



Second Monitor's Report

Review Period:
2/25/22 – 8/24/22

THE UNITED STATES OF AMERICA
v.
THE STATE OF NEW JERSEY AND
THE NEW JERSEY DEPARTMENT
OF CORRECTIONS

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Introduction

The State of New Jersey and the United States Department of Justice (DOJ) entered into a settlement agreement on August 24, 2021. Specifically, the agreement involves a comprehensive set of provisions to ensure that prisoners housed at the Edna Mahan Correctional Facility for Women (Edna Mahan) are provided with constitutional conditions that protect them from sexual abuse. The purpose of the compliance report is to document the progress of the actions of the New Jersey Department of Correction (NJDOC) and Edna Mahan in response to the specific requirements of the provisions in the settlement. This is the second required court report, covering the time period of February 25, 2022, through August 24, 2022.

The parties agreed on the selection of Jane Parnell as an objective settlement monitor to evaluate the NJDOC and Edna Mahan level of compliance with the requirements detailed in the settlement. The Monitor began her responsibilities on August 24, 2021. The Court has the Curriculum Vitae (CV) of Ms. Parnell and her nearly 40 years of experience in the field of corrections.

This report will describe the level of compliance taken by NJDOC and Edna Mahan and the actions taken by the Monitor to determine compliance, as required by the settlement. The period of this evaluation is February 25, 2022 – August 24, 2022. The settlement uses three (3) levels of measurements for compliance: Substantial Compliance, Partial Compliance, and Non-Compliance. The Monitor added a fourth level of measurement, i.e., non-Applicable to the monitoring tool. The definitions for these terms are included in the compliance summary section of this report.

Specific Actions to Evaluate Compliance

Specific actions taken by the Monitor to evaluate compliance during this reporting period were as follows:

- The Monitor determined the use of “incarcerated person(s)” would be used throughout this and future reports to the Court. The term “prisoner(s)” will only appear when quoting policy, the settlement agreement, or interviewed individuals.
- The Monitor conducted two visits during this reporting period. The dates were May 24, 2022, and September 12 – 16, 2022. The purpose of the first, one day visit, was to inspect the Edna Mahan Satellite Building. On March 15, 2022, 49 incarcerated persons at Edna Mahan were moved to the Edna Mahan Satellite Building. (The Monitor will discuss this further in the Executive Summary section of this report). The purpose of the May 24, 2022, visit was

to determine whether the Satellite Building was meeting all the requirements set forth in the Settlement Agreement.

- The Monitor conducted a second compliance visit from September 12 – 16, 2022. The Monitor and/or her Associate conducted “official” (scheduled) interviews with approximately 60 NJDOC and Edna Mahan staff who have specific responsibilities related to NJDOC and Edna Mahan’s compliance with the settlement. The Monitor and/or her Associate also spoke with approximately 25 security and civilian staff during three staff focus groups: one from each shift (1st, 2nd, and 3rd). The Monitor spoke with several additional staff during the tour of the facility.
- The Monitor and/or her Associate conducted three incarcerated persons focus groups, comprised of approximately 20 randomly selected incarcerated persons at Edna Mahan that week. The Monitor also spoke with several additional incarcerated persons during the tour of the facility. The Monitor’s Associate also met with 6 incarcerated persons at the Edna Mahan Satellite Building.
- During the compliance visit, the Monitor and/or her Associate toured the entire facility, including all housing units, as well as the Edna Mahan Satellite Building. They also observed the Administration’s “morning briefings,” a PREA Accommodation Meeting, and a comprehensive education PREA Orientation. Details of these visits and observations are included in the logistics section of this report.
- The Monitor received and reviewed monthly data specific to the operations of Edna Mahan. Examples include logbooks, search reports, documentation of supervisory rounds, staffing reports, incarcerated persons rosters, incarcerated persons education reports, etc.
- The Monitor reviewed over one hundred different sets and/or types of NJDOC and Edna Mahan policies, post orders, logbooks, spreadsheets, meeting agendas and minutes, training curricula, PREA investigative reports, and several other types of documents, too numerous to list. All these documents were used to inform the Monitor's ratings for compliance, and included information gained during the interviews, and observations from conducting the tours of the facility.
- The Monitor participated in several conference calls with NJDOC, The United States Department of Justice, and the leadership for Edna Mahan concerning the settlement provisions and compliance requirements.

Monitoring Tool

The Monitor developed and proposed a "monitoring tool". Both NJDOC and the DOJ approved its usage. There is a section in the 'monitoring tool' for each paragraph of the Settlement Agreement. The top of each section identifies the specific paragraph of the Settlement Agreement and any requirements, as appropriate.

Each section lists the specific measures of compliance the Monitor uses to determine compliance for that paragraph. The measure of compliance identifies the documents, interviews, and observations used to assess compliance for that specific paragraph. Each of these measures of compliance were shared, and agreed upon, by the NJDOC and the DOJ.

The next section in the monitoring report is titled "NJDOC Discussion: The Steps Taken by NJDOC and Edna Mahan Towards Implementation". This section is drafted by NJDOC and provides the opportunity for NJDOC and Edna Mahan to describe the actions that have been taken during the reporting period to implement the Settlement Agreement.

Each paragraph includes an evaluation of the extent to which Edna Mahan has complied with the substantive provisions of the Settlement Agreement during this reporting period, by identifying the level of compliance with the requirements specified for each paragraph. There is also an opportunity for the Monitor to discuss how she determined that level of compliance. This would include the documents she reviewed, what interviews she or her Associate conducted, and what observations were made during the compliance visit. The Monitor also described the steps taken by Edna Mahan to implement the Settlement Agreement.

Lastly, there is an opportunity for the Monitor to provide specific, non-binding recommendations, as applicable. These recommendations would establish non-binding performance expectations for Edna Mahan during the next six-month reporting period.

Executive Summary

Intent of the Report

This report is to inform the Court, and all interested parties, of the Monitor's assessment of the current progress and status of NJDOC's and Edna Mahan's compliance with the provisions and requirements of the Settlement Agreement. The Monitor completed this second report through the following actions:

- Conducting a thorough examination of the Settlement Agreement, its provisions

and the specific requirements listed in the monitoring tool.

- Requesting and examining specific documents to help identify and assess the extent to which NJDOC's and Edna Mahan's actions meet the requirements of the Settlement Agreement. Examples were listed above in the "Specific Actions to Evaluate Compliance" section.
- Selecting specific NJDOC and Edna Mahan staff for compliance interviews based on the individual's overall and direct responsibilities for settlement implementation.
- Conducting focus groups with staff, incarcerated persons, and stakeholders to obtain feedback and perspective on Edna Mahan's activities and practices as related to the terms and requirements of the Settlement Agreement.
- Using routine communication practices with all parties to request additional information or seek clarification regarding NJDOC's and/or Edna Mahan's performance in meeting the terms and requirements of the Settlement Agreement.

