

INTRODUCTION

par. 125 Monitoring Reports:

The Monitor will conduct an on-site inspection and issue a Monitoring Report for Edna Mahan six months after the baseline site visit, and then every six months thereafter. A draft Monitoring Report will be provided to NJDOC and DOJ in draft form for comment at least 30 days prior to its issuance. NJDOC and DOJ will provide comments, if any, to the Monitor within 15 days of receipt of the draft Report. The Monitor will consider the responses of NJDOC and DOJ and make appropriate changes, if any, before issuing the final Monitoring Report.

Requirements:

par. 125

- a. Within two months of the Effective Date, the Monitor will conduct a baseline site visit of Edna Mahan to become familiar with Edna Mahan and this Agreement.
- b. The Monitor will conduct an on-site inspection and issue a Monitoring Report for Edna Mahan six months after the baseline site visit, and then every six months thereafter. A draft Monitoring Report will be provided to NJDOC and DOJ in draft form for comment at least 30 days prior to its issuance. NJDOC and DOJ will provide comments, if any, to the Monitor within 15 days of receipt of the draft Report. The Monitor will consider the responses of NJDOC and DOJ and make appropriate changes, if any, before issuing the final Monitoring Report.
- c. The Monitoring Reports will describe the steps taken by Edna Mahan to implement this Agreement and evaluate the extent to which Edna Mahan has complied with each substantive provision of the Agreement, as set forth in the numbered Paragraphs herein, beginning with Paragraph 10 and ending at Paragraph 111.
- d. Each Monitoring Report will evaluate the status of compliance for each relevant provision of the Agreement using the following standards: (1) Substantial Compliance; (2) Partial Compliance; and (3) Non-compliance.
- e. The Monitor will review a sufficient number of pertinent documents and interview a sufficient number of staff and prisoners to accurately assess current conditions. The provision of documents and scheduling of interviews shall be set up through the Agreement Coordinator.
- f. Each Monitoring Report will describe the steps taken by each member of the monitoring team to analyze conditions and assess compliance, including documents reviewed and individuals interviewed, and the factual basis for each of the Monitor's findings.
- g. Each Monitoring Report will contain the Monitor's independent verification of representations from Edna Mahan regarding progress toward compliance, and examination of supporting documentation.
- h. Each Monitoring Report will provide specific, non-binding recommendations, if applicable, for each of the provisions in the Agreement outlining proposed actions for at least the next six months for Edna Mahan to complete toward achieving compliance with the particular provision.

III. SUBSTANTIVE PROVISIONS:

A. General Policies and Procedures

NJDOC and Edna Mahan shall develop and implement policies, procedures, and practices at Edna Mahan to ensure that prisoners are protected from harm due to sexual abuse and sexual harassment. Accordingly, and specifically:

- par. 10 During the first nine (9) months following the Effective Date, NJDOC and Edna Mahan will ensure the policies and procedures related to the topics specified below are drafted and/or revised in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable.
- a. Sexual Assault, Sexual Abuse, and Sexual Harassment;
 - b. Prisoner Supervision;
 - c. Camera Management;
 - d. Staff/Prisoner Over-Familiarity;
 - e. Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment;
 - f. Prisoner Education;
 - g. Cross-gender searches and viewing;
 - h. Protective Custody;
 - i. Prevention of Retaliation;
 - j. Response to Allegations of Sexual Abuse or Sexual Harassment;
 - k. Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment;
 - l. Staff Reporting of Personal Relationships.

Requirements:

- par. 10 NJDOC and Edna Mahan shall provide any policies and procedures developed or revised in accordance with this Agreement to the Monitor for comment and approval to accomplish the timeframes in this Agreement. The Monitor will provide feedback on these policies and procedures promptly to Edna Mahan, but at all times within the thirty (30) days.
- par. 12 Prior to adoption, Edna Mahan will provide a copy of the policy or procedure to DOJ for review, comment, and approval, with any disputes to be resolved by the Court. DOJ will not unreasonably refuse to approve submitted policies or procedures. DOJ will provide feedback on these policies and procedures promptly to Edna Mahan, but at all times within thirty (30) days so that NJDOC can satisfy mandated timeframes. Edna Mahan will address all comments or make any changes requested by DOJ within thirty (30) days after receiving the comments and resubmit the policies and procedures to DOJ for review and approval, as necessary. DOJ will respond within thirty (30) days.

- par. 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.
- par. 42 Policies and procedures at Edna Mahan shall require that contractors and volunteers who have contact with prisoners but are not directly supervised by NJDOC or Edna Mahan employees comply with Edna Mahan's sexual abuse and sexual harassment policies and procedures.
- par. 45 To the extent that revisions are made to policies or procedures, or new policies or procedures are developed to comply with this Agreement, NJDOC and Edna Mahan will work with the Monitor in drafting new training materials and/or revising current training materials to ensure the training materials are current.

Monitor's Measure of Compliance re A. General Policies and Procedures ¶ 10:

- Level 1 and Level 3 Policy on Sexual Assault, Sexual Abuse, and Sexual Harassment drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Prisoner Supervision drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Camera Management drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Staff/Prisoner Over-Familiarity drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Prisoner Education drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Cross-gender searches and viewing drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Protective Custody drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Prevention of Retaliation drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Response to Allegations of Sexual Abuse or Sexual Harassment drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Staff Reporting of Personal Relationships drafted and/or revised by May 24, 2022
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan to ensure that prisoners are protected from harm due to sexual abuse and sexual harassment

Steps taken by NJDOC and EMCF towards implementation A. General Policies and Procedures ¶ 10:

As of February 24, 2024, all Level 1 (agency-wide) policies relevant to ¶ 10 have been thoroughly revised and officially adopted by the New Jersey Department of Corrections (NJDOC) after approval by the Federal Monitor, the Department of Justice (DOJ), and NJDOC. NJDOC has revised, finalized, and adopted the following Level 1 policies:

- ADM.010.004 - Staff/Incarcerated Person Over Familiarity
- CUS.001.CRP.01 - Camera Review Procedures

- CUS.001.SEA.001 - Searches of Incarcerated Persons and Correctional Facilities
- PCS.001.008 - Prevention, Detection and Response of Sexual Abuse and Harassment
- SID IMP #14
- SID IMP #35
- SID IMP #48
- ADM.019.003 - Close Custody Units
- CUS.001.011 – Policy Statement - Searches of Incarcerated Persons and Correctional Facilities
- IMM.001.004 - Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment
- IMM.004.RHU.03 - Amenities and Privileges Two-Level Program
- ADM.019.003.ADJU - Adjustment Unit
- ADM.019.003.EMCT - Emergency Confinement
- CUS.001.BWC.011 – Body Worn Cameras

Level 3 policies remain under revision, as they rely in large part on the Level 1 policies. New Level 3 policies have also been recently developed due to the depopulation of the Minimum-Security Unit at EMCF and the move of those incarcerated persons to the Satellite Facility. Additionally, as part of NJDOC's extensive policy revision process, numerous Level 3 policies listed above in the 8/24/22 Status Report were archived and (i) replaced by a Level 1 or Level 1/3 policy or (ii) are no longer relevant due to the depopulation of the Minimum-Security Unit at Edna Mahan Correctional Facility (EMCF). The following Level 3 policies have been archived:

- IMP #3 Grounds Unit Housing Officer
- IMP #11 Reception Unit Housing Officer
- IMP #27 Special Housing Inmates
- IMP #43 Disciplinary Officer
- IMP #50 Searches of Inmates and Correctional Facilities
- IMP #70 Restorative Housing Unit
- IMP #73 Zero Tolerance Prison Sexual Assault
- IMP #86: Close Custody Units
- IMP #86A Adjustment Unit
- IMP #86B Emergency Confinement
- IMP # 111A: Monitoring and Discharge of Substance Use Disorder (SUD) Inmates
- IMP #125 Use of Body Worn Cameras

The following Level 3 policies remain under review:

- IMP #2 IMP #2 South, North and Dormitory Officers (f/k/a Max Housing Unit Officer)
- IMP # 2A South North Hall Control Officers (f/k/a Limited Privileges Unit)

- IMP # 3 EMCF Satellite Entrance Control Officer
- IMP # 3A EMCF Satellite GA Officer
- IMP #3B EMCF Satellite Unit Housing Officers
- IMP #15 C-Cottage Unit Officers (f/k/a/ Residential Treatment Unit)

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 10:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 10:

As of February 24, 2024, New Jersey Department of Corrections (NJDOC) has revised, finalized, and adopted the following Level 1 policies:

- ADM.010.004 - Staff/Incarcerated Person Over Familiarity
- CUS.001.CRP.01 - Camera Review Procedures
- CUS.001.SEA.001 - Searches of Incarcerated Persons and Correctional Facilities
- PCS.001.008 - Prevention, Detection and Response of Sexual Abuse and Harassment
- SID IMP #14
- SID IMP #35
- SID IMP #48
- ADM.019.003 - Close Custody Units
- CUS.001.011 – Policy Statement - Searches of Incarcerated Persons and Correctional Facilities
- IMM.001.004 - Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment
- IMM.004.RHU.03 - Amenities and Privileges Two-Level Program
- ADM.019.003.ADJU - Adjustment Unit
- ADM.019.003.EMCT - Emergency Confinement
- CUS.001.BWC.011 – Body Worn Cameras

However, Level 3 policies (those specific to Edna Mahan) remain under revision, as they rely in large part on the Level 1 policies. The following Level 3 policies remain under review:

- IMP #2 IMP #2 South, North and Dormitory Officers (f/k/a Max Housing Unit Officer)
- IMP # 2A South North Hall Control Officers (f/k/a Limited Privileges Unit)
- IMP # 3 EMCF Satellite Entrance Control Officer
- IMP # 3A EMCF Satellite GA Officer

- IMP #3B EMCF Satellite Unit Housing Officers
- IMP #15 C-Cottage Unit Officers (f/k/a/ Residential Treatment Unit)

Recommendations re A. General Policies and Procedures ¶ 10:

Ensure all Level 3 policies are revised in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable.

A. General Policies and Procedures

par. 11 Within one year of the Effective Date, all policies and procedures specified to be drafted and/or revised to incorporate and align them with the provisions in this Agreement will be adopted by Edna Mahan.

Requirements:

par. 11 Edna Mahan will work with the Monitor to prioritize policies and procedures to accomplish the timeframes in this Agreement.

par. 12 Prior to adoption, Edna Mahan will provide a copy of the policy or procedure to DOJ for review, comment, and approval, with any disputes to be resolved by the Court. DOJ will not unreasonably refuse to approve submitted policies or procedures. DOJ will provide feedback on these policies and procedures promptly to Edna Mahan, but at all times within thirty (30) days so that NJDOC can satisfy mandated timeframes. Edna Mahan will address all comments or make any changes requested by DOJ within thirty (30) days after receiving the comments and resubmit the policies and procedures to DOJ for review and approval, as necessary. DOJ will respond within thirty (30) days.

par. 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re A. General Policies and Procedures ¶ 11:

- Level 3 Policy on Sexual Assault, Sexual Abuse, and Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Prisoner Supervision signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Camera Management signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Staff/Prisoner Over-Familiarity signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Prisoner Education signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Cross-gender searches and viewing signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Protective Custody signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Prevention of Retaliation signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Response to Allegations of Sexual Abuse or Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Staff Reporting of Personal Relationships signed by Edna Mahan Administrator by August 24, 2022
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan to ensure that prisoners are protected from harm due to sexual abuse and sexual harassment
- Random review of policies during onsite visit

Steps taken by NJDOC and EMCF towards implementation A. General Policies and Procedures ¶ 11:

2/24/24 Status Report

As of February 24, 2024, all Level 1 policies relevant to ¶ 10 have been thoroughly revised and officially adopted by the New Jersey Department of Corrections (NJDOC) after approval by the Federal Monitor, the Department of Justice (DOJ), and the NJDOC.

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 11:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 11:

Effective February 24, 2024, the 14 Level 1 policies listed in the above paragraph have been adopted by Edna Mahan. However, six (6) Level 3 policies (those specific to Edna Mahan and listed in the above paragraph) remain under revision and, therefore, have not been able to be adopted by Edna Mahan.

Recommendations re A. General Policies and Procedures ¶ 11:

Ensure that Edna Mahan adopts the remaining six (6) Level 3 policies noted below:

- IMP #2 IMP #2 South, North and Dormitory Officers (f/k/a Max Housing Unit Officer)
- IMP # 2A South North Hall Control Officers (f/k/a Limited Privileges Unit)
- IMP # 3 EMCF Satellite Entrance Control Officer
- IMP # 3A EMCF Satellite GA Officer
- IMP #3B EMCF Satellite Unit Housing Officers
- IMP #15 C-Cottage Unit Officers (f/k/a/ Residential Treatment Unit)

A. General Policies and Procedures

par. 13 No later than ninety (90) days after DOJ's approval of each policy and procedure (except as otherwise stated in the Agreement), Edna Mahan will create a staff training plan that addresses the training requirements of each policy or procedure revised.

Requirements:

par. 13 Each training plan will specify (i) staff to be trained and (ii) the date(s) of training planned.
Each staff training plan will be provided to both DOJ and the Monitor.

par. 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re A. General Policies and Procedures ¶ 13:

- Training Plan developed for Policy on Sexual Assault, Sexual Abuse, and Sexual Harassment no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Prisoner Supervision no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Camera Management no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Staff/Prisoner Over-Familiarity no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Prisoner Education no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Cross-gender searches and viewing no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Protective Custody no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Prevention of Retaliation no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Response to Allegations of Sexual Abuse or Sexual Harassment no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Staff Reporting of Personal Relationships no later than 90 days after DOJ's approval of policy

Steps taken by NJDOC and EMCF towards implementation A. General Policies and Procedures ¶ 13:

2/24/24 Status Report

NJDOC provided a draft training plan to the Federal Monitor in October. Based on the Monitor's feedback, the NJDOC is reviewing the proposed training timelines and is working to revise the plan. As of the end of this reporting period, most Special Investigations Division (SID) personnel have been fully trained in compliance with SID IMP # 14, SID IMP #35, and SID IMP #48. NJDOC will continue to comply with the training deadlines set forth in this agreement (i.e., training for a given policy will be completed within 18 months of DOJ's approval of that policy).

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 13:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 13:

NJDOC provided a draft training plan to the Monitor in October 2023. Based on the Monitor's feedback, the NJDOC is reviewing the proposed training timelines and is working to revise the plan.

Recommendations re A. General Policies and Procedures ¶ 13:

That the NJDOC revise the training plan which addresses the training requirements of each Level 1 or 3 policy.

A. General Policies and Procedures

par. 14 Unless otherwise agreed to by the Parties, all policies and procedures specified in Paragraph 10 will be fully implemented upon completion of the staff training plan, with a goal of all training being completed within eighteen (18) months or sooner of DOJ's approval of the policy or procedure (except as otherwise stated in the Agreement).

Requirements:

par. 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re A. General Policies and Procedures ¶ 14:

Training completed for all EMCF staff on:

- Policy on Sexual Assault, Sexual Abuse, and Sexual Harassment no later than 18 months after DOJ's approval of policy
- Policy on Prisoner Supervision no later than 18 months after DOJ's approval of policy
- Policy on Camera Management no later than 18 months after DOJ's approval of policy
- Policy on Staff/Prisoner Over-Familiarity no later than 18 months after DOJ's approval of policy
- Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment no later than 18 months after DOJ's approval of policy
- Prisoner Education no later than 18 months after DOJ's approval of policy
- gender searches and viewing no later than 18 months after DOJ's approval of policy
- Protective Custody no later than 18 months after DOJ's approval of policy
- Prevention of Retaliation no later than 18 months after DOJ's approval of policy
- Response to Allegations of Sexual Abuse or Sexual Harassment no later than 18 months after DOJ's approval of policy
- Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment no later than 18 months after DOJ's approval of policy
- Staff Reporting of Personal Relationships no later than 18 months after DOJ's approval of policy

Steps taken by NJDOC and EMCF towards implementation A. General Policies and Procedures ¶ 14:

2/24/24 Status Report

NJDOC continues to be prepared to comply with Paragraph 14 by ensuring all applicable staff receive approved policies and are fully trained on compliance with those within the timeline indicated in this Agreement. It is anticipated that within the next 2 reporting periods, all applicable staff will have been fully trained.

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 14:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until August 24, 2025

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 14:

Recommendations re A. General Policies and Procedures ¶ 14:

A. General Policies and Procedures

par.15 Edna Mahan will annually review its policies and procedures, revising them as it deems necessary. Any revisions to the policies and procedures will be submitted to DOJ for approval in accordance with Paragraph 12.

Requirements:

par. 12 Prior to adoption, Edna Mahan will provide a copy of the policy or procedure to DOJ for review, comment, and approval, with any disputes to be resolved by the Court. DOJ will not unreasonably refuse to approve submitted policies or procedures. DOJ will provide feedback on these policies and procedures promptly to Edna Mahan, but at all times within thirty (30) days so that NJDOC can satisfy mandated timeframes. Edna Mahan will address all comments or make any changes requested by DOJ within thirty (30) days after receiving the comments and resubmit the policies and procedures to DOJ for review and approval, as necessary. DOJ will respond within thirty (30) days.

par. 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re A. General Policies and Procedures ¶ 15:

- List of all EMCF policies submitted to Monitor
- Documentation that all policies reviewed annually, beginning 2022 (Other than policies specified in Paragraph 10)
- List of all EMCF post orders (procedures)
- Documentation that all post orders reviewed annually, beginning 2022

Steps taken by NJDOC and EMCF towards implementation re A. General Policies and Procedures ¶ 15:

2/24/24 Status Report

To ensure that its practices align with the evolving needs and standards, reflecting a commitment to ongoing improvement and compliance with the Agreement, NJDOC remains prepared to comply with the requirements of Paragraph 15 by reviewing all policies applicable to paragraph 10 annually and submitting any policy revisions for approval by DOJ. Pursuant to counsel's discussion and agreement, minor revisions to adopted policies that do not substantively alter the policy's meaning, scope, purpose, etc., are not required to be submitted for review or approval.

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 15:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until February 24, 2025

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 15:

Recommendations re A. General Policies and Procedures ¶ 15:

A. General Policies and Procedures

par. 16 NJDOC and Edna Mahan shall comply with Edna Mahan’s Internal Management Procedure Titled Zero Tolerance Policy: Prison Sexual Assault, mandating zero tolerance toward all forms of sexual abuse and sexual harassment, and any revision to or replacement of that policy.

Monitor’s Measure of Compliance re A. General Policies and Procedures ¶ 16:

- Agency Level 1 policies mandating zero tolerance
- Edna Mahan Level 3 policies mandating zero tolerance
- Training schedules for staff attending PREA training at Edna Mahan
- PREA Training Curriculum for staff
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct PREA policy compliance and zero tolerance
- Interviews with various officials regarding their knowledge and roles in implementing the PREA policy
- Focus group meetings with staff regarding their knowledge and roles in implementing the PREA policy
- Focus group meetings with prisoners regarding their knowledge to be safe from all forms of sexual abuse and sexual harassment
- On Site Tour impressions-posters advertising PREA and “PREA phone line” ensuring phone lines work to report an allegation, etc.

Steps taken by NJDOC and EMCF towards implementation re A. General Policies and Procedures ¶ 16:

2/24/24 Status Report

On January 29, 2024, NJDOC Policy PCS.001.008 (“Prevention, Detection, Response to Sexual Assault and Harassment”) was finalized and adopted by NJDOC. On February 1, 2024, NJDOC Policy IMM.001.004 (“Zero Tolerance Policy: Prison Sexual Assault”) was finalized and adopted by NJDOC. NJDOC continues to follow the procedures detailed in the existing policies and are in the process of designing a training plan for the training on the newly revised policies. In addition, the Institutional PREA Compliance Manager (IPCM) at Edna Mahan Correctional Facility (EMCF) continues to share monthly sexual safety newsletters with all staff. These short newsletters are shared in paper format as well as on televisions on institutional monitors. Topics shared this reporting period include:

- Confidentiality and Retaliation
- Abuse Allegations
- Changing the Culture of Sexual Abuse in Confinement
- PREA Allegations
- Insights into specific PREA standards

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 16:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 16:

Both New Jersey Department of Corrections (NJDOC) Policy Statement IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault and NJDOC Policy 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "It is the policy of the NJDOC to maintain zero tolerance toward all forms of incarcerated person sexual abuse and incarcerated person sexual harassment. The NJDOC will respond to, investigate, and support the prosecution of sexual abuse and sexual harassment within the correctional system and externally in partnership with state and local authorities." NJDOC IMM.001.004 and NJDOC Policy PCS.001.008 were finalized on February 1, 2024 and January 29, 2024 respectively.

On an ongoing basis, every year NJDOC provides Non-Uniform Staff Training (NUST), which includes one hour of PREA Training. Additionally, Custody Staff receive their annual training which includes one hour of PREA Training. The Monitor's Associate reviewed the training records for this reporting period and verified that this PREA training continues.

The Monitor reviewed the PREA video, script, and facilitator guide that is used during the PREA training. The curriculum includes information on NJDOC and Edna Mahan's zero-tolerance policy for sexual abuse and sexual harassment; how to fulfill staff responsibilities under its sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; the right of incarcerated persons to be free from sexual abuse and sexual harassment; the right of incarcerated persons and employees to be free from retaliation for reporting sexual abuse and sexual harassment; the dynamics of sexual abuse and sexual harassment in confinement; the common reactions of sexual abuse and sexual harassment victims; how to respond to sexual abuse and sexual harassment; signs of threatened and actual sexual abuse; how to avoid inappropriate relationships with incarcerated persons; and how to communicate effectively and professionally with incarcerated persons.

During the compliance interviews in February 2024, the Monitor and her Associate spoke with various staff and officials, including volunteers and contract staff, regarding their knowledge and roles in implementing the PREA policy. Everyone we spoke to was very aware of the importance in maintaining a zero tolerance toward all forms of sexual abuse and sexual harassment of any incarcerated persons. During the compliance visit, the Monitor and her Associate met with several incarcerated persons asking if they knew about their right to be safe from all forms of sexual abuse and sexual harassment. Each of these individuals confirmed they were aware of this right.

Lastly, during the compliance visit, the Monitor or her Associate noted posters and flyers throughout the facility mandating zero tolerance toward all forms of sexual abuse and sexual harassment and providing methods of reporting any incident of such.

Recommendations re A. General Policies and Procedures ¶ 16:

No recommendation

B. Prisoner Supervision

par. 18 Edna Mahan shall ensure that it provides written guidance outlining the job responsibilities of those staff members responsible for direct management of corrections staff assigned to all housing areas and dormitory settings in accordance with the policies and procedures developed pursuant to this Agreement.

Monitor's Measure of Compliance re B. Prisoner Supervision ¶ 18:

No later than February 24, 2022, Post Orders, Level 3 policy, or job descriptions written outlining the job responsibilities of staff members responsible for direct management of corrections officers assigned to all housing areas and dormitory settings specific to the policies and procedures pursuant to the Consent Decree.

Steps taken by NJDOC and EMCF towards implementation B. Prisoner Supervision ¶ 18:

2/24/24 Status Report

Post Orders for officers assigned to all housing areas and dormitory settings have been written or revised. Level 3 policies remain under review. NJDOC remains committed to ensuring that written guidance and Post Orders accurately reflect job responsibilities and align with the intent of this Agreement.

Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 18:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 18:

There are thirteen Internal Management Procedure (IMP) Custody Directives, also known as "post orders," related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all housing areas and dormitory settings. These post orders have all been updated to comply with the Settlement Agreement.

Recommendations re B. Prisoner Supervision ¶ 18:

No recommendation

B. Prisoner Supervision

- par.19 Within six months of the Effective Date, Edna Mahan shall ensure that there is adequate supervision by corrections staff assigned to all housing areas and dormitory settings, in that:
- a. Housing Unit Officers in units operated as Direct Supervision shall interact directly with the prisoners in the housing units providing supervision and contact from within the housing unit throughout the shift;
 - b. Housing Unit Officers in units not designated for Direct Supervision shall provide continuous supervision of prisoners through indirect supervision from vantage points outside of the unit and routine, unannounced rounds in accordance with Paragraph 22; and
 - c. In all housing units, Housing Unit Officers shall conduct living area searches and cell/bed searches as required by policy.

Requirements:

- par. 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.
- par. 22 Edna Mahan shall ensure and document that, absent exigent circumstances, correction officers conduct unannounced rounds at least every hour inside each general population housing unit and at least once every 30-minute period for units that include special management prisoners (as referenced in Paragraph 20), or more often if deemed necessary by Edna Mahan.
- par. 24 Edna Mahan shall ensure that all security rounds are documented on bound logs with pre-printed sequential page numbers that do not contain pre-printed rounding times, and that are maintained on each housing unit, or in an electronic format that does not contain pre-established rounding times and is accessible on each housing unit.

Monitor's Measure of Compliance re B. Prisoner Supervision ¶ 19:

- par.19 a
- No later than February 24, 2022, Post Orders have been written for Housing Units operated as Direct Supervision, documenting the requirement that Housing Unit Officers interact directly with the prisoners
 - Every month (after the Post Orders have been written), Monitor will request a List of all Officers who worked in a (randomly selected) Direct Supervision housing unit
 - Every month (after the Post Orders have been written), Monitor will request documentation that any/all Officers who worked in that same (randomly selected) Direct Supervision housing unit read, and acknowledged understanding of, the requirement that Housing Unit Officers interact directly with the prisoners
 - Every month, (beginning January 2022) Monitor will request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, documenting rounds made by Housing Unit Officers
 - Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Housing Unit Officers to interact directly with the prisoners
 - Interviews with staff regarding their knowledge and roles to interact directly with the prisoners
 - Review logbooks during On Site Tour

- par.19 b
- No later than February 24, 2022, Post Orders have been written for Housing Units not designated for Direct Supervision, documenting the requirement that Housing Unit Officers conduct routine, unannounced rounds
 - Every month (after the Post Orders have been written), Monitor will request a List of all Officers who worked in a (randomly selected) Housing Unit not designated for Direct Supervision housing unit
 - Every month (after the Post Orders have been written), Monitor will request documentation that any/all Officers who worked in that same (randomly selected) Housing Unit not designated for Direct Supervision read, and acknowledged understanding of, the requirement that Housing Unit Officers conduct routine, unannounced rounds
 - Every month, (beginning January 2022) Monitor will request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, documenting rounds made by Housing Unit Officers
 - Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Housing Unit Officers to conduct routine, unannounced rounds
 - Interviews with staff regarding their knowledge and roles to conduct routine, unannounced rounds.
 - Direct observations during On Site Tour
 - Review logbooks during On Site Tour
- par. 19 c
- Agency Level 1 policy on Searches of Prisoners and Correctional Facilities
 - Edna Mahan Level 3 policy on Searches of Prisoners and Correctional Facilities
 - Training Curriculum provided to correctional staff on conducting living area searches and cell/bed searches
 - Every month (beginning January 2022) Monitor will request documentation of living area searches and cell/bed searches conducted during the previous month in a (randomly selected) Housing Unit
 - Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Housing Unit Officers to conduct living area searches and cell/beds searches
 - Interviews with staff regarding their knowledge and roles to conduct living area searches and cell/bed searches
 - Direct observations during On Site Tour
 - Review documentation on living area and cell/bed searches during On Site Tour

Steps taken by NJDOC and EMCF towards implementation re B. Prisoner Supervision ¶ 19:

2/24/24 Status Report

As Paragraph 19 requires, Housing Unit Officers interact directly with incarcerated persons, providing continuous supervision and contact from within the housing units throughout their shifts. Additionally, officers conduct routine, unannounced rounds, thoroughly checking for security breaches, unauthorized activity, or contraband concealment. Consistent searches of all cells and living areas are performed as required by policy. The officers document all unit tours and any incidents or activities that may have affected a tour in a bound logbook. A random monthly sampling with dates determined by the monitor is provided to ensure compliance with this requirement.

Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 19:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 19:

19a and 19b Discussion:

Note: As per NJDOC and DOJ discussion and agreement, “direct supervision” of special management incarcerated persons “without physical barriers” means that officers routinely patrol special management units and interact directly with incarcerated persons in those units; specifically, when incarcerated persons are outside of their cells, officers interact directly as safety allows, and when incarcerated persons are inside their cells, officers patrol and interact with incarcerated persons from outside cells. Safety concerns preventing direct officer interaction with particular incarcerated persons will be accommodated. Therefore, all EMCF special management units operate as Direct Supervision areas.

There are thirteen Internal Management Procedure (IMP) Custody Directives, Level 3 policies, also known as “post orders,” related to officer responsibilities of the staff members responsible for direct management of all housing areas and dormitory settings. These post orders have all been updated, in compliance with the Settlement Agreement.

Each of these post orders includes the expectation that incarcerated persons shall be observed regularly and frequently by custody staff. All these Post Orders also state that Officers will conduct routine, unannounced rounds every half an hour, and that Officers shall document all tours in the unit logbook.

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states, “All officers are responsible for conducting regular and frequent housing unit tours approximately every thirty minutes during an officer's tour of duty. All unit Officers shall document all tours in the unit logbook and any incident and/or activity that precluded a unit tour, if applicable.” This level 3 IMP was last updated on June 10, 2020.

For each month of this reporting period, the Monitor requested copies of the logbook pages from various housing units and varying weeks. The Monitor reviewed all logbook entries to verify the timing of rounds made by Housing Unit Officers. For each month, the logbooks verified that, in nearly every instance, rounds (or tours as Edna Mahan calls them) are conducted every thirty minutes. The Monitor will continue to request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, to document the timing of the rounds made by Housing Unit Officers.

During the onsite compliance visit in February 2025, the Monitor and/or her Associate reviewed logbooks in a variety of housing units, looking specifically at the timing of rounds made by the Housing Unit Officers. Also, during the onsite compliance visit in February 2025, the Monitor and/or her Associate spoke with custody officers working in the housing units and asked them about their responsibility to interact directly with

the incarcerated persons from within the units throughout the shift. All officers answered they were required to conduct tours of the housing units at least every thirty minutes.

19c Discussion:

The Division of Operations Level 1 / Level 3 Internal Management Procedures Internal Management Procedure CUS.001.SEA.001 titled, Searches of incarcerated persons and Correctional Facilities states, “New Jersey Department of Corrections custody staff members, with/without canines, shall, on a routine and continuing basis, search persons who are incarcerated, their property and quarters and other areas of their correctional facility/organizational unit. The frequent, unannounced searches of incarcerated persons’ property, quarters and other correctional facility/organizational unit areas shall be conducted as often as necessary to ensure the safety and security of the facility. Additionally, searches of incarcerated persons and their clothing should be conducted frequently.” This policy was finalized on January 29, 2024.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive #1, titled Officer Responsibilities, discusses housing unit searches by stating:

- a) The officer will do a visual inspection immediately upon entering the area. These inspections will consist of, but not limited to, rest rooms, shower areas, closets, offices, storage areas, hallways, and prisoner personal areas.
- b) Whenever an incarcerated person moves from one area to another, whether wing, cell or housing unit, the area must be searched, and the prisoner must leave it in a clean condition. This is inclusive of wall and footlockers.

Additionally, the same IMP discusses weekly search sheets by stating:

- a) Search Sheets will be displayed in an area visible to staff only, not incarcerated persons. The 6:00 A.M. and 2:00 P.M. shift will complete no less than three cell searches per shift.
- b) The 10:00 P.M. shift will search all public areas each day.
- c) Discrepancies (contraband) will be briefly described on the back of the sheet. In addition, an incident report will be submitted. The incident report will include a brief description of contraband, where the contraband was found, the disposition of the contraband and any charges (if applicable).
- d) The search sheet will be submitted to the appropriate custody Sergeant. Any reason for not completing the required room searches must be noted on the sheet.

For each month of this reporting period, the Monitor requested copies of the logbook pages from various housing units and varying weeks. The Monitor reviewed all logbook entries to verify the amount of, and date and timing of, all searches completed that week by the Housing Unit Officers. The Monitor will continue to request a week’s (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, to document the living area and cell/bed searches conducted by Housing Unit Officers.

Lastly, during the compliance visit in February 2024, the Monitor and/or her Associate interviewed custody staff regarding their knowledge and roles to conduct living area searches and cell/bed searches. They all explained that they are required to conduct three cell/bed searches during the first and second shifts (6:00 – 22:00) and the third shift (22:00 – 6:00) conduct three living area searches. They also reported they are required to document all searches in the back of the logbook and in the search log.

Recommendations re B. Prisoner Supervision ¶ 19:

No recommendation

B. Prisoner Supervision

par. 20 All special management units, specifically units for prisoners with mental health issues, close custody, protective custody, and any other segregated housing units, shall be operated as Direct Supervision.

Requirements:

par. 19 Demonstrate compliance within 6 months of Effective Date (Feb. 24, 2022)
As per NJDOC and DOJ discussion and agreement, “direct supervision” of special management prisoners “without physical barriers” means that officers routinely patrol special management units and interact directly with prisoners in those units; specifically, when prisoners are outside of their cells, officers interact directly as safety allows, and when prisoners are inside their cells, officers patrol and interact with prisoners from outside cells. Safety concerns preventing direct officer interaction with particular prisoners will be accommodated.

Monitor’s Measure of Compliance re B. Prisoner Supervision ¶ 20:

- No later than February 24, 2022, Post Orders have been written for Officer working in Special Management Units, documenting the requirement that the Officers conduct routine, unannounced rounds.
- Every month, (beginning January 2022) Monitor will request a week’s (random week from the previous month) worth of logbooks in a (randomly selected) Special Management Housing Unit, documenting rounds made by Unit Officers.
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Special Management Unit Officers to interact directly with the prisoners as safety allows.
- Interviews with staff regarding their knowledge and roles to interact directly with Special Management Unit prisoners as safety allows.
- Direct observations during On Site Tour.
- Review logbooks during On Site Tour.

Steps taken by NJDOC and EMCF towards implementation re B. Prisoner Supervision ¶ 20:

2/24/24 Status Report

All units at EMCF continue to operate under the Direct Supervision model, as detailed in Paragraph 19. This Direct Supervision approach is consistently applied across all units, including special management units for incarcerated persons with mental health issues, close custody, and protective custody.

Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 20:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 20:

During the first reporting period (August 2021 – February 2022), NJDOC and DOJ agreed that, “direct supervision of special management incarcerated persons without physical barriers” means that officers routinely patrol special management units and interact directly with incarcerated persons in those units. And that specifically, when incarcerated persons are outside of their cells, officers interact directly as safety allows, and when incarcerated persons are inside their cells, officers patrol and interact with incarcerated persons from outside cells. Safety concerns preventing direct officer interaction with particular incarcerated persons will be accommodated.

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment says that the definition of **Direct staff supervision** means that security staff are in the same room with, and within reasonable hearing distance of the incarcerated person. This policy was revised on February 1, 2024. On January 24, 2024, NJDOC adopted a list of standard definitions, to be used in all of their policies. This definition of Direct staff supervision will be used in all Level 1 and Level 111 NJDOC policies.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive # 1 Title: Officer Responsibilities states, “All officers are responsible for conducting regular and frequent housing unit tours approximately every thirty minutes during an officer's tour of duty. All unit Officers shall document all tours in the unit logbook and any incident and/or activity that precluded a unit tour, if applicable.” This IMP was last updated on June 10, 2020.

There are thirteen Internal Management Procedure (IMP) Custody Directives, also known as “post orders,” related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all units, including the special management units. All these post orders were revised in February 2022 and included the expectation that inmates shall be observed regularly and frequently by custody staff. All the Post Orders also state that Officers will conduct routine, unannounced rounds every half an hour, and that unit Officers shall document all tours in the unit logbook.

For each month of this reporting period, the Monitor requested copies of the logbook pages from various housing units and varying weeks. Twice during this reporting period, that included a special management unit. The Monitor reviewed all logbook entries to verify the timing of rounds made by the Unit Officers. The logbooks verified that, in nearly every instance, rounds (or tours as Edna Mahan calls them) are conducted every thirty minutes. The Monitor will continue to request a week's (random week from the previous month) worth of logbooks in a (randomly selected) special housing unit, to document the timing of the rounds made by Unit Officers.

During the onsite compliance visit in February 2024, the Monitor and/or her Associate reviewed logbooks in a variety of housing units, including special management units, looking specifically at the timing of rounds made by the Unit Officers. Additionally, during the onsite compliance visit in February 2024, the Monitor and/or her Associate spoke with custody officers working in the special management units and asked them about their responsibility to conduct random tours. Without exception all officers answered they were required to conduct tours of the special management units at least every thirty minutes.

Recommendations re B. Prisoner Supervision ¶ 20:

No recommendation

B. Prisoner Supervision

par. 21 Within two years of the Effective Date, Edna Mahan shall ensure that there is Direct Supervision in all housing units.

Requirements:

par. 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re B. Prisoner Supervision ¶ 21:

- By August 24, 2023, all Housing Unit Post Orders are written designating the unit to be operated as a Direct Supervision housing unit
- Edna Mahan Level 3 policies that direct all Housing Units to be operated as Direct Supervision Units
- Post Orders written for all Correctional Police Officer's working in housing units identifying the expectations that the housing unit is to be operated as a direct supervision unit
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct all Housing Units to be operated as Direct Supervision Units
- Direct observations during On Site Tour

Steps taken by NJDOC and EMCF towards implementation B. Prisoner Supervision ¶ 21:

2/24/24 Status Report

As described in Paragraphs 19 and 20, all units at EMCF operate under the Direct Supervision model according to best practices for working with incarcerated women and pursuant to the requirements of this Agreement.

Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 21:

[X] Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 21:

There are thirteen Internal Management Procedure (IMP) Custody Directives, Level 3 policies, also known as "post orders," related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all housing areas, dormitory settings, and special management units. These post orders have all been updated, in compliance with the Settlement Agreement.

Each of these post orders includes the expectation that incarcerated persons shall be observed regularly and frequently by custody staff. All of these Post Orders also state that Officers will conduct routine, unannounced rounds every half an hour, and that unit Officers shall document all tours in the

unit logbook. Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states, “All officers are responsible for conducting regular and frequent housing unit tours approximately every thirty minutes during an officer's tour of duty. All unit Officers shall document all tours in the unit logbook and any incident and/or activity that precluded a unit tour, if applicable.” This level 3 IMP was last updated on June 10, 2020.

It should be noted that this IMP is currently drafted and being revised to read, “*Definition: **Direct Supervision** means active management of incarcerated persons through continuous staff interaction and direct contact with prisoners in housing units, without barriers routinely separating staff and incarcerated persons in the housing units.*”

Additionally, In the body of the policy, it will read, “In the _____ Housing Unit, adequate supervision shall be provided by Officers interacting directly with the incarcerated persons. Officers must make every effort to ensure a clean, safe, secure, and smoothly operated housing unit. Housing units shall be operated as Direct Supervision.”

Additionally, as noted above, during the first reporting period (August 2021 – February 2022), NJDOC and DOJ agreed that “direct supervision of special management incarcerated persons without physical barriers” means that officers routinely patrol special management units and interact directly with incarcerated persons in those units. And that specifically, when incarcerated persons are outside of their cells, officers interact directly as safety allows, and when incarcerated persons are inside their cells, officers patrol and interact with incarcerated persons from outside cells. Safety concerns preventing direct officer interaction with particular incarcerated persons will be accommodated.

Therefore, staff at both EMCF and the Satellite building have ensured there has been Direct Supervision in all housing units since 2022.

Recommendations re B. Prisoner Supervision ¶ 21:

It is recommended that the Level 3 IMP be revised to include the suggested language noted above language.

B. Prisoner Supervision

par. 22 Edna Mahan shall ensure and document that, absent exigent circumstances, correction officers conduct unannounced rounds at least every hour inside each general population housing unit and at least once every 30-minute period for units that include special management prisoners (as referenced in Paragraph 20), or more often if deemed necessary by Edna Mahan.

Requirements:

par. 19 Demonstrate compliance within 6 months of Effective Date (Feb. 24, 2022)

par. 20 All special management units, specifically units for prisoners with mental health issues, close custody, protective custody, and any other segregated housing units, shall be operated as Direct Supervision. (As defined in paragraph 20 above).

par. 25 Video surveillance may be used to supplement, but must not be used to replace, rounds by correctional officers.

Monitor's Measure of Compliance re B. Prisoner Supervision ¶ 22:

- Every month, (beginning January 2022) Monitor will request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, documenting rounds made by Housing Unit Officers
- Post Orders written for all Correctional Police Officer's working in general population housing units identifying the expectations that unannounced rounds will be conducted at least every hour
- Post Orders written for all Correctional Police Officer's working in all housing units that include special management prisoners identifying the expectations that unannounced rounds will be conducted at least 30 minutes
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Housing Unit Officers conduct unannounced rounds at the appropriate period of times, based on the type of housing unit
- Interviews with staff regarding their knowledge and roles to conduct unannounced rounds at the appropriate times, based on the type of housing unit
- Review logbooks during On Site Tour
- Review Post Orders during On Site Tour

Steps taken by NJDOC and EMCF towards implementation B. Prisoner Supervision ¶ 22

2/24/24 Status Report

Officers at Edna Mahan Correctional Facility continue to adhere to the requirement outlined in both policy and the Agreement. They conduct routine, unannounced rounds at least every half hour or more frequently, if necessary, in all general population housing units and units housing special management incarcerated persons, as specified in Paragraph 20. To ensure compliance, a random monthly sampling, with dates determined by the federal monitor.

Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 22:

[X] Substantial Compliance

- Partial Compliance
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 22:

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states, "All officers are responsible for conducting regular and frequent housing unit tours approximately every thirty minutes during an officer's tour of duty. All unit Officers shall document all tours in the unit logbook and any incident and/or activity that precluded a unit tour, if applicable." This IMP was last updated on June 10, 2020.

For each of the six months of this reporting period, the Monitor has requested copies of the logbook pages from various units and various weeks (the unit and week changed each month). The Monitor reviewed all logbook entries to verify the timing of rounds made by Unit Officers. In all instances, with rare exception, the Officers conducted rounds every half hour. The Monitor will continue to request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, including a special management unit, to document the timing of the rounds made by Unit Officers.

During the onsite compliance visit in February 2024, the Monitor and/or her Associate reviewed logbooks in a variety of housing units, including a special management unit, looking specifically at the timing of rounds made by the Unit Officers. Additionally, during the onsite compliance visit in February 2024, the Monitor and/or her Associate spoke with custody officers working in the units and asked them about their responsibility to conduct tours. Without exception all officers answered they were required to conduct tours of the housing units, including the special management units, at least every thirty minutes.

Recommendations re B. Prisoner Supervision ¶ 22:

No recommendation

B. Prisoner Supervision

par. 23 Edna Mahan shall ensure and document that intermediate level or higher-level supervisors (at the rank of sergeant or above) conduct and document unannounced rounds during all shifts to identify and deter staff misconduct or lapses in supervision. The Housing Floor Officer in a unit undergoing a supervisory round shall not be alerted that the supervisory round is occurring.

Requirements:

par. 19 Demonstrate compliance within 6 months of Effective Date (Feb. 24, 2022)

par. 25 Video surveillance may be used to supplement, but must not be used to replace, rounds by correctional officers

Monitor's Measure of Compliance re B. Prisoner Supervision ¶ 23:

- Every month, (beginning January 2022) Monitor will request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, documenting supervisory rounds during all three shifts
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that intermediate and higher-level supervisors conduct unannounced rounds
- Interviews with intermediate and higher-level supervisors regarding their knowledge and roles to conduct unannounced rounds
- Review logbooks during On Site Tour

Steps taken by NJDOC and EMCF towards implementation B. Prisoner Supervision ¶ 23:

2/24/24 Status Report

Sergeants and Lieutenants conduct and document at least two unannounced rounds per shift, recorded in a bound logbook, as per the Agreement and policy to enhance facility safety. They oversee staff, ensure presence at posts, timely attendance, and deterrence of misconduct. Officers are informed of duties, adhering to directives. Unit tours are strategically spaced throughout the shift to maintain integrity, providing comprehensive supervision discreetly and objectively. Compliance is ensured through random monthly sampling of logbook entries determined by the federal monitor.

Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 23:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

[] N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 23:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Within NJDOC, unannounced rounds are conducted by intermediate-level and higher-level corrections supervisors at random times during all shifts. This practice is outlined in policy statement CUS.001.011 Searches of Incarcerated persons and Facilities, finalized 2/23/24 and internal management procedure CUS.001.SEA.001 Searches, finalized 1/29/24. These rounds are for the purpose of identifying and deterring incidences of sexual abuse and sexual harassment. These rounds are unannounced to staff on posts during the shift, and therefore proper cross-gender announcements and/or notifications regarding body worn cameras upon entrance to a housing unit shall still occur. Staff members are prohibited from alerting other staff members that these rounds are occurring unless such announcement is related to a legitimate operational function."

NJDOC CUS.001.011 Searches of Inmates and Facilities Level 1/3 states, "Supervisory corrections staff are to conduct and document unannounced rounds at random times every month. These rounds are for the purpose of identifying and deterring sexual abuse and sexual harassment being carried out by corrections staff members. Staff members are prohibited from alerting other staff members that these rounds are occurring, unless such an announcement is related to a legitimate operational function." This policy was finalized 2/23/24.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures (IMP) Titled: Maximum Compound Sergeant One, Two, and Three and Minimum Compound Sergeant One, Two, and Three both states, "Sergeants shall make a minimum of two, irregularly timed tours of all areas under their control ensuring security, safety, and control, in a clean and orderly environment. These tours shall be unannounced and logged into the logbook as such." These two IMPs were last updated in February 2022.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures Titled: Maximum Compound Lieutenant and Minimum Compound Lieutenant both states, "Lieutenants shall make a minimum of one, irregularly timed tour of all areas under their control ensuring security, safety, and control, in a clean and orderly environment. These tours shall be unannounced and logged into the logbook as such. They shall also be entered into the electronic database located in the G-Drive on a daily basis." These two IMPs were last updated in February 2022.

