

## INTRODUCTION:

### **par. 125 Monitoring Reports:**

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

#### Requirements:

##### par. 125

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

### III. SUBSTANTIVE PROVISIONS:

#### A. General Policies and Procedures

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

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

#### Requirements:

- par. 10 NJDOC and Edna Mahan shall provide any policies and procedures developed or revised in accordance with this Agreement to the Monitor for comment and approval to accomplish the timeframes in this Agreement. The Monitor will provide feedback on these policies and procedures promptly to Edna Mahan, but at all times within the thirty (30) days.
- par. 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.
- par. 42 Policies and procedures at Edna Mahan shall require that contractors and volunteers who have contact with prisoners but are not directly supervised by NJDOC or Edna Mahan employees comply with Edna Mahan's sexual abuse and sexual harassment policies and procedures.

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

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

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

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

**August 24, 2022 Status Report**

The New Jersey Department of Corrections (NJDOC) and Edna Mahan Correctional Facility Prison (EMCF) have had written policies in place to comply with the provisions of PREA since April 21, 2008. The guidelines in those policies have been implemented and staff has been trained. The documents submitted are broken into two different categories: Level 1 internal management documents are issued and signed by the NJDOC Commissioner or Designee that is designed to provide general instruction or order. Level 1 documents may include Policy Statements which are also level 1 documents issued and signed by the NJDOC Commissioner or Designee and impact the operation of all organizational units within the NJDOC. Level 3 Organizational Unit Internal Management Procedure (IMP) documents which include Post Orders provide specific operating procedures for individual facilities.

The following policies enumerated in Paragraph 10 have been reviewed and submitted to the Federal Monitor and DOJ on or before May 24, 2022 to ensure full compliance with the terms of this Agreement.

1. Sexual Assault/Sexual Abuse/Sexual Harassment
  - **PCS.001.008** Prev/Detect/Response of Sexual Abuse & Harassment – Level 1
  - **IMP #73** Prison Rape Elimination Act – Level 3
  - **IMP #014** Procedures for Sexual Offenses - SID
2. Prisoner Supervision
  - **PCS.001.008** Prev/Detect/Response of Sexual Abuse & Harassment – Level 1
  - **IMP #2A** Limited Privileges Unit – Level 3
  - **IMP #3** Grounds Housing Officer – Level 3
  - **IMP #11** Reception Housing Unit – Level 3
  - **IMP #43** South Hall Housing Unit – Level 3
  - **IMP #86A** Adjustment Unit – Level 3
  - **IMP #15** Residential Treatment Unit – Level 3
  - **IMP #27** Special Housing Prisoner – Level 3
  - **IMP #70** Restorative Housing Unit – Level 3
  - **IMP #86** Close Custody Unit – Level 3
  - **IMP #86B** Emergency Confinement – Level 3
  - **IMP #111A** Substance Use Disorder Unit – Level 3
  - **IMP #2** Max Housing Unit – Level 3
3. Camera Management
  - **CUS.001.BWC.01** Body Worn Cameras – Level 1
  - **IMP #125** Policy Use of Body Worn Cameras (BWC)- Level 3
  - **CUS.001.CRP.01** Camera Review Procedures – Level 1
4. Staff/Inmate Over-Familiarity
  - **PCS.001.008** Prev/Detect/Response of Sexual Abuse & Harassment – Level 1
  - **IMP #73** Prison Rape Elimination Act – Level 3
5. Reporting Incidents/Allegations of Sexual Abuse/Harassment
  - **PCS.001.008** Prev/Detect/Response of Sexual Abuse & Harassment – Level 1
  - **IMP #73** Prison Rape Elimination Act - Level 3
6. Prisoner Education
  - **PCS.001.008** Prev/Detect/Response of Sexual Abuse & Harassment – Level 1
  - **IMP #73** Prison Rape Elimination Act – Level 3
7. Cross-gender searches/Viewing

- **PCS.001.008** Prev/Detect/Response of Sexual Abuse & Harassment - Level 1
  - **CUS.001.011** Searches of Inmates and Facilities – Level 1
  - **CUS.001.SEA.001** Searches of Inmates and Facilities – Level 1
  - **IMP #50** Searches of Inmates and Correctional Facilities – Level 3
8. Protective Custody
- **PCS.001.008** Prev/Detect/Response of Sexual Abuse & Harassment – Level 1
  - **IMP #73** Prison Rape Elimination Act – Level 3
9. Prevention of Retaliation
- **PCS.001.008** Prev/Detect/Response of Sexual Abuse & Harassment – Level 1
10. Response to Allegations of Sexual Abuse/Harassment
- **PCS.001.008** Prev/Detect/Response of Sexual Abuse & Harassment - Level 1
  - **IMP #73** Prison Rape Elimination Act - Level 3
11. Referrals & Investigations of Allegations of Sexual Abuse/Harassment
- **IMP #35** Investigation Protocols - SID
  - **PCS.001.008** Prev/Detect/Response of Sexual Abuse & Harassment – Level 1
12. Staff Reporting of Personal Relationships
- **IMP #48** Staff Reporting Personal Relationships – SID

Additional policies resulting from cooperative discussions were submitted for the Monitor’s review after May 24, 2022:

1. **IMM.001.004:** Zero Tolerance Prison Sexual Assault – Level 1
2. **ADM.010.004:** Standards of Professional Conduct: Staff/Inmate Over Familiarity – Level 1
3. **IMP # 124:** Transgender and Intersex Inmates – Level 3
4. **IMP #7:** Infirmary Officer – Level 3
5. **IMP #1:** Officer Responsibilities – Level 3

Extension of Deadlines: In consultation with the Federal Monitor and pursuant to Consent Decree Paragraph 17, which allows the Parties to request reasonable extensions of any timeframes in the Consent Decree, the Parties agreed to extend the timeframes of Consent Decree Paragraphs 10, 11 and 92. Consent Decree Paragraph 10 required NJDOC to revise all policies and procedures related to twelve enumerated subjects by May 24, 2022, and the Federal Monitor to provide feedback on all policies within 30 days. Due to the volume and complexity of the policies submitted, and cooperative discussions that resulted in the submission of additional policies and procedures for the Monitor’s review after May 24, the Parties agree to extend the timeframe in Paragraph 10 by four months, such that the Monitor’s feedback on each policy or procedure shall be due four months from its submission.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until February 24, 2023

N/A monitor granted an extension until [ date ]

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

**Recommendations re A. General Policies and Procedures ¶ 10:**

The Monitor encourages NJDOC to gather feedback from stakeholders during the drafting of policies

**A. General Policies and Procedures**

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

Requirements:

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

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

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

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

- Level 3 Policy on Sexual Assault, Sexual Abuse, and Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Prisoner Supervision signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Camera Management signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Staff/Prisoner Over-Familiarity signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Prisoner Education signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Cross-gender searches and viewing signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Protective Custody signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Prevention of Retaliation signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Response to Allegations of Sexual Abuse or Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022

- Level 3 Policy on Staff Reporting of Personal Relationships signed by Edna Mahan Administrator by August 24, 2022
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan to ensure that prisoners are protected from harm due to sexual abuse and sexual harassment
- Random review of policies during onsite visit

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

**August 24, 2022 Status Report**

Extension request: Consent Decree Paragraph 11 requires EMCF to adopt all revised policies and procedures covered by Paragraph 10 by August 24, 2022. Due to the extension of the timeframe in Paragraph 10, the Parties agreed to extend the timeframe in Paragraph 11 by six months, such that EMCF shall be required to adopt all policies and procedures subject to Paragraph 10 by February 24, 2023. In collaboration with The Moss Group, we are in the process of developing training and cover sheets with major changes to implement updated policies.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until February 24, 2023

