



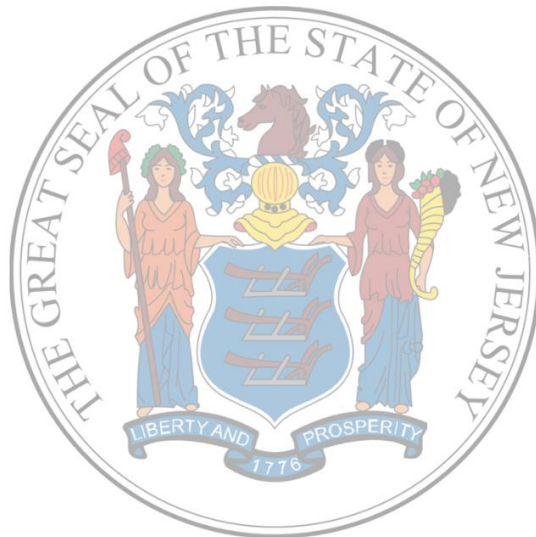
STATE OF NEW JERSEY  
DEPARTMENT OF CORRECTIONS

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NOVEMBER 2024

# Northern State Prison

## Restorative Housing Unit Report



## Introduction and Background

The New Jersey Department of Corrections (NJDOC or the Department) provides this report in response to the Office of the Corrections Ombudsperson's (OCO) report regarding the Northern State Prison (NSP) Restorative Housing Unit, published on October 9, 2024.

In 2019, New Jersey enacted P.L. 2019, c.160, which restricted the use of isolated confinement in correctional facilities. Under the new law, isolated confinement was defined as the confinement "of an inmate in a correctional facility, pursuant to disciplinary, administrative, protective, investigative, medical, or other classification, in a cell or similarly confined holding or living space, alone or with other inmates, for approximately 20 hours or more per day in a State correctional facility or 22 hours or more per day in a county correctional facility, with severely restricted activity, movement, and social interaction. Isolated confinement shall not include confinement due to a facility-wide or unit-wide lockdown that is required to ensure the safety of inmates and staff."

The Restorative Housing Unit (RHU) is a close custody unit that does not meet the definition of "isolated confinement" as set forth in the law. The RHU is utilized to remove an incarcerated person from the general population of the correctional facility due to one or more disciplinary infractions. Incarcerated persons in Restorative Housing shall not have their activity, movement, and social interaction severely restricted, and schedules in the RHU allow for 4 hours or greater of out-of-cell time. Individuals housed in the RHU do not have their out-of-cell activity limited as a disciplinary action. However, due to their underlying behavior, which resulted in a safety and security concern and subsequent placement in the RHU, and oftentimes continued dangerous behavior in the RHU, they require increased staff supervision when moving outside their cell.

The New Jersey Department of Corrections has nine facilities and approximately 12,700 incarcerated persons. On average, 93% of incarcerated persons are housed in the general population, with no disciplinary issues and access to more than four hours of out-of-cell time (OCT) to participate in programming, education, work opportunities, recreation, visitation, medical, mental health and substance use treatment, among a variety of other services. On average, approximately 700 incarcerated persons are housed in a Restorative Housing Unit (RHU) serving a disciplinary sanction for a more serious disciplinary charge, such as assault on a staff person or other incarcerated person, arson, gang activity, or possession of a weapon.<sup>1</sup> Of the total RHU population, approximately 416 persons are housed within the Northern State Prison RHU. Notably, those housed in the RHU are also provided a minimum of four hours of OCT to participate in programming, recreation, visits, medical, mental health, and substance abuse treatment, among other opportunities, if they so choose.<sup>2</sup> However, as provided herein, the RHU houses those who have engaged in serious infractions, and that maladaptive behavior, unfortunately, tends to continue within the RHU. As such, in spite of best efforts to provide pro-social programming and incentives for good behavior, such continuing maladaptive, assaultive, and destructive behavior by some of those

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<sup>1</sup> As of September 1, 2024, 681 individuals were serving a sanction in RHU's throughout all nine facilities, with 62% serving a sanction for a violent offense including assault, possession of a weapon, fighting, and staff member assault.

<sup>2</sup> Pursuant to N.J.S.A. 30:4-82.7, isolated confinement is defined as: confinement of an incarcerated person in a correctional facility, pursuant to a disciplinary, administrative, protective, investigative, medical, or other classification, in a cell or similarly confined holding or living space, alone or with other incarcerated persons, for approximately 20 hours or more per day in a State correctional facility . . . , with severely restricted activity, movement, and social interaction . . .

housed in the RHU has an impact on the OCT for others in the unit. Specific examples and data follow. Nevertheless, the New Jersey Department of Corrections continues to engage national resources, mental health clinicians, the Office of the Corrections Ombudsperson, and others in discussions and efforts to address the behavioral issues that impact OCT, and potential infrastructure needs that could assist with limiting the impact of the maladaptive behavior on the OCT of other people housed in the RHU.

Northern State Prison is situated on 43 acres of land on Frontage Road along Interstate 78 in the City of Newark. NSP was opened in 1987 and houses a diverse population of incarcerated persons classified as General Population, Special Needs, Closed Custody Unit (incarcerated persons who have incurred serious disciplinary charges), and In-Patient Mental Health Units. The Close Custody Unit (CCU), previously referred to as the Administrative Close Supervision Unit (ACSU), was constructed in the late 1980s and consists of four buildings designed to house various Close Custody statuses, which includes Pre-hearing Disciplinary Housing, Emergency Confinement, Pre-hearing Protective Custody, Management Control Unit, Adjustment Unit, and Restorative Housing Unit (RHU), with the largest proportion of the population assigned to the RHU for incarcerated persons (IPs). The CCU, including the RHU, is comprised of one building with two three-level housing wings. Each wing contains 81 cells distributed among the three levels; each level has 27 cells, and each cell has a sliding cell door (Figure 1 – Example of housing units at Northern State Prison). The RHU is a housing unit designated for those IPs who have been found guilty after a hearing by a disciplinary hearing officer of one or more serious disciplinary infractions such as assault, arson, sexual assault, throwing bodily fluid, and possession of a weapon, and who, due to the dangerous nature of the charges, cannot be housed in general population at that time.