For each of the six months of this reporting period, the Monitor has requested copies of the logbook pages from various units and various weeks (the unit and week changed each month). The Monitor reviewed all logbook entries to verify the timing of rounds made by Sergeants and Lieutenants. The Monitor will continue to request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, to document the rounds made by Sergeants and Lieutenants.

Additionally, for each of the six months of this reporting period, the Monitor received a copy of the "Supervisor Shift Report" which verified the Lieutenants and Sergeants time of tour (rounds), and time that they visited each area of the Edna Mahan facility during those days. Lastly, during both the six months of this reporting period, the Monitor received copies of the Shift Master Log which documents all supervisory tours (rounds) made by Sergeants and Lieutenants.

During the onsite compliance visit in February 2024, the Monitor and/or her Associate reviewed the logbooks of the housing units, including a special management unit, to confirm that supervisors at the rank of sergeant or above conducted and documented unannounced rounds during all shifts.

Lastly, during the onsite compliance visit in February 2024, (or in a virtual interview), the Monitor and/or her Associate spoke with several Sergeants and Lieutenants and asked them about their responsibility to conduct irregularly timed tours of all areas under their control. Without exception all Sergeants answered that they were aware of the expectation to conduct two tours per shift. The Lieutenants answered that they were aware of the expectation to conduct at least one tour per shift. All Supervisors said that they fulfilled this expectation while they were on shift, unless there was some type of emergency that prevented them from completing such.

Recommendations re B. Prisoner Supervision ¶ 23:

No recommendation

B. Prisoner Supervision

par. 24 Edna Mahan shall ensure that all security rounds are documented on bound logs with pre-printed sequential page numbers that do not contain pre-printed rounding times, and that are maintained on each housing unit, or in an electronic format that does not contain pre-established rounding times and is accessible on each housing unit. Edna Mahan shall also ensure that a master log of supervisory rounds is maintained for the entire Edna Mahan campus. The logs should be reviewed at least weekly by Edna Mahan leadership, and not less than quarterly by the NJDOC Commissioner or his/her designee.

Requirements:

par. 19 Demonstrate compliance within 6 months of Effective Date (Feb. 24, 2022)

par. 24 Edna Mahan shall ensure that a master log of supervisory rounds is maintained for the entire EMCF campus.

The logs should be reviewed at least weekly by Edna Mahan leadership

The logs should be reviewed not less than quarterly by the NJDOC Commissioner or his/her designee

par. 25 Video surveillance may be used to supplement, but must not be used to replace, rounds by correctional officers

Monitor's Measure of Compliance re B. Prisoner Supervision ¶ 24:

- Every month, (beginning January 2022) Monitor will request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, documenting supervisory rounds
- Every month, (beginning January 2022) Monitor will receive a copy of the master log of supervisory rounds
- Every month, (beginning January 2022) Monitor will receive documentation that Edna Mahan leadership reviewed master log of supervisory rounds at least weekly
- Every quarter, (beginning January 5 2022, for the 4th quarter of 2021) Monitor will receive documentation that NJDOC Commissioner or designee reviewed master log of supervisory rounds conducted at Edna Mahan
- Interviews with Edna Mahan leadership regarding their knowledge and roles to review master log of supervisory rounds at least weekly
- Interviews with NJDOC Commissioner or designee regarding their knowledge and roles to review Edna Mahan master log of supervisory rounds at quarterly

Steps taken by NJDOC and EMCF towards implementation B. Prisoner Supervision ¶ 24

2/24/24 Status Report

During the period spanning from September 2023 to January 2024, EMCF Leadership provided verification of weekly review of supervisory rounds. This included the submission of copies of the Shift Master Log, a comprehensive record detailing supervisory rounds performed by Sergeants and Lieutenants, and correspondence from the Deputy Commissioner of Operations, acting as the Commissioner's designee, verifying quarterly review of the supervisory round logs.

Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 24:

Substantial Compliance: The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 3 policy needs to be revised to include this requirement in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 24:

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures (IMP) 109 Titled: Logbook Usage, gives the definition of a logbook as: "Logbook means a hardbound journal utilized to document information relevant to the orderly running of the correctional facility. This IMP was updated in October 2017.

This same Level 3 IMP gives the instruction that no lines are to be skipped in the logbook; at no time will a line be left blank and "voided out". Any corrections in the log will be lined out and initialed by the officer making the correction. Correction tape or white-out is not to be used. All entries will be made in chronological order. All times will be entered on the left-hand margin of the page, and each new time will be entered on a new line."

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures 1 Titled: Officer Responsibilities provides guidance to Officers on what and how to document activities into the logbook. This IMP was updated in June 2020.

For each of the six months of this reporting period, the Monitor received copies of the Shift Master Log which documents all supervisory rounds made by Sergeants and Lieutenants.

For the months of September, October, November, December 2023, and January and February 2024, the Monitor received correspondence from Edna Mahan leadership verifying weekly review of supervisory rounds and copies of the Shift Master Log which documents all supervisory rounds made by Sergeants and Lieutenants.

During the onsite compliance visit in February 2024, the Monitor and/or her Associate reviewed the logbooks of every housing unit, including a special management unit, and in several "key areas" of the facility. All tours were documented in logbooks. Additionally, the Monitor spoke with Administrator O'Dea, Associate Administrator Rios, and the three current Assistant Superintendents. These five persons are the "highest level" of management at Edna Mahan. All five of these people acknowledged responsibility to review the supervisory round logs.

Lastly, the Monitor received four separate memorandums from Deputy Commissioner Erin Nardelli that said, "Pursuant to Paragraph 24 of the Settlement Agreement between DOJ and NJDOC, "I, acting in the capacity of the Commissioner's designee, have completed the review of the above

referenced Supervisory Rounds Master Log as required by the aforementioned settlement agreement”. These memos were dated January 8, 2024 (for the month of December 2023); December 4, 2023 (for the month of November 2023); November 1, 2023 (for the month of October); and October 2, 2023 (for the month of September).

Currently, there is no Level 3 policy in place to formally document this requirement.

Recommendations re B. Prisoner Supervision ¶ 24:

The recommendation is that the EMCF Level 3 policy should include a statement that Edna Mahan ensure and document that intermediate level or higher-level supervisors (at the rank of sergeant or above) conduct and document unannounced rounds during all shifts to identify and deter staff misconduct or lapses in supervision.

C. Camera Management

par. 26 NJDOC has contracted with an expert who has conducted a review of the Edna Mahan Camera Plan, including a review of each camera's placement. As a result of that review, cameras are strategically placed to maximize supervision while protecting privacy. Edna Mahan will develop and implement camera management policies and procedures in accordance with this Agreement.

Requirements:

par. 10 During the first nine (9) months following the Effective Date, NJDOC and Edna Mahan will ensure the policies and procedures related to the topics specified below are drafted and/or revised in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. NJDOC and Edna Mahan shall provide any policies and procedures developed or revised in accordance with this Agreement to the Monitor for comment and approval to accomplish the timeframes in this Agreement. The Monitor will provide feedback on these policies and procedures promptly to Edna Mahan, but at all times within thirty (30) days:

par. 10
c Camera Management

par. 27 Video surveillance may be used to supplement, but must not be used to replace, rounds by correctional officers

par. 29 Edna Mahan shall ensure substantial video coverage of all of the primary areas frequented by prisoners. These areas consist of housing areas, entrances to shower and toilet areas, congregate activity areas (dining hall, yards, chapel), visiting rooms, entry and exits including vehicle access points and housing unit entry, stairways and stairwells, congregate areas of prisoner living units, and hallways. Video coverage need not be contemporaneously monitored

The Camera management policies and procedures will include the locations where cameras have been placed

Monitor's Measure of Compliance re C. Camera Management ¶ 26:

- Level 1 and Level 3 Policy on Camera Management drafted and/or revised by May 24, 2022
- Level 3 Policy on Camera Management signed by Edna Mahan Administrator by August 24, 2022
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan regarding camera management
- Random review of policies during onsite visit

Steps taken by NJDOC and EMCF towards implementation C. Camera Management ¶ 26:

2/24/24 Status Report

CUS.001.CRP.01 Camera Review Procedures was finalized 1/2/24. The revised policy mandates weekly assessments of recorded fixed video media, comprising no less than 20 hours per month, with a minimum of 5 hours observed in "live-time" footage. These reviews are documented in a monthly report to Central Office Headquarters, detailing the institution, areas covered, total hours reviewed, live-time hours, and any notable occurrences. Each month, four different areas are selected for review to ensure comprehensive coverage. Supervisors of the rank of Lieutenant or above conduct these reviews, documenting any discrepancies or issues found, which are then forwarded to the appropriate Major and Administrator for corrective action if necessary. All video downloads are retained for a minimum of 90 days and are available for review upon

request. Quarterly meetings are held at the Central Office to discuss and address deficiencies identified in the video reports, focusing on staff and inmate conduct, security concerns, and adherence to policies and procedures. Training opportunities may arise from these reviews, with appropriate approval required for use of the footage for training purposes. Data retention schedules ensure video footage is preserved for a minimum of 30 days or longer if incidents occur. At EMCF, the Media Technician performs regular weekly comprehensive camera inspections with a representative from Custody. These inspections are documented. Cameras are inspected and checked for angle placement, feed quality, and recorded footage. A comprehensive training plan is in the process of being developed and training will occur as stipulated in this Agreement.

Monitor's Finding of Compliance re C. Camera Management ¶ 26:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re C. Camera Management ¶ 26:

On December 21, 2023, the Division of Operations revised Level I/3 Internal Management Procedure # CUS.001.CRP.01, titled "Camera Review Procedures".

Additionally, on February 23, 2024, the Division of Operations finalized Level I/3 Internal Management Procedure #CUS.001.BWC.01, titled "Use of Body Worn Cameras (BWC)".

Recommendations re C. Camera Management ¶ 26:

No recommendation.

C. Camera Management

par. 28 All video shall be retained for at least 30 days, unless an unusual occurrence such as an alleged assault or sexual abuse, or display of contraband, occurs in an area surveilled, in which case the video shall be preserved until the matter is fully investigated and prosecuted or dismissed by authority of the Commissioner, or at least five years, whichever is longer.

Requirements:

par. 25 Video surveillance may be used to supplement, but must not be used to replace, rounds by correctional officers.

Monitor's Measure of Compliance re C. Camera Management ¶ 28:

- Level 1 and Level 3 Policy on Camera Management drafted and/or revised by May 24, 2022 includes requirement that all video shall be retained for at least 30 days, unless an unusual occurrence such as an alleged assault or sexual abuse, or display of contraband, occurs in an area surveilled, in which case the video shall be preserved until the matter is fully investigated and prosecuted or dismissed by authority of the Commissioner, or at least five years, whichever is longer
- Level 3 Policy on Camera Management signed by Edna Mahan Administrator by August 24, 2022 includes requirement that all video shall be retained for at least 30 days, unless an unusual occurrence such as an alleged assault or sexual abuse, or display of contraband, occurs in an area surveilled, in which case the video shall be preserved until the matter is fully investigated and prosecuted or dismissed by authority of the Commissioner, or at least five years, whichever is longer
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses the requirement that all video shall be retained for at least 30 days, unless an unusual occurrence such as an alleged assault or sexual abuse, or display of contraband, occurs in an area surveilled, in which case the video shall be preserved until the matter is fully investigated and prosecuted or dismissed by authority of the Commissioner, or at least five years, whichever is longer
- Random review of policies during onsite visit
- Interview with staff and leadership team at EMCF about the requirement that all videos shall be retained for at least 30 days during onsite visit

Steps taken by NJDOC and EMCF towards implementation C. Camera Management ¶ 28:

2/24/24 Status Report

CUS.001.CRP.01 Camera Review Procedures was finalized 1/2/24. The revised policy mandates that all video downloads are retained for a minimum of 90 days and are available for review upon request. Data retention schedules ensure video footage is preserved for a minimum of 30 days or longer if incidents occur. A comprehensive training plan is in the process of being developed and training will occur as stipulated in this Agreement.

Monitor’s Finding of Compliance re C. Camera Management ¶ 28:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re C. Camera Management ¶ 28:

NJDOC Division of Operations Internal Management Procedure I/3 #CUS.001.CRP.01 titled “Camera Review Procedures” states, “All fixed camera videos shall be retained for at least 30 days. In the case of an unusual occurrence— including but not limited to an alleged assault, sexual abuse or harassment, or a display of contraband—all existing video surveillance that is relevant to the occurrence shall be preserved by SID. All evidence shall be preserved by SID in conformity with Attorney General Guidelines and case law, including, but not limited to, logging evidence to maintain the chain of custody. Evidence may be destroyed only after the matter is fully investigated and prosecuted or dismissed by the authority of the Commissioner, or at least five (5) years, or when legally permissible, whichever is longer.

Additionally, NJDOC Division of Operations Internal Management Procedure I/3 #CUS.001.CRP.01 titled “Camera Review Procedures” states, “All BWC videos are retained for at least 185 days. Any video that is tagged with a use of force is automatically saved for a minimum of three (3) years. Any videos tagged with either Code 66 (suicide/attempted suicide) or Officer Injury are retained until manually deleted.” This policy was revised on December 21, 2023

The Monitor interviewed Edna Mahan leadership staff and the Special Investigations Division (SID) and the Special Victims Unit (SVU) Principal Investigators assigned to Edna Mahan. Each of these staff were asked about the length of time a video should be retained. Everyone interviewed knew that routine video should be retained for at least 30 days. And with the current stationary camera system, the video is retained at least 8 months routinely. Everyone interviewed also agreed that, if there is still an active investigation, of any kind, occurring, the video coverage of that incident would be retained “indefinitely.” Both groups also explained that video from the Body Worn Cameras (BWC) is routinely retained for at least 30 days and can be “tagged”, in which case it, too, can be retained indefinitely.

Recommendations re C. Camera Management ¶ 28:

No recommendation

C. Camera Management

par. 29 Camera management policies and procedures, including the locations where cameras have been placed, will be reviewed by Edna Mahan at least annually to ensure that they are serving their goal of maximizing supervision. To the extent that any changes to the Camera Management policies and procedures, or to a camera location, need to be made, they will be made within 30 days of the completion of the annual review. If a change cannot be made within 30 days, the reason for exceeding 30 days will be documented and notice of the proposed change and reason for exceeding 30 days will be provided to DOJ. NJDOC and Edna Mahan will also provide to DOJ confirmation of completed change once it occurs.

Requirements:

- par. 15 Edna Mahan will annually review its policies and procedures, revising them as it deems necessary. Any revisions to the policies and procedures will be submitted to DOJ for approval in accordance with paragraph 12
- par. 25 Video surveillance may be used to supplement, but must not be used to replace, rounds by correctional officers
- par. 29 To the extent that any changes to the Camera Management policies and procedures, or to a camera location, need to be made, they will be made within 30 days of the completion of the annual review. If a change cannot be made within 30 days, the reason for exceeding the 30 days will be documented and notice of the proposed change and reason for exceeding the 30 days will be provided to DOJ. NJDOC and Edna Mahan will also provide to DOJ confirmation of completed change once it occurs

Monitor's Measure of Compliance re C. Camera Management ¶ 29:

- Level 3 Policy on Camera Management drafted and/or revised by May 24, 2022, includes expectation that Camera management policies and procedures will be reviewed at least annually.
- Written report of annual review
- Documentation that changes recommended by annual review have been completed within 30 days of the review
- Monitor will review PREA incident reports, prisoner grievance investigations and PREA investigations conducted by NJDOC Special Investigations. These reviews will determine if the video surveillance system is being used appropriately, consistent with the requirement to provide maximum supervision.

Steps taken by NJDOC and EMCF towards implementation C. Camera Management ¶ 29:

2/24/24 Status Report

CUS.001.CRP.01 Camera Review Procedures was finalized 1/2/24. The revised policy mandates weekly assessments of recorded fixed video media, comprising no less than 20 hours per month, with a minimum of 5 hours observed in "live-time" footage. These reviews are documented in a monthly report to Central Office Headquarters, detailing the institution, areas covered, total hours reviewed, live-time hours, and any notable occurrences. Each month, four different areas are selected for review to ensure comprehensive coverage. Supervisors of the rank of Lieutenant or above conduct these reviews, documenting any discrepancies or issues found, which are then forwarded to the appropriate Major and Administrator for corrective action if necessary. All video downloads are retained for a minimum of 90 days and are available for review

upon request. Quarterly meetings are held at the Central Office to discuss and address deficiencies identified in the video reports, focusing on staff and inmate conduct, security concerns, and adherence to policies and procedures. Training opportunities may arise from these reviews, with appropriate approval required for use of the footage for training purposes. Data retention schedules ensure video footage is preserved for a minimum of 30 days or longer if incidents occur.

At EMCF, the Media Technician performs regular weekly comprehensive camera inspections with a representative from Custody. These inspections are documented. Cameras are inspected and checked for angle placement, feed quality, and recorded footage. A comprehensive training plan is in the process of being developed and training will occur as stipulated in this Agreement.

Monitor's Finding of Compliance re C. Camera Management ¶ 29:

Substantial Compliance: The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period.

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re C. Camera Management ¶ 29:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "The annual Internal PREA Audit features a review of an institution's current video monitoring system to identify if any modifications are recommended and to reduce the presence of blind spots in each facility.

On October 12, 2023, a Camera Review Committee conducted a thorough camera tour of EMCF. The committee included Sandra Capra, Agency PREA Coordinator; Patrick A. Nogan, Director of Operations; Amelia Renshaw, EMCF IPCM; EMCF Major Karpew; and Brittany Holley, EMCF Media Tech. It was noted that while a formalized tour was conducted on this date for purposes of documentation, numerous camera reviews at the facility were conducted throughout the year, most notably in preparation for and in conjunction with the PREA audit which took place in 2023.

In addition to the annual camera location review, Edna Mahan Media Tech performs regular weekly comprehensive camera inspections with a representative from Custody. These inspections take an entire day, as each camera is inspected and checked for angle placement, feed, and recorded footage. Additionally, Assistant Superintendent Renshaw conducts weekly tours of the entire EMCF campus, including the Satellite Building. Part of this tour involves reviewing the camera placement. These tours are documented and submitted to the EMCF leadership team monthly.

Recommendations re C. Camera Management ¶ 29:

The recommendation is to incorporate a statement into the policy specifying that Camera management policies and procedures, along with camera locations, should undergo annual reviews by Edna Mahan to ensure they effectively enhance supervision.

D. Staffing

par. 30 Within four months of the Effective Date, Edna Mahan shall develop a new staffing plan, designating the necessary security and custody posts to be staffed at Edna Mahan, based on gender-responsive principles, that provides for adequate security staffing levels, in accordance with the PREA requirements delineated in 28 C.F.R. § 115.13(a), to protect prisoners from sexual abuse and to achieve compliance with this Agreement on the timelines set out in this Agreement. Edna Mahan's staffing plan shall be subject to review and approval by DOJ, which approval shall not be unreasonably withheld. The staffing plan will be reassessed annually by Edna Mahan in accordance with Paragraph 34 of this Agreement.

Requirements:

- par. 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.
- par. 31 The Edna Mahan staffing plan shall designate gender-restricted posts at Edna Mahan, through a process that ensures that any such restriction complies with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq., and make efforts to ensure that the requirements are met for bona-fide occupational qualifications.
- par. 34 For the annual reassessment of the staffing plan, NJDOC and Edna Mahan, in consultation with the Department-wide PREA Coordinator and Edna Mahan's PREA Compliance Manager, shall assess, determine, and document whether adjustments are needed to the Edna Mahan staffing plan, and implement such adjustments. The annual reassessment will include documentation of the following information:
- a. An evaluation of existing staffing levels and need for adjustments;
 - b. A listing of each post and position needed;
 - c. The number of hours needed for each post and position;
 - d. A listing of staff, by gender, working overtime at Edna Mahan and the amount of overtime worked by each staff member;
 - e. A listing of supervisors by gender working overtime at Edna Mahan; and
 - f. Edna Mahan's assessment of its ability to comply with the staffing plan.

Monitor's Measure of Compliance re D. Staffing ¶ 30:

- Staffing plan developed by December 24, 2021
- Staffing plan included specifics of the security and custody posts and adequate security staffing levels
- Staffing plan designates gender responsive posts

Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 30:

2/24/24 Status Report

A staffing plan annual review and assessment was submitted to the Federal Monitor and DOJ on February 22, 2024. Through collaboration with the Moss Group, the plan submitted was compliant with PREA standards. In order to maintain compliance with the terms of this Agreement, NJDOC will submit a reassessed staffing plan every 12 months.

Monitor's Finding of Compliance re D. Staffing ¶ 30:

Substantial Compliance

Partial Compliance

Non-compliance

N/A

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 30:

The Monitor received a staffing plan on February 25, 2022. On February 24, 2023, the Monitor and the DOJ received an updated annual staffing plan dated February 15, 2023. And On February 22, 2024, the Monitor and the DOJ received an updated annual staffing plan dated February 21, 2024.

Recommendations re D. Staffing ¶ 30:

Continue to conduct annual reassessments of Edna Mahan's staffing plan.

D. Staffing

par. 32 Edna Mahan will take steps to staff the facility based on the staffing plan within one fiscal year of the completion of each staffing plan. NJDOC intends to seek amendment to the consent order in the matter of *Csizmadia v. Fauver*, Civ. No. 88-786, to enable compliance with this provision. In circumstances where the staffing plan is not complied with, Edna Mahan shall document and justify all deviations from the plan

Monitor's Measure of Compliance re D. Staffing ¶ 32:

- Documentation that EMCF has taken steps to staff the facility based on the staffing plan by January 1, 2023.
- Documentation that NJDOC has tried to amend the consent order in the matter of *Csizmadia v. Fauver*, Civ. No. 88-786.
- Documentation that EMCF justifies all deviations from the staffing plan, when the staffing plan is not complied with

Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 32:

2/24/24 Status Report

There are no reportable updates regarding NJDOC's efforts to revise the *Csizmadia* Consent Order. Upon reaching an agreement or, if relevant, upon obtaining a court decision, NJDOC will provide the pertinent information to both the DOJ and the Federal Monitor.

Monitor's Finding of Compliance re D. Staffing ¶ 32:

Substantial Compliance– The Monitor concluded that Substantial Compliance was achieved solely based on the fact that the paragraph states that "Edna Mahan will take steps to staff the facility according to the staffing plan." Despite the steps taken, none have proven effective. The Monitor is deeply troubled that Edna Mahan may not be capable of staffing the facility to the levels outlined in the plan until substantial internal and external changes within NJDOC are implemented.

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 32:

NJDOC's fiscal year is July 1 – June 30 of each year. The Monitor spoke with Deputy Commissioner Erin Nardelli and Assistant Commissioner Tome specific to the requirement that Edna Mahan take steps to staff the facility, based on the staffing plan, within one fiscal year of completion of each staffing plan. Both explained that the concern is not the number of FTE's (full-time employees). Edna Mahan has been allocated the number of FTEs to staff the facility based on the staffing plan. NJDOC in general, and Edna Mahan, specifically, has the challenge of recruiting and retaining staff.

NJDOC has taken steps to seek an amendment to the consent order in the matter of *Csizmadia v. Fauver*, Civ. No. 88-786. To provide context, below are excerpts taken from a motion to modify this consent order, filed by the Acting Attorney General on December 1, 2021:

The Csizmadia Consent Order arose from two interrelated cases. The first case, Gertrude Csizmadia, et al v. William Fauver, Civil Action No. 88-786, was filed on February 11, 1988. The Consent Order limits the number of gender-restricted posts to assignments that entail routine strip searches. Strip and cavity searches of prisoners by opposite gender correctional officers are permissible only under emergent circumstances. To allow for staffing flexibility and compliance with relief staffing requirements, the Csizmadia Consent Order allowed for twenty percent of “special assignment posts”⁴ to be gender restricted.

Rule 60(b)(5) permits relief from an order if: (1) a significant change in law; (2) a significant change in factual conditions; (3) that “a decree proves to be unworkable because of unforeseen obstacles” or (4) that enforcement of the decree is detrimental to the public interest. The department petitioned that all four of the above apply.

This matter is currently pending.

On October 10, 2023, the Monitor and the DOJ received a “Collapsed Post Report” for the third quarter (July, August, and September) of 2023. And on January 9, 2024, the Monitor and the DOJ received a “Collapsed Post Report” for the fourth quarter (October, November, and December) of 2023. This report documents and justifies deviations from the current staffing plan.

The Monitor understands the difficulties that NJDOC and Edna Mahan have in recruiting and retaining staff. The agency has spent a lot of time and resources trying to recruit staff. And if they are able to recruit staff, they will have difficulty in training those staff quickly enough to replace the staff that are leaving NJDOC and Edna Mahan. (The Monitor discussed this more specifically in the compliance report). Many of the issues in recruiting and retaining staff are bureaucratic and beyond the control of NJDOC, including the Physical Ability Test currently required by the Police Training Commission. However, the Monitor believes there are some things NJDOC has control of and can make changes to (including developing Regional Academies, assigning recruits from the academies to Edna Mahan, etc.). Whatever the answers, it is abundantly clear that Edna Mahan will never be able to staff the facility to the levels identified in the staffing plan until significant changes are made.

Recommendations re D. Staffing ¶ 32:

NJDOC develop creative ways to ensure Edna Mahan is staffed to its required staffing level.

D. Staffing

par. 33 NJDOC and Edna Mahan shall develop and implement a plan to recruit and retain women correctional officers at Edna Mahan in a manner that complies with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq. Edna Mahan's recruitment and retention plan shall be subject to review and approval by DOJ, which approval shall not be unreasonably withheld.

Requirements:

par. 32 Demonstration that NJDOC has taken steps to implement the staffing plan within one fiscal year of its completion

Monitor's Measure of Compliance re D. Staffing ¶ 33:

- Recruitment and Retention plan developed and submitted to DOJ and Monitor by April 11, 2022
- Recruitment and Retention plan implemented by December 24, 2022
- Quarterly staffing update, which identifies list of staff hired at EMCF by gender (as required by ¶ 35)
- Interview with NJDOC Assistant Commissioner for Human Resources/Labor
- Interview with NJDOC Assistant Commissioner for Women's Services

Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 33:

2/24/24 Status Report

The New Jersey Department of Corrections (NJDOC) is dedicated to recruiting and retaining qualified women applicants as State Correctional Police Officers. This commitment is underscored by various initiatives aimed at engaging and mentoring women throughout the hiring process and beyond. The NJDOC ensures compliance with equal employment opportunity laws and fosters a diverse and inclusive workforce.

An update to the Edna Mahan Correctional Facility Recruitment & Retention Plan for Women Correctional Officers was provided to the Federal Monitor on February 20, 2024. Some updates from this reporting period include:

1. Comprehensive Recruitment Strategy:

- Collaboration with MarketSmith for brand development and advertising campaign.
- Development of updated recruitment website landing page.
- Planned media launch with press conference and digital recruitment materials.

2. Targeted Recruitment Initiatives for Women Applicants:

- Approval for residential optional academy for Class 256.
- Increase in starting salary for academy trainees.
- Negotiation of new collective negotiations agreement with PBA 105.
- Equipment reimbursement program for academy trainees.

3. Mentoring Programs for Women Applicants:

- Expansion of Mentoring Program to include Pre-Employment Physical Preparation Program (PEPP).
- One-on-one instruction for applicants in exercise, nutrition, and test-taking strategies.
- Allowance for multiple attempts to pass Pre-Academy Physical Fitness Standard Test.

4. Retention Strategies for Women at EMCF:

- Internal instructor classes for Methods of Instruction, Physical Training, and Defensive Tactics.
- Participation in external training opportunities such as conferences and competitions.
- Establishment of Committee of Employee Morale and Innovation (CEMI).

5. Supportive Policies and Initiatives:

- Updates to uniform policy to include wearing of Hijab head coverings.
- Access to computer and email facilities for custody staff.
- Implementation of family-friendly policies and HR support for recruitment processing.

6. Social Media Engagement:

- Weekly posts on various platforms to maintain an active online presence.
- Highlighting recruitment and retention efforts on Twitter, Facebook, Instagram, and YouTube.

Monitor's Finding of Compliance re D. Staffing ¶ 33:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 33:

The Monitor and the DOJ received a Recruitment and Retention plan dated August 24, 2022. On February 20, 2024, the Monitor and the DOJ received an implementation update of each strategy. It is obvious that the NJDOC Recruitment and Retention team is making great progress in their support and mentoring of candidates, with a specific emphasis on female candidates, throughout the application process and academy.

Some of the updates to the original plan include:

- The NJDOC has secured a contract with MarketSmith, a full-service marketing agency, to develop an advertising campaign for the recruitment of NJDOC officers. The contract includes brand strategy, media planning and buying, analytic analysis, communications, and overall long-range planning.
- Currently in development is an updated NJDOC recruitment website landing page containing real-time information referencing upcoming recruitment deadlines, the NJDOC hiring process, qualification information, salary and benefits, diversity information, career opportunities, and a photo carousel.

- Increasing the use of social media to enhance recruitment and retention. Weekly social media posts across various platforms have become a top priority. These posts are designed to maintain an active online presence and foster engagement with current, former, and potential employees. Some posts which relate to the recruitment and retention of women officers may be found at:
 1. https://twitter.com/NJ_DOC
 2. <https://www.facebook.com/NJDepartmentofCorrections>
 3. <https://www.instagram.com/njdepartmentofcorrections/?hl=en>
 4. <https://www.youtube.com/@njdocnews4178>
- The NJDOC has submitted and received an approval from the NJ Police Training Commission to conduct a residential optional academy for Class 256 starting March 18, 2024. Trainees in this class will have the option to go home at the end of each training day in an effort to attract applicants that would be precluded from attending due to family or childcare obligations. Trainees in Class 256 will also have the option to change their non-residential status throughout the academy cycle if needed.
- The NJDOC has successfully raised the starting salary for academy trainees from \$34,000 to \$43,000.
- The NJDOC also successfully negotiated a new collective negotiations agreement with PBA 105 (the union representing correctional police officers) with a top salary of \$123,104.18 ending in 2027. Upon graduation from a trainee to an official officer, each officer's starting salary is now \$49,680 progressing each year to \$55,000 by the end of the contract.
- The NJDOC is continuing the equipment reimbursement program for academy trainees with up to \$1,100 in equipment reimbursement. This program was designed to offset the mandatory equipment costs associated with attending the NJDOC academy, making the program more attractive and attainable to candidates with limited means.
- The Mentoring Program was expanded to include the scheduling for the Pre-Employment Physical Preparation Program (PEPP). PEPP participants utilize their mentor to assist them in preparation for the test. This program is mandated by the NJ Police Training Commission to prepare applicants to take the Pre-Academy Physical Fitness Standard Test with a minimum of 2 sessions a week over a 3-week period prior to the test.

Additionally, the following changes have been made to retention strategies for women at EMCF:

- The NJDOC has established a statewide Committee of Employee Morale and Innovation (CEMI). This committee showcases career and training opportunities within the NJDOC. Events were held at all NJDOC facilities, allowing staff to meet with members of each NJDOC specialized unit, support groups, and Administration.
- The NJDOC is currently obtaining computer and email access for all custody staff. At the end of this project, each NJDOC officer will have the ability to log on to DOCNET (NJDOC intranet), access policies, emails, and web related content.
- The Division of Training is assisting the NJDOC Office of Information Technology with the procurement and placement of approximately 50 additional computers throughout NJDOC facilities to improve computer accessibility for custody staff.
- The NJDOC Uniform Committee updated the Uniform Policy to include the wearing of Hijab head coverings as a part of the NJDOC custody uniform.

As stated above, it is clear that the Recruitment and Retention (R&R) team has made great progress in developing, updating, and implementing their Recruitment Plan. The concern is not the "outputs" that the R&R team has done. The concern is the outcome. The purpose of the plan is

to increase the number of female officers working at Edna Mahan. This has not happened. In fact, since August 24, 2021, the date of the Settlement Agreement, Edna Mahan has lost a total amount of 43 female officers and has gained only 21, for a net loss of 23 female staff since the beginning date of the Settlement Agreement.

Unless and until bureaucratic changes are made (such as the current requirements for the Physical Ability Test at the Police Training Commission (PTC) are adjusted for female applicants or the ability to hold more than two academies a year), the NJDOC will never be able to recruit, retain, or train enough women correctional officers.

Recommendations re D. Staffing ¶ 33:

Continue to implement the strategies identified in the “Recruitment and Retention Plan for Women Correctional Officers.” NJDOC work with the Police Training Commission and modify the requirements to reflect reasonable physical requirements for female applicants.

D. Staffing

- par. 34 For the annual reassessment of the staffing plan, NJDOC and Edna Mahan, in consultation with the Department-wide PREA Coordinator and Edna Mahan's PREA Compliance Manager, shall assess, determine, and document whether adjustments are needed to the Edna Mahan staffing plan, and implement such adjustments. The annual reassessment will include documentation of the following information:
- a. An evaluation of existing staffing levels and need for adjustments;
 - b. A listing of each post and position needed;
 - c. The number of hours needed for each post and position;
 - d. A listing of staff, by gender, working overtime at Edna Mahan and the amount of overtime worked by each staff member;
 - e. A listing of supervisors by gender working overtime at Edna Mahan; and
 - f. Edna Mahan's assessment of its ability to comply with the staffing plan.

Monitor's Measure of Compliance re D. Staffing ¶ 34:

Documentation that staffing plan reassessed submitted to Monitor February 25, 2023 (or one year after the completion of the staffing plan required in paragraph 30):

- a. The staffing plan includes the following:
- b. An evaluation of existing staffing levels and need for adjustments;
- c. A listing of each post and position needed;
- d. The number of hours needed for each post and position;
- e. A listing of staff, by gender, working overtime at Edna Mahan and the amount of overtime worked by each staff member;
- f. A listing of supervisors by gender working overtime at Edna Mahan; and
- g. Edna Mahan's assessment of its ability to comply with the staffing plan.

Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 34:

2/24/24 Status Report

A reassessment was conducted and provided to DOJ and the Federal Monitor on February 22, 2024.

Monitor's Finding of Compliance re D. Staffing ¶ 34:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 34:

On February 22, 2024, the Monitor and the DOJ received an updated annual staffing plan dated February 21, 2024. The document did include an evaluation of existing staffing levels and needs for adjustment, a listing of each post and position needed and the number of hours needed for each post and position. The plan included schematics of both the main and satellite facilities, camera locations, a listing of all custody staff on each shift, a schedule of clubs and activities for the incarcerated persons for February 2024 for each facility (the main campus and the Satellite building), and specifics about EMCF's visitation program. It also included a listing of staff, by gender, working overtime at Edna Mahan and the amount of overtime worked by each staff member, and a listing of supervisors by gender working overtime at Edna Mahan.

On October 10, 2023, the Monitor and the DOJ received a "Collapsed Post Report" for the third quarter (July, August, and September) of 2023. And on January 9, 2024, the Monitor and the DOJ received a "Collapsed Post Report" for the fourth quarter (October, November, and December) of 2023. This report outlines and provides reasons for deviations from the existing staffing plan. It's important to highlight that it's uncommon for Edna Mahan to have adequate staff to meet its current staffing plan. Most of the time, the facility must deviate from the plan because of insufficient staffing. In these instances, the facility addresses critical staffing needs through use of overtime and collapsing non-critical posts such as package room staff, grounds maintenance, and housekeeping. Posts that are collapsed never impact direct supervision in housing units or have a direct impact on, or create breaches in, security.

Recommendations re D. Staffing ¶ 34:

Continue to conduct annual reassessments of Edna Mahan's staffing plan.

D. Staffing

- par. 35 Quarterly, Edna Mahan will provide a Staffing Update to the Monitor and DOJ and shall include the following information:
- a. A listing of staff hired at Edna Mahan, by gender and positions filled; and
 - b. A listing of staff who ended their employment at Edna Mahan, including gender, position, and reason for separation.

Monitor's Measure of Compliance re D. Staffing ¶ 35:

Quarterly staffing reports from EMCF, submitted on January 5, 2022 (for October, November, and December 2021)

Steps taken by NJDOC and EMCF towards implementation re D. Staffing ¶ 35

2/24/24 Status Report

NJDOC submitted the required staffing update to the Federal Monitor and DOJ on February 22, 2024.

Data from the submitted Quarterly Staffing Updates show that during the months of October 1, 2023 – December 31, 2023

- EMCF has received through new hire, promotion, or transfer: 4 new staff (4 females);
- One (1) staff members (1 female) transferred to another agency;
- Four (4) staff members (0 female) retired;
- Zero (0) staff members were removed;
- Zero (0) staff members resigned;
- Two (2) staff members (0 female) transferred to another facility.

Data from the submitted Quarterly Staffing Updates show that during the months of July 1, 2023 – September 30, 2023

- EMCF has receive through new hire, promotion, or transfer: 15 new staff (6 females);
- Five (5) staff members (1 female) transferred to another agency;
- Two (2) staff members (1 female) retired;
- Zero (0) staff members were removed;
- Three (3) staff members (1 female) resigned;
- Seven (7) staff members (2 females) transferred to another facility.

Monitor's Finding of Compliance re D. Staffing ¶ 35:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 35:

The Monitor received two Staffing Updates during this reporting period. The first included data from July, August, and September 2023. The second was for the last quarter of 2023 (October, November, and December). Both staffing updates included a listing of staff hired at Edna Mahan, by gender and positions filled; and a listing of staff who ended their employment at Edna Mahan, including their gender, position, and reason for separation.

Recommendations re D. Staffing ¶ 35:

Continue to provide quarterly Staffing Update to Monitor and DOJ throughout the length of the Settlement Agreement.

D. Staffing

par. 36 NJDOC shall continue to employ an upper-level, Department-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards at Edna Mahan and all of its facilities.

Requirements:

par. 38 NJDOC and Edna Mahan shall ensure that Edna Mahan's PREA Compliance Manager continues to report directly to the Administrator of Edna Mahan with dotted-line reporting to the Department-wide PREA Coordinator. Dotted-line reporting refers to a relationship between an employee and a secondary supervisor who may provide additional oversight and guidance to the employee in the execution of his or her work.

par. 41 NJDOC's PREA Coordinator shall document semi-annual review meetings with the Edna Mahan PREA Compliance Manager, and other supervisors as appropriate, to discuss the Edna Mahan PREA Compliance Manager's activities and job responsibilities during the relevant period.

Monitor's Measure of Compliance re D. Staffing ¶ 36:

- NJDOC hires full time Agency PREA Coordinator
- Job description for NJDOC PREA Coordinator
- Interview with NJDOC PREA Coordinator

Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 36:

2/24/24 Status Report

NJDOC continues to employ Ms. Capra as the full-time Agency PREA Coordinator. Ms. Capra has sufficient time and authority to develop, implement, and oversee NJDOC's efforts to comply with the PREA standards at Edna Mahan and all of its facilities.

Monitor's Finding of Compliance re D. Staffing ¶ 36:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 36:

On October 22, 2022, the NJDOC Agency PREA Coordinator, Sandra Capra began employment. Thus, this paragraph requirement was completed during the last reporting period. It is very positive to have someone in this position who has sufficient time and authority to develop, implement, and oversee NJDOC's efforts to comply with the PREA standards.

Recommendations re D. Staffing ¶ 36:

No recommendation

D. Staffing

par. 37 NJDOC and Edna Mahan shall designate a full-time (40 hours/week) PREA Compliance Manager who has no other duties within NJDOC or Edna Mahan and who is assigned to oversee PREA compliance at Edna Mahan. This individual will have sufficient authority to coordinate Edna Mahan’s efforts to comply with the PREA standards.

Requirements:

par. 38 NJDOC and Edna Mahan shall ensure that Edna Mahan’s PREA Compliance Manager continues to report directly to the Administrator of Edna Mahan with dotted-line reporting to the Department-wide PREA Coordinator. Dotted-line reporting refers to a relationship between an employee and a secondary supervisor who may provide additional oversight and guidance to the employee in the execution of his or her work.

Monitor’s Measure of Compliance re D. Staffing ¶ 37:

- NJDOC hires full time EMCF PREA Compliance Manager
- Job description for EMCF PREA Compliance Manager
- Interview with EMCF PREA Compliance Manager

Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 37:

2/24/24 Status Report

NJDOC continues to employ Ms. Renshaw as the full-time PREA Compliance Manager at EMCF. Ms. Renshaw has no other duties within NJDOC or Edna Mahan and is assigned to oversee PREA compliance at Edna Mahan. She has sufficient authority to coordinate Edna Mahan’s efforts to comply with PREA standards.

Monitor’s Finding of Compliance re D. Staffing ¶ 37:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re D. Staffing ¶ 37:

On March 28, 2022, Amelia Renshaw was formally appointed as the Assistant Superintendent (AS) solely focused on being the EMCF PREA Compliance Manager. Thus, this paragraph requirement was completed during the second reporting period of the Settlement Agreement. AS Renshaw is a member of the leadership team at Edna Mahan and reports directly to the EMCF Administrator. She also has a “dotted-line” reporting relationship with the Department-wide PREA Coordinator. (Dotted-line reporting refers to a relationship between an employee and a secondary supervisor who may provide additional oversight and guidance to the employee in the execution of her work)

Ms. Renshaw continues to work hard in her position as the PREA Compliance Manager and having this position be a full-time position has a very positive impact at Edna Mahan.

In the minutes of the review meeting with the NJDOC PREA Coordinator and the EMCF Institutional PREA Compliance Manager, it notes that, “IPCM Renshaw continues to display an excellent basis of knowledge of her duties, and PREA standards. She continues to demonstrate not only a willingness to follow policies and procedures as they pertain to compliance with PREA standards, but also exhibits an acute thoroughness regarding thought provoked questions and discussions. She shows extraordinary initiative when it comes to handling any issue that may arise or when there is a need for change. She is innovative, yet practical, in her approach to handling matters and addressing any situations that may arise. She works well internally with EMCF staff as well as with the APC and PCU staff and other departments within the NJDOC. 6 Overall, IPCM Renshaw exhibits the utmost professionalism and competence in her role as IPCM at EMCF. She is respectful and respected by both staff and IPs. She has kept up an efficient database and excel spreadsheet tracking system for all PREA allegations and determinations, which is up to date. She continues to be organized and diligent in maintaining all necessary documentation and is able to provide that information easily upon request. IPCM Renshaw continues to update the Lowenstein Sandler database (related to the Consent Decree) in addition to her own internal tracking system effectively and efficiently. She continues to be an extreme asset in her role as IPCM and as a member of the Administrative Team at EMCF.

Recommendations re D. Staffing ¶ 37:

It is recommended that a policy be written that requires NJDOC and Edna Mahan to designate a full-time (40 hours/week) PREA Compliance Manager who has no other duties within NJDOC or Edna Mahan and who is assigned to oversee PREA compliance at Edna Mahan.

D. Staffing

par. 39 NJDOC and Edna Mahan shall develop a job description for Edna Mahan's PREA Compliance Manager with expected responsibilities and submit this job description to the Monitor and DOJ for review.

Requirements:

par. 38 NJDOC and Edna Mahan shall ensure that Edna Mahan's PREA Compliance Manager continues to report directly to the Administrator of Edna Mahan with dotted-line reporting to the Department-wide PREA Coordinator. Dotted-line reporting refers to a relationship between an employee and a secondary supervisor who may provide additional oversight and guidance to the employee in the execution of his or her work.

Monitor's Measure of Compliance re D. Staffing ¶ 39:

Job description for EMCF PREA Compliance Manager

Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 39:

2/24/24 Status Report

This requirement has been satisfied.

Monitor's Finding of Compliance re D. Staffing ¶ 39:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 39:

This requirement was met during the first reporting period. NJDOC and Edna Mahan developed a job description for Edna Mahan's PREA Compliance Manager with expected responsibilities and direct supervision by the EMCF's Facility Administrator.

Recommendations re D. Staffing ¶ 39:

No recommendation

D. Staffing

par. 40 NJDOC and Edna Mahan shall provide training to the Edna Mahan PREA Compliance Manager necessary to fulfill his or her duties.

Requirements:

par. 38 NJDOC and Edna Mahan shall ensure that Edna Mahan’s PREA Compliance Manager continues to report directly to the Administrator of Edna Mahan with dotted-line reporting to the Department-wide PREA Coordinator. Dotted-line reporting refers to a relationship between an employee and a secondary supervisor who may provide additional oversight and guidance to the employee in the execution of his or her work.

Monitor’s Measure of Compliance re D. Staffing ¶ 40:

- Training Records for EMCF PREA Compliance manager
- Documented “on the job training” provided to EMCF PREA Compliance Manager
- Interview with EMCF PREA Compliance Manager

Steps taken by NJDOC and EMCF towards implementation re D. Staffing ¶ 40:

2/24/24 Status Report

The EMCF IPCM continues to receive required training which included meetings with other Departmental IPCMs and the MASCA Conference in September 2023.

Monitor’s Finding of Compliance re D. Staffing ¶ 40:

[X] Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re D. Staffing ¶ 40:

When she began her position as the EMCF Institutional PREA Compliance Managers (IPCM), Assistant Superintendent Amelia Renshaw received a 20-page PREA Compliance Manager Reference Guide. This guide identifies the responsibilities of an Institutional PREA Compliance Manager and provides guidance on a variety of duties assigned to the IPCM. The Monitor reviewed this guide and found it very thorough.

Ms. Renshaw received her annual PREA and Undue Familiarity training during this past reporting period. She has continued informal (as well as one formal) meetings with the Agency PREA Coordinator, and met with her mentor from The Moss Group, a PREA certified assessor, twice a month. Since she has now held this position for nearly two years, Ms. Renshaw believes she has received enough training during this reporting period to successfully fulfill her duties as the Facility PREA Compliance Manager.