New Jersey Department of Corrections/Edna Mahan: Updates, Progress, Strengths, Challenges, and Opportunities for Improvement

A. Updates

Moving some of the incarcerated population to a Satellite Building

In March 2022, NJDOC made the decision to relocate selected incarcerated individuals to a housing unit on the grounds of William H. Fauver Correctional Facility, which now serves as a satellite location for Edna Mahan Correctional Facility. This Edna Mahan Satellite Building is located approximately ten minutes away from the Edna Mahan Correctional Facility for Women. This decision to move the first incarcerated persons was due to needed repairs to the Stowe building at the main campus of Edna Mahan.

On March 15, 2022, 49 incarcerated persons were moved from Stowe Housing Unit to the Satellite building. By the end of March 2022, 9 more persons had been moved to the Satellite building, and an additional 40 incarcerated persons were moved in July 2022. The following criteria was considered for an incarcerated person to be transferred to the Satellite building:

- *Must have medium or lower classification*
- *Must not be serving a sentence for murder*
- *Must not be serving a sentence for aggravated sexual assault*

- *Must not be serving a sentence for any offence enumerated in N.J.S.2C:47-1 and whose conduct was characterized by a pattern of repetitive, compulsive behavior*
- *Must not be currently enrolled in Cosmetology*
- *Must not be currently enrolled in NJSTEP (New Jersey Scholarship and Transformative Education in Prisons) courses.*

Prior to moving individuals to the new location, NJDOC/Edna Mahan included representatives of the incarcerated population in the decision-making process. That included allowing incarcerated persons elected by their peers to tour the facility in advance of any move, to alleviate stress, anxiety, and address any concerns relative to relocation.

In July 2022, “B Cottage”, a housing unit on the minimum grounds was depopulated and individuals from that living unit were moved to the Edna Mahan Satellite building. The move was generated by concern for the wellbeing of that population, due to current, high environmental temperatures.

This second move had fewer preclusions since the individuals had “full minimum” classification status. The incarcerated population living in “B Cottage” were asked if they would like to move on a voluntary basis. Wheelchair-bound individuals, grounds workers and incarcerated persons enrolled in cosmetology were kept at the main facility. The other two housing units on the minimum grounds were able to absorb the remaining population who either chose to remain on the main Edna Mahan campus or had other considerations such as medical needs or work detail obligations.

Although the satellite unit provides more natural lighting, central heating, air conditioning and space, limited activities are offered to keep the population occupied. Most of the persons living in the Satellite Building report being “very bored and frustrated”. The Monitor will discuss this in the “opportunities for improvement” portion of the report. This building has the capacity to house 192 individuals. The current population, as of the writing of this report, is 107.

The reorganization of the PREA Unit

The NJDOC PREA unit has recently been reorganized and located in the Women’s Services Division. The unit consists of an Agency PREA Coordinator (legal specialist) who will work at a director level, and will have the time and authority to develop, implement and ensure Departmental PREA compliance. (As noted in paragraph 36 of the Monitoring Report, this person began working as the department wide PREA coordinator on October 24, 2020). There are currently two program coordinators who will lend extra support to the institutional PREA Compliance Managers, administration, and staff at each institution to implement institutional

PREA policies and trainings, conduct internal PREA reviews, PREA mock audits. There are also plans to hire an administrative analyst who will focus on Risk Management data collection, curriculum management, preparing the PREA Annual Report, maintaining metrics for internal facility compliance audits, analyzing facility internal audits, data collection, case tracking and data research.

Weaponizing of PREA

During the last compliance report, the Monitor stated that the most prevalent and vociferous message the Monitor heard from both staff and incarcerated persons was their concern about the “weaponizing of PREA”. The Monitor expected to hear that there was improvement in this area, as evidenced by the lower number of allegations of sexual abuse and sexual harassment filed. In the last reporting period, there were 67 allegations of sexual abuse and/or sexual harassment filed; 32 allegations made by the same incarcerated person. During this reporting period, there were 27 allegations of sexual abuse or sexual harassment filed; 19 allegations made by that same incarcerated person. The reduction in the number of filings suggests that the incarcerated persons are not filing a large number of false allegations for their own advantage.

However, during the compliance visit, the Monitor was surprised to hear from both the staff and the incarcerated population that, from their perception, this issue remains a significant concern. Both the staff and incarcerated persons report that some incarcerated persons continue to threaten staff and one another with the threat of “I’m going to PREA you”, meaning they are going to file a PREA complaint on that person, in some cases falsely or with regard to incidents that are not related sexual abuse or harassment. When confronted with the data reflecting that the number of allegations of sexual abuse or sexual harassment filed against a staff person had declined, both staff and the incarcerated population’s response was that “it doesn’t feel that way”.

Some incarcerated people pointed out that the threat of a PREA accusation can itself be disruptive and can cause conflict, even if not carried out. Threats therefore might be contributing to the perception of false allegations, but they would not be reflected in our data. The staff further stated that “the incarcerated persons are now filing more allegations against each other”. The Monitor has no way of knowing if this is accurate, since the reported number of incarcerated person-to-incarcerated person allegations is outside the scope of the Settlement Agreement. The staff’s understanding of the number of PREA complaints is not supported by the data. This misperception appears to be due to a lack of communication. Regardless, the Monitor heard the concern often enough that it was worth noting in this report.

New facility

Commissioner Kuhn continues to acknowledge that the infrastructure at Edna Mahan remains challenging and, without question, requires a new facility. She also acknowledges that

siting and building a new facility requires appropriate funding and pre-planning. During this past reporting period, NJDOC has continued to work with Carter Global Lee (CGL), the nationally recognized consultant firm currently developing the parameters for the next facility. CGL has completed a thorough review of bed space, housing needs, and advancements in prison reform – including family reunification areas, re-entry programming areas and long-term care areas. The next step will be for CGL to make final recommendations and then processing the recommendations through appropriate channels.

B. Progress

NJDOC and Edna Mahan have continued to make steady progress during this reporting period. The three major areas of improvement observed by the Monitor during the compliance visit are: the development of the Special Investigations Division (SID) Special Victims Unit (SVU) which led to the improved time of Administrative Investigations; the hiring of a full-time PREA Compliance Manager at Edna Mahan; and the increased emphasis on recruitment.