N/A monitor granted an extension until [ date ]

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

**Recommendations re A. General Policies and Procedures ¶ 11:**



**A. General Policies and Procedures**

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

Requirements:

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

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

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

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

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

**Training Plan Creation: 90 days after DOJ approval**

**August 24, 2022 Status Report**

NJDOC remains prepared to provide updated training plans to the Monitor and DOJ according to the timeline indicated in this Agreement, that is, within 90 days of DOJ's approval of each relevant policy.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until May 24, 2023

N/A monitor granted an extension until [ date ]

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

**Recommendations re A. General Policies and Procedures ¶ 13:**

**A. General Policies and Procedures**

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

Requirements:

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

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

Training completed for all EMCF staff on:

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

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

**Training Plan Creation: 90 days after DOJ approval**  
**Full Training Compliance: 18 months after DOJ approval**

**August 24, 2022 Status Report**

NJDOC continues to be prepared to comply with Paragraph 14 by ensuring all EMCF staff have received approved policies and have been fully trained on compliance with those policies within the timeline indicated in this Agreement, that is, within 18 months of DOJ's approval of each relevant policy.

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

- Substantial Compliance
- Partial Compliance
- Non-compliance

**N/A not required until August 24, 2024**

N/A monitor granted an extension until [ date ]

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

**Recommendations re A. General Policies and Procedures ¶ 14:**

**A. General Policies and Procedures**

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

**Requirements:**

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

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

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

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

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

**August 24, 2022 Status Report**

NJDOC continues to be prepared to comply with Paragraph 15 by reviewing all policies annually and submitting any policy revisions for approval by DOJ.

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

- Substantial Compliance
- Partial Compliance
- Non-compliance

N/A not required until February 24, 2024

N/A monitor granted an extension until [ date ]

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

**Recommendations re A. General Policies and Procedures ¶ 15:**

**A. General Policies and Procedures**

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

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

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

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

**August 24, 2022 Status Report**

The information documented by the NJDOC in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

Page 2 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "It is the policy of the NJDOC to maintain a zero tolerance toward all forms of prisoner sexual abuse and prisoner sexual harassment". And the rest of the 62 pages provides guidance to support how to maintain a zero tolerance. That guidance includes staff training, incarcerated persons education, prevention planning, reporting, responding to allegations, and data collection and review.

The Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73 titled, Zero Tolerance Prison Sexual Assault states, "It is the policy of the New Jersey Department of Corrections to maintain a zero tolerance toward all forms of sexual abuse and sexual harassment, and actively enforce all internal policies and procedures related to the prevention, detection, and response to such conduct".

In February 2022, all Edna Mahan staff were trained or retrained in the one-hour PREA curriculum. On an ongoing basis, every year NJDOC provides Non-Uniform Staff Training (NUST), which includes one hour of PREA Training. Additionally, Custody Staff receives their annual training which includes one hour of PREA Training.

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

During the onsite compliance interviews, the Monitor or her Associate spoke with various staff and officials regarding their knowledge and roles in implementing the PREA policy. Everyone we spoke to was very aware of what their roles were in maintaining a zero tolerance toward all forms of prisoner sexual abuse and prisoner sexual harassment. During the compliance visit, the Monitor or her Associate met with several



incarcerated persons asking if they knew about their right to be safe from all forms of sexual abuse and sexual harassment. Each of these individuals confirmed they were aware of this right.

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

#### **Recommendations re A. General Policies and Procedures ¶ 16:**

While paragraph 16 applies specifically to Edna Mahan's Custody Directive 73, Zero Tolerance Prison Sexual Assault, the Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise policies on twelve subject areas; each of which provides guidance to support how to maintain a zero tolerance. Those policies areas are: Sexual Assault, Sexual Abuse, and Sexual Harassment; Prisoner Supervision; Camera Management; Staff/Prisoner Over-Familiarity; Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment; Prisoner Education; Cross-gender searches and viewing; Protective Custody; Prevention of Retaliation; Response to Allegations of Sexual Abuse or Sexual Harassment; Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment; and Staff Reporting of Personal Relationships.

The Monitor received draft revisions of Agency Level 1 policies on May 24, 2022 and provided feedback. Understanding the amount of work required to finalize this number of policies, the date for this requirement was extended to February 24, 2023. Additionally, the Settlement Agreement requires that all the above policies be adopted by Edna Mahan. Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised policies.

**B. Prisoner Supervision**

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

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

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

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

**Post Orders submitted: February 14, 2022**

**August 24, 2022 Status Report**

Relevant post orders were revised, and draft documents were provided to the Federal Monitor and DOJ in May 2022. They are listed above under Prisoner Supervision located in Paragraph 10. Approval and implementation of related policies will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be revised, and a staff training plan developed and implemented in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

There are fourteen (14) Internal Management Procedure (IMP) Custody Directives, also known as "post orders," related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all housing areas and dormitory settings. Twelve (12) of these post orders were revised in February 2022, during the last reporting period. Two additional Internal Management Procedure (IMP) Custody Directives were revised in August 2022, during this reporting period.

**Recommendations re B. Prisoner Supervision ¶ 18:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures (which are the Level 3 IMP's), in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include the requirements for providing supervision and contact with the incarcerated persons in the housing units be included in these Internal Management Procedure (IMP) Custody Directives.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Prisoner Supervision policies.

**B. Prisoner Supervision**

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

Requirements:

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

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

- par.19 a
- No later than February 24, 2022, Post Orders have been written for Housing Units operated as Direct Supervision, documenting the requirement that Housing Unit Officers interact directly with the prisoners
  - Every month (after the Post Orders have been written), Monitor will request a List of all Officers who worked in a (randomly selected) Direct Supervision housing unit
  - Every month (after the Post Orders have been written), Monitor will request documentation that any/all Officers who worked in that same (randomly selected) Direct Supervision housing unit read, and acknowledged understanding of, the requirement that Housing Unit Officers interact directly with the prisoners
  - Every month, (beginning January 2022) Monitor will request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, documenting rounds made by Housing Unit Officers

- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Housing Unit Officers to interact directly with the prisoners
- Interviews with staff regarding their knowledge and roles to interact directly with the prisoners
- Review logbooks during On Site Tour

par.19 b

- No later than February 24, 2022, Post Orders have been written for Housing Units not designated for Direct Supervision, documenting the requirement that Housing Unit Officers conduct routine, unannounced rounds
- Every month (after the Post Orders have been written), Monitor will request a List of all Officers who worked in a (randomly selected) Housing Unit not designated for Direct Supervision housing unit
- Every month (after the Post Orders have been written), Monitor will request documentation that any/all Officers who worked in that same (randomly selected) Housing Unit not designated for Direct Supervision read, and acknowledged understanding of, the requirement that Housing Unit Officers conduct routine, unannounced rounds
- Every month, (beginning January 2022) Monitor will request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, documenting rounds made by Housing Unit Officers
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Housing Unit Officers to conduct routine, unannounced rounds
- Interviews with staff regarding their knowledge and roles to conduct routine, unannounced rounds.
- Direct observations during On Site Tour
- Review logbooks during On Site Tour

par. 19 c

- Agency Level 1 policy on Searches of Prisoners and Correctional Facilities
- Edna Mahan Level 3 policy on Searches of Prisoners and Correctional Facilities
- Training Curriculum provided to correctional staff on conducting living area searches and cell/bed searches
- Every month (beginning January 2022) Monitor will request documentation of living area searches and cell/bed searches conducted during the previous month in a (randomly selected) Housing Unit
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Housing Unit Officers to conduct living area searches and cell/beds searches
- Interviews with staff regarding their knowledge and roles to conduct living area searches and cell/bed searches
- Direct observations during On Site Tour
- Review documentation on living area and cell/bed searches during On Site Tour