Recommendations re D. Staffing ¶ 40:

NJDOC and Edna Mahan continue to provide training to the Edna Mahan PREA Compliance Manager necessary to fulfill her duties.

D. Staffing

par. 41 NJDOC's PREA Coordinator shall document semi-annual review meetings with the Edna Mahan PREA Compliance Manager, and other supervisors as appropriate, to discuss the Edna Mahan PREA Compliance Manager's activities and job responsibilities during the relevant period.

Monitor's Measure of Compliance re D. Staffing ¶ 41:

Meeting minutes between NJDOC's PREA Coordinator and EMCF PREA Compliance Manager submitted to monitor, at least semi-annually, beginning 2022.

Steps taken by NJDOC and EMCF towards implementation re D. Staffing ¶ 41:

2/24/24 Status Report

The NJDOC Agency PREA Coordinator and IPCM conducted the semi-annual review on January 24, 2024 as required by paragraph 41. The report was provided to the DOJ and Federal Monitor.

Monitor's Finding of Compliance re D. Staffing ¶ 41:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required at this time

[] N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 41:

On February 20, 2024, the Monitor and the DOJ received a copy of the meeting minutes of the review meeting held on January 24, 2024, between the NJDOC PREA Coordinator and Edna Mahan's PREA Compliance Manager. The following items were discussed during this meeting: PREA Education/Refreshers, PREA Risk Assessments/"At-Risk" Log, Staff Training PREA Updates, Investigation Status, Incident Reviews, Facility Tours, Cara Audit and Analysis, Retaliation Monitoring, Notification Compliance, LEP Issues, PREA Physical Plant Upgrades, Signage, and Ensure IPCM's Understanding of Responsibility.

It is also noted that, "It should be noted that there have been numerous prior in-person visits by Agency PREA Coordinator at EMCF with IPCM Renshaw, as well as frequent communications between the parties via e-mail and phone that consistently occur year-round between the parties. At all prior meetings, as well as for the purposes of this formal discussion meeting, the parties engage in pertinent exchanges of information for discussion and continued improvement in areas of concern and/or need at EMCF. Open lines of communication continue to exist between the parties since the inception of this working relationship and have been enhanced due to a greater familiarity between the parties throughout the course of time since Ms. Capra's tenure with the Department, which began in October 2022.

The parties have developed a mutually supportive relationship which continues to strengthen and flourish. IPCM Renshaw continues, as needed, to supply APC with historical information as to efforts of compliance at EMCF with the Consent Decree to date. The parties continue to confer on a multitude of issues that impact EMCF.”

Recommendations re D. Staffing ¶ 41:

NJDOC's PREA Coordinator continues to hold and document semi-annual review meetings with the Edna Mahan PREA Compliance Manager.

D. Staffing

par. 42 Policies and procedures at Edna Mahan shall require that contractors and volunteers who have contact with prisoners but are not directly supervised by NJDOC or Edna Mahan employees comply with Edna Mahan's sexual abuse and sexual harassment policies and procedures.

Monitor's Measure of Compliance re D. Staffing ¶ 42:

- Rosters of all volunteers who completed PREA training
- List of all EMCF volunteers who may have contact with prisoners, as of February 24, 2022.
- Training Curriculum utilized for PREA
- Interviews with at least two volunteers to confirm that required training took place
- Interviews with EMCF volunteer coordinator (Executive Assistant) to discuss process for how volunteers are trained
- Interviews with EMCF PREA Coordinator to discuss process for how volunteers are trained

Steps taken by NJDOC and EMCF towards implementation re D. Staffing ¶ 42:

2/24/24 Status Report

Volunteers continue to engage in activities such as relapse prevention, clubs, chaplaincy, and reentry services for our incarcerated population. All volunteers have successfully completed the mandatory PREA training.

Monitor's Finding of Compliance re D. Staffing ¶ 42:

[X] Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 42:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, New Non-Uniformed personnel receive PREA training as part of their Orientation at their respective facilities. In addition, all NJDOC employees, volunteers and contractors receive at least bi-annual training on their duties and responsibilities under the Department's zero-tolerance policy. This training includes training on all ten topics listed in §115.31 employee training standard including the requirement to immediately report any incident or allegation of sexual abuse/sexual harassment to the nearest custody staff member, or an on-duty custody supervisor if more appropriate.

All NJDOC employees (custody staff, non-uniformed staff, and civilian staff), contractors and volunteers receive PREA-specific training on an annual basis. This training is to ensure that they know the current sexual abuse and sexual harassment policies and procedures. The training

also focuses on key issues regarding staff sexual misconduct and the prevention of prison sexual abuse including the reporting of incidents, as well as first responder responsibilities.” Additionally, throughout all of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment it speaks to contractors and volunteers when identifying specific responsibilities, practices, and/or procedures that staff must follow.

This policy was revised on February 1, 2024. NJDOC Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault states, “Contractors and volunteers are provided information regarding conduct and consequences for violating the NJDOC zero tolerance for sexual abuse and sexual harassment policies. Reports concerning a contract vendor employee’s unprofessional conduct shall be forwarded to the facility/institution/office site administrator for resolution and shall be reported to law enforcement agencies and to relevant licensing bodies, as appropriate.

The NJDOC reserves the right to terminate the services of a volunteer for violating the NJDOC zero tolerance for sexual abuse and sexual harassment policies. Additionally, any volunteers who engages in sexual abuse shall be prohibited from contact with Incarcerated Persons and shall be reported to law enforcement agencies and to relevant licensing bodies, as appropriate.” This Level 1/3 policy was revised on December 1, 2023, and replaced EMCF’s Level 3 Internal Management Procedure Custody Directive 73.

On March 13, 2024, the Monitor and the DOJ received a listing of 51 volunteers; 45 of which are currently volunteering at Edna Mahan. The other 6 cannot volunteer yet, because they have not received PREA training yet. No volunteer is allowed inside EMCF until they have taken PREA and Undue Familiarity training.

Additionally, the Monitor spoke with two of these volunteers who verified that they both received this training. Both volunteers knew of their responsibility to report if they learned about an allegation of sexual abuse or sexual harassment. Both volunteers also remembered the requirement for confidentiality and were both very adamant about “not saying anything to anyone else.”

Sam Winslow, the Volunteer Coordinator at Edna Mahan was out on leave during the site visit, so the Monitor’s associate spoke with Jaime Sferlazzo, Mr. Winslow’s backup. She confirmed that the process Mr. Winslow (or Ms. Sferlazzo) uses to ensure that all volunteers receive PREA orientation training has remained the same as it was in the last two reporting periods.

When a volunteer volunteers in all institutions in New Jersey, they receive training and documentation at the Central Office. However, if a volunteer volunteers only at Edna Mahan, Mr. Winson notifies the Central Office and, again, they ensure that the volunteer receives PREA and Undue Familiarity training. Mr. Winslow is not responsible for providing the training. He just verifies that the volunteer received PREA and Undue Familiarity training prior to being allowed inside the prison, and documents such.

An attorney from the Department of Justice and an attorney from Lowenstein/Sandler held a focus group with Edna Mahan contractors who provide medical and mental health services at Edna Mahan. (Due to an illness and time constraints, the Monitor or her Associate were not able

to meet with this focus group). However, both attorneys confirmed that everyone in the focus group had received PREA training and were aware of the expectation to comply with Edna Mahan's sexual abuse and sexual harassment policies and procedures.

Recommendations re D. Staffing ¶ 42:

No recommendation

E. Training

NJDOC and Edna Mahan shall ensure that all staff have the adequate knowledge, skill, and ability to prevent, detect, and respond to sexual abuse and sexual harassment at Edna Mahan, and to manage, interact, and communicate appropriately with women prisoners. Accordingly, and specifically:

- par. 43 Within six months of the Effective Date, NJDOC and Edna Mahan shall train or retrain all Edna Mahan staff who may have contact with prisoners on the following:
- a. Its zero-tolerance policy for sexual abuse and sexual harassment;
 - b. How to fulfill staff responsibilities under its sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures;
 - c. The right of prisoners to be free from sexual abuse and sexual harassment;
 - d. The right of prisoners and employees to be free from retaliation for reporting sexual abuse and sexual harassment;
 - e. The dynamics of sexual abuse and sexual harassment in confinement;
 - f. The common reactions of sexual abuse and sexual harassment victims;
 - g. How to respond to sexual abuse and sexual harassment, including:
 - i. How to respond professionally and in a victim-centered manner to individuals who report sexual abuse and sexual harassment;
 - ii. How and to whom to report allegations or suspicions of sexual abuse and sexual harassment, including how to comply with relevant laws related to mandatory reporting of sexual abuse to outside authorities; and
 - iii. How to initiate appropriate first response to initial reports of recent allegations of sexual abuse, pursuant to 28 C.F.R. §115.64.
 - h. Signs of threatened and actual sexual abuse;
 - i. How to avoid inappropriate relationships with prisoners;
 - j. Gender-responsive principles; and
 - k. How to communicate effectively and professionally with prisoners. This training shall emphasize that verbal abuse, including name calling and the use of sexually explicit, profane, vulgar, or degrading language, will not be tolerated.

Monitor's Measure of Compliance re E. Training ¶ 43:

- Rosters of completed PREA, Gender-Responsive, or other subjects noted above training by assigned EMCF staff by February 24, 2022.
- List of all EMCF staff who may have contact with prisoners, including staff who work at other facilities who may work overtime at EMCF (i.e., maintenance, kitchen) and staff assigned to supervise EMCF prisoners at outside locations on February 24, 2022.
- Training Curriculum utilized for PREA

- Training Curriculum utilized for Gender-Responsive
- Training Curriculum utilized to train on any other subjects noted above (not in PREA or Gender-Responsive curriculum)
- List of trainers providing training
- Interviews with staff to confirm that required training took place
- Interviews with trainers who provided training to confirm that required training took place
- Interviews with EMCF training Lieutenant and/or training staff to confirm that required training took place

Steps taken by NJDOC and EMCF towards implementation re E. Training ¶ 43:

2/24/24 Status Report

All staff have received the required training as stipulated in this Agreement.

Monitor's Finding of Compliance re E. Training ¶ 43:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re E. Training ¶ 43:

This requirement was met during the months of February - May 2022, during the first and second reporting periods. The Monitor reviewed the PREA video, script, and facilitator guide that was used during the PREA training. The curriculum did include all the requirements noted above (a – k), with the exception of “j” – gender responsive principles. To accommodate the requirement under “j”, NJDOC and Edna Mahan provided a two-day gender-responsive training during the third reporting period. This paragraph has been satisfied.

Additionally, new hires and transfers receive a three (3) hour class titled “Gender-Informed Corrections” training immediately upon hire or transfer to EMCF.

Recommendations re E. Training ¶ 43:

No recommendation

E. Training

par. 44 NJDOC and Edna Mahan shall provide refresher training every other year to all Edna Mahan staff to ensure that they know the current sexual abuse and sexual harassment policies and procedures. NJDOC and Edna Mahan shall require that staff demonstrate proficient knowledge of the policies and procedures to complete the training requirements.

Requirements:

par. 45 To the extent that revisions are made to policies or procedures, or new policies or procedures are developed to comply with this Agreement, NJDOC and Edna Mahan will work with the Monitor in drafting new training materials and/or revising current training materials to ensure the training materials are current.

Monitor's Measure of Compliance re E. Training ¶ 44:

- EMCF Level 3 policy requiring refresher training every other year to all EMCF staff to ensure that they know the current sexual abuse and sexual harassment policies and procedures
- Refresher training curriculum utilized
- Documentation of staff receiving this training, and the date received
- Documentation of staff proficiency testing and who fails
- Interviews with staff regarding their knowledge of current sexual abuse and sexual harassment policies and procedures
- Interviews with trainers who provided training to confirm that required training took place
- Interviews with EMCF training Lieutenant and/or training staff to confirm that required training took place

Steps taken by NJDOC and EMCF towards implementation re E. Training 44:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," finalized on 1/29/24, mandates annual PREA-specific training for all NJDOC employees, including custody staff, non-uniformed staff, and civilian staff, as well as contractors and volunteers. This training ensures that personnel are knowledgeable about current sexual abuse and harassment policies and procedures, with a focus on preventing prison sexual abuse and addressing staff sexual misconduct. Key topics covered include incident reporting, first responder responsibilities, and prevention strategies.

Participation in the required PREA training is documented through employee signature or electronic verification, confirming proficient knowledge of the policies and procedures. In October, a post-test was reviewed and approved by the Federal Monitor and will be utilized in training beginning in 2024. Training records are maintained at the Correctional Staff Training Academy to track compliance and ensure staff readiness.

Monitor's Finding of Compliance re E. Training ¶ 44:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

[] N/A monitor granted an extension until [date]

Monitor's Discussion re E. Training ¶ 44:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, New Non-Uniformed personnel receive PREA training as part of their Orientation at their respective facilities. In addition, all NJDOC employees, volunteers and contractors receive at least bi-annual training on their duties and responsibilities under the Department's zero-tolerance policy. This training includes training on all ten topics listed in §115.31 employee training standard including the requirement to immediately report any incident or allegation of sexual abuse/sexual harassment to the nearest custody staff member, or an on-duty custody supervisor if more appropriate.

All NJDOC employees (custody staff, non-uniformed staff, and civilian staff), contractors and volunteers receive PREA-specific training on an annual basis. This training is to ensure that they know the current sexual abuse and sexual harassment policies and procedures. The training also focuses on key issues regarding staff sexual misconduct and the prevention of prison sexual abuse including the reporting of incidents, as well as first responder responsibilities.”

The Settlement Agreement requires that NJDOC and Edna Mahan shall provide refresher training every other year to all Edna Mahan staff to ensure that they know the current sexual abuse and sexual harassment policies and procedures. However, in the last two years, NJDOC and Edna Mahan have provided this refresher training every year. As noted in the above status report, “in October, a post-test was reviewed and approved by the Federal Monitor.”

Although the NJDOC did not implement the post-test during this past reporting period, they have a plan to implement the test in the Spring of 2024. For civilian staff NJDOC started the PREA virtual training with graded post- test on March 1, 2024. If a user gets below 70%, they must retake the test for credit. They will have unlimited attempts for completion. For custody staff, the PREA training is scheduled for the Spring Training Block April 1 through June 31, 2024. At the conclusion of the PREA training, the exam will be distributed and then graded by the training staff proctor. If a custody staff member should receive below the passing score of 70%, the institutional training staff will remediate and re-test. The remediation process will be geared to the educational needs of the individual and re-test until satisfying the 70% score.

Recommendations re E. Training ¶ 44:

NJDOC and Edna Mahan implement the post-test to ensure staff demonstrate proficient knowledge of the policies and procedures to complete the training.

E. Training

par. 45 To the extent that revisions are made to policies or procedures, or new policies or procedures are developed to comply with this Agreement, NJDOC and Edna Mahan will work with the Monitor in drafting new training materials and/or revising current training materials to ensure the training materials are current.

Requirements:

NJDOC and Edna Mahan implement the post-test to ensure staff demonstrate proficient knowledge of the policies and procedures to complete the training.

Steps taken by NJDOC and EMCF towards implementation re E. Training ¶ 45:

NJDOC consults with the Monitor, as well as its expert consultants, when drafting training plans, curricula, and materials, and ensures that the Monitor's feedback is incorporated.

Monitor's Finding of Compliance re E. Training ¶ 45:

Substantial Compliance: The Monitor recognizes that NJDOC has met the requirements of this paragraph during this reporting period.

And acknowledges that the new training materials and/or revising the current training materials, specific to the revisions of the other Level 1 and Level 3 policies needs to be continued into the next reporting period.

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re E. Training ¶ 45:

As of February 24, 2024, NJDOC has revised, finalized, and adopted the following Level 1 policies:

- ADM.010.004 - Staff/Incarcerated Person Over Familiarity
- CUS.001.CRP.01 - Camera Review Procedures
- CUS.001.SEA.001 - Searches of Incarcerated Persons and Correctional Facilities
- PCS.001.008 - Prevention, Detection and Response of Sexual Abuse and Harassment
- SID IMP #14
- SID IMP #35
- SID IMP #48
- ADM.019.003 - Close Custody Units

- CUS.001.011 – Policy Statement - Searches of Incarcerated Persons and Correctional Facilities
- IMM.001.004 - Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment
- IMM.004.RHU.03 - Amenities and Privileges Two-Level Program
- ADM.019.003.ADJU - Adjustment Unit
- ADM.019.003.EMCT - Emergency Confinement
- CUS.001.BWC.011 – Body Worn Cameras

The training for the three SID policies (IMP #14, IMP #35, and IMP #48) were submitted to, and approved by, the Monitor. And all Special Investigations Division staff were trained in the revisions during this reporting period. Additionally, NJDOC sent the training power point for CUS.001.SEA.001 - Searches of Incarcerated Persons and Correctional Facilities, specific to conducting trauma informed pat and strip searches to the Monitor, received feedback, and is currently revising the training based on the feedback from the Monitor.

Recommendations re E. Training ¶ 45:

Continue to work with the Monitor in drafting new training materials and/or revising current training materials to ensure the training materials are current, specific to the revisions of the above noted Level 1 policies and all Level 3 policies.

E. Training

par. 46 NJDOC shall certify and maintain documentation showing that all active Edna Mahan staff have been trained.

Requirements:

par. 45 To the extent that revisions are made to policies or procedures, or new policies or procedures are developed to comply with this Agreement, NJDOC and Edna Mahan will work with the Monitor in drafting new training materials and/or revising current training materials to ensure the training materials are current.

Monitor's Measure of Compliance re E. Training ¶ 46:

- EMCF Level 3 policy requiring that documentation be maintained to show that all active Edna Mahan staff have been trained.
- Training Records reviewed during On-Site visit
- Interviews with EMCF training Lieutenant and/or training staff to verify documentation is maintained showing that all EMCF staff have been trained.

Steps taken by NJDOC and EMCF towards implementation re E. Training ¶ 46:

2/24/24 Status Report

NJDOC continues to comply with the required training according to the timelines set forth in this Agreement.

Monitor's Finding of Compliance re E. Training ¶ 46:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re E. Training ¶ 46:

NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, "Participation in requisite PREA training shall be documented through employee signature or electronic verification, noting that staff demonstrate proficient knowledge of the policies and procedures to complete the training requirements. Training records will be retained at the Correctional Staff Training Academy." Additionally, the policy talks about volunteers and contract staff when it states, "Training receipt forms are issued for signature to each contractor and volunteer that will have the potential to interact with incarcerated persons. Copies of these signed receipt forms are to be maintained at each facility." This policy was revised on February 1, 2024.

During the compliance visit in February 2024, the Monitor's Associate met with the Training Lieutenant at Edna Mahan and verified that NJDOC and Edna Mahan maintain documentation showing that all active Edna Mahan staff have been trained. The Monitor has received those training records for various training courses required by the Settlement Agreement.

Recommendations re E. Training ¶ 46:

Continue to certify and maintain documentation showing that all active Edna Mahan staff have been trained.

F. Prisoner Education

Edna Mahan shall effectively communicate to all prisoners their right to be free from sexual abuse and sexual harassment and the protections in place at Edna Mahan to ensure that such abuse and harassment does not occur or, if it does occur, is reported so it can be responded to promptly, appropriately, and without retaliation. Accordingly, and specifically:

- par. 47 Edna Mahan shall continue to ensure that, during the intake process, or within 30 days of intake, all prisoners receive information regarding the following:
- a. NJDOC's zero-tolerance policy regarding sexual abuse and harassment;
 - b. Definitions of sexual abuse and sexual harassment;
 - c. The right to be free from sexual abuse and sexual harassment and from retaliation for reporting such incidents;
 - d. The right to be free from verbal abuse, including name calling, and sexually explicit, profane, vulgar, or degrading language;
 - e. How to confidentially report incidents or suspicions of sexual abuse and harassment, including the availability of non-prisoner interpreters for prisoners with limited ability to speak or write in English;
 - f. How to contact the Special Investigation Division; and
 - g. How to contact the Office of the Corrections Ombudsperson.

Monitor's Measure of Compliance re F. Prisoner Education ¶ 47:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to Prisoner Education
- EMCF Level 3 policy requiring that Prisoners are required to sign for receipt of PREA informational materials as well as for attendance at PREA education/orientation sessions. Level 3 policy will also require that copies of receipt documents are to be maintained in the prisoner's classification folder and by the Institutional PREA Compliance Manager
- Copy of PREA video shown to prisoners
- Copy of curriculum (including power point slides, if any) for orientation education for prisoners
- Copy of PREA orientation material for prisoners
- Copy of EMCF Prisoner Handbook
- Copy of EMCF Prisoner Orientation schedule
- Monthly list of all "new admissions" prisoners to EMCF, beginning January 5, 2022, for the month of December 2021
- Monthly prisoner rosters for all prisoners who received PREA orientation education (to compare against list of all prisoners), beginning January 5, 2022, for the month of December 2021.
- Documentation of who provided the orientation education to prisoners and that the video was presented in person
- Interview with EMCF PREA Compliance Manager
- Interviews with prisoners during the on-site visit asking if they received PREA orientation within 30 days of intake

Steps taken by NJDOC and EMCF towards implementation re F. Prisoner Education ¶ 47:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," finalized on 1/29/24, requires a comprehensive approach to educating incarcerated persons on the zero-tolerance policy for sexual abuse and harassment, as well as the Prison Rape Elimination Act (PREA) standards.

Upon intake, incarcerated persons receive written and video materials outlining the zero-tolerance policy and PREA informational handouts, along with instructions on reporting incidents. Additionally, facility-specific handbooks, which include a PREA section, are issued to IPs.

Those conducting or facilitating the education sessions undergo training on NJDOC and facility-specific policies, PREA standards, and legal procedures relevant to the facility. They remain present throughout the orientation, promptly addressing any exigent circumstances that may arise.

The oversight of in-person education on PREA falls under the responsibility of the IPCM, who ensures incarcerated persons are familiar with their role and contact information. The IPCM also ensures PREA materials are prominently displayed and readily accessible throughout the facility.

Incarcerated persons are required to acknowledge receipt of PREA informational materials at intake and attend PREA education sessions, with documentation retained in their classification folder and by the IPCM.

NJDOC provides ongoing education on PREA and zero tolerance of incarcerated person sexual abuse and harassment through various methods, including in-person orientations, video presentations, media kiosk content, facility handbooks, posters, presentations, meetings, and reference handouts.

EMCF has submitted verifications of compliance for this reporting period to both the DOJ and the Federal Monitor.

Monitor's Finding of Compliance re F. Prisoner Education ¶ 47:

Substantial Compliance

- Partial Compliance
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 47:

NJDOC Policy 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, NJDOC provides incarcerated persons with comprehensive education regarding NJDOC's zero tolerance of sexual abuse and sexual harassment, within 30 days of intake at each NJDOC facility. All incarcerated persons receive information regarding the following:

- a. NJDOC's zero-tolerance policy regarding sexual abuse and harassment
- b. Definitions of sexual abuse and sexual harassment
- c. The right to be free from sexual abuse and sexual harassment and from retaliation for reporting such incidents
- d. The right to be free from verbal abuse, including name calling, and sexually explicit, profane, vulgar, or degrading language
- e. How to confidentially report incidents or suspicious of sexual abuse and harassment, including the available of non-prisoner interpreters for inmates with limited ability to speak or write in English
- f. How to contact the Special Investigation Division
- g. How to contact the Office of the Corrections Ombudsperson

Upon intake at a NJDOC facility, all incarcerated persons are provided with written and video materials detailing the zero tolerance for sexual abuse/harassment policy, along with PREA informational handouts and reporting instructions. Upon assignment to a correctional facility, incarcerated persons are issued facility-specific handbooks, which include a PREA section. They are provided information at their orientation on how to report an incident or allegation, along with methods for third party and confidential reporting. This policy was revised on February 1, 2024.

Additionally, New Jersey Department of Corrections (NJDOC) Policy Statement IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault states, NJDOC provides Incarcerated Persons with comprehensive and ongoing education on PREA and zero-tolerance of Incarcerated Person sexual abuse and harassment through the following:

- In-person orientation at reception within 30 days of intake
- In-person orientation at assigned housing facility within 30 days of intake
- PREA video presentation at reception and assigned housing facility
- Continuous PREA video presentation on Incarcerated Person closed-circuit TV channel
- PREA handbooks
- JPay PREA content
- PREA section of facility handbook
- PREA posters displayed throughout NJDOC facilities
- In-person PREA presentations as scheduled
- Institutional Liaison Committee (Tier Rep) meetings
- PREA Reference handouts at annual classification reviews
- PREA Reference handouts in visit areas
- PREA Reference handouts in law libraries

Additionally, informational materials regarding PREA rights and responsibilities, zero tolerance and reporting are available to Incarcerated Persons and family members. Incarcerated Persons also receive written updates of PREA/zero tolerance information on an as needed basis and at least annually.”

This Level 1/3 policy, was finalized on February 1, 2024, and replaced EMCF’s Level 3 Internal Management Procedure Custody Directive 73

On January 22, 2024, the Monitor and the DOJ received a copy of the newly revised handbook that is given to each incarcerated person who comes into EMCF. Page 93 states, “the New Jersey Department of Corrections (NJDOC) maintains compliance with the Prison Rape Elimination Act (PREA). Signed into federal law in 2003, PREA is a set of standards that are designed to prevent, detect, and respond to incidences of sexual abuse and sexual harassment in confinement facilities. Under PREA, IPs who are committed to the custody of the NJDOC:

- Have the right to serve their incarceration free of sexual abuse and sexual harassment;
- Have the right to be free from retaliation, whether victim, perpetrator, or reporter of sexual abuse or harassment;
- Have the responsibility not to engage in sexually abusive and/or sexually harassing conduct Are assessed for PREA risk with the goal of keeping separate those IPs at risk of being sexually victimized from those at risk of being sexually abusive
- Have the right to access medical and mental health services that address sexual abuse
- Have access to external sexual abuse emotional support services”

The handbook goes on for six more pages providing information about IP’s rights to be free from sexual abuse and sexual harassment. The pages of this handbook discuss definitions, reporting procedures (for both the IP’s and third parties), IP education, retaliation, sexual abuse medical and mental health services, and sexual abuse emotional support services.

The Monitor reviewed a copy of the PREA video shown to Edna Mahan incarcerated persons, as well as a copy of the training curriculum. The curriculum delivered during the intake process includes all the required information (a – g) listed in Settlement Agreement paragraph 47. Additionally, the Monitor has reviewed a copy of the Edna Mahan Prisoner Handbook, a copy of both the English and Spanish version of the handout titled, “NJDOC PREA: Zero Tolerance and How to report Sexual Abuse/Sexual Harassment or Retaliation at NJDOC “, and a copy of the English and Spanish version of the flyer titled “Zero Tolerance” given out at the orientation session. Again, all the required information (a – g) listed in Settlement Agreement paragraph 47 is listed in these documents.

In each of the six months of this reporting period, the Monitor has received a list of the incarcerated persons who entered Edna Mahan during the month. Additionally, the Monitor received verification that everyone who entered Edna Mahan during each month participated in a comprehensive prisoner orientation session.

During the compliance visit, Mr. Shireman, the Monitor’s Associate, watched a comprehensive orientation education for Edna Mahan incarcerated persons to ensure that the curriculum delivered during the intake process included all the required information (a – g) listed in Settlement Agreement paragraph 47.

The Monitor interviewed Associate Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, to confirm the documentation of incarcerated persons who attend, and the person who provides, the comprehensive prisoner orientation sessions. Lastly, during the compliance visit, the Monitor and/or her Associate met with several incarcerated persons asking if they received PREA orientation within 30 days of intake. Most of these incarcerated persons confirmed they did receive intake during 30 days of intake.

It is worth noting that, in addition to the incarcerated persons receiving a comprehensive orientation PREA education during the intake process, Edna Mahan also shows a “PREA video” at least two times a day, on an internal television channel. The incarcerated population calls it the “PREA Channel.” This video reminds the population of their right to be free from sexual abuse and sexual harassment and all the ways to report such. At the main Edna Mahan facility, this video is shown twice a day, both in English and Spanish versions. However, there is no scheduled time for the showing so if an Incarcerated Person wanted to watch it, they would have no idea what time it would be showing. At the Satellite Building, the video is shown on a continuous loop daily, in English, Spanish, and signed language versions.

Recommendations re F. Prisoner Education ¶ 47:

It is recommended that consistent times be developed that the PREA videos (one time for English and another time for Spanish) are shown on the television channel at the main Edna Mahan institution and that those times be posted for the Incarcerated Persons’ information.

F. Prisoner Education

par. 48 During the intake process, or within 30 days of intake, Edna Mahan shall continue to provide comprehensive orientation education to prisoners either conducted in-person or through a video presented by an in-person facilitator regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding their policies and procedures for responding to such incidents.

Monitor's Measure of Compliance re F. Prisoner Education ¶ 48:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to Prisoner Education
- EMCF Level 3 policy requiring that Prisoners are required to sign for receipt of PREA informational materials as well as for attendance at PREA education/orientation sessions. Level 3 policy will also require that copies of receipt documents are to be maintained in the prisoner's classification folder and by the Institutional PREA Compliance Manager
- Copy of PREA video shown to prisoners
- Copy of curriculum (including power point slides, if any) for orientation education for prisoners
- Copy of PREA orientation material for prisoners
- Copy of EMCF Prisoner Handbook
- Copy of EMCF Prisoner Orientation schedule
- Monthly list of all "new admissions" prisoners to EMCF, beginning January 5, 2022, for the month of December 2021
- Monthly prisoner rosters for all prisoners who received PREA orientation education (to compare against list of all prisoners), beginning January 5, 2022, for the month of December 2021
- Documentation of who provided the orientation education to prisoners and that the video was presented in person
- Interview with EMCF PREA Compliance Manager
- Interviews with prisoners during the on-site visit asking if they received PREA orientation within 30 days of intake

Steps taken by NJDOC and EMCF towards implementation. F. Prisoner Education ¶ 48:

2/24/24 Status Report

NJDOC has continued to submit verifications of compliance to DOJ and the Monitor during this reporting period.

Monitor's Finding of Compliance re F. Prisoner Education ¶ 48:

[X] Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re F. Prisoner Education ¶ 48:

NJDOC Policy 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, “Upon intake at a NJDOC facility, all incarcerated persons are provided with written and video materials detailing the zero tolerance for sexual abuse/harassment policy, along with PREA informational handouts and reporting instructions. Upon assignment to a correctional facility, incarcerated persons are issued facility-specific handbooks, which include a PREA section. They are provided information at their orientation on how to report an incident or allegation, along with methods for third party and confidential reporting.” This policy was revised on February 1, 2024.

In each of the six months of this reporting period, the Monitor has received a list of the prisoners who entered Edna Mahan during the month. Additionally, the Monitor received verification that everyone who entered Edna Mahan during each month participated in a comprehensive prisoner orientation session.

During the compliance visit, Mr. Shireman, the Monitor’s Associate, watched a comprehensive orientation education for Edna Mahan incarcerated persons to ensure that the curriculum delivered during the intake process included all the required information (a – g) listed in Settlement Agreement paragraph 47.

The Monitor interviewed Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, to confirm the documentation of persons who attend and the person who provides, the comprehensive prisoner orientation sessions. Lastly, during the compliance visit, the Monitor, or her Associate, spoke with several incarcerated persons during the on-site visit asking if they received PREA orientation within 30 days of intake. Everyone who had entered Edna Mahan within this reporting period remembers attending this PREA orientation.

Additionally, as noted above, Edna Mahan also shows a “PREA video” at least two times a day, on an internal television channel. The incarcerated population calls it the “PREA Channel.” This video reminds the population of their right to be free from sexual abuse and sexual harassment and all the ways to report such. At the main Edna Mahan facility, this video is shown twice a day, both in English and Spanish versions. At the Satellite Building, the video is shown on a continuous loop daily, in English, Spanish, and signed language versions.

Recommendations re F. Prisoner Education ¶ 48:

The same recommendation as for paragraph 47 above. That consistent times be developed that the PREA videos (one time for English and another time for Spanish) are shown on the television channel at the main Edna Mahan institution and that those times be posted for the Incarcerated Persons’ information.

F. Prisoner Education

par. 49 Current Edna Mahan prisoners will again receive the information and education described in Paragraphs 47 and 48 above within three months of the Effective Date.

Monitor's Measure of Compliance re F. Prisoner Education ¶ 49:

- Copy of PREA video shown to prisoners
- Copy of curriculum (including power point slides, if any) for orientation education for prisoners
- Copy of PREA orientation material for prisoners
- Copy of EMCF Prisoner Handbook
- List of all prisoners at EMCF on November 24, 2021
- Prisoner rosters documenting that the prisoners received the orientation education between August 24 and November 24, 2021
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure all current EMCF prisoners will again receive the orientation information and education
- Interviews with prisoners during the on-site visit that, if they had been at EMCF prior to August 24, 2021, they received PREA information and education again prior to November 24, 2021

Steps taken by NJDOC and EMCF towards implementation re F. Prisoner Education ¶ 49:

2/24/24 Status Report

This requirement has been satisfied.

Monitor's Finding of Compliance re F. Prisoner Education ¶ 49:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 49:

This requirement was met during the first reporting period.

Recommendations re F. Prisoner Education ¶ 49:

No recommendation

F. Prisoner Education

par. 50 NJDOC and Edna Mahan shall ensure that the individuals conducting or facilitating the comprehensive prisoner educational orientation are trained on Edna Mahan and NJDOC's policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and the terms of this Agreement.

Requirements:

par. 51 The individual conducting or facilitating the comprehensive prisoner orientation education shall remain in the room during the entire orientation. If an exigent circumstance arises that requires the individual conducting or facilitating the orientation to leave the room, the individual will return to the room as promptly as possible.

Monitor's Measure of Compliance re F. Prisoner Education ¶ 50:

- EMCF Level 3 policy requiring that the individuals conducting the comprehensive prisoner educational orientation are trained on EMCF and NJDOC's policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and the terms of the Settlement Agreement
- List of all persons who provide the comprehensive prisoner educational orientation at EMCF
- Documentation of trainers "training" specific to above and date when it occurred

Steps taken by NJDOC and EMCF towards implementation re F. Prisoner Education ¶ 50:

2/24/24 Status Report

The EMCF IPCM ensures that comprehensive education is delivered to incarcerated individuals within 30 days of their arrival. Monthly training records were consistently submitted to the Federal Monitor and the DOJ during this reporting period.

Monitor's Finding of Compliance re F. Prisoner Education ¶ 50:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 50:

NJDOC Policy 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, "The individuals conducting or facilitating the comprehensive education will receive training on NJDOC and facility specific policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and any legal procedures specific to that facility." This policy was revised on February 1, 2024.

The Monitor received the training records for Amelia Renshaw, Jamie Sferlazzo, Sally Devoy-Green, Taquila Rios, Alicia Lalas, Diana Bartolomwo, and Veronica Gil, the only persons who have ever provided the Edna Mahan comprehensive prisoner educational orientation since the Settlement Agreement was finalized. These training records verifies that each of these individuals received PREA training, which included information on Edna Mahan and NJDOC's policies and procedures related to sexual abuse and sexual harassment and the PREA standards. Additionally, the Monitor received verification that these individuals received training on the Settlement Agreement.

Even though these individuals have all received the training, the Edna Mahan PREA Compliance Manager told the Monitor that, at the present time, the only two persons who provides the educational orientation is Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager and Veronica Gil, a Social Worker who is a certified bilingual employee. Records received from each comprehensive prisoner orientation session verified this statement.

After the last reporting period, the Monitor recommended that the Edna Mahan Administrator or members of the NJDOC leadership team observe the PREA Orientation to ensure oversight and wider familiarity with the Orientation.

Recommendations re F. Prisoner Education ¶ 50:

The Monitor recommends that the Edna Mahan Administrator or members of the NJDOC leadership team observe the PREA Orientation periodically.

F. Prisoner Education

par. 51 The individual conducting or facilitating the comprehensive prisoner orientation education shall remain in the room during the entire orientation. If an exigent circumstance arises that requires the individual conducting or facilitating the orientation to leave the room, the individual will return to the room as promptly as possible.

Requirements:

- par. 47 NJDOC Policy Statement Number 001.008 “Prevention, Detection and Response of Sexual Abuse and Harassment” specific to
par. 48 Prisoner Education

Monitor’s Measure of Compliance re F. Prisoner Education ¶ 51:

- EMCF Level 3 policy requiring that the individuals conducting the comprehensive prisoner orientation education remain in the room during the entire orientation. That Level 3 policy should also require that the person provide the comprehensive prisoner educational orientation document that they did remain in the room the entire time and that they notify the EMCF PREA Compliance Manager immediately if they did leave the room, due to an exigent circumstance
- The EMCF PREA Compliance Manager will notify the DOJ and Monitor in writing of the exigent circumstance anytime the person providing the comprehensive prisoner educational orientation document did not remain in the room the entire time
- Class roster for the comprehensive prisoner educational orientation, dated and signed by the person who provided the training, verifying that they remained in the room during the entire orientation
- Interview with EMCF PREA Compliance Manager
- Interview with at least two of the persons who provide the comprehensive prisoner educational orientation
- Interviews with prisoners during the on-site visit asking if the individual conducting the comprehensive prisoner orientation education remained in the room the entire time
- Observation of a comprehensive prisoner orientation education during onsite visit

Steps taken by NJDOC and EMCF towards implementation F. Prisoner Education 51:

2/24/24 Status Report

Verification forms signed by both the incarcerated person and the facilitator are kept as evidence of the facilitator's presence throughout the full session. These verification forms have been consistently provided to the Monitor and the DOJ on a monthly basis during this reporting period to affirm compliance.

Monitor’s Finding of Compliance re F. Prisoner Education ¶ 51:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

[] N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 51:

NJDOC Policy 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, "The individuals conducting or facilitating the comprehensive education will receive training on NJDOC and facility specific policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and any legal procedures specific to that facility. They shall also remain in the room during the entire orientation. If an exigent circumstance arises that requires the individual conducting or facilitating the orientation to leave the room, the individual will return to the room as quickly as possible and promptly document such occurrence in a Special Report immediately following the conclusion of the exigent circumstances." This policy was revised on February 1, 2024.

In each of the six months of this reporting period, the Monitor received copies of Prison Rape elimination Act Acknowledgements signed by all newly incarcerated persons who participated in a comprehensive PREA orientation session. Each of these acknowledgements has a signature by the staff person who provided the PREA orientation that states, "The staff signature indicates comprehensive orientation education while remaining in the room during the entire PREA orientation." Additionally, the Monitor, or her Associate, spoke with several incarcerated persons who had attended the PREA orientation during this past reporting period. All persons confirmed that the person delivering the orientation remained in the room for the entire period.

Recommendations re F. Prisoner Education ¶ 51:

No recommendation

F. Prisoner Education

par. 52. Consistent with current policy, Edna Mahan shall ensure that the comprehensive orientation information is conveyed and made available in formats accessible to all prisoners, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to prisoners who have limited reading skills.

Requirements:

par. 47 NJDOC Policy Statement Number 001.008 “Prevention, Detection and Response of Sexual Abuse and Harassment” specific to
par. 48 Prisoner Education
par. 51

Monitor’s Measure of Compliance re F. Prisoner Education ¶ 52:

- NJDOC policy statement SUP.004.001 Limited English Proficient (LEP) Language Assistance
- EMCF Level 3 policy requiring that the comprehensive prisoner orientation education is made available in formats accessible to all prisoners, depending on their specific needs
- A semi-annual report (beginning on April 5, 2022, for the last quarter of 2021 and first quarter of 2022)) from EMCF PREA Compliance Manager to the DOJ and Monitor, identifying the names of prisoners who received the prisoner orientation education in a different format. The report should identify the names of the prisoners and the alternate source of how the information was provided
- Interview with EMCF PREA Compliance Manager
- Interview with at least two of the prisoner orientation education trainers
- Interview with at least two prisoners included in these categories and have received the training in an alternative format

Steps taken by NJDOC and EMCF towards implementation F. Prisoner Education ¶ 52:

2/24/24 Status Report

NJDOC takes steps to ensure effective communication with all incarcerated individuals, as mandated by Title VI of the Civil Rights Act of 1964. This includes providing orientation materials in accessible formats to accommodate diverse needs such as limited English proficiency (LEP), hearing or visual impairments, disabilities, and limited reading abilities. Taquila Rios serves as the LEP Coordinator at EMCF.

Interpreter assistance is readily available at EMCF through a phone interpretation service (the Language Line), covering approximately 173 languages, when in-person interpretation is unavailable. Additionally, a certified bilingual staff member, appointed since August 27, 2022, assists with interpretation in Spanish and English, as confirmed by the DOJ. A healthcare provider is also certified as bilingual, confirmed by documentation provided to the Federal Monitor and DOJ.

To improve mammogram accessibility for incarcerated persons with LEP, EMCF now offers pre-test and post-visit consultations through the Language Line. To promptly notify staff and contractors about individuals on the LEP roster requiring interpretation services, an EMCF

executive assistant distributes a weekly list to relevant personnel. Stickers indicating LEP status are affixed to incarcerated persons' identification cards for easy recognition.

In October, EMCF Administration sent a memo to healthcare and mental health contract staff, outlining guidelines for interactions with LEP incarcerated persons. It stressed strict adherence to specific protocols to ensure effective communication during medical, mental health, and SUD treatment encounters.

Procedure for Care Encounters with LEP IPs:

- Care providers offer access to the Language Line upon arrival for appointments.
- If the LEP individual declines, refusal is noted, and providers do not attempt interpretation or suggest reclassification.
- Usage or refusal of the Language Line is documented in the care chart and clinic logbook.
- Providers refrain from using Google Translate or unqualified interpreters.
- If multiple providers see the IP during a single visit, the same process is followed by each provider.

Monitor's Finding of Compliance re F. Prisoner Education ¶ 52:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 52:

NJDOC Policy 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states that, "NJDOC policy statement SUP.004.001 Limited English Proficient (LEP) Language Assistance details the department's procedures in addressing the needs of LEP incarcerated persons. Assistance for LEP incarcerated persons includes the use of certified bi-lingual staff and language line services. Each facility ensures that newly arrived incarcerated persons to the facility receive verbal, written and video presentations about incarcerated person sexual abuse/harassment in English and/or Spanish. For deaf and hard of hearing incarcerated persons, videos are available in closed captions. For incarcerated persons speaking languages other than English and/or Spanish, the ADA and LEP coordinator at each facility ensures the incarcerated person receives information specific to NJDOC's efforts to prevent, detect, and respond to sexual abuse and sexual harassment in accordance to SUP.004.001 Limited English Proficient (LEP) Language Assistance.

PREA orientation/educational informational materials and posters are provided in both English and Spanish. In instances where an LEP incarcerated person speaks in a language other than English or Spanish, translation services are provided in accordance with SUP.004.001 Limited English Proficient (LEP) Language Assistance.

Internal management procedure MED.AGP.002 Information on Health Services describes medical procedures for aiding both incarcerated persons with disabilities and limited English proficiency.

During the intake process, staff will employ necessary measures to accurately identify incarcerated persons with disabilities and LEP incarcerated persons. This information is reflected on each incarcerated person's face sheet. Reasonable accommodations for incarcerated persons who are deaf or hard of hearing are made and addressed in the internal management procedure PCS.001.DFH.01 Deaf/Hard of Hearing Incarcerated persons. This policy was revised on February 1, 2024.

Additionally, NJDOC policy statement SUP.004.001 Limited English Proficient (LEP) Language Assistance details the department's procedures in addressing the needs of LEP incarcerated persons. Assistance for LEP incarcerated persons includes the use of bilingual staff and language line services. Each facility ensures that newly arrived incarcerated persons to the facility receive gender specific verbal, written and video presentations about prisoner sexual abuse/harassment in English and/or Spanish. For deaf and hard of hearing incarcerated persons, videos are available in closed captions. PREA orientation/educational informational materials and posters are provided in both English and Spanish. In instances where an LEP prisoner speaks in a language other than English or Spanish, translation services are provided.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive #100A Titled, Limited English Proficiency (LEP) Language Assistance: Bilingual Staff and Use of the Language Line states, "In accordance with Title VI of the Civil Rights provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical and quasi-legal proceedings. These sources include, but are not limited to, the Language Line and appropriate staff." This IMP was revised on March 30, 2017.

On February 22, 2024, the Monitor received a memo verifying that two Incarcerated Persons had received PREA orientation in their preferred language, Spanish, and one person who received the PREA orientation, in her preferred language of Mandarin during this reporting period. Ms. Gil, the certified bilingual Spanish speaking employee, provided the PREA orientation in Spanish to the two Spanish speaking individuals and used the language line to provide the orientation in Mandarin. The Monitor and/or her Associate spoke with all three of these incarcerated people, who confirmed that Ms. Gil delivered the PREA orientation education to them.

The Monitor interviewed the Edna Mahan PREA Compliance Manager, Ms. Renshaw, and asked how she ensured the comprehensive orientation information is conveyed and made available to incarcerated persons who are limited English proficient, deaf, visually impaired, or otherwise disabled or who have limited reading skills. Ms. Renshaw explained that all education materials and videos are available in Spanish, as well as a certified bilingual Spanish speaking employee providing the information in Spanish. If the Incarcerated Person is deaf, the PREA video has subtitles. If an Incarcerated Person is visually impaired or has limited reading skills, they can listen to the video and have the orientation information read to them. If an IP has a learning disability, Ms. Renshaw stated that she uses language in a manner the person would

understand. Lastly, Ms. Renshaw said that she follows up with any incarcerated person who might have needed some accommodation during the education orientation to ensure they understood everything.