Improved time on Administrative Investigations

All allegations of staff sexual abuse are referred to the Hunterdon County Prosecutor's Office (HCPO). The HCPO subsequently determines if the investigation is “criminal” or “administrative”. If the investigation is criminal, the HCPO conducts the investigation. This process is typically completely out of the hands of NJDOC. However, if the investigation is determined to be “administrative”, the NJDOC Special Investigations Division (SID) is responsible to investigate. Notably, this process reflects considerable improvement. As of the writing of this report, there are currently no “open cases” for any allegation that the NJDOC/SID is responsible for investigating. Additionally, Assistant Commissioner Kelly Daniels has worked hard to establish a collaborative process with HCPO. She meets with them on a regular basis to get updates on the status of all open HCPO cases. This collaboration has helped increase the number of cases that HCPO has closed as well.

Another contributing factor that should be recognized is the development of the Special Victims Unit. The SVU was launched in mid-April, and by the first week in May, it was fully functional. The SVU has helped to clear the backlog of cases that existed at Edna Mahan when the unit was formed. In February 2022, there were 65 open sexual abuse investigations. By the end of August, that number was down to 27. In the interim, an additional 41 cases were opened. This indicates that 79 sexual abuse cases were closed in a matter of a few months. It is worth nothing that in the last reporting period, 17 cases were “closed”. Many of those cases were closed out by the Edna Mahan field office. The assumption of all new sexual abuse allegations by SVU meant they could finally catch up on investigations involving other matters.

SVU's specialization has worked to improve the time in which investigations are completed. In some cases, this leads to officers being returned to duty quicker following their reassignment after an unfounded or unsubstantiated PREA allegation. This also works to discourage false allegations because the incarcerated population sees that the misuse of PREA (at least towards the staff) is effectively being disarmed. Using video surveillance and body worn camera footage, SVU can swiftly and with certainty discount false allegations. However, there is a concern that there is a "disconnect" between staff's perception and the reality of the number of cases SID/SVU is closing. The Monitor will discuss this further in the "weaponization of PREA" discussion in the "challenges section of this report".

Fulltime PREA Compliance Manager at Edna Mahan

On March 26, 2022, Amelia Renshaw was appointed Assistant Superintendent and is the designated full-time (40 hours/week) Institutional PREA Compliance Manager (IPCM) at Edna Mahan. Ms. Renshaw is solely responsible for overseeing PREA compliance and has sufficient authority to coordinate EMCF's efforts to comply with the PREA standards and the Settlement Agreement.

In addition to ensuring compliance with the federal PREA standards, Ms. Renshaw has initiated improvements outside of the requirements of the Settlement Agreement to enhance PREA compliance. One such initiative involves working with the Assistant Commissioner of Women's Services to improve the Victimization Risk Assessment to ensure that the data collected is accessible and utilized more efficiently within NJDOC. Ms. Renshaw has also developed a Staff Disposition Form advising Edna Mahan staff of the determination when they are named in a PREA allegation. Although this new form was not initiated during this reporting period (the usage began on September 1, 2022), the Monitor sees this as a very positive step.

Ms. Renshaw has also focused on the Transgender/Intersex/Non-Binary (TG/INB) individuals during this report period by collaborating with the Medical and Mental Health Departments to ensure that gender affirming treatment is being provided. Additionally, the IPCM is also offering a discussion group for the TG/INB individuals living in Edna Mahan. This group serves as a forum for community support. For the August TG/INB group, Maggie Reed, Patient Advocate for University Correctional Health Care attended the group providing access to address any concerns regarding care for their specific needs.

Ms. Renshaw conducts weekly tours of both the Edna Mahan facility and the Satellite building. These tours assess possible PREA concerns, helps ensure compliance with the Settlement Agreement, and answer questions any incarcerated person might have. The

Monitor has reviewed the weekly tour reports and believes this has proven very valuable for both staff and the incarcerated population.

Lastly, Ms. Renshaw offers monthly PREA Discussion Groups to all individuals living at Edna Mahan. Discussion groups offer individuals an opportunity to ask questions, share concerns, learn more about the PREA process, and offer suggestions. The IPCM then makes the appropriate referrals or recommendations to Administration, Custody or other departments as needed. Again, the Monitor believes this ongoing communication has been very valuable for staff and the incarcerated population.

The Increased Emphasis on Recruitment

With the recent Civil Service Reform law enacted, the NJDOC is now able to hire custody staff directly through their own hiring process instead of proceeding through the Civil Service Commission. This gives NJDOC the ability to directly recruit, have continuing interactions with interested individuals leading up to and through the application process, and have greater control over the process itself. The NJDOC Recruitment Unit is now offering numerous dates/times, including nights and weekends, to all applicants to schedule themselves for open interviews. This flexibility enables the NJDOC to empower the new applicants to schedule a date/time that works best for them and their schedules to create added flexibility for caretakers, schooling, work schedules, and make arrangements for transportation as needed.

The Custody Recruitment Unit's outreach is targeting its efforts to engage female interest in the profession of a correctional police officer with the NJ DOC. The Recruitment Unit is working on updating advertisement to show the success that female officers have had at NJDOC. Additionally, the Recruitment Unit is highlighting the opportunities that female correctional police officers can have in NJDOC.

As required in the Settlement Agreement, the Custody Recruitment Unit, in collaboration with Administration from Edna Mahan, recently completed a Recruitment and Retention Plan (discussed more in paragraph 33 of the monitoring tool). Some of the strategies identified in the plan include:

- Identifying specific approaches and organizations with whom to collaborate in order to target applicants from women-oriented communities.
- Meeting with current women officers in the NJDOC and at EMCF to discuss recruitment ideas that they may have to better attract female applicants
- Compiling a list of community groups, with an emphasis on communities in Hunterdon County and other counties near EMCF, frequented by females, and inviting them to informational meetings.

- Partnering with outside agencies for strategies on women recruitment and retention.
- Enlisting the support of senior-ranking women officers from EMCF to participate in recruiting events (in-person and virtual) and share their experiences with women applicants.
- Conduct career nights (both in-person and virtually) staffed by women recruiters specifically targeted toward women. These sessions can be both informational as well as include a Question/Answer session so the women may ask the women officers specific questions.

The Custody Recruitment Unit will also be providing applicants who may be concerned about physical training components of the academy with help on the Preemployment Preparation Program (PEPP). The PEPP program is a voluntary program offered to candidates to help them prepare for the physical training component required to graduate from the academy. It is scheduled during the 3 months leading up to the academy start date with multiple sessions held each week to accommodate all potential candidate schedules. The purpose of the program is to prepare the candidates to successfully pass the mandatory Police Training Commission physical fitness assessment. NJDOC staff will work with each candidate on the exercises, nutrition, proper warm up, and stretching during the duration of the program.

