. AT C.I.W. WOULD EASILY BE OUTVOTED. THE MALE CORRECTION OFFICERS AT THE OTHER INSTITUTION SEE FEMALES WORKING IN AN ALL MALE SETTING AS "KEEPING A MAN FROM A JOB HE MAY NEED TO SUPPORT HIS FAMILY". THEY IGNORE THE FACT THAT A LARGE SEGMENT OF FEMALES ARE DOING JUST THAT "SUPPORTING A FAMILY, WITH NO HUSBAND". OF COURSE THE TYPICAL MALE CHAUVANIST REPLY TO THAT IS " SHE GOT A GOLD MINE BETWEEN HER LEGS ".

I HAVE HEARD THESE TYPE OF REMARKS MADE AT THE MEETINGS AMONGST THE GRUMBLINGS OF MALE CORRECTION OFFICERS IN REGARDS TO FEMALE OFFICERS SO IF THE P.B.A. TAKES ON OUR COMPLAINT AND MEANFULLY DEAL WITH OUR PROBLEM, THEY WILL ULTIMATELY HAVE TO RECTIFY AND CLEAR UP THE PROBLEM THAT THE FEMALES ARE HAVING NOW IN THE MALE PRISONS. WHICH IN TURN WILL GET THEM VOTED OUT OF OFFICE NEXT ELECTION WHICH ISN'T FAR AWAY (JUNE).

ALL OF OUR 3rd STEP GRIEVANCES ON THIS ISSUE AT CENTRAL OFFICE WERE IGNORED BY THE PRESENT P.B.A. PRESIDENT. HE WAS UNAVAILABLE. A GROUP GRIEVANCE TO BE HEARD THIS MONTH ON THIS ISSUE AT THE DEPARTMENT OF CORRECTIONS WILL PROBABLY BE HEARD WITH THE P.B.A. PRESIDENT NOT IN ATTENDANCE.

THE FOLLOWING NARRATIVE SUMMARIZES WHAT CAN BE CONSIDERED SOME UNDISPUTED FACTS IN REGARDS TO THE ROLE THAT MALE CORRECTION OFFICERS PLAY ON A REGULAR BASIS AT C.I.W.

FIRST I WANT TO BRING TO THE ATTENTION OF THE HEARING OFFICER THAT DESPITE HOW MANY OR HOW FEW MALE RESIDENT INMATES WE HAVE AT C.I.W., THEY LIKE THEIR FEMALE COUNTERPARTS MUST BE PROVIDED WITH THE SAME PRIVILEGES AS THE FEMALE INMATES. ASIDE FROM THE COVERAGE IN THE MALE HOUSING UNIT, WE PROVIDE THE FOLLOWING;

1. TRANSPORTATION - MEDICAL TRIPS, COURT APPEARANCES, FUNERALS, ECT.
2. RECREATION - GAME ROOM, LIBRARY, SCHOOL, COLLEGE, SPORTS EVENTS AND PARTICIPATION IN THOSE EVENTS, RELIGIOUS ACTIVITIES, FASHION SHOWS, ECT.
3. WORK RELEASE, FURLOUGHS AND VISIT PROGRAMS FOR WHICH THEY MUST BE STRIPPED AND URINE SAMPLES TAKEN.
4. WORK DETAILS IN FOOD SERVICE, EDNA MANN HALL, THOMPSON HALL, SEWING INDUSTRY, ADMINISTRATION BUILDING IN WHICH THE WORK CREWS ARE OFTEN INTEGRATED (BOTH SEXES)

FACT-THE MALE UNIT HAS BEEN LEFT LOCKED AND UNATTENDED ON NUMEROUS OCCASSIONS ON THE 1st SHIFT (10:30-6:30 A.M.) SO THAT THE MALE OFFICER COULD ASSIST WITH MOVING AN UNRULY FEMALE INMATE TO P.S.U. OR LOCK-UP.

FACT - UNRULY AND UNCONTROLABLE INMATES SUCH AS CATHY PUGH AND GERALDINE CHERRY AND GINA DAMIANO ARE NEVER MOVED UNLESS TWO OR MORE MALE CORRECTION OFFICERS ASSIST IN THE MOVE. MR. DWYER ON DOWN KNOW THAT THE MERE PRESENCE OF MALE CORRECTIONS STAFF ACTS AS A DETERENT TO UNRULY BEHAVIOR.

FACT- THE COST FACTOR INVOLVED WITH THE PAYMENT OF S.L.I. TO FEMALE CORRECTIONS STAFF FOR INJURIES INFLICTED UPON THEM IN PAST ENCOUNTERS WITH UNRULY INMATES IS ON RECORD. SUCH IS NOT THE CASE WITH THE MALE CORRECTION OFFICERS AT CLINTON WHO MANAGE TO BE INVOLVED IN ALL THESE ENCOUNTERS.

FACT- HIGH SECURITY TRIPS GOING OFF THE GROUNDS COMPOSE OF NO LESS THAN TEN OR ELEVEN CORRECTION OFFICERS TOTAL. THE MALES MAKE UP HALF (50%) OF THOSE GROUPS DUE TO THE FACT THAT THE FEMALES AT CLINTON DO NOT QUALIFY ON SHOTGUNS OR AUTOMATIC WEAPONRY. THEY ARE SEEMINGLY EXEMPT FROM THIS IN PRACTICE AND POLICY.

TO WHOM THIS MAY CONCERN,

TO INTRODUCE MYSELF MY NAME IS WILLIAM M. HUNDLEY. I LIVE AT THE ABOVE ADDRESS AND I AM EMPLOYED AS A SENIOR CORRECTION OFFICER AT THE CORRECTIONAL INSTITUTION FOR WOMEN, CLINTON, NEW JERSEY. THE FOLLOWING NARRATIVE SUMMARIZES WHAT I CONSIDER TO BE A CLASSIC CASE OF SEXUAL DISCRIMINATION AGAINST THE MALE CORRECTION OFFICERS PRESENTLY AT THE CORRECTIONAL INSTITUTION FOR WOMEN, CLINTON, NEW JERSEY.

IN THE PAST YEAR THE MALE CORRECTION OFFICERS HAVE EXPERIENCED THE FOLLOWING PRACTICES AS INSTITUTED AND UPHELD BY SUPERINTENDANT PHIL DWYER AT C.I.W.

1. CHANGING OF BONA-FIDE OCCUPATIONAL QUALIFICATIONS (B.F.O.Q.'s) ON JOB POSTINGS FROM MALE/FEMALE TO FEMALE ONLY. THE JOBS POSTED ARE JOBS IN WHICH THE INMATES TO BE SUPERVISED ARE OF BOTH SEXES.
2. RESTRICTING AND LIMITING THE LATERAL MOVEMENT OF MALE CORRECTION OFFICERS WITHIN THE INSTITUTION. MALE OFFICERS PRESENTLY ASSIGNED CANNOT APPLY FOR ASSIGNMENTS OUTSIDE OF THE MALE HOUSING UNIT. IN OTHER WORDS, WE PRESENTLY HAVE SIX MALE OFFICERS ASSIGNED TO THE ONE MALE HOUSING UNIT ON THE GROUNDS. RECENTLY OTHER JOBS WITH BETTER DAYS OFF OUTSIDE THE MALE UNIT BECAME VACANT. MR. DWYER DENIED THE POSITION TO APPLICANTS PRESENTLY WORKING IN THE MALE UNIT. IT WAS GRIEVED ALL THE WAY TO THE COMMISSIONER'S OFFICE AND UPHELD BY COMMISSIONER WILLIAM FAUVER.
3. REFUSAL TO HIRE MALE CANDIDATES FROM THE N.J. STATE CIVIL SERVICE LIST TO FILL VACANCIES LEFT OPEN BY FORMER MALE EMPLOYEES. THE FEMALES ON THE CIVIL SERVICE LIST HAVE ALL BEEN EXHAUSTED. FEMALES WHO ARE PROVISIONAL, NOT CERTIFIED, NOT TESTED ARE WORKING IN SLOTS IN WHICH MALES CAN WORK. THESE ARE POSITIONS OUTSIDE THE FEMALE HOUSING UNITS.

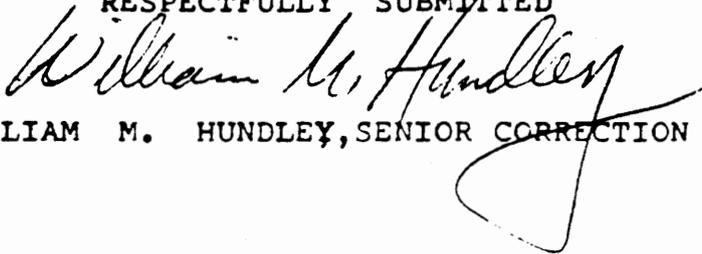
AT C.I.W. THERE ARE AT PRESENT 160 CORRECTION OFFICER POSITIONS OF WHICH 100 ARE MALE OR FEMALE TYPE POSITIONS OUTSIDE THE FEMALE HOUSING UNITS. POSITIONS SUPERVISING BOTH MALE AND FEMALE INMATES IN THEIR RESPECTIVE ASSIGNMENTS AND VARIOUS ACTIVITIES. MR. PHIL DWYER HAS ARRANGED THAT THE POSITIONS BE POSTED FOR FEMALES ONLY. THERE IS AT THIS TIME A GRIEVANCE PENDING ON THIS ISSUE WHICH WILL NOT BE SATISFIED AT CLINTON NOR AT THE DEPARTMENT OF CORRECTIONS. THE N.J. STATE DIV. OF CIVIL RIGHTS HAS PASSED

MY COMPLAINTS TO THE AFFIRMATIVE ACTION OFFICER INSIDE THE DEPARTMENT OF CORRECTIONS, MR. WOODY WOODARD, WHO IN MY OPINION HAS NOT ACTED UPON ANY OF THE COMPLAINTS OUT OF THE CORRECTIONAL INSTITUTION FOR WOMEN, COMING PARTICULARLY FROM THE MALE STAFF . THE PBA HAS PUT OUR COMPLAINTS ON THE BACK BURNER DUE TO THE FACT THAT WE WITH ONLY 160 OFFICERS DOES NOT CARRY ENOUGH VOTING CLOUT AS TRENTON, RAHWAY, ANNANDALE, LEESBURG, YARDVILLE AND BORDENTOWN PRISONS(400 OR MORE EACH) WHEREIN WHO VIEW OUR PROBLEM AS NOT IN THEIR BEST INTEREST. MOST OF THESE PRISONS ARE FIGHTING THE LATERAL MOVEMENT OF FEMALE CORRECTION OFFCIERS WITHIN THEIR WALLS. CHECK OUT THEIR PERCENTAGES AND I'M SURE THAT ALONE WILL BEAR ME OUT.

MR. PHIL DWYER HAS STEADFASTLY REFUSED TO HIRE ANY MALES OFF THE PRESENT CIVIL SERVICE LIST STILL ACTIVE AT THIS WRITING WITH LARGELY MALE CANDIDATES. IF A POSITION REQUIRING A MALE BECOMES VACANT, HE WILL UTILIZE INVERSE SENIORITY(REASSIGN THE MALE OFFICER WITH THE LEAST AMOUNT OF SENIORITY) TO FILL THE POSITION. THIS USUALLY WILL PULL A MALE OFFICER (AS IT ALREADY HAS) OFF OF SHALL WE SAY THE DAY SHIFT WITH GOOD DAYS OFF, AND PLACE HIM ON THE NIGHT SHIFT WITH LOUSY DAYS OFF. THEN DWYER WILL HAVE HIS FORMER JOB REBIDDED AS A FEMALE ONLY SLOT BY SAYING THAT HE IS REQUIRING THAT THIS POSITION WILL HAVE TO "PAT DOWN" FEMALE INMATES. MR. DWYER FURTHER USES THIS PATING DOWN OF FEMALE INMATES AS A CRUTCH TO JUSTIFY THE CHANGING OF THE B.F.O.Q.'s. MIND YOU, THE MALE INMATES AT CLINTON ARE EXEMPT FROM BEING PATTED DOWN AT THEIR ASSIGNMENTS. THEY ARE ALLOWED TO GO BACK TO THEIR HOUSING UNIT AND GET PATTED DOWN UPON ENTER- THE UNIT BY THE OFFICER ON DUTY.

BECAUSE CLINTON CORRECTIONAL INSTITUTION IS ACCREDITED EVERY YEAR SO AS TO RECIEVE FEDERAL FUNDING FOR THEIR PROGRAMS I FEEL THE FEDERAL GOVERNMENT SHOULD REVIEW THE POLICIES AT CLINTON AS THE MAY RELATE TO THIS CHARGE OF REVERSE DISCRIMINATION. I WOULD APPRECIATE YOUR RESPONSE TO THIS LETTER SO THAT I CAN BE ASSURED THAT MY COMPLAINTS AGAIN AREN'T FALLING ON DEAF EARS AND CLOSED MINDS.

RESPECTFULLY SUBMITTED



WILLIAM M. HUNDLEY, SENIOR CORRECTION OFFICER, C.I.W.