Additionally, Ms. Renshaw explained that if the County Jail is sending someone to Edna Mahan who speaks any language other than Spanish, the jail notifies her in time for her to get all education materials translated into that specific language. During this reporting period, a person who speaks Mandarin and very little English arrived at EMCF. Ms. Renshaw said that it was a very easy process to use the language line and get the information translated into Mandarin prior to this person's arrival.

Recommendations re F. Prisoner Education ¶ 52:

Continue to ensure that the comprehensive orientation information is conveyed and made available in formats accessible to all prisoners, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to prisoners who have limited reading skills.

F. Prisoner Education

par. 53 NJDOC and Edna Mahan shall maintain documentation of prisoner participation in the comprehensive prisoner orientation sessions.

Requirements:

- par. 47 NJDOC Policy Statement Number 001.008 “Prevention, Detection and Response of Sexual Abuse and Harassment” specific to
- par. 48 Prisoner Education
- par. 51
- par. 52

Monitor’s Measure of Compliance re F. Prisoner Education ¶ 53:

- EMCF Level 3 policy requiring that Prisoners are required to sign for receipt of PREA informational materials as well as for attendance at PREA education/orientation sessions. Copies of receipt documents are to be maintained in the prisoner’s classification folder and by the Institutional PREA Compliance Manager
- Monthly prisoner rosters for all prisoners who received PREA orientation education (to compare against list of all prisoners), beginning January 5, 2022, for the month of December 2021 (per paragraphs 47 and 48)
- Interview with EMCF PREA Compliance Manager
- Review of documentation attendance at PREA education/orientation sessions during on site visit

Steps taken by NJDOC and EMCF towards implementation F. Prisoner Education ¶ 53:

2/24/24 Status Report

NJDOC and EMCF continue to comply with this requirement. Records containing attendance details, complete with both participant and in-person facilitator signatures, are maintained. As part of the compliance verification process for this reporting period, random verification forms were submitted to the Monitor and DOJ, as requested. Additionally, copies of receipt documents are retained in the classification folder of every incarcerated person and also held by the IPCM.

Monitor’s Finding of Compliance re F. Prisoner Education ¶ 53:

[X] Substantial Compliance

- Partial Compliance
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 53:

NJDOC Policy 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, "Incarcerated persons are required to sign for receipt of PREA informational materials at intake as well as for attendance at PREA education/orientation sessions. Copies of receipt documents are maintained in the incarcerated person's classification folder and by the IPCM." This policy was revised on February 1, 2024.

And, in each of the six months of this reporting period, the Monitor received copies of Prison Rape Elimination Act Acknowledgements signed by each incarcerated person who participated in a comprehensive prisoner orientation session at Edna Mahan. Additionally, during the compliance visit, Mr. Shireman, the Monitor's Associate interviewed the Edna Mahan Compliance Manager and reviewed the documentation of attendance in the comprehensive orientation sessions offered during each of the months of this reporting period.

Recommendations re F. Prisoner Education ¶ 53:

Continue to maintain documentation of prisoner participation in the comprehensive prisoner orientation sessions.

G. Prisoner's Right to Privacy at Edna Mahan

NJDOC and Edna Mahan shall prevent officers from unnecessarily viewing Edna Mahan prisoners who are naked or performing bodily functions. Accordingly:

par. 54

Cross-Gender Searches

- a. Edna Mahan shall comply with N.J.S.A. 30:1B-46 and NJDOC's policy to not conduct cross-gender strip searches or visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- b. Prisoners' access to regularly available programming or other out-of-cell opportunities shall not be restricted in order to comply with cross-gender search restrictions.
- c. Edna Mahan shall document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of women prisoners and shall document the exigent circumstances that warranted the search. To the extent any such searches were conducted, Edna Mahan shall provide this documentation to the Monitor and DOJ on a quarterly basis.
- d. NJDOC and Edna Mahan shall train security staff in how to conduct cross-gender pat-down searches, when required, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Monitor's Measure of Compliance re G. Prisoner's Right to Privacy at Edna Mahan ¶ 54:

par. 54 a

- Copy of N.J.S.A. 30:1B-46
- NJDOC Level 1 policy prohibiting cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners
- EMCF Level 3 policy prohibiting cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners
- CUS.001.011 Searches of Prisoners and Facilities) and Internal Management Procedure (CUS.001.SEA.001 Searches) which outline the department's rules regarding pat searches, strip searches and body cavity searches
- Training curriculum for staff stating that cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners are prohibited
- Documentation memo/training rosters confirming staff training stating that cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners are prohibited
- Quarterly notification, beginning January 5, 2022, for the last quarter of 2021, to Monitor of exigent circumstances that required a cross-gender strip search or visual body cavity

- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan prohibiting cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners

par. 54 b

- EMCF Level 3 policy stating that prisoner's access to regularly available programming or other out-of-cell opportunities shall not be restricted in order to comply with cross-gender search restrictions
- Documentation memo/training rosters confirming staff were informed that prisoner's access to regularly available programming or other out-of-cell opportunities shall not be restricted in order to comply with cross-gender search restrictions
- Quarterly notification, beginning January 5, 2022, for the last quarter of 2021, documenting every time available programming or out-of-cell activities were restricted due to not being able to comply with cross-gender search restrictions
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan prohibiting prisoner's access to regularly available programming or other out-of-cell opportunities in order to comply with cross-gender search restrictions

par. 54 c

- EMCF Level 3 policy requiring that staff document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of women prisoners. And the same level 3 policy requires such documentation include the exigent circumstances that warranted the search
- Quarterly notification (beginning January 5, 2022) for the last quarter of 2021, of exigent circumstances that required a cross-gender strip search, visual body cavity search, or cross-gender pat-down search

par. 54 d

- EMCF Level 3 policy stating that all security staff shall be trained in how to conduct cross-gender pat-down searches in a professional and respectful manner and in the least intrusive manner possible. And plan to continue to provide this training
- Training records, schedules for training for all security staff, who have been trained, regarding proper methods to conduct cross gender pat down searches
- Copy of curriculum used for this training
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan in how to conduct cross-gender pat-down searches in a professional and respectful manner and in the least intrusive manner possible
- Interviews with staff during on site visit regarding their responsibilities to document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of women prisoners

Steps taken by NJDOC and EMCF towards implementation re G. Prisoner’s Right to Privacy at Edna Mahan ¶ 54:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," finalized on January 29, 2024, outlines procedures regarding cross-gender viewing. During the reporting period, there were no instances of cross-gender searches. Quarterly reports confirming the absence of such searches have been duly submitted to both the Federal Monitor and the DOJ. Furthermore, consistent practices are upheld across EMCF and all NJDOC correctional facilities regarding transgender and intersex individuals. These individuals are given the option to request a search preference in accordance with N.J.P.L. 2019 c.409, which prohibits cross-gender strip searches in state correctional facilities. To ensure compliance, Gender Identity Search Preference ID Cards are issued to transgender or intersex incarcerated persons, indicating their approved search preference based on their gender identity.

Monitor’s Finding of Compliance re G. Prisoner’s Right to Privacy at Edna Mahan ¶ 54:

[X] Substantial Compliance

- Partial Compliance
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor’s Discussion re G. Prisoner’s Right to Privacy at Edna Mahan ¶ 54:

Part of the 2020 New Jersey Revised Statutes Title 30 – Institutions and Agencies, Section 30:1B-46 – Policy to limit cross gender searches and surveillance in State Correctional facilities, states, “The Commissioner of Corrections shall establish a policy to limit cross gender searches and surveillance in State correctional facilities. The policy shall:

- a. require a strip or body cavity search of a prisoner to be conducted by an officer of the same gender who is specially trained to conduct these searches;
- b. authorize an exception to the requirements in subsection a. of this section

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “NJDOC does not allow cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners. NJDOC has a policy on searches (CUS.001.011 Searches of Incarcerated persons and Facilities) finalized 2/23/24 and a corresponding confidential internal management procedure (CUS.001.SEA.001 Searches) finalized 1/29/24 which both outline in detail the department’s rules regarding pat searches, strip searches and body cavity searches.”

Additionally, NJDOC CUS.001.SEA.001 Searches of Inmates and Facilities states, “except in exigent circumstances, pat searches shall only be conducted by female custody staff members upon female incarcerated persons, including persons whose Gender Identity Search Preference ID Card identifies them as having requested to be searched by female staff. All other incarcerated persons will be pat searched by any available staff member. Facilities must document all cross gender-pat searches conducted in exigent circumstances and will document the exigent

circumstances that warranted the search. This Level 1/3 policy was finalized on January 29, 2024 , and replaced EMCF's Level 3 Internal Management Procedure Custody Directive 50.

The Monitor also reviewed the power point and the training curriculum for the "Search of Persons" training that NJDOC provides to their custody staff. There is an entire power point slide that notes that "Except in emergency circumstances, pat searches shall only be conducted by female custody staff members upon female prisoners." The training curriculum also states that "The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners.

On October 2, 2023, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of July, August, and September 2023 "Please be advised that there have been no exigent circumstances that required a cross-gender strip search, visual body cavity search, or cross-gender pat search. And on January 2, 2024, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of October, November, and December 2023 "Please be advised that there have been no exigent circumstances that required a cross-gender strip search, visual body cavity search, or cross-gender pat search.

Paragraph 54b:

NJDOC CUS.001.SEA.001 Searches of Inmates and Facilities states, "Except in exigent circumstances, pat searches shall only be conducted by female custody staff members upon female incarcerated persons, including persons whose Gender Identity Search Preference ID Card identifies them as having requested to be searched by female staff. All other incarcerated persons will be pat searched by any available staff member. Facilities must document all cross gender-pat searches conducted in exigent circumstances and will document the exigent circumstances that warranted the search. Facilities shall not restrict incarcerated persons' access to regularly available programming or other out-of-cell opportunities in order to comply with this requirement." This Level 1/3 policy, was finalized on January 29, 2024 and replaced EMCF's Level 3 Internal Management Procedure Custody Directive 50.

On October 2, 2023, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of July, August, and September 2023 "Please be advised that there were no instances of available programming or out of cell activities being restricted due to not being able to comply with cross-gender search restrictions. And on January 2, 2024, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of October, November, and December 2023 "there were no instances of available programming or out of cell activities being restricted due to not being able to comply with cross-gender search restrictions."

Paragraph 54c:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "All staff working in female facilities will be trained on conducting trauma informed pat searches, to include cross-gender pat searches. If there is an exigent circumstance, custody staff shall conduct cross-gender pat-down searches of incarcerated persons in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs of all involved. Facilities are required to promptly record in the Custody Special Report, following the

conclusion of any urgent situation, all cross-gender pat searches that were conducted under exigent circumstances. Additionally, they must detail the specific exigent circumstances that justified the search.” This policy was finalized on January 29, 2024.

NJDOC CUS.001.SEA.001 Searches of Inmates and Facilities states, “Under non-exigent circumstances a strip search shall be conducted by custody staff of the same gender identity as the incarcerated person and may include a scanning/testing device operator(s) of the same gender as the person. Under exigent circumstances, a strip search of an incarcerated person may be conducted by custody staff and scanning/testing device operator(s) of the opposite gender or where performed by medical providers. Facilities must document all cross-gender strip searches conducted under exigent circumstances and will document the exigent circumstances that warranted the search”. This Level 1/3 policy, was finalized on January 29, 2024 , and replaced EMCF’s Level 3 Internal Management Procedure Custody Directive 50.

Additionally, Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities says, “Cross-gender pat-down searches of female prisoners are prohibited, absent exigent circumstances. Facilities shall not restrict female prisoners' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. Cross-Gender pat frisks shall be documented on the facility Cross-Gender Pat-Frisk form.”

The Monitor also reviewed the power point and the training curriculum for the “Search of Persons” training that NJDOC provides to their custody staff. There is an entire power point slide that notes that “Except in emergency circumstances, pat searches shall only be conducted by female custody staff members upon female prisoners.” The training curriculum also states that “The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners.

On October 2, 2023, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of July, August, and September 2023 “Please be advised that there have been no exigent circumstances that required a cross-gender strip search, visual body cavity search, or cross-gender pat search. And on January 2, 2024, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of October, November, and December 2023 “Please be advised that there have been no exigent circumstances that required a cross-gender strip search, visual body cavity search, or cross-gender pat search.

Lastly, the Monitor or her Associate interviewed several custody staff and asked them specifically about their responsibilities to document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of female incarcerated persons. Without exception, every custody staff person we interviewed said they would never conduct cross-gender pat searches.

Paragraph 54d:

NJDOC Policy 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, finalized on January 29, 2024 , states “All searches shall be performed in a professional, respectful, and courteous manner, and in the least intrusive manner possible, consistent with the safety and security needs of all involved. All searches conducted in a female institution shall be conducted in a trauma-informed manner to maintain the dignity of the incarcerated person.”

It is important to note that this policy also gives procedures for conducting strip searches of incarcerated persons, stating, “A strip search does not require the incarcerated person to be completely naked. Rather, the incarcerated person can remove their clothing on the top half of their body. After they, and their clothing from the top half of their body, have been thoroughly searched, the staff member can instruct the incarcerated person to put their clothing on the top of their body back on. At that point, the incarcerated person can remove their clothing on the bottom half of their body and the staff will continue the search of the person’s body, genital area, and clothing. After the incarcerated person’s bottom half of their body, and their clothing, have been thorough searched, the staff member can instruct the person to put their clothing back on and the strip search is completed.” This is a major policy/procedure change for NJDOC and demonstrates the agency’s commitment to conduct searches in as respectful a manner as possible.

NJDOC CUS.001.SEA.001 Searches of Inmates and Facilities states, “All searches shall be performed in a professional, respectful, and courteous manner, and in the least intrusive manner possible, consistent with the safety and security needs of all involved. All searches conducted in a female institution shall be conducted in a trauma-informed manner to maintain the dignity of the incarcerated person.” This Level 1/3 policy, was finalized on January 29, 2024 , and replaced EMCF’s Level 3 Internal Management Procedure Custody Directive 50.

The Monitor reviewed the power point for the “Trauma Informed Search” training that EMCF is planning to provide to their custody staff in early Spring of 2024. One of the statements in this power point is “Officers will conduct the least intrusive body search possible to reduce traumatization and psychological triggering. The procedures aim to ensure the safety and dignity of incarcerated persons during strip searches, aligning with trauma-informed practices.” Other statements in this training include “Conduct searches in a professional & respectful manner (least intrusive manner possible) consistent with security needs” and “Respectful searches will always be the standard; including cross-gender searches and searches of transgender or intersex individuals.”

Recommendations re G. Prisoner’s Right to Privacy at Edna Mahan ¶ 54:

Continue to prevent officers from unnecessarily viewing the incarcerated persons who live at Edna Mahan who are naked or performing bodily functions.

G. Prisoner's Right to Privacy at Edna Mahan

par. 55 Cross-Gender Viewing

- a. NJDOC and Edna Mahan shall ensure that Edna Mahan prisoners are able to perform bodily functions—such as showering, bathing, and using the toilet— and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.
- b. Edna Mahan shall require staff of the opposite gender to announce their presence when entering a prisoner housing unit, and before entering the shower or toilet areas, except in exigent circumstances.

Monitor's Measure of Compliance re G. Prisoner's Right to Privacy at Edna Mahan ¶ 55:

par. 55 a:

- EMCF Level 3 policy stating that EMCF prisoners are able to perform bodily functions (noted above) without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incident to routing cell checks
- Training curriculum for training all nonmedical staff to the fact that prisoners are able to perform bodily functions (noted above) without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incident to routine cell checks
- Training records for all nonmedical staff documenting they were trained in the above
- Training Curriculum for prisoner education orientation ensuring they are told that prisoners can perform bodily functions (such as showering, bathing, using the toilet, changing clothing, etc.) without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incident to routing cell checks (per ¶47 & 48)
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan in how to ensure that prisoners are able to perform bodily functions (noted above) without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incident to routing cell checks
- Focus groups with EMCF prisoners during on site visit specific to prisoners being able to perform bodily functions without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia
- Interviews with staff during on site visit specific to prisoners being able to perform bodily functions without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia

par 55 b:

- NJDOC Level 1 and EMCF Level 3 policy requiring staff of the opposite gender to announce their presence when entering a prisoner housing unit, and before entering the shower or toilet areas, except in exigent circumstances
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan requiring staff of the opposite gender to announce their presence when entering a prisoner housing unit
- Interviews with staff during on site visit specific to the requirement that staff of the opposite gender announce their presence when entering a prisoner housing unit
- Observations made during on site visit

Steps taken by NJDOC and EMCF towards implementation G. Prisoner's Right to Privacy at Edna Mahan ¶ 55:

2/24/24 Status Report

The policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," finalized on January 29, 2024, stipulates guidelines for gender announcements and restrictions regarding staff access to restrooms and shower facilities occupied by incarcerated persons of the opposite gender.

According to the policy, all staff of the opposite gender must announce their presence when entering a housing unit. This announcement is mandatory whenever staff entering the unit change the gender composition from all same-gender staff to inclusion of opposite-gender staff. Upon entering the housing unit, opposite-gender staff are required to announce "male/female on the floor" or their name, ensuring awareness among incarcerated persons.

The policy also establishes restrictions on staff access to restrooms and shower facilities occupied by incarcerated persons of the opposite gender. Staff members are prohibited from entering these facilities when occupied, except during safety and security tours and checks. This measure aims to safeguard privacy and security while maintaining appropriate staff oversight and supervision.

Monitor's Finding of Compliance re G. Prisoner's Right to Privacy at Edna Mahan ¶ 55:

Substantial Compliance

Partial Compliance: The discovery of a housing unit that had a repeat situation of shower and toilet curtains that did not allow for complete privacy for the incarcerated persons brings this paragraph from a substantial (last reporting period) to partial compliance.

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re G. Prisoner's Right to Privacy at Edna Mahan ¶ 55:

Paragraph 55a:

Part of the 2020 New Jersey Revised Statutes Title 30 – Institutions and Agencies, Section 30:1B-46 – Policy to limit cross gender searches and surveillance in State Correctional facilities, prohibits correctional police officers from viewing prisoners of the opposite gender who are nude or performing bodily functions except in an emergency or other extraordinary or unforeseen circumstances and requires a facility to install privacy panels in shower and toilet areas when possible.

NJDOC Policy 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states “In order to accommodate the privacy interests of incarcerated persons, modesty barriers are provided in facility shower areas. Additionally, modesty barriers/panels are provided for incarcerated persons’ use while changing. Incarcerated persons are required to change prior to exiting the shower area.” This policy was finalized on January 29, 2024.

The Monitor also reviewed the power point and the curriculum for the “Search of Persons” training that NJDOC provides to their custody staff. One of the statements in this power point is “the facility shall implement policies and procedures that enable prisoners to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

During the compliance visit in September 2023, the Monitor was very concerned about the lack of privacy in one area of South Hall (the old Reception area). Although this unit is only supervised by female correctional officers, there are incarcerated persons who are transgender and identify as males who have been assigned to this housing area. This could have resulted in IPs not being able to perform bodily functions, such as showering or using the toilet, and changing clothing without nonmedical staff of the opposite gender identity viewing them. During the compliance visit in September, the Monitor brought this situation to Administrator’s O’Dea’s attention and was later informed that the situation was addressed.

The Monitor was very frustrated to find the same situation again during this past compliance visit, in February 2024. Although there were shower curtains hung in the shower and toilet areas, in most instances they were too short to cover private areas if an incarcerated person had to bend down. Additionally, there were gaps between the curtains that could have allowed the incarcerated persons to be seen. Administrator O’Dea was with the Monitor when this area was toured. He stated that he had checked this area in the last couple of weeks and the shower curtains were appropriate. He explained that the curtains fall down easily and when they are replaced, the staff cut them too short.

This situation was very concerning for two reasons. The first is that the same situation has occurred in two compliance visits, that were six months apart. The Monitor wonders how long this situation would have gone on, without being addressed. The second reason is that correctional staff that work in this unit, the Sergeant who is required to tour this unit twice a shift, and the Lieutenant who is required to tour this unit once a shift and/or any administrative staff member who had toured this area, had not immediately identified this area as problematic, even after the area had been identified problematic six months ago.

IPs also complained about privacy in other areas within South Hall. The Monitor observed that the doors of several shower stalls along the corridors were either broken or did not provide sufficient coverage to ensure privacy. The Monitor also observed that shower curtains were too narrow to provide sufficient privacy for several other shower stalls along the corridors. The Administrators said that these shower stalls would be fitted with new doors or longer shower curtains, as needed to ensure privacy.

The Monitor and/or her Associate conducted focus groups with incarcerated persons currently living at Edna Mahan and asked them if they felt they were able to perform bodily functions without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia. Most of their responses indicated they were afforded this right.

Lastly, the Monitor or her Associate interviewed several correctional staff and asked them specifically about incarcerated persons being able to perform bodily functions without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia. Without exception every correctional staff member interviewed was aware of this right of the incarcerated persons.

Paragraph 55 b:

Part of the 2020 New Jersey Revised Statutes Title 30 – Institutions and Agencies, Section 30:1B-46 – Policy to limit cross gender searches and surveillance in State Correctional facilities requires a verbal announcement to be made when correctional police officers or other employees of the opposite gender are in an area of the facility.

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment policy states, “All Staff of the opposite gender must announce their presence when entering a housing unit. Opposite gender announcements are required whenever staff entering the unit change the makeup of the unit from all staff who are the same gender as the incarcerated persons to inclusion of opposite gender staff. Upon entering the housing unit, opposite gender staff will announce "male/female on the floor" or staff name “on the floor.” All staff are restricted from entering restrooms and shower facilities of incarcerated persons of the opposite gender when occupied except in safety and security tours and checks.” This policy was finalized on January 29, 2024.

Additionally, NJDOC Policy CUS.001.SEA 001, Searches of Incarcerated Persons and correctional Facilities states “All Staff of the opposite gender must announce their presence when entering a housing unit. Opposite gender announcements are required whenever a staff member entering the unit has a different gender identity than the gender identity of any incarcerated person in the area. Upon entering the housing unit, opposite gender staff will announce "male/female on the floor" or staff name “on the floor.” All staff are restricted from entering restrooms and shower facilities of incarcerated persons of the opposite gender when occupied except in exigent circumstances and when viewing is incidental to routine safety and security tours and checks.” This policy was finalized on January 29, 2024.

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states, “Upon arrival to the unit/housing area, male officers shall announce their presence.” The Monitor also reviewed the power point and the

curriculum for the “Search of Persons” training that NJDOC provides to their custody staff. One of the statements in this power point is “The facility shall implement policies and procedure that require staff of the opposite gender to announce their presence when entering a prisoner housing unit.” This Level 3 policy was last updated on June 10, 2020.

The Monitor and/or her Associate interviewed several staff and asked them specifically about their responsibilities to announce their presence when entering a housing unit, and before entering the shower or toilet areas, except in exigent circumstances. Without exception, every staff member we interviewed was aware of this expectation.

During the compliance visit in February 2024, the Monitor and her Associate did observe male staff calling out “man on wing - cameras activated” every time a male staff member entered a housing unit. As noted in previous reports, since the correctional staff started wearing body worn cameras, the female security staff now call out “cameras activated” when they enter as well.

Recommendations re G. Prisoner’s Right to Privacy at Edna Mahan ¶ 55:

That NJDOC and Edna Mahan take every action necessary to ensure shower curtains hung in the shower and toilet areas are the adequate length and width to ensure that incarcerated persons are able to perform bodily functions—such as showering, bathing, and using the toilet— and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia. The Administrator should revise relevant policies and practices to ensure that officers are aware of these issues, checking all areas to identify any problems, and reporting in writing any shower or toilet areas that require repairs to protect the privacy of IPs.

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

In order to adequately identify and respond to all instances of sexual abuse and sexual harassment at Edna Mahan, NJDOC and Edna Mahan shall ensure that Edna Mahan prisoners, staff, and third parties have multiple unimpeded methods to report incidents of alleged or suspected sexual abuse and sexual harassment free from retaliation. Accordingly, and specifically:

par. 56 NJDOC and Edna Mahan shall provide multiple internal methods, including a grievance process, at least one method that allows prisoners to report privately, and at least one method that allows prisoners to report anonymously, for Edna Mahan prisoners to report sexual abuse and sexual harassment, retaliation by other prisoners or staff for reporting sexual abuse and sexual harassment, and staff neglect or violation of responsibilities that may have contributed to such incidents, consistent with 28 C.F.R. § 115.51.

Requirements:

par. 56 The Edna Mahan prisoner reporting system must include:

- a. Provisions for accepting reports made verbally, in writing, anonymously, and from third parties including other prisoners, Edna Mahan staff, and the prisoner's friends and family, advocates or legal representation. In the case of reports made verbally, staff shall promptly document those reports in writing;
- b. Clear information on which reporting methods allow for anonymous reporting; and
- c. Information on how to report alleged or suspected sexual abuse or sexual harassment on behalf of a prisoner, and that information shall be made publicly available.

par. 58 NJDOC and Edna Mahan shall ensure that Edna Mahan prisoners may report abuse or harassment to the Office of the Corrections Ombudsperson by methods that comply with Paragraphs 56-57 of this Agreement.

Monitor's Measure of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 56:

- NJDOC Level 1 and EMCF Level 3 policy directing multiple internal methods to report allegations of sexual abuse and harassment
- NJDOC's website includes information on how to report an allegation on behalf of a prisoner
<http://www.state.nj.us/corrections/pages/PREA/PREA.html>
- Information/Level 1 and 3 policies state how "information on how to report sexual abuse or sexual harassment on behalf of a prisoner" is distributed publicly
- NJDOC PREA: Zero Tolerance and How to Report Sexual Abuse/Sexual Harassment or Retaliation at NJDOC brochure
- Documentation of allegations of sexual abuse and harassment submitted through the grievance system
- Documentation of the SID 1# on the prisoner telephone system at EMCF
- Documentation of the Special Investigations Division (SID) confidential tip line 609-530- 2500

- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies how the prisoner reported
- Observations of posters throughout the facility that direct prisoners on how to report during the on-site visit
- Copy of PREA video shown to prisoners (per paragraphs 47 & 48)
- Copy of curriculum (including power point slides, if any) for orientation education for prisoners (per paragraphs 47 & 48)
- Interviews with staff during the on-site visit specific to the way prisoners can report any allegations of sexual abuse and harassment, including privately and anonymously
- Focus group with prisoners during the on-site visit specific to the way they can report allegations of sexual abuse and harassment, including privately and anonymously

**Steps taken by NJDOC and EMCF towards implementation H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 56:
2/24/24 Status Report**

The policies PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," and IMM.001.004 Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment, finalized on January 29, 2024, and February 1, 2024 respectively, detail various avenues for reporting allegations of sexual abuse and harassment. At EMCF, incarcerated individuals receive ongoing PREA education, including guidance on reporting such incidents, which is also documented in the inmate handbook. This information is prominently displayed throughout EMCF, and third-party reporting mechanisms are detailed on NJDOC's website. Current reporting options include:

- Contacting the Corrections Ombudsperson: Incarcerated individuals within DOC facilities can dial 1-555-555-5555, while family members or third parties can call 1-609-633-2596. Written correspondence can also be directed to the Office of Corrections Ombudsperson.
- Reaching out to NJDOC SID: Incarcerated individuals in DOC facilities can use *SID1# on the telephone system, while family members or third parties can call 609-826-5617.
- Utilizing the Incarcerated Person Remedy System: Available to incarcerated individuals at NJDOC facilities with an electronic communication vendor account.
- Using the confidential SID mailbox at the facilities: Accessible to incarcerated individuals in NJDOC facilities.
- Contacting the Institutional PREA Compliance Manager: Available at each NJDOC facility.
- Reporting verbally or in writing to any NJDOC staff member, contractor, or volunteer: This option is open to both incarcerated individuals and their family members or third-party representatives.

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 56:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 56:

NJDOC Policy 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, NJDOC has established and maintains multiple internal channels for incarcerated persons to privately report sexual harassment and/or sexual abuse, retaliation by other incarcerated persons or staff members for reporting an allegation of sexual abuse/harassment or cooperating with a PREA investigation, and of any staff member neglect or dereliction of responsibilities that may have contributed to the incident. Incarcerated persons can report incidents of sexual abuse or harassment in person or in writing to any staff, contractor, or volunteer, to the facility IPCM in person or in writing, to SID in person or in writing, via accessing communication with an NJDOC approved electronic Kiosk or tablet, or anonymously. Incarcerated persons can report an incident at any time no matter when, or where, it happened.

NJDOC advises and educates incarcerated persons of their rights and ability to report via numerous methods and also provides reporting contact information on posters and literature available throughout each correctional facility.

Incarcerated persons may report PREA sexual abuse/sexual harassment internally by using one of the following methods:

- Verbally or in writing to any NJDOC staff member, contractor, or volunteer;
- Contacting the Correctional Facility's IPCM;
- Using the Incarcerated person Remedy System/JPAY Kiosk;
- Contacting the Special Investigations Division (SID) via the Confidential SID box or by dialing *SID1# on the Incarcerated person Telephone System (free call)

This policy was revised on February 1, 2024.

Additionally on January 15, 2024, the Monitor reviewed NJDOC's website to ensure it still includes the following information on how to report an allegation on behalf of an incarcerated person:

Reporting Inmate Sexual Abuse/Sexual Harassment

Inmates who are victims of sexual abuse/ sexual harassment, or have knowledge of sexual abuse/sexual harassment or retaliation should immediately report the incident by using any of the following reporting methods:

- Verbally or in writing to any NJDOC staff member, contractor, or volunteer
- Using the Inmate Remedy System form/JPAY Inmate Computer Kiosk
- Contacting the Institutional PREA Compliance Manager;
- Contacting the Special Investigations Division (SID) or by dialing *SID1# on the inmate telephone system (Direct & Confidential/Free Call)

Third Party Reporting of Inmate Sexual Abuse/Sexual Harassment:

Family members, friends, attorneys, clergy or any other third party may make a report of sexual abuse/sexual harassment or retaliation on an inmate's behalf by using any of the following methods:

- Contacting the Correctional Facility's Institutional PREA Compliance Manager
- Contacting the Special Investigations Division by Telephone: **(609) 826-5617**

External Reporting of Inmate Sexual Abuse/Sexual Harassment and Retaliation Through the Office of Corrections Ombudsman

The Office of the Corrections Ombudsman serves as an available independent external resource for **both inmates and third parties** to report incidents of sexual abuse, harassment, or retaliation. ***Reports to this office are confidential and are anonymous upon request.***

All Allegations of inmate sexual abuse, sexual harassment or retaliation are immediately forwarded to the NJDOC for investigation.

Inmates can contact the Office of the Corrections Ombudsman by completing an "*Ombudsman Inmate Request for Assistance Form*" that is available at each correctional facility, writing directly to their office, or by calling their confidential, toll-free Inmate Telephone System number.

Third parties can report sexual abuse/sexual harassment or retaliation in writing or by calling the Office's public telephone number.

Mail directed to or from the Office of the Corrections Ombudsman is classified "Legal, Confidential and Official".

Office of Corrections Ombudsman Contact Information:

- Address:
Office of Corrections Ombudsman
PO Box 855
Trenton, NJ 08625
- Inmate Telephone System Number 1-555-555-5555
(Confidential/free call/inmates only)
- Public Reporting Number (609) 633-2596 (Confidential)

Additionally, NJDOC IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault states, “Incarcerated Persons, family members or other third-party individuals Incarcerated Person can report sexual abuse/sexual harassment on behalf of an Incarcerated Person by using the following methods:

- Corrections Ombudsperson - 1-555-555-5555 - Incarcerated Persons in DOC facilities
- Corrections Ombudsperson - 1-609-633-2596 - family members or third party on behalf of an Incarcerated Person
- Corrections Ombudsperson Address: **Office of Corrections Ombudsperson
PO Box 855
Trenton, NJ, 08625**
- NJDOC SID - *SID1# on the Incarcerated Person Telephone System- for Incarcerated Persons in DOC facilities
- NJDOC SID - 609-826-5617 - for family members or third party on behalf of an Incarcerated Person
- Incarcerated Person Remedy System form/JPay Kiosks for Incarcerated Persons at NJDOC facilities with a JPay account
- Confidential SID box at the facilities - Incarcerated Persons in NJDOC facilities
- Institutional PREA Compliance Manager at your NJDOC facility
- Verbally or in writing to any NJDOC staff member, contractor, or volunteer - Incarcerated Persons and family members or third parties on behalf of an Incarcerated Person”

This Level 1/3policy was finalized on January 29, 2024, and replaced EMCF’s Level 3 Internal Management Procedure Custody Directive 73.

The Monitor has reviewed a copy of both the English and Spanish version of the handout titled, “NJDOC PREA: Zero Tolerance and How to report Sexual Abuse/Sexual Harassment or Retaliation at NJDOC “, and a copy of the English and Spanish version of the flyer titled “Zero Tolerance.” Both handouts provide multiple internal reporting methods, including a grievance process, at least one method that allows prisoners to report privately, and at least one method that allows prisoners to report anonymously.

Additionally, during the February 2024 compliance visit, the Monitor and her Associate both noted the “PREA posters” posted throughout the housing units and other parts of the facility. These “PREA posters” provided multiple reporting methods. The Monitor reviewed a copy of the PREA video shown to the incarcerated persons living in Edna Mahan, as well as a copy of the training curriculum. And, during the compliance visit, Mr. Shireman, the Monitor’s Associate, watched a comprehensive orientation education to ensure that this “PREA orientation” provides multiple internal reporting methods, including a grievance process, at least one method that allows incarcerated persons to report privately, and at least one method that allows incarcerated persons to report anonymously and confidentially.

Although incarcerated persons can make an anonymous call to *SID1# on the telephone system, in order to make this call, the incarcerated person has to enter their telephone PIN (Personal Identification Number). NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies how the prisoner reported. This spreadsheet confirms that incarcerated persons report in a multitude of ways.

Lastly, the Monitor or her Associate interviewed several staff and incarcerated persons (separately) and asked them specifically about ways incarcerated persons can report any allegations of sexual abuse and harassment, including privately and anonymously. Both groups were very knowledgeable about the multiple ways incarcerated persons can report allegations of sexual abuse and harassment.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 56:

No recommendation

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

par 57. NJDOC and Edna Mahan shall also continue to provide at least one way for Edna Mahan prisoners to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials, allowing the Edna Mahan prisoner to remain anonymous upon request. The preferred method provided should be through a toll-free number, or other method as agreed.

Requirements:

par 58. NJDOC and Edna Mahan shall ensure that Edna Mahan prisoners may report abuse or harassment to the Office of the Corrections Ombudsperson by methods that comply with Paragraphs 56-57 of this Agreement.

Monitor's Measures of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 57:

- NJDOC Level 1 and EMCF Level 3 policy identifying at least one way to report abuse or harassment to a public or private entity or office that is not part of NJDOC
- Documentation of the Prisoner Telephone System Number 1-555-555-5555 to Corrections Ombudsman
- NJDOC PREA: Zero Tolerance and How to report Sexual Abuse/Sexual Harassment or Retaliation at NJDOC
- Contract with Office of Corrections Ombudsman
- Prisoner Request for Assistance Form
- Interviews with staff during the on-site visit specific to at least one way to report abuse or harassment to a public or private entity or office that is not part of NJDOC
- Focus group with prisoners during the on-site visit specific to at least one way to report abuse or harassment to a public or private entity or office that is not part of NJDOC
- Interviews with Corrections Ombudsman

Steps taken by NJDOC and EMCF towards implementation H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 57:

2/24/24 Status Report

The policies PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," and IMM.001.004 Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment, both finalized during this reporting period, detail various channels for reporting allegations of sexual abuse and harassment. These include confidential reporting options to external entities not affiliated with the NJDOC. Incarcerated individuals within DOC facilities may contact the Corrections Ombudsperson at 1-555-555-5555, while family members or representatives can reach out at 1-609-633-2596. Written correspondence can be directed to the Office of Corrections Ombudsperson at the provided address.

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 57:

[X] Substantial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 57:

NJDOC Policy 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, "The Office of the Corrections Ombudsperson serves as an available outside resource to incarcerated persons in custody of the New Jersey Department of Corrections to report incidents of sexual abuse, assault, harassment, or retaliation. The Office of the Corrections Ombudsperson, upon receiving such information, shall immediately forward incarcerated person reports of sexual abuse or sexual harassment to agency officials, allowing the incarcerated person to remain anonymous upon request. Incarcerated persons can contact the Ombudsperson by writing to:

Office of the Corrections Ombudsperson

PO Box 855

Trenton, NJ, 08625

Or by phone at 1-555-555-5555 (free call)

This policy was revised on February 1, 2024.

Additionally, NJDOC IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault states, "Incarcerated Persons, family members or other third-party individuals Incarcerated Person can report sexual abuse/sexual harassment on behalf of an Incarcerated Person by using the following methods:

- Corrections Ombudsperson - 1-555-555-5555 - Incarcerated Persons in DOC facilities
- Corrections Ombudsperson - 1-609-633-2596 - family members or third party on behalf of an Incarcerated Person
- Corrections Ombudsperson Address: **Office of Corrections Ombudsperson
PO Box 855
Trenton, NJ, 08625**

This Level 1/3policy was finalized on January 29, 2024, and replaced EMCF's Level 3 Internal Management Procedure Custody Directive 73.

On January 15, 2024, the Monitor reviewed NJDOC's website to ensure it still includes the following information on how to report an allegation to the Office of the Corrections Ombudsperson.

External Reporting of Inmate Sexual Abuse/Sexual Harassment and Retaliation Through the Office of Corrections Ombudsman

The Office of the Corrections Ombudsman serves as an available independent external resource for **both inmates and third parties** to report incidents of sexual abuse, harassment, or retaliation. ***Reports to this office are confidential and are anonymous upon request.***

All Allegations of inmate sexual abuse, sexual harassment or retaliation are immediately forwarded to the NJDOC for investigation.

Inmates can contact the Office of the Corrections Ombudsman by completing an “Ombudsman Inmate Request for Assistance Form” that is available at each correctional facility, writing directly to their office, or by calling their confidential, toll-free Inmate Telephone System number.

Third parties can report sexual abuse/sexual harassment or retaliation in writing or by calling the Office’s public telephone number.

Mail directed to or from the Office of the Corrections Ombudsman is classified "Legal, Confidential and Official".

Office of Corrections Ombudsman Contact Information:

- Address:
Office of Corrections Ombudsman
PO Box 855
Trenton, NJ 08625
- Inmate Telephone System Number 1-555-555-5555
(Confidential/free call/inmates only)
- Public Reporting Number (609) 633-2596 (Confidential)

The Monitor reviewed the New Jersey Statue Section 5227EE-28 which states, “The Corrections Ombudsperson shall establish and implement procedures for eliciting, receiving, processing, responding, and resolving complaints from prisoners, their families, other interested citizens, public officials, and government agencies concerning conditions in the correctional facilities”.

Additionally, on January 22, 2024, the Monitor and the DOJ received a copy of the revised handout that is given to each incarcerated person who comes into EMCF. Page 98 states, “The Office of the Corrections Ombudsman provides a concerned medium within which “State” sentenced inmates can seek redress for issues and concerns encountered while incarcerated. The office investigates complaints where the inmate has failed to get satisfactory results through available institutional channels. The office is independent from and external to the correctional facilities they investigate, and thus, ensure objectivity and credibility. Inmates or a third party on behalf of the inmate may report allegations of sexual abuse or harassment. Such allegations will be immediately referred to the New Jersey Department of Corrections for investigation, allowing the inmate to remain anonymous upon request.” The address and phone number for the Ombudsman’s office are also provided.

The Monitor or her Associate interviewed several staff and incarcerated persons (separately) and asked them specifically about way incarcerated persons can report any allegations of sexual abuse and harassment, to a public or private entity or office that is not part of NJDOC. Both groups were very knowledgeable regarding the ways individuals can report allegations of sexual abuse and harassment, including to the Office of Ombudsman.

During a February virtual interview, the Monitor spoke with the staff person assigned to Edna Mahan from the Office of the Corrections Ombudsman. She indicated that, during this reporting period (August 25, 2023 – February 24, 2024), there were 380 contacts, there was 1 allegation of staff sexual abuse and 4 allegations of staff sexual harassment, from 3 different persons.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 57:

No recommendation

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

par. 58 NJDOC and Edna Mahan shall ensure that Edna Mahan prisoners may report abuse or harassment to the Office of the Corrections Ombudsperson by methods that comply with Paragraphs 56-57 of this Agreement.

Monitor's Measure of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 58:

- NJDOC's website includes information on how to report an allegation on behalf of a prisoner <http://www.state.nj.us/corrections/pages/PREA/PREA.html>
- Information/Level 1 and 3 policies state how "information on how to report sexual abuse or sexual harassment on behalf of a prisoner" is distributed publicly
- NJDOC PREA: Zero Tolerance and How to Report Sexual Abuse/Sexual Harassment or Retaliation at NJDOC brochure
- Documentation of allegations of sexual abuse and harassment submitted through the Ombudsperson's Office
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies how the prisoner reported
- Observations of posters throughout the facility that provide information on how to report to Ombudsperson's Office during the on-site visit
- Interviews with Ombudsperson and his staff during the on-site visit specific to the way incarcerated persons can report any allegations of sexual abuse and harassment, including privately and anonymously
- Focus group with incarcerated persons during the on-site visit specific to the way they can report allegations of sexual abuse and harassment, including privately and anonymously, to the Ombudsperson's Office

Steps taken by NJDOC and EMCF towards implementation H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 58:

The information documented in prior status reports remains accurate. Incarcerated persons can report incidents of sexual abuse or harassment in person, to their Institutional PREA Compliance Manager, and staff member, the Ombudsperson and SID in writing, on J-Pay, via telephone, or anonymously.

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 58:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 58:

NJDOC Policy 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, "The Office of the Corrections Ombudsperson serves as an available outside resource to incarcerated persons in custody of the New Jersey Department of Corrections to report incidents of sexual abuse, assault, harassment, or retaliation. The Office of the Corrections Ombudsperson, upon receiving such information, shall immediately forward incarcerated person reports of sexual abuse or sexual harassment to agency officials, allowing the incarcerated person to remain anonymous upon request. Incarcerated persons can contact the Ombudsperson by writing to:

Office of the Corrections Ombudsperson

PO Box 855

Trenton, NJ, 08625

Or by phone at 1-555-555-5555 (free call)

This policy was revised on February 1, 2024.

Additionally, NJDOC IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault states, "Incarcerated Persons, family members or other third-party individuals Incarcerated Person can report sexual abuse/sexual harassment on behalf of an Incarcerated Person by using the following methods:

- Corrections Ombudsperson - 1-555-555-5555 - Incarcerated Persons in DOC facilities
- Corrections Ombudsperson - 1-609-633-2596 - family members or third party on behalf of an Incarcerated Person
- Corrections Ombudsperson Address: **Office of Corrections Ombudsperson
PO Box 855
Trenton, NJ, 08625**

This Level 1/3 policy was revised on July 1, 2023, and replaced EMCF's Level 3 Internal Management Procedure Custody Directive 73.

On January 15, 2024, the Monitor reviewed NJDOC's website to ensure it still includes the following information on how to report an allegation to the Office of the Corrections Ombudsperson.

External Reporting of Inmate Sexual Abuse/Sexual Harassment and Retaliation Through the Office of Corrections Ombudsman

*The Office of the Corrections Ombudsman serves as an available independent external resource for **both inmates and third parties** to report incidents of sexual abuse, harassment, or retaliation. **Reports to this office are confidential and are anonymous upon request.***

All Allegations of inmate sexual abuse, sexual harassment or retaliation are immediately forwarded to the NJDOC for investigation.

Inmates can contact the Office of the Corrections Ombudsman by completing an "Ombudsman Inmate Request for Assistance Form" that is available at each correctional facility, writing directly to their office, or by calling their confidential, toll-free Inmate Telephone System number.

Third parties can report sexual abuse/sexual harassment or retaliation in writing or by calling the Office's public telephone number.

Mail directed to or from the Office of the Corrections Ombudsman is classified "Legal, Confidential and Official".

Office of Corrections Ombudsman Contact Information:

- Address:
Office of Corrections Ombudsman
PO Box 855
Trenton, NJ 08625
- Inmate Telephone System Number 1-555-555-5555
(Confidential/free call/inmates only)
- Public Reporting Number (609) 633-2596 (Confidential)

The Monitor reviewed the New Jersey Statue Section 5227EE-28 which states, "The Corrections Ombudsperson shall establish and implement procedures for eliciting, receiving, processing, responding, and resolving complaints from prisoners, their families, other interested citizens, public officials, and government agencies concerning conditions in the correctional facilities".

Additionally, on January 22, 2024, the Monitor and the DOJ received a copy of the revised handout that is given to each incarcerated person who comes into EMCF. Page 98 states, "The Office of the Corrections Ombudsman provides a concerned medium within which "State" sentenced inmates can seek redress for issues and concerns encountered while incarcerated. The office investigates complaints where the inmate has failed to get satisfactory results through available institutional channels. The office is independent from and external to the correctional facilities they investigate, and thus, ensure objectivity and credibility. Inmates or a third party on behalf of the inmate may report allegations of

sexual abuse or harassment. Such allegations will be immediately referred to the New Jersey Department of Corrections for investigation, allowing the inmate to remain anonymous upon request.” The address and phone number for the Ombudsman’s office are also provided.

The Monitor or her Associate interviewed several staff and incarcerated persons (separately) and asked them specifically about way incarcerated persons can report any allegations of sexual abuse and harassment, to a public or private entity or office that is not part of NJDOC. Both groups were very knowledgeable regarding the ways individuals can report allegations of sexual abuse and harassment, including to the Office of Ombudsman.