Additionally, NJDOC and Edna Mahan have made considerable progress in areas that are not required by the Settlement Agreement. Some of those actions include:

Gender-Responsive Programming Continues

- In April 2022, the Gender and Culturally Responsive Programming Unit completed its inaugural cohorts for Release Trauma and Embracing Faith (RTEF). Nineteen incarcerated persons completed 12 weeks of working through the pain of their past. Each participant was able to use the tools learned for identifying their trauma experiences and healthy ways to move from striving to thriving. Exit surveys of the 19 participants rated the program excellent and requested to see it expanded. Currently, facilitators are actively working with the second cohort while conducting follow-up sessions with those who have completed the program.
- On April 24 and May 1, 2022, the Second Annual SOUL Sisters Conference was held. This year's conference featured 13 motivational and spiritual speakers from the tri-state area for a two-day interfaith summit on healing. The conference theme was "Girl Get Up," which is an expression for encouraging one's resiliency and bravery. Eighty-seven incarcerated persons housed at EMCF attended the conference.

- On June 23, 2022, a Reentry Fair was held at Edna Mahan. Eleven partner agencies set up tables, and the incarcerated persons were able to meet with local community-based agencies that can assist with their transition to the community.
- Structured Incentive Activity Programs (sweet treats, BINGO, Paint and Sip) has contributed to positive behavior of the incarcerated population. The average number of disciplinary infractions prior to the incentive program that was instituted in December of 2021 was approximately 120 per month. The average number of staff assaults over the same period averaged approximately 15 per month. Since the implementation of the incentive program, disciplinary charges have decreased to an average of approximately 73 per month. Staff assaults significantly decreased as well to approximately 3 per month, which is an incredible 80% decrease since January.
- Empowering Women Speaker Series – Beginning in March 2022, Edna Mahan has held the Empowering Women Speaker Series every month. Speakers have included advocates and activists, entrepreneurs, and authors. The most recent speaker was Board of Trustee member, Tia Ryans, an advocate, author, and business owner, with a powerful and empowering voice and a true connection to EMCF. The series has been well-attended and well-received by the women and continues to bring new voices to the women at Edna.

Increased Communication

Considerable focus has been placed on increasing communication with staff, stakeholders, and incarcerated persons. Examples include:

Staff Advisory Groups:

In March 2022, NJDOC and Edna Mahan developed an Edna Mahan Staff Advisory Board. The purpose of the board is to help NJDOC and Edna Mahan gain new insights and advice to solve problems and explore opportunities by stimulating robust, high-quality conversations. The role of the advisory board is not to make decisions, but rather to provide current knowledge, critical thinking, and analysis. Originally, identified staff members were invited to attend these meetings. However, eventually, any Edna Mahan staff was invited to attend the meetings, except for overtime restrictions. The Monitor has reviewed the minutes of the March, April, and May meetings held during this reporting period, as well as the September meeting.

Board of Trustees:

As noted in the last compliance report, in February 2022, New Jersey Governor Phil Murphy announced the appointments of Dr. Amesika Nyaku, Tia Ryans, Dr. Johanna Foster, Bonnie Kerness, La’Nae Grant, and Kathleen Witcher to the Edna Mahan Correctional Facility Women Board of Trustees (BOT). The Governor also reappointed Dr. Karma Brown Warren. The announcement noted that these appointments will act to create a diverse, highly engaged, and forward-thinking Board of Trustees that is well-equipped to supervise the operations of the state’s only women’s correctional facility. The Monitor spoke with five of the seven Board Members, and, by everyone’s account, this Board is engaged, positive, wants the best for the Incarcerated Persons living at Edna Mahan, and is willing to do what is needed to be done. The Monitor has reviewed the minutes of the March, April, May, June, and August meetings held during this reporting period, as well as the September meeting. The Board has been very active, meeting, visiting the facility, meeting with the women at Edna, participating in the Empowering Women workshops, and developing plans. It is clear that very open communication between NJDOC Leadership and the BOT members exists.

Incarcerated Persons:

Commissioner Kuhn meets regularly with the population at Edna Mahan. These formal regularly scheduled meetings give the incarcerated persons a chance to express concerns directly to the Commissioner. This group of women makes suggestions with the genuine goal of improving their living conditions. Having the highest authority in the prison system attentively listening to them, taking notes, and taking follow up action is giving the incarcerated population a voice. In Commissioner Kuhn’s own words, “The women of Edna are an active, intelligent and engaged group, and are an important part of the overall reform efforts.”

Additionally, as noted above, Associate Superintendent Renshaw, the IPCM, conducts monthly discussion groups with all individuals living at Edna Mahan. These discussion groups offer the incarcerated persons an opportunity to ask questions, share concerns, learn more about the PREA process, and offer suggestions.

The Monitor believes this ongoing communication is very valuable for staff, stakeholders, and the incarcerated population.

C. Strengths

The New Jersey Department of Corrections (NJDOC) has built a strong foundation for

continued progress in reaching all the goals outlined and required in the Settlement Agreement.

Leadership from the New Jersey Department of Corrections

During this reporting period, the New Jersey Legislature confirmed Governor Murphy's appointment of Victoria Kuhn to the full-time position of Commissioner of the Department of Corrections. The Monitor observed that Commissioner Kuhn provides the agency leadership for her staff and Edna Mahan, toward successful, continued implementation of the settlement agreement. Commissioner Kuhn visits directly with incarcerated persons at Edna Mahan monthly. This action demonstrates her personal commitment to "listen to" and address any issues/concerns of the incarcerated persons. It also demonstrates to both staff and the incarcerated persons her personal commitment to comply with the Settlement Agreement, and to rebuild the reputation of the New Jersey Department of Corrections, specifically the Edna Mahan Correctional Facility.

Leadership from the Assistant Commissioner of Women's Services

As noted in the previous report to the Court, in May 2021, Helena Tome was selected for the position of Assistant Commissioner of Women's Services. Assistant Commissioner (AC) Tome has 20 years of experience working in non-profit organizations that provided services for women. In her last position, she was the PREA Coordinator for a non-profit agency. Assistant Commissioner Tome has continued to learn about NJDOC and, specifically, Edna Mahan. During this reporting period, NJDOC has added the Prison Rape Elimination Unit under AC Tome (discussed above). The Monitor believes this change in structure will better support the requirements of the Settlement Agreement and continue to provide leadership specific to protecting incarcerated persons from sexual abuse and sexual harassment at Edna Mahan.