143 SOUTH BRIDGE STREET
SOMERVILLE, NEW JERSEY
JAN. 5, 1984 08876

PETER J. CALDERONE
ASSISTANT COMMISSIONER
N.J. DEPT. OF CIVIL SERVICE
CN 312 ,TRENTON,N.J. 08625

DEAR MR. CALDERONE,

PLEASE BE ADVISED THAT AS OF THIS WRITING THE ADMINISTRATIVE
AT THE CORRECTIONAL INSTITUTION FOR WOMEN HAS TAKEN UPON ITSELF TO
APPOINT PROVISIONAL SARGEANTS FROM THE RANKS OF FEMALE SENIOR COR-
RECTIONAL STAFF. THE PRESENT CIVIL SERVICE LIST FOR CORRECTIONAL
SARGEANTS IS STILL ACTIVE UNTIL MAY OF 1984. FEMALE CANDIDATES WHO
TOOK AND PASSED THE TESTS HAVE EITHER ALL BEEN PROMOTED OR REFUSED
THE POSITIONS MADE AVAILABLE TO THEM. MOST OF WHICH WAS LARGELY AT
C.I.W. MALE CANDIDATES ARE STILL YET TO BE SOLICITED FROM WITHIN
THE INSTITUTION. ALL OF WHOM SCORED HIGHER, HAD MORE SENIORITY AND
OVERALL JAIL EXPERIENCE. MALE CANDIDATES FROM OUTSIDE CLINTON WITH
VETERANS PREFERENCE, SENIORITY AND LONG EXPERIENCE ARE ALSO AMONGST
THOSE WHO HAVE NOT EVEN BEEN ASKED. THE JOKE OF IT ALL IS THAT MOST
MALE CANDIDATES BOTH INSIDE C.I.W. AND AT OTHER INSTITUTIONS WHEN
ASKED IN THE PAST ABOUT ACCEPTING A SARGEANTS POSITION AT C.I.W.
TURNED IT DOWN. ONLY A FEW ACCEPTED LARGELY BECAUSE THEY RESIDED
IN THE AREA. NOW IT IS COMMON PRACTICE AT C.I.W. NOT TO EVEN ASK.
I FEEL THAT THIS IS A VIOLATION OF CIVIL SERVICE RULES IN THAT THE
THE POSITIONS OF SARGEANT AVAILABLE AT C.I.W. IN AT LEAST TWO OF
THE RECENT PROMOTIONS MADE SINCE EARLY 1983 WERE MALE/FEMALE POSITIONS
IN WHICH MALE CANDIDATES SHOULD HAVE BEEN SOLICITED IN THE FIELD
OF THREE FOR A POSITION. I CHARGE THAT THIS WAS NOT DONE. I ALSO
CHARGE THAT THE POSITIONS OF SARGEANT TO BE FILLED AT C.I.W. NOW
WHICH ALLEDGEDLY ARE TWO (2), ONE IS OR WAS B.F.O.Q. AS A MALE/FEMALE
SLOT.

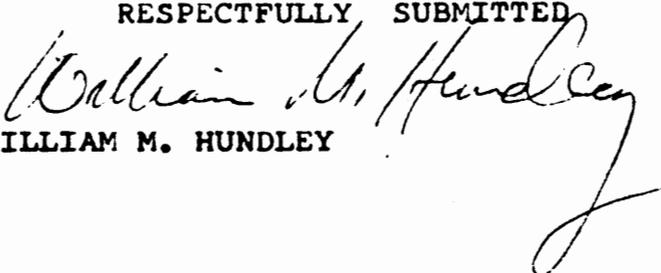
40X

I HOPE IN YOUR INVESTIGATION OF THE EMPLOYMENT PRACTICES AT CLINTON THE PAST DISCRIMINATORY PRACTICES ALONG WITH THE PRESENT PRACTICES COME UNDER CLOSE REVIEW. I WILL KEEP YOU INFORMED AS TO ANY NEW DEVELOPMENTS AS THEY MAY ARISE.

THE INFORMATION THAT I AM PROVIDING FOR YOU WAS GIVEN TO ME BY THE FEMALE CANDIDATES WHO WERE ASKED TO BE ACTING SARGEANTS. S.C.O. CAROL WOLFGANG AND S.C.O. GWEN ROBERSON THE LATTER OF WHOM ACCEPTED THE APPOINTMENT. CAROL REFUSED LOOKING UPON THE MOVE AS BEING INAPPROPRIATE DUE TO THE FACT THAT HER HUSBAND S.C.O. DAVID WOLFGANG, A FORMER MARINE SARGEANT, PASSED THE CORRECTIONS SAGEANTS TEST FOR N.J. AND WAS NEVER ASKED AND IS PRESENTLY FROZEN IN HIS POSITION AT C.I.W. PHIL DWYER HAS DENIED HIM LATERAL MOVEMENT DESPITE HIS OUTSTANDING QUALIFICATIONS.

NOW ISN'T THAT GOOD FOR MORALE !

RESPECTFULLY, SUBMITTED


WILLIAM M. HUNDLEY



State of New Jersey

CORRECTIONAL INSTITUTION FOR WOMEN
DRAWER E
CLINTON, N. J. 08809

TELEPHONE: 201-735-7111

May 31, 1983

To Whom It May Concern:

I agree to work each Friday in the male housing unit thereby amending my present bidded job description to:

2:30 p.m. shift

Main Gate Monday thru Thursday

Male Housing Unit Friday

Sat. & Sun. R.D.O.

Sr. C.O. Billy Gardner

Mr Gardner does not agree to the above job description in that he feels he wants to work the male housing unit on an overtime basis, and he also realizes that he could be held to his bidded post and could possibly not bid out because there would possibly not be a male officer available to fill his Male Unit slot.

Capt Block

42x



State of New Jersey

CORRECTIONAL INSTITUTION FOR WOMEN
DRAWER E
CLINTON, N. J. 08809

TELEPHONE: 201-735-7111

May 31, 1983

To Whom It May Concern:

I agree to work each Saturday in the male housing unit, thereby amending my present bidded job description to read as follows:

2:30 p.m. Shift

S.A. #2 Sunday thru Wednesday

Male Housing Unit Saturday

Thursday & Friday R.D.O.

Sr. C.O. George Wirth

Mr Wirth refuses to sign because he does not want his present job description changed as a permanent condition. Mainly, because he is aware that he could possibly be prevented from bidding out if no male replacement could be found for his Saturday assignment without question.

Capt Block

43x

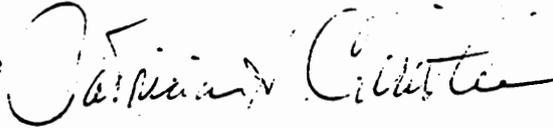
6-1

DEPARTMENT OF CORRECTIONS
CORRECTIONAL INSTITUTION FOR WOMEN, CLINTON
INTER OFFICE COMMUNICATION

TO Senior Correction Officer Carl Stoneback

Date March 11, 1985

FROM Patricia A. Christie
Acting Captain



SUBJECT Transportation Officer Posts

We have been advised that effective immediately transportation officers at the Correctional Institution for Women, Clinton, New Jersey are to be female only unless the transportation of a male inmate is necessary.

Consequently, you will no longer be a bid Transportation Officer. You will retain your days off for a period of six months during such time you may take any opportunities to bid on another position.

If you have any questions regarding this please feel free to contact me and I will try to be of assistance to you.

GRIEVANCE PROCEDURE FORM

NOTE: Every section must be completed on this form.

DO NOT WRITE IN THIS SPACE (For Office Use Only)

Submitted by: Employee Name: (Last, First, Middle Initial) CARL D. STONEBACK, JR. Title: SR. CORRECTION OFF
 Address: BOX 255 RR #1 ASBURY, N.J. 08802
 Department: Corrections Division, Institution or Agency: CIW

NAME OF EMPLOYEE	DATE OF GRIEVANCE	PLACE OF EMPLOYMENT

DATE OF GRIEVANCE: MARCH 15, 1985
 SUBJECT OF GRIEVANCE: NON-CONTRACTUAL CONTRACTUAL
 If grievance is contractual, state article and paragraph of contract which you claim has been violated:

EMPLOYEE'S STATEMENT OF GRIEVANCE: (Attach additional sheets if necessary)
We, Correction Officers Stoneback and Nessim were taken out of our bidded transportation positions to satisfy grievances filed @ other prisons. This is a discrimination of our bidding rights.

TO CORRECT MY GRIEVANCE THE FOLLOWING SHOULD BE DONE:
Reinstate both correction officers Stoneback and Nessim into their bidded Transportation positions.

I WILL REPRESENT MYSELF (OR) MY REPRESENTATIVE WILL BE:
 Name Ebby High Title SR. Correction Off. Employee Organization (If Any) _____

● SIGNATURE OF EMPLOYEE Carl D. Stoneback, Jr. DATE March 15, 1985

ANSWER BY IMMEDIATE SUPERVISOR:
 SIGNATURE _____ (Immediate Supervisor) _____ (Date of Hearing) _____ (Date Decision Rendered)

I acknowledge settlement of my grievance.
 ● SIGNATURE OF EMPLOYEE _____ DATE _____

I APPEAL DECISION AND REQUEST STEP 2 HEARING DATE OF APPEAL _____ APPEAL RECEIVED BY (FOR SUPERVISION) _____ DATE RECEIVED _____

EMPLOYEE'S REPRESENTATION FOR STEP 2 HEARING:
 Name _____ Title _____ Employee Organization (If Any) _____

ANSWER BY INTERMEDIATE SUPERVISOR:
 SIGNATURE _____ (Immediate Supervisor) _____ (Date of Hearing) _____ (Date Decision Rendered)

I acknowledge settlement of my grievance.
 ● SIGNATURE OF EMPLOYEE _____ DATE _____

STEP 1
STEP 2

46x

OFFICE MEMORANDUM

JUNE 4, 1980

TO Mr. G. C. Anthony Rossini

SUBJECT Re-assignment

Effective Saturday, June 14, 1980, you will be assigned to the second shift as transportation officer with Saturday and Sunday as regular days off as a result of your job bid.

Normal hours will be from 8 A.M. to 4 P.M., but hours and duties will vary according to the needs of the institution.

Operations,

Lt. A. C. Mitchell

cc-Chief
Personnel
Lowe ✓
File

47X

6-2

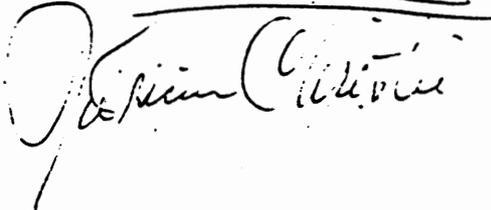
DEPARTMENT OF CORRECTIONS
CORRECTIONAL INSTITUTION FOR WOMEN, CLINTON

INTER OFFICE COMMUNICATION

TO Senior Correction Officer Anthony Nessine

Date March 11, 1985

FROM Patricia Christie
Acting Captain



SUBJECT Transportation Officer Posts

We have been advised that effective immediately transportation officers at the Correctional Institution for women, Clinton, New Jersey are to be female only unless the transportation of a male inmate is necessary.

Consequently, you will no longer be a bid for Transportation Officer. You will retain your days off for a period of six months during such time you may take any opportunities to bid on another position.

If you have any questions regarding this please feel free to contact me and I will try to be of assistance to you.

CORRECTIONAL INSTITUTION FOR WOMEN
CLINTON

TO: Anthony Nessine

DATE: 3/20/85

FR: PERSONNEL OFFICE *J. Cayton*

RE: GRIEVANCE HEARING - SECOND STEP

A Second Step Grievance Hearing has been scheduled for you regarding your

Grievance Dated: 3/15/85 Grievance # 0181

Time: 9 AM Date: Wednesday - March 27, 1985

Place: Superintendent's Office

Hearing Officer: Robert R. Walton

Union Representation: _____

CC: Mr. Walton, Chief Anderson, Center Control, Operations

49x

GRIEVANCE PROCEDURE FORM

NOTE: Every section must be completed on this form.

DO NOT WRITE IN THIS SPACE
(For Office Use Only)

Submitted by: Employee Name: (Last, First, Middle Initial) **Nessine, Anthony** Title: **Sr. Correction Officer**

Address: **20 Cherry Street Monmouth Jct, New Jersey**

Department: **Corrections** Division, Institution or Agency: **CIW**

PLACE OF EMPLOYMENT	DATE OF GRIEVANCE	NAME OF EMPLOYEE

DATE OF GRIEVANCE: **March 15, 1985**

SUBJECT OF GRIEVANCE: NON-CONTRACTUAL CONTRACTUAL

If grievance is contractual, state article and paragraph of contract which you claim has been violated:

EMPLOYEE'S STATEMENT OF GRIEVANCE: (Attach additional sheets if necessary) We Officer Nessine and Stoneback were taken out of our bidded positions, transportation, that we were qualified to hold, due to our seniority, because of a grievance filed elsewhere, at other prisons. This is discrimination of our bidding rights

Attach is copy of Divisional Standard #158.5, which supercedes any procedure.

TO CORRECT MY GRIEVANCE THE FOLLOWING SHOULD BE DONE:

Reinstate both Correction Officers Nessine and Stoneback back into our bidded transportation positions

I WILL REPRESENT MYSELF (OR) MY REPRESENTATIVE WILL BE:

Name **Ebbey High** Title **Sr Correction Officer** Employee Organization (If Any) **Officer**

● SIGNATURE OF EMPLOYEE Anthony Nessine DATE 3/15/85

ANSWER BY IMMEDIATE SUPERVISOR:

SIGNATURE _____ (Immediate Supervisor) _____ (Date of Hearing) _____ (Date Decision Rendered)

I acknowledge settlement of my grievance.

● SIGNATURE OF EMPLOYEE _____ DATE _____

I APPEAL DECISION AND REQUEST STEP 2 HEARING

DATE OF APPEAL _____ APPEAL RECEIVED BY (FOR SUPERVISION) _____ DATE RECEIVED _____

EMPLOYEE'S REPRESENTATION FOR STEP 2 HEARING:

Name _____ Title _____ Employee Organization (If Any) _____

ANSWER BY INTERMEDIATE SUPERVISOR:

SIGNATURE _____ (Immediate Supervisor) _____ (Date of Hearing) _____ (Date Decision Rendered)

I acknowledge settlement of my grievance.

