



## Isolated Confinement and Restriction Act

Quarterly Report: FY21 Q1

8/1/2020 – 9/30/2020

### OVERVIEW

This report is the result of a legislative mandate instituted by P.L. 2019, c.160, (30:4-82.11) and details the use of housing statuses as defined under the Isolated Confinement and Restriction Act (ICRA) in New Jersey Department of Corrections (NJDOC) facilities during the period of 8/1/2020 thru 9/30/2020 (FY21 Q1). Data are collected at the time of an inmate's initial placement in the housing status. When a placement occurs, the type of confinement and incident(s) are recorded by facility staff. An inmate will always have a confinement type recorded but may have none or one or more incidents documented depending on the circumstances of the event. As such, the number of inmates placed in these housing statuses and the incidence counts may not sum equally. Multiple placements of the same inmate in any unit during the quarterly reporting period are counted once in Tables 3-5, but are counted as separate events in Table 1 and Tables 6-8. If, however, an inmate is placed in a housing status at more than one institution during the quarterly reporting period, the inmate will be included more than once in Tables 3-5.



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*Table 1. Population counts in housing statuses as defined in the ICRA, as of September 30, 2020.\**

Facility	Count
ADTC	0
BSP	0
CRAF	n/a
EJSP	5
EMCF	0
GYCF	10
MSCF	0
NJSP	8
NSP	10
SSCF	5
SWSP	8
WHFYCF	0
<b>TOTAL</b>	<b>46</b>

\*Please see Note 1 for more information.

*Table 2. Number of placements in housing statuses as defined in the ICRA.*

Facility	Count
ADTC	4
BSP	57
CRAF	11
EJSP	49
EMCF	2
GYCF	10
MSCF	1
NJSP	35
NSP	49
SSCF	38
SWSP	81
WHFYCF	23

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**Table 3.** Placements in housing statuses as defined in the ICRA, by age.

Facility	21 or Younger	22 to 64	65+
ADTC	0	4	0
BSP	0	50	0
CRAF	1	10	0
EJSP	0	42	0
EMCF	0	2	0
GYCF	1	9	0
MSCF	0	1	0
NJSP	0	26	0
NSP	0	47	0
SSCF	0	33	0
SWSP	0	80	0
WHFYCF	2	21	0

**Table 4.** Placements in housing statuses as defined in the ICRA, by gender.\*

Facility	Male	Female
ADTC	4	0
BSP	50	0
CRAF	11	0
EJSP	42	0
EMCF	0	2
GYCF	10	0
MSCF	1	0
NJSP	26	0
NSP	47	0
SSCF	33	0
SWSP	80	0
WHFYCF	23	0

\*Please see Note 2 for additional information.



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**Table 5.** Placements in housing statuses as defined in the ICRA, by ethnicity.\*

Facility	Not Hispanic or Latino	Hispanic or Latino	Undetermined
ADTC	2	2	0
BSP	42	8	0
CRAF	9	2	0
EJSP	37	5	0
EMCF	2	0	0
GYCF	6	4	0
MSCF	1	0	0
NJSP	23	3	0
NSP	43	4	0
SSCF	32	1	0
SWSP	60	20	0
WHFYCF	22	0	1

\*Please see Note 3 for additional information.

**Table 6.** Individual incidences in housing statuses defined in the ICRA, by institution.\*

Facility	Assault	Emergency Confinement	Mental Illness	Self-Harm	Suicide
ADTC	0	0	0	0	0
BSP	10	14	0	3	0
CRAF	0	4	0	0	0
EJSP	2	3	0	0	0
EMCF	1	0	0	0	0
GYCF	0	2	0	0	0
MSCF	0	1	0	0	0
NJSP	3	0	0	0	0
NSP	2	1	0	0	0
SSCF	5	11	1	4	0
SWSP	1	5	1	2	0
WHFYCF	0	1	0	0	0

\*Please see Note 4 for additional information.



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**Table 7.** Number of placements in housing statuses defined in the ICRA, by type.\*

Facility	Adjustment Unit	Emergency Confinement	Investigative Housing	Pre-hearing Disciplinary Housing	Pre-hearing Management Control Unit	Pre-hearing Protective Custody
ADTC	0	0	4	0	0	0
BSP	0	28	3	26	0	0
CRAF	0	4	1	1	0	5
EJSP	0	3	22	21	0	3
EMCF	0	0	0	2	0	0
GYCF	0	4	0	6	0	0
MSCF	0	0	0	1	0	0
NJSP	0	1	1	32	0	1
NSP	0	2	10	36	0	1
SSCF	0	18	5	15	0	0
SWSP	0	14	8	59	0	0
WHFYCF	0	5	1	17	0	0

\*Please see Note 5 for additional information.

**Table 8.** Number of incidents occurring in housing statuses as defined in the ICRA, by confinement type.\*

Confinement Type	Assault	Emergency Confinement	Mental Illness	Self-Harm	Suicide
Pre-hearing Disciplinary Housing	13	3	0	3	0
Emergency Confinement	7	34	2	6	0
Pre-hearing Protective Custody	0	1	0	0	0
Adjustment Unit	1	0	0	0	0
Investigative Housing	3	4	0	0	0

\*Please see Notes 4 and 5 for additional information.