Leadership from the Edna Mahan Administrative Team

During this reporting period, two Assistant Superintendents have been added to the leadership team at Edna Mahan. The leadership team now consists of the Administrator, the Associate Administrator, and three Assistant Superintendents. One of the Assistant Superintendents has been appointed as the full-time PREA Compliance Manager. Having someone at this level designated as the PREA Compliance Manager, who has no other duties with NJDOC or Edna Mahan other than PREA and the Settlement Agreement, is viewed as a very positive step toward compliance. Many of the staff have noted that the culture has changed for the better under this Edna Mahan leadership team and feels that the entire team is supportive, collaborative, and positive.

As noted in the previous report to the Court, the Monitor believes that the presence of a strong and competent executive team is a critical factor in changing the culture of any correctional facility. It is welcoming to note that staff has recognized that the culture at Edna Mahan has changed. This change in culture is necessary to maintain successful compliance over the length of this agreement and beyond.

However, as mentioned in the last report to the Court, the leadership team faces challenges as well. During this reporting period, all three of the Major positions have changed. In one instance, a Lieutenant from another facility came to Edna Mahan to be promoted to Major. That person stayed his “mandatory” four months and then transferred out, all within the last six months. At the time of the writing of this report, the two current Majors (one position is vacant) have only been working at Edna Mahan for less than two months and, at the time of the compliance visit, neither had received any training in gender-responsiveness or trauma. The Majors are the highest-ranking level of correctional staff and have a large influence on line-level staff. It is challenging for correctional staff to endure this lack of consistent leadership. Staff explained that different Majors have different priorities and focus. One person stated that “you barely get used to one style before they leave, and you have to start all over. There’s never any consistency”.

Stakeholders/Partners

The Monitor continues to be impressed with the outside resources/partners that NJDOC has cultivated. The support from The Moss Group and the primary attorneys with Lowenstein Sandler LLP continues at a very engaged level and, in the Monitor’s opinion, contributes to NJDOC’s/EMCF’s compliance with the Settlement Agreement. Additionally, as noted above, NJDOC/Edna Mahan staff continues to meet with the Board of Trustees monthly. Various Board members have visited the facility and participated as special speakers at the monthly “Empowering Women!” speaker series.

D. Challenges

Language Access

Edna Mahan continues to have challenges with providing appropriate language access to incarcerated persons, including not providing appropriate interpretive services in all instances.

Bureaucracy

Bureaucracy continues to be a challenge for the New Jersey Department of Corrections and Edna Mahan Correctional Facility for Women. NJDOC Human Resources falls under the “umbrella” of the State Civil Service Commission, which is the overall authority on hiring, promoting, etc. NJDOC is required to remain compliant with NJ Administrative Code 4A which governs Human Resources compliance to ensure consistency throughout New Jersey state government.

One example of this bureaucracy affecting compliance with the Settlement Agreement is the delay in hiring the NJDOC’s department wide PREA Coordinator. It took NJDOC until August 3, 2022, to select a qualified individual. A significant part of this delay was the result of the State Civil Service Commission rules and part was NJDOC’s internal reorganization and processes. After the individual was identified, she still had to be approved, pass the Civil Service Commission review, and successfully clear the required background check. At the end of the reporting period, this position had still not been filled. This seems to be the very definition of bureaucratic inefficiency.

As noted in the last compliance report, S3672, was signed into law on January 6, 2022. This law mandates that the Civil Service Commission exempt any person from the requirement to take an examination for an entry-level state corrections law enforcement officer position, who successfully completes a full Basic Course for Correction Officers training, at a school approved and authorized by the New Jersey Police Training Commission, within nine months from the date of hire as a temporary entry-level officer. This law is helpful, but only applies to Corrections Officers. All other NJDOC positions fall under the authority of the State Civil Service Commission. Subsequent to the hiring of a Correctional Officer, that applicant must complete seventeen weeks of training at the Training Academy, and two weeks at the facility they where they are assigned to. According to HR staff at NJDOC, less than half of the applicants complete the Academy. At the time of the writing of this report, there are only 109 positions available in the academy and only three “Academy sessions” offered per year. Doing the math, this equals less than 165 graduates of the academy, who could potentially become Correctional officers for the NJDOC. Obviously, bureaucracy interferes with NJDOC keeping up with the need for Correctional Officers, statewide.

The Monitor is not sure if a law could (or should) be considered bureaucracy, but as noted in the previous compliance report, The New Jersey Revised Statute Title 70 52:14-7, which is known as the "New Jersey First Act", restricts any state government agency from hiring anyone who resides outside the State of New Jersey. This law makes it particularly difficult to hire staff for the Edna Mahan Corrections Facility, due to its proximity to the state of Pennsylvania. It is incredibly unfortunately that some type of exception is not available,

given the current circumstances. Without the “New Jersey First” law, Human Resource experts believe they would be able to recruit and hire people who live in Pennsylvania to work at Edna Mahan.

Prison Facility/Location Challenges

The facility challenges noted in the last report to the Court remain. The physical plant is over 110 years old and comes with all the problems (lack of hot water, electricity, numerous power outages, mold, etc.) inherent in an old facility. An example of this was discussed earlier, when 58 incarcerated persons had to be moved out of Edna Mahan because of needed repairs in their housing unit (Stowe). Later, in July, an additional 40+ incarcerated persons had to be moved out of their housing unit (B-Cottage) due to concern for their well-being because of high environmental temperatures.

Additionally, the difficulty with only having one housing compound for each classification level continues to be a challenge for keeping incarcerated persons separate from one another. This is especially difficult when a person becomes a victim of sexual abuse or sexual harassment of another incarcerated person.

The location of Edna Mahan continues to be a challenge. For staff who do not live in the area, it is consistently a 60-to-90-minute commute to work each way. This length of commute makes the facility less desirable to work at than other prisons in the NJDOC system. Additionally, as noted above, the “New Jersey First” law affects Edna Mahan more than other facilities in the NJDOC system, since the facility is so close to the Pennsylvania border.

Another challenge of the location of Edna Mahan is that staff traditionally promote to Edna Mahan with the primary intention of “getting their time in grade” and so they can transfer back to another NJDOC facility closer to where they live. As previously discussed, during this past reporting period, all three Edna Mahan Major positions changed. In one instance, a Lieutenant from another facility came to Edna Mahan to be promoted to Major. That person stayed his “mandatory” four months and then transferred out, all within the last six months.