● SIGNATURE OF EMPLOYEE _____ DATE _____

STEP 1

STEP 2

50X

DEPARTMENT OF CORRECTIONS
INTER-OFFICE COMMUNICATION

TO: S. Phil Dwyer, Superintendent
Richard Madden, Senior Correction Officer
Correctional Institution for Women, Clinton

FROM: *George Bruner*
George Bruner, Employee Relations Coordinator
Employee Relations/Disciplinary Hearing Section
Bureau of Personnel

SUBJECT: Grievance of Richard Madden Dated 9/22/83

DATE: January 23, 1984

The enclosed Grievance Procedure Form and the attachments thereto,
if any, contain the Departmental Level Decision on the subject grievance.

GB:ml
Enclosures
cc: Irv Angstadt
Edward Murphy

20100

STATE OF NEW JERSEY

GRIEVANCE PROCEDURE FORM

NOTE: Every section must be completed on this form.

DO NOT WRITE IN THIS SPACE (For Office Use Only)

SUBMITTED BY:

Name of Employee GROUP GRIEVANCE Title SENIOR CORRECTION OFFICERS

Department CORRECTIONS Division, Institution or Agency CLINTON INSTITUTION FOR WOMEN

DATE OF GRIEVANCE: 9/22/83

SUBJECT OF GRIEVANCE: NON-CONTRACTUAL CONTRACTUAL
If grievance is contractual, state article and paragraph of contract which you claim has been violated:

PLACE OF EMPLOYMENT	DATE OF GRIEVANCE	NAME OF EMPLOYEE

14-2011

EMPLOYEE'S STATEMENT OF GRIEVANCE: (Attach additional sheets if necessary)

This institution has always honored the PBA contract in regards to job bidding. Lately however, when male correction officers exercise the right of job bidding, the administration does not always honor that right as they do with female officers. Female officers enjoy full rights of job bidding. (Cont'd)

TO CORRECT MY GRIEVANCE THE FOLLOWING SHOULD BE DONE:

The Department of Civil Service must force the Department of Corrections to certify male officers at Clinton.

I WILL REPRESENT MYSELF (OR) MY REPRESENTATIVE WILL BE:
Name ATTACHED LIST OF GRIEVANTS Title SENIOR OFFICERS Employee Organization (If Any)

● SIGNATURE OF EMPLOYEE ATTACHED LIST OF GRIEVANTS DATE 9/22/83

STEP 1

ANSWER BY IMMEDIATE SUPERVISOR:

SIGNATURE _____ (Immediate Supervisor) _____ (Date of Hearing) _____ (Date Decision Rendered)

I acknowledge settlement of my grievance.
● SIGNATURE OF EMPLOYEE _____ DATE _____

STEP 2

I APPEAL DECISION AND REQUEST STEP 2 HEARING DATE OF APPEAL _____ APPEAL RECEIVED BY (FOR SUPERVISION) _____ DATE RECEIVED _____

EMPLOYEE'S REPRESENTATION FOR STEP 2 HEARING:
Name _____ Title _____ Employee Organization (If Any)

ANSWER BY INTERMEDIATE SUPERVISOR:

See Attached Sheet. **New Jersey State Library**
SIGNATURE [Signature] 10/6/83 10/14/83
S. PHIL OWEN, Superintendent (Date of Hearing) (Date Decision Rendered)

I acknowledge settlement of my grievance.
● SIGNATURE OF EMPLOYEE _____ DATE _____

STATE OF NEW JERSEY GRIEVANCE PROCEDURE FORM (Continued From Other Side)

STEP 3

<input checked="" type="checkbox"/> I APPEAL DECISION AND REQUEST STEP 3 HEARING	DATE OF APPEAL <u>10/17/83</u>	APPEAL RECEIVED BY (FOR MANAGEMENT) <u>Julie [unclear]</u>	DATE RECEIVED <u>10/17/83</u>
EMPLOYEE'S REPRESENTATION FOR STEP 3 HEARING			
Name <u>[unclear]</u>	Title <u>Sec. Asst. Officer</u>	Employee Organization (If Any) <u>LOS</u>	
Name <u>Richard Madden</u>	Title <u>Sec. Asst. Officer</u>	Employee Organization (If Any) _____	
Name _____	Title _____	Employee Organization (If Any) _____	
MANAGEMENT DECISION:			
SEE DEPARTMENTAL LEVEL DECISION:			
SIGNATURE _____		(Date of Hearing) _____	(Date Decision Rendered) _____
(Management Representative)			
I acknowledge settlement of my grievance.			
● SIGNATURE OF EMPLOYEE _____		DATE _____	

STEP 4

<input type="checkbox"/> I APPEAL DECISION AND REQUEST STEP 4 HEARING	DATE OF APPEAL	APPEAL RECEIVED BY (FOR MANAGEMENT)	DATE RECEIVED
EMPLOYEE'S REPRESENTATION FOR STEP 4 HEARING			
NAME	ADDRESS	TITLE	EMP. ORG. (IF ANY)
MANAGEMENT DECISION:			
SIGNATURE _____		(Date of Hearing) _____	(Date Decision Rendered) _____
(Management Representative)			

<p>CHECK ONLY ONE BOX AND SIGN</p> <p>➔</p>	<p><input type="checkbox"/> I acknowledge settlement of my grievance.</p> <p><input type="checkbox"/> I request that my non-contractual grievance be reviewed by the Division of Personnel Management and Employee Development, Department of Civil Service. See Subpart 23-2.102d(1).</p> <p><input type="checkbox"/> Employee Organization requests that contractual grievance pertaining to Article of the contract be advanced to Step Five. See Subpart 23-2.102d(2).</p> <p>● SIGNATURE _____ DATE _____</p> <p style="text-align:center; font-size: small;">(Employee or Employee Organization)</p>
--	--

GROUP GRIEVANCE SENIOR CORRECTION OFFICERS CIW

STATEMENT OF GRIEVANCE CONTINUED

Male senior officers covered by the PBA 105 have been told they have no choice of shift, job change or days off through job bidding. This is discrimination against the male officers at Clinton by both the Department of Corrections and the State PBA 105; in as much as they are both not enforcing the contract in the spirit in which it was intended. It appears that the Department of Corrections and Civil Service have conspired in the non-certification of male correction officer recruits at Clinton. This male/female prison has not hired a male officer in over seven (7) years from the civil service list. Clinton has successfully bypassed male candidates with higher test scores, veterans preference and even disabled veterans preference.

Clinton has over fifty (50) positions where either a male or female can work and only twenty-one (~~21~~) male officers.

2408-687

1. Judson D. Ward
2. Laurence Foster
3. William H. Wilson
4. Richard W. Moxter
5. Ebbie Lee High
6. Edward Newman
7. Raymond Titus
8. Joseph S. Felt
9. William M. Hurdley
10. George North
11. David W. Duggins
12. Bill Gardner
13. Donald H. Elkins
14. Raymond J. Salgo
15. C. E. Cottrell

17. Terry Peters
18. Carl Stouback
19. Owen Johnson
20. Felicia Lane
21. DeFavetti
22. B. Gaines
23. Anita Candice
24. Harrison Griffin
25. M. Bogli

Group Grievance - Step 2
Hearing on October 6, 1983

This non-contractual group grievance was heard at Step 2 after it was mutually agreed upon to bypass Step 1 since changes could not be effected at that level. This group grievance was signed by twenty-five (25) Correction Officers at this institution and on the date of the hearing, seven (7) of those officers appeared as witnesses and two (2) appeared as presenters. It is important to note that of the twenty-five (25) officers signing the group grievance, six (6) of the individuals were female Correction Officers and that the first paragraph of the grievance clearly applauds the institution's adherence to the contract with regard to female Correction Officers and the job bidding process. Thus, six (6) of the twenty-five (25) individuals did not, in fact, have a grievance although they did sign the form provided.

Of the nine (9) officers who appeared at the hearing, three (3) of those officers have been personally affected by the job bidding situation, but the other six (6) stated they have never been denied a job after successfully bidding on same. It was noted by three (3) of the officers that they felt the situation could affect them in the future. Of the three (3) officers who have been personally affected by the situation, two (2) of those officers have filed individual grievances (Ukinus and Madden) and in one case the institution was supported at the Third Step by Central Office and in the other case the Third Step has yet to be heard.

The situation as it exists at Clinton, the only women's prison in the State of New Jersey, is that it is also the only institution in the State to house both male and female inmates. And, since some of the officers do not wish to work in the male inmate housing unit, it is necessary to assign by inverse order of seniority those officers affected. Thus, the male Correction Officers with the least amount of seniority working at the Correctional Institution for Women will be assigned to work in the male unit if there are not enough volunteers to bid on the appropriate housing and relief officer jobs when bidden. It is not true that male Correction Officers at this institution have been told "they have no choice of shift, job change or days off through post bidding". Male officers have been able to bid on other jobs and will continue to bid on other jobs unless they are one of the 5.4 Correction Officers needed to operate the male inmate housing unit.

It is true that the institution has not hired male Correction Officers from the Civil Service list for some time but it is also true that the positions that have been available when the list has been requested have been BFOQ positions. Although it is not clearly stated in the grievance, it is this Hearing Officer's opinion that the grievants

Group Grievance - Step 2
Hearing on October 6, 1983
Page 2

are contesting the entire application of the BFOQ concept. The specific need for male Correction Officers at this institution is directed to the male inmate housing unit and other related programs. Thus, there is a basic minimum need for approximately nine (9) male Correction Officers to supervise, transport and search the twenty-eight (28) male inmates currently assigned to this institution while we currently have a custody staff of 137 female Correction Officers and 20 male Correction Officers.

It is the opinion of this Hearing Officer that the Correctional Institution for Women has complied, and continues to comply, with Department Standards 158: Assignment of Correction Officers by Sex; the Contractual Agreement of the Law Enforcement Unit; and the BFOQ Guidelines promulgated by the State of New Jersey and the Department of Corrections. In so doing there is no evidence that discriminatory practices against male Correction Officers exists at this institution. It is my decision that this grievance is denied.

In addition to not finding any basis for this discriminatory grievance, it is this Hearing Officer's opinion that complaints will continue to be made until one of two things happen. First, the Department modify Standard 158 and permit Correction Officers to work in housing units of inmates of the opposite sex. Second, that the twenty-eight (28) male inmates currently residing at the Correctional Institution for Women be transferred to the Annandale institution along with five (5) male Correction Officers with the least amount of seniority to provide appropriate housing coverage. One, or both, of these suggestions would eliminate the problem.



S. PHIL DWYER
Superintendent

DEPARTMENT LEVEL GRIEVANCE PROCEEDING

Richard Madden, Senior Correction Officers, et al.
Correctional Institution for Women, Clinton
L84-20nc

The grievants, Senior Correction Officers at the Correctional Institution for Women, Clinton (C.I.W.), have filed a non-contractual group grievance alleging that male Correction Officers at C.I.W. are denied equal treatment and opportunity in the job-bidding process.

Present at the proceeding were:

Senior Correction Officer, Richard Madden, Grievant
Senior Correction Officer, George Wirth, Grievant
S. Phil Dwyer, Superintendent, C.I.W.
Ed Murphy, President, PBA Local #105
Richard M. Thuring, Esq., Private Attorney for Grievants

Prior to the hearing, Mr. Thuring and the grievants conferred with Mr. Murphy. Following this conference, Mr. Murphy informed the hearing officer that the Association does not sanction this grievance and would not consent to processing it.

The hearing officer notes that the Law Enforcement Unit Agreement, ARTICLE XI, GRIEVANCE PROCEDURE, SECTION D., GENERAL RULES AND PROCEDURES, PARAGRAPH 4., in its entirety, states:

4. Where a grievance directly concerns and is shared by more than one grievant, such group grievance may properly be initiated at the first level of supervision common to the several grievants, with the mutual consent of the parties as to the appropriate step. The presentation of such group grievance will be by the appropriate Association representative(s) and one of the affected grievants designated by the Association. A group grievance may be initiated by the Association.

In compliance with the provision of the Law Enforcement Unit Agreement which requires that "presentation of such group grievance will be by the appropriate association representative(s)", and absent the association's agreement to process the grievance, the hearing officer informed all parties that the scheduled hearing would not be held.

The Department of Corrections recognizes the Association's prerogative to decline to process a group grievance as set forth above.

Accordingly, the Department of Corrections considers this matter to be closed and all materials are returned to the respective parties.

Frederick W. Stevens
Frederick W. Stevens
Hearing Officer

William H. Fauver
William H. Fauver, Commissioner
Department of Corrections

December 8, 1982

To; W. R Anderson, Director of Custody Operations

From; Donald W. Uknuis Senior Correction Officer

Donald W. Uknuis
Subject; Re-assignment

In accordance with the agreement between the State of New Jersey and The P.B.A. page 51, I refuse reassignment to the third shift, 2;30 PM-10;30 PM. Relief post #13, effective December 18, 1982. with RDO,S Monday and Tuesday.

Reassignment

2. Reassignments of employees may be made in accordance with the fiscal responsibilities of the appointing authority; to improve or maintain operational effectiveness; or to provide employee development and job training or a balance of employee experience in any work area. Wheresuch reassignments are not mutually agreed to, the appointing authority will make reassignments in inverse order of the job classification seniority of the employees affected.