During a February virtual interview, the Monitor spoke with the staff person assigned to Edna Mahan from the Office of the Corrections Ombudsman. She indicated that, during this reporting period (August 25, 2023 – February 24, 2024), there were 380 contacts, there was 1 allegation of staff sexual abuse and 4 allegations of staff sexual harassment, from 3 different persons.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 58:

No recommendation

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

par. 59 NJDOC and Edna Mahan shall continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.

Monitor's Measure of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:

- Copy of PREA video shown to staff
- Copy of curriculum (including PowerPoint slides, if any) for PREA education for staff
- NJDOC Level 1 Policy and EMCF Level 3 Policy, IMM.001.004 "Zero Tolerance Policy: Prison Sexual Assault
- Any staff training documentation for employees to understand their method for staff to report privately.
- Interview with EMCF PREA Compliance Manager
- Interviews with staff during the on-site visit specific to the way prisoners can report any allegations of sexual abuse and harassment, including privately and anonymously (per paragraph 56)

Steps taken by NJDOC and EMCF towards implementation H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," and IMM.001.004 Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment both finalized this reporting period, provide multiple avenues for reporting allegations of sexual abuse and harassment, including confidential options. These policies mandate that all staff, contractors, and volunteers promptly report any knowledge, suspicion, or information related to incidents of incarcerated person sexual abuse, sexual harassment, retaliation against an incarcerated person or staff for reporting such incidents, or staff neglect or violations contributing to such incidents. Reporting channels include notifying custody staff, the NJDOC facility Shift Commander or Institutional PREA Compliance Manager (IPCM), NJDOC Special Investigations Division (SID), or utilizing the confidential SID tip line at 609-530-2500.

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

[] N/A monitor granted an extension until [date]

Monitor's Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:

NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC staff, contractors and volunteers are able to privately report an allegation to a Shift Commander, the SID confidential tip line at 609-530-2500 or to the IPCM without fear of retaliation". This policy was finalized on January 29, 2024

Additionally, NJDOC's website states that, "*The Office of the Corrections Ombudsman* serves as an available independent external resource for *both inmates and third parties* to report incidents of sexual abuse, harassment, or retaliation. **Reports to this office are confidential and are anonymous upon request.**" Although the website does not speak specifically to staff, it might be implied that staff could be considered to be a "third party."

On January 31, 2024, the Monitor reviewed, again, a copy of a quad fold brochure titled, "PREA NJDOC Staff Responsibilities." The brochure states that NJDOC staff, contractors and volunteers can report an allegation of PREA to their immediate supervisor, the Institutional PREA Compliance Manager or privately via the Special Investigations Division (SID) confidential tip line at: (609) 530-2500.

The Monitor or her Associate interviewed several staff and asked them specifically about the way staff can privately report sexual abuse and sexual harassment of prisoners. Their answers included reporting to the Special Investigations Division (SID), the SID confidential tip line, using JPay, reporting to their family members, reporting to the Ombudsperson, and/or the Institutional PREA Compliance Manager.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:

No recommendation

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

- par. 60 Consistent with N.J.S.A. 30:1B-40, NJDOC and Edna Mahan shall require all Edna Mahan employees to report immediately:
- a. Any knowledge, suspicion, or information regarding an incident or alleged incident of sexual abuse or sexual harassment of Edna Mahan prisoners that occurred in Edna Mahan, in transport vehicles, or in any off-site facilities under the control and supervision of NJDOC or Edna Mahan;
 - b. Retaliation against Edna Mahan prisoners or staff who reported such an incident; and
 - c. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Requirements:

par. 59 NJDOC and Edna Mahan shall continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.

par. 61 Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to an Edna Mahan sexual abuse or sexual harassment report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

Monitor's Measures of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:

- NJDOC Level 1 Policy and EMCF Level 3 Policy, IMM.001.004 "Zero Tolerance Policy: Prison Sexual Assault
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies how, and to whom, the prisoner reported
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the requirement that EMCF employees report any allegations of sexual abuse, sexual harassment, retaliation, or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation immediately
- Review of retaliation log during on-site visit
- Reports sent to Monitor of any staff member violating this confidentiality provision
- Interviews with EMCF Administrator of any staff member violating this confidentiality provision
- Interviews with PREA Compliance Manager of any staff member violating this confidentiality provision
- Interviews with Special Investigations Principal and her staff of any staff member violating this confidentiality provision
- Interviews with staff during onsite visit specific to the requirement for confidentiality
- Interviews with staff during the on-site visit specific to the requirement that they report any allegations of sexual abuse, sexual harassment, retaliation, or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation immediately.

Steps taken by NJDOC and EMCF towards implementation re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," and IMM.001.004 Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment both finalized this reporting period, highlight prompt reporting of allegations by all NJDOC staff, contractors, and volunteers. Training is provided to ensure understanding of their duties and responsibilities under the NJDOC zero tolerance policy and PREA standards. Both policies mandate immediate reporting of any incarcerated person sexual abuse or sexual harassment by all staff members, contractors, and volunteers.

Regarding consequences for violations, both policies stress that a report made in good faith, even if an investigation does not substantiate the allegation, will not be considered falsely reporting an incident. However, if an investigation finds that a false allegation was knowingly made, disciplinary action, including termination, may be taken. Staff members are subject to disciplinary sanctions for violating agency policies on sexual abuse, sexual misconduct, and sexual harassment, with consequences based on the nature and circumstances of the acts. Contractors and volunteers are also informed about the expected conduct and consequences for violating the NJDOC's zero tolerance policies regarding sexual abuse and harassment.

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:

[X] Substantial Compliance

- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:

NJDOC Policy 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC requires all staff to immediately report any knowledge, suspicion or information regarding incarcerated person sexual abuse, sexual harassment, retaliation against an incarcerated person or staff for reporting or cooperating with a PREA investigation, or any staff neglect or violation of responsibilities that contributed to an incident of sexual abuse or harassment or retaliation.

This duty to report encompasses specific knowledge, credible information, or even reasonable suspicion regarding an allegation of sexual abuse or harassment, as well as any acts or threats of retaliation against an incarcerated person or staff member who reported such an allegation." This policy was revised on February 1, 2024.

Additionally, NJDOC IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault states, "NJDOC requires all staff, contractors, and volunteers to immediately report to custody staff, the NJDOC facility Shift Commander or IPCM, SID, or confidentially using the SID confidential tip line at 609-530-2500 any knowledge, suspicion or information regarding Incarcerated Person sexual abuse, sexual harassment, retaliation against an Incarcerated Person or staff for reporting an incident of sexual abuse, or any staff neglect or violation of responsibilities that contributed to an incident of sexual abuse or harassment or retaliation. All PREA allegations of sexual abuse/sexual harassment are immediately reported to Administration and SID for review, response, and investigation. An employee, contractor or volunteer who fails to report an allegation, or coerces or threatens another person to

submit inaccurate, incomplete, or untruthful information with the intent to alter a report, may face disciplinary charges, up to and including dismissal, even on a first offense.” This Level 1/3 policy was finalized on January 29, 2024, and replaced EMCF’s Level 3 Internal Management Procedure Custody Directive 73.

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor every month, of a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies when, how, and to whom, the incarcerated person reported. It also identifies the date of the incident.

The Monitor reviewed a copy of the PREA training curriculum delivered to staff. The curriculum delivers a very clear message to staff about their duty to report immediately any knowledge, suspicion, or information regarding an incident or alleged incident of sexual abuse or sexual harassment of Edna Mahan incarcerated persons that occurred in Edna Mahan, in transport vehicles, or in any off-site facilities under the control and supervision of NJDOC or Edna Mahan. It also clearly states that staff must report immediately any retaliation against Edna Mahan incarcerated persons or staff who reported such an incident, as well as any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. The training curriculum also states the consequences staff could face for not reporting such incidents.

On January 31, 2024, the Monitor reviewed, again, a copy of a quad fold brochure titled, “PREA NJDOC Staff Responsibilities.” This brochure clearly states that “NJDOC staff, contractors and volunteers must immediately report: 1) Any knowledge, suspicion or information regarding prisoner sexual abuse or sexual harassment; 2) Any retaliation against any prisoner or staff member who reported an incident of sexual abuse/sexual harassment; and 3) Any staff neglect or violation of responsibilities that may have contributed to an incident of sexual abuse, sexual harassment, or retaliation. The brochure goes on to state that NJDOC staff, contractors and volunteers can report an allegation of PREA to their immediate supervisor, the Institutional PREA Compliance Manager or privately via the Special Investigations Division (SID) confidential tip line at: (609) 530-2500.

During the onsite compliance visit in February 2024, the Monitor and/or her Associate spoke with custody and non-custody staff and asked them about their responsibility to report allegations of sexual harassment or sexual abuse, allegations of retaliation, or any staff negligence that would contribute to such incidents. Without exception all staff answered they were required to separate the alleged victim from the alleged perpetrator and to report any of these types of allegations/suspicious immediately.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:

No recommendation

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

par. 61 Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to an Edna Mahan sexual abuse or sexual harassment report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

Monitor's Measures of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 61:

Steps taken by NJDOC and EMCF towards implementation H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 61:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," finalized on 1/29/24, emphasizes the importance of confidentiality regarding reports of sexual abuse or harassment within the NJDOC. It states, "It is the expectation that all NJDOC staff, volunteers and contractors shall not reveal any information related to a sexual abuse or harassment report. Professional behavior shall be maintained when interacting with an alleged victim of sexual abuse or sexual harassment and display sensitivity to the potential emotional impact of the situation. Incident-specific information shall be treated as confidential, and disclosure made only to employees who have a "need to know" and to other persons and entities as permitted or required by law."

At EMCF, efforts have been made to enhance confidentiality in handling reports of sexual abuse and sexual harassment:

- Establishment of confidential interview locations at EMCF and the Satellite for meetings with SID or the IPCM.
- Restriction of access to information about reports to essential personnel in Medical, Mental Health, Administration, and SID, with custody staff not being informed of such reports by staff.
- Ensuring that unit officers are not informed when an incarcerated person is called out of the unit for an interview with SID or the IPCM, only being advised of the need to report to a designated location.
- Emphasizing the seriousness of confidentiality and inviting incarcerated persons to express any general or specific concerns they may have.
- Implementation of modifications to the incarcerated persons' telephones in housing units to enhance privacy, such as relocating phones to more secluded areas or installing physical barriers.
- Hosting meetings with incarcerated persons to address confidentiality concerns. IPs in these meetings felt confident that interviews regarding PREA were held in areas where they were not (i.e., the IPs did not know where SID interviews are actually held). They also expressed that anytime someone speaks to SID it is about PREA, which is not accurate. The IPs in the meetings discussed that despite efforts to maintain confidentiality, it has been observed that many disclosures regarding allegations or interviews originate from incarcerated persons themselves. Incarcerated persons are consistently encouraged to share information only with trusted individuals, recognizing that they do not have the same confidentiality obligations as staff.

- Sent a letter to all IPs from the Administrator specifically about confidentiality and steps we have taken to protect confidentiality.
- Distribution of surveys to incarcerated persons to gather ideas for enhancing confidentiality.
- Installation of bulletin boards in each housing unit containing information about sexual safety, confidentiality, emotional support services, Language Line services, and other relevant resources.

Suggestions for improving confidentiality are welcomed as part of ongoing efforts for continuous improvement.

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 61:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 61:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states “It is the expectation that all NJDOC staff, volunteers and contractors shall not reveal any information related to a sexual abuse or harassment report. Professional behavior shall be maintained when interacting with an alleged victim of sexual abuse or sexual harassment and display sensitivity to the potential emotional impact of the situation. Incident-specific information shall be treated as confidential, and disclosure made only to employees who have a “need to know” and to other persons and entities as permitted or required by law.”

Later in this same policy, it states “Staff shall not reveal any information related to a sexual abuse or sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures. Any emergency situation, or when events occur that are not specifically covered in any policy or procedure, staff must act in a professional manner, exercise good, sound judgment, and rely on their training and experience at all times.”

This policy was finalized on January 29, 2024.

Additionally, NJDOC IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault states, “It is the expectation that all NJDOC staff, volunteers and contractors shall not reveal any information related to a sexual abuse or harassment report. Professional behavior shall be maintained when interacting with an alleged victim of sexual abuse or sexual harassment and display sensitivity to the potential emotional impact of the situation. Incident-specific information shall be treated as confidential, and disclosure made only to employees on a Need-to-know basis, and to other persons and entities as permitted or required by law.” This Level 1/3 policy was finalized on February 1, 2024 , and replaced EMCF’s Level 3 Internal Management Procedure Custody Directive 73.

Throughout the past two reporting periods, Edna Mahan spent a large amount of time changing processes and training staff in order to enhance confidentiality. During this past reporting period, Edna Mahan has maintained those changes in process, specific to confidentiality.

While performing the compliance visit in February 2024, the Monitor and/or her Associate spoke with over 50 staff (including focus groups, individual interviews, and talking with staff during the tour of the facility). All staff confirmed that they believe that confidentiality has greatly improved in the past two reporting periods. One custody staff stated that confidentiality had improved so much that he was not aware that an incarcerated person had made an allegation against him, until the time that the Special Victims Unit actually interviewed him.

The Monitor also spoke individually with each incarcerated person who filed an allegation of sexual harassment during this past reporting period (August 25, 2023 – February 24, 2024). The Monitor asked them, specifically, if they felt that their allegation was handled in a confidential manner. Most people did believe their allegation had been handled in a confidential manner by staff. When they didn't believe the allegation was handled in a confidential manner, most felt it was the incarcerated persons who talked about it, rather than the staff.

Additionally, the Monitor and/or her Associate held four focus groups with the incarcerated persons and asked if they believed confidentiality had improved during this past reporting period. The two focus groups held in the Satellite building felt that confidentiality had improved. The two focus groups held in the Maximum Compound of the Main Campus still felt that "everyone knows" when there was an allegation of sexual abuse or sexual harassment made." They explained that there are two main reasons for this.

The first is a result of the systems in place for protecting and interviewing the alleged victim. After someone reports an allegation of sexual abuse or sexual harassment, they are taken to a holding cell in an area to wait while staff complete the required notifications. Then the alleged victim is seen by medical and mental health staff and interviewed by Edna Mahan custody staff and then Special Victims Unit (SVU) staff. Depending on when the allegation was made, (graveyard shift, weekends, holidays, etc.), the alleged victim can be held in this area for several hours, waiting for staff to arrive at the institution. The incarcerated persons told us that when a person is gone for a long period of time, everyone knows they probably filed a PREA allegation. This is especially true when the alleged perpetrator is moved away from the reporting incarcerated person. One focus group told us, "It's not hard to figure out that when an incarcerated person is gone for a while, and the staff member or another incarcerated person is moved away from that person, they filed a PREA allegation."

The second reason is, as the incarcerated persons we spoke to acknowledged, people talk. Sometimes all there is to do in prison is to watch what's going on and talk about it, especially for the incarcerated persons.

I believe that NJDOC and Edna Mahan have done a good job of focusing on this area. And, unfortunately, part of a prison environment and the necessary systems to support that environment will never result in complete confidentiality being 100% achieved.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 61:

NJDOC and Edna Mahan continue to concentrate on the issue of confidentiality and hold any staff accountable for any acts of breach of confidentiality.

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

par. 62 NJDOC and Edna Mahan shall continue to report all allegations of sexual abuse and sexual harassment of Edna Mahan prisoners, including third party reports, anonymous reports, and prisoner grievances, to NJDOC's Special Investigation Division ("SID") promptly, but at all times within 12 hours of receipt of the report.

Requirements:

As per NJDOC and DOJ discussion and agreement, if an allegation is reported outside of SID's normal working hours (e.g., overnight), the 12-hour deadline begins to run at the opening of the next business day.

Monitor's Measure of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62:

- NJDOC Level 1 Policy and EMCF Level 3 Policy stating the requirement that EMCF shall report all allegations of sexual abuse and sexual harassment of EMCF prisoners to NJDOC's Special Investigation Division (SID) within 12 hours of receipt of the report
- ADM.006.011 Investigations by Special Investigations Division
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what time EMCF staff were made aware of allegations and what time EMCF notified SID
- Any memos, written directives from the Commissioner, Deputy Commissioner, EMCF Administrator, or Deputy Chief Investigator that addresses procedures, and practices at Edna Mahan specific to the requirement that EMCF employees report any allegations of sexual abuse or sexual harassment to SID within 12 hours
- Interview with EMCF PREA Compliance Manager regarding how quickly Edna Mahan staff report allegations to SID
- Interview with Special Investigations Principal and her staff regarding how quickly Edna Mahan staff report allegations to SID

Steps taken by NJDOC and EMCF towards implementation H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," finalized on 1/29/24, emphasizes the immediate reporting of all allegations of sexual abuse or harassment. The policy mandates that reports must be made promptly, within 12 hours of receipt. The specific language includes: "All reports of allegations of sexual abuse/sexual harassment, including third-party and anonymous reports, are immediately reported to Administration and SID for review, response, and investigation. These reports of allegations are expected to be reported immediately, but at all times within 12 hours of receipt of the report."

In practice, at EMCF, the Shift Commander promptly reports any allegations of sexual abuse or harassment. These reports are transmitted within thirty (30) minutes of receipt to the Administrator or their designated representative and the Central Operations Desk (COD).

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62:

Substantial Compliance

Partial Compliance

- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor’s Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “All PREA allegations of sexual abuse/sexual harassment are reported to Administration and SID promptly, but at all times within 12 hours of receipt of the report or incident, for review, response and investigation”.

This policy was finalized on January 29, 2024.

All allegations of sexual abuse and sexual harassment are reported to Headquarters’ Central Operations Desk (COD) immediately. COD initiates a “PREA Protocol” upon any report of alleged sexual abuse or sexual assault committed on or by an inmate, employee (on duty or off-duty), volunteer or visitor on any NJDOC property. COD notifies SID and EMCF Administrator and leadership via an email alert, advising of the protocol initiation. The time the allegation was reported, the time that COD was notified, and the time that Edna Mahan Leadership and SID were notified.

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet identifies the time the incident was reported to Edna Mahan staff and the time the Special Investigations Division was notified.

The Monitor spoke with Administrator O’Dea and Assistant Superintendent Amelia Renshaw, Edna Mahan’s PREA Compliance Manager, regarding how quickly Edna Mahan staff report allegations to SID. They each reported that staff immediately report all allegations to SID, always within 30 minutes. Neither could think of a case that was not reported within 12 hours.

Likewise, the Monitor spoke with the Special Victims Unit/Special Investigations Principal Investigators who are assigned to Edna Mahan and asked them how quickly Edna Mahan staff report allegations to SID. They reported that Edna Mahan staff are very good at immediately reporting all allegations to SID. SID staff report that SID also receives an electronic notice from the Central Operations Desk (COD), but this is usually just a “courtesy notice” because they received verbal notification much sooner. Neither principal investigator could think of any case that was not reported within 12 hours.

As with many other requirements in the Settlement Agreement, it is clear that NJDOC and Edna Mahan are abiding by this specific requirement. The next step is to formalize the condition in Level 1 and Level 3 policies.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62:

No recommendation

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

par. 63 NJDOC and Edna Mahan shall report all allegations of sexual abuse of Edna Mahan prisoners, including third party reports, anonymous reports, and prisoner grievances, to Edna Mahan's Administrator, promptly, but at all times within 12 hours of receipt of the report.

Requirements:

As per NJDOC and DOJ discussion and agreement, if an allegation is reported outside of Edna Mahan's Administrator's normal working hours (e.g., overnight), the 12-hour deadline begins to run at the opening of the next business day.

Monitor's Measure of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 63:

- EMCF Level 3 Policy stating the requirement that EMCF staff shall report all allegations of sexual abuse and sexual harassment of EMCF prisoners to EMCF Administrator within 12 hours of receipt of the report
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what time EMCF staff were made aware of allegations and what time the EMCF was notified.
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the requirement that EMCF employees report any allegations of sexual abuse or sexual harassment to the EMCF Administrator within 12 hours.
- Interview with EMCF PREA Compliance Manager regarding how quickly Edna Mahan staff report allegations to the EMCF Administrator
- Interview with EMCF Administrator regarding how quickly Edna Mahan staff report allegations to the EMCF Administrator

Steps taken by NJDOC and EMCF towards implementation re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 63:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," finalized on 1/29/24, emphasizes the immediate reporting of all allegations of sexual abuse or harassment. The policy mandates that reports must be made promptly, within 12 hours of receipt. The specific language includes: "All reports of allegations of sexual abuse/sexual harassment, including third-party and anonymous reports, are immediately reported to Administration and SID for review, response, and investigation. These reports of allegations are expected to be reported immediately, but at all times within 12 hours of receipt of the report. "

In practice, at EMCF, the Shift Commander promptly reports any allegations of sexual abuse or harassment. These reports are transmitted within thirty (30) minutes of receipt to the Administrator or their designated representative and the Central Operations Desk (COD).

Simultaneously, the COD initiates a written notification whenever such allegations are reported, involving any individual on NJDOC property. This confidential email alert is sent to notify SID and the on-call EMCF leadership, containing pertinent details such as the initiation of the

protocol, the time of the allegation report, and the relevant notification timings. This email serves as a formal notification, complementing the initial telephone call made to the EMCF Administrator by the Shift Commander.

Monitor’s Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 63:

[X] Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 63:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “All PREA allegations of sexual abuse/sexual harassment are reported to Administration and SID promptly, but at all times within 12 hours of receipt of the report or incident, for review, response and investigation”. This policy was finalized on January 29, 2024

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive titled “Reporting unusual Incidents to the Central Operations Desk (COD)” states that “Incidents requiring COD notification within fifteen (15) minutes of the Initial Occurrence” and lists one of the incidents that need to be reported as “Any report of an alleged sexual abuse or sexual assault committed on or by an inmate, employee, volunteer or visitor on departmental property.”

Edna Mahan Administrator O’Dea explained to the Monitor that the Shift Commander at Edna Mahan reports all allegations of sexual abuse and sexual harassment immediately, and always within thirty (30) minutes to the Administrator or his designee (the duty officer of the week) and the Central Operations Desk (COD). If Administrator O’Dea is not the duty officer, the duty officer immediately calls him and notifies him of the allegation.

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet identifies the time the incident was reported to Edna Mahan staff and the time the Administrator was notified.

The Monitor spoke with Assistant Superintendent Amelia Renshaw, Edna Mahan’s PREA Compliance Manager, regarding how quickly Edna Mahan staff report allegations to the Edna Mahan Administrator. She reported that staff immediately report all allegations to the Administrator (or his designee), and always within 30 minutes (30). She could not think of a case that was not reported within 12 hours.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 63:

No recommendation

I. Protecting Prisoners and Staff from Retaliation

¶ 64. NJDOC and Edna Mahan shall protect all Edna Mahan prisoners and staff who report allegations of sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other prisoners or staff and shall continue to designate Edna Mahan's PREA Compliance Manager with monitoring allegations of retaliation concerning prisoners.

Requirements:

par. 59 NJDOC and Edna Mahan shall continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.

Monitor's Measure of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 64:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy regarding retaliation protection for staff and prisoners
- Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) by EMCF PREA Compliance Manager for prisoners or staff who reported the sexual abuse of prisoners
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the retaliation of staff or prisoners for reporting an allegation
- Interviews with NJDOC Assistant Commissioner for Women's Services, EMCF Administrator, PREA Compliance Manager, Special Investigations Principal, and her staff
- Interviews with staff specific to their rights of protection from retaliation of reporting allegations of sexual abuse or sexual harassment
- Focus group with prisoners specific to their rights of protection from retaliation of reporting allegations of sexual abuse or sexual harassment

Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 64:

2/24/24 Status Report

Policy IMM.001.004, Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment, and Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," were both finalized this reporting period. These policies prioritize protection measures and support services for individuals who report incidents. NJDOC and EMCF are committed to promptly addressing subtle retaliation, ensuring accountability for staff actions, and fostering comprehensive awareness among staff and incarcerated persons.

Under IMM.001.004, NJDOC implements various personalized protection measures to prevent potential retaliation. These measures include housing changes, continuous video surveillance, and separating alleged abusers from victims. Additionally, emotional support services are available to address concerns about retaliation.

PCS.001.008 further emphasizes safeguarding against retaliation and requires monitoring of potential retaliatory actions. Oversight falls under the Institutional PREA Compliance Manager (IPCM), who conducts regular status checks and paper reviews for at least 90 days post-allegation. Disciplinary action is taken against anyone found to retaliate.

Monitoring for potential retaliation extends to both the victim and the individual who reported the incident. Third-party reporting by incarcerated persons or staff who directly witness incidents is also considered.

To access emotional support services, incarcerated persons can use the *PREA# number on the IP phone system, connecting them with SAFE Hunterdon. For staff members, confidential emotional support services are available through the 888-4BLUENJ (1.888.425.8365) hotline. Additionally, staff members have a confidential reporting route for allegations of sexual abuse or harassment. The IPCM has integrated information on protection against retaliation, including subtle retaliation on forms and into incarcerated persons' PREA education and orientation. Staff receive monthly PREA updates covering various topics, including retaliation. A question specific to subtle retaliation has been included in the retaliation monitoring form.

Regular communication channels, such as newsletters on the kiosk from the IPCM for incarcerated persons and attending staff PREA trainings, facilitate discussions on retaliation prevention and awareness.

To enhance transparency, a tracking system for retaliation monitoring is in place, and incarcerated persons are notified of case closures and investigation outcomes. Additionally, a process has been established to report back to SAAC members on completed recommendations or corrective actions. Bulletin boards in housing units display information on sexual safety rights and emotional support services, consolidating resources in one accessible location.

NJDOC takes retaliation seriously and has enhanced communication to ensure everyone is informed.

Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 64:

- Substantial Compliance
- Partial Compliance:
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 64:

PCS.001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC protects all incarcerated persons and staff from retaliation for reporting sexual abuse, sexual harassment or for cooperating with investigations. The IPCM is responsible for monitoring retaliation of all PREA allegations." This policy was finalized on January 29, 2024.

Additionally, NJDOC Policy IMM.001.004, titled, Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment states “The NJDOC employs multiple protection measures against potential retaliation. Protection measures are utilized on an individualized basis. They include but are not limited to housing changes or transfers for incarcerated person abusers, constant video surveillance with audio recording, removal of alleged staff or Incarcerated person abusers from contact with victims, and emotional support services for incarcerated Persons or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

The IPCM is responsible for retaliation monitoring at the facility-level. The correctional facility’s IPCM shall, for at least 90 days following a report of sexual abuse/harassment monitor the conduct and treatment of incarcerated persons or staff who reported to see if there are any changes that may suggest possible retaliation and will act promptly to remedy any such retaliation. This monitoring will include review of any incarcerated person disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. Such monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need. In the case of incarcerated persons, this monitoring will also include periodic status checks. The monitoring obligation will terminate if the investigative outcome of the allegation is unfounded. However, if a staff person or incarcerated person expresses fear of retaliation, they must be monitored even if the allegation was unfounded. Anyone who retaliates against a staff member or an incarcerated person who has reported an allegation of sexual abuse/harassment shall be subject to disciplinary action.” This Level 1/3 policy was finalized on February 1, 2024.

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. During this reporting period (August 25, 2023 – February 24, 2024), there were 5 cases of alleged retaliation; 1 case was found to be substantiated, 1 case was found to be unsubstantiated, and 3 cases are still being investigated.

The Monitor spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how the facility protects incarcerated persons and staff who report allegations of sexual abuse or sexual harassment from retaliation. She reported she monitors possible retaliation, including subtle retaliation, by conducting a total of 4 reviews with the person. Two of the reviews are in-person reviews and two are “paper” reviews. This information is documented in the retaliation log. For staff, she monitors any unusual shift schedule changes, or assignments that may cause suspicion. For incarcerated persons, she monitors housing changes, grievances, infractions, etc. She also noted that, if circumstances warrant it, the 90-day monitoring period may be extended.

The Monitor asked Administrator Ryan O’Dea and Assistant Superintendent Amelia Renshaw what changes EMCF made during this past reporting period, specific to retaliation. They each responded that the Edna Mahan Administration has primarily maintained the changes that were instituted during this last reporting period, as well as continuing to communicate about the area of subtle retaliation in a variety of ways. Those ways included: sending out newsletters to both the staff and the incarcerated persons; talking with staff individually during administration’s “walk-and-talks;” discussing the topic during the monthly supervisors’ meetings; putting the information on the “hot boards” (required reading boards) for custody staff; etc.

The Monitor or her Associate spoke with approximately 75 staff, including line custody, non-custody (both line and supervisors), Sergeants, Lieutenants, Majors, and Administration and asked them what their definition of subtle retaliation was. Every person we spoke with was able to give an example of subtle retaliation, and all knew that it was inappropriate.

Additionally, the Monitor and/or her Associate held focus groups with incarcerated persons. Again, as with the staff, everyone was able to give an example of subtle retaliation, and they all knew that it was inappropriate. Each group was asked if anyone had heard of someone being retaliated against, even subtly, for reporting an incident of sexual abuse or sexual harassment during the last six months. No one was able to give a specific example of retaliation during these past six months.

The Monitor also interviewed each incarcerated person that filed an allegation of sexual assault against a staff person during this past reporting period. Each person was asked, very specifically, how the experience of making the report of an allegation was for them. Additionally, they were asked if they felt respected during the experience of making the report and the investigation process and if they felt like they had been retaliated against because of filing an allegation. Most of the incarcerated persons felt heard, and said they were treated fairly and respected. One person stated she felt she was retaliated against and filed a report of retaliation. That was one of the cases noted above that was determined to be substantiated and the staff member was disciplined and transferred to another facility. Two others stated that they felt retaliated against, but when the Monitor asked the Administration to investigate the situation, it did not prove to be retaliation. Neither of these persons filed a report of retaliation.

The Monitor also reviewed one full investigation file for an IP who made a retaliation complaint in the reporting period. During the investigation, a second IP made related allegations. That second IP's allegations were investigated separately, but the related facts identified were not included in the first retaliation investigation report. The Monitor was informed that investigation protocols have since been updated so that the Administrator has complete information when reviewing an investigation file.

As with confidentiality discussed above in paragraph 61, I believe that NJDOC and Edna Mahan have done a good job of focusing on the area of retaliation, including subtle retaliation. Unfortunately, not every incarcerated person is ever going to believe they are not being retaliated against. That is a regrettable part of prison culture. However, the work that NJDOC and Edna Mahan have done to educate staff and the incarcerated persons about retaliation, the monitoring for retaliation that exists, and the focus on holding staff accountable for any acts of retaliation, is commendable. Additionally, the fact that 5 incarcerated persons filed an allegation of retaliation demonstrates that the incarcerated persons know what retaliation is, know that they are protected against any form of retaliation, including subtle retaliation, and know how to report any allegations of such. It is for these reasons that the Monitor has found this paragraph to be in substantial compliance.

Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 64:

It is recommended that NJDOC and Edna Mahan continue to concentrate on the issue of subtle retaliation and hold any staff accountable for any acts of retaliation. It is also recommended that investigators ensure all relevant materials are provided to the Administrator so he can fully evaluate complaints, including any related allegations identified during the course of an investigation.

I. Protecting Prisoners and Staff from Retaliation

par. 65 NJDOC and Edna Mahan shall employ multiple protection measures, such as housing changes or transfers for alleged prisoner victims, removal of alleged staff abusers from contact with victims, and emotional support services for prisoners or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

Requirements:

par. 59 NJDOC and Edna Mahan shall continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.

Monitor's Measure of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 65:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment."
- EMCF Level 3 policy regarding retaliation protection for staff and prisoners
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Review of Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive
- Documentation that information for emotional support services were provided to both staff and prisoners who fear retaliation for reporting (888-4BLUENJ hotline offering mental health resources to Corrections Staff)
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the retaliation of staff or prisoners for reporting an allegation
- Interview with EMCF Compliance Manager regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment
- Interviews with staff regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment
- Focus group with prisoners regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment

Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 65:

2/24/24 Status Report

Policy IMM.001.004, Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment, and Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," both finalized this reporting period, prioritize protection measures and support services for those who report incidents.

Under IMM.001.004, NJDOC implements various individualized protection measures to prevent potential retaliation. These measures include housing changes, continuous video surveillance, and the separation of alleged abusers from victims. Additionally, emotional support services are available for individuals concerned about retaliation.

PCS.001.008 further underscores the importance of safeguarding against retaliation and mandates the monitoring of potential retaliatory actions. Oversight of this monitoring falls under the Institutional PREA Compliance Manager (IPCM), who conducts regular status checks and paper reviews for at least 90 days post-allegation. Disciplinary action is taken against anyone found to retaliate against individuals reporting incidents.

Monitoring for potential retaliation extends to both the victim and the individual who reported the incident. While staff members relaying reports from incarcerated persons are not included in this monitoring, third-party reporting by incarcerated persons or staff who directly witness incidents is considered.

To access emotional support services, incarcerated persons can utilize the *PREA# number on the IP phone system, connecting them with SAFE Hunterdon, an agency offering trauma-informed services and resources for survivors of domestic violence and sexual assault.

For staff members, confidential emotional support services are available through the 888-4BLUENJ (1.888.425.8365) hotline, manned by corrections-trained experts. This hotline ensures confidentiality and provides mental health resources to corrections staff and their families. Additionally, staff members have a confidential reporting route for allegations of sexual abuse or harassment, with the option to contact an SID Investigator or the PREA Compliance Manager directly. This ensures confidentiality and independence from colleagues or immediate supervisors.

We are compliant with these policies and are actively developing a comprehensive training plan to review all new revisions and updates within the specified agreement timelines.

Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 65:

Substantial

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 65:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "The NJDOC employs multiple protection measures against potential retaliation. Protection measures are utilized on an individualized basis. They include but are not limited to: housing

changes or transfers for incarcerated person abusers, constant video surveillance with audio recording, removal of alleged staff or incarcerated person abusers from contact with victims, and emotional support services for incarcerated persons or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.” This policy was revised on February 1, 2024.

During the onsite compliance visit, Mr. Shireman, the Monitor’s Associate reviewed the Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) completed by the EMCF PREA Compliance Manager for persons who reported allegations of sexual abuse or sexual harassment. The Associate also reviewed Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive.

The Monitor has received copies of a NJDOC newsletter which goes out to all staff, titled the Fact Finder. In this monthly newsletter, there is reference to the 888-4BLUENJ hotline offering mental health resources to Corrections Staff. This includes emotional support for staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

In terms of emotional support for incarcerated persons who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations, the Monitor reviewed a pamphlet which is made available to everyone who live at Edna Mahan titled, “NJDOC PREA: External Emotional Support Services for Victims of Sexual Abuse.” This pamphlet, which is available in both Spanish and English notified the incarcerated population that they have access to external sexual abuse emotional support services. It also tells the incarcerated persons that they may access these services even if they do not wish to make a report of sexual abuse. It notifies how the services can be accessed and provides the telephone system phone number *PREA#. It also notes that calls to the PREA Emotional Support Line are free and are classified as confidential.

Additionally, the Monitor reviewed the revised (revised in January 2024) Edna Mahan Inmate Handbook, which says the following: NJDOC IPs have access to external sexual abuse emotional support services. IPs may access these services even if they do not wish to make a report of sexual abuse. External sexual abuse services can be accessed via the IP telephone system by dialing: *PREA#

Calls to the PREA Emotional Support Services Line are free and confidential. However, the service provider will notify the NJDOC if an IP communicates a threat of imminent harm against self or others.

PREA Emotional Support services are provided by external sexual abuse victim advocates who can assist in crisis intervention, provide information, and offer support to anyone who has questions or is looking or information about sexual violence.

If someone is not comfortable making a call from their housing unit, they can contact the IPCM or social worker to assist with privacy concerns. IPs at this correctional facility may also request external sexual abuse emotional support services/information by writing to:

SEXUAL ABUSE EMOTIONAL SUPPORT SERVICES

SAFE in Hunterdon
47 East Main Street
Flemington, NJ 08822

SEXUAL ABUSE SURVIVOR INFORMATION PACKET

Just Detention International
3325 Wilshire Blvd., Suite 340
Los Angeles, CA 90010

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. As noted above, during this reporting, there were 5 cases of alleged retaliation; 1 case was found to be substantiated, 1 case was found to be unsubstantiated, and 3 cases are still being investigated.

The Monitor spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how the facility protects incarcerated persons and staff who report allegations of sexual abuse or sexual harassment from retaliation. She reported she monitors possible retaliation, including subtle retaliation, by conducting a total of four reviews with the person. Two of the reviews are in-person reviews and two are “paper” reviews. This information is documented in the retaliation log. For staff, she monitors any unusual shift schedule changes, or assignments that may cause suspicion. For incarcerated persons, she monitors housing changes, grievances, infractions, etc. She also noted that, if circumstances warrant it, the 90-day monitoring period may be extended.

Likewise, the Monitor spoke with the Edna Mahan Administrator regarding how the facility protects incarcerated persons and staff who report allegations of sexual abuse or sexual harassment from retaliation. He echoed what the Edna Mahan PREA Compliance Manager said in terms of the PREA Compliance Manager meeting with both staff and incarcerated persons face-to-face and monitoring this such as disciplinary reports, program changes, housing changes, performance evaluations, staff reassignments and JPay inquiries/grievances, etc.

The Monitor and/or her Associate interviewed several incarcerated persons at Edna Mahan and asked if they were aware of their protection from retaliation for reporting any allegations of sexual abuse or sexual harassment. All were aware of this protection, but as noted in the discussion in paragraph 64 (above), some of the incarcerated persons’ perception is that they are being retaliated against in a very subtle manner. When asked for specific examples, the incarcerated persons we spoke with were not able to provide an example that had happened in the last six months. Additionally, some of the examples provided were other hearsay (i.e., things an incarcerated person heard about second-hand) or did not fall under the category of retaliation for having reported an incident of sexual abuse or sexual harassment. (One example given was she felt retaliated against for having spoken with the Monitor).

Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 65:

No recommendation

I. Protecting Prisoners and Staff from Retaliation

par. 66 Whenever NJDOC or Edna Mahan receive an allegation that an Edna Mahan staff member has engaged in sexual abuse or sexual harassment, Edna Mahan's PREA Compliance Manager and Administrator shall confer to determine whether the staff should be removed from positions of prisoner contact at Edna Mahan until an investigation is concluded. Edna Mahan's PREA Compliance Manager shall document the decision and forward the conclusion to the Department-wide PREA Coordinator.

Requirements:

par. 59 NJDOC and Edna Mahan shall continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.

Monitor's Measure of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 66:

- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Paragraph 109 notifications of an incident to DOJ and Monitor. The notifications note what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Monitor will review the documentation sent to NJDOC PREA Coordinator from EMCF PREA Compliance manager, during on site visit.
- Interview with EMCF Administrator regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment
- Interview with EMCF PREA Compliance Manager regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment
- Focus group with prisoners regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment

Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 66:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," was finalized on 1/29/24. Under this policy, when the NJDOC becomes aware of an incarcerated person facing a substantial risk of imminent sexual abuse, immediate action is taken to safeguard them using various protection methods. These methods include housing changes or transfers for alleged incarcerated person abusers, constant video surveillance with audio recording, and/or removing alleged staff abusers from contact with victims. Additionally, the NJDOC commits to conducting thorough investigations and prosecuting individuals involved in such conduct as necessary. In cases where allegations of sexual abuse or harassment involving staff members arise, the Institutional PREA Compliance Manager (IPCM) and Administrator or their designee collaborate to determine whether the staff should be temporarily reassigned from positions involving incarcerated persons until the investigation is concluded. The IPCM then notifies the Agency PREA Coordinator of the temporary reassignment via email.

We are compliant with this policy and are actively working on a comprehensive training plan to review all new revisions and updates within the specified agreement timelines.

Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 66:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 66:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Whenever NJDOC receives an allegation that a staff member(s) has engaged in sexual abuse or sexual harassment, the IPCM and Administrator or Administrator designee shall confer to determine whether the staff should be removed from positions of incarcerated person contact until an investigation is concluded. The IPCM shall forward the temporary reassignment notification via email to the Agency PREA Coordinator." This policy was finalized on January 29, 2024.

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet also identifies whether the staff was removed from positions of prisoner contact at Edna Mahan until the investigation is included. During this reporting period (August 25, 2023 – February 24, 2024), Edna Mahan had 33 allegations of sexual abuse or sexual harassment. Of all these allegations, there were 5 employees removed from their position during the time the allegation was being investigated.

Since August 24, 2021, NJDOC has notified DOJ and the Monitor any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse. The notices have included the status of housing assignment for the alleged victim and any restrictions of assignments for staff.

The Monitor spoke with Edna Mahan Administrator Ryan O'Dea and asked how he and the Edna Mahan PREA Compliance Manager made the decision whether the staff who have been accused to sexual abuse, sexual harassment, or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included. He reported that it depended upon the severity of the allegation and that his main concern is the safety of the alleged victim. Administrator O'Dea has the ability to remove the alleged perpetrator from the entire facility, or from the part of the facility the alleged victim lives in (maximum or minimum "grounds"), or from the housing unit where the alleged victim

lives, or from any type of prisoner contact. He also said that the Stationery and Body Worn Cameras have helped him make his decision during this past reporting period.

When the Administrator is away from the office, Associate Administrator Rios makes the decision. whether to remove staff from their position or not. When asked what she considered when making such a decision, she reported the same considerations that Administrator O’Dea did, stating that “the safety of the incarcerated person is the most important priority.”

Likewise, the Monitor spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how she and the Administrator made the decision whether the staff who have been accused to sexual abuse, sexual harassment, or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included. She echoed what the Administrator stated, in terms of severity of the allegation, safety of the victim, and using the Body Worn and stationary Cameras.

Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 66:

No recommendation

I. Protecting Prisoners and Staff from Retaliation

par. 67 NJDOC and Edna Mahan shall monitor all prisoners and staff who report sexual abuse or sexual harassment and prisoners who have been reported to have suffered or cooperated with sexual abuse or sexual harassment investigations from retaliation by other prisoners or staff for at least 90 days following a report of sexual abuse or sexual harassment, to see if there are changes that may suggest possible retaliation by prisoners or staff, including prisoner disciplinary reports, housing or program changes, and negative performance reviews or reassignments, and shall act promptly to remedy any such retaliation.

Monitor's Measure of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 67:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy regarding retaliation protection for staff and prisoners
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Semi-annual report (beginning April 5, 2022, for the last quarter of 2021 and first quarter of 2022), to the DOJ and Monitor identifying any staff or prisoner who had signs of retaliation, any person whose monitoring was extended beyond the 90 days, or any other individual who cooperates with an investigation that expressed a fear of retaliation
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the retaliation of staff or prisoners for reporting an allegation
- Review of Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive during on-site visit
- Review of retaliation tracking log maintained by EMCF PREA Compliance Manager during on-site visit
- Interview with EMCF Administrator regarding retaliation protection for staff and prisoners
- Interview with EMCF PREA Compliance Manager regarding retaliation protection for staff and prisoners

Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 67:

2/24/24 Status Report

Policy IMM.001.004, the Zero Tolerance Policy for Prison Sexual Abuse and Sexual Harassment, and Policy PCS.001.008, titled "Prevention, Detection, Response to Sexual Assault and Harassment," were both finalized this reporting period . These policies prioritize protecting against and monitoring retaliation for reporting sexual abuse or harassment.

Under IMM.001.004, the Institutional PREA Compliance Manager (IPCM) is responsible for monitoring retaliation at the facility level. This involves monitoring the conduct and treatment of incarcerated persons or staff who report incidents for at least 90 days following a report to detect and promptly address any potential retaliation. Monitoring includes reviewing disciplinary reports, housing or program changes, and performance reviews. This monitoring continues beyond 90 days, if necessary, especially if there are indications of ongoing retaliation. Even if the investigative outcome is unfounded, monitoring continues if there are fears of retaliation expressed by staff or incarcerated persons. Any

retaliation against individuals reporting incidents is subject to disciplinary action, and emotional support services are available for those who fear retaliation (ex: SAFE Hunterdon for IPs and Staff, 4BlueNJ for staff).

Pursuant to PCS.001.008, the IPCM conducts retaliation monitoring for the victim and, if applicable, the individuals who reported the allegation. This monitoring includes face-to-face meetings and paper reviews conducted at least twice within 90 days post-allegation. All reviews are documented using the NJDOC PREA Retaliation Monitoring Form, with ongoing monitoring required if retaliation is found and cannot be resolved within the initial 90-day period.

We are compliant with both policies and are actively developing a comprehensive training plan to review all new revisions and updates within the specified Agreement timelines.

Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 67:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 67:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "For at least 90 days following report of sexual abuse or sexual harassment allegation, the IPCM will monitor the conduct and treatment of the reporting incarcerated person or staff by way of periodic status checks. The IPCM will use the NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation). The IPCM will provide a copy of this form to the incarcerated person and request the incarcerated person sign it. A copy of the signed form, or documented refusal to sign, will be maintained by the IPCM and placed in Folder 115.67 on the DOCNet I-Drive.

Retaliation monitoring shall be an ongoing process for 90 days post allegation. NJDOC requires at least 2 face-to-face meetings and 2 paper reviews to be conducted within those 90 days. These must be done on separate instances, with one face to face and one paper review being in the first 45 days and one face to face and one paper review in the second 45 days. All four reviews must be conducted for each individual.

- Paper reviews include reviewing of disciplinary reports, program changes, housing changes, performance evaluations, staff reassignments and JPay inquiries/grievances.
- Each face-to-face meeting must have the signature of staff or incarcerated person located on the 2nd page. Refusal of incarcerated persons to sign the form will be documented. IPCM signature is required at the end of the 90 days.
- If retaliation is found and cannot be corrected within the 90 days, continued monitoring is expected in 30-day intervals until the retaliation is addressed and resolved."

This policy was revised on February 1, 2024.