The RHU has undergone several capital projects to improve the unit's safety, security, efficiency, and overall infrastructure. For example, in 2021, NJDOC launched a capital project following an appropriation of funding to enhance security for the cell doors in the CCU buildings at Northern State Prison. Cell doors are operated remotely from the control room located in the center of each building. They are power operated to allow correctional police officers to operate the cell doors mechanically. The security upgrades provided by the appropriation would ensure the doors close tightly and completely, prevent tampering of locking systems by incarcerated persons, and improve the safe and secure operations of the unit. The unit was depopulated during the repairs.

In November 2023, the project was completed, providing increased bed space for the CCU population. The reopening of this unit offers improved flexibility and bed space management, enabling the Department to repurpose other units at Northern State Prison (NSP) for future needs, including potential specialized housing units.

Most recently, on December 4, 2023, upon completion of security upgrades, NSP reopened one-half of the unit, and each housing unit received a thorough inspection by custody staff and maintenance staff, as well as underwent independent inspections by the Department of Community Affairs and the Division of Fire Safety. Northern State Prison Administration toured and reviewed the unit to ensure it was fully operational and move-in ready prior to repopulating. All unit showers were functional, and all cell sinks and toilets were working. All shower doors, cell doors, cell windows, and light fixtures were operational (Figure 2 - example of cells prior to occupancy). Throughout the course of the project, routine project updates were provided in monthly meetings to the Office of the Corrections Ombudsperson (OCO) with the opportunity to tour and inspect the unit prior to repopulating, as required under the "Dignity for Incarcerated Primary Caretaker Parents Act" (P.L. 2019, c.288).



**Figure 1** – Photo of Restorative Housing Unit (Taken September 2024)



**Figure 2** – Photo of a cell prior to being repopulated (taken July 2024)

## **Infrastructure**

As set forth in the recent report by the OCO, prison infrastructure upgrades and maintenance are some of the most pressing needs within the Department. NJDOC facilities experience significant use, with around-the-clock operations that house a portion of the population, oftentimes within the RHU, that, as engage in damaging behavior. The NJDOC is committed to providing no less than four (4) hours of OCT to the population, including those within the RHU. The Department has found that out of cell time provides greater opportunity for the RHU population to engage in behavior that destroys property requiring increased maintenance and continual infrastructure replacement and investment. In this regard, the Department and State must ensure continual funding for replacement, upgrades, and investment in facility infrastructure.

At Northern State Prison, first built in 1987, NJDOC has identified 27 separate projects estimated to cost a total of \$115 million over the next four years in an effort to replace aging infrastructure, improve conditions and services, and increase safety and security.<sup>3</sup> Notably, the age, layout, and construction of almost all prisons in the NJDOC significantly predate most modern correctional designs and demands for education, programming, safety, the requirements of certain laws such as the Isolated Confinement Restriction Act (ICRA), and population management, thereby requiring more staff and substantially more staff-on-IP contact to control movements. This can result in a unit's vulnerability to disruptions caused or exacerbated by maladaptive behaviors among IPs.

## **Destructive and Maladaptive Behavior of Incarcerated Persons**

As noted by the Office of the Ombudsperson (OCO), the RHU at NSP houses IPs that have received administrative sanctions as a result of one or more serious disciplinary infractions, such as assault, arson, sexual assault, throwing bodily fluid, and/or possession of a weapon. In these instances, the disciplinary charges were severe enough to be a safety and security concern, thereby requiring the IP's removal from the general population for the protection of staff and other incarcerated persons. Before any placement in an RHU, an incarcerated person is provided a due process hearing, which includes the presentation of evidence, testimony by witnesses, and adjudication by a Disciplinary Hearing Officer. Placement in an RHU does not occur unless the IP commits a severe infraction and is provided with a due process hearing by a hearing officer, as governed by the Administrative Code.

Incarcerated persons housed in an RHU are provided a structured and controlled environment with access to programs, social interactions, and the allowance of amenities and privileges via a two-level system. The two-level system is designed to encourage individuals to improve their patterns of behavior through a gradual reduction of restrictions, which includes a unit schedule that allows for at least four hours of out-of-cell time. At NSP, the CCU, which consists of the RHU, can hold 650 persons but is currently only 65% occupied, with 421 individuals housed as of September 19, 2024.

Unfortunately, almost immediately upon repopulating the housing units in December 2023, IPs housed in the NSP RHU engaged in destructive behavior that directly contributed to the deterioration of the units

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<sup>3</sup> NJDOC operates the oldest operational prison in the country, New Jersey State Prison, which was first built in 1798. Construction of current operational additions was completed in 1836 and again in 1982. The average age of all current operating facilities is 79 years within the NJDOC.

referenced by the OCO report. This behavior, including flushing of clothing, hygiene items, food, and garbage, resulted in sewer backups and significant damage to underground waste-water lines. The behavior also destroyed fire suppression systems and caused broken cell windows, doors, and shower-door locks, which then resulted in costly repairs by the State and numerous emergency repairs by outside contractors.