Staffing

Staffing continues to be a challenge at Edna Mahan. This is due to a multitude of factors, some of which have already been discussed (physical location of facility, low number of training academies, difficulty of hiring qualified individuals, etc.). Additionally, the “stigma”

of working at Edna Mahan still exists, as well as the concern of having a false allegation filed against a staff person.

The Monitor noted above that there is a “disconnect” between staff’s perception and the reality of the number of cases SID/SVU is closing. Additionally, it is important to note that, by law, NJDOC must refer cases to the Hunterdon County Prosecutor’s Office. When the cases are being investigated by Hunterdon County, NJDOC has no control over how long an investigation can take and in fact, it often takes months. The struggle for the staff is that when an allegation is made against a staff member, that staff member is considered to be “under investigation” until the allegation can be investigated, and the case closed. While the case is “open,” if the staff member is being considered for promotion or transfer within NJDOC, or being considered for employment with another agency, should that agency ask the Special Investigations Division if that staff member is being investigated, the answer necessarily is “Yes, there is an open investigation regarding this staff member”. That can, and has, resulted in the staff member not receiving the promotion or transfer. This process is often a deterrent for people wanting to come to work at Edna Mahan.

The large number of vacant positions and high sick leave use results in mandatory overtime for staff. Some correctional staff reported working 3 – 4 mandatory overtimes per week. It is obvious that people are not at “their best” when they are working 60-70 hours a week. Long hours and double shifts affect the mood and decision-making abilities of staff. Sick calls increase because custody staff are desperate for a break, which results in more mandatory overtime. As one staff told us, “After working 16 hours, I have an hour commute. My commute home is a challenge to stay awake. I have almost fallen asleep behind the wheel. When I get home, I try to go to sleep right away because I get up 5-6 hours later, sometimes less, because I am too wired to sleep due to stress and due to drinking caffeinated beverages throughout the night to stay alert”. These conditions affect both recruitment and retention.

E. Opportunities for Improvement

Confidentiality

One of the greatest opportunities for improvement is to improve the confidentiality of reporting allegations of sexual abuse and sexual harassment. There is a requirement in the PREA Standards and the Settlement agreement that says, “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.” However, nearly everyone we spoke with stated that in “reality” there is no confidentiality of reporting in the institution. People literally laughed when asked if confidentiality existed. Both staff and

incarcerated individuals acknowledged that people are usually aware when someone files an allegation of sexual abuse or sexual harassment. This is especially troubling to incarcerated persons. Many incarcerated persons shared their concerns of retaliation because of the lack of confidentiality. (The Monitor discusses this in more depth in paragraph 61 of the monitoring tool). In the words of one incarcerated person, “There would be no retaliation if the confidentiality of reporting was kept.”

The Monitor or her Associate interviewed several staff and incarcerated persons (separately) and asked them specifically about the lack of confidentiality. They explained many reasons. Some are results of the “systems” in place for protecting the alleged victim. Some were the process of how/where the alleged victims were interviewed (that has since been changed). One major contributor was a process in place that resulted in the details of all PREA allegations being emailed to over 100 custody supervisors. This was corrected immediately upon discovery, but it is unknown how long this practice had been occurring. Another factor is simply the inevitability of people talking. Staff are very clear about the expectation of confidentiality but unfortunately, knowing the expectation and abiding by the expectation sometimes depends on the person. There is a very pervasive attitude that maintaining confidentiality is an unrealistic expectation. Additionally, incarcerated persons talk. There is no expectation of confidentiality that they are bound to. In some cases, the alleged victims themselves have shared the allegation with others, which they are permitted to do and sometimes need someone to talk to. And this too, can add to the lack of confidentiality

This concern was noted in the last report to the Court with a recommendation that the leadership of Edna Mahan see if there are any opportunities to make changes that would support more confidentiality specific to an allegation of sexual abuse or sexual harassment. Some changes were made, yet this area continues to be an area of concern.

Retaliation

Retaliation and confidentiality go hand-in-hand. As stated above, one incarcerated person told us, “There would be no retaliation if the confidentiality of reporting was kept.” All the systems are in place to monitor retaliation, but most of the incarcerated persons interviewed by the monitor reported they still feel that retaliation for reporting happens. The incarcerated persons believe the retaliation is very subtle and nothing they could “prove” or report. They stated they believe staff are deliberately engaging in subtle forms of retaliation after an incarcerated person reports an allegation, in order to make their lives more difficult or to “punish them” for reporting. (The Monitor discusses this in more depth in paragraph 64 of the monitoring tool). The Monitor recognizes these types of allegations are very difficult to prove, but it was heard often enough that it is worth noting. More than one incarcerated person told us

that this type of retaliation is the reason victims do not want to report incidents of sexual abuse or sexual harassment.

Lack of coordination with Leadership of Edna Mahan

NJDOC has worked very hard to comply with the requirements of the Settlement Agreement during this reporting period. Their commitment has necessarily involved several parts of the agency (Operations, Training, Recruitment, Programs, Special Investigations Division, Women’s Services, etc.) working on different aspects of the Agreement. This has often resulted in trying to coordinate a lot of “moving parts.” Unfortunately, those ‘parts’ may not always have remembered to involve or inform leadership of Edna Mahan of their plans or activities. Some examples include:

- As noted above, the Board of Trustees have met each month during this reporting period. For the most part, these meetings are managed by the Women Services Division. Reading through the minutes, it appears that the Administrator of Edna Mahan has very limited opportunities for engagement with the Board. This observation was confirmed through conversations with five of the seven Board members. It should be noted however, that the members all indicated a desire for increased involvement with the Edna Mahan leadership.
- Edna Mahan leadership was unaware that the Training Department scheduled a training on Limited English Proficiency (LEP) for all Edna Mahan staff. It was the Monitor that notified Edna Mahan leadership that this training occurred. None of the five persons at the highest level of the facility were aware that their staff had attended this training or that this training had occurred inside their facility.
- The Recruitment and Retention Plan required in the Settlement Agreement was originally written by a Sergeant in the NJDOC Custody Recruitment Unit, functioning under the direction of the Corrections Staff Training Academy, with no input from any staff from Edna Mahan. It was not until the Monitor requested input from the leadership of Edna Mahan that they become involved.

The Monitor does not believe this is a deliberate exclusion of the Edna Mahan leadership. Nor does it reflect on the abilities, commitment, or competencies of any of the members of the leadership team. Rather, the Monitor believes this reflects everyone trying to “do what needs to be done” in the most expedient manner. It is important, however, to ensure all NJDOC divisions are communicating and coordinating with the Edna Mahan leadership. In their own words, “the Edna Leadership needs to have a louder voice in decision making regarding what affects and happens at the Edna Mahan Correctional Facility for Women.”