Additionally, NJDOC Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Assault states, “The IPCM is responsible for retaliation monitoring at the facility-level. The correctional facility’s IPCM shall, for at least 90 days following a report of sexual abuse/harassment monitor the conduct and treatment of Incarcerated Persons or staff who reported to see if there are any changes that may suggest possible retaliation and will act promptly to remedy any such retaliation. This monitoring will include review of any Incarcerated Person disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. Such monitoring shall continue beyond 90 days if the initial monitoring indicates a continuing need. In the case of Incarcerated Persons, this monitoring will also include periodic status checks. The monitoring obligation will terminate if the investigative outcome of the allegation is unfounded. However, if a staff person or Incarcerated Person expresses fear of retaliation, they must be monitored even if the allegation was unfounded.’ This Level 1/3 policy, was finalized on February 1, 2024, and replaced EMCF’s Level 3 Internal Management Procedure Custody Directive 73

During the February 2024 onsite compliance visit, Mr. Shireman, the Monitor’s Associate reviewed the Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) completed by the current EMCF PREA Compliance Manager for inmates or staff who reported the sexual abuse of inmates. The Associate also reviewed Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive.

The Monitor spoke with the Edna Mahan Administrator Ryan O’Dea regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. He recapped the measures spoken to in the policy. He also stated that if a staff person is alleged to have retaliated against an incarcerated person, that alleged staff will be removed from a position of contact with the individual. There were five (5) allegations of retaliation by a staff member against an incarcerated person during this reporting period. One was determined to be “unsubstantiated;” one was “substantiated” and three are still being investigated.

The Monitor also spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She reported she monitors possible retaliation, including subtle retaliation, by conducting a total of 4 reviews with the person. Two of the reviews are in-person reviews and two are “paper” reviews. This information is documented in the retaliation log. For staff, she monitors any unusual shift schedule changes, or assignments that may cause suspicion.

For incarcerated persons, she monitors housing changes, grievances, infractions, etc. She also noted that, if circumstances warrant it, the 90-day monitoring period may be extended. Assistant Superintendent Renshaw stated that she now specifically asks the incarcerated person being monitored if they have had any instances of subtle retaliation, such as selective enforcement of rules, against them. Additionally, during the last reporting period, she added the note “IP reported retaliation or subtle retaliation” on the NJDOC PREA Retaliation Monitoring Form.

During the onsite compliance visit, Mr. Shireman, the Monitor's Associate reviewed the retaliation tracking log maintained by the EMCF PREA Compliance Manager. It was noted that there were no cases where anyone (either staff or incarcerated person) was monitored beyond the required 90 days.

Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 67:

No recommendation

I. Protecting Prisoners and Staff from Retaliation

par. 68 If any other individual who cooperates with an investigation expresses a fear of retaliation, NJDOC and Edna Mahan shall take measures they deem appropriate to protect that individual against retaliation.

Monitor's Measure of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 68:

par. 67 and par. 68

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy regarding retaliation protection for staff and prisoners
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Semi-annual report (beginning April 5, 2022, for the last quarter of 2021 and the first quarter of 2022), to the DOJ and Monitor identifying any staff or prisoner who had signs of retaliation, any person whose monitoring was extended beyond the 90 days, or any other individual who cooperates with an investigation that expressed a fear of retaliation
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the retaliation of staff or prisoners for reporting an allegation
- Review of Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive during on-site visit
- Review of retaliation tracking log maintained by EMCF PREA Compliance Manager during on-site visit
- Interview with EMCF Administrator regarding specific measures they have taken to protect an individual against retaliation
- Interview with EMCF PREA Compliance Manager regarding specific measures they have taken to protect an individual against retaliation

Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 68:

2/24/24 Status Report

Policy IMM.001.004 Zero Tolerance Policy: Prison Sexual Abuse and Sexual Harassment and Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," both finalized this reporting period, prioritize protection against and monitoring of retaliation for reporting sexual abuse or sexual harassment.

Under IMM.001.004, protection measures are utilized on an individualized basis. They include but are not limited to: housing changes or transfers for incarcerated person abusers, constant video surveillance with audio recording, removal of alleged staff or Incarcerated person abusers from contact with victims, and emotional support services for incarcerated Persons or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. The Institutional PREA Compliance Manager (IPCM) oversees retaliation monitoring, ensuring prompt action to address any signs of retaliation against individuals who report incidents. This monitoring continues for at least 90 days post-allegation and may extend beyond, if necessary, with periodic status checks and documentation to ensure accountability.

Similarly, PCS.001.008 emphasizes the protection of all individuals from retaliation and mandates monitoring of any potential retaliatory actions. The IPCM is tasked with conducting thorough monitoring, including face-to-face meetings and paper reviews, to track any indicators of retaliation. Documentation and follow-up actions are essential to address and resolve instances of retaliation promptly and effectively.

We are compliant with both policies and actively working on a comprehensive training plan to review all new revisions and updates in accordance with the timelines set forth in this agreement.

Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 68:

Substantial Compliance

- Partial Compliance
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 68:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Any individual who cooperates with the investigation (including witnesses, perpetrators, staff, etc.) has the ability to express their concerns of retaliation and will be monitored for their potential retaliation using the same procedure noted above."

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, and retaliation for reporting.

During the onsite compliance visit, Mr. Shireman, the Monitor's Associate, reviewed the Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) completed by the current EMCF PREA Compliance Manager for inmates or staff who reported the sexual abuse of inmates. The Associate also reviewed Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive.

The Monitor spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She stated that primary way would be to speak to the individual and if, at any time, there is any evidence that the person expresses a fear of retaliation, that allegation would be referred to the Special Investigations Division and a new investigation would be conducted. Assistant Superintendent Renshaw stated that she now specifically asks the incarcerated person being monitored if they have had any instances of subtle retaliation, such as selective enforcement of

rules, against them. And, as stated in previous reports, she has added the note “IP reported retaliation or subtle retaliation” on the NJDOC PREA Retaliation Monitoring Form.

Likewise, the Monitor spoke with the Edna Mahan PREA Administrator Ryan O’Dea regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. He affirmed the answer the Edna Mahan PREA Compliance Manager said that the main way was to let the person know that if they expressed a fear of retaliation, that the allegation would be referred to the Special Investigations Division and a new investigation would be conducted.

During the onsite compliance visit, Mr. Shireman, the Monitor’s Associate, reviewed the retaliation tracking log maintained by the EMCF PREA Compliance Manager. It should be noted that there were no cases where any individual who cooperated with an investigation expressed a fear of retaliation during this reporting period. However, there were five (5) cases where an individual who made an allegation of sexual abuse or sexual harassment felt they were retaliated against. One was determined to be “unsubstantiated;” one was “substantiated” and three are still being investigated.

Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 68:

No recommendation

J. Response to an Allegation of Sexual Abuse and Sexual Harassment

NJDOC and Edna Mahan shall ensure that all Edna Mahan prisoners who are alleged victims of sexual abuse and sexual harassment are offered timely, unimpeded access to crisis intervention services as appropriate and that staff appropriately respond to and counsel the alleged victim while taking steps to preserve evidence and protect the victim, consistent with 28 C.F.R. § 115.64. Accordingly:

par. 70 Edna Mahan shall not place in involuntary restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of protecting that prisoner, unless a determination, documented in writing and reviewed by the PREA Compliance Manager or the Edna Mahan Administrator's designee within 24 hours, has been made that there is no available alternative means of separation from likely abusers.

Requirements:

par. 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy stating that no prisoner who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in involuntary restricted housing, unless there is no available alternative means of separation from likely abusers
- EMCF Level 3 policy stating that if a prisoner is placed in involuntary restricted housing, the placement must be reviewed and documented in writing as to the reasons why by the PREA Compliance Manager or the EMCF designed within 24 hours
- Interview with EMCF Administrator regarding under what circumstances victims of sexual abuse and sexual harassment are placed in involuntary restricted housing
- Interview with EMCF PREA Compliance Manager regarding under what circumstances victims of sexual abuse and sexual harassment are placed in involuntary restricted housing
- Staff interviews during onsite visits regarding their responsibilities in response to an allegation of sexual abuse or sexual harassment
- Prisoners focus groups during on site visit regarding how prisoners are treated in response to an allegation of sexual abuse or sexual harassment

par. 72 Notification to the DOJ and Monitor within 24 hours of the placement anytime a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing

par. 66 Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)

par. 72 Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to placing a prisoner who is alleged to have suffered sexual abuse or sexual harassment in involuntary restricted housing

Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," and Policy ADM.019.003 Close Custody Units, both finalized this reporting period, include procedures relevant to this paragraph and are strictly followed. PCS.001.008 specifies that incarcerated persons alleged to have experienced sexual abuse or harassment cannot be placed in Close Custody Units based solely on PREA Risk, unless all available alternatives have been reviewed, documented in writing, and there is no available alternate means of separating the incarcerated person from potential abusers. In addition, if an incarcerated person is placed in involuntary restrictive housing, the reasons why must be documented and the placement must be reviewed by the Administrator, PREA Compliance Manager, or the facility designee within 24 hours. Similarly, ADM.019.003 outlines that placement in a Close Custody Unit for protection or investigation purposes should only occur if no other separation methods are available. We have ensured compliance with these directives. As of the writing of the last status report, no IPs have been placed in involuntary restrictive housing related to a PREA allegation or risk.

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

[X] Substantial Compliance

- Partial Compliance
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Any use of Close Custody Unit to protect an incarcerated person who is alleged to have suffered sexual abuse is subject to the conditions of PREA Standard 115.43 Protective Custody. No incarcerated person who is alleged to have suffered sexual abuse or sexual harassment shall be placed in Close Custody Unit housing (Temporary Close Custody, Prehearing Protective Custody, or Involuntary Protective Custody) based solely on PREA Risk unless all available alternatives have been reviewed, documented and there is no available alternate means of separating the incarcerated person from potential abusers.

If an incarcerated person is placed in Close Custody Unit housing, the placement must be reviewed and documented in writing as to the reasons why by the Administrator, Institutional PREA Compliance Manager or the facility designee within 24 hours of placement".

If Close Custody Unit housing placement is necessary, such documentation shall be made pursuant to Policy Statement ADM.019.003 Close Custody Units on the Authorization for Placement form and related reports (example: Unusual Incident Report, Preliminary Incident Report, etc.). Placement in Close Custody Unit housing based on a PREA allegation or risk is not automatic. Such placement shall be made by the

facility Administrator or Administrator designee. A determination, documented in writing and reviewed by the IPCM and Administrator or Administrator designee within 24 hours, shall be made on a case by case basis taking into account factors which include, but are not limited to: no available alternative means of separation from likely abusers, the nature and severity of the PREA prohibited act, medical, mental health, disciplinary and investigatory considerations, an incarcerated victim's access to property, services and privileges that are afforded to general population incarcerated persons, and any circumstances that would pose a threat to the safety, security and orderly running of the correctional facility. This policy was finalized on February 1, 2024.

Division of Operations Level 1/Level 3 Internal Management Procedure IMM.004.RHU.03, titled, "Restorative Housing Amenities and Privileges Two Level Program" states, "An incarcerated person who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in a Restorative Housing Unit solely for the purpose of protecting that person unless a determination has been made, documented in writing and reviewed by the PREA Compliance Manager or Facility Administrator within 24 hours, that there is no available alternative means of separation from likely abusers." This Internal Management Procedure was finalized on February 2, 2024.

Since August 24, 2021, NJDOC has notified DOJ and the Monitor of any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 24 hours. These notifications also note if the prisoner who was alleged to have suffered sexual abuse or sexual harassment was placed in involuntary Restricted Housing. During this reporting period, there has not been any such case.

The Monitor spoke with the Administrator of Edna Mahan and asked him under what circumstances victims of sexual abuse and sexual harassment are placed in involuntary restricted housing. The Administrator was very clear that this decision would only be made in very rare circumstances and if there were no available alternative means of separation from the likely abuser. The Administrator stated that there have been no instances of any victim on sexual abuse or sexual harassment being placed in involuntary restricted housing during this reporting period. And, in fact, there has been only one such incident during the past thirty months of this Settlement Agreement.

Likewise, the Monitor interviewed Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, and asked the same question. Ms. Renshaw responded that it should only occur if other placement alternatives are not available and that this would be in a very rare instance and, again, stated that during this reporting period, there have been no incidents of any victims being placed in involuntary restricted housing.

The Monitor and/or her Associate also interviewed Sergeants, Lieutenants, and Majors during the onsite compliance visit regarding their responsibilities in response to an allegation of sexual abuse or sexual harassment and the placement of alleged victims into involuntary restrictive housing. They were all aware of the expectation that alleged victims are not placed into involuntary restrictive housing unless there are no other available means of separation from likely abusers. Most staff indicated that this would be a very rare circumstance. There were no such incidents during this reporting period.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

No recommendation

J. Response to an Allegation of Sexual Abuse and Sexual Harassment

par. 71 If it is necessary to hold prisoners who report sexual abuse or sexual harassment in restricted housing in order to keep them safe from abuse or retaliation, Edna Mahan shall ensure that such prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities to the extent possible, for example absent a threat to the prisoner's safety as determined by SID.

Requirements:

par. 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:

- EMCF Level 3 policy stating that if, in exigent circumstances, a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing, she will have access to privileges, including visitation, commissary, programming and vocational opportunities
- Interview with EMCF Administrator to ensure that prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities if held in involuntary restriction after reporting a PREA incident
- Interview with EMCF PREA Compliance Manager to ensure that prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities if held in involuntary restriction after reporting a PREA incident
- Staff interviews during onsite visit specific to access to privileges are allowed when a prisoner is held in restricted housing in order to keep them safe from abuse or retaliation
- Prisoner focus groups during on site visit specific to access to privileges they are allowed when they are in restricted housing in order to keep them safe from abuse or retaliation

par 70 Notification to the Monitor and DOJ within 24 hours of the placement anytime a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing. A copy of the logbook pages documenting activities the prisoner received while she was placed in involuntary restricted housing (reference the above).

Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to placing a prisoner who is alleged to have suffered sexual abuse or sexual harassment in involuntary restricted housing.

Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:

2/24/24 Status Report

In adherence with Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," and Policy ADM.019.003 "Close Custody Units", both finalized this reporting period, incarcerated persons housed in close custody units maintain equitable access to essential communication privileges and reporting mechanisms. This includes the opportunity for incarcerated persons to send and receive written correspondence, in line with the regulations stipulated under N.J.A.C. 10A:18 regarding Mail, Visits, and telephone access. They may also

receive legal visits and telephone calls, authorized by the Administrator or designated personnel and unrestricted access to telephone services facilitating communication with critical entities such as the Office of the Corrections Ombudsperson, *PREA#, and SID, ensuring individuals can seek assistance and report concerns without barriers. In addition, they also receive unimpeded utilization of both electronic and paper-based grievance systems, enabling individuals to voice grievances or concerns through formal channels and access to various reporting methods for instances of sexual abuse or sexual harassment including verbal or written communication with NJDOC staff, contacting the facility's Institutional PREA Compliance Manager, utilizing the incarcerated person Remedy System/media kiosk, or directly reaching out to the Special Investigations Division (SID) through designated confidential channels, such as the Confidential SID box or by dialing *SID1# on the Incarcerated Person Telephone System (free call).

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:

[X] Substantial Compliance

- Partial Compliance
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Reasons for an incarcerated person's placement in a Close Custody Unit based on PREA Risk and/or a PREA allegation shall be documented in accordance with current policies and procedures. If an incarcerated person victim is in Close Custody status as a result of PREA Risk and/or PREA allegation, they will be afforded all privileges, including visitation, personal property, mail, commissary, programming, and vocational opportunities incarcerated person unless extenuating circumstances exist.

Extenuating circumstances include but are not limited to, pending disciplinary charges, dry cell placement, and any circumstance that would pose a threat to the safety, security, and orderly running of the correctional facility, as determined by the facility Administrator or facility designee. Documentation must be made if extenuating circumstances require the restriction/limitation of personal property, telephone, visits, and other services." This policy was finalized on January 29, 2024.

The Monitor and/or her Associate interviewed various staff, at all levels, during the onsite compliance visit and asked if an alleged victim was placed in involuntarily restricted housing, what privileges would they be allowed to have. All staff were aware that the alleged victim would be allowed all privileges any incarcerated person in the general population would be allowed.

The Monitor spoke with the Administrator of Edna Mahan and asked him if an alleged victim was placed in involuntarily restricted housing, what privileges would they be allowed to have. The Administrator was very clear that they were allowed all personal property, mail and visit privileges and other services that are available to incarcerated people in the general population. Likewise, The Monitor also the interviewed the

Edna Mahan Leadership Team, including the PREA Compliance Manger, Majors, Lieutenants, and Sergeants and asked the same question. All responded in the same manner as the Administrator.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:

No recommendation

J. Response to an Allegation of Sexual Abuse and Sexual Harassment

par. 72 Edna Mahan shall not place in restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of interviewing that prisoner as part of an investigation.

Requirements:

par. 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

- EMCF Level 3 policy stating that no prisoner who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in involuntary restricted housing for the purpose of interviewing that prisoner as part of the investigation
- Interview with EMCF Administrator to ensure that prisoners are not placed in involuntary restriction solely for the purpose of interviewing that prisoner as part of an investigation
- Interview with EMCF PREA Compliance Manager to ensure that prisoners are not placed in involuntary restriction solely for the purpose of interviewing that prisoner as part of an investigation
- Interview with Special Investigations Principal to ensure that prisoners are not placed in involuntary restriction solely for the purpose of interviewing that prisoner as part of an investigation

par. 70 Notification to the Monitor and DOJ within 24 hours of the placement anytime a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing

Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to placing a prisoner who is alleged to have suffered sexual abuse or sexual harassment in involuntary restricted housing

Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," and Policy ADM.019.003 Close Custody Units, both finalized this reporting period, incorporate procedures relevant to this paragraph and are followed. PCS.001.008 specifies that incarcerated persons alleged to have experienced sexual abuse or sexual harassment cannot be placed in Close Custody Units based solely on PREA risk unless all alternatives have been explored and documented. Additionally, an incarcerated person who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in a Close Custody Unit solely for the purpose of interviewing that incarcerated person as part of an investigation, as outlined in ADM.019.003. Although we are creating a training plan for revisions to policies, we continue to be compliant with both of these policies.

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

Special Investigations Division (SID) Internal Management Procedures (IMP) #014, "Procedures for Sexual Abuse, PREA Retaliation and Sexual Harassment" was recently revised. Page 11 says, "No incarcerated person who is alleged to have suffered sexual abuse, retaliation or sexual harassment shall be placed in restricted housing solely for the purpose of interviewing the incarcerated person as part of an investigation. This policy was finalized on December 21, 2023.

Additionally, Division of Operations Level 1/3 Internal Management Procedure IMM.004.RHU.03, titled, "Restorative Housing Amenities and Privileges Two Level Program states, "An incarcerated person who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in a Restorative Housing Unit solely for the purpose of protecting that person unless a determination has been made, documented in writing and reviewed by the PREA Compliance Manager or Facility Administrator within 24 hours, that there is no available alternative means of separation from likely abusers. Additionally, an incarcerated person who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in a Restorative Housing Unit solely for the purpose of interviewing that incarcerated person as part of an investigation." This Internal Management Procedure was finalized on February 2, 2024.

The Monitor spoke with the Edna Mahan Administrator, the Edna Mahan PREA Compliance Manager, the Assistant Commission for the Special Investigations Division, and SID/SVU Principal Investigators. When asked, all responded that they were aware that incarcerated persons should not be placed in involuntary restriction solely for the purpose of interviewing that person as part of an investigation.

Since August 24, 2021, NJDOC has notified DOJ and the Monitor of any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 24 hours. These notifications also note if the victim who was alleged to have suffered sexual abuse or sexual harassment was placed in restricted housing for any purpose. During this reporting period, there have been no reports of any incarcerated person housed in restricted housing solely for the purpose of interviewing that person as part of an investigation.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

No recommendation

J. Response to an Allegation of Sexual Abuse and Sexual Harassment

par. 73 Edna Mahan shall ensure access for prisoners to outside victim advocates for emotional support services related to sexual abuse by giving prisoners mailing addresses and telephone numbers, where available, of local, state, or national victim advocacy or rape crisis organizations. Edna Mahan shall enable reasonable communication between prisoners and these organizations and agencies in as confidential a manner as possible.

Requirements:

par. 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy stating that EMCF prisoners have access to external sexual abuse emotional support services. And that same policy details, specifically, how prisoners can access these services
- Prisoner Handbook describing PREA Sexual Abuse Emotional Support Services and names, addresses, and phone numbers of such services
- Documents of agreements (memo of understanding) with any community providers that may provide prisoners with confidential emotional support services
- Interview with EMCF Administrator regarding access for prisoners to outside victim advocates for emotional support services
- Interview with EMCF PREA Compliance Manager regarding access for prisoners to outside victim advocates for emotional support services
- Staff interviews during on site visit regarding the requirement that prisoners have access to external sexual abuse emotional support services
- Prisoners focus groups during on site visit regarding the requirement that prisoners have access to external sexual abuse emotional support services

Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:

2/24/24 Status Report

Policy PCS.001.008, "Prevention, Detection, Response to Sexual Assault and Harassment," finalized on 1/29/24 incorporates procedures relevant to this paragraph and is followed. On 1/24/24, a meeting was held with AC Daniels, AC Tome, SID and EMCF leadership, the Hunterdon County Prosecutor's Office (HCPO), and SAFE in Hunterdon. The meeting focused on improving emotional support for victims of sexual abuse, with discussions on various issues. We identified and discussed challenges with victim advocates not always responding to hospitals during activations of the Sexual Assault Response Team. HCPO and SAFE agreed to address this concern. Additionally, discussions covered expediting communication between HCPO and incarcerated persons, with SID offering to facilitate contact. HCPO reiterated SID's authority to investigate sexual contact and harassment allegations independently, with final decisions on criminal charges made by HCPO. It

was agreed that SID would inform victims of their right to speak with HCPO. SAFE committed to providing counseling and assistance to IP victims of sexual assault, with plans for biannual visits to EMCF. After the meeting, tours were conducted, and feedback from HCPO highlighted SID's thoroughness and effectiveness in investigations, reflecting positively on the Department's objectives.

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:

[X] Substantial Compliance

- Partial Compliance
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Incarcerated persons who are committed to the custody of the NJDOC have access to external sexual abuse emotional support services. Incarcerated persons may access these services even if they do not wish to make a report of sexual abuse. All incarcerated persons shall be provided with contact information for State sexual abuse advocacy agencies. They shall also be provided with information on how to write for a sexual abuse survivor packet that is provided by a national sexual abuse victim advocacy group. Facilities shall enable reasonable communication between incarcerated persons and these organizations and agencies in as confidential a manner as possible.

Telephone hotline services are available and can be accessed via the incarcerated person telephone system by dialing **PREA*# on the incarcerated person telephone system. Calls to the PREA Emotional Support Services Line are free. All such calls are confidential, although the incarcerated person must use their Personal Identification Number to access the free calls. The hours of operation of the hotline vary by correctional facility and are posted to the incarcerated person population.

PREA emotional support services shall be provided by external sexual abuse victim advocates who can assist in crisis intervention, provide information, and offer support to anyone who has questions or is looking for information about sexual violence. The services are only for emotional support related to sexual abuse." This policy was finalized on January 29, 2024.

The Monitor reviewed a pamphlet which is made available to incarcerated persons who live at Edna Mahan titled, "NJDOC PREA: External Emotional Support Services for Victims of Sexual Abuse." This pamphlet, which is available in both Spanish and English notified the incarcerated persons that they have access to external sexual abuse emotional support services. It also tells the incarcerated persons that they may access these services even if they do not wish to make a report of sexual abuse. It notifies how the services can be accessed and provides the inmate telephone system phone number **PREA*#. It also lets the incarcerated persons know that calls to the PREA Emotional Support Line are free and are classified as confidential.

Additionally, the Monitor reviewed the newly revised (revised in January 2024) Edna Mahan Inmate Handbook, which says the following:

NJDOC IPs have access to external sexual abuse emotional support services. IPs may access these services even if they do not wish to make a report of sexual abuse. External sexual Abuse services can be accessed via the IP telephone system by dialing: *PREA#. Calls to the PREA Emotional Support Services Line are free and confidential. \

PREA Emotional Support services are provided by external sexual abuse victim advocates who can assist in crisis intervention, provide information, and offer support to anyone who has questions or is looking for information about sexual violence.

If someone is not comfortable making a call from their housing unit, they can contact the IPCM or social worker to assist with privacy concerns. IPs at this correctional facility may also request external sexual abuse emotional support services/information by writing to:

SEXUAL ABUSE EMOTIONAL SUPPORT SERVICES

SAFE in Hunterdon
47 East Main Street
Flemington, NJ 08822

SEXUAL ABUSE SURVIVOR INFORMATION PACKET

Just Detention International
3325 Wilshire Blvd., Suite 340
Los Angeles, CA 90010

In the Satellite building, the telephones are located in locations that allows reasonable confidential communication between the victim and the outside agencies. The concern noted in the last monitoring report was that the telephones located in the maximum compound are located very close to one another in the hallways or common areas. Many of these phones are located in areas where other incarcerated persons and staff can hear the conversation, which inhibits confidentiality. During this past reporting period, Administrator O’Dea met with the phone vendor and his maintenance staff to problem solve. They developed two different solutions. In the Hillcrest building, they built a “partition” around the phone that allows reasonable confidential communication between the victim and the outside agencies. And in the North and South Halls, they were able to move the phones to different locations. Additionally, they plan to build “partitions” around the phones. Both of these actions will allow for more reasonable confidential communication between the victim and the outside agencies. The Monitor appreciates the steps Edna Mahan has taken to ensure all incarcerated persons have a confidential manner in which to contact emotional support services.

The Monitor reviewed the Memorandum of Understanding Between the New Jersey Department of Corrections and SAFE in Hunterdon County. The purpose of this Memorandum of Understanding (MOU) is to is to guide and direct the parties regarding collaborative provide inmates committed to the custody of the NJDOC with access to outside victim advocates for emotional support services related to sexual abuse

in accordance with federal PRE4 115.53 Inmate Access to Outside Confidential Support Services. This agreement is in effect from June 30, 2023, and will proceed open-ended for the continuation of services by SAFE in Hunterdon with no set end date.

The Monitor spoke with the Administrator of Edna Mahan and asked how an incarcerated person could access outside victim advocates for emotional support services related to sexual abuse and how Edna Mahan enabled reasonable confidential communication between the victim and the outside agency. The Administrator reaffirmed the incarcerated persons' access to outside emotional services. He reported that there are toll-free numbers they can use (even if they are in restricted housing, they have access to a telephone that is toll-free).

The Monitor interviewed Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager. She also noted that the PREA phone lines are provided in the housing units and noted that flyers are posted in every housing unit providing access information to outside services.

Lastly, the Monitor and/or her Associate interviewed several incarcerated persons at Edna Mahan and asked if they were aware of their right to confidentially access outside victim advocates for emotional support services related to sexual abuse. As noted above, most were aware of this right (although not all knew the name "SAFE") and knew the "#PREA# number.

On January 25, 2024, the NJDOC held a meeting with the Hunterdon County Prosecutor's Office ("HCPO") and SAFE in Hunterdon. NJDOC reported that this was an open discussion with all parties discussing how to better service IPs who are alleged to be victims of a sexual assault. SAFE was advised that the IPs may not be fully aware of their services. SAFE indicated that they may be able to help incarcerated persons victims of sexual assault with counseling and perhaps an exit plan. SAFE agreed to visit EMCF twice per year - once in April and once in October (sexual assault awareness and domestic violence awareness months, respectively).

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:

No recommendation

J. Response to an Allegation of Sexual Abuse and Sexual Harassment

par. 74 NJDOC and Edna Mahan shall continue to maintain memoranda of understanding or other agreements with community service providers that are able to provide prisoners with confidential emotional support services related to sexual abuse or sexual harassment. NJDOC and Edna Mahan shall maintain copies of such agreements.

Requirements:

par. 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

- Interview with EMCF Administrator regarding MOUs with community service providers to provide prisoners with confidential emotional support services
- Interview with EMCF PREA Compliance Manager regarding MOUs with community service providers to provide prisoners with confidential emotional support services

par. 73 Documents of agreements (memo of understanding) with any community providers that may provide prisoners with confidential emotional support services

Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

2/24/24 Status Report

The current Memorandum of Understanding (MOU) with SAFE in Hunterdon has been shared with both the Federal Monitor and the DOJ. Notably, the current MOU mandates that services be delivered in the preferred language of the incarcerated person. Furthermore, the MOU is structured as an open-ended arrangement, prioritizing the sustained provision of services.

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

[] N/A monitor granted an extension until [date]

Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC maintains a memorandum of understanding with community service providers that are able to provide incarcerated persons with confidential emotional support services related to sexual abuse or sexual harassment. Copies of such agreements are maintained by the Agency PREA Coordinator." This policy was finalized on January 29, 2024.

The Monitor reviewed the Memorandum of Understanding Between the New Jersey Department of Corrections and SAFE in Hunterdon County. The purpose of this Memorandum of Understanding (MOU) is to guide and direct the parties regarding collaborative provide inmates committed to the custody of the NJDOC with access to outside victim advocates for emotional support services related to sexual abuse in accordance with federal PRE4 115.53 Inmate Access to Outside Confidential Support Services. This agreement is in effect from June 30, 2023, and will proceed open-ended for the continuation of services by SAFE in Hunterdon with no set end date.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

No recommendation

K. Referrals and Investigations

NJDOC and Edna Mahan shall ensure that all allegations of sexual abuse and sexual harassment at Edna Mahan are promptly, thoroughly, and objectively investigated and appropriately referred for prosecutorial review, and that alleged victims are advised of the outcome of their allegations. Accordingly:

par. 75 Edna Mahan investigators shall continue to investigate allegations of sexual abuse or sexual harassment, consistent with NJDOC policy and New Jersey law. Edna Mahan will continue to refer allegations of sexual abuse and sexual harassment to local prosecutors as appropriate.

Requirements:

par. 76 The provisions in this section that provide deadlines for NJDOC or Edna Mahan's issuance of an investigative report following an allegation of sexual abuse or harassment apply only to administrative investigations undertaken solely by NJDOC or Edna Mahan, and do not apply to criminal investigations undertaken by the prosecutors in collaboration with NJDOC or Edna Mahan.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 75:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations.
- Special Investigations Division Internal Management Procedures #035, "Investigation Procedures."
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies which investigations are undertaken by the prosecutors and which are investigation by NJDOC.
- Interview with EMCF PREA Compliance Manager regarding referring allegations of sexual abuse and sexual harassment to local prosecutors.
- Interview with EMCF Special Investigations Principle regarding referring allegations of sexual abuse and sexual harassment to local prosecutors.

Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 75:

2/24/24 Status Report

Policy PCS.001.008, titled "Prevention, Detection, Response to Sexual Assault and Harassment," finalized on 1/29/24, along with SID IMP #035 Investigation Procedures, finalized on 12/21/23, include procedural information requiring that all allegations of sexual abuse or sexual harassment are promptly, thoroughly, and objectively investigated and, where applicable, investigations are referred to the relevant Prosecutor's Office. Additionally, incarcerated persons under the custody of the NJDOC are informed of the investigative findings following a PREA investigation in which they were complainants. Each facility's SID investigation report for PREA cases undergoes review by both the facility-level Sexual Abuse Advisory Council (SAAC) and the Central Office SAAC.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 75:

Substantial Compliance

- Partial Compliance
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 75:

Standard 115.22, NJDOC assigns to the SID the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by incarcerated persons, staff, contractors, volunteers, and other individuals who visit NJDOC facilities. Investigations will occur in a prompt, thorough, and objective manner for all allegations, including third-party and anonymous reports.

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, states, "NJDOC assigns to the Special Investigations Division the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by incarcerated persons, staff and other individuals who visit NJDOC facilities. In instances where an investigation that originated as a PREA allegation has been determined, through the investigative process, not to be PREA related, such cases will be referred to Administration to address whether any other appropriate action should be taken. NJDOC's Special Investigations Division, which is a division under the Office of the Commissioner, is responsible for investigating all allegations of sexual abuse. This policy was finalized on January 29, 2024.

The newly revised Special Investigations Division Internal Management Procedures #035, "Investigation Procedures" states, "The New Jersey Department of Corrections ("NJDOC") assigns the Special Investigations Division ("SID") the responsibility of investigating violations of the laws of the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A) and NJDOC policies and procedures by incarcerated persons, employees and other individuals who visit NJDOC facilities."

Additionally, the newly revised Special Investigations Division Internal Management Procedures #035, "Investigation Procedures" states, "When an investigation appears to involve criminal conduct, notification should be made as soon as possible to the SID Assistant Commissioner or designee and the applicable County Prosecutor's Office or the Attorney General's Office of Public Integrity and Accountability. SID shall cooperate with any joint investigation undertaken with any outside law enforcement agency. This revised Special Investigations Division Internal Management Procedures #035 was finalized on December 21, 2023.

Additionally, NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have

contributed to these incidents. This spreadsheet identifies the date the local prosecutors were notified of an incident, the decision made by the prosecutors regarding who is going to investigate, and, if the Hunterdon County Prosecutors Office chooses not to file criminal charges, the date the case is returned to NJDOC for investigation.

The Monitor spoke with the Assistant Commissioner (AC) for the Special Investigation Division (SID). She confirmed that SID/Special Victim Unit follows the direction of Hunterdon County and the Attorney General's guidelines, specific to referring investigations to Hunterdon County, when appropriate. AC Daniels stated that Hunterdon County only wants sexual assault cases to be referred to them, but that SID/SVU notifies Hunterdon County of any sexual contact.

Recommendations re K. Referrals and Investigations ¶ 75:

No recommendation

K. Referrals and Investigations

par. 77 Edna Mahan shall investigate all allegations of sexual abuse or sexual harassment reasonably promptly, thoroughly, and objectively, including third party and anonymous reports. The departure of the alleged abuser or victim from the employment or control of Edna Mahan or NJDOC shall not provide a basis for terminating an investigation. Administrative investigations shall be completed regardless of the results of any criminal investigations and regardless of the subject's continued employment by NJDOC.

Requirements:

par. 76 The provisions in this section that provide deadlines for NJDOC or Edna Mahan's issuance of an investigative report following an allegation of sexual abuse or harassment apply only to administrative investigations undertaken solely by NJDOC or Edna Mahan, and do not apply to criminal investigations undertaken by the prosecutors in collaboration with NJDOC or Edna Mahan.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 77:

par. 75

par. 77

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations
- Special Investigations Division Internal Management Procedures #014 – Procedures for Sexual Offenses
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies the time between the date of the notification of the allegation and the date of the completed investigation
- Interview with EMCF Special Investigations Principle and her staff

Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 77:

2/24/24 Status Report

Policy PCS.001.008, titled "Prevention, Detection, Response to Sexual Assault and Harassment," finalized on 1/29/24, along with SID IMP #035 "Investigation Procedures" finalized on 12/21/23, outline the investigative duties of the Special Investigations Division (SID) and its staff. The policy mandates that SID promptly, thoroughly, and impartially investigates all reports—whether verbal, written, or anonymous—of sexual abuse, misconduct, and harassment, without regard to the victim's or alleged perpetrator's employment status or location.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 77:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

[] N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 77:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, states, "NJDOC assigns to the Special Investigations Division the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by incarcerated persons, staff and other individuals who visit NJDOC facilities. In instances where an investigation that originated as a PREA allegation has been determined, through the investigative process, not to be PREA related, such cases will be referred to Administration to address whether any other appropriate action should be taken. NJDOC's Special Investigations Division, which is a division under the Office of the Commissioner, is responsible for investigating all allegations of sexual abuse. Investigations will occur in a prompt, thorough, and objective manner for all allegations, including third-party and anonymous reports.

The policy goes on to state, "The departure of the alleged abuser or victim from NJDOC employment or from an NJDOC facility does not provide a basis for terminating an investigation. Administrative investigations will be completed regardless of the results of any criminal investigations and regardless of the subject's continued employment by NJDOC or residency at an NJDOC facility." This policy was finalized on January 29, 2024.

The newly revised Special Investigations Division Internal Management Procedures #035, "Investigation Procedures" states, "The New Jersey Department of Corrections ("NJDOC") assigns the Special Investigations Division ("SID") the responsibility of investigating violations of the laws of the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A) and NJDOC policies and procedures by incarcerated persons, employees and other individuals who visit NJDOC facilities." This revised Special Investigations Division Internal Management Procedures #035 was finalized on December 21, 2023.

Additionally, the Special Investigations Division Internal Management Procedures #014, "Procedures for Sexual Abuse, PREA Retaliation and Sexual Harassment" was recently revised. It states, "The New Jersey Department of Corrections assigns SID the responsibility of investigating violations of the laws of the State of New Jersey, the New Jersey Administrative Code (10A) and NJ Department of Corrections policies and procedures that occur within its facilities. SID is tasked with investigating sexual abuse, sexual harassment, and retaliation. Such alleged offenses must be objectively, thoroughly, and expeditiously investigated in a professional, nonjudgmental manner." This revised Special Investigations Division Internal Management Procedures #014 was finalized on December 21, 2023.

Special Investigations Division Internal Management Procedures (IMP) #035 states "The departure of an incarcerated person or staff member from NJDOC's control or employment does not provide a basis to terminate an investigation. Investigators shall continue to investigate allegations consistent with NJ law and NJDOC policy and regardless of whether the incarcerated person or staff member has departed from NJDOC. This applies to all criminal investigations and administrative investigations. And Special Investigations Division Internal Management

Procedures (IMP) #014 states” The departure of an incarcerated person or staff member from DOC’s control or employment does not provide a basis to terminate an investigation. Investigators shall continue to investigate sexual abuse, retaliation, and sexual harassment consistent with NJ law and DOC policy regardless of whether the incarcerated person or staff member has departed from DOC employment or custody. “

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet identifies the date the local prosecutors were notified of an incident, the decision made by the prosecutors regarding who is going to investigate, and, if the Hunterdon County Prosecutors Office chooses to file criminal charges, the date the criminal charges are completed, and the case is returned to NJDOC for administrative investigation.

The Monitor spoke with the Assistant Commissioner for the Special Investigation Division, the SID Principal Investigator assigned to Edna Mahan, as well as the SVU Principal Investigator. All confirmed that SID/Special Victim Unit complete reports on all allegations of sexual abuse or sexual harassment, whether the alleged abuser or victim is still at Edna Mahan or not. All individuals also confirmed that the investigations are completed regardless of the results of any criminal investigations and regardless of the alleged abuser’s continued employment by NJDOC.

Recommendations re K. Referrals and Investigations ¶ 77:

No recommendation

K. Referrals and Investigations

par. 78 Edna Mahan shall use investigators who have received special training in institutional sexual abuse. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda v. Arizona*, 384 U.S. 436 (1966), and *Garrity v. New Jersey*, 385 U.S. 493 (1967), warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. NJDOC shall maintain documentation that Edna Mahan investigators have completed the required specialized training in conducting sexual abuse investigations. Consistent with current practice, the Department-wide PREA Coordinator and Edna Mahan's PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.

Requirements:

Consistent with current practice, the Department-wide PREA Coordinator and Edna Mahan's PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 78:

par. 75
par. 77
par. 78

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations
- List of EMCF Special Investigators and their resume/expertise
- Training curriculum to train investigative staff
- Documentation training to investigators on the Miranda and Garrity warnings
- Training rosters or documents showing the completion of the New Jersey Division of Criminal Justice Basic Course for Investigators
- Training rosters or documents showing the completion of all investigators specialized training

Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 78:

2/24/24 Status Report

Policy PCS.001.008 Prevention, Detection, Response to Sexual Assault and Harassment was finalized on 1/29/24 and is followed. The policy indicates that all SID investigators undergo the New Jersey Division of Criminal Justice Basic Course for Investigators, covering essential skills for unbiased and thorough investigations. Specialized training focuses on handling sexual abuse allegations in correctional settings, including understanding proper use of *Miranda v. Arizona*, 384 U.S. 436 (1966), and *Garrity v. New Jersey*, 385 U.S. 493 (1967) laws. Topics include victim interviewing techniques, evidence collection, crime scene preservation, and compliance with PREA standards. Documentation of completed training is maintained by the NJDOC Division of Training, Recruitment, and Professional Development.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 78:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 78:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "All SID investigators are required to complete the New Jersey Division of Criminal Justice Basic Course for Investigators. The specialized training provides information to help ensure that investigations are done thoroughly, competently, in an unbiased objective manner and using the most modern techniques and equipment possible."

The policy also states, "SID compiles and forwards verification documents to the NJDOC Division of Training, Recruitment, and Professional Development. This division maintains records of class attendance, which can be further analyzed to create an Individual Training Summary Report, confirming that agency investigators have successfully finished the necessary specialized training for conducting sexual abuse investigations. The Individual Training Summary Report minimally details the course description, event number, start date, end date and duration of the training. External training validation is expected to be sent to the NJDOC Division of Training, Recruitment, and Professional Development within 72 hours of completing the training. For internal trainings, the submission is made within 24 hours of completing the training".

Lastly, this policy states, "The Agency PREA Coordinator and Institutional PREA Compliance Managers shall not serve as investigators for sexual abuse investigations." This policy was finalized on January 29, 2024.

Additionally, Special Investigations Division Internal Management Procedures #035, "Investigation Procedures" was revised on December 21, 2023. This IMP states, "All SID Investigators will be required to complete the New Jersey Division of Criminal Justice Basic Course for Investigators as a condition of their promotion to SID. The specialized training received by members of SID ensures that such investigations are done thoroughly, competently, in an unbiased, objective manner and using the most modern techniques and equipment possible. Any lawful technique to perform an investigation may be used. SID shall attend continuous and ongoing training in areas relevant to its work, to include continued training in gender-responsive principals."

The Monitor received verification that all SID investigators assigned to Edna Mahan, including SVU investigators, received the following special training during the last reporting period (February 25 – August 24, 2023): Interviewing Victims of Sexual Misconduct/Preponderance –

8 hours; Sex Assault Investigations – 3 hours; Domestic Violence – 2 hours; Disciplinary Report Writing - .5 hours; Suicide Prevention – 1 hour; Interactive Communication – 2.5 hours; Special Needs – 2.5 hours. Additionally, Gerald Charles, the SVU Principal Investigator received 8 hours of Specialized Investigation Training during this past reporting period (August 25, 2023 – February 24, 2024). Lastly, all SID investigators received the following training during this past reporting period: Mobile Detect 101 – 2 hours; Firearms Range Requalification 8 hours; Equal Employment Division – 1.5 hours; CLEAR – LGBTQ Training – 3 hours; CLEAR – Cultural Diversity – 3 hours.

Recommendations re K. Referrals and Investigations ¶ 78:

No recommendation

K. Referrals and Investigations

par. 79 All NJDOC or Edna Mahan investigative staff must disclose any personal relationships with Edna Mahan staff who may be the subject of a current investigation and must recuse themselves from participating in an investigation involving any Edna Mahan staff member with whom they have a personal relationship. A “personal relationship” is any relationship that interferes with the investigator’s ability assess the facts of the investigation in an objective manner, including relationships with a family member, business partner, roommate, cohabitant, or person with whom they are involved in a dating or close social relationship.

Requirements:

A “personal relationship” is any relationship that interferes with the investigator’s ability assess the facts of the investigation in an objective manner, including relationships with a family member, business partner, roommate, cohabitant, or person with whom they are involved in a dating or close social relationship.

Monitor’s Measure of Compliance re K. Referrals and Investigations ¶ 79:

- Special Investigations Division Internal Management Procedures #048, “Staff Reporting of Personal Relationships”
- Semi-annual report (beginning April 5, 2022, for the last quarter of 2021 and first quarter of 2022) to the DOJ and Monitor including all incidents of an investigative staff recusing themselves from an investigation due to a personal relationship with EMCF staff who may be the subject of a current investigation
- Interview with EMCF Special Investigations Principle and her staff regarding staff recusing themselves from participating in an investigation involving anyone with whom they have a personal relationship

Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 79:

2/24/24 Status Report

SID IMP #048 Staff Reporting of Personal Relationships, finalized on 12/21/23 indicates that all Special Investigations Division staff are required to recuse themselves from any investigation which implicates a relationship covered by this policy, whether or not the SID staff member currently supervises, exercise authority over, or works in the same facility as the person with whom s/he has the relationship. The revised policy also includes a complete definition of personal relationships.

Monitor’s Finding of Compliance re K. Referrals and Investigations ¶ 79:

[X] Substantial Compliance.

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

[] N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 79:

Special Investigations Division (SID) Internal Management Procedures (IMP) #048, "Staff Reporting of Personal Relationships" was finalized on December 21, 2023. This IMP states, "All Special Investigations Division staff are required to certify to the SID Assistant Commissioner or designee whether they do, or do not, currently supervise, exercise authority over or work in the same facility with any employee of the NJDOC, or its vendors/contracted employees, who is:

- a family member
- business partner
- roommate
- cohabitant
- person with whom the SID staff member is involved in a dating relationship
- person with whom the SID staff member has a personal relationship
- person with whom the SID staff member has a relationship that would interfere with the SID staff member's ability to assess the facts of an investigation in an objective manner.

The policy goes on to state "All Special Investigations Division staff are required to recuse themselves from any investigation which involves a person with whom the staff member has a relationship covered by this policy, whether or not the SID staff member currently supervises, exercises authority over, or works in the same facility as the person with whom the staff member has the relationship."