DEPARTMENT OF CORRECTIONS
CORRECTIONAL INSTITUTION FOR WOMEN, CLINTON
INTER OFFICE COMMUNICATION

TO Correction Officer D. Uknuis

Date December 14, 1982

FROM

Wm Anderson

W. R. Anderson, Director of Custody Operations

SUBJECT Re-assignment

Several weeks ago the shift schedules were re-aligned to improve the operational effectiveness. As a result, several post relief jobs were absorbed by other post reliefs, this, in effect, left you with no specific work assignment.

On December 6, 1982, I sent you a memorandum informing you that you were being re-assigned in accordance with the PBA Contract, page 51. On December 8, 1982, you responded, "I refuse re-assignment to the third shift, 2:30 PM-10:30 PM, relief post #13, effective December 18, 1982, with RDO's Monday and Tuesday."

Please be advised that my re-assignment of you is still effective December 18, 1982, and that there is no other position available to you for employment at this institution.

WRA:cal
cc: Mr. Dwyer
file

0000

STATE OF NEW JERSEY GRIEVANCE PROCEDURE FORM

NOTE: Every section must be completed on this form.

DO NOT WRITE IN THIS SPACE
(For Office Use Only)

NAME OF EMPLOYEE
DATE OF GRIEVANCE
PLACE OF EMPLOYMENT

SUBMITTED BY:

Name of Employee _____ Title _____
(Last, First, Middle Initial) Division, Institution or Agency _____
Department _____

DATE OF GRIEVANCE:

Feb 12, 1982

SUBJECT OF GRIEVANCE:

NON-CONTRACTUAL CONTRACTUAL

If grievance is contractual, state article and paragraph of contract which you claim has been violated: Article 2, Paragraph 21

EMPLOYEE'S STATEMENT OF GRIEVANCE: (Attach additional sheets if necessary)

Reassignments were made in inverse order of the job classification seniority of the employees affected.

TO CORRECT MY GRIEVANCE THE FOLLOWING SHOULD BE DONE:

Low person in seniority should fill Relief #13 Post.

I WILL REPRESENT MYSELF (OR) MY REPRESENTATIVE WILL BE:

Name P. Rush Title Senior Correction Officer Employee Organization (If Any) P.B.A.

● SIGNATURE OF EMPLOYEE _____ DATE _____

ANSWER BY IMMEDIATE SUPERVISOR:

Your reassignment was made in accordance with the fiscal responsibilities of the institution. It was necessary that relief coverage be provided for the male housing unit (Cottage C) by a male senior correction officer in keeping with the Post Trick Analysis. You were selected for this assignment and therefore reassigned because you were the male Special Assignment Officer with the least seniority. No other male employee was affected by this reassignment.

SIGNATURE _____ (Immediate Supervisor) (Date of Hearing) (Date Decision Rendered)

I acknowledge settlement of my grievance.

● SIGNATURE OF EMPLOYEE _____ DATE _____

I APPEAL DECISION AND REQUEST STEP 2 HEARING DATE OF APPEAL _____ APPEAL RECEIVED BY (FOR SUPERVISION) _____ DATE RECEIVED _____

EMPLOYEE'S REPRESENTATION FOR STEP 2 HEARING:

Name _____ Title _____ Employee Organization (If Any) _____

ANSWER BY INTERMEDIATE SUPERVISOR:

A hearing on the above grievance was held on February 9, 1983. Grievant asserts that Appendix I, Reassignment A.2, of the Law Enforcement Unit Agreement was violated in that a person with less seniority should have filled the vacancy. Reassignment of grievant was done in accordance with the above stated agreement. Providing relief coverage for the only male housing unit at this institution, necessitated

(Continued on Page 2)

SIGNATURE Lueva Lewis 2/9/83 2/14/83
LUEVA LEWIS, EXECUTIVE ASSIGNMENT SUPERVISOR (Date of Hearing) (Date Decision Rendered)

I acknowledge settlement of my grievance.

● SIGNATURE OF EMPLOYEE _____ DATE _____

the reassignment of a male Senior Correction Officer to the 2:30 - 10:30 shift thereby enhancing operational effectiveness.

You position was the only one affected since you were the male Special Assignment Officer with the least seniority. No other male Correction Officers were affected.

This hearing officer finds that there is no valid claim that Appendix I, A.2 of the Law Enforcement Agreement was violated, therefore, the grievance is denied.

L. E. Lewis
LUEVA LEWIS, Executive Assistant

2-9-83
Date of Hearing

2-14-83
Date Decision Rendered

LL;pw

0070

STATE OF NEW JERSEY

GRIEVANCE PROCEDURE FORM

NOTE: Every section must be completed on this form.

DO NOT WRITE IN THIS SPACE
(For Office Use Only)

SUBMITTED BY:

Name of Employee Donald Donald W
(Last, First, Middle Initial)

Title Senior Corrections Officer

Department Corrections

Division, Institution or Agency South Jersey State Prison

DATE OF GRIEVANCE:

09/13/83

SUBJECT OF GRIEVANCE:

NON-CONTRACTUAL CONTRACTUAL

If grievance is contractual, state article and paragraph of contract which you claim has been violated:

EMPLOYEE'S STATEMENT OF GRIEVANCE: (Attach additional sheets if necessary)

I was posted to a female housing unit with less seniority than 4 other male officers. This is an unfair assignment.

TO CORRECT MY GRIEVANCE THE FOLLOWING SHOULD BE DONE:

Both men should be awarded to position of most seniority. I have experience plus seniority over officer who was awarded job. I would like to know why she was awarded job over me?

I WILL REPRESENT MYSELF (OR) MY REPRESENTATIVE WILL BE:

Name Donald W. Lewis Title Senior Corrections Officer Employee Organization (If Any) State Prison

● SIGNATURE OF EMPLOYEE Donald W. Lewis DATE June 22, 1983

ANSWER BY IMMEDIATE SUPERVISOR: The South Hall Booth job, as described in your statement should be awarded to you at such time as when your present administrative assignment can be filled with another male. Acting upon your suggestion given during your grievance hearing that two other male officers were willing to work in the male housing unit on the days you are presently scheduled to relieve there, Fri. & Sat. Both men were contacted. Inasmuch as working the male unit on a regular basis differed from their original bidden job description, the description had to be revised indicating the change in their 5 day work week. They refused to agree to the change. See attachment.

SIGNATURE _____ (Immediate Supervisor) DATE _____ (Date of Hearing) DATE _____ (Date Decision Rendered)

I acknowledge settlement of my grievance.

● SIGNATURE OF EMPLOYEE _____ DATE _____

I APPEAL DECISION AND REQUEST STEP 2 HEARING DATE OF APPEAL _____ APPEAL RECEIVED BY (FOR SUPERVISION) _____ DATE RECEIVED _____

EMPLOYEE'S REPRESENTATION FOR STEP 2 HEARING: Name _____ Title _____ Employee Organization (If Any) _____

ANSWER BY INTERMEDIATE SUPERVISOR:

A hearing was held on June 16, 1983.

Grievant contends that job posted for bid is a male/female position and that the bid should have been awarded to the person with the most seniority. Grievant is correct in that the bid should have been awarded to the most senior person. However, you refuse to accept the fact that your current job post necessitates relieving the only male (continued on page 2)

6/16/83 6/20/83

SIGNATURE Laura Lewis, Executive Assistant (Immediate Supervisor) DATE _____ (Date of Hearing) DATE _____ (Date Decision Rendered)

I acknowledge settlement of my grievance.

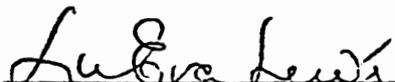
● SIGNATURE OF EMPLOYEE Donald W. Lewis DATE June 22, 1983

Grievance Hearing - contd.
June 16, 1983
Donald W. Uknuis, Sr. Correction Officer

housing unit here at CIW and that females do not relieve this unit.

As described in your Step I decision and the memorandum issued on May 31, 1983 by W. Anderson, Director of Custody Operations, you have been awarded the job bid. Your assignment to your awarded bid will take place when your present assignment can be filled with another male officer.

This administration regrets any inconvenience this may cause you, but this is a female prison and there are very few jobs that require the services of male correction officers.


LuEVA LEWIS
Executive Assistant

6/16/83
Date of Hearing

6/20/83
Date Decision Rendered

LL:pw

Peter J. Rivera
P.O. Box 592
Bordentown, N.J. 08503
November 21, 1985

State of New Jersey
Commission on Sex Discrimination
in the Statutes
142 West State Street
CN 095
Trenton, N.J. 08608

~~REDACTED~~

Enclosed you will find letters that I had sent to the Burlington County Freeholders concerning the problem of discrimination and prejudice that I have come upon as an employee of the Burlington County Jail. I realized by attending your meeting on Tuesday, Nov. 19, 1985, that I am not the only one in need of help.

As of Friday, Nov. 22, 1985, I shall be terminated from my employment from charges filed against me as a County Correction Officer. My main claim of injustice against me is discrimination which is the real reason for terminating me from my job.

All of the above information is considered of vital information to you. The reason being that this problem will not stop on Friday with me being fired. I shall be appealing this case and I shall bring it to the public through the media.

I sincerely hope that your committee will continue to fight discrimination in the State of New Jersey and that you will be of some help to me. Thank you for giving me this opportunity to bring this matter to your attention.

Respectfully,



Peter J. Rivera

cc. Governor T. Hean

PBA # 249

Board of Chosen Freeholders

Of The County of Burlington
MOUNT HOLLY, NEW JERSEY
08060



OFFICE OF THE
BOARD OF CHOSEN FREEHOLDERS

Martha w. Bark
Michael J. Conda
Henry W. Metzger
Robert C. Shinn, Jr
Bradford S. Smith

Charles T. Juliana
Clerk/Administrator

609-261-5020

September 6, 1985

To : William Jemison, Jail Administrator
From: Charles T. Juliana, Clerk/Administrator
Re : Attached memo - Pete Rivera

Attached please find a letter received from Pete Rivera, Correction Officer. I would appreciate your comments relating to the issues raised.

cc: Rivera
Mosea
Nadolsei 9/6/85
No ATTACHMENTS

SINCE RECEIVING THIS LETTER,
THE ADMINISTRATION AND
CORRECTIONAL STAFF HAS BEEN
OUT TO GET ME.

October 1, 1985

Dear Sir;

I would like to file a grievance against Sgt. Hallums and Sgt. Cole in respect to September 29, 1985 of evading their duties and responsibilities while hindering and interfering with my work hours and post.

The grievances being that he shall be responsible to see that all officers under his supervision are familiar with those rules and regulations necessary for the proper operation of their respective posts, and that such orders are complied with. Also, he shall see that all posts are properly supervised at all times, and that assigned officers remain on post until properly relieved. The reasons for these complaints is that on September 29, 1985 about 9:30 a.m. while on Post 3B I heard a loud banging from Post 3 door. I checked around and heard the banging again, as I went to see what was happening I saw Sgt. Hallums inside the well with five inmates. I immediately opened the door, then the Sgt. asked me where was Post 3 officer. I told him that I did not know but that I could help him. He told me that the five inmates were going to the I.D. unit, to check their I.D. cards and send them to the tank. At this time Officer Henley came out of the clinic, screaming and shouting "that what the hell I was doing on her post with all those inmates in the hallway". I told her to ask the Sgt, that he had authorized me to let the inmates in the hallway. After this the Sgt. authorized me to back to my post and said that he would talk to her about the incident later. Also, at 12:00 p.m. the same incident occurred again. She was not on Post 3 and Sgts. Hallums and Cole were again in the well. At this time Sgt. Cole reprimanded me for not being on her post. Also, at 2:25 Off. Henley refused to accompany me to do cell inspections and floor discrepancies. I reported the incident to Sgt. Hallums and he accompanied me on the check. At no time did the Sgt. bring it to her attention.

Respectfully,


Pete Rivera

November 12, 1985

P.S.

Also, I want to inform you that in 1982 I was employed by the Bordentown Correctional Youth Institute. I was terminated from my position of Correction Officer by Mr. Jemison. This is not a fresh wound, this is history repeating itself with the same person in command.

At this time I'd like to thank you for being so helpful in making it possible for me to go to the academy. I finally went from Oct. 3, 1985 until Nov. 11, 1985. I believe that I have had enough training to prove my point.

On November 15, 1985 I will be having a hearing at BCJ because of charges filed against me. At this time it will be determined if I will be terminated or kept on as a correction officer. But, the decision that is to be determined on Friday has already been made. It is to have me fired.

cc: Freeholders C.T. JULIANA
B.S. Smith.

Sincerely,



(2)

68X

Peter J. Rivera
P.O. Box 592
Bordentown, N.J. 08505
November, 12, 1985

Mr. Charles T. Juliana
Clerk/Administrator
Bd. of Chosen Freeholders
49 Rancocas Road
Mt. Holly, N.J. 08060

Dear Mr. Juliana:

This letter is in reference to myself, Peter J. Rivera, concerning the matter of two prior letters brought to your attention of discrimination and prejudice against me at the Burlington County Jail. I am at this time bringing important information to your office before I decide to bring it to the public through the media.

I firmly believe that since informing you in September of this problem that the ECJ administration has been out to get me. In one week I was given three separate charges. After one and a half years on the job with no incidents, a college degree in Criminal Justice/Corrections Administration, a member of the American Correction Association, and a very serious and dedicated person to my profession all this has happened since they found out that I contacted you.

I have filed charges against the Administration and some of the Correctional staff to no avail. But, let these same people make charges against me and as soon as possible I am written up, which has happened.