### Plumbing and Waste Line Damage

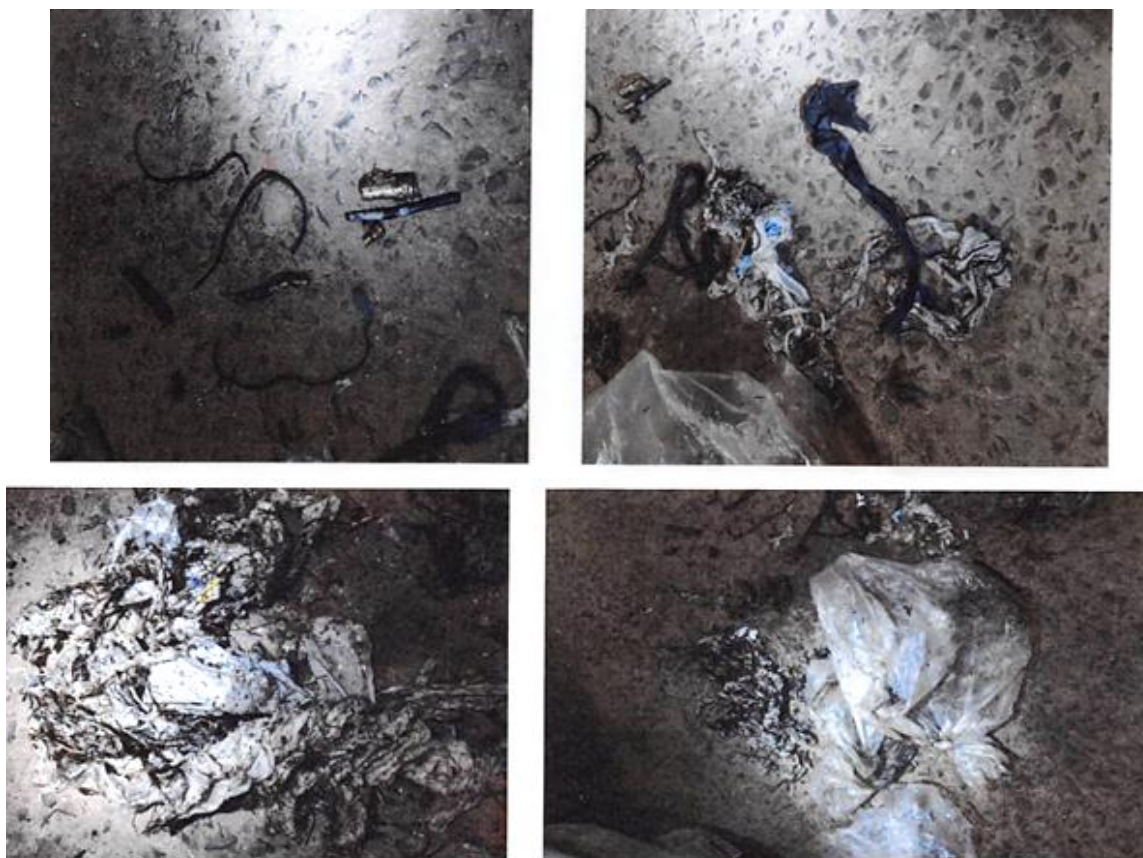
In March 2024, only a few weeks after reopening RHU 2 Wing, the population housed in the RHU caused significant damage to plumbing and wastewater lines by flushing non-flushable items down the cell toilets, including batteries, pens, sheets, shoes, clothing, hygiene items (soap, toothpaste, shampoo), food, disposable food containers, and surgical masks, as depicted in Figure 4 below. This mandated emergency repairs to the underground waste lines by a contractor which, to date, has cost a total of **\$800,000**.



**Figure 3** – Photos depicting damage of a waste line and camera view from inside showing a bedsheet obstruction in the line.

Despite daily trash pick-up provided to the IPs, the contractor reported the removal of the following items that had been flushed down the toilets in the RHU (Figure 4).

- Bed Sheets
- Blankets
- T-shirts
- Batteries
- Underwear
- Shirts
- Socks
- Fresh fruit, including oranges and apples
- Hygiene Kits



**Figure 4** – Items removed from wastewater lines including batteries, trash bags, surgical masks, trash, and other objects. (On page 7.)

As noted by the report by the Office of Corrections Ombudsperson, this destructive behavior resulted in numerous blocked downpipes and overflowing toilets and sinks in cells behind the blockages, directly affecting the daily life of those in the RHU. Certain cells were de-populated and temporarily taken off-line because of the damage and the need for repairs. Those individuals housed in the off-line cells were relocated.

In an effort to curb the behavior and communicate the overall impact on those housed in the RHU, the NSP Administration, including the Major and Associate Administrator, toured the RHU and informed the IPs that their destructive behavior in flushing items was harming the daily life of all those in the RHU.

#### Fire Suppression, Sprinkler Heads and Heating, Ventilation, and Air Conditioning Duct Sensors

Northern State Prison is one of three prisons in New Jersey with fully air-conditioned units. The modern heating, ventilation, and air conditioning at Northern State Prison not only ensure the safety of the inmates IPs but also contribute to their comfort, providing them with a more comfortable living environment all year round.

The HVAC system servicing the RHU at NSP is equipped with fire and smoke dampers as required by the Department of Community Affairs and Division of Fire Safety. The system is compliant with the "Fire Life Safety Damper & Smoker Control System Inspection Verification Act," enacted into law last year. This law

requires testing and maintenance to ensure such dampers are operational. The new law further cites: "Studies have shown that most fire deaths are not caused by burns but instead by smoke inhalation. In addition to being toxic, smoke obstructs light and limits visibility, which in turn increases the time it takes a building's occupants to get to safety, which demonstrates the critical nature of these fire suppression systems."<sup>4</sup>

As noted by the OCO report, deliberate and illicit activity by incarcerated persons housed in the RHU, including but not limited to prohibited drug use from the burning of K2 and other substances, tobacco use, and arson, pose significant safety risks to all individuals housed in the unit and staff. Therefore, safety measures such as smoke dampers trigger automatic shut-offs of the heating, ventilation, and air conditioning (Figure 5). The presence of smoke prohibits the system from restarting and cannot be overridden. The heating and air conditioning system is properly and appropriately operational in the NSP RHU. When the system detects the presence of smoke caused by incarcerated persons in the RHU directly impacts whether the system is able to cool or heat the unit.