The IMP continues by giving the procedures that require all investigators to sign the SID Form PRC-1 on a yearly basis no later than the 31st of January. If SID Form PRC-1 is answered affirmatively, this is a "positive certification." The SID staff member will provide the identity of the involved person as well as the type of relationship. The staff member shall then also complete the State of New Jersey Department of Corrections Recusal form. Lastly, if an SID staff member is assigned a case with someone they know, the IMP requires that the SID staff shall also complete the Recusal form in cases where a witness, subject, or target of an investigation is a family member, business partner (as defined above as a person in a professional relationship), roommate, cohabitant, person with whom the investigator is involved in a personal relationship, or is a person with whom the SID staff member has a relationship that would interfere with the staff member's ability to assess the facts of an investigation in an objective manner.

The Monitor asked Assistant Commissioner Kelly Daniels, who confirmed these process/procedures. She was very clear that if a staff person was assigned an investigation involving anyone with whom they have a personal relationship, they would be recused from having any information, communication, or knowledge of the case. The Monitor posed the same question to the SID Principal Investigator and the SVU Principal Investigator assigned to Edna Mahan. Both confirmed Deputy Commissioner Daniels' response.

Recommendations re K. Referrals and Investigations ¶ 79:

No recommendation

K. Referrals and Investigations

par. 80 The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as prisoner or staff, consistent with 28 C.F.R § 115.71.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 80:

- NJDOC/SID level 1 policy specifying how they rate the credibility of an alleged victim, suspect, or witness.
- Reviews of completed investigations, to include reviewing witness statements, prisoner victim(s) and alleged perpetrator(s), security staff statements.
- Interview with EMCF Special Investigations Principle and his staff to determine how they rate the credibility of an alleged victim, suspect, or witness

Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 80:

2/24/24 Status Report

SID IMP #035, finalized on December 21, 2023, outlines investigation procedures, and addresses the assessment of credibility, report contents, and due dates. It specifies that credibility judgments should not be based on the individual's status as either incarcerated persons or staff members but on the evidence collected, including statements, documentary evidence, and recordings. The evidence as a whole determines the outcome of an allegation, ensuring a fair and evidence-based investigation process.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 80:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 80:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states "SID does not rate the credibility of an alleged victim, suspect, or witness by the person's status as prisoner or staff.

The credibility of a victim, suspect, or witness is assessed on an individual basis and shall not be determined based on the status of a victim or staff member. A credibility determination should place no greater weight on one person over another. Victims, suspects, and witnesses are all equally entitled to give their testimony, and none are rejected as incredible simply based on their status. Credibility is impacted by the evidence

itself. It is the evidence that refutes, corroborates, or has no impact upon a person's testimonial evidence. The evidence ultimately determines whether the allegation is unfounded, substantiated, or unsubstantiated.”

This policy was finalized on January 29, 2024.

Special Investigations Division (SID) Internal Management Procedures (IMP) #035, Investigation Procedures was finalized on December 21, 2023. Page 6 now says, “The credibility of an alleged victim, suspect, or witness in any investigation undertaken by SID shall not be determined by the person’s status as an incarcerated person or staff member. Credibility is impacted by the evidence itself, including statements by the alleged victim and suspect, witness statements, documentary evidence, and recorded evidence, such as surveillance video, Body Worn Camera video and telephonic recordings. The overall evidence determines whether an allegation is substantiated, unsubstantiated or unfounded and whether probable cause exists that a criminal offense has been committed.”

Additionally, newly revised Special Investigations Division (SID) Internal Management Procedures (IMP) #014, “Procedures for Sexual Abuse, PREA Retaliation and Sexual Harassment” states, “The credibility of an alleged victim, suspect, or witness shall not be determined by the person’s status as an incarcerated person or staff member. Credibility is impacted by the evidence itself, to include statements by the alleged victim, witness statements, documentary evidence, and recorded evidence, such as surveillance video, Body Worn Camera video and telephonic recordings.” This IMP was finalized on December 21, 2023.

The Monitor reviewed several completed investigations that included interviews with, and statements by, the alleged victim prisoner, the alleged suspect staff person, and witnesses. The decisions made in these investigations appeared to be based on the involved persons’ statements and the evidence (cameras, records, reports, documentation of facts, etc.) available.

Recommendations re K. Referrals and Investigations ¶ 80:

No recommendation

K. Referrals and Investigations

par. 81 Within 90 days after an allegation of sexual abuse or sexual harassment is referred for investigation, NJDOC or Edna Mahan shall issue a written investigative report that indicates whether the allegation is substantiated, unsubstantiated, or unfounded. If the matter is referred to prosecutorial review, this 90-day period shall begin to run the day after NJDOC receives the prosecutor's decision as to whether the allegation is criminal or administrative (and therefore will be investigated solely by NJDOC or Edna Mahan). The investigator may request in writing, approved by the facility designee, an extension for cause that identifies the remaining actions necessary to complete the investigation. In no case shall the investigation be deemed to be unfounded solely due to the expiration of the 90 days. The investigative report shall include an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Requirements:

If the matter is referred to prosecutorial review, this 90-day period shall begin to run the day after NJDOC receives the prosecutor's decision as to whether the allegation is criminal or administrative (and therefore will be investigated solely by NJDOC or Edna Mahan).

The investigative report shall include an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 81:

- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify:
 - The date of notification of the allegation
 - The date the case was referred to prosecutor's review
 - If the case is criminal or administrative
 - If the case was returned to NJDOC, the date returned
 - If an extension was requested, and if so, the date of the request, and the reason for the extension
 - The date of the completed investigation
 - The finding if the allegation was determined to be unfounded, unsubstantiated, or substantiated.
 - The date the Sexual Assault Advisory Council (SAAC) was held
- Copies of a Sexual Assault Investigation Disposition form for each allegation sent to the DOJ and Monitor
- A quarterly report (beginning January 5, 2022 for the last quarter of 2021) submitted to the DOJ and Monitor of the status of all the "open" EMCF investigations, along with the spreadsheet noted above
- Interview with NJDOC Deputy Chief Investigator

Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 81:

2/24/24 Status Report

SID IMP #035 Investigation Procedures, finalized on 12/21/23 incorporates information about the contents and due dates of an investigative report and is followed.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 81:

[X] Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 81:

Special Investigations Division (SID) Internal Management Procedures (IMP) #035, Investigation Procedures was revised on December 21, 2023. It states, "Currently there is a federal monitor reviewing sexual abuse, sexual harassment and retaliation claims that occur at EMCF pursuant to a Consent Decree settlement agreement reached between the State of New Jersey and the United States (Docket No. 3:21-cv-15031-ZNQ-TJB). While EMCF is under Consent Decree monitoring, SID shall investigate and will issue a written investigation report within 90 days after an allegation of sexual abuse or sexual harassment or retaliation is raised for all EMCF investigations.

- i. If the matter is referred for prosecutorial review, this 90-day period shall begin to run the day after NJDOC receives the prosecutor's decision remanding the matter as an administrative investigation.
- ii. The investigator may request in writing an extension of the 90-day period for cause that identifies the remaining actions necessary to complete the investigation. This extension request shall be submitted to the Assistant Commissioner of Women's Services or designee.
- iii. In no case shall the investigation be closed solely due to the expiration of the 90 days.

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet identifies:

- The date of notification of the allegation
- The date the case was referred to prosecutor's review
- If the case is criminal or administrative

- If the case was returned to NJDOC, the date returned
- If an extension was requested, and if so, the date of the request, and the reason for the extension
- The date of the completed investigation.
- Whether the allegation is substantiated, unsubstantiated, or unfounded

Additionally, copies of the Sexual Assault Investigation Disposition form for each investigated allegation have been sent to the DOJ and Monitor. During this reporting period (August 25, 2023 – February 24, 2024), EMCF had 6 allegations of staff on incarcerated person sexual abuse or sexual harassment. No investigations were investigated and closed, which leaves all six (6) cases that are actively being investigated. There are four (4) open cases pending Prosecutor’s Office review and two (2) open cases are being investigated by SID/SVU.

The Monitor has reviewed several investigative reports that have been written during this reporting period. Each of these reports have included an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Recommendations re K. Referrals and Investigations ¶ 81:

No recommendation

K. Referrals and Investigations

par. 82. NJDOC shall ensure that an investigative summary sheet that provides an overview of the current status of an investigation is included in the investigative file. The summary information should include, among other things, basic information such as staff name(s), prisoner names(s), location of incident, type of allegation, and the date and time of day of the incident.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 82:

- Copies of investigative summary sheets sent to the DOJ and Monitor. Investigative summary sheets include:
 - Staff name(s)
 - Prisoner Name(s)
 - Location of incident
 - Type of allegation
 - Date and time of day of the incident
 - Other information, as needed
- Interview with NJDOC Deputy Chief Investigator regarding completing the investigative summary sheet/closure report
- Interview with EMCF Special Investigations Principle and her staff regarding completing the investigative summary sheet/closure report
- Interview with EMCF PREA Compliance Manager regarding the investigative summary sheet/closure report

Steps taken by NJDOC and EMCF towards implementation K. Referrals and Investigations ¶ 82:

2/24/24 Status Report

SID IMP #035 Investigation Procedures, finalized on 12/21/23, indicates that “An Investigative summary sheet that provides an overview of the current status of an investigation must be included in the investigative file. The summary information should include, among other things, basic information such as the names of staff, the names of incarcerated persons, the type of allegation and the location, date, and time of the incident.” Pursuant to this policy, an investigative summary sheet is currently kept on all cases investigated by SID containing all of the referenced requirements in this section.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 82:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 82:

The Special Investigations Division of the NJDOC revised, and has been using this revised form, since March 2022.

Special Investigations Division (SID) Internal Management Procedures (IMP) #035, Investigation Procedures was revised on December 21, 2023. The IMP states, “An investigative summary sheet that provides an overview of the current status of an investigation must be included in

the investigative file. The summary information should include, among other things, basic information such as the names of staff, the names of incarcerated persons, the type of allegation and the location, date, and time of the incident.

Recommendations re K. Referrals and Investigations ¶ 82:

No recommendation

K. Referrals and Investigations

- par. 83 A review team, including upper-level management officials at Edna Mahan, with input from line supervisors, investigators, and medical and mental health practitioners, shall conduct an incident review within 30 days of the conclusion of every investigation of substantiated and unsubstantiated allegations of sexual abuse by staff. The review team shall:
- a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse by staff;
 - b. Examine the area in Edna Mahan where the incident allegedly occurred to assess whether physical barriers in the area may prevent detection of sexual abuse;
 - c. Assess the adequacy of staffing levels in that area during different shifts;
 - d. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - e. Prepare a report of its findings and any recommendations for improvement and submit such report to the Department-wide PREA Coordinator, and Edna Mahan's PREA Compliance Manager.

Requirements:

- par. 85 Edna Mahan's Administrator should have access to investigative files once they are complete, as well as the personnel files of involved employees, and regular briefings of PREA investigations that include sufficient details so that the facility Administrator and/or the incident review team has sufficient information to assess the incident and devise and implement any necessary movement, discipline, or corrective action.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 83:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations.
- NJDOC PCS. 001.PREA .001 Sexual Assault/PREA Advisory
- EMCF's Level 3 policy on Sexual Assault/PREA Advisory
- Copies of the Sexual Assault Investigation Disposition form for all EMCF's cases
- A review of Folder 115.73 on the DOCNet I-drive during the on-site visit
- Copies of EMCF's Sexual Assault Advisory Council (SAAC) monthly agenda and meeting minutes
- Copies of all report of EMCF's Sexual Assault Advisory Council findings and recommendations for improvement sent to NJDOC PREA Coordinator and Edna Mahan's PREA Compliance Manager
- Interview with EMCF PREA Compliance Manager regarding EMCF's Sexual Assault Advisory Council (SAAC)
- Interview with EMCF Administrator regarding EMCF's Sexual Assault Advisory Council (SAAC)
- Interview at least two of the members who sit on the EMCF's Sexual Assault Advisory Council (SAAC)

Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 83:

2/24/24 Status Report

NJDOC policy PCS.001.008 outlines the responsibilities of the Sexual Abuse Advisory Council (SAAC), emphasizing its key role in reviewing closed cases of sexual abuse and harassment. The SAAC operates at both the facility and departmental levels, and evaluates these cases to suggest improvements in prevention, detection, and response mechanisms. This process evaluates potential policy or procedural changes, understanding the motivations behind incidents, examining environmental factors, and assessing staffing and technological needs. The aim is to recommend actionable changes, issuing Corrective Action Reports when needed, and to oversee the adoption of these recommendations to ensure ongoing enhancements in the NJDOC's approach to managing sexual abuse and harassment. SAAC reports are provided monthly to the Federal Monitor. A formal follow-up process, through which the Administration reports back to the SAAC regarding implementation of recommendations, was implemented during this reporting period.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 83:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 83:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC has established multi-disciplinary Sexual Assault Advisory Councils (SAAC) which convenes at both the correctional facility and Departmental level. The SAAC's review all allegations and instances of sexual abuse/sexual harassment with the purpose of assessing and improving PREA prevention, detection, and response. The purpose, composition, and duties of the Sexual Assault Advisory Council (SAAC) are contained in the Internal Management Procedure PCS.001.PREA.001 Sexual Assault/PREA Advisory Council.

Facility incident reviews shall convene within thirty (30) days of the conclusion of the investigation. SID shall present the completed investigation case for review at the SAAC meeting. These reviews are done for all allegations of sexual abuse and/or sexual harassment as defined by PREA.

The review team shall:

- (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;
- (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;
- (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;
- (4) Assess the adequacy of staffing levels in that area during different shifts;
- (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and

(6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.

Each PREA allegation case review completed by the SAAC takes into account all factors listed above in section (d) of this subsection.

The SAAC may issue Corrective Action Reports, if necessary, and will monitor the implementation of recommended corrective actions. Recommendations for improvement shall be implemented or reasons for not doing so shall be documented on the Corrective Action Reports.”

This policy was finalized on January 29, 2024.

PCS.001. PREA 001 “Sexual Assault/Prison Rape Elimination Act (PREA) Advisory Council is in the process of revision. However, it currently states, “Facility incident reviews shall convene within thirty (30) days of the conclusion of the investigation. SID shall present the completed investigation case for review at the SAAC meeting. These reviews are done for all allegations of sexual abuse and/or sexual harassment as defined by PREA.”

The Monitor and DOJ have both received copies of all the Sexual Assault Advisory Council (SAAC) Incident Reviews completed by Edna Mahan during this reporting period. In all cases, the Edna Mahan SAAC considered whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse by staff, examined the area in Edna Mahan where the incident allegedly occurred to assess whether physical barriers in the area may prevent detection of sexual abuse; assessed the adequacy of staffing levels in that area during different shifts; assessed whether monitoring technology should be deployed or augmented to supplement supervision by staff; and sent a copy of its findings and any recommendations for improvement to the Department-wide PREA Coordinator, and Edna Mahan’s PREA Compliance Manager.

The Monitor spoke with four members of the Edna Mahan Sexual Assault Advisory Council. Those members were: the PREA Compliance Manager; the Mental Health Representative, a Custody Sergeant, and the Principal Investigator for the Special Investigations Unit regarding the process of Edna Mahan’s Sexual Assault Advisory Council. All acknowledged that the PREA Compliance Manager is responsible to convene and chair the SACC. They also stated that the SACC is usually convened monthly and always within thirty (30) days of the conclusion of the investigation. During the SAAC, the Principal Investigator for the Special Investigation Division staff assigned to Edna Mahan presents the completed investigation case for review. This provides the opportunity for any SAAC members to ask questions or seek any further information. The members confirmed that the Edna Mahan SAAC prepares a report of its findings and any recommendations for improvement and submits that report to the Department-wide PREA Coordinator. The members also confirmed that the NJDOC Agency SAAC reviews, and signs off, on this report.

As noted in the last compliance report, on July 1, 2023, the process was changed to allow the Facility Administration to render the PREA dispositions. Prior to July, the Special Investigator that investigated the case made the finding determination. The analogy would be to have the police officer determine the guilt of the person/case they investigated. Effective July 1, 2023, the Facility Administrator, upon receipt of the Final Investigation Report, discusses the final investigation report with the facility leadership team. The Administrator may request that the investigator and/or the investigator's supervisor participate in the discussion to answer questions about the report and then makes the final disposition of PREA allegations.

During this reporting period, the Administrator reviewed and made a decision on 49 cases. Administrator O’Dea said he is very comfortable with this new role and believes the change was a positive one.

Recommendations re K. Referrals and Investigations ¶ 83:

Revise PCS.001. PREA 001 “Sexual Assault/Prison Rape Elimination Act (PREA) Advisory Council”

K. Referrals and Investigations

par. 84. NJDOC and Edna Mahan shall review the review team's recommendations for improvement and shall implement them or document their reasons for not doing so.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 84:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations
- NJDOC PCS. 001.PREA .001 Sexual Assault/PREA Advisory
- EMCF's Level 3 policy on Sexual Assault/PREA Advisory
- Copies of all report of EMCF's Sexual Assault Advisory Council findings and recommendations for improvement
- Copies of all Corrective Action Reports developed by EMCF's Sexual Assault Advisory Council (SAAC)
- Copies of all completed EMCF's Corrective Action Reports as referenced above
- Copies of ANY subsequent actions that are recommended by the EMCF SAAC, to include, but not be limited to, memos, emails, new level 3 policies, procedures, Post Orders, etc.
- Copies of all Corrective Action Reports developed by NJDOC's Agency Sexual Assault Advisory Council (SAAC)
- Copies of all completed NJDOC's Corrective Action Reports as referenced above
- Copies of ANY subsequent actions that are recommended by the NJDOC's SAAC, to include, but not be limited to, memos, emails, new level 1 policies, procedures, directives, etc.
- All documents from EMCF or NJDOC's SAAC that describe "why" recommended actions were not taken
- Interview with EMCF PREA Compliance Manager regarding the Review Team's recommendations for improvement
- Interview with EMCF Administrator regarding the Review Team's recommendations for improvement
- Interview with NJDOC Deputy Chief Investigator regarding reviewing EMCF's Review Team's recommendations for improvement

Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 84:

2/24/24 Status Report

The EMCF's Sexual Assault Advisory Committee (SAAC) documents corrective action recommendations on a form used during post-incident reviews. These suggestions are tracked by the Institutional PREA Compliance Manager (IPCM) on a spreadsheet and forwarded to the PREA Compliance Unit (PCU) at the Central Office Headquarters (COHQ) for further review. The COHQ SAAC evaluates these recommendations, making final determinations or requesting additional actions. The PCU maintains oversight of progress through periodic updates requested from the IPCM, ensuring that the recommended actions are implemented.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 84:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 84:

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC has established multi-disciplinary Sexual Assault Advisory Councils (SAAC) which convenes at both the correctional facility and Departmental level. The SAAC's review all allegations and instances of sexual abuse/sexual harassment with the purpose of assessing and improving PREA prevention, detection, and response. The purpose, composition, and duties of the Sexual Assault Advisory Council (SAAC) are contained in the Internal Management Procedure PCS. 001.PREA.001 Sexual Assault/PREA Advisory Council.

Facility incident reviews shall convene within thirty (30) days of the conclusion of the investigation. SID shall present the completed investigation case for review at the SAAC meeting. These reviews are done for all allegations of sexual abuse and/or sexual harassment as defined by PREA.

The SAAC may issue Corrective Action Reports, if necessary, and will monitor the implementation of recommended corrective actions. Recommendations for improvement shall be implemented or reasons for not doing so shall be documented in the Corrective Action Reports. This policy was finalized on January 29, 2024.

There was only one recommendation made during this reporting period. The recommendation was to add a camera to the Restricted Housing Area recreation area. The recommendation was completed, and an email was sent to all members of the SAAC to let them know that the Corrective Action Plan was completed.

Recommendations re K. Referrals and Investigations ¶ 84:

No recommendation

L. Physical Plant

par. 86 Edna Mahan shall ensure that access to and from the Edna Mahan compound is through secure, staffed checkpoints only. Specifically, Edna Mahan shall conduct regular monitoring of the perimeters of the Edna Mahan grounds with the goal of preventing entry by persons or contraband outside of the secure checkpoints.

Requirements:

As discussed, and agreed by NJDOC and DOJ, since there is no specified deadline for any of the Physical Plant provisions, the monitoring tool could refer to NJDOC's planned timeline in the Implementation Plan. Paragraph 86 is a "daily" date. NJDOC is already conducting perimeter monitoring and entry is through secure checkpoints. NJDOC will provide documentation called for by February 24, 2022

Monitor's Measure of Compliance re L. Physical Plant ¶ 86:

- EMCF Level 3 policy requiring all access to and from the Edna Mahan Compound is through secure, staffed checkpoints only
- Post Orders for perimeter Correctional Police Officers requiring regular monitoring of the perimeters of the Edna Mahan grounds with the goal of preventing entry by persons or contraband outside of the secure checkpoints
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure access to and from the Edna Mahan compounds is through secure, staffed checkpoints only
- Copies of logbooks for perimeter Correctional Police Officers demonstrating times of rounds, when required by Monitor
- Review of logbooks for perimeter Correctional Police Officers demonstrating times of rounds during onsite visit
- Interviews with perimeter Correctional Police Officers during on-site visits specific to the requirement regular monitoring of the perimeters of the Edna Mahan grounds with the goal of preventing entry by persons or contraband outside of the secure checkpoints

Steps taken by NJDOC and EMCF towards implementation re L. Physical Plant ¶ 86:

2/24/24 Status Report

NJDOC continues perimeter monitoring practices as outlined in Custody Directive 29, focusing on Armed and Roving Patrols. This protocol ensures that entry is strictly managed through secure checkpoints every day. To verify adherence to these standards, random samplings are conducted, with the monitoring dates selected by the overseeing authority.

Monitor's Finding of Compliance re L. Physical Plant ¶ 86:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

[] N/A monitor granted an extension until [date]

Monitor's Discussion re L. Physical Plant ¶ 86:

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Title: Armed Patrol/Roving Patrol, Custody Directive 29 says, "The policy of the New Jersey Department of Corrections is to operate secure correctional facilities and to provide a safe environment for all persons entering these facilities or housed within. In order to accomplish this policy, maintain a high level of security at all facility entry points, and prevent the introduction of contraband, all persons requesting entrance into the Inner-Security Perimeter of any medium and maximum NJDOC facility shall be required to present and wear appropriate identification, clear a walk-through metal-detector scan, and submit to a subsequent pat-search. This includes the search of all religiously oriented or medically necessary headwear. Additionally, searches such as, but not limited to passive canine and other scanning/testing devices may be utilized. All authorized items carried by persons entering the Inner-Security Perimeter shall also be subject to search.

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Title: Armed Patrol/Roving Patrol, Custody Directive 29 says, " a Roving Patrol officer shall be assigned to enhance perimeter security of the facility on a 24-hour basis. The Roving Patrol officer(s) primary responsibility is to maintain patrol the correctional facility perimeter and adjacent properties under its control. The officer(s) will be constantly vigilant for suspicious incidents, activities, persons, vehicles, etc., observed or occurring on or within the security perimeter and a reasonable proximity of the prison, and that would adversely affect its orderly operation and security. Additionally, this Internal management Procedure Responsibilities of a Roving Patrol Officer includes, "Make frequent passes around the Max Compound. Direction of travel and times should be varied as to not set a pattern."

Lastly, the Monitor's Associate conducted interviews with two perimeter Correctional Police Officers during the on-site compliance visit, specific to the requirement of regular monitoring of the perimeters of the Edna Mahan grounds. Both Officers were knowledgeable about their responsibilities of preventing entry by persons or contraband outside of the secure checkpoints.

Recommendations re L. Physical Plant ¶ 86:

No recommendation

L. Physical Plant

par. 87 Edna Mahan shall ensure that every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening.

Requirements:

As agreed by NJDOC and DOJ, the Administration Building is **not** meant to be included in contraband screening. Paragraph 87 was assigned a “daily” date; NJDOC is taking steps to implement the discussed screening changes and will plan to fully implement this procedure by the end of January 2022

Monitor’s Measure of Compliance re L. Physical Plant ¶ 87:

- EMCF Level 3 policy requiring that every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening
- Post Orders for Correctional Police Officers working at the entrance to all buildings on the minimum-security compound (except the Administration Building, as noted above), requiring that all staff, contractors, volunteers, visitors, and government officials entering the compound receive thorough and effective contraband screening in addition to metal detection
- Post Orders for Correctional Police Officers working the entry gate into the maximum compound requiring that all staff, contractors, volunteers, visitors, and government officials entering the compound receive thorough and effective contraband screening
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure all every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening
- Observations during on-site visits
- Interviews with security staff during on-site visits regarding how they conduct contraband screening on every individual, including all staff, contractors, volunteers, visitors, and government officials entering Edna Mahan minimum security compound housing units, education building, medical triage building, Silzer Building (classification location), and food services building, as well as the maximum-security compound

Steps taken by NJDOC and EMCF towards implementation re L. Physical Plant ¶ 87:

2/24/24 Status Report

EMCF Level 3 Post Orders ensure all who enter the compound receive a thorough and effective contraband screening. This screening is conducted at all EMCF Housing Units and Buildings including the Silzer building, Chapel, and Housekeeping, which are equipped with staff and metal detection equipment.

The practices reported previously remain unchanged, with all security and screening procedures still in effect and adhered to. Post orders which have been revised and adopted continue to include the requirement for thorough and effective contraband screening. NJDOC will conduct training on these post orders according to the timeframes in this Agreement.

Monitor's Finding of Compliance re L. Physical Plant ¶ 87:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re L. Physical Plant ¶ 87:

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive #28: Title: Main Gate Officer states, "It is the responsibility and duty of custody staff-assigned to facility entrance points to positively identify, and if necessary, respectfully, and professionally challenge the identify and authorization of all persons requesting entry into or exiting from an NJDOC facility. Additionally, this Internal Management Procedure lists the following responsibilities of this post:

Post Responsibilities:

- Visually inspect all vehicles entering and leaving the institution.
- All staff must present their ID Card upon entry and exit.
- Verify the identity of all persons attempting to enter or leave the institution.
- All civilian visitors to be processed into EMCF will be processed through the visit center. Civilian employees (ISP, ETC.) will be processed through the Main Gate Officer.

The Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive #6: Title: Entrance Control Officer gives the instruction that, "Civilian employees and visitors who must park in the visitor's parking lot must present a valid DOC issued ID and clear the Secure Scan Metal Detector. If the visitor fails the Secure Scan, the hand frisker will be utilized to determine the source of the positive indication. Lastly, this internal Management Procedures provides a list of authorized items for staff and requires all authorized items shall be carried on person or in a clear plastic cosmetic bag (maximum size 12" x 12" x 3").

Also, the Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive #3: Title: Satellite Entrance Control Officer, written for the Satellite building, states, "It is the responsibility and duty of the Entrance Control Officer to positively identify, and if necessary, respectfully, and professionally challenge the identity and authorization of all persons requesting entry into or exiting from the Satellite Support Building. Staff, approved visitors, and authorized incarcerated persons entering the Satellite Support Building are to be processed in accordance with *IMP #13 Security at Facility Entry Points* and are subject to a search. The search may include any and all of the following: clearing a walk-through metal detector, scanning by a hand-held metal detector, trauma informed pat frisk, trauma informed strip search and X-Ray machine scan for all personal property.

The Monitor spoke with security staff assigned to the entrance gate during the on-site compliance visit, specific to how they conduct contraband screening on every individual, including all staff, contractors, volunteers, visitors, and government officials entering Edna Mahan minimum security compound (excluding the Administration building), as well as the maximum-security compound.

They explained that there are two “sets of approvals” for people who enter the Edna Mahan grounds. For “officials” who have been previously approved by Administration to enter the grounds, those persons simply show their identification and are signed in. Then they are allowed to move to the Administration building. People in that category include outside NJDOC staff, government officials, approved volunteers, contractors, etc.

For those people who have not been previously approved by the Administration to enter the Edna Mahan grounds, they are taken to another building to receive a thorough and effective contraband screening. Prior to entering the walk-through metal-detector, the person being searched is instructed to remove all items from their pockets and all outerwear and place them on the search-table adjacent to the metal-detector machine. Additionally, some items containing metal (e.g., belt buckle, some jewelry, watch, etc.) may be removed and placed on the search table if necessary. The person then walks through the metal detector and their outerwear is searched.

Regardless of which “set of approval” the person has, everyone receives another thorough screening if they go into any building on the minimum security “grounds” housing or the maximum-security compound of the Edna Mahan facility. This process was demonstrated every time the Monitor came through the entrance gate or went into either the minimum grounds housing units or the maximum compound.

Recommendations re L. Physical Plant ¶ 87:

No recommendation

L. Physical Plant

par. 88 Edna Mahan shall conduct an inventory of all abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound and develop and implement plans to demolish or secure any out of use buildings that pose a threat to institutional security or provide significant opportunities for sexual abuse.

Requirements:

Conduct inventory by February 1, 2022, per NJDOC's Implementation Plan.

Monitor's Measure of Compliance re L. Physical Plant ¶ 88:

- Copy of inventory conducted of all abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound
- Copy of plans to demolish or secure any out of use buildings that pose a threat to institutional security or provide significant opportunities for sexual abuse
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator, or their designees, that addresses procedures, and practices regarding any abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound
- Observations during on-site visits
- Interview with EMCF administrator specific to the inventory of, and implementation plans for, all abandoned, dilapidated, or currently out of use structures

Steps taken by NJDOC and EMCF towards implementation re L. Physical Plant ¶ 88:

2/24/24 Status Report

In October 2023, EMCF "Grounds" relocated approximately 71 incarcerated persons in Full Minimum Status to Building 2 at the EMCF Satellite Unit, which has a capacity for 192. This move led to the shutdown of A Cottage, B Cottage, and Randall Hall at EMCF, leaving behind only a high-security unit and a mixed-use area. A Lieutenant oversees weekly inspections of these now-vacant buildings, documenting each visit. Visual inspections and external checks are carried out on buildings showing structural concerns for any new issues, with armed patrols covering the third shift.

All condemned buildings are securely locked with security tags affixed to the lock and hasp on the entry doors. All condemned buildings have orange construction fence installed around the structures. Similar to other vacant buildings, these additional buildings are locked, secured, and regularly monitored by rover patrol custody staff.

Monitor's Finding of Compliance re L. Physical Plant ¶ 88:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re L. Physical Plant ¶ 88:

On July 10, 2023, Associate Administrator Taquila Rios sent an Interoffice Communication to Administrator EMCF, Ryan O'Dea which says, On Edna Mahan Correctional Facility's 328.35 acres, we currently have 11 buildings that are no longer in use and have been deemed condemned or uninhabitable. We have tasked the Maintenance Department with securing all condemned or uninhabitable structures on the grounds of EMCF. Annual Capital Project Requests have been submitted for the demolition of all condemned or uninhabitable structures. Each of the buildings have been secured to block all access points. Each of these buildings are visually inspected on a daily basis by Roving Patrol units to check for any breach of the building.

Condemned or Uninhabitable Structures:

#2

#3 #4

#5

#6

#7

#9

c:

East Cottage

Fielder

Fielder Trailer

Paddock

Residence #1

Residence #2

Residence #3

Superintendent's Residence #1

Superintendent's Residence #2

Witt Penn

Grounds Barn

The officer assigned will be responsible for writing a report detailing their visual inspection of these buildings. The inspections' purpose is to ensure the ground levels windows and entrances are secured with a lock, padlock and/or plywood. If any entrances or windows are unsecured, note such in their report. Maintenance must be notified of any unsecured entrance or windows so that they can be secured. The decision has now been made that the Edna Mahan facility will be closed, and the people living there will be moved to another facility. Therefore, NJDOC will not invest the number of resources needed to demolish any buildings on the facility's campus.

Recommendations re L. Physical Plant ¶ 88:

No recommendation

L. Physical Plant

par. 89 If Edna Mahan determines that it will continue to utilize the old upholstery warehouse, Edna Mahan shall clear the space of unused equipment, inventory, and other visible barriers that pose safety concerns and create blind spots.

Requirements:

par. 88 Document determination by February 1, 2022

Monitor's Measure of Compliance re L. Physical Plant ¶ 89:

- Written decision sent to the DOJ and Monitor regarding determination to utilize the old upholstery warehouse
- If decision is not to use old upholstery warehouse, copy of plans to demolish or secure the building to ensure institutional security and eliminate any opportunities for sexual abuse
- If decision is to use the old upholstery warehouse, documentation that the building has been cleared of any unused equipment, inventory, and other visible barriers that pose safety concerns and create blind spots
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator, or their designees, that addresses procedures, and practices regarding the old upholstery warehouse
- Observations during on-site visits
- Interview with EMCF administrator specific to utilization of the old upholstery warehouse

Steps taken by NJDOC and EMCF towards implementation L. Physical Plant ¶ 89:

2/24/24 Status Report

The status of the Grounds Sewing/Upholstery Warehouse remains the same, with no current plans for its demolition or repurposing. Enhanced security measures are in place, including 24/7 security and restricted access limited to Lieutenants and Majors. Keys are strictly controlled by Center Control, which logs all key movements to ensure accountability.

Monitor's Finding of Compliance re L. Physical Plant ¶ 89:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re L. Physical Plant ¶ 89:

The Grounds Sewing/Upholstery Warehouse has not been used since 2020. The building is secured at all times. Access to the building is restricted to Lieutenants and Majors via the Key Watcher System. The Key Watcher System maintains a digital record any time an individual removes and returns the key from the system." The Grounds Sewing/Upholstery Warehouse was not used during this past reporting period. Since the decision has been made to close the Edna Mahan facility and move the people living there to another facility, NJDOC will not invest the resources needed to repair any buildings on the facility's campus.

Recommendations re L. Physical Plant ¶ 89:

No recommendation

M. Limited English Proficient (LEP) Prisoners

par. 90 With respect to implementing the terms of this Agreement, NJDOC and Edna Mahan shall ensure that all LEP prisoners at Edna Mahan have access to interpretation and translation services as required by Title VI of the Civil Rights Act.

Monitor's Measure of Compliance re M. Limited English Proficient (LEP) Prisoners ¶ 90:

- NJDOC policy statement SUP.004.001 Limited English Proficient (LEP) Language Assistance
- Level 3 policy requiring that all LEP prisoners at Edna Mahan have access to interpretation and translation services, as required by Title VI of the Civil Rights Act
- Documentation of ALL methods created to provide access for LEP prisoners to interpretation and translation services, as required by Title VI of the Civil Rights Act
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure all prisoners at Edna Mahan have access to interpretation and translation services as required by Title VI of the Civil Rights Act.
- Details of the usage of any LEP prisoners to access interpretation services -records, logs, phone call use, etc.
- Interview with at least two LEP identified prisoners
- Review of any grievances submitted regarding any requirements of the provision
- Interview with Edna Mahan Administrator specific to interpretation and translation services for LEP prisoners
- Interview with Edna Mahan EDNA PREA Compliance Manager specific to interpretation and translation services for LEP prisoners

par. 52 A semi-annual report (beginning on April 5, 2022, for the last quarter of 2021 and first quarter of 2022) from EMCF PREA Compliance Manager to the DOJ and Monitor, identifying the names of prisoners who received the prisoner orientation education in a different format. The report should identify the names of the prisoners and the alternate source of how the information was provided.

Steps taken by NJDOC and EMCF towards implementation re M. Limited English Proficient (LEP) Prisoners ¶ 90:

2/24/24 Status Report

NJDOC takes steps to ensure effective communication with all incarcerated individuals, as mandated by Title VI of the Civil Rights Act of 1964. This includes providing orientation materials in accessible formats to accommodate diverse needs such as limited English proficiency (LEP). Taquila Rios serves as the LEP Coordinator at EMCF.

Interpreter assistance is readily available at EMCF through a phone interpretation service (the Language Line), covering approximately 173 languages, when in-person interpretation is unavailable. Additionally, a certified bilingual staff member, appointed since August 27, 2022, assists with interpretation in Spanish and English, as confirmed by the DOJ. A healthcare provider is also certified as bilingual, confirmed by documentation provided to the Federal Monitor and DOJ.

To improve mammogram accessibility for incarcerated persons with LEP, EMCF now offers pre-test and post-visit consultations through the Language Line. To promptly notify staff and contractors about individuals on the LEP roster requiring interpretation services, an EMCF executive assistant distributes a weekly list to relevant personnel. Stickers indicating LEP status are affixed to incarcerated persons' identification cards for easy recognition.

In October, EMCF Administration sent a memo to healthcare and mental health contract staff, outlining guidelines for interactions with LEP incarcerated persons. It stressed strict adherence to specific protocols to ensure effective communication during medical, mental health, and SUD treatment encounters.

Procedure for Care Encounters with LEP IPs:

- Care providers offer access to the Language Line upon arrival for appointments.
- If the LEP individual declines, refusal is noted, and providers do not attempt interpretation or suggest reclassification.
- Usage or refusal of the Language Line is documented in the care chart and clinic logbook.
- Providers refrain from using Google Translate or unqualified interpreters.
- If multiple providers see the IP during a single visit, the same process is followed by each provider.

Monitor's Finding of Compliance re M. Limited English Proficient (LEP) Prisoners ¶ 90:

Substantial Compliance

Partial Compliance - While acknowledging and appreciating the considerable efforts undertaken by the Edna Mahan Administration staff during the current and previous reporting periods, the Monitor identified four primary areas of concern regarding communication with Limited English Proficiency (LEP) incarcerated individuals at Edna Mahan, leading to the designation of a "partial compliance rating".

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re M. Limited English Proficient (LEP) Prisoners ¶ 90:

NJDOC has several policies specific to Limited English Proficient (LEP) Language Assistance: Use of Language line. Those include: SUP.004.001, Limited English Proficient (LEP) Language Assistance: Use of Language Line (last revised September 10, 2018); PCS.008.LEP.01, Internal Management Procedure, Division of Programs and Community Services, Office of Transitional Services (last revised October 22, 2018); PCS.004.LEP.OSAPAS.01, Office of Substance Abuse Programming & Addiction Services Level I + III, Internal Management Procedures (last revised December 2020); SUP.003.LEP.01, Office Education Services Level I, Internal Management Procedures (last revised October 22 2018); PCS.001.LEP.01 Office of Community Programs And Outreach Services Level I Internal Management Procedures (last revised November 1, 2018). Each of these policies has the following policy statement:

"In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities.

These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical and quasi-legal proceedings. These sources include, but are not limited to, the language line services and appropriate staff.

It is also NJDOC policy to ensure that no inmate is retaliated against for requesting language assistance services or participating in any other conduct protected under Title VI.

Except in emergency circumstances, other inmates shall not be utilized to provide interpretation for LEP inmates with significant matters that include psychological, medical and safety. An exception may be made for trained counsel substitutes in disciplinary proceedings.”

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures #100A, titled, “Limited English Proficiency (LEP) Language Assistance,” states, “[I]n accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC and Edna Mahan Correctional Facility, to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP incarcerated persons, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent incarcerated persons, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications.

The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP incarcerated persons in the areas of programming, safety, medical and quasi-legal proceedings. These sources include, but are not limited to, the Language Line and appropriate staff.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures #SUP.004.001EM, titled, “Limited English Proficiency (LEP) Language Assistance: Bilingual Staff and use of the Language Line,” identifies the procedures for intake, identification and tracking of all LEP incarcerated persons, how to access the Language Line, and the expectation of posters throughout Edna Mahan to notify the prisoner population of the availability of services to assist LEP incarcerated persons.

In the last Monitoring Tool, the Monitor made detailed recommendations regarding the EMCF Level 3 Internal Management Procedure #IMM.002.JPG.001.EM titled, JPay Guidelines. This IMP should be updated when it is next subject to review to reflect what EMCF states are the current practices for translating communications in a language other than English received via JPay. Specifically, EMCF’s stated practice is to have a certified bilingual employee “triage” non-English JPay correspondence to ensure that the message does not contain urgent information. If a certified bilingual employee is not available, the reviewer uses JPay’s in-app translator for Spanish-language communications, or an internet-based translator for other languages. In either scenario, after the “triage”, the email is sent to Linguistica for certified translation, which typically takes approximately 48 hours. If

an urgent issue, like a PREA allegation, is identified via the triage process, EMCF's stated practice is that SID (or the appropriate unit) responds promptly (and typically before the certified translation is returned) and speaks with the LEP IP using the Language Line, as needed.

An additional concern was identified during this past compliance visit in February 2024. According to Ms. Rios, the Edna Mahan LEP Coordinator, Edna Mahan does not require staff to fill out the Interpreter/Document Services Approval Form or send an email if the vendor is used and copy the EMCF Business Manager, EMCF LEP Liaison and EMCF Remedy Coordinator for Tracking purposes. Again, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures #IMM.002.JPG.001.EM titled, JPay Guidelines needs to be updated to ensure the IMP incorporates and documents the changes/requirements Edna Mahan has recently implemented.

It is important to document and acknowledge the incredibly good work that NJDOC and Edna Mahan have done in the last 8 months (two months of the previous reporting period and six months of this reporting period, August 25, 2023 – February 24, 2024).

- Ms. Rios, the Associate Administrator, became the “LEP Liaison” for the facility. This put the focus, importance, and responsibility of this issue at the highest level of the facility.
- Began sending out a weekly list to all Supervisors (including medical and mental health supervisors) of all identified LEP incarcerated persons.
- Put a “green sticker” on the LEP Incarcerated person’s ID tag, identifying them as LEP.
- Put a “green sticker” on the LEP Incarcerated person’s door tag, identifying them as LEP.
- Put a “green sticker” on the LEP Incarcerated person’s “face sheet” in a binder in their housing unit, identifying them as LEP.
- Medical added the fact that an incarcerated person is LEP to the “alerts” section of the person’s electronic medical file.
- Medical developed a policy that, if a patient is identified as a LEP incarcerated person, that patient is automatically offered the language line.
- Continued to provide refresher training for staff on the LEP policy during the monthly supervisors’ meetings, administrators “walk-and-talk with staff, and newsletters sent to all staff.
- Sergeants, Lieutenants, and Majors discussed how to use the telephone interpretation services with their chain-of-command custody staff.
- Re-printed the staff “pocket cards” into a larger size, which gives instructions on how to communicate with persons with LEP, including how to use the language line.
- Edna Mahan continues to use the services of a certified bilingual social worker.
- A healthcare provider became certified as bilingual.
- To improve mammogram accessibility for incarcerated persons with LEP, EMCF now offers pre-test and post-visit consultations through the Language Line.
- EMCF Administration sent a memo to healthcare and mental health contract staff, outlining guidelines for interactions with LEP incarcerated persons. It stressed strict adherence to specific protocols to ensure effective communication during medical, mental health, and SUD treatment encounters. It also included the following procedures for care encounters with LEP IPs:
 - Care providers offer access to the Language Line upon arrival for appointments.
 - If the LEP individual declines, refusal is noted, and providers do not attempt interpretation or suggest reclassification.
 - Usage or refusal of the Language Line is documented in the care chart and clinic logbook.
 - Providers refrain from using Google Translate or unqualified interpreters.

- If multiple providers see the IP during a single visit, the same process is followed by each provider.
- The use of the language line and translation services greatly improved, as evidenced by a 282% increase in interpretation services and 400% increase in translation services between the last reporting period and this most recent one (through January 31, 2024).
- Offered the first Spanish-speaking Cognitive Behavior Program (titled Thinking for a Change) for seven (7) LEP's in the Satellite building.
- Continued to show the Spanish version of the PREA orientation video throughout the "main facility" (although there was no set schedule so the IPs did not know when it would be showing) and began showing the Spanish and subtitle version in the Satellite building.

The Monitor and/or her Associate spoke with custody staff, who were, with limited exception, clear how to use the telephonic interpretive services, so knew that they should contact their supervisor to use this service. Additionally, nearly everyone knew that they were not to provide interpretive services, unless they had been formally assessed as qualified to do so. Most staff were also aware that, if the spoke in the LEP's native language (mostly Spanish), they could give them simple directions or answer simple questions, but not provide them information on any "critical areas;" areas such as discipline, classification, medical, mental health, etc.

The Monitor and/or her Associate spoke with three (3) incarcerated persons who had Limited English Proficiency (LEP) who had come into Edna Mahan during this past reporting period. Ms. Gil translated for the two LEP incarcerated persons whose primary language is Spanish during these meetings. The other person's primary language was Mandarin, and the Monitor used the language line to conduct this interview. All 3 LEP incarcerated persons acknowledged that they had attended the PREA orientation within 30 days of coming into EMCF and that they knew they had the right to be safe from all forms of sexual abuse and sexual harassment. All reported that they know how to report allegations of sexual abuse or sexual harassment and gave examples of how they are able to report such allegations.

When asked how they communicate with staff when they need something, most incarcerated persons with whom we spoke knew that staff who speak Spanish can now talk with them about "little things" such as when they have an appointment, answering their questions about time of activities, and/or giving the LEP incarcerated persons something they requested. One incarcerated person with whom we spoke told us that sometimes they use another Spanish speaking incarcerated person, when no officer speaks Spanish. Another said she has friends that speak Spanish, and she relies on them for help. The IP who speaks Mandarin said that she mostly uses hand and body gestures or her limited English to communicate.

The Monitor wants to recognize and appreciate NJDOC and Edna Mahan for all the work/effort they have put into this area during the last two reporting periods. And yet, there is still work to be done. The areas that are most concerning are as follows:

As noted above, the outdated Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures #IMM.002.JPG.001.EM titled, "JPay Guidelines" needs to be re-written to ensure the IMP incorporates and documents the changes/requirements Edna Mahan has recently implemented.

The Monitor spoke with two LEP incarcerated persons who had had disciplinary charges and hearings during this past reporting period. Neither of their written discipline charges were given to them in their primary language, Spanish. Therefore, neither of the incarcerated individuals received written documentation outlining the rules they were accused of violating or detailing their rights and privileges during the disciplinary hearing, in a manner they

could read and understand. The Monitor was shocked to discover that this is a statewide practice. Additionally, both LEP incarcerated persons stated that the language line was not used during the disciplinary hearing and that, in fact, neither were asked if they wanted to use the language line.