Some of the incidents of discrimination shown has been that the majority of officers that have been terminated or suspended have been white. Some of the officers are D. Chilton, T. Burke, J. Jones, R. Simpkins, E. Manzella, K. Corkery and Costa who are all white. The black officers only get demoted or transfer of duties from one jail to the other. An incident of more serious nature is that of one (Off. Dixon) being caught at MSF of sexual contact with a female inmate. No punishment. A second incident of the same nature that happened recently at MSF in which her actions were detected by the Sergeant on duty, the only punishment was to have her transferred to ECJ. Incident of Off. Henley from MSF bringing on drugs to her sister an inmate at MSF. She was transferred to ECJ. Incident of the Warden Mr. Jemison removing county property of one lawn tractor from MSF to the residence of Off. Corley of 12 Seely Dr. Mt. Holly for her personal use, who was dating Mr. Jemison at the time. Witnesses to this are Ex-Sgt. (Off. Davis) and C/O. Shevlin. Incidents of romantic affairs between the administration such as Lt. Hedd a married man involved with a ECJ female C/O Karen Johnson, Lt. Williams involved with a ECJ I.D. officer R. Turner. The administration is denouncing such behavior of its staff while at the same time engaging in such behavior.

The main reasons for their discrimination and prejudice is because I am willing to perform my duties professionally and that I go by the book on rules and regulations. My first priority is the security and the well being of the inmates. Maybe if I was to do something unbecoming an officer as everyone seems to be doing, I'd fit into the majority and I would not be harassed or hassled so much. As a closing line ECJ is out to get me one way or another.

Sincerely,



Pete Rivera C.O.
Burlington County Jail
30 Grant St.
Mt. Holly, N.J. 08060
September 11, 1985

Mr. Charles T. Juliana
Clerk/Administrator
Bd. of Chosen Freeholders
49 Rancocas Road
Mt. Holly, N.J. 08060

Dear Mr. Charles T. Juliana;

The following letter is in respect to the Burlington County Jail chain of command and administration. Since the Burlington County Jail received my letter claiming prejudice and discrimination I have been pressured and humiliated by my superiors. Also, I believe that it is more than just a coincidence that I have just been given a charge of insubordination. I also would like to thank you for response to my letter it was kindly received. Enclosed is a photocopy of the charge that I was given.

Respectfully,


Pete Rivera

Pete Rivera
Correction Officer
Burlington County Jail
30 Grant Street
Mt. Holly, N.J. 08060
September 5, 1985

Mr. Charles T. Juliana
Clerk/Administrator
Bd. of Chosen Freeholders
49 Rancocas Road
Mt. Holly, N.J. 08060

Dear Mr. Charles T. Juliana;

I would like for you to study and review all aspects of the Criminal Justice System, Dept. of Corrections, relating to the disposition of COTA training and weekly training.

It is to my understanding that the new administration is playing favoritism and discrimination based on proven past records. They are not enforcing the seniority priority that we accumulate on the job. I have on numerous occasions approached the administration personnel about certain problems and no one seems to do anything about it.

I have been denied my rights to proper training on a weekly or monthly basis and also at the academy. My name is Pete Rivera, I am a Correction Officer at the Burlington County Jail since June 6, 1984. I am claiming favoritism and discrimination because people that have less seniority than myself have had weekly training, have had COTA training or are on the list to attend COTA.

I am a holder of an Associate Degree in Criminal Justice/Corrections Administration and I have been performing my duties in the field of corrections for over two and a half years. I was also denied the right to apply to take the Sergeants exam. According to the Civil Service Commission it was required 1 year in Corrections and I believe that my educational background and work experience would substitute for the 1 year required.

Enclosed are photocopies of some of my proven findings of trainings that I have been excluded from.

I respectfully request that your honor take note and see that this matter is handled to the best of your abilities as a chosen member of our community.

Respectfully,

Pete Rivera

NEW JERSEY STATE PRISON
RAHWAY, N. J.

TO: Sergeant Fluker
FR: Tom Julian *Tom Julian*
Director of Custody Operations
RE: Posts for Female Sergeants

DATE: January 18, 1965

To explain further our conversation of this morning regarding posts that a female sergeant can work at Rahway State Prison, they are:

Mailroom
Disciplinary

This is because all other posts involve strip searching male inmates.

In the event a position opens up that you would qualify for; I will consider your request, along with other qualified persons, for the position.

As for your request for R.D.O. of Sunday, this is out of the question at this time because the R.D.O. for the Mailroom Sergeant is Monday and Tuesday so the mailroom sergeant is on duty during visit days.

The Disciplinary Sergeant has Friday and Saturday off in order to have the regularly assigned Disciplinary Sergeant on duty and well briefed when the disciplinary hearing officer comes to Rahway State Prison on Monday mornings.

c: Mr. Rufferty
Mr. Arvanzo
file

pjc



State of New Jersey
DEPARTMENT OF CORRECTIONS
WHITTLESEY ROAD
POST OFFICE BOX 7387
TRENTON, NEW JERSEY 08628

WILLIAM H. FAUVER
COMMISSIONER

RICHARD A. SEIDL
DEPUTY COMMISSIONER

February 1, 1985

Sgt. Bernice Fluker
State Prison Rahway
Lock Bag R
Rahway, New Jersey 07065

Dear Sgt. Fluker:

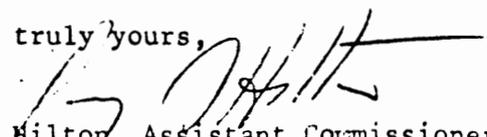
Commissioner Fauver has referred your undated letter to me for response. At my direction your concerns were researched and the following appears to be an accurate summary of your concerns based on results of information received due to my inquiry.

In the past there was a meeting in the Superintendent's Office in the presence of the union representatives to discuss your request to leave the third shift and accept an assignment on the first shift. The final result of that meeting was that you refused the first shift at that time because it did not have the days off that you desired. Subsequently you met recently with the Deputy Keeper regarding the first shift assignment and was informed that the mailroom position was open should you be interested in applying for that position. After initially refusing that position it is my understanding that you have accepted that position as a regular assignment.

In a recent discussion between Superintendent Rafferty and Deputy Director Hicks, Mr. Hicks was informed that the institution planned to formally request a BFOQ for supervisory officers that will spell out those areas you and/or any other qualified female officer may supervise where routine regular strip searching of inmates is not a consideration.

Under the circumstances it would appear that since you have been transferred to the first shift and the institution is taking steps to formalize its BFOQ, any concerns you may have in this area have been answered or any future concerns will be answered once the BFOQ is formally approved by the Department of Civil Service.

Very truly yours,


Gary Hilton, Assistant Commissioner
Division of Adult Institutions

GJH:SH:pag

cc: Commissioner William Fauver
Superintendent John Rafferty

74x

Rahway State Prison
Lock Bag "R"
Rahway, New Jersey 07065

State of New Jersey
Department of Corrections
Office of the Commissioner
Whittlesey Road
Trenton, New Jersey

Dear Commissioner Fauver,

I telephoned your office on 18 Jan. 1985 and spoke to Mr. Hicks in reference to the following matter: What position in Rahway State Prison can I not work as a custody supervisor of the rank of sergeant (female)? My reason for this question is that due to my standing as the Department's first female sergeant ^{here} Chief Deputy (Mr. Julian) is at a loss at how to address the matter. It is at his suggestion, with which I concur, that we ask that the situation be addressed by your office.

Enclosed is a listing of where female officers are allowed and not allowed to work but as you see, this listing is for officers, not supervisors. You might ask why this situation was not brought to your attention before, it has existed since June, 1982. The answer is that I've asked to come off of the third (night) shift after being assigned to it for over two years. I have also asked for a position with set regular days off of Sunday & Monday.

I was informed by my chief deputy that seniority is not recognized as a criteria for assignment of off days but for vacation picks only. Also, due to the Attorney General's ruling, I could not work within an inmate housing area. All I could look forward to is the institutional mailroom with assigned days off of Monday & Tuesday or continued assignment to the third shift; "Take it or leave it."

Sir, my assigned position is now area supervisor from 10:00PM to 6:00AM. Part of my area of responsibility includes inspecting all areas of Rahway Prison including dormitories. I am also responsible for conducting three formal counts of inmates in the Rahway Camp barracks (all dormitories). Also enclosed is a listing of the supervisors assignment schedule showing all supervisory assignments for all three shifts. There are no supervisors working housing units (officers do) and yet every supervisor with the exception of the assigned Star Door Sergeant enters the housing units at one time or another to inspect and observe.

As per my conversation with Mr. Hicks, I am asking to be allowed to work any of the other supervisory posts and afforded the same opportunities as the male supervisors with regards to change of shifts, jobs, and days off without the misinterpretation of the Attorney General's ruling for officers when it suits the purpose.

Sir, as you see copies of this are being sent to my superintendent and chief deputy. There is nothing being hidden here from them. We would all like for the situation to be addressed and may I please have a copy of your decision for myself?

cc: Superintendent
Chief Deputy
P.B.A. Rep.
File

Respectfully submitted,
Sgt. Bernice Fluker

NEW JERSEY STATE PRISON
RAHWAY, N. J.

TO: All Custody Staff DATE: January 31, 1985
FR: Tom Julian *Tom Julian*
Director of Custody Operations
RE: Department of Corrections Standards:
 294.5 VISITS
 251 PUBLICATION OF RULES
 253 ON-THE-SPOT CORRECTION

Standard 294.5 VISITS - Employee Visits with Incarcerated Relatives

Department of Corrections employees who have relatives incarcerated shall be permitted to visit them provided the Superintendent of the facility is satisfied that there is no threat to the orderly operation of the institution. For the purpose of this Standard, the word "relative" shall be broadly construed so as to include grandparents, cousins, uncles, aunts, and etc.

The employee shall notify in writing the Assistant Commissioner of the Division in which the relative is sentenced.

Before visits are authorized, the employee shall advise the Superintendent of the appropriate institution that he/she desires to visit. The Superintendent may schedule the visit during regular visiting hours or at special times, according to the needs of the institution and persons involved.

Standard 251.4 Prohibited Acts and Schedule of Sanctions

- A. Prohibited Acts .707 Refusal to cooperate in following a prescribed course of treatment (i.e., refusal to appear for or go to a scheduled exam - medical, dental, etc.)

Standard 253.2 Sanctions

- e. Loss of radio or television privileges for a period of no more than five (5) days.

This memo is to inform you of revisions and clarification on the above stated Standards.

c: Mr. Rafferty
Mr. Arvenio
Rahway Camp
Marlboro Camp
MUST READ Board

pjc

76X



State of New Jersey
DEPARTMENT OF THE PUBLIC ADVOCATE

THOMAS SMITH, JR.
XXXXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXXXX
ACTING PUBLIC DEFENDER

OFFICE OF THE PUBLIC DEFENDER
Office Of Inmate Advocacy
CN 850
Trenton, New Jersey 08625

T. GARY MITCHELL
DIRECTOR
TEL. NO. 609-292-1775

Our File No. women's prisons

TO: COMMISSION ON SEX DISCRIMINATION IN THE STATUTES
FROM: CATHERINE HANSENS, ASSISTANT DEPUTY PUBLIC DEFENDER
AND
GARY MITCHELL, DEPUTY PUBLIC DEFENDER
DATE: December 3, 1985
RE: TESTIMONY ON SEX DISCRIMINATION IN CORRECTIONAL &
DETENTION INSTITUTIONS BEFORE THE COMMISSION ON SEX
DISCRIMINATION IN THE STATUTES

I. INTRODUCTION

In order to understand fully the character of sex discrimination in New Jersey jails and prisons, it is important to appreciate the overall conditions which affect inmates generally both in state institutions and in county jails. ¹ Overcrowding and the consequent shortage of programs and services is a problem at virtually all

¹This testimony is based on a review of complaints which have been received from county jail inmates and state prisoners by the Office of Inmate Advocacy within the past two years, on findings resulting from litigation involving certain jails and prisons, on tours of some facilities by staff attorneys and field representatives with the Office, and on a review of inspections of county jails which are conducted annually by the Bureau of County Services of the Department of Corrections. Sometimes our testimony refers to a particular jail or prison to illustrate the existence of sex discrimination in county and state correctional institutions. Such institutions are not necessarily notorious or especially egregious. We mention particular facilities to corroborate our statements or to identify particular findings we have made or reports we have received that are indicative of more generalized discriminatory conditions and practices.

facilities across the state. In addition, many county jails suffer from serious shortcomings due partly to antiquated physical plants and partly to inadequate provision of essential services for inmates of both sexes. In fact, most jails fail to comply with the mandatory minimum guidelines for the operation of adult county correctional facilities set forth in N.J.A.C. 10A:31-1.1 et seq. Half of New Jersey's county jails also are operating under court orders or have litigation pending due to unconstitutional conditions or practices (e.g., Atlantic, Cape May, Camden, Burlington, Monmouth, Ocean, Middlesex, Union, Essex, Passaic, and Hudson). Consequently, access to adequate housing and services is often sharply limited for inmates of either sex.

II. SEX DISCRIMINATION IN CORRECTIONAL FACILITIES: AN OVERVIEW OF THE PROBLEMS.

Incarcerated women in New Jersey are subject to discrimination resulting from facilities that are separate as well as unequal. New Jersey state and county corrections policy segregates women prisoners into geographically isolated institutions or programmatically distinct units of men's jails or prisons. This pattern sharply limits the opportunities afforded to women prisoners. Yet the steadfast prohibition of any integration of the sexes while incarcerated is nowhere based on any individualized consideration of the inmates' security status or offenses. Unfortunately, the separate programs and facilities available to women prisoners generally are also inferior in both number and quality to what is available to incarcerated men.