For example, in the NSP RHU, prior to the repopulation of the units, the HVAC system operated as designed. However, immediately after repopulating the unit in December 2023, the smoke-detection system started to experience frequent interruptions due to the presence of smoke from illicit activities. Service calls to the fire suppression contractor and repairs to duct sensor dampers totaled **\$67,126.56**.

The primary method for ignition of illicit substances, cigarettes, and fires by the population is through the tampering of electrical outlets within the cells (Figure 6). Following communications with the population of the RHU, which included dissemination of memos by NP Administration and daily supervisor tours to answer questions and respond to complaints, the NSP Administration turned off the electrical outlets to the RHU cells to prevent further fires (Figure 7). This action was necessary and ultimately successful, as it limited the number of fires and the ability to light illegal contraband, resulting in the heating and cooling system operating as intended. However, as a result of shutting off the electrical outlets in the RHU cells, the IPs began to disassemble light fixtures in their cells to access live electrical lines to ignite objects.

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<sup>4</sup> P.L. 2023, c.186: Findings and declaration section, C.52:27D-198.22





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Commissioner

**TO:** Northern State Prison Restorative Housing Unit Incarcerated Persons,  
Housing Units 1, 2, 3, and 4 Wings

**FROM:** Marc Sim, Administrator  
Northern State Prison

**DATE:** January 17, 2024

**SUBJECT:** Upgraded Fire Alarm System - Smoking of illicit substances

Northern State Prison recently received an upgrade to its fire alarm system. This upgrade was mandated by Code and State Law and it is intended to save lives in the event of a fire.

This upgraded system is outfit with sensors that are connected to the Heating and Cooling System (HVAC). If the sensors detect any type of smoke or related contaminant, the HVAC system will turn off. This safety feature is designed to save lives by not spreading smoke or fire throughout the housing unit.

As you are aware, smoking is harmful to your health and prohibited in the facility. Contraband, narcotics and illegal substances are prohibited in the facility. And, smoking of contraband, narcotics and illegal substances is prohibited in the facility.

With this fire alarm system, if you smoke or burn anything within your cell or within the housing unit, the HVAC system will turn off, affecting heat in the winter and air conditioning in the summer. The HVAC system cannot turn back on until all smoke is free and clear of the duct work and its sensors. As a result, if you smoke, your behavior will result in uncomfortable temperatures for you and for those around you.

You must refrain from smoking and abide by correctional facility rules for the safety and comfort of everyone.

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**Figure 5** – Memo to incarcerated persons regarding fire safety systems.



**Figure 6** – Tampering of electrical outlets by incarcerated persons within cells in the RHU at Northern State Prison.



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**INTEROFFICE COMMUNICATION**

**TO:** NSP 3 and 4 Wings Incarcerated Person Population  
**FROM:** Marc Sim, Administrator  
Northern State Prison   
**DATE:** December 14, 2023  
**SUBJECT:** Electrical Outlets

The heating system in ACSU Wings 3 and 4 is equipped with safety devices that shut the HVAC system down when it senses smoke. This safety feature is designed to prevent the spread of fire or smoke through the building and its purpose is to protect Incarcerated Persons and Staff.

With the increase in smoking of illicit substances, the heating system has not been able to come back online. This was verified by an independent contractor who confirmed that the only reason the system is shutting down is due to the presence of smoke.

Smoking is not permitted in any state building. In an effort to have the smoking cease and restore the heat, electric outlets in your cells are being disabled as this has been identified as the main ignition point for illegal tobacco and drug use.

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**Figure 7** – Memo to incarcerated persons regarding disabling of electrical outlets.

In addition to the significant fire risk created by the behavior enumerated above, approximately 30 sprinkler heads within the fire suppression system have had to be replaced due to damage caused by IPs. The total cost for these repairs so far this year in the RHU has totaled **\$3,125.17**.

Such destructive behavior often results in significant disruption to the units and negatively impacts opportunities for out-of-cell time.

To be proactive, to encourage appropriate behavior, and to attempt to end the disruptions to the system, the NSP Administration has provided frequent communications, including written and verbal communications, to the population to inform them of the safety features and facility rules against smoking, fires, and drug use, as well as explain how their behavior is impacting the health, safety, comfort, and OCT of the entire unit.

The RHU's heating and air conditioning system is fully functional and is only negatively impacted by inappropriate and destructive IP behavior. As such, the suggestions for NJDOC to restore service to electrical outlets, provide fans, or relocate individuals to another housing unit as described in the OCO report are untenable. Providing fans would require the restoration of electrical outlets and would once again create an opportunity to start fires. Relocating individuals engaging in disruptive behavior would disperse the conduct across other housing units resulting in more areas of the facility having to contend with smoke and loss of heat or air conditioning.

#### Cell Door Windows

On multiple occasions, incarcerated persons in the NSP RHU have damaged cell door windows and used the broken glass as a weapon (Figure 8). Approximately 53 hours of labor by maintenance staff have been allocated to repair approximately 32 cell door windows. Material costs for these repairs total \$3,714.



**Figure 8** – Broken cell windows caused by an incarcerated person

#### Shower Door Locks

In November 2023 (before repopulation of the RHU), the NSP Administration hired a contractor to install magnetic locks on the RHU shower doors that can be controlled remotely from the housing control booths. The intention of these mechanisms was for individuals to be safely secured in the shower while simultaneously providing correctional police officers and staff the ability to tour the tier to meet with other incarcerated persons and increase OCT for those not utilizing showers.