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

**Due Date: February 24, 2022  
Status: Continued Compliance**

**August 24, 2022 Status Report**

All units at EMCF **continue** to operate as Direct Supervision. Consent Decree Paragraph 10 required NJDOC to revise all policies and procedures related to twelve enumerated subjects. This included policies related to housing unit supervision of incarcerated individuals. Relevant post orders were submitted to the Federal Monitor and DOJ for review and comment in May 2022. Approval and implementation of related policies will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

Prior to being appointed to permanent status as a law enforcement officer, an individual is required to complete the Police Training Commission (PTC) State Basic Course. The topic “Search of Cells and other Areas” is among the State Basic Course Curriculum for Correctional Police Officers and is approved and regulated by the PTC; therefore, completed by each officer before assignment to an Institution. The Curriculum was provided to the Federal Monitor and DOJ for review and comment.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be revised, and a staff training plan developed and implemented in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor’s Discussion re B. Prisoner Supervision ¶ 19:**

**19a and 19b:**

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

There are twelve (12) Internal Management Procedure (IMP) Custody Directives, also known as “post orders,” related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all housing areas and dormitory settings. All of these post orders were revised in the first reporting period and include the expectation that incarcerated persons shall be observed regularly and frequently by custody staff. All of the Post Orders also state that Officers will conduct routine, unannounced rounds every half an hour, and that

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

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

During the onsite compliance visit in September 2022, the Monitor reviewed logbooks in a variety of housing units, looking specifically at the timing of rounds made by the Housing Unit Officers. Also, during the onsite compliance visit in September 2022, the Monitor and/or her Associate spoke with custody officers working in the housing units and asked them about their responsibility to interact directly with the incarcerated persons from within the housing units throughout the shift. All officers answered they were required to conduct tours of the housing units at least every thirty minutes. Their answers to their responsibility to interact directly with the incarcerated persons from within the housing units varied, according to what housing unit the officers were used to working in.

**19c:**

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

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

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

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

- a) Search Sheets will be displayed in an area visible to staff only, not incarcerated persons.

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

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

The Monitor also reviewed documentation of living area and cell/bed searches during the on-site compliance visit. Lastly, the Monitor or her Associate interviewed custody staff regarding their knowledge and roles to conduct living area searches and cell/bed searches. They all explained that they are required to conduct cell/bed searches during the first and second shifts (6:00 – 22:00) and the third shift (22:00 – 6:00) conduct living area searches. They also reported they are required to document all searches in the back of the logbook and in the search log. The Monitor was told that the security staff are trained in conducting living area/cell searches during their Academy training. She was not able to review this training curriculum.

#### **Recommendations re B. Prisoner Supervision ¶ 19:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023, for all Level 3 Internal Management Procedures. The recommendation is to include a statement that Edna Mahan will ensure that there is adequate supervision by corrections staff assigned to all housing areas and dormitory settings in that: housing unit officers in units shall interact directly with the incarcerated persons providing supervision and contact throughout the shift; provide continuous supervision from vantage points outside of the unit; conduct routine, unannounced rounds; and conduct living area searches and cell/bed searches as required by policy.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Prisoner Supervision policies or procedures.



**B. Prisoner Supervision**

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

**Requirements:**

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

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

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

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

**Due Date: February 24, 2022  
Status: Continued Compliance**

**August 24, 2022 Status Report**

As detailed in Paragraph 19, all EMCF special management units operate as Direct Supervision areas. Approval and implementation of related policies will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be revised, and a staff training plan developed and implemented in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

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

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

There are twelve (12) Internal Management Procedure (IMP) Custody Directives, also known as "post orders," related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all housing areas and dormitory settings. All of these post orders were revised in February 2022 and included the expectation that inmates shall be observed regularly and frequently by custody staff. All of the Post Orders also state that Officers will conduct routine, unannounced rounds every half an hour, and that unit Officers shall document all tours in the unit logbook.

During the onsite compliance visit in September 2022, the Monitor reviewed logbooks in a variety of housing units, including special management units, looking specifically at the timing of rounds made by the Housing Unit Officers. Also, during the onsite compliance visit in September 2022, the Monitor and/or her Associate spoke with custody officers working in the special management housing units and asked them about their responsibility to conduct housing tours. Without exception all officers answered they were required to conduct tours of the housing units at least every thirty minutes.

**Recommendations re B. Prisoner Supervision ¶ 20:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023, for all Level 3 Internal Management Procedures. The recommendation is to include a statement that all special management units, specifically units for incarcerated persons with mental health issues, close custody, protective custody, and any other segregated housing units, shall be operated as Direct Supervision.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Prisoner Supervision policies or procedures.

**B. Prisoner Supervision**

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

Requirements:

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

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

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

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

**Due Date: August 24, 2023  
Status: Continued Compliance**

**August 24, 2022 Status Report**

As detailed regarding Paragraph 19, all EMCF housing units operate as Direct Supervision areas. Approval and implementation of related policies will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

- Substantial Compliance
- Partial Compliance
- Non-compliance

N/A not required until August 24, 2023

N/A monitor granted an extension until [ date ]

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

**Recommendations re B. Prisoner Supervision ¶ 21:**

**B. Prisoner Supervision**

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

Requirements:

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

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

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

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

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

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

**Due Date: February 24, 2022**  
**Status: Continued Compliance, Active Monitoring**

**August 24, 2022 Status Report**

Officers continue to conduct routine, unannounced rounds every half hour, which include checking all bars, doors and windows for security breaches and being observant for unauthorized activity and the concealment of contraband. To verify the amount and timing of rounds, at the request of the Federal Monitor, copies of documentation of rounds were submitted. The documentation submitted were for:

1. February 10-16, 2022 North Hall - MCU
2. March 14-21, 2022 South Hall
3. April 21-28, 2022 North Hall
4. May 8-14, 2022 Reception
5. June 11-18, 2022 EMCF Satellite East/West
6. July 20-26, 2022 EMCF Satellite East/West

Approval and implementation of related policies will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be finalized, and a staff training plan developed and implemented in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

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

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

(random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, to document the timing of the rounds made by Housing Unit Officers.

Additionally, during the onsite compliance visit in September 2022, the Monitor reviewed logbooks in a variety of housing units, looking specifically at the timing of rounds made by the Housing Unit Officers.

Also, during the onsite compliance visit in September 2022, the Monitor or her Associate spoke with custody officers working in the housing units and asked them about their responsibility to conduct housing tours. Without exception all officers answered they were required to conduct tours of the housing units at least every thirty minutes.

### **Recommendations re B. Prisoner Supervision ¶ 22:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023, for all Level 3 Internal Management Procedures. The recommendation is to include a statement that Edna Mahan ensures and documents that, absent exigent circumstances, correction officers conduct unannounced rounds at least every hour inside each general population housing unit and at least once every 30-minute period for units that include special management incarcerated persons or more often if deemed necessary by Edna Mahan.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Prisoner Supervision policies or procedures.