In the county jails, women are often segregated in a small area of the jail without access to the facilities available to the majority male population. These facilities, e.g., gyms, libraries, classrooms, are rarely duplicated in the women's area of the jail. In the one state facility for women, the Correctional Institution for Women at Clinton (CIW), there still is not program parity with state prisons for men. Archaic societal stereotypes also still circumscribe the potentials of women inmates. In addition, women also suffer from being a relatively small percentage of the total state prison population (roughly .3%), while men benefit from institutional economies of scale.

Because one institution houses all women state prisoners from across the state, there are no separate institutions geared to the varying custody and programmatic needs of different women inmates. Instead CIW, as is typical of lone women's prisons, relies entirely on internal classifications. These internal classifications operate to restrict a woman prisoner's mobility and access to programs at CIW. Maximum security inmates are not allowed access to minimum security sections of the institution, thereby placing certain programs off limits. Similarly, minimum security inmates often confront greater restrictions than similarly situated male inmates face because, unlike a male minimum security institution, CIW also houses maximum security prisoners. In this fashion, the use of internal classifications simply cannot accommodate the legitimate needs of women inmates with the competing demands of the

institution to the same extent as could a specially designed prison geared to house women prisoners of a particular security classification.

For example, access to the educational programs at CIW are circumscribed for women held in certain maximum security units because the majority of CIW programs occupy space outside the perimeter of CIW's maximum security units. Work release opportunities for women at CIW are similarly restricted. Women inmates at CIW are routinely limited to work release opportunities within a 50 mile or 1 hour radius of Clinton. As a result, female inmates do not have access to the same kind of a statewide pool of opportunities available to male inmates, nor can many develop any appropriate pre-release plan which focuses on employment arrangements within the woman's home area.

The state's method of housing its female prisoners also affects access to family and friends. Because women from all different parts of the state are clustered together in one facility, most women state prisoners experience greater dislocation from loved ones. Particularly in the case of families located in the northern and southern areas of the state, the greater traveling distance with which visitors to CIW must deal affects the ability of women inmates to maintain continued contact with family and children. Further, the lack of public transportation to a rural area like Clinton not only inhibits maintenance of contact with the

outside world, but affects the woman's ability to establish contacts for reintegration into the community upon her release.

Despite the evident problems which the state's "one-prison" approach poses for women prisoners, no new women's prisons have been constructed or planned, nor have the use of satellite female units at existing male prisons been explored. Such units could provide greater geographic flexibility in housing women inmates to allow closer proximity to their families or children and a wider range of program and classification options to facilitate training, education and work experiences for women prisoners comparable to what male inmates receive. Indeed, notwithstanding the many male prisons, the state also presently operates many satellite units for male prisoners, which provide a still greater choice of alternate housing and program environments entirely separate from the main prison with which the units are affiliated. The absence of plans for new women's prisons has taken place during a veritable building boom in male prisons that has led to new institutions in central Jersey (Mid-state at Fort Dix), southern Jersey (Riverfront Prison in Camden, and Southern State in Leesburg), and northern Jersey (the planned 1000 bed unit in Newark).

Some commentators have urged that unequal facilities are inevitable as long as segregated facilities continue to be tolerated. These commentators have argued that the rights of women in prison and the greater interests of the criminal justice system demand significant structural reform, namely a full desegregation

plan. As one such commentator has concluded: "Only through shared facilities can women expect equal access to the prison services and rehabilitative programs currently available to men." Herbert, "Women's Prisons: An Equal Protection Problem," 94 Yale Law Journal 1182, 1206 (1985). In this regard, various other jurisdictions have successfully operated sexually integrated prisons. There are such co-correctional prisons in Kansas, Alaska and New York, and the federal government has experimented with such institutions in Fort Worth, Lexington, Pleasanton and Terminal Island. Fort Worth and Lexington remain co-correctional. Although women and men are not housed together, they participate jointly in all institutional programs and activities.

In general, overall planning for women in correctional facilities across the state is of a "second-thought" or an "after-thought" nature at best. Thus, the right of women prisoners both to facilities equal to those provided to men and an environment geared toward the special needs of women offenders are largely ignored. The inadequate housing for women in county jails is one illustration of the lack of attention given to planning for women inmates. For example, new jails in Hunterdon and Middlesex counties were constructed without adequate facilities for women. In Hunterdon, before the jail even opened the facility had to be modified so as to require the installation of two bunks in each of the women's cells that had been designed to house only one inmate. Thus, despite their smaller number, female inmates are housed two

to a cell, while male inmates are single-celled. In Middlesex, inadequate planning for women inmates has led not only to double-bunking but also to women having to sleep on cots in the jail's corridors and common areas. Similarly, old jails frequently warehouse women inmates in the least equipped and most antiquated areas. For example, in Camden, women inmates are housed separately in an old convent building. In Passaic, women inmates are crowded together in one of the jail's oldest and darkest areas.

Another example of the handling of women inmates' needs as an afterthought arises in the disregard of privacy, and sometimes personal security, for women prisoners. Occasionally, corrections officials also actually use the issue of inmate privacy affirmatively as a rationale for discriminatory employment practices. In the state prison system, women prisoners have been hospitalized at St. Francis Hospital in Trenton for some time and had frequently reported being subjected to observation and unnecessary intrusions by male officers both during medical procedures and other instances warranting privacy (e.g., general surveillance of patients' rooms or during dressing, showering or using the bathroom). The state Department of Corrections only recently, and only after receiving complaints from other inmates and our Office, made plans to hire additional female officers for duty at St. Francis Hospital so that at least one female correction officer is available per shift to insure the privacy of women inmates. (The Commissioner of Correc-

tions did not indicate, however, a date by which the Department would effectuate this plan).

A formal policy requiring such basic assurances of privacy had been set forth in an administrative regulation until 1981, but this requirement was inexplicably rescinded in May 1981. See former Department of Corrections Standard 310.15 (rescinded May 22, 1981). One report has suggested that this regulation was repealed to insure equal employment opportunity for women officers. But, ironically, the absence of the regulation had not led the Department of Corrections routinely to employ women officers in the St. Francis unit. The readoption of formal standards that would guarantee reasonable assurances of privacy for prison inmates similar to those which had existed until 1981 need not be inconsistent with equal employment guarantees.

Many county jails lack both adequate policies to encourage equal employment opportunity for female officers and necessary guidelines to insure that officers respect the legitimate privacy interests of both male and female inmates. On occasion we have encountered some jails, such as Essex County, that initially sought to use inmates' privacy claims to restrict employment opportunities for female guards. On the other hand, other county jails disingenuously raise the banner of equal employment as a reason to permit male officers unrestricted access to female living quarters in ways that have led not only to degrading conduct toward women inmates, but also in one recent incident to alleged sexual assaults of women

inmates. (In Gloucester County, a mail guard was recently arraigned on charges of such an assault).

III. The Disparate Treatment of Women Inmates In the Provision of Specific Services

The disparity of treatment or inattention to incarcerated women's special needs is best illustrated through reference to specific areas.

A. Vocational, Educational and Recreational Programs

Little or no employment training for women is offered in even those county jails that have such programs for men. At CIW, there is similarly only the most meager attempt to offer training in areas with realistic future employment potential. Work opportunities include upholstery, sewing, cosmetology, and consumer/home management. Ironically, the insult of the sexual stereotyping involved in CIW's main course offerings is compounded by the fact that women training in certain areas (such as cosmetology) are ineligible for licensing because of their convictions and hence will not obtain employment in the area in which they have trained. Only recently has CIW introduced an electronics course. In addition, somewhat stereotypical restrictions are reportedly placed on some work release opportunities for women which do not similarly face male inmates (e.g., certain categories of women inmates may only be employed by non-profit organizations).

Separate classroom facilities and a variety of course offerings are rarely available to women in county jails. In Bergen County, for example, men use a separate classroom equipped for

course instruction while women are taught in the single "multi-purpose" recreational area. At CIW, educational courses for women stress traditionally stereotyped areas such as clerical and beauty culture. Women often do not have access to gymnasium facilities which are available to men in county institutions. In some county jails, such as those in Gloucester and Monmouth, there is not even provision of a separate indoor area away from living quarters for women to obtain physical exercise or active recreation, even though such an area is provided for male inmates.

B. Library Access

In many county jails with libraries (either legal materials or general reading), women are not permitted direct physical access to these facilities. (E.g., Bergen, Monmouth). Regarding law libraries, women often can only get legal materials by requesting specific cases or statutes, a requirement which would make legal research difficult if not impossible even for most people trained in the law. Female "jail-house" lawyers are rare and county facilities provide no training or special assistance for women in the use of the law library or in researching issues which have an impact on them (e.g., child custody).

At CIW, the small law library can accommodate only three people at a time. Although a volunteer program has been arranged through Seton Hall Law School to provide some minimal assistance for women inmates at CIW, these students are available only once a week during the school year. The students are expressly prohibited

from aiding the prisoners in matters which involve disputes with prison officials (such as provision of medical care or disciplinary charges). The state's prisons for men train inmate paralegals and provide office space for an Inmate Legal Association which is available daily to assist inmates in all of their legal matters. No equivalent training or assistance is offered at CIW.

C. Social Services

In facilities where social services are limited, women's problems are often ignored. For example, there is no social worker on staff at Bergen County to assist women and rarely will a jail provide assistance with family or custody issues.

D. Visitation and Custody

Visitation for women inmates in county jails is often less than what is available for similarly situated male inmates due to several factors including the separate locations in which many counties confine women and the more limited physical facilities (e.g., fewer visiting booths) which exist in women's sections of general institutions. For example, in Essex County, where all women are housed at the county's Jail Annex, days and hours for visitation for women are far fewer than visitation opportunities available to men at the main jail. Many county jails do not provide for contact visitation, despite state regulations that recommend such programs, and none routinely allow a mother to retain contact with her infant children.

Although CIW provides special visitation facilities for mothers and children, incarcerated mothers cannot, at this time, arrange to have babies with them during infancy. From a developmental perspective, neither a mother's nor a child's best interests are served by separating the newborn from its mother. See, e.g., Ainsworth, "The Development of Infant-Mother Attachment, 3 Rev. Child Dev. Research (1973). The mother-child bond is critical to the child and the child needs continuity of care. If the incarcerated mother is to resume the care of the child, then initial care of the infant should be provided by the mother. Separating a child from the parent or primary care giver has its most serious effects between the ages of birth and two years. It is during this critical period that the bond must be maintained between mother and child; if its not, then it may be impossible to reconstruct.

E. Medical Care

Facilities and staff available to women are not equivalent to services for men in either state or county institutions. At CIW, there are insufficient staff persons to provide adequate 24 hour per day health care. At almost all county institutions (e.g., Middlesex, Union, Essex, Bergen), there are no infirmary facilities for women. If a woman gets sick and requires special care, there is nowhere to provide medical isolation. Instead, unsanitary and unhealthful segregation cells may be used for this purpose.

Medical screening of women in state and county institutions does not include specific procedures necessary to ensure women's

health and the control of contagious diseases. Expert medical authorities recommend that screening for women should include history-taking, testing and physical examination procedures appropriate for men, as well as a complete blood count and a urine pregnancy test. The physical exam should include a speculum exam (including a pap test and a GC culture for gonorrhea) and a pelvic exam. Regardless, many county jails, such as those in Bergen, Atlantic and Cumberland counties, continue to exclude many of these procedures including those designed to detect the presence of contagious disease.

Existing state regulations governing county jail medical screening procedures fail to mandate attention to the particular needs of women inmates. In fact, the Department of Corrections has proposed the repeal of any requirement for infectious disease testing of any inmates in county detention and correction facilities despite strong recommendations to the contrary from both our Department and the Department of Health.

The clear need for stronger state regulations and laws requiring comprehensive medical screening that would address women's unique needs was perhaps best dramatized when our Office had to file suit in federal court in January 1985 before Monmouth County officials would agree to provide basic pregnancy testing and minimal prenatal care for women inmates at the Monmouth County Jail. Several of these women were visibly pregnant when staff from this Office discovered them. Yet pregnancy testing and prenatal

care was introduced only after this court action was initiated. As a result, several women inmates were near the end of their second trimester by the time they first received prenatal care. All of these women met at least one of the criteria for determining a high-risk pregnancy due to their history of medical problems or drug abuse. Nonetheless, it should be noted that one of the high risk criteria is the absence of prenatal care before the 24th week of pregnancy. By denying pregnant inmates access to appropriate prenatal care, the county officials were actually exacerbating the risk potential of these women's pregnancies.

In that a woman's reproductive status will dictate the nature of medication prescription and follow up care, pregnancy tests in particular should be included in the medical screening of any facility which incarcerates women. Most of the few facilities which currently provide pregnancy testing do so only if a woman believes she is pregnant and informs the medical staff of that belief. (E.g., CIW and Union County).

Finally, perinatal care, including adequate diet, is not consistently provided to incarcerated women. Appropriate care for drug-addicted pregnant inmates is not available at all facilities (e.g., Mercer County Detention Center), and most county facilities are slow to identify and provide specialized care for incarcerated women with high-risk pregnancies. Despite the importance of diet during pregnancy, and the special dietary needs of pregnant women, pregnant inmates at most institutions receive the same diet as that

served to other inmates. Counseling for pregnant inmates including discussion of the woman's alternatives in either terminating or continuing the pregnancy is often only available to those inmates who receive prenatal care at an outside facility which includes such counseling as part of its treatment.