Unfortunately, IPs in the NSP RHU repeatedly battered and ultimately destroyed the magnetic locking mechanisms until they were no longer functional. These actions directly affected the number of showers that could be provided to the population. The initial cost of installing the shower door locks was **\$35,321**. Repairs to 22 of the 36 locks, required within two months following installation, totaled an additional **\$8,949**.

#### Access to Personal Hygiene, Supplies, and Laundry Services

NSP Administration and the Office of the Corrections Ombudsperson have received several complaints that individuals lack basic amenities such as laundry bags, washcloths, towels, bed sheets, and shower

shoes. These items are provided to all incarcerated persons upon reception into NJDOC's custody, and individuals transferred to an RHU retain these items.

At the request of the Office of the Corrections Ombudsperson, in early April 2024 NSP issued all incarcerated persons housed in the RHU the following items again, free of charge:

Item	Unit Price	Quantity	Total Cost
Laundry bag	\$3.85	450	\$1,732.50
Washcloth	\$0.23	420	\$96.60
Towel	\$1.34	420	\$562.80
Shower shoes	\$2.34	420	\$982.80
Bed sheet	\$6.00	840	\$5,040
<b>TOTAL</b>		2,550	\$8,414.70

NJDOC issued a total of 840 bed sheets on April 5 and April 12, 2024. Unfortunately, many individuals continued to use their bed sheets to cause property damage. Bed sheets were flushed down the toilet, clogging the plumbing system and resulting in the flooding of cells and continued costly emergency repairs.

Bed sheets were also used as unauthorized screens and ropes within cells. Many IPs would rip up bed sheets and tie the ends together to make what is called a "fishing line," which are cast out from one cell to adjacent cells in an effort to pass along contraband (Figure 9).



Description: Note the number of sheets and towels in the photo on the left one day before NJDOC responded to concerns by the Office of the Corrections Ombudsperson that the Department was providing insufficient supplies. In the picture on the right inside the red box along the floor, a bed sheet was torn into pieces to create a “fishing line” to pass contraband between cells.

**Figure 9** – Bed sheets being manipulated by incarcerated persons

In addition, the following supplies are provided to the RHU population on a weekly basis:

- 1 roll of toilet paper
  - Note: IPs regularly utilize rolled toilet paper as a “wick” to ensure an ignition source is available to smoke illicit substances.
- 1 bar of soap
- 9 single use hygiene packets (3 lotions, 3 shampoo/conditioners, 3 shaving creams)
  - Note: Single-use hygiene products are required to reduce the ability to utilize containers to assault staff and other IPs with urine, feces, and other fluids.

Moreover, the following items are issued monthly to all RHU incarcerated persons:

- Toothbrush
- Toothpaste
- Razors (delivered to all units and available upon request)
- Flex pens (1 for 1 exchange)
  - Note: OCO report stated that the provision of pens is severely limited, but this exchange is required as some IPs utilize the pens as improvised smoking devices.

Consistent with the Administrative Code laundry services are offered weekly to individuals in the RHU, identical to persons housed in general population. The schedule allows half of the RHU to take part in laundry service every Monday and the remaining half to take part in laundry service every Tuesday. While

the use of the laundry service is encouraged, on average, only 15% of the population in the RHU opt to participate in laundry service. Others voluntarily utilize the sink to wash clothing.

Sheet Exchange is conducted weekly for RHU IPs in compliance with the Administrative Code and identical to individuals housed in general population. An individual must provide undamaged and serviceable sheets in order to receive a clean set. NSP records show that, on average, approximately 20% of IPs take part in sheet exchange.

A memorandum was hand delivered by the NSP Administration to each person in the RHU explaining the sheet exchange process and the requirement to purchase replacements if destroyed.

This communication was in response to IPs flushing their sheets down the toilet, lighting them on fire, and/or altering them and then reporting to OCO and families that they never received them.

Cell sanitation is offered daily and incarcerated persons are provided with cleaning agents and supplies to clean their cells.

#### Trash Collection

Incarcerated persons in the RHU were routinely hoarding trash and refusing to appropriately dispose of trash during regular rounds by custody staff. The IPs used the hoarded trash to flush down toilets within their cell and to start fires. Allegations that staff were not permitting incarcerated persons in the NSP RHU to discard trash from within their cells in RHU are inaccurate and unsupported by the facts.

To prevent the hoarding of trash by RHU IPs, the NSP Administration provided the population with a hand delivered memorandum (Figure 10) and continued with daily supervisor tours that reinforced the message that negative and harmful behavior impacts operations of services and OCT. Additionally, the Administration provided a memo outlining the procedure for trash removal, including the exchange of the used Styrofoam meal tray from the prior meal for a new meal tray for the current meal (Figure 11). This action assisted in preventing IPs from hoarding meal trays and making false allegations that trash was not being collected.

**Figure 10** – Memo to IPs outlining the effects of negative behavior on facility operations.



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**TO:** Incarcerated Persons, Northern State Prison  
RHU 1, 2, 3, & 4 Wings

**FROM:** Marc Sim, Administrator  
Northern State Prison 

**DATE:** April 4, 2024

**SUBJECT:** **Behavior Expectations and Changes to Facility Operations**

Recently, there has been an increase in negative behavior displayed by IPs in NSP RHU housing units. This negative behavior affects our ability to offer you services, amenities, and out of cell opportunities. Not only does your inappropriate behavior have a negative effect on the staff, it also affects yourself and all other IPs on the unit. The more you act out, defy staff's orders, or assault staff, the less opportunities you and other IPs will have to exit your cells for services and other amenities.