**B. Prisoner Supervision**

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

Requirements:

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

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

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

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

**Steps taken by NJDOC and EMCF towards implementation**

**B. Prisoner Supervision ¶ 23:**

**Due Date: February 24, 2022**

**Status: Continued Compliance, Active Monitoring**

**August 24, 2022 Status Report**

As reflected in Post Orders and practice, Sergeants and Lieutenants conduct a minimum of two unannounced tours per shift, documenting the rounds in a logbook. To verify the amount and timing of rounds, at the request of the Federal Monitor, copies of documentation of rounds were submitted for the months of February, March, April, May, June, and July 2022. The documentation verified compliance. Approval and implementation of related policies will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement



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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be finalized, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

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

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

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

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

During the onsite compliance visit in September 2022, the Monitor or her Associate reviewed the logbooks of the housing units to confirm that supervisors at the rank of sergeant or above conduct and document unannounced rounds during all shifts.

The Monitor or her Associate also spoke with several Sergeants and Lieutenants and asked them about their responsibility to conduct irregularly timed tours of all areas under their control. Without exception all Sergeants answered that they were aware of the expectation to conduct two tours per shift. The Lieutenants answered that they were aware of the expectation to conduct one tour per shift. All Supervisors said that they fulfilled this expectation while they were on shift, unless there was some type of emergency that prevented them from completing such.

**Recommendations re B. Prisoner Supervision ¶ 23:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023, for all Level 3 Internal Management Procedures. The recommendation is to include a statement that Edna Mahan ensure and document that intermediate level or higher-level supervisors (at the rank of sergeant or above) conduct and document unannounced rounds during all shifts to identify and deter staff misconduct or lapses in supervision. The policies and procedures should also state that the Housing Floor Officer in a unit undergoing a supervisory round shall not be alerted that the supervisory round is occurring.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Prisoner Supervision policies or procedures.

**B. Prisoner Supervision**

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

**Requirements:**

- par. 19 Demonstrate compliance within 6 months of Effective Date (Feb. 24, 2022)
- par. 24 Edna Mahan shall ensure that a master log of supervisory rounds is maintained for the entire EMCF campus.  
The logs should be reviewed at least weekly by Edna Mahan leadership  
The logs should be reviewed not less than quarterly by the NJDOC Commissioner or his/her designee
- par. 25 Video surveillance may be used to supplement, but must not be used to replace, rounds by correctional officers

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

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

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

**Due date: February 24, 2022  
Status: Continued compliance**

**August 24, 2022 Status Report**

For the months of February, March, April, May, June, and July 2022 the Federal Monitor received correspondence from EMCF leadership verifying weekly review of supervisory rounds and copies of the Shift Master Log which documents all supervisory rounds made by Sergeants and Lieutenants. In addition to the review verification provided on February 14, 2022, for the first quarter, a correspondence dated June 10, 2022 was submitted to the Federal Monitor from the Assistant Commissioner of Operations verifying that he had conducted a quarterly review of the supervisory round logs as a designee for the Commissioner.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

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

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

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures 1 Titled: Officer Responsibilities provides guidance to Officers how what and how to document activities into the logbook. For each of the six months of this reporting period, the Monitor received copies of the Shift Master Log which documents all supervisory rounds made by Sergeants and Lieutenants.

On February 14, 2022, the Monitor received a copy of an email sent from the Assistant Commissioner for Women's Services verifying that she had reviewed the supervisory round logs, as a designee for the Commissioner. Additionally, on June 10, 2022, the Monitor received a copy of an email sent from the Assistant Commissioner for Operations verifying that he had reviewed the supervisory round logs, as a designee for the Commissioner. For the months of February, March, April, May, June, and July 2022 the Monitor received correspondence from Edna Mahan leadership verifying weekly review of supervisory rounds and copies of the Shift Master Log which documents all supervisory rounds made by Sergeants and Lieutenants.

During the onsite compliance visit in September 2022, the Monitor or her Associate reviewed the logbooks of every housing unit and in several "key areas" of the facility. All tours were documented in logbooks.

Additionally, the Monitor spoke with the Administrator, Associate Administrator, and three Assistant Superintendents. These five persons are the "highest level" of management at Edna Mahan. We also spoke with the Assistant Commissioner for Women's Services. All six of these persons acknowledged responsibility to review the supervisory round logs.

**Recommendations re B. Prisoner Supervision ¶ 24:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023, for all Level 3 Internal Management Procedures. The recommendation is to include a statement that Edna Mahan ensure and document that intermediate level or higher-level supervisors (at the rank of sergeant or above) conduct and document unannounced rounds during all shifts to identify and deter staff misconduct or lapses in supervision. The policies and procedures should also state that the Housing Floor Officer in a unit undergoing a supervisory round shall not be alerted that the supervisory round is occurring.

Once the Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Prisoner Supervision policies or procedures.

### **C. Camera Management**

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

#### Requirements:

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

par. 10 c Camera Management

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

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

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

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

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

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

**Policy Development Due Date: May 24, 2022**

#### **August 24, 2022 Status Report**

In July 2021, NJDOC and EMCF developed and implemented Level 3 Custody Directive 124 Policy *Use of Body Worn Cameras (BWC)* in compliance with Level 1 policy CUS.001.BWC.01 *Body Worn Cameras*. Custody Directive 124, IMP CUS.001.CRP.01 and policy CUS.001.BWC.01 were initially submitted to the Monitor and DOJ for review on September 28, 2021. Draft revisions to the policies were

submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of these policies will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until February 24, 2023

N/A monitor granted an extension until [ date ]

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

The date for this requirement was extended to February 24, 2023.

**Recommendations re C. Camera Management ¶ 26:**

**C. Camera Management**

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

Requirements:

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

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

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



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

**Level 1 Policy Revision Due: May 24, 2022**

**August 24, 2022 Status Report**

The status reflected by the NJDOC on the February 24, 2022 status report remains accurate. Draft revisions to the policies were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re C. Camera Management ¶ 28:**

The Monitor reviewed a draft revision of NJDOC Division of Operations Level 1 and 3 Internal Management Procedure #CUS.001.CRP.01 on May 24, 2022. The draft revision now states, "All videos are retained for at least 30 days, unless an unusual occurrence such as an alleged assault or sexual abuse, or display of contraband, occurs in an area surveilled, in which case the video shall be preserved until the matter is fully investigated and prosecuted or dismissed by authority of the Commissioner, or at least five years, whichever is longer".

The Monitor also reviewed a draft revision of Division of Operations Level 1/3 Internal Management Procedure (IMP) #CUS.001.BWC.01. The draft revision now states, "All BWC videos shall be retained for at least 30 days, unless an unusual occurrence such as an alleged assault or sexual abuse, or display of contraband, occurs in an area surveilled, in which case the video shall be preserved until the matter is fully investigated and prosecuted or dismissed by authority of the Commissioner, or at least five years, whichever is longer".

Page 5 of Edna Mahan Correctional Facility for Women Level 3, Internal Management Procedure Custody Directive # 115 Title: Camera Review Procedures states, all video downloads generated by the video reviews shall be saved for a period of no less than 90 days and available for Administrative and Central Office review upon request. Accordingly, as per the State General Records Schedule, video footage downloaded must be saved for at least 30 days or until the footage is properly passed to a responsible official if an incident is reported. Therefore, should audit footage be of a reportable incident then the downloaded video must be forwarded to SID for appropriate disposition. The Monitor provided feedback to this Internal management Procedure and as noted, the date for the final revision for this policy has been extended to February 24, 2023.