Increased Communication with Incarcerated Persons regarding the status of their complaint:

There does not appear to be any formal process to update an incarcerated person on the status of their allegation. Two incarcerated persons we spoke to expressed concern about not knowing the status of their complaints. Most surprisingly, one person learned from her civil attorney (for a damages lawsuit) that one or more of the Correctional Officers at issue were being prosecuted. She reported that this information raised concerns about her own physical safety (due to possible retaliation from staff) in light of the prosecutions. She pointed out that if she were a victim outside of the prison environment, she would be provided information such as status and assistance with protection should that be an issue--but as a prisoner, she has no access to information. The Monitor has seen other states that provide an update on the status of their case every thirty days to the person who made an allegation of sexual harassment or sexual assault. Sometimes that update is simply “the case is still being investigated” but, at least, the individual knows the case hasn’t been ignored or forgotten. This might be a good practice for Edna Mahan.

Programming at the Satellite Building

Although not directly covered by the Settlement Agreement, the Monitor would be negligent not to discuss the lack of programming at the Edna Mahan Satellite Building. Every correctional professional realizes the connection between idleness and the facility’s ability to function efficiently. Idleness increases tension among incarcerated persons and between incarcerated persons and staff, and fosters boredom and frustration that make prison malfunction almost inevitable. In every conversation the Monitor, or her Associate, has had with the incarcerated persons living at the Satellite building, they complain about having nothing to do and being extremely bored. There were no additional staff added to provide programming in the completely separate housing unit, housing more than one hundred incarcerated persons.

The original plan was that programming staff working at Edna Mahan would “go over” to the Satellite building and provide programming. Additionally, the incarcerated persons could be returned to Edna Mahan for programming. But staffing issues can delay transport, so the incarcerated persons can miss or be late for their classes. Additionally, the incarcerated persons must be strip searched a total of four times (before they leave the Satellite building, when they arrive at Edna Mahan, before they leave Edna Mahan, and when they arrive back at the Satellite building) when they are transported to the main institution. Some of the incarcerated persons choose not to be transported back to Edna Mahan for programming and activities because they don’t want to be strip searched that often. Thus, it has been a challenge to provide many activities/programs at the Satellite building.

Increased Communication with staff by Edna Mahan Leadership Team

The Monitor recognizes that “increased communication with stakeholders” was discussed in the “progress” section of this report and understands the irony of including it in this section as well. Yet most of that communication with stakeholders was given by NJDOC Leadership, rather than the leaders of Edna Mahan. The Monitor saw several examples of lack of and/or misunderstood information, which contributed to low staff morale. These examples include:

- The misperception that the number of PREA allegations increased during this reporting period
- The misperception that a finding of “unsubstantiated” allegations remains in the employee’s personnel file and can affect their future career opportunities
- The misperception that many of the supervision requirements (opposite gender announcing themselves, no cross-gender pat/strip searches, etc.) are a result of the Settlement Agreement rather than the PREA standards
- Failure to thoroughly understand the importance of, and commitment to the gender-responsive principles and practices
- Not recognizing or demonstrating the importance of balance between treating incarcerated persons with dignity and respect and maintaining professional boundaries
- Staff not receiving information about the status of investigations related to allegations against them
- Staff not being aware of the distinction of which cases NJDOC investigate vs which cases the Hunterdon County Prosecutor’s Office investigates and the difference in the length of time between investigations.

The Monitor believes that one of the most important things the leadership team at Edna Mahan can do to improve staff morale (and retain staff) is to practice “Management by Walking Around (MBWA)”. This MBWA should be conducted with the deliberate purpose of providing accurate information, answering questions, supporting the training staff are receiving, and demonstrating a concerned presence for all incarcerated persons and staff.

Logistics

Compliance Visit

The parties arranged the second compliance visit from September 12 – 16, 2022. The purpose of this visit was for the Monitor and her Associate to conduct interviews with staff and incarcerated persons, and observe records, activities, and physical locations/buildings. In preparation for this visit, the Monitor developed a list of over 60 specific people to interview. These persons were selected by the Monitor according to the responsibilities

they represented for managing and implementing various parts of the Settlement Agreement, directly or indirectly. In addition, the Monitor requested that three staff focus groups and three incarcerated persons focus group be scheduled, with randomly selected persons to participate. The Monitor also developed a list of questions to ask, and/or topics to review during the compliance visit. Additionally, the Monitor developed a list of several documents to review. All of these documents are listed in the monitoring tool and are referred to when determining compliance.

To save time, or because of schedules, the Monitor held video meetings with staff and stakeholders prior to, during and after the compliance visit. Those video meetings are documented below.

- Assistant Superintendent Amelia Renshaw, Edna Mahan PREA Compliance Manager
- Pam Sooy, Acting Interim Agency PREA Coordinator, and Joyce Rufolo-Prior, Program Coordinator – PREA Compliance Unit
- Sexual Assault Advisory Council Members Dr. James Cassidy, Sergeant Melissa Anema, Assistant Superintendent Renshaw, and Administrator Stem
- NJDOC Assistant Commissioner for Special Investigations Division Kelly Daniels
- Administrator Erica Stem
- Board of Trustee Member Kathleen Witcher
- Board of Trustee Member Dr. Karma Warren
- Assistant Commissioner for Programs Dr. Sessoms
- Corrections Ombudsperson Terry Schuster
- Board of Trustee Member Ameskia Nyaku
- Board of Trustee Member Johanna Foster
- Board of Trustee Member Bonnie Kerness

The agenda for the onsite compliance visit is as follows:

September 12:

- Ombudsperson Office Staff
- Morning Briefing Meeting with EMCF Leadership Team
- Staff Focus Group – First Shift
- Commissioner Kuhn
- PREA Accommodation Meeting
- Major Zwolinski
- Major Ilg
- Staff Focus Group – Second Shift
- EMCF Leadership Team – Administrator Stem, Associate Administrator Ryan O’Dea, Assistant Superintendent Fusaro, and Assistant Superintendent Renshaw

September 13:

- Two Lieutenants
- Morning Briefing Meeting with EMCF Leadership Team
- Incarcerated Person Focus Group – Maximum Classification
- Incarcerated Person Focus Group – Minimum Classification
- Assistant Commissioner Willie Bonds
- Training Lieutenant and staff
- Two Contractors with Edna Mahan
- Staff Focus Group – Third Shift

September 14:

- Special Investigation Division staff interviews
- Special Victim Unit staff interviews
- Review PREA materials/website with Institutional PREA Compliance Manager
- Morning Briefing Meeting with EMCF Leadership Team
- Two incarcerated persons with Limited English Proficiency (LEP) prisoners
- Two incarcerated persons who have been protected through retaliation monitoring measures
- Two Contractors who work at Edna Mahan
- Observed the Comprehensive Orientation Education for prisoners

- Staff Focus Group with non-custody/civilian staff
- Began tour of facility

September 15:

- Assistant Commissioner Helena Tome
- Tour of Facility included: Housing Units: A and C Cottages, Randall Cottage, North and South Halls; Programming Areas Silzer, Housekeeping, Sewing, and Edna Mahan Hall; Administrative building Center Control; the Restricted Housing Unit, the Management Control Unit; Williamson and Conover buildings; and the abandoned buildings.
- Tour of Edna Mahan Satellite Building 1
- Incarcerated Person Focus Group – Satellite Building

September 16:

- Stakeholders Meeting

During the compliance visit, the Monitor or her Associate conducted three staff focus groups. The focus groups included a mix of male and female, racially diverse officers. The Monitor and her Associate asked the same questions to each group regarding their roles and responsibilities specific to PREA and sexual safety, and then conducted discussions with them according to their comments. Additionally, the Monitor and/or her Associate had conversations with staff regarding similar topics, during their tour of the facility.

The Monitor and/or her Associate conducted three focus groups with incarcerated persons. The focus groups were racially diverse persons from different housing dorms; one group from the maximum-security unit, one group from the Satellite Building, and one group from the minimum-security units. There was a total of 19 incarcerated persons in the 3 groups. The Monitor and her Associate asked basic questions to the incarcerated persons regarding their knowledge and awareness of PREA, their understanding of how to report an allegation, the sexual safety culture at Edna Mahan, and any other safety concerns they may have had. Additionally, the Monitor and her Associate had conversations with other incarcerated persons regarding the same topics, during their tour of the facility.

The Monitor's Associate observed a session of the Admission Orientation/PREA Orientation. The orientation, taught by, Associate Superintendent Amelia Renshaw, Institutional PREA Compliance Manager, consisted of the following:

- Inmate classification procedures.
- Orientation to the role of the Social Worker

- Explanation of the role of Social Services
- Reporting PREA allegations
- Use of the sexual abuse emotional support confidential hotline
- External emotional support services for victims of sexual abuse

Process of Compliance Report and Monitoring Tool

- 1) NJDOC sent a semi-annual status report to DOJ and the Monitor on August 24, 2022.
- 2) The Monitor sent the first draft report and monitoring tool to both parties on October 19, 2022. The agreement allows for a two-week period of review by both parties.
- 3) The Monitor received the comments from the Department of Justice on November 4, 2022.
- 4) The Monitor received the comments from the New Jersey Department of Correction on November 3, 2022.
- 5) The Monitor participated in a conference call with both parties on November 7, 2022, and November 9, 2022 to discuss the draft report.
- 6) The Monitor considered all the comments submitted by NJDOC and DOJ. The Monitor made some revisions and provided additional information to the parties in response to comments.
- 7) The Monitor submitted the final report to the Court on November 21, 2022

Summary of Compliance

The settlement definitions for the three measures of compliance are as follows:

- **Substantial Compliance** indicates that NJDOC and Edna Mahan have achieved material compliance with the components of the relevant provision of the Agreement. Material compliance requires that, for each provision, NJDOC and Edna Mahan have developed and implemented any relevant policies incorporating the requirement and trained relevant personnel on the policy.
- **Partial Compliance** indicates that NJDOC and Edna Mahan have achieved material compliance on some of the components of the relevant provision of the Agreement, but significant work remains.

- **Non-compliance** indicates that NJDOC and Edna Mahan have not met the components of the relevant provision of the Agreement.

The Monitor added the following measure of compliance:

- **Non-Applicable** for the purpose of this report, the Monitor defines the term Non-Applicable as “does not apply to a particular situation or expectation”. For example, if a provision in the Settlement Agreement requires an action be taken by the date of January 1, 2023, the Monitor would use “non-Applicable at this time” as the measurement for that provision in this report.

There is a total of 83 paragraphs in the monitoring tool. Some of those paragraphs have a specified date of completion listed in the Settlement Agreement of February 24, 2022, or before. Some of those paragraphs had a “daily date” meaning the performance of this activity happens on a daily basis. Some paragraphs had no specific date of completion identified in the Settlement Agreement, but NJDOC and Edna Mahan set the date of February 24, 2023, or before as the date of completion (either the date set in the monitoring tool or the implementation plan). Lastly, there are three paragraphs that had no specified date of completion identified in the Settlement Agreement.

There is a total of 64 paragraphs to be evaluated during this reported period. During this review the Monitor determined 60 paragraphs achieved a “substantial compliance” rating and 4 paragraphs achieved a “partial compliance” rating;. The specifics and rationale for each paragraph is included in the attached monitoring tool.

Closing Observations

The Monitor appreciates all the cooperation she has received from NJDOC and Edna Mahan during this reporting period. The Monitor has made numerous requests for documents or information, and all requests were received in a thorough and timely manner. The Monitor and the Department of Justice have received immediate notifications of any incident or allegations of sexual abuse or retaliation. The Monitor and DOJ have initiated a regular conference call with NJDOC to discuss current open cases and any current issues. As noted above, NJDOC and Edna Mahan implemented every recommendation the Monitor made in the last compliance report to the Court. The Monitor appreciates their willingness to review their processes and make the adjustments, as appropriate.

The Monitor saw continued progress during this reporting period. The steadiness of leadership continuing at Edna Mahan, and the addition of the Institutional PREA Compliance Manager, have contributed greatly to this progress. This leadership team demonstrates a “we can do this” attitude specific to accomplishing what is required in the

Settlement Agreement and toward making Edna Mahan Correctional Facility for Women a safer place for staff to work and the incarcerated persons to live. The staff we spoke to acknowledge their own, and the leadership of Edna Mahan's, commitment to "engage in professional, fundamentally appropriate correctional practices". Both staff and incarcerated persons recognize and appreciate this "new culture" at Edna Mahan.

In conclusion, the Monitor sees a strong commitment to the successful implementation of the Settlement Agreement by The New Jersey Department of Corrections, and the Edna Mahan Correction Facility for Women. There is a collaborative, working relationship between the NJDOC, Lowenstein Sandler, the Department of Justice, and the Monitor. All parties recognize, and have verbalized, their appreciation that each party is working toward the same goal of improved sexual safety for the persons incarcerated at Edna Mahan. The Monitor acknowledges all the hard work that has been accomplished during this last six-month reporting period and looks forward to further progress during this next reporting period.