In other words, if you act appropriately, do not violate rules, and follow all staff's orders, there will be an increase in the amount of regularly provided services and amenities for the RHU population. For instance, the following will be able to be provided on a regular basis, at a scheduled & routine time, and in a fair and equitable manner:

- Laundry services
- Sheet exchange
- Hair cuts
- Outdoor recreation
- Timely meal distribution
- Timely medication distribution
- Showers
- Cell clean-up
- Frequent and routine tours by civilian staff
- Timely courtline proceedings
- Telephone access
- JPay Kiosk access

I implore you to behave appropriately, follow staff's orders, and discontinue disruptive and assaultive behavior so we can provide you with more services, more amenities, and more out of cell opportunities.

### **Incentivizing Good Behavior and Implementation of the Level System**

In accordance with the overall mission of the NJDOC, the Department emphasizes pro-social behavior and the ability to engage in rehabilitative measures, including for IPs housed in the RHU. To encourage appropriate behavior and, as a result, a reduced period spent housed in the RHU, the NJDOC has developed a two-level system governing RHU amenities and privileges. The purpose of this two-level system is to encourage positive behavior for reintegration into a general population setting and, ultimately, successful reintegration into society.

All IPs enter the NSP RHU at Level I. Individuals who exhibit pro-social behavior, or appropriate behavior that is characterized by concern about the rights, feelings, and welfare of others, and not engaging in assaultive or violent behavior, are reviewed by designated correctional facility staff for promotion to Level II. Individuals on Level II have access to additional amenities and privileges compared to those on Level I. NSP has promoted 210 IPs to Level II this calendar year based on their appropriate behavior, some as early as 30 days of first entering the RHU. Currently, 22% of the NSP RHU population is housed in Level II.

The OCO Inspection Report inaccurately stated that an incarcerated person must upgrade from Level I to Level II before being considered for release from the RHU back to the general population. The Level system is designed to encourage positive behavior from IPs for the betterment of the IP and the institution. There is no correlation between an IP's assigned Level and their release date from the RHU.

However, IPs who follow the rules of the RHU and do not commit additional infractions are not only candidates for Level upgrade but also for early release from the RHU. As such, whether on Level I or Level 2, these individuals are reviewed by the Special Administrative Review Committee (SARC). Since January 1, 2024, 613 IPs have been approved for early release from the RHU, including 307 IPs from Northern State Prison RHU.

Notably, there are a number of IPs that refuse to leave the RHU, even at the expiration of their disciplinary sanction. For example, thus far this calendar year, there have been 95 occurrences where an IP refused to leave the RHU in Northern State Prison for the less restrictive general population setting and/or instead incurred additional charges to remain in the RHU.

### **Disciplinary Unit and IP Disciplinary Infractions**

Restorative Housing Unit Two-Level System		
Privilege	Level 1	Level 2
Television	X	✓
AM/FM Radio/Walkman	X	✓
Headphones / earbuds	X	✓
Jpay player tablet	X	✓
Kiosk games / apps	X	✓
Visits	1 per month	1 per week
Phone	(1) 15 min call per week	(5) 15 min call per week
Barber services	as needed	as needed
Outdoor recreation	minimum 5 hours per week	minimum 5 hours per week
Shower	no less than 3x per week	no less than 3x per week
Commissary	\$20 limit per month	\$40 limit per month
Stamps	20 stamps	40 stamps
Envelopes	20 envelopes	100 envelopes
Legal Pads	3 legal pads	6 legal pads
Congregate Interactoin	as per facility schedule	as per facility schedule
Programs / services	as per facility schedule	as per facility schedule

X = not permitted  
✓ = permitted



The OCO report stated, “In the RHU at Northern State Prison, however, people regularly wait months to see the court line<sup>5</sup>, which on any given day has a backlog of roughly 500 cases.” However, that is incorrect. Overall, 295 discipline reports were awaiting adjudication at NSP, not 500 as stated in the OCO Inspection Report. The 295 charges are attributed to 115 IPs, as some individuals incur multiple infractions. Of the 115 individuals who are pending adjudication, 107 had their initial hearing and are pending more information before the conclusion of the hearing. Delays for hearings are often a result of requests made by incarcerated persons including for information or evidence including documents, video evidence, or confrontation of witnesses. Additional delays may be attributed to pending lab results from confiscated drugs or additional documents requested by the Disciplinary Hearing Officer.

Due to the increasingly assaultive and aggressive behavior exhibited by some incarcerated persons, more discipline reports have been written by staff and subsequently added to the number of cases to be decided. As the backlog of cases increased due to maladaptive behavior, NSP Administration did the following to ensure speedy adjudication:

- Provided additional technology, including new laptops, for displaying evidence such as body-worn camera or fixed camera video
- Requested Additional Hearing Officers
- Staffed an additional Supervisor
- Increased training and pay for incarcerated paralegals
- Staffed additional Senior Correctional Police Officers

Implementation of these measures have had a positive impact on reducing the backlog of pending disciplinary hearings.

### **Medical and Mental Health**

During the initial reopening of the NSP RHU, the unit experienced daily disturbances caused by incarcerated persons. The behavior of the IPs resulted in conditions that on many days challenged the safety of all staff, including mental health clinicians, social workers, and medical staff to walk the RHU to meet with IPs. In response, the NSP Administration designated timeframes for medical, mental health, and other professional staff to routinely and safely tour the units without disruption, ensuring that each RHU IP receives the appropriate and necessary medical and mental health care.

Limiting the out-of-cell movement of the population at specific intervals during the day ensures civilian staff can safely tour the units at predetermined timelines. As a result, civilian staff can conduct their rounds and interview incarcerated persons without the possibility of a number of IPs on the housing unit, which in turn reduces opportunity for significant disturbances and the likelihood of staff assaults. This schedule does not preclude professional staff from touring the units outside these timeframes but guarantees the professional staff uninterrupted access to the tiers when the units are secured.