The Monitor or her Associate interviewed Edna Mahan leadership staff and the Special Investigations Division (SID) staff assigned to Edna Mahan. Each of these staff were asked about the length of time a video should be retained. All staff knew that routine video should be retained for at least 30 days. And with the new camera system, the video is retained at least 120 days routinely. All staff also agreed that, if there is still an active investigation, of any kind, occurring, the video coverage of that incident would be retained “indefinitely”. Both groups also explained that video from the Body Worn Cameras (BWC) can be “tagged”, in which case it, too, can be retained indefinitely.

**Recommendations re C. Camera Management ¶ 28:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Camera Management policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to ensure the requirement that all videos shall be retained for at least 30 days, unless an unusual occurrence such as an alleged assault or sexual abuse, or display of contraband, occurs in an area surveilled, in which case the video shall be preserved until the matter is fully investigated and prosecuted or dismissed by authority of the Commissioner, or at least five years, whichever is longer.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Camera Management policies or procedures.

**C. Camera Management**

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

Requirements:

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

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

par. 29 To the extent that any changes to the Camera Management policies and procedures, or to a camera location, need to be made, they will be made within 30 days of the completion of the annual review. If a change cannot be made within 30 days, the reason for exceeding the 30 days will be documented and notice of the proposed change and reason for exceeding the 30 days will be provided to DOJ. NJDOC and Edna Mahan will also provide to DOJ confirmation of completed change once it occurs

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

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

## Steps taken by NJDOC and EMCF towards implementation

### C. Camera Management ¶ 29:

#### August 24, 2022 Status Report

Camera Review Procedures IMP #125, CUS.001.CRP.01 and CUS.001.BWC.01 were submitted for review in May 2022.

Program Coordinators in the PREA Compliance Unit within the Division of Women's Services conducted a thorough camera tour of EMCF on August 4, 2022. The following were in attendance during the tour: IPCM, Director of Operations, Media Technician and Major. The report was submitted to the Federal Monitor and DOJ on August 14, 2022. In summary, EMCF has 700 cameras in total, with three different types of cameras utilized for maximum footage and camera angles. First, EMCF obtained Johnson Control cameras, which were placed throughout the facility. These cameras offer vantage points from up to four different directions/angles. The Johnson Control cameras also offer a high capacity of storage, holding up to nine months of footage. These camera views are visible in Center Control, Special Investigation Division (SID) and the Administrator's office. Second, EMCF uses New Jersey Business Systems cameras. These camera views are visible in Center Control, the Major's offices and the Administrator's office. Third, a standalone camera system has been utilized within the facility in areas where New Jersey Business Systems and Johnson Controls cameras are not located.

EMCF has a Media Technician who performs regular weekly comprehensive camera inspections with a representative from Custody. These inspections are documented and last an entire day, as each camera is inspected and checked for angle placement feed and recorded footage.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

On August 4, 2022, Pamela Sooy and Joyce Rufolo-Prior, Program Coordinators working in the NJDOC PREA Compliance Unit, conducted a thorough camera tour of EMCF on August 4, 2022. Additionally, EMCF PREA Compliance Manager Amelia Renshaw, NJDOC Director of Operations Alfred Kandell, EMCF Media Tech Brittany Holley and EMCF Major Christopher Ilg participated in the tour.

The Camera Review group reviewed all buildings on the Edna Mahan campus and noted the following:

- Many of the outdoor cameras (placed on the corner of buildings) are being reconfigured to include motion detection and audible alarms. These alarms will notify Center Control when motion is observed in areas that are considered breaches to the perimeter.

- All of the indoor camera placements appeared to be sufficient and strategically placed.
- Further camera installation is planned. The vulnerable housing unit needs two additional cameras. Currently, the housekeeping building has started installing 8 standalone cameras. The Chapel currently has no camera, but this area has been targeted as needing cameras and EMCF will add them shortly. The North, South and Max Hospital were all areas identified as needing additional cameras.

Additionally, this report noted that EMCF Media Tech, Brittany Holley performs regular weekly comprehensive camera inspections with a representative from Custody. Ms. Holley noted that this takes an entire day, as each camera is inspected and checked for angle placement feed and recorded footage.

Lastly, the EMCF PREA Compliance Manager Amelia Renshaw began conducting weekly tours of the entire EMCF campus, including the Satellite Building. Some of the copies of these tour reports have been made available to the DOJ and Monitor. These tour report includes noting camera placement and making recommendations for additional cameras.

It is noted that paragraph 29 requires that “To the extent that any changes to the Camera Management policies and procedures, or to a camera location, need to be made, they will be made within 30 days of the completion of the annual review. If a change cannot be made within 30 days, the reason for exceeding 30 days will be documented and notice of the proposed change and reason for exceeding 30 days will be provided to DOJ. NJDOC and Edna Mahan will also provide to DOJ confirmation of completed change once it occurs”. The Monitor notes that this requirement would be due on September 4<sup>th</sup>, thirty days after the date of the tour, and that this date is outside of the reporting period (February 24 – August 24, 2022). Thus, this part of the requirement is due during the next reporting period.

The Monitor also notes that this tour did not include the Edna Mahan Satellite Building #1, currently used to house incarcerated persons assigned to Edna Mahan (as discussed in the narrative report). This housing unit was begun being used on March 15, 2022. The requirement to review the locations of camera placement in this building is due at least annual, which would be March 2023, during the next reporting period.

#### **Recommendations re C. Camera Management ¶ 29:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. This policy should include a section specific to camera management. The recommendation is to include a statement that Camera management policies and procedures, including the locations where cameras have been placed, be reviewed by Edna Mahan at least annually to ensure that they are serving their goal of maximizing supervision

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures.

**D. Staffing**

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

Requirements:

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

par. 31 The Edna Mahan staffing plan shall designate gender-restricted posts at Edna Mahan, through a process that ensures that any such restriction complies with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq., and make efforts to ensure that the requirements are met for bona-fide occupational qualifications.

par. 34 For the annual reassessment of the staffing plan, NJDOC and Edna Mahan, in consultation with the Department-wide PREA Coordinator and Edna Mahan's PREA Compliance Manager, shall assess, determine, and document whether adjustments are needed to the Edna Mahan staffing plan, and implement such adjustments. The annual reassessment will include documentation of the following information:

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

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

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

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

**Plan Due Date: December 24, 2021**

**Revised Due Date Due to Extension Approval: December 30, 2021**

**Returned for Revision: January 9, 2022**

**Resubmission to DOJ and Monitor: February 25, 2022**

**August 24, 2022 Status Report**

The revised and completed staffing plan was submitted to the Federal Monitor and DOJ on February 25, 2022. The plan submitted was compliant with PREA standards. In order to maintain compliance with the terms of this Agreement, NJDOC will submit a reassessed staffing plan within 12 months of the resubmission.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A annual review not required until February 2023.

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re D. Staffing ¶ 30:**

The Monitor received a revised staffing plan on February 25, 2022. The staffing plan is scheduled to be reassessed annually, making the date requirement February 25, 2023.