Some staff and incarcerated persons with whom the Monitor spoke said that custody staff were relying on other incarcerated persons to interpret for them. As a primary matter, telephonic language services should always be offered to LEP incarcerated person for any essential communications. An incarcerated person may choose, instead of using telephonic language services, to request to have another individual to interpret for them. However, it is unacceptable for custody staff to solicit or order another incarcerated person to interpret for the Limited English Proficiency (LEP) individual, both because staff should first offer the LEP incarcerated person telephonic or live interpreter language services and because the incarcerated person, not custody staff, should make the decision to have another incarcerated person interpret for them. When an LEP incarcerated person declines language services offered by custody staff and chooses to have another incarcerated person interpret for them, the facility understands that the LEP incarcerated person is acquainted with and trusts the person they choose to interpret for them, despite the risk that the interpretation may not be accurate. Conversely, when staff members enlist someone to interpret, they lack knowledge of the relationship between the individuals involved. There is a potential breach of privacy, as sensitive information may be shared without the LEP person's consent (even something as mundane as "you have an appointment with medical"). Moreover, staff members cannot assess whether the incarcerated person they asked to interpret possesses the necessary skills, motivation, and reliability to interpret accurately. The practice of staff using other incarcerated persons to interpret, without first offering telephonic or live interpreter services to the LEP incarcerated person and except at the explicit or clear request of the LEP incarcerated person, must cease immediately.

Lastly, the Monitor found it disheartening to discover that the majority of programming isn't being provided in languages other than English, which limits accessibility for LEP incarcerated individuals. This concern was raised in the compliance report and bears repeating here. Notably, Group Cognitive Behavior Programming and volunteer programs like Alcoholics Anonymous are exclusively offered in English. Even programs recommended by the Parole Board, lack language assistance services for LEP individuals. During discussions with one LEP individual who attended a recommended training, she admitted to not understanding the content but attended anyway. Moreover, another LEP individual mentioned encountering pre and post-tests administered in English, where achieving the "same or better score" was necessary for class credit. When asked about her approach to taking the test, she revealed that she just selected all "A" answers.

The Monitor observed that certain notices for class registration and appointments with Social Workers were available exclusively in English. This poses challenges for Limited English Proficiency (LEP) individuals who are unable to read or comprehend these notices, making it difficult for them to access these services. While some of the programs discussed above may not be directly covered by the Consent Decree, programs addressing trauma, sexual victimization, and gender identity discrimination unquestionably fall within its scope.

Recommendations re M. Limited English Proficient (LEP) Prisoners ¶ 90:

Edna Mahan should develop and implement Level 3 policies, which incorporate and document the changes/requirements they have recently implemented. (Note: this recommendation was made in the last monitoring tool report)

It is additionally recommended that the practice of custody staff depending on other incarcerated individuals interpreting for them be discontinued, unless explicitly requested by the LEP incarcerated person for such interpretation after staff has offered the LEP incarcerated person telephonic or live interpreter services.

It is recommended that all written documentation outlining the rules allegedly violated by incarcerated persons, as well as detailing their rights and privileges during disciplinary hearings, be provided in a language that Limited English Proficiency (LEP) incarcerated individuals can read and understand.

It is further recommended that telephonic or live interpretation services be available for LEP incarcerated persons during disciplinary proceedings.

Finally, it is recommended that both NJDOC and Edna Mahan ensure that Cognitive Behavior Programming and volunteer programs are offered and conducted in languages other than English.

QUALITY IMPROVEMENT AND DATA COLLECTION

par. 91 Within eighteen (18) months of the Effective Date, NJDOC and Edna Mahan shall develop and implement a quality improvement program, as described in the paragraphs below, to identify and address any trends and deficiencies in Edna Mahan's systems for prevention, detection and response to sexual abuse and sexual harassment at Edna Mahan, and to assess and ensure compliance with the terms of this Agreement.

Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 91:

Edna Mahan Level 3 policy which establishes responsibilities and procedures for a quality improvement program to identify and address any trends and deficiencies in EMCF systems for prevention, detection, and response to sexual abuse and sexual harassment at Edna Mahan, signed by Edna Mahan administrator no later than February 24, 2023.

par. 92

par. 93 Copies of Quality Improvement meeting minutes.

Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 91:

2/24/24 Status Report

EMCF has developed Policy IMP RMS #001 "Quality Improvement and Data Collection," which was shared with the Monitor and DOJ on August 24, 2023. The Quality Improvement Program has been initiated, and participants have been identified. The EMCF quality improvement team comprises the EMCF Administrator, IPCM, Majors, Administrative Lieutenant, Training Lieutenant, Human Resources Manager, and Personnel Assistant. This team convened on February 22, 2024, and refresher briefing on the RMS data requirements outlined in the draft policy and Agreement. While pursuing a formal computer-based tracking system, a manual data collection system is currently employed. A sample of this system was distributed to the members and provided to the Monitor/DOJ. Each department's responsibilities were reviewed, and reporting expectations to the IPCM no less than monthly were discussed. Collaboration among departments will facilitate identification of information and trends. Additionally, the team will conduct quarterly quality assurance reviews. EMCF and NJDOC leadership will address areas for improvement identified through quarterly comparisons.

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 91:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 91:

The date for this paragraph was extended to February 24, 2024. EMCF did share a draft policy IMP RMS #001 "Quality Improvement and Data Collection," with the Monitor and DOJ on August 24, 2023, but, to date, this policy has not been finalized.

On March 14, 2024, the Monitor received minutes from the first Risk Management System and Quality Improvement meeting held on February 22, 2024. The stated purpose of the meeting was to review the Consent Decree requirements of Risk Management System data collection and to overview the quarterly quality assurance review process and goals. Having a meeting and talking about what the team will be doing is not the same thing as actually doing it. The paragraph requires that NJDOC and Edna Mahan develop and implement a quality improvement program. This did not happen during this reporting period.

Recommendations re Quality Improvement and Data Collection ¶ 91:

Edna Mahan should develop and implement a quality improvement program to identify and address any trends and deficiencies in Edna Mahan's systems for prevention, detection and response to sexual abuse and sexual harassment at Edna Mahan.

It is recommended that NJDOC procure a robust, electronic, automated risk management system rather than relying on manual collection of the required data points. An automated system would allow for more efficient and accurate aggregation and analysis of the data.

par. 92 Within twelve (12) months of the Effective Date, Edna Mahan will draft and/or revise any quality improvement policies and procedures, consistent with the process in the Policies and Procedures Section, Section III.A, to identify and address systemic deficiencies, if identified, in Edna Mahan's sexual safety system.

Requirements:

- par. 94 The Edna Mahan RMS data collection shall include:
- a. Number of substantiated prisoner and third-party reports of:
 - i. sexual abuse at Edna Mahan;
 - ii. sexual harassment at Edna Mahan;
 - iii. cross-gender staff presence in the shower and toilet areas of the bathrooms at Edna Mahan;
 - iv. Edna Mahan staff located in areas other than their assigned posts; and
 - v. retaliatory treatment and threats to prisoners or third parties, including disciplinary actions or housing relocation;
 - b. Number and names of Edna Mahan staff who:
 - i. engaged in or allegedly engaged in sexual abuse at Edna Mahan;
 - ii. engaged in or allegedly engaged in sexual harassment at Edna Mahan;
 - iii. allegedly violated the privacy rights of prisoners at Edna Mahan by entering the shower and toilet areas unannounced and without justification;
 - iv. allegedly used sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language on a frequent or repeated basis at Edna Mahan;
 - v. allegedly were located in areas other than their assigned post at Edna Mahan on a frequent or repeated basis;
 - vi. were disciplined for actions at Edna Mahan involving sexual abuse, sexual harassment, use of sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language, or unprofessional staff conduct with prisoners, including terminations, suspensions, and resignations; and
 - vii. resigned while a sexual abuse or sexual harassment allegation, or other investigation, was pending at Edna Mahan;
 - c. Number of forensic medical exams, exams performed by sexual assault forensic examiners, and exams performed by sexual assault nurse examiners;
 - d. Staffing levels, by gender, during different shifts;
 - e. The number of sexual abuse and sexual harassment allegations that occurred on each shift;
 - f. Locations within Edna Mahan where alleged sexual abuse and sexual harassment occurred;
 - g. Number of prisoners who were held in or assigned to involuntary segregation because of a risk of or report of sexual victimization;
 - h. Number and names of pregnant prisoners at Edna Mahan;

- i. Number of cross-gender strip, visual cavity, and pat-down searches;
The number of all grievances related to sexual abuse or sexual harassment, emergency grievances, and number of grievances referred to Edna Mahan's Special Investigations Division for investigation;
- j. Number of times NJDOC or Edna Mahan has determined that an Edna Mahan prisoner was subject to substantial risk of imminent sexual or physical abuse;
- k. Number of administrative investigations initiated regarding allegations of sexual abuse or sexual harassment;
- l. Number of sexual abuse or sexual harassment investigations that involved extensions because a final decision had not been reached within 90 days;
- m. Number of instances when prisoners were used to act as interpreters for other prisoners in connection with sexual abuse or sexual harassment allegations or investigations;
- n. Total number of investigations, total number substantiated, total number unsubstantiated, and total number unfounded complaints of sexual abuse or sexual harassment;
- o. Number of PREA-related allegations involving staff from Edna Mahan referred for criminal investigation and the number of criminal prosecutions;
- p. Number of Edna Mahan staff disciplined for on- or off-duty conduct related to sexual abuse or sexual harassment or is a potential risk factor related to sexual abuse, such as employee misconduct at Edna Mahan related to contraband or undue familiarity, or for off-duty conduct related to domestic violence or drug trafficking;
- q. Number of times a substantiated incident of retaliation occurred involving Edna Mahan staff or prisoners;
- r. NJDOC, Edna Mahan, and staff reports of training attendance, frequency, and completion rates; and
- s. Incidents of self-harm.

Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 92:

- Edna Mahan Level 3 policy which establishes responsibilities and procedures for the collection of data, including a Risk Management System, and its use in a Quality Improvement (QI) system at Edna Mahan in order to improve operations, ensure women prisoners are treated with dignity and respect, and to protect the safety and security of prisoners drafted by August 24, 2022, and signed by Edna Mahan administrator no later than February 24, 2023
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan regarding collection of data, including a Risk Management System, and a Quality Improvement (QI) system at Edna Mahan
- Copies of Quality Improvement meeting minutes

Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 92:

2/24/24 Status Report

EMCF has developed Policy IMP RMS #001 "Quality Improvement and Data Collection," which was shared with the Monitor and DOJ on August 24, 2023. The Quality Improvement Program has been initiated, and participants have been identified. The EMCF quality improvement team comprises the EMCF Administrator, IPCM, Majors, Administrative Lieutenant, Training Lieutenant, Human Resources Manager, and Personnel Assistant.

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 92:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 92:

The date for this paragraph was extended to February 24, 2024. EMCF did share a draft policy IMP RMS #001 "Quality Improvement and Data Collection," with the Monitor and DOJ on August 24, 2023, but, to date, this policy has not been finalized.

Recommendations re Quality Improvement and Data Collection ¶ 92:

Edna Mahan finalize quality improvement policies and procedures to identify and address systemic deficiencies.

- par. 93 NJDOC and Edna Mahan shall develop, implement, and maintain a Risk Management System (“RMS”) that will document and track facility trends at Edna Mahan related to allegations of: (1) sexual abuse; (2) sexual harassment; and (3) retaliation for reporting sexual abuse or sexual harassment.
- a. The RMS shall ensure that trends and incidents involving sexual abuse and sexual harassment are identified and corrected in a timely manner.
 - b. The RMS will collect, consolidate, analyze, track, and otherwise use its data described in this this Section to assist with the prevention of sexual abuse and sexual harassment.

Requirements:

- par 94. The Edna Mahan RMS data collection shall include:
- a. Number of substantiated prisoner and third-party reports of:
 - i. sexual abuse at Edna Mahan;
 - ii. sexual harassment at Edna Mahan;
 - iii. cross-gender staff presence in the shower and toilet areas of the bathrooms at Edna Mahan;
 - iv. Edna Mahan staff located in areas other than their assigned posts; and
 - v. retaliatory treatment and threats to prisoners or third parties, including disciplinary actions or housing relocation;
 - b. Number and names of Edna Mahan staff who:
 - i. engaged in or allegedly engaged in sexual abuse at Edna Mahan;
 - ii. engaged in or allegedly engaged in sexual harassment at Edna Mahan;
 - iii. allegedly violated the privacy rights of prisoners at Edna Mahan by entering the shower and toilet areas unannounced and without justification;
 - iv. allegedly used sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language on a frequent or repeated basis at Edna Mahan;
 - v. allegedly were located in areas other than their assigned post at Edna Mahan on a frequent or repeated basis;
 - vi. were disciplined for actions at Edna Mahan involving sexual abuse, sexual harassment, use of sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language, or unprofessional staff conduct with prisoners, including terminations, suspensions, and resignations; and
 - vii. resigned while a sexual abuse or sexual harassment allegation, or other investigation, was pending at Edna Mahan;
 - c. Number of forensic medical exams, exams performed by sexual assault forensic examiners, and exams performed by sexual assault nurse examiners;
 - d. Staffing levels, by gender, during different shifts;
 - e. The number of sexual abuse and sexual harassment allegations that occurred on each shift;
 - f. Locations within Edna Mahan where alleged sexual abuse and sexual harassment occurred;

- g. Number of prisoners who were held in or assigned to involuntary segregation because of a risk of or report of sexual victimization;
- h. Number and names of pregnant prisoners at Edna Mahan;
- i. Number of cross-gender strip, visual cavity, and pat-down searches;
The number of all grievances related to sexual abuse or sexual harassment, emergency grievances, and number of grievances referred to Edna Mahan's Special Investigations Division for investigation;
- j. Number of times NJDOC or Edna Mahan has determined that an Edna Mahan prisoner was subject to substantial risk of imminent sexual or physical abuse;
- k. Number of administrative investigations initiated regarding allegations of sexual abuse or sexual harassment;
- l. Number of sexual abuse or sexual harassment investigations that involved extensions because a final decision had not been reached within 90 days;
- m. Number of instances when prisoners were used to act as interpreters for other prisoners in connection with sexual abuse or sexual harassment allegations or investigations;
- n. Total number of investigations, total number substantiated, total number unsubstantiated, and total number unfounded complaints of sexual abuse or sexual harassment;
- o. Number of PREA-related allegations involving staff from Edna Mahan referred for criminal investigation and the number of criminal prosecutions;
- p. Number of Edna Mahan staff disciplined for on- or off-duty conduct related to sexual abuse or sexual harassment or is a potential risk factor related to sexual abuse, such as employee misconduct at Edna Mahan related to contraband or undue familiarity, or for off-duty conduct related to domestic violence or drug trafficking;
- q. Number of times a substantiated incident of retaliation occurred involving Edna Mahan staff or prisoners;
- r. NJDOC, Edna Mahan, and staff reports of training attendance, frequency, and completion rates; and
- s. Incidents of self-harm.

Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 93:

- Edna Mahan Level 3 policy which establishes responsibilities and procedures for the collection of data, including a Risk Management System, and its use in a Quality Improvement (QI) system at Edna Mahan in order to improve operations, ensure women prisoners are treated with dignity and respect, and to protect the safety and security of prisoners drafted by August 24, 2022, and signed by Edna Mahan administrator no later than February 24, 2023
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan regarding collection of data, including a Risk Management System, and a Quality Improvement (QI) system at Edna Mahan
- Copies of Quality Improvement meeting minutes

Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 93:

2/24/2024 Status Report

EMCF has developed Policy IMP RMS #001 "Quality Improvement and Data Collection," which was shared with the Monitor and DOJ on August 24, 2023. The Quality Improvement Program has been initiated, and participants have been identified. The EMCF quality improvement team comprises the EMCF Administrator, IPCM, Majors, Administrative Lieutenant, Training Lieutenant, Human Resources Manager, and Personnel Assistant. This team convened on February 22, 2024, and refresher briefing on the RMS data requirements outlined in the draft policy and Agreement. While pursuing a formal computer-based tracking system, a manual data collection system is currently employed. A sample of this system was distributed to the members and provided to the Monitor/DOJ. Each department's responsibilities were reviewed, and reporting expectations to the IPCM no less than monthly were discussed. Collaboration among departments will facilitate identification of information and trends.

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 93:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 93:

The Monitor recognizes that Edna Mahan has tracked facility trends at Edna Mahan related to allegations of: (1) sexual abuse; (2) sexual harassment; and (3) retaliation for reporting sexual abuse or sexual harassment. However, this is different than a Risk Management System (RMS). An RMS is designed to ensure trends and incidents involving sexual abuse and sexual harassment are identified and corrected in a timely manner. This goes deeper than simply tracking numbers. An RMS collects, consolidates, analyzes, tracks, and otherwise use its data to assist with the prevention of sexual abuse and sexual harassment. Collecting data and having one meeting to describe what the team will be doing does not meet all the requirements of this paragraph.

Recommendations re Quality Improvement and Data Collection ¶ 93:

NJDOC and Edna Mahan develop, implement, and maintain a Risk management System that documents and tracks facility trends at Edna Mahan related to allegations of sexual abuse, sexual harassment, and retaliation for reporting such incidents.

- ¶ 95. Edna Mahan shall aggregate the data collected on a quarterly basis and review data aggregated in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training, including by:
- a. Identifying potential patterns, changes, and problem areas (including for individual officers; for individual prisoners; and for housing units); to include problems in Edna Mahan's staffing levels, policies, practices, staff discipline system, and staff and prisoner training/education that might have contributed to those patterns if such patterns reflect increased sexual abuse and sexual harassment, decreased sexual abuse and sexual harassment detection, or inadequate responses to sexual abuse and sexual harassment;
 - b. Identifying staff or supervisors in need of retraining, performance plans, and discipline, while considering the employee's general responsibilities and specific assignment;
 - c. Developing intervention options, as appropriate, to facilitate an effective response to identified problems;
 - d. Taking corrective action on an ongoing basis; and
 - e. Preparing semi-annual reports of its findings and corrective actions, including a comparison to the findings in previous reports to assess progress.

Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 95:

- Quarterly copies of the aggregated data beginning January 5, 2023, for the second quarter of the year, 2023
- Corrective action plans developed as a result of data review/QI meetings, beginning June 2023
- Copies of semi-annual reports beginning 2023

Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 95:

2/24/24 Status Report

EMCF has developed Policy IMP RMS #001 "Quality Improvement and Data Collection," which was shared with the Monitor and DOJ on August 24, 2023. The Quality Improvement Program has been initiated, and participants have been identified. The EMCF quality improvement team comprises the EMCF Administrator, IPCM, Majors, Administrative Lieutenant, Training Lieutenant, Human Resources Manager, and Personnel Assistant. This team convened on February 22, 2024, and refresher briefing on the RMS data requirements outlined in the draft policy and Agreement. While pursuing a formal computer-based tracking system, a manual data collection system is currently employed. A sample of this system was distributed to the members and provided to the Monitor/DOJ. Each department's responsibilities were reviewed, and reporting expectations to the IPCM no less than monthly were discussed. Collaboration among departments will facilitate identification of information and trends. Additionally, the team will conduct quarterly quality assurance reviews. EMCF and NJDOC leadership will address areas for improvement identified through quarterly comparisons.

Quarterly reviews will be conducted within 30 days of the close of each quarter. Aggregated data will be provided to the Monitor and Department of Justice within 30 days of each quarterly review.

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 95:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until August 24, 2024

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 95:

The first quarterly report was not yet due at the close of the reporting period.

Recommendations re Quality Improvement and Data Collection ¶ 95:

Edna Mahan aggregates the data collected on a quarterly basis and review data aggregated in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training.

- par. 96 The RMS will rely on the data analysis described above. All appropriate supervisors and investigative staff shall have access to this data described above.
- a. Edna Mahan’s Administrator shall use information from the RMS to improve quality management practices, identify patterns and trends, and take necessary corrective action both on an individual and systemic level.
 - b. Supervisors assigned to Edna Mahan will assure that remedial activities are completed, as well as report if the intervention was effective in changing behaviors.
 - c. The executive staff member responsible for women’s facilities, or designee, will manage the RMS and will conduct quarterly audits of the RMS to ensure that analysis and intervention are working effectively, and to identify potential patterns or trends resulting in harm to prisoners.

Monitor’s Measure of Compliance re Quality Improvement and Data Collection ¶ 96:

par. 92

- par. 93 Edna Mahan Level 3 policy which establishes responsibilities and procedures for the collection of data, including a Risk Management System, and its use in a Quality Improvement (QI) system at Edna Mahan in order to improve operations, ensure women prisoners are treated with dignity and respect, and to protect the safety and security of prisoners drafted by August 24, 2022, and signed by Edna Mahan administrator no later than February 24, 2023
- a. Corrective action plans developed by Edna Mahan’s Administrator, both on an individual and systemic level, beginning June 2023
Interview with Edna Mahan Administrator
 - b. Copies of documentation from supervisors verifying that the identified remedial activities were completed beginning June 2023.
Copies of documentation from supervisors verifying that the identified remedial activities were effective in changing staff behaviors beginning June 2023
Interviews with at least three Edna Mahan Supervisors during on-site visits
 - c. Quarterly copies of the audits of the RMS conducted by the Assistant Commissioner for Women’s Services beginning July 5, 2023, for the second quarter (Q2) of the year, 2023
Interviews with Assistant Commissioner for Women’s Services

Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 96:

2/24/24 Status Report

EMCF has developed Policy IMP RMS #001 "Quality Improvement and Data Collection," which was shared with the Monitor and DOJ on August 24, 2023. The Quality Improvement Program has been initiated, and participants have been identified. The EMCF quality improvement team comprises the EMCF Administrator, IPCM, Majors, Administrative Lieutenant, Training Lieutenant, Human Resources Manager, and Personnel Assistant. This team convened on February 22, 2024, and refresher briefing on the RMS data requirements outlined in the draft policy and Agreement. While pursuing a formal computer-based tracking system, a manual data collection system is currently employed. Data analysis will be distributed to appropriate supervisors and investigative staff.

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 96:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until August 24, 2024

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 96:

Supervisors and staff have not yet had the opportunity to use the RMS as described in Paragraph 96.

Recommendations re Quality Improvement and Data Collection ¶ 96:

That Edna Mahan and NJDOC take the actions required in paragraph 96 by August 24, 2024.

par. 97 NJDOC and Edna Mahan will provide to the Monitor and DOJ on a semi-annual basis a list of all staff members identified through the RMS, and any corrective action, if taken. On an annual basis, NJDOC and Edna Mahan shall conduct a documented review of the RMS to ensure that it has been effective in identifying concerns regarding policy, training, or the need for discipline. NJDOC and Edna Mahan will document their review and conclusions and provide them to the Monitor and DOJ.

Requirements:

The fact that a staff member is identified through the RMS does not necessarily mean that corrective action should be taken.

Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 97:

- A list of staff members identified through the RMS, and the corrective action taken (if any) provided semi-annually, beginning July 2023
- A copy of the annual documented review of the Risk Management System provided to the DOJ and Monitor, beginning in the year 2024

Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 97:

2/24/24 Status Report

The Quality Improvement Program has been initiated, and participants have been identified. The EMCF quality improvement team comprises the EMCF Administrator, IPCM, Majors, Administrative Lieutenant, Training Lieutenant, Human Resources Manager, and Personnel Assistant. This team convened on February 22, 2024, and refresher briefing on the RMS data requirements outlined in the draft policy and Agreement. While pursuing a formal computer-based tracking system, a manual data collection system is currently employed. A sample of this system was distributed to the members and provided to the Monitor/DOJ. Each department's responsibilities were reviewed, and reporting expectations to the IPCM no less than monthly were discussed. Collaboration among departments will facilitate identification of information and trends.

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 97:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until August 24, 2024

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 97:

The paragraph requires that NJDOC and Edna Mahan provide to the Monitor and DOJ on a semi-annual basis a list of all staff members identified through the RMS, and any corrective action, if taken. As noted in the above paragraphs, the RMS system has not been implemented yet. Thus, there is no ability for NJDOC or EMCF to provide such a list on a semi-basis. This date for this list has been extended until August 24, 2024. And, on August 24, 2025,

NJDOC and Edna Mahan shall conduct a documented review of the RMS to ensure that it has been effective in identifying concerns regarding policy, training, or the need for discipline.

Recommendations re Quality Improvement and Data Collection ¶ 97:

On August 24, 2024, NJDOC and Edna Mahan provide to the Monitor and DOJ on a semi-annual basis a list of all staff members identified through the RMS, and any corrective action, if taken. Additionally, on August 24, 2025, NJDOC and Edna Mahan shall conduct a documented review of the RMS to ensure that it has been effective in identifying concerns regarding policy, training, or the need for discipline.

- par. 98 If either the aggregated data referenced in Paragraph 95 indicates in three consecutive RMS reports a consistent failure to improve protection of prisoners from sexual abuse and sexual harassment by staff, or if there are increases in any of the following:
- a. cases of staff-on-prisoner sexual abuse that are not unfounded;
 - b. cases of staff-on prisoner sexual harassment that are not unfounded;
 - c. cases of staff discipline for sexual abuse, sexual harassment, or staff use of sexually explicit, profane, vulgar, degrading, or racially insensitive offensive language directed at a prisoner; NJDOC and Edna Mahan shall make modifications to Edna Mahan's policies, procedures and/or practices to address the increase within 60 days of the third consecutive report.

Nothing in this section prevents NJDOC and Edna Mahan from making modifications sooner than this or as data and/or incidents indicate a need for adjustment.

Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 98:

- Revised policies, procedures, and/or practices as a result of the Risk Management System identifying a consistent failure to improve protection of prisoners from sexual abuse or sexual harassment by staff
- Interview with Edna Mahan Administrator
- Interview with at least two members of the Quality Improvement meetings (other than the Edna Mahan Administrator)

par. 95 Quarterly copies of the aggregated data beginning July 5, 2023, for the previous quarter of the year 2023 (Q2)

Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 98:

2/24/24 Status Report

EMCF has developed Policy IMP RMS #001 "Quality Improvement and Data Collection," which was shared with the Monitor and DOJ on August 24, 2023. The Quality Improvement Program has been initiated, and participants have been identified. The EMCF quality improvement team comprises the EMCF Administrator, IPCM, Majors, Administrative Lieutenant, Training Lieutenant, Human Resources Manager, and Personnel Assistant. This team convened on February 22, 2024, and refresher briefing on the RMS data requirements outlined in the draft policy and Agreement. While pursuing a formal computer-based tracking system, a manual data collection system is currently employed. A sample of this system was distributed to the members and provided to the Monitor/DOJ. Each department's responsibilities were reviewed, and reporting expectations to the IPCM no less than monthly were discussed. Collaboration among departments will facilitate identification of information and trends.

Additionally, the team will conduct quarterly quality assurance reviews. EMCF and NJDOC leadership will address areas for improvement identified through quarterly comparisons.

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 98:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until February 24, 2025

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 98:

As noted in the above paragraphs, NJDOC and Edna Mahan did not develop and implement a Risk Management System. Thus, they are not able to provide three consecutive RMS reports until February 2025.

Recommendations re Quality Improvement and Data Collection ¶ 98:

In February 2025, NJDOC and Edna Mahan make modifications to Edna Mahan's policies, procedures and/or practices to address the increase of any of the following within 60 days of the third consecutive report.

- a. cases of staff-on-prisoner sexual abuse that are not unfounded;
- b. cases of staff-on prisoner sexual harassment that are not unfounded;
- c. cases of staff discipline for sexual abuse, sexual harassment, or staff use of sexually explicit, profane, vulgar, degrading, or racially insensitive offensive language directed at a prisoner;

par. 99 Within 30 days of the Effective Date, NJDOC will designate an Agreement Coordinator to coordinate compliance with this Agreement and to serve as a point of contact for DOJ and the Monitor.

Monitor's Measure of Compliance re Implementation ¶ 99:

- Job Description for the person who serves as the Agreement Coordinator designating that position as the point of contact for the DOJ and Monitor
- Notification to the DOJ and Monitor of the name of the person/position in the above position no later than September 24, 2021

Steps taken by NJDOC and EMCF towards implementation (Agreement Coordinator) ¶ 99:

2/24/24 Status Report

The requirements of this paragraph have been satisfied.

Monitor's Finding of Compliance re Implementation ¶ 99:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re Implementation ¶ 99:

This paragraph was satisfied on September 15, 2021, during the first reporting period.

Recommendations re Implementation ¶ 99:

No recommendation

V. IMPLEMENTATION

- par. 100 NJDOC and Edna Mahan will create an Implementation Plan that describes the actions NJDOC and Edna Mahan will take to fulfill the obligations under this Agreement. Implementation of this Agreement will be completed in phases as outlined in the Agreement and the Implementation Plan.
- par. 101 Within 30 days of the Effective Date, Edna Mahan will provide the first Implementation Plan to DOJ and the Monitor. In its Implementation Plan, Edna Mahan will develop a specific schedule and deadlines for the upcoming year and a general schedule for successive years. In its Implementation Plan, Edna Mahan will develop a specific schedule and deadlines for the first twelve months, in which Edna Mahan will:
- (a) draft or revise policies and procedures;
 - (b) complete a staffing plan,
 - (c) develop and deliver training to Edna Mahan staff and providers concerning the provisions of this Agreement and Edna Mahan's commitment to fulfilling its obligations under the Constitution;
 - (d) develop and implement an RMS; and
 - (e) develop and implement monthly quality improvement mechanisms to report on aggregate relevant data to prevent or minimize harm to prisoners from sexual abuse.

Requirements:

- par. 102 DOJ and the Monitor will provide comments regarding the Implementation Plan (and any revisions to the Implementation Plan) within 30 days of receipt. Edna Mahan will timely revise its Implementation Plan to address comments from DOJ and the Monitor; the Parties and the Monitor will meet and consult, as necessary.
- par. 103 As needed, Edna Mahan, in conjunction with DOJ and the Monitor, will supplement or revise the Implementation Plan to focus on and provide additional detail regarding implementation activities. Edna Mahan will address in its updated Implementation Plans any areas of non-compliance or other recommendations identified by the Monitor in his or her report.

Monitor's Measure of Compliance re Implementation ¶ 100 & ¶ 101

Implementation plan submitted to DOJ and Monitor no later than 9-24-21.

Steps taken by NJDOC and EMCF towards implementation re Implementation ¶ 100 & ¶ 101:

2/24/24 Status Report

The requirements of this paragraph have been satisfied. As time progresses, revisions to the implementation plan may be submitted for consideration.

Monitor's Finding of Compliance re Implementation ¶ 100 & ¶ 101:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re Implementation ¶ 100 & ¶ 101:

These two paragraphs were satisfied on January 13, 2022, during the first reporting period.

Recommendations re Implementation ¶ 100 & ¶ 101:

Continue to follow the implementation plan and completion dates identified, or adjust completion dates, as needed.

VI. NJDOC AND EDNA MAHAN'S REPORTING REQUIREMENTS

par. 104 NJDOC and Edna Mahan shall provide to the Monitor and DOJ a semi-annual Status Report until the Agreement is terminated, the first of which shall be submitted within six months of the Effective Date.

Requirements:

par. 105 Each Status Report shall describe the actions NJDOC and Edna Mahan have taken during the reporting period to implement this Agreement and shall make specific reference to the Agreement provisions being implemented. The report shall also summarize audits and quality improvement activities and contain findings and recommendations that would be used to track and trend data compiled at Edna Mahan.

par. 106 NJDOC and Edna Mahan shall maintain sufficient records to document that the requirements of this Agreement are being properly implemented and shall make such records available to DOJ at all reasonable times for inspection and copying. In addition, NJDOC and Edna Mahan shall maintain and submit upon request records or other documents to verify that they have taken such actions as described in their Status Reports (e.g., census summaries, policies, procedures, protocols, training materials and incident reports) and will also provide to DOJ all documents reasonably requested by DOJ.

Monitor's Measure of Compliance re NJDOC and EMCF Reporting Requirements ¶ 104:

par. 104 Status Report submitted to the DOJ and Monitor on, or before, the following dates:

- February 24, 2022
- August 24, 2022
- February 24, 2023
- August 24, 2023
- February 24, 2024
- August 24, 2024
- And other dates, as needed, until the Agreement is terminated.

Steps taken by NJDOC and EMCF towards implementation NJDOC and EMCF Reporting Requirements ¶ 104:

2/24/24 Status Report

NJDOC provided its third status report to DOJ and the Monitor on February 26, 2024 (because February 24 fell on a weekend day)

Monitor's Finding of Compliance re NJDOC and EMCF Reporting Requirements ¶ 104:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re NJDOC and EMCF Reporting Requirements ¶ 104:

On February 26, 2024, the Monitor and DOJ received a Status Report from NJDOC. Part of the status report described the actions NJDOC and Edna Mahan have taken during the reporting period to implement the Settlement Agreement. The descriptions, which referenced the Agreement paragraphs being implemented, are included in this monitoring report in the area titled, "NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation. Additionally, the Status Report also summarized activities NJDOC and Edna Mahan have taken to improve conditions (including, but not limited to sexual safety) at the facility.

Recommendations re NJDOC and EMCF Reporting Requirements ¶ 104:

No recommendation

par. 109 Within 72 hours of an incident or report, NJDOC shall notify DOJ upon any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse. With this notification, NJDOC and Edna Mahan shall forward to DOJ any related incident reports and medical and/or mental health reports and investigations as they become available.

Monitor's Measure of Compliance re DOJ's Right of Access ¶ 109:

Notices of all incidents or allegations of sexual abuse or retaliation submitted to the Monitor and DOJ within 72 hours of the incident or report. Notices should include, but not be limited to:

- Name of person making report
- Name of alleged victim
- Name of staff involved in allegation
- Incident number
- Date of incident
- Date of notification
- Status of housing assignment for prisoner
- Restrictions of assignments for staff (if any)
- Any other preliminary reports/information available

Steps taken by NJDOC and EMCF towards implementation DOJ's Right of Access ¶ 109:

2/24/24 Status Report

In the current reporting period, a total of 17 allegations pertaining to this section have either been investigated by SID or are currently under investigation. Among these 17 cases, eight cases have been officially closed, four are awaiting administrative review, and five are currently undergoing review by the respective County Prosecutor's Office. Among the cases that have been closed, four were determined to be unfounded, two cases were substantiated and two were unsubstantiated.

Monitor's Finding of Compliance re DOJ's Right of Access ¶ 109:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re DOJ's Right of Access ¶ 109:

Since August 24, 2021, with rare exception, NJDOC has notified DOJ and the Monitor any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 72 hours. At a minimum, the notices have included:

- The name of person making report
- The name of alleged victim
- The name of staff involved in allegation
- The incident number
- The date of incident
- The date of notification to Edna Mahan and NJDOC
- The status of housing assignment for the alleged victim
- Restrictions of assignments for staff (if any)
- Any other preliminary reports/information available

NJDOC has also forwarded to DOJ and the Monitor any related incident reports and medical and/or mental health reports and completed investigations as they become available. Additionally, NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents, as well as the information noted above. NJDOC, DOJ, and the Monitor continue to meet monthly to review this spreadsheet and discuss any noteworthy cases.

Recommendations re DOJ's Right of Access ¶ 109:

Continue to notify DOJ and the Monitor within 72 hours of an incident or report of allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse. Additionally continue to forward to DOJ and the Monitor any related incident reports and medical and/or mental health reports and investigations as they become available.

par. 110 NJDOC shall provide to the Monitor and to DOJ copies of or applicable portions of any formal reports or recommendations from the Office of the Corrections Ombudsperson or the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct concerning efforts to establish or revise Edna Mahan or statewide policies and procedures, including reporting and data collections systems, related to sexual abuse or sexual harassment of prisoners.

Requirements:

This paragraph does not include ordinary course referrals and related documentation

par. 107 DOJ and its attorneys, consultants, and agents shall have access to Edna Mahan, Edna Mahan prisoners, NJDOC and Edna Mahan staff and documents as is reasonably necessary to evaluate compliance with this Agreement. DOJ will provide written notice prior to any site visits. DOJ may participate in any compliance visits by the Monitor.

par. 108 Access is not intended, and will not be construed, as a waiver, in litigation with third parties of any applicable statutory or common law privilege associated with information disclosed to DOJ under this Agreement.

Monitor's Measure of Compliance re DOJ's Right of Access ¶ 110:

- Copies provided to the Monitor and DOJ of applicable portions of any formal reports or recommendations from the Office of the Corrections Ombudsperson concerning efforts to establish or revise Edna Mahan or statewide policies or procedures, related to sexual abuse or sexual harassment of prisoners.
- Copies provided to the Monitor and DOJ of applicable portions of any formal reports or recommendations from the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct concerning efforts to establish or revise Edna Mahan or statewide policies or procedures, related to sexual abuse or sexual harassment of prisoners.
- Interviews with staff from the Office of the Corrections Ombudsperson
- Interviews with members of the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct
- Meeting minutes from the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct, as available

Steps taken by NJDOC and EMCF towards implementation DOJ's Right of Access ¶ 110:

2/24/24 Status Report

The 2023 Annual Report and the Out-of-cell time in Restorative Housing Units Special Report from the Office of the Correctional Ombudsperson was shared with both the DOJ and Federal Monitor. No reports from the Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct have been released thus far. NJDOC will ensure the delivery of all reports to the DOJ and Federal Monitor as soon as they become accessible.

Monitor's Finding of Compliance re DOJ's Right of Access ¶ 110:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until the Corrections Ombudsperson's Office makes any recommendations related to sexual abuse or sexual harassment of incarcerated persons.

N/A monitor granted an extension until [date]

Monitor's Discussion re DOJ's Right of Access ¶ 110:

On November 1, 2023, the Office of the Corrections Ombudsperson completed its 2023 Annual Report. There were no recommendations in this report specific to sexual abuse or sexual harassment of incarcerated persons. However, the following paragraph was included on page 10 of the report: "Edna Mahan Correctional Facility First and foremost, the Department of Corrections has invested significant resources into policy and culture change at Edna Mahan Correctional Facility, the state's only women's prison. In response to litigation, in-depth reporting, and public concern over violence, victimization, and lack of oversight at the women's prison, the Department has instituted staff training in trauma-informed care, developed a Special Victim's Unit to investigate allegations of sexual harassment and abuse, activated and appointed members to a citizen oversight board, enhanced programming, and taken other significant steps to normalize staff interactions with the incarcerated population and to empower the population to come forward with concerns. Facility leaders have expressed a commitment to transparency and creating safety through respectful communication and attention to the needs of the population, offering a blueprint for enhancing safety throughout the state prison system."

It is heartening to see such positive comments made about EMCF and these comments certainly demonstrate how much progress NJDOC and Edna Mahan has made in the past two years.

On February 23, 2024, the Monitor spoke with Corrections Ombudsperson Terry Schuster. He stated that the only inspection reports written by the Ombudsperson Office during this reporting period was a Special Report titled, "Out-of-Cell Time in Restorative Housing," dated October 10, 2023.

In June 2021, bill AJR234 was introduced to make the "Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct" permanent. The bill stalled at the Assembly Judiciary Committee and is now listed as failed effective January 11, 2022. Therefore, as of February 24, 2022, there is no longer a "Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct."

In June 2021, bill AJR234 was introduced to make the "Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct" permanent. The bill stalled at the Assembly Judiciary Committee and is now listed as failed effective January 11, 2022. Therefore, as of February 24, 2022, there is no longer a "Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct."

Recommendations re DOJ's Right of Access ¶ 110:

Provide a copy to the Monitor and DOJ whenever Corrections Ombudsperson writes a formal report, or makes any recommendations related to sexual abuse or sexual harassment of incarcerated persons.

par. 111 Within ninety days of the Effective Date and for the duration of the Agreement, NJDOC will engage the Edna Mahan Board of Trustees to identify goals, concerns, and recommendations regarding implementation of this Agreement. NJDOC shall conduct periodic, but at least semi-annual, public meetings. Additionally, NJDOC and Edna Mahan shall conduct periodic, but at least semi-annual, meetings with available Edna Mahan staff to gather feedback from staff on events, accomplishments, and setbacks during the previous period.

Requirements:

Public meetings with stakeholders should include former Edna Mahan prisoners, prisoner advocates, and family members of current Edna Mahan prisoners.

The meetings shall serve to provide stakeholders and the public with an update on events, accomplishments, and setbacks during the previous period, and to respond to stakeholders' questions and requests for information related to Edna Mahan. Stakeholders will also be afforded the opportunity to ask questions and make proposals.

Nothing in this Paragraph is intended to create any enforcement rights or standing other than those of the Parties under this Agreement.

par. 107 DOJ and its attorneys, consultants, and agents shall have access to Edna Mahan, Edna Mahan prisoners, NJDOC and Edna Mahan staff and documents as is reasonably necessary to evaluate compliance with this Agreement. DOJ will provide written notice prior to any site visits. DOJ may participate in any compliance visits by the Monitor.

par. 108 Access is not intended, and will not be construed, as a waiver, in litigation with third parties of any applicable statutory or common law privilege associated with information disclosed to DOJ under this Agreement.

Monitor's Measure of Compliance re DOJ's Right of Access ¶ 111:

- Agendas for Edna Mahan Board of Trustees meetings
- Minutes from Edna Mahan Board of Trustees meetings
- Notification to the Monitor and DOJ of appointments of new Edna Mahan Board of Trustees members
- Dates and agendas of Public Stakeholder meetings, to include, but not be limited to the following agenda items:
 - a. Updates on events, accomplishments, and setbacks
 - b. Opportunity for questions and answers
 - c. Opportunity for requests for information
 - d. Opportunity for stakeholders to make proposals
- Minutes from Public Stakeholder meetings, to include names of all attendees and summary of meeting
- Dates and agendas of meetings with Edna Mahan staff, to include, but not be limited to the following agenda item:

- a. Gather feedback on events, accomplishments, and setbacks
- Minutes from meetings with Edna Mahan staff, to include names of all attendees and summary of meeting
- Interviews with Edna Mahan Board of Trustees members
- Interviews with Stakeholders
- Interviews/Focus Groups with Edna Mahan staff during on-site visits

Steps taken by NJDOC and EMCF towards implementation DOJ's Right of Access ¶ 111:

2/24/24 Status Report

During this reporting period, Ms. Cassandra "Cass" Severe was appointed to the Board of Trustees by the Governor on 9/22/23.

Cass Severe, BSW is a mother, student, survivor, activist, change agent living and formerly incarcerated social worker serving the Newark, NJ community. Cass has a long history of supporting men, women, children and families through social work and case management services. Cass knows firsthand the pain people face after traumatic life experiences and how those experiences can impact the decision-making process. Therefore, she has made it her mission and passion to incorporate healing in her community work while leveraging a special focus supporting community women returning home from incarceration. Cass is the Founder of Meet Her at the Gate which is an unprecedented female reentry program serving Essex, Hudson, Passaic, and Union Counties. This program leverages a wraparound support model using case management, peer to peer mentoring for emotional support and an alumni sisterhood both during and after incarceration. The program got its name because on the day of participants' release, staff meet women literally at the prison gate with curated care packages and a welcoming smile.

We hope to have the remaining 2 vacancies filled within the next reporting period. The remaining members continue to be active. Copies of minutes have been submitted to the Monitor and DOJ.

NJDOC will host the fourth EMCF Public Meeting on March 1, 2024, at 10:30am. The meeting will be virtual, but presenters will be meeting at the NJDOC Harris Auditorium in Trenton, NJ. We anticipate that Monitor Jane Parnell will agree to facilitate the event, which will be approximately 90 minutes in length, with 30 minutes dedicated to providing participants with the opportunity to ask questions or submit recommendations and proposals. The public meeting information and registration will be put on the NJDOC website and open to all who wish to attend. NJDOC is also inviting specific stakeholders that fall into the categories of: advocates, persons with lived experience, and families of persons with lived experience, per Paragraph 111. The tentative meeting schedule and agenda will be provided to the Monitor and DOJ.

Monitor's Finding of Compliance re DOJ's Right of Access ¶ 111:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re DOJ's Right of Access ¶ 111:

NJDOC has held meetings with the Board of Trustees (BOT), whenever the BOT requested such, during this reporting period. The Monitor spoke with four members of the Edna Mahan Board of Trustees (BOT). Everyone is very pleased with the progress and functioning of the BOT. The members report that they believe they have a very open relationship with Commissioner Kuhn and Assistant Commissioner Tome and that they receive regular informational updates. They are also very happy with the relationship with Administrator O'Dea. The Board members say that Administrator O'Dea is very responsive to their requests and is prompt in his follow-up.

On September 22, 2023, NJDOC held its fourth public meeting with stakeholders. Over 90 people attended this virtual meeting. The attendees included, but was not limited to, advocates, family/friends of incarcerated persons legislators, staff, contractors, and Board of Trustee members. The agenda of this meeting included an update on events, accomplishments, and setbacks at Edna Mahan and NJDOC, a question-and-answer period, and an opportunity for stakeholders to make suggestions/proposals. The fourth stakeholders meeting was held on March 1, 2024, outside this reporting period. Over 130 people attended this virtual meeting.

A Staff Advisory meeting was held on February 12, 2024. Administrator O'Dea met with the nine (9) staff present. Administrator O'Dea opened the session by asking staff what they felt were the biggest setbacks/challenges the facility faces. He also asked them about any accomplishments/improvements noted. He also provided information about the proposed facility, the designated site, and the timeline.

Recommendations re DOJ's Right of Access ¶ 111:

Continue to conduct monthly Board of Trustees meetings.

Continue to hold semi-annual public meetings with stakeholders.

Continue to conduct semi-annual meetings with available Edna Mahan staff to gather feedback from staff on events, accomplishments, and setbacks.