To ensure uninterrupted access for medical and mental health teams, the Administration issued a directive to the Custody Supervisors to allow immediate and unfettered access to any Medical or Mental Health staff requesting access, so long as the unit was safe and secure.

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<sup>5</sup> The disciplinary process is a thorough process that affords the incarcerated person with the right to a due process hearing before an independent hearing officer. An RHU sanction can only be imposed by way of this process.

Individuals have alleged to the OCO that they are denied access to routine healthcare. However, NSP data found that all but one of the sick call slips submitted have been addressed. Specifically, for January through June of the 2024 calendar year, 4,266 sick call slips were received by the healthcare provider and 4,265 have been addressed.

Additionally, from June 5, 2024, through June 7, 2024, the National Commission on Correctional Health Care conducted an accreditation audit of Northern State Prison, including the RHU. The report was provided to NSP Administration on June 24, 2024. Per the NCCHC Vice President of Accreditation, NSP received an Accreditation with Verification as the NJDOC achieved significant levels of compliance regarding sick call slips and care were fully met.

The OCO Inspection Report identifies a significant increase in medical codes being called in March of 2024 compared to January and February of 2024 within the RHU. This is a direct result of the repopulating of Wings 1 and 2 in NSP RHU on February 28, 2024. In January and February, only Wings 3 and 4 were populated. By March of 2024, all four wings were populated. As such, the population doubled, resulting in a natural increase in medical codes called.

### Mental Health

Prior to placement in a Close Custody setting such as the RHU, all IPs receive an individual screening examination by a mental health clinician. Upon placement in the RHU, a psychologist will evaluate IPs within twenty-four hours if the IP is actively receiving mental health treatment. For individuals not on the mental health caseload, a mental health clinician conducts an initial evaluation with the IP within three business days. Additionally, those on the mental health caseload receive an additional, comprehensive, individualized assessment before any disciplinary hearing proceeding.

NJDOC also provides daily access to mental health services for individuals housed in the RHU. Nursing staff from University Correctional Health Care (UCHC) conduct daily rounds and can refer individuals to the mental health treatment team.

Further, all IPs on the mental health caseload are seen by licensed mental health professionals routinely—and at least every two weeks—in accordance with their individualized treatment plan. Beyond the daily healthcare rounds, every IP not on the mental health caseload is seen by a mental health professional every three weeks for an assessment. Any IP in RHU can request access to mental health care in several ways, including through daily healthcare rounds, written or electronic requests, or by referral by other NJDOC staff rounds.

If at any time an assessment determines that an IP has decompensated due to mental illness, the clinician has the authority to order the individual's removal from a disciplinary setting and placement in a mental health unit for a higher level of care.

### Substance Use Disorder Treatment

NJDOC contracts with Gateway Foundation to provide substance use disorder education and life-skills training to the population. This programming relies on evidenced-based principles which recognize that understanding and practicing the skills needed for daily living are tremendously important in overcoming

substance use disorder. This is an additional opportunity available to the population in the RHU to support their personal growth. It also provides for additional time out of cell.

### Availability of Programs and Social Services

Upon arrival in the RHU all incarcerated persons are interviewed by a representative from the Programming and Supportive services unit. During this interview they are advised and encouraged to take advantage of opportunities such as participating in several prosocial groups within the RHU. These prosocial groups include Chaplaincy Interfaith worship, Adult Basic Education for those who have not achieved a high school equivalent or higher, and Restoring Hope and Unity. Unfortunately, the population within the RHU oftentimes decline these services. For those that accept these valuable services, they have the additional opportunity to engage in prosocial behavior and participate in additional activities for out-of-cell time.

### Disruptions, Operational Changes, and Out of Cell Opportunities

When reopening the RHU unit in December of 2023, a schedule was implemented that provided four hours of out-of-cell activities. These OCT activities are offered through structured programs and recreational opportunities. Some of these programs and activities are instructor-led, while others are without instructors to promote pro-social behavior. Unfortunately, as the NSP Administration attempted to provide the RHU population with structure and a schedule of routine services, it was met with resistance.

For example, a review of available data shows that in March 2024, there were 50 assaults on staff (41 with bodily fluids) by incarcerated persons housed in the RHU. This is a record for any one month in the NJDOC. This one-month total is also higher than any calendar year total prior to 2022 at NSP. Data shows that the RHU population is growing increasingly assaultive. These disturbances directly impact out-of-cell time – given the need to de-escalate, quell the disturbance, and, in many instances, clean up the destruction caused by the damaging behavior. While the OCO Inspection Report intimates that the assaultive tendencies may be borne from not receiving services, this does not accurately capture the nuance of the situation, as the very staff members who are attempting to provide services are also the ones being assaulted.

While the majority of staff assaults remain against Correctional Police Officers, this year has seen a significantly higher rate of assaults against nurses, doctors, mental health clinicians, drug counselors, teachers, social workers, administrative executive staff, and the incarcerated population that provides services on the unit than in years past.

During an incident-free day, the facility schedule enabling four hours or greater of out-of-cell time is adhered to, and meals, medications, professional appointments, professional staff tours, outdoor recreation, visits, and program services are provided in a timely manner. However, from December 8, 2023, to April 14, 2024, there were 155 assaults on staff at NSP, 114 of which were assaults with bodily fluids. With each assault by an incarcerated person, a custody response is necessary to manage the situation and restore order. This often requires custody staff to respond from different units and housing areas, which impacts activities on all units within a facility.

Additionally, staff exposed to bodily fluids are relieved of their post and given immediate access to medical staff. At times, staff are referred to an outside hospital for treatment. This directly affects the number of

staff available to continue to provide services to the IPs. The most significant contributing factor to incarcerated persons' out-of-cell time is their own negative behavior.