**Recommendations re D. Staffing ¶ 30:**

**D. Staffing**

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

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

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

**Steps taken by NJDOC and EMCF towards implementation**

**Due Date: January, 2023**

**D. Staffing ¶ 32:**

**August 24, 2022 Status Report**

NJDOC's efforts to modify the *Csizmadia* Consent Order remain pending. NJDOC will take all possible steps to ensure that EMCF is staffed according to the staffing plan by February 25, 2023. Once a decision is received from the court, NJDOC will forward to the DOJ and Federal Monitor.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until February 25, 2023

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re D. Staffing ¶ 32:**

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

*The Csizmadia Consent Order arose from two interrelated cases. The first case, Gertrude Csizmadia, et al v. William Fauver, Civil Action No. 88-786, was filed on February 11, 1988. The Consent Order limits the number of gender-restricted posts to assignments that entail routine strip searches. Strip and cavity searches of prisoners by opposite gender correctional officers are permissible only under emergent*



*circumstances. To allow for staffing flexibility and compliance with relief staffing requirements, the Csizmadia Consent Order allowed for twenty percent of “special assignment posts”<sup>4</sup> to be gender restricted.*

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

The matter is currently pending.

### **Recommendations re D. Staffing ¶ 32:**

NJDOC and EMCFC should continue to emphasize recruitment and retention strategies to ensure that NJDOC is able to staff the facility in accordance with the plan.

## **D. Staffing**

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

Requirements:

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

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

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

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

#### **August 24, 2022 Status Report**

A Recruitment Committee was established to aid in compliance with this paragraph. NJDOC drafted a comprehensive "Recruiting Strategic Plan" to better recruit and retain women correctional police officers at EMCF, in a manner that complies with Title VII and provided it to the Federal Monitor and DOJ in May 2022. The plan contained a Strengths, Weaknesses, Opportunities, Threats analysis and strategies to engage potential applicants, strengthen aspects of the recruitment process, and build partnerships through community engagement to enhance our efforts to recruit, mentor and assist qualified applicants in the successful completion of the New Jersey Department of Corrections Basic Training Academy. The goals identified in the plan were:

1. Increase the number of qualified BIPOC and women candidates who are a reflection of the State of New Jersey
2. Increase community involvement by partnering with organizations whose mission aligns with the NJDOC
3. Focus on leadership and the selection of ideal candidates
4. Mentor the applicants and recruits for future academy classes in an effort to decrease the attrition rate
5. Provide NJDOC Career Days

Specific to the recruitment of women correctional officers, the plan offered an objective to identify specific approaches and organizations with whom to collaborate in order to attract female candidates with three strategies which include:

1. Conduct a meeting with female officers to identify recruitment ideas to attract female candidates and organizations/groups within the community where prospective female candidates are located.

- Conduct visits by female officers with athletic directors, coaches, and female student-athletes on intercollegiate sports teams throughout the region
2. Compile a list of community groups frequented by women, including faith-based organizations, and invite them to informational meetings.
    - Request the assistance of the New Jersey Women in Law Enforcement (WLE), the National Center for Women and Policing (NCWP), the National Association of Women Law Enforcement Executives (NAWLEE), National Organization of Black Women in Law Enforcement (NOBWLE), and the Mid Atlantic Association of Women in Law Enforcement (MAAWLE)
  3. Identify specific strategies to create awareness of career opportunities for women, via in person and through social media.

On August 24, 2022, a revised plan specific to EMCF was submitted to the Monitor and DOJ. As stated in our February 24, 2022 status report, NJDOC supported the passage of S3672, which was signed into law on January 6, 2022, mandating that the Civil Service Commission exempt from the requirement to take an examination for an entry-level state corrections law enforcement officer position someone who successfully completes a full Basic Course for Correction Officers training course 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. NJDOC anticipated that this measure would assist us in the overall recruitment of new officers. The results of our first non-Civil Service application series held for six days in August 2022 resulted in the receipt of 492 potential candidates for processing. 128 individuals volunteered to complete an interest survey. Of those who completed the survey, 68 identified as female applicants. Although the applicants have not received formal vetting at the time of this writing, the quantity of those interested in a career as a correctional police officer is indicative of making strides in the right direction. The next academy class is scheduled to commence on November 15, 2022.

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

- Substantial Compliance
- Partial Compliance
- Non-compliance

**N/A not required until December 24, 2022.** The plan has been submitted and is due to be implemented by December 24, 2022.

N/A monitor granted an extension until [ date ]

#### **Monitor's Discussion re D. Staffing ¶ 33:**

In May 2022, the Monitor and the DOJ received a draft "Recruiting Strategic Plan". The Monitor provided feedback and received the final "Recruitment and Retention Plan for Women Correctional Officers". The foreword of this document notes that "The New Jersey Department of Corrections (NJDOC) is committed to recruiting qualified women applicants to become State Correctional Police Officers. The NJDOC will strive to ambitiously engage with such applicants and mentor them to successfully complete each aspect of the hiring process." It further states that, "In

addition to the Department-wide initiative to recruit women to pursue a career with the NJDOC, Edna Mahan Correctional Facility (EMCF) is dedicating time and resources to retain those women correctional officers currently assigned to EMCF.”

The Recruitment Strategies for Edna Mahan include Rebranding, Targeting Women Applicants, and Mentoring of Qualified Women Applicants. The Retention Strategies for Edna Mahan include Forming a Women’s Advisory Group, Providing Training Opportunities, Offering College Credits for NJDOC Officers, and Educating Women about Family-Friendly/Pregnancy Policies.

**Recommendations re D. Staffing ¶ 33:**

Implement the strategies identified in the “Recruitment and Retention Plan for Women Correctional Officers.”

**D. Staffing**

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

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

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

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

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

**Annual Plan Due Date: February 25, 2023**

**August 24, 2022 Status Report**

NJDOC will conduct an annual reassessment of the EMCF staffing plan according to the terms of this Agreement.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until one year after the submission of the recruitment plan described in paragraph 32

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re D. Staffing ¶ 34:**

**Recommendations re D. Staffing ¶ 34:**

**D. Staffing**

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

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

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

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

**Plan Due: January, April, June,  
October for the duration of this  
Agreement**

**August 24, 2022 Status Report**

NJDOC submitted the required staffing update to the Monitor and DOJ in April, 2022 and July, 2022. Our next quarterly submission in 2022 is scheduled to occur in October.

Data from the submitted Quarterly Staffing Updates show that during the months of January through June 2022:

- EMCF has hired 5 new staff (5 female);
- 9 staff members (4 female) transferred to another agency;
- 14 staff members (7 female) retired;
- 3 staff member was removed from EMCF for reasons unrelated to this Agreement; and
- 13 staff members (9 female) resigned.

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

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re D. Staffing ¶ 35:**

The Monitor did receive two Staffing Updates during this reporting period. One was for the first quarter of 2022 (January, February, and March) and the second was for the second quarter (April, May, and June). Both staffing updates included a listing of staff hired at Edna Mahan,

by gender and positions filled; and a listing of staff who ended their employment at Edna Mahan, including their gender, position, and reason for separation.

**Recommendations re D. Staffing ¶ 35:**

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



**D. Staffing**

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

Requirements:

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

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

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

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

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

**August 24, 2022 Status Report**

NJDOC continues to employ Director Jennifer Malinowski as the NJDOC PREA Coordinator while the appointment of a full-time Agency PREA Coordinator (whose duties are solely focused on PREA compliance) is pending. On August 3, 2022, NJDOC selected a qualified individual as the designated full-time Agency PREA Coordinator. Once the appointment is approved, passes Civil Service Commission review and the appointee successfully clears the required background check, the individual will:

1. Have no other duties within NJDOC other than to oversee PREA compliance
2. Have sufficient authority, time and staff needed to develop, implement, and oversee its efforts to comply with the PREA standards at all NJDOC facilities.