IV. OBSERVATIONS AND RECOMMENDATIONS CONCERNING THE TREATMENT OF WOMEN IN CORRECTIONAL FACILITIES

A. LEGISLATION SHOULD PROVIDE FURTHER IMPETUS FOR THE DEPARTMENT OF CORRECTIONS TO ENFORCE MINIMUM STANDARDS FOR COUNTY JAILS

The New Jersey Administrative Code contains provisions setting minimum criteria for county jails with regard to most of the services discussed above, including a specific provision requiring that equal access to programs, facilities and services be provided to male and female inmates. See N.J.A.C. 10A:31-3.21(b)5. The regulations also include mandatory enforcement procedures which set forth the specific responsibility of the New Jersey Department of Corrections to ensure county compliance with these standards. See N.J.A.C. 10A:31-5.1a(4). Following existing statutory authority, the focus of the enforcement regulations is to authorize the Commissioner of Corrections to restrict an institution from admitting additional inmates and ordering the transfer of those inmates to another county's jail. Id.; see N.J.S.A. 30:8-57. This remedy has never been employed.

Although this approach to the problem is an important one, there also should be more varied alternatives available to the

Department of Corrections to tailor a remedy to a specific problem presented by a particular recalcitrant institution. Specifically, new statutory guidelines are needed to enable the Department of Corrections to impose more expeditious and effective sanctions. Such remedies are commonly exercised by other state agencies in enforcing similar regulatory schemes that affect the health and safety of either the public or institutionalized populations. The availability of other enforcement powers would encourage both stricter adherence by the Department of Corrections to its statutory responsibilities and greater county compliance with existing minimum standards. Thus, we believe that effective enforcement of existing standards, accomplished in part through stronger legislative provision for alternate sanctions, would go far to eradicate some of the most serious shortcomings in services for women at county detention and penal facilities.

B. THE DEPARTMENT OF CORRECTIONS SHOULD STUDY THE FEASIBILITY OF THE USE OF SATELLITE WOMEN'S UNITS AS AN ALTERNATIVE TO THE HOUSING OF ALL FEMALE STATE PRISONERS AT CLINTON.

Several small separate women's prisons located throughout the state, operating much like satellite units which the Department of Corrections currently maintains at many male prisons, could provide women prisoners with greater access to family and loved ones as well as a broader and more realistic range of educational and vocational opportunities. Alternatively, units could be set up within the secure perimeters of some existing men's prisons, for example, to allow separate housing areas while offering access of

both sexes to existing services, educational facilities, and recreational programs.

C. ACCOMMODATIONS FOR WOMEN WHO WISH TO RETAIN AND CARE FOR THEIR INFANT CHILDREN SHOULD BE STATUTORILY GUARANTEED AT BOTH STATE AND COUNTY FACILITIES.

The statutory guarantee could be accomplished by requiring separate housing areas, preferably outside of the main institution, where women can live with their babies. An existing statute that treats this problem somewhat ambivalently should be clarified and amended accordingly. See N.J.S.A. 30:4-26.2.

D. THE PROVISION OF ESSENTIAL MEDICAL SERVICES SUCH AS MEDICAL SCREENING AND PERINATAL CARE SHOULD BE STANDARDIZED IN ALL DETENTION AND CORRECTIONS INSTITUTIONS ACROSS THE STATE.

There are not two different standards of medical care -- one for poor and incarcerated women and another for the rest of us-- nor should medical care vary with whether a prisoner is in the custody of the state or the county. A standardized medical screening requirement, in general, should include the following:

1. General language setting forth the components and objectives of medical screening and communicable disease testing. For example, "medical screening shall include both a physical examination and clinical and laboratory testing to identify the otherwise undetected presence of or exposure to a communicable disease or a contagious condition, or likely to confirm or identify the presence of any disclosed or undetected serious health impairment, particularly including but not limited to serious

conditions, infections, diseases or impairments commonly found in populations housed in jails, prisons, or other institutions."

2. Certain specific examination procedures and tests drawn from various sources of expert medical opinions as follows:

a. a medical history on a standard form

and to be taken by a registered nurse;

b. certain essential laboratory tests:

(1) a blood pressure test for hypertension;

(2) a VDRL test for syphilis,

(3) a urethral culture for gonorrhea,

(4) a tuberculosis test,

(5) an urinalysis to test for protein or blood,

(6) a white blood cell count to determine any possible immune system problem,

c. a full physical examination by a physician, including of the skin and hair, and particularly of the genital and rectal areas.

To the above we would add additional provisions pertaining to special screening and unique health care needs of women inmates. For example, New Jersey has codified standards for the provision of health care to pregnant women through licensing regulations pertaining to free standing ambulatory care programs and facilities. These standards, which appear in N.J.A.C. 8:43A-1.1 et seq.

are prepared by the Department of Health and include minimum required services of facilities which provide prenatal and post partum care. See N.J.A.C. 8:43A-6.1 et seq. The state objectives with which these standards were promulgated include, in part, protection of the patient by establishing minimum standards for quality health care and protection of the dignity of the patient. N.J.A.C. 8:43A-1.1(d). The standards dictate the specifics of the completion of the medical history and physical examination, as well as laboratory tests and diagnostic procedures, for all prenatal patients. There is no reason why those services which the Department of Health has mandated as minimally necessary for the protection of pregnant women should not be equally applicable to incarcerated women. Legislation can and should ensure this application.

Legislation also should specifically ensure that prenatal care for all incarcerated women includes the following items, which are drawn in part from Health Department standards and in part from consultation with medical experts:

- (1) pregnancy testing as part of medical screening for all female inmates admitted to a correction or detention institution;
- (2) an initial prenatal examination to be scheduled no later than two weeks after the confirmation of pregnancy and to be performed at an appropriate outside maternity clinic or on the premises by a licensed physician trained and experienced in obstetrics and gynecology;

(3) continued prenatal care through regular visits, initially monthly and then more frequently with the advancement of pregnancy, at an appropriate outside maternity clinic or on the premises by a licensed physician trained and experienced in obstetrics and gynecology;

(4) referral to high-risk pregnancy/maternity clinics of all pregnant inmates who are classified as high-risk patients;

(5) effectuation of all treatment and medications prescribed by the treating maternity clinic for all pregnant inmates, with the jail medical department to have no authority to alter, substitute, or eliminate any treatment prescribed by the treating maternity clinic;

(6) provision of suitable diets with iron and vitamin supplements as ordered by the treating physician in consultation with a registered dietician;

(7) access to comprehensive counseling which would include discussion of the woman's alternatives concerning termination or continuation of the pregnancy.

E. LEGISLATION SHOULD EXPRESSLY RECOGNIZE THAT INADEQUATE ATTENTION TO THE HEALTH, FAMILY, EDUCATIONAL AND VOCATIONAL NEEDS OF INCARCERATED WOMEN HAVE LONG TERM COST IMPLICATIONS FOR THE PUBLIC AS WELL AS THE PRISONER.

Increased expenditures for public health can be avoided -- In health care, for example, short term cost "efficiencies" inevitably expose inmates to future increased medical complications and expose

jail officials, and consequently the public, to vastly increased expenses and even to liability. In the area of perinatal care, one study has shown that each one dollar spent on prenatal care can save over three dollars in specialized treatment later. In the case of the indigent woman, this cost will be borne by the public regardless of whether she is incarcerated at the time it is incurred. Thus, limiting access to proper prenatal care for pregnant inmates is bad economics as well as bad medical practice.

Other Costs of Inadequate Health Care Programs for Women Inmates Are Substantial -- Even federal courts have noted that the systemic absence of adequate health care admission screening procedures, including a physical examination performed by a physician, blood tests, syphilis and gonorrhea tests, and other ordinary preventive medical measures can endanger the entire prison community. See, e.g., Laaman v. Helgemoe, 437 F.Supp. 269, 312 (D.N.H. 1977). For pregnant inmates, such neglect potentially places their fetus at risk as well. The costs in terms of suffering and impaired health to the incarcerated, their babies, and potentially the public, in addition to the consequent increased financial costs which are the byproduct of this neglect, are enormous.

F. LEGISLATION SHOULD PROTECT THE LEGITIMATE PRIVACY INTERESTS OF INMATES OF BOTH SEXES.

Although necessarily diminished by incarceration, the reasonable privacy rights of prisoners are entitled to protection and can be effectively balanced with both institutional security needs and

equal employment concerns. See, e.g., Reisner, "Balancing Inmates' Right to Privacy with Equal Employment for Prison Guards," 4 Women's Rights Law Rept. 243 (1978) (the author is now a New Jersey Deputy Attorney General). Privacy interests also can be protected through alternatives less restrictive than segregation.

Legislation should, at a minimum, protect certain fundamental concerns. To ensure reasonable privacy for inmates, access to areas housing members of the opposite sex could be restricted, at least in non-emergency situations, without adequate notice. Similarly, guards and inmates could be prohibited from entering opposite sex bathrooms, except in emergencies. Concealing sleepwear could be made available to all inmates and inmates could be permitted to cover windows on cells doors for short intervals while dressing or undressing. E.g., Forts v. Ward, 621 F.2d 1210 (2nd Cir. 1980). Protection also should be afforded against searches by opposite sex guards that include touching of intimate body areas through clothing. E.g., Sterling v. Cupp, 290 Or. 611, 632 625 P.2d 123, 136 (1981) (holding that Oregon state constitution grants men protection from intimate searches by women guards); cf. Madyun v. Franzen, 704 F.2d 954, 961-63 (7th Cir.), cert. denied, 104 S.Ct. 493 (1983) (employment rights of women guards outweighed male inmates' federal privacy and equal protection interests to be free from frisking by female officers). Ultimately, it is our belief that the privacy rights of prisoners and equal employment opportunities for women officers are not mutually exclusive.

RAFAELA ARIAS

232 Hewitt Street
Trenton, New Jersey 08611

(H) 609-394-5424
(W) 609-984-0819

CAREER OBJECTIVE

Multi-lingual with extensive office, accounting, and hispanic-cultural counseling experience, desires challenging position that offers opportunity for upward mobility based upon individual merit and accomplishments to prove a definite long range asset to employer.

EMPLOYMENT EXPERIENCE

April 1985 - Present

Office of Interstate Services
Trenton, New Jersey 08628

Principal Clerk Typist - Maintains statistical information on cases handled by professional units including recording of reports; compiling all statistics on client interstate movement governed by law, case discharges, case terminations, etc., included in monthly/annual reports. Supplies statistical information for removals/additions on Department computer terminal. Provides secretarial duties to one professional unit, answers and screens calls coming to switchboard, prepares and processes national reports and surveys.

April 1984 - April 1985

District Parole Office #6
Trenton, New Jersey 08625

Senior Clerk Typist - Transcribed written reports and correspondences submitted for typing by Parole Officers and Assistant District Supervisors. Operated switchboard, answered telephone inquiries, and filed related material. Took minutes of staff meetings and transcribed same. Interpreted and translated (Spanish and English) when necessary. Counseled Hispanic clients and/or families concerning cultural differences, rights and regulations of parole, and made referrals to community agencies and programs as deemed necessary.

March 1983 - March 1984

Various Businesses
Trenton, New Jersey

Independent Contractor - Office Manager in Doctors' offices. One write system, billing of patient accounts, typing, prepared correspondence, and coordinated patient appointments. Prepared Budget and Statistical Reports. Performed all reception duties. Computer Operator: Planned and implemented computer systems for small businesses. Entered all data into computer, trained office staff in operation of computer and terminal. Supervised Data Processing Dept. Handled staff problems, provided counseling and training in a supervisory capacity.

January 1982 - August 1982

St. Francis Medical Center
Trenton, New Jersey 08610

Data Entry Operator - Entered Blue Cross, Medicare, Medicaid, and patient payments into computer through NCR computer terminal. Entered individual patient billing data from Outpatient and Emergency Room services. Keyed-in patient billing data into SMS system via terminal. Answered telephone inquiries. Processed delinquent patient accounts. Keyed in computer, Statistical Reports and Budgets. Translated for Hispanic patients in Emergency Room and Outpatient Services. Probed for necessary personal and medical information, clarified and delineated alternate choices offered by medical staff; assisted patient and medical staff in decision making process.

June 1977 - January 1982

ChelPoc Contractors
Trenton, New Jersey 08610

Functioned as Office Manager, posted accounts including Accounts Payable, Accounts Receivable, Payroll, Trial Balance, Bank Reconciliations, Budget Reports, and taxes.

June 1976 - May 1977

Columbus Police Department
Columbus, Georgia

Crime Analyst - Keyed all telephone calls coming into police department into IBM computer via terminal. Typed all duty rosters, bulletins, and warrants. Operated teletype machine to sent messages nationwide. Made name and vehicle tag checks and NCIC checks. Also, keyed in warrants, auto thefts, car tags, and Wanted Persons' names and descriptions into computer. Handled all NCIC inquiries and information. Handled policemen's Log Book. Answered telephone and teletype inquiries. Supervised office staff.

September 1967 - June 1976

YWCA and Columbus Community
Action Program, Columbus, Georgia

YWCA - conducted a feasibility study to assess the need for a county day care program. Helped design and implement the day care program in conjunction with YWCA and the needs' assessment. Counseled adult females. Columbus Community Action Program - (Titles held: Community Counselor, Primary Treatment Agent). Dealt with people with multi-faceted problems; intake dollar eligibility, problem identification, posed alternative steps clients could take to resolve problems, made referrals to support agencies including: medical follow-ups, client problem rehabilitation and resolution, checked clients' perceptions of what agencies could provide, arranged appointments, transportation, and follow-up care. Participated in case conferences with clients and/or families. Developed plans of action, client follow-up.

EDUCATION

Meadows College
Columbus, Georgia

Business Administration
72 Credits

MEMBERSHIPS AND VOLUNTEER SERVICES

Coordinator, of the Neighborhood Crime Watch Program and was instrumental in introducing organizing, and implementing same in my community.

A representative of the Health and Safety Committee, Parole Office #6.