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### NOTES

1. Population counts in Table 1 occur as of the last day of the quarter.
2. Male and female counts listed in Table 4 may include transgender or intersex inmates. These counts do not include inmates who identify as non-binary.
3. The categories listed in Table 5 follow the minimum standards for maintaining, collecting, and presenting data on race and ethnicity for all Federal reporting purposes.
4. The counts included in Table 6 reflect only those incidents that occurred while the inmate was in the housing status as defined in the ICRA. For the purposes of this report, the incident types are defined as follows:
  - Assault – An incident in which an inmate committed an assault while in a housing status defined in the ICRA, on staff or on another inmate.
  - Emergency Confinement – An incident in which an inmate needs to be placed in emergency confinement status while in a housing status defined in the ICRA. For example, an inmate is originally placed in a pre-hearing disciplinary unit and his/her status changes to a member of a vulnerable population after a mental health evaluation; the inmate is placed in emergency confinement status while awaiting transfer to a unit that can accommodate him/her in an appropriate setting.
  - Mental Illness – An incident of mental health decompensation or the placement of an inmate on suicide watch, as determined by mental health staff, while in a housing status defined in the ICRA.
  - Self-Harm – An incident wherein an inmate engages in self-harm or a suicide attempt while in a housing status defined in the ICRA.
  - Suicide – An incident of suicide while in a housing status defined in the ICRA.
5. For the purposes of this report, the housing status types are defined as follows:
  - Adjustment Unit - An inmate may be placed in the Adjustment Unit (AU) for a period of five to 15 days with a finding of guilt for any offense in Category A when there is reasonable cause to believe that the inmate would create a substantial risk of serious harm to himself, herself, or another, including, but not limited to, a correctional police officer, other employee, or volunteer in the facility, as evidenced by recent threats or conduct, and a less restrictive intervention would be insufficient to reduce this risk (see N.J.A.C 10A:4-4.1) unless: 1) The inmate is a member of a vulnerable population; or 2) If a medical or mental health professional determines that the inmate is not appropriate for placement in the AU.
  - Emergency Confinement - An inmate may be placed in Emergency Confinement (EC) for a period not to exceed 24 hours when the Administrator, or designee, determines that it is necessary to reduce a substantial risk to the inmate or others, or as evidenced by recent conduct. Specifically: 1) When there is reasonable belief the confinement is necessary to reduce a substantial risk of imminent serious harm to the inmate or others as evidenced by recent conduct; 2) That the inmate's presence in general population poses a danger to the inmate, staff, other inmates, or the public; or 3) When there is clear and convincing evidence that the inmate has committed a violation of a prohibited act listed at N.J.A.C. 10A:4-4.
  - Investigative Housing - An inmate may be placed in the Investigative Housing Unit (IHU) for a period not to exceed 72 hours unless exceptional circumstances, such as, but not limited to, other information received or other clear and convincing evidence found warrant extension of this time period. When an inmate's presence in general population poses a danger to the inmate, staff, other



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inmates, or the public, the inmate may be considered for placement in the IHU. In making this determination, the facility Administrator shall consider the seriousness of the alleged offense, including whether the offense involved violence or escape or posed a threat to institutional safety by encouraging others to engage in misconduct; or the facility Administrator has granted approval in an emergency situation. (See N.J.S.A. 30:4-82.9.a). Additional criteria for placement of an inmate in the IHU and status are: 1) Clear and convincing evidence exists to indicate that the inmate is engaged in, or is planning a serious violation (asterisked offenses under N.J.A.C. 10A:4-4.1(a)) of correctional facility rules, on which disciplinary action is considered premature; 2) Clear and convincing evidence exists to indicate that the inmate is in possession of, or plans to obtain, contraband, which may pose a danger to the inmate or others; 3) Any other emergency reason, which, in the opinion of the Administrator, or designee, requires IHU confinement to protect the inmate, staff, general public, and/or the security and control of the correctional facility; and/or 4) The final decision to place an inmate in the IHU shall be made by the Administrator, or designee.

Pre-hearing Disciplinary Housing - An inmate may be placed in Pre-hearing Disciplinary Housing (PHDH) for a period not to exceed 72 hours in those instances where it appears necessary to remove or isolate the inmate from the general population until an investigation into the inmate's alleged misconduct can be completed and a disciplinary hearing can be held pursuant to N.J.A.C. 10A:4-9, Disciplinary Procedures. Confinement in PHDH shall be deemed necessary only where it appears that, if the inmate remained in his or her existing housing unit, the inmate would constitute a threat to other inmates, staff members, the inmate, or to the safe, secure and orderly operations of the correctional facility.

Pre-hearing Management Control Unit – An inmate may be placed in Prehearing Management Control Unit (MCU) by order of an Administrator or designee utilizing an authorization for prehearing MCU form when there is reasonable evidence that, if the inmate remains in general population, there is an immediate threat to the safety of others or of interrupting the safe, secure, and orderly operation of the correctional facility. A placement hearing shall take place within 72 hours, absent exigent circumstances, of the inmate's arrival at NJSP. The inmate shall be served with the Criteria Record Sheet (Form LC 36) at least 24 hours before the placement hearing. The inmate shall be advised, in writing, of the right to appeal when served with the hearing officer's decision. The inmate shall have seven (7) business days in which to submit a written appeal of a determination to the employee designated by the Commissioner to receive such appeals. Reviews shall be held no less than every 90 days, and a request for review may be made earlier by a MCU staff member or MCURC member.

Pre-hearing Protective Custody - Prehearing Protective Custody (PHPC) is the removal of an inmate from the general population by confinement to the inmate's cell or placement into a Close Custody Unit pending an investigation and a hearing into the need for Protective Custody placement. Pre-hearing protective custody status may not exceed 72 hours unless exigent circumstances exist. Inmates shall be afforded the opportunity for out of cell activity for four hours every 20 hours.