The Moss Group has scheduled an extensive training for all Institutional PREA Compliance Manager (IPCM) on the duties of an IPCM, including what to expect, what the responsibilities are of an IPCM, what a PREA audit entails, and how to actually accomplish the many tasks of a skilled IPCM on September 29-30, 2022. We hope to include this individual by this time. This training will be made available to the Monitor and DOJ upon request.

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

Substantial Compliance

**Partial Compliance**

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re D. Staffing ¶ 36:**

As of August 24, 2022, NJDOC had not yet hired an upper-level, Department-wide PREA Coordinator. The person who acted as the NJDOC PREA Coordinator during this compliance period was the former Director of Policy and Planning. Her area of responsibility initially included Policies, PREA, Grants, Research & Evaluation, Statistical Planning, Legislation compliance and Administrative Rules. NJDOC acknowledged the Monitor's concern, identified in the August 24, 2022 report, that Director Malinowski's other responsibilities left her insufficient time to serve as the PREA Coordinator. In light of those concerns, NJDOC hired two Program Coordinators to work in the PREA unit during this reporting period. The primary job responsibilities for these two program coordinators include overseeing, training, and supporting the Institutional PREA Compliance Managers (IPCM's), preparing the facilities for the federal PREA audit, reviewing policies, etc. Additionally, On August 3, 2022, NJDOC selected a qualified individual as the designated full-time Agency PREA Coordinator. This person will have sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards at Edna Mahan. Although the person was selected during this reporting period, she did not begin her work until October 24, 2022.

**Recommendations re D. Staffing ¶ 36:**

**D. Staffing**

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

Requirements:

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

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

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

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

**August 24, 2022 Status Report**

On February 9, 2022, Amelia Renshaw, LCSW was selected to be the designated full-time (40 hours/week) Institutional PREA Compliance Manager at EMCF. She began her duties on March 26, 2022 and is solely responsible for overseeing PREA compliance at EMCF, monitoring any other facility that houses women inmates on PREA-related matters, and has sufficient authority to coordinate EMCF's efforts to comply with the PREA standards. Ms. Renshaw reports directly to the EMCF Administrator with dotted line reporting to the agency PREA Coordinator or her supervisor as needed. Ms. Renshaw received IPCM training on April 4, 2022. The training records were submitted to the DOJ and Federal Monitor.

In addition to ensuring compliance with the federal PREA standards, the EMCF IPCM has initiated improvements outside of the requirements in this Agreement to enhance PREA compliance. These initiatives include 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. The IPCM has also initiated a recommendation for a Staff Disposition Form advising EMCF of the determination when they are named in a PREA allegation. This new process has been approved to be implemented on September 1, 2022. The IPCM has also focused on our Transgender/Intersex/Non-Binary (TG/I/NB) individuals by collaborating with the Medical and Mental Health Departments, along with the Business Office to ensure that gender affirming treatment is being provided. Improved collaboration expedites the process of ensuring items are ordered and issued to individuals. The IPCM is also offering a discussion group for our TG/I/NB individuals. While still early in development, the group serves as a forum for community support, and an avenue for dialogue between individuals and Administration. For the August TG/I/NB 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.

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

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re D. Staffing ¶ 37:**

On March 28, 2022, Amelia Renshaw was formally appointed as the Assistant Superintendent solely focused on being the EMCF PREA Compliance Manager. Ms. Renshaw had previously worked at EMCF as the Social Services Supervisor. The Monitor had met with Ms. Renshaw in her previous position and was very pleased at the decision to promote her into this current position. It is very positive to have 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.

**Recommendations re D. Staffing ¶ 37:**

No recommendation

**D. Staffing**

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

Requirements:

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

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

Job description for EMCF PREA Compliance Manager

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

**Due Date: February 24, 2022  
Status: Completed**

**August 24, 2022 Status Report**

This requirement has been satisfied.

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

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor’s Discussion re D. Staffing ¶ 39:**

NJDOC and Edna Mahan developed a job description for Edna Mahan’s PREA Compliance Manager with expected responsibilities and direct supervision by the EMCF’s Facility Administrator.

**Recommendations re D. Staffing ¶ 39:**

No recommendation

**D. Staffing**

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

Requirements:

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

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

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

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

**August 24, 2022 Status Report**

Documented training was provided for the EMCF IPCM on April 8, 2022. The training documentation has been submitted to the Federal Monitor and DOJ. The next training will be facilitated by the Moss Group and held on September 29-30, 2022.

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

- Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written in order to maintain substantial compliance
- Partial Compliance
- Non-compliance
- N/A not required until [ date ]
- N/A monitor granted an extension until [ date ]

**Monitor’s Discussion re D. Staffing ¶ 40:**

The Monitor received a copy of the training agenda provided to all Institutional PREA Compliance Managers (IPCM), including Assistant Superintendent Amelia Renshaw, the IPCM at Edna Mahan. This training, which occurred on April 8, 2022, was facilitated by the former NJDOC Agency PREA Coordinator, Director Malinowski. Additionally, Assistant Superintendent Amelia Renshaw was provided a 20-page PREA Compliance Manager Reference Guide. This guide identifies the responsibilities of an Institutional PREA Compliance Manager and

provides guidance on a variety of duties assigned to the IPCM. The Monitor reviewed this guide and found it very thorough. Lastly, Assistant Superintendent Amelia Renshaw noted that she has received a lot of support from her mentor with The Moss Group, as well as “on-the-job-training” from the previous IPCM who still works at Edna Mahan. Ms. Renshaw stated she received a ‘good amount’ of training for her current position. Ms. Renshaw also plans to attend the two-day training in September facilitated by The Moss Group. The training is designed for all NJDOC IPCM’s and their back-ups. The Monitor reviewed this training curriculum and believes it will be very valuable training.

**Recommendations re D. Staffing ¶ 40:**

Continue to provide training to the Edna Mahan PREA Compliance Manager necessary to fulfill her job duties.

**D. Staffing**

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

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

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

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

**August 24, 2022 Status Report**

PREA Program Coordinators from the COHQ PREA Compliance Unit within the division of Women's Services met with the EMCF IPCM on August 4, 2022 to tour the institution, ensure understanding of responsibilities and review several compliance items including:

**A. PREA Education/Refreshers**

The IPCM provides PREA education to EMCF Staff when necessary. The focus of this training was to review the gender affirming items which are available to the transgender population.

The IPCM also conducts PREA education for all incoming incarcerated persons (IP) while they are in Reception. She reviews various scenarios with the IP's and asks them which is PREA and which is not PREA. The education provided is more interactive, and the IPCM believes the IPs understand what constitutes a PREA complaint.

**B. PREA Risk Assessment**

The IPCM indicated that Risk Assessments are conducted on all IP's entering or returning to the facility. Risk Reassessments are being completed earlier than the 30-day time frame.

**C. "At-Risk" Log**

The IPCM keeps an updated database of all transgender IPs at the facility, as well as any "at risk" IPs.

**D. Staff PREA Training Updates**

The IPCM received the updated PREA IPCM Resource Guide, which was provided by the PREA Compliance Unit. She provides training to EMCF staff, when necessary, to review any PREA related updates. The Moss Group has provided EMCF with training as well and will be conducting an IPCM training for all facilities in September 2022.

**E. Investigation Status**

The Special Investigation Division (SID) does provide information to the IPCM as soon as a PREA investigation is completed without delays.

**F. Incident Reviews**

Incident Reviews are done on a regular basis, taking into account the mandatory timeframes and deadlines for review.