Moreover, there are job opportunities for lower custody IPs (from the general population) to work as "porters" and assist with tasks such as meal distribution and trash collection. Notably, the level of assaults by RHU IPs against other IPs who work in the RHU to assist with services has also increased.



**Figure 11** – Examples of bodily fluid assaults.

Disruptions are not limited to staff assaults, and these additional disruptions also impact out-of-cell and other opportunities for those in the units.

For instance, the building is designed for individuals to move on the tier unescorted and secure themselves directly in the shower following their cell door being opened by the control booth. This has been the procedure for RHU since the building was constructed, and historically, it worked. However,

since repopulating the unit, incarcerated persons would take this opportunity to loiter about the tier, defy staff's orders, damage property, and throw bodily fluids from their elevated position. On some occasions, individuals damaged phone jacks on the wall, disrupting services for everyone in the unit.

When an IP refuses to secure safely in their cell, in the shower, in a programming module, or in a recreational yard, staff must respond to such refusals pursuant to the Office of Attorney General Use of Force Policy. Policy guidelines such as using time-as-a-tactic, de-escalation techniques, and interventions by different levels of Supervision are utilized in order to bring the conclusion of the event to an end with the least amount of force necessary. The guidelines recommend taking one's time to de-escalate and never using force simply to bring the event to an end, unless a person is in immediate danger. While de-escalation is extremely critical to gain compliance, this results in restricted movements in that area to manage the crisis and for staff and incarcerated person's safety which ultimately impacts services for all individuals on the unit.

Recently, in May 2024, the Department's Special Operation's Group (SOG) conducted an internal evaluation of IP movement within the RHU. SOG recommended that two officers be utilized per IP for movements to increase safety and security protocols and to address the pattern of violent and disruptive behavior. As such, it was recommended that the NSP RHU replace its non-escort model for showers and other services with a model requiring two officers for each IP movement for persons housed in the RHU, as the former provided significant freedom for an IP to destroy property and disrupt operations.

Requiring a two-officer escort policy for RHU incarcerated persons requires a significant increase in staff at a time when the Department is experiencing a staffing shortage. As such, a staffing analysis was conducted, and it was determined that a two-officer escort policy could be implemented with current resources for two of four units at a time.

Fortunately, the use of the two-on-one controlled escorts of incarcerated persons resulted in a decrease in overall disturbances, which has increased access to services and amenities. This two-officer escort procedure has also significantly reduced an individual's ability to disrupt the unit for a lengthy period and limited the ability and opportunity for an IP to assault staff or each other. This policy change has improved conditions for all individuals in the RHU.

Upon review of available data, the two-officer escort model implemented in May 2024 has had the following positive effects on the NSP RHU:

- General Unit Disruptions have been reduced
- Tier Extractions have been reduced to almost zero
- Disciplinary reports issued to IPs have been reduced by approximately 15%
- Showers offered and accepted have increased
- Civilian professional staff access to the units has increased

The RHU schedule accounts for four hours out-of-cell time. Success in this area is dependent upon IP pro-social behavior, minimal disruptions, and appropriate staffing for necessary escorts.

Another measure taken by the NJDOC to manage unit disruptions and enhance overall IP and staff well-being was to have a Critical Incident Negotiations Team (CINT) member on the NSP RHU on a daily basis. As IP disruptions take time to de-escalate, a CINT team member with additional training in de-

escalation techniques has been used to bring situations to a safe conclusion and, on many occasions, minimize the need to use force.

For the well-being of all IPs within the RHU, NSP also began staffing a Wellness Officer in each of the NSP RHU buildings. The Wellness Officer's sole responsibility is to tour the unit at irregular intervals to ensure the safety and well-being of IPs within the cells.

The OCO report stated that IPs in the RHU are alleging that they are only receiving outdoor recreation 1 or 2 times per month. It may be accurate that these IPs accept outdoor recreation only 1 or 2 times per month; however, outdoor recreation is scheduled daily.

Notably, the OCO Inspection Report inaccurately states that the Administration has indefinitely canceled indoor recreation. This is a misstatement, as congregate interaction has only been suspended for Level I IPs who continue to be disruptive and assaultive. Other indoor activities like access to kiosks, educational classes, social services, and substance abuse programming remain available. Level II IPs housed in RHU 1 Wing receive congregate interaction based upon the facility schedule. Of note, the OCO Inspection Report confirms that immediately after pivoting to a two-officer escort model and after suspending congregate interaction, there were "fewer security codes and splashing incidents during our inspections in May and July compared to reports during the inspection in April."

### **Conclusion**

The New Jersey Department of Corrections is committed to its mission of providing a dignified, safe, secure, rehabilitative, and gender-informed environment for all incarcerated persons. That includes ensuring the conditions of confinement are suitable and appropriate for all persons and readily responds to any emergent concerns. In addition, the Department provides ample services for the rehabilitation of the population, ranging from core services such as medical care and mental health services to educational, vocational, and social services to robust communications access. The single most significant hindrance to the provision of these services and privileges, including out-of-cell time, is the RHU population engaging in damaging, assaultive, and disruptive behavior.

Significant resources have been expended on infrastructure restoration and devoted to repairing damaged facilities caused by incarcerated persons. The Department continues to review, update, and employ new techniques and policies to address the maladaptive behavior exhibited by a small percentage of the population, which, through their actions, has an outsized impact on corrections operations. Whether it is the adoption of an RHU Level system that provides incentives for improved and compliant behavior to prosocial behavioral programs, limiting the number of incarcerated persons sent to RHU, or releasing those within the RHU early for good behavior, the NJDOC is engaging in an "all of the above" strategy to improve behavior and thereby conditions for the incarcerated population.