Coordinator of the Sunshine Fund and social activities, Parole Office #6.

(Volunteer Services)

A chaperone and volunteer with the Big Brothers/Big Sisters organization.

Through the churches, to tend to the sick and elderly in the community.

Counsel emotionally disturbed children.

BETTY MCROBERTS
4134 South Broad St
Yardville, NJ 08620

EDUCATION

- June 1971 Graduate of Trenton Central High School, Trenton, NJ
Course Taken: Secretarial Science
- Fall 1978 Hamilton Township Adult Education, Trenton, NJ
Course Taken: Advanced Shorthand Brush up
- Fall 1983 Hamilton Township Adult Education, Trenton, NJ
Course Taken: Advanced Shorthand Brush up

EMPLOYMENT

- July 1971 Clerk Stenographer - Trenton Psychiatric Hospital, West Section

Assigned as secretary to one clinical psychiatrist, one clinical psychologist and the administrative assistant. Job responsibilities included taking shorthand, typing, filing, answering the telephone and taking messages, ordering office supplies. Also, in the absence of the clerical supervisor, assumed her responsibilities as secretary to the assistant medical director.
- March 1973 Senior Clerk Stenographer - Trenton Psychiatric Hospital, West Section

Same job duties as above; however, I was assigned an additional psychiatrist as well as the social work supervisor. During this time I gained insight of medical records, laboratory result slips, the Medicaid Program and the coding of diagnoses.
- August 1977 Senior Clerk Stenographer - Department of Corrections, Bureau of Personnel (lateral transfer from Trenton Psychiatric Hospital to DOC)

Assigned as secretary to the personnel assistant which included stenography, typing, filing, answering the telephone and taking messages. I assigned with the typing of Civil Service Form 21's, routine letters for new hires, resignations, coded personnel actions in employee cardex files, maintained employee name and address card file, set up and maintained a daily reminder system for EPEIS ratings of employees, assisted with general payroll functions, etc.
- November 1977 Principal Clerk Stenographer - Bureau of Interstate Services, DOC

Assigned as confidential secretary to the bureau chief. I became responsible for the supervision of a clerical staff, maintained confidential employee records, was the bureau timekeeper. I assisted with setting up and organizing a bureau file system, a daily reminder system, a color coding technique on bureau folders, contributed to the composition of new forms, set up a file and number system for all forms used within the bureau, organized a mailing system whereby

voluminous amounts of mail can be sorted and addressed in a quick and efficient manner twice daily, prepared and maintained a master label file. Responsible for the ordering of office supplies, requesting same from both within the Department and outside vendors.

December 1978

Secretarial Assistant III, Bureau of Interstate Services, DOC

Duties and responsibilities same as above. During this time I assisted with the preparation of the STOS process, gained insight on the Agreement on Detainer process in order to assist with the process of different forms, rated secretarial staff on EPEIS, conducted staff meetings, assisted with new policy and procedure making in the bureau as it effected clerical staff.

I received training at State Police, Main Headquarters, on the use of the computer terminal in order to send teletypes both inter and intrastate. Around the same time I was officially cleared by Internal Affairs, Department of Corrections for use of the terminal to look up criminal records, etc.

PART TIME
EMPLOYMENT

September 1972
to present

Dance instructor - Irene Parker Dance Studio, Trenton, NJ

Prepare class lessons, choreograph dance routines, assist with the preparation of an annual dance recital as well as many other benefits shows given, sell dance shoes, clothing and supplies, assist with collecting tuition from students, as well as secretary to the owner.

HOBBIES/
INTERESTS

Dance, Theatre, Sewing, Hair Dressing

ORGANIZATION
AFFILIATIONS

Dance Masters of America, Chapter 25
Dance Masters of America, Chapter 26
Dance Educators of America
Deborah Hospital, Liberty Chapter, Trenton, NJ

REFERENCES

Available upon request.



NEW JERSEY ASSOCIATION ON CORRECTION

21 NORTH CLINTON AVENUE, TRENTON, NEW JERSEY 08609 (609) 398-6900

Ricky Jacobs

TESTIMONY OF THE NEW JERSEY ASSOCIATION ON CORRECTION AT THE PUBLIC HEARING
OF THE COMMISSION ON SEX DISCRIMINATION IN THE STATUTES

November 19, 1985

The New Jersey Association on Correction appreciates the opportunity to speak on the issue of sex discrimination in criminal justice and corrections. There are few opportunities to publicly address the problems of the incarcerated and even fewer who are interested in what happens to the men and women who become wards of the State for the purpose of punishment and correction.

Custody and control issues are the primary focus of correctional administrators in this State. All other needs for social services, education and rehabilitation are secondary to these. If these secondary needs serve the purpose of the primary goal, then they are incorporated into the correctional program in varying degrees depending on an individual administrator's philosophy. Accordingly, services are not uniform throughout the state correctional system.

The Association's principal concern relating to discrimination focuses on the county jail system. Because county jails house both males and females and women make up only 7% of the jail population statewide, it is here that the greatest amount of disparity arises. It is particularly disturbing because over half of those held in county jails are there pre-trial and are legally innocent.

Programming and services in county jails have never been a high priority. Jails were originally designed as short-term facilities. With court calendars jammed and the maximum county jail sentence now set at 18 months, the need to provide programming has increased. The problem that arises is that women because of their relatively smaller numbers in the jails often get very little of the services available.

State regulations require the complete separation of male and female inmates. In order for a jail to provide outdoor recreation or use of an indoor gym for women, the entire area must be closed off to the men. There are few jails that have the luxury of separate recreational facilities. The same situation holds true for utilization of the library and access to educational opportunities. Women receive very limited access, perhaps only an hour per day. In the Burlington County Minimum Security Facility, the women inmates must eat their meals in their

EXECUTIVE DIRECTOR James A. Hemm	PRESIDENT Rev. David H. McAlpin, Jr.	BOARD OF TRUSTEES	
DIRECTOR-PUBLIC EDUCATION & POLICY Karen A. Spinner	ADMINISTRATIVE VICE PRESIDENT Timothy Weeks, Esq.	Maggie Agüero	I. W. Hopkins
BUSINESS MANAGER Sonya A. Morgano	TREASURER Thomas P. Cook, Esq.	Dona C. Bass, Esq.	Rev. Gregory Jackson
EXECUTIVE ASSISTANT-RESIDENTIAL SERVICES Alan F. Fazekas	SECRETARY Nancy Hawkins	Frank A. Bolden, Esq.	Ed Martone
EXECUTIVE ASSISTANT-OUTCLIENT SERVICES Angel M. Perez		Winifred Canright	Craig A. Pasko
		John R. Cipriano	Lee Patterson
		Clarice Feinman, Ph.D.	Sandra Ann Robinson, Esq.
		Charley Flint, Ph.D.	William Sloane
		Thomas P. Garrihy	Marshall Stalley
		Albert M. Gesler	George Triola
		Sylvia Herz, Ph.D.	

dayroom while the men are served in the cafeteria. While this may seem to be insignificant, the denial of this opportunity for a change of scenery can become extremely critical in closed environment.

Overall, services provided in county jails are inadequate for both men and women. Jobs in the jails are sometimes found for the male inmates but are almost completely lacking for the women. Consequently, they have plenty of idle time and seem depressed.

Visitation is another problem in the county jails. Few jails have the space available to provide for contact visits except perhaps, in the most recently constructed facilities. Recent court decisions have ruled, however, that contact visits are not required in county jails due to the security risk involved. Non-contact visits discourage family members from bringing children to visit the incarcerated parent. Female inmates, in particular, exhibit a great deal of anxiety about their children, some of which could be minimized if appropriate opportunities for visitation could be arranged. Only two county jails (Essex and Middlesex) have special programs for mother and child visitation. This lack of access of parent to the child denies the parent the opportunity to play a role in the child's growth and development and damages the potential for successful parent - child reunion after incarceration. Linkages between DYFS and the jails need to be developed, maintained and strengthened so that the incarcerated parent is provided with accurate information about a child's welfare. The fact of incarceration alone does not entitle the State to treat the parent as a persona non grata in the child's life.

With respect to the State correctional system, there is a great need to provide vocational education and training that is appropriate for today's technological marketplace. Often, the training provided is not marketable or the machinery that inmates were trained on is outdated and skills are not transferable to the new technology. Even good programs face obstacles in the community. Individuals who participate in the cosmetology or barbering programs have difficulty in gaining state licensing needed for employment. Inmates who have completed the apprenticeship period under a licensed barber in the institution find that they must repeat this period on the outside before the licensing board will grant them a license. This is counterproductive and discriminatory.

Programming at the Correctional Institution for Women needs to focus on more non-traditional roles for women. Channeling women to accept low paying "pink" collar employment is inappropriate, particularly for women who are single parents. They need to be encouraged to look at job opportunities that will provide them with adequate income and potential for advancement.

These issues point to serious problems within the correctional system which are not always attributable to sex discrimination. The deficiencies in the system come as much from a lack of clear philosophy on the purpose of corrections in New Jersey as the conflicting demands the civil rights and women's equality movements place on this system. The lack of public concern for and awareness of what happens in corrections permits inequities to continue.

The Association thanks you for the opportunity to share our concerns on this situation. We are ready to work cooperatively with you to make change in the system.

DEBORAH A. HANSEN

23 Messler Street
East Brunswick, New Jersey
201-249-0635

New Jersey Department
of Corrections
Office of Interstate Services
P.O. Box 7387
Trenton, New Jersey
609-292-7712

CAREER GOAL:

Seeking an administrative position in Corrections and/or field services which offers a wide latitude of decision-making. The position should command an environment conducive to a systems approach to organizational problem solving, policy development and community development.

EDUCATION:

Rutgers University, Newark, New Jersey, Graduate School of Criminal Justice 1975 - 1980. M.A. in Criminal Justice. Thesis submitted and approved.

Trenton State College, Trenton, New Jersey, 1968 - 1972. Graduated with a B.A. in Psychology. Cumulative Average 3.46 (based on a 4.0 scale)

HONORS:

1971 - Selected as an exchange student by the faculty of Trenton State College. Studied abroad at Worcester College of Education, Worcester, England (9/71-1/72)

1971 - Admitted to the National Honor Society in Psychology (PSI CHI)

1968 - 1972 - Placed on the Dean's List seven times out of eight semesters.

CRIMINAL JUSTICE EXPERIENCE:

SUPERVISING INTERSTATE SPECIALIST, Office of Interstate Services (9/83 - present)

Manages the operation of an office empowered to administer five Interstate Compacts and Agreements to all respective units under the Department of Corrections' jurisdiction and to 21 prosecutorial agencies within the State of New Jersey. Duties include, but are not limited to: The development and implementation of Department and State standards and procedures to effectuate the terms of the compacts and agreements; the issuance of directives to correct violations; the management of four operational units within the office; provides technical assistance to various criminal justice agencies; public relations on related issues; budget preparation including a component unit analysis and provides consultation where indicated.

Chief, Bureau of Interstate Services (4/79 - 9/83)

Duties were the same as the above.

Sr. Parole Officer (7/77 - 4/79)

The daily operation of the New Jersey Case Unit, Bureau of Interstate Services. Duties included, but were not limited to the primary level supervision of staff as it pertained to casework evaluation; decisions leading to arrest, detention, and return of fugitives from justice; the holding of probable cause hearings; authorization for and the administration of the Uniform Extradition Act; evaluating and determining the legality of client return to New Jersey. In addition to the above, designed the workload evaluation component for the Bureau, instituted the program and developed changes where needed. Substituted for the Chief in his absence.

Parole Officer, Bureau of Parole (9/73 - 7/77)

Duties included review, evaluation and approval of pre-parole, arrest, detention, and discharge investigations; liaison with the Parole Board, enforcement and prosecutorial agencies, the courts, family of clients and community groups. Prepared related reports.

PROFESSIONAL AFFILIATIONS:

- A Member of the New England States Conference
- A Member of the Middle Atlantic States Conference
- A previous Member of the Volunteers in Corrections
- A previous Member of American Parole and Probation Association
- An active Member of the Juvenile and Adult Compact Administrators Association, National Association of Extradition Officials and the Administrators governing the Agreement on Detainers.

OFFICES HELD:

Elected to two-year terms on the Executive Council, Adult Compact Association. Left the Council to assume the duties of Secretary, Adult Compact on 9/85. Chaired the Council for two years (83-85).

Currently a member of the Secretariate Committee, Parole and Probation Compact Administrators Association.

A current member of a newly formed Commission to study and update the Adult Compact. The study has been approved by the National Institute on Corrections and includes representatives of: Parole and Probation Compact Administrators Association; American Parole and Probation Association; American paroling authorities; and the National Association of Probation Executives.

Served on the Executive Board of the Juvenile Compact Association (1981-1982)

Chairman of the Adult Compact Association's Program Committee to the American Correctional Association (1982)

Chairman of the Committee to update and revise the Juvenile Compact Brochure, Juvenile Compact Association (1981-1984)

Past Nominations Committee Chairman (Adult Compact Association 1982)

TRAINING PROGRAMS:

Various management training programs, ie: NIC Management Training Program held in Kansas City, Kansas (May 1981) and Memphis, Tennessee (September 1981). Certificate was received. Project accepted and implemented in the Department of Corrections.

Various training sessions and seminars offered in conjunction with ACA's annual and mid-winter meetings.

Intensive training on federal regulations governing the confidentiality of alcohol and drug abuse clients. Implemented procedures in the Department as a result.

Recently accepted into the Governor's Certified Public Mangers Improvement Program - Provides high level management training to a selected group of State employees in management positions.

REFERENCES: References will be furnished upon request.

108X