**G. Facility Tours**

The IPCM conducts regular weekly tours of the various compounds to ensure PREA compliance, and to answer IP and EMCF staff questions and concerns. She provides EMCF Administration with a weekly tour report. In this report, she makes recommendations regarding any blind spots discovered, and areas of concern that are noted during her tours.

**H. Retaliation Monitoring**

Retaliation monitoring is occurring taking into account the mandatory timeframes and deadlines for monitoring. The forms, once completed, are saved in the EMCF folder in the I-Drive.

**I. Notification Compliance**

IPs are notified of all PREA Accommodation Committee (PAC) meetings, 72 hours before said meeting. IPs are also notified of the disposition of their allegation after determinations are made at the facility and COHQ case reviews.

**J. LEP Issues**

IPCM was asked if there are any LEP cases currently, which presented any issues for the LEP IP's. There were none at this time. Discussed purchasing a portable translating device for the 2<sup>nd</sup> and 3<sup>rd</sup> shift staff to have in the event that an LEP IP wants to report a PREA.

**K. PREA Physical Plant Upgrades**

No physical plant upgrades were noted, however, due to work being done on the Stowe buildings, approximately 125 IPs were sent to EMCF Satellite which is monitored by the IPCM.

**L. Signage**

PREA signage is displayed throughout EMCF in notable and highly trafficked areas of the facility.

**M. Responsibilities**

The IPCM has a good understanding of her role and PREA-related responsibilities. She devised a notable database and excel spreadsheet to track all PREA allegations and determinations. As the IPCM, she maintains all necessary documentation in an organized fashion. The IPCM also updates the share drive for PREA related Agreement items in addition to her own internal tracking system.

The full report was submitted to the Federal Monitor and DOJ. Another meeting with the Agency PREA Coordinator will occur upon their hiring.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re D. Staffing ¶ 41:**

Ms. Sooy and Ms. Rufolo-Prior, Program Coordinators working in the PREA Compliance Unit met with Ms. Renshaw on August 4, 2022. Ms. Renshaw, Assistant Superintendent is the Institutional PREA Compliance Manager (IPCM) at EMCF. The NJDOC PREA Coordinator was out on an extended leave of absence.

The DOJ and Monitor were provided copies of minutes of that meeting. The meeting topics included inmate PREA education/refreshers, PREA risk assessment, "at-risk" log, staff PREA training updates, investigation status, incident reviews, facility tours, retaliation monitoring, notification compliance, LEP issues, PREA physical plant upgrades, and PREA signage.

**Recommendations re D. Staffing ¶ 41:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include a statement that NJDOC and Edna Mahan document semi-annual review meetings with the Edna Mahan PREA Compliance Manager, and other supervisors as appropriate, to discuss the Edna Mahan PREA Compliance Manager's activities and job responsibilities.

**D. Staffing**

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

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

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

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

**August 24, 2022 Status Report**

Like staff, contractors and volunteers are required to receive PREA training if they have contact with incarcerated individuals. Volunteers view the staff PREA video in a live session with a facilitator available to respond to questions or concerns. The video has been shared with the Federal Monitor and DOJ. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement. In the draft Policy Statement Number PCS.001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment", the NJDOC proposed to add the following language in compliance with this requirement: "All NJDOC employees, volunteers and contractors receive training annually on their duties and responsibilities under the Department's zero-tolerance policy."

EMCF is slowly beginning to utilize volunteers once more. Unfortunately, we had to pause volunteer access due to COVID. At this time, we only have one volunteer group who is entering the facility. Their training records have been shared with the Federal Monitor and DOJ. We are working on bringing aboard vaccinated volunteers to assist with addictions and chaplaincy services in the near future.

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

- Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written in order to maintain substantial compliance
- Partial Compliance
- Non-compliance
- N/A not required until [ date ]
- N/A monitor granted an extension until [ date ]

**Monitor's Discussion re D. Staffing ¶ 42:**

Page 23 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, All NJDOC employees (both custody and civilian staff), contractors and volunteers receive PREA-specific training on a biennial basis. This training is focused on key issues regarding staff sexual misconduct and the prevention of prison sexual abuse including the reporting of incidents, as well as first responder responsibilities. All NJDOC employees, volunteers and contractors receive training on their duties and responsibilities under the Department's zero-tolerance policy and are informed that they are required to immediately report any incident or allegation of sexual abuse/sexual harassment to the nearest custody staff member and their immediate supervisor.

All volunteers are subject to an extensive application process, which includes appropriate screening, criminal history background check, and volunteer orientation and training. Contractors and volunteers are provided information regarding conduct and consequences for violating the required conduct.

Additionally, throughout all of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment it speaks to contractors and volunteers when identifying specific responsibilities, practices, and/or procedures that staff must follow. This draft policy was submitted to the Monitor and as noted, the date for finalization of this policy has been extended to February 24, 2023.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73, states, "All NJDOC staff, contract employees and volunteers with direct and/or incidental contact with offenders receive documented PREA training.

Currently, Edna Mahan has only two volunteer groups coming into the facility, the New Jersey Reentry Corporation (NJRC) and the Board of Trustees (BOT). The Monitor received verification that all four members of New Jersey Reentry Corporation (NJRC) has received one hour of PREA training. The BOT members have not received PREA training, but the Monitor has been told that they are in the process of scheduling this training for them.

The Monitor spoke with two Edna Mahan contractors. One provides services with Medical (nursing) and the other provides mental health services. Both confirmed that they had received PREA training and were aware of the expectation to comply with Edna Mahan's sexual abuse and sexual harassment policies and procedures.

**Recommendations re D. Staffing ¶ 42:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. This policy should include a section specific to volunteer and contractor requirement to comply with Edna Mahan's sexual abuse and sexual harassment policies and procedures.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures.

**E. Training**

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

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

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

- Rosters of completed PREA, Gender-Responsive, or other subjects noted above training by assigned EMCF staff by February 24, 2022.
- List of all EMCF staff who may have contact with prisoners, including staff who work at other facilities who may work overtime at EMCF (i.e., maintenance, kitchen) and staff assigned to supervise SMCF prisoners at outside locations on February 24, 2022.
- Training Curriculum utilized for PREA
- Training Curriculum utilized for Gender-Responsive
- Training Curriculum utilized to train on any other subjects noted above (not in PREA or Gender-Responsive curriculum)
- List of trainers providing training
- Interviews with staff to confirm that required training took place
- Interviews with trainers who provided training to confirm that required training took place
- Interviews with EMCF training Lieutenant and/or training staff to confirm that required training took place

**Steps taken by NJDOC and EMCF towards implementation**

**Due Date: February 24, 2022**

**E. Training ¶ 43:**

**August 24, 2022 Status Report**

On May 2, 2022, the Federal Monitor and DOJ received the final training attendance verification forms for 42 staff who had not attended the previous training due to short term leaves. In addition to the required training, 332 staff also received 2-day training entitled “Gender Responsive approaches for Women Offenders.” This training is beyond the requirements of this Agreement but is something that we see as a foundational component of the vast culture change upon which EMCF is embarking. Further, the department is adopting the 2-day curriculum for all new staff members assigned at EMCF.

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

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re E. Training ¶ 43:**

On February 18, 2022, NJDOC notified the Monitor that all Edna Mahan staff, with the exception of 42, were trained or retrained in the one-hour PREA curriculum and the two-hour gender responsive training. On May 2, 2022, the Monitor received the final training attendance verification forms for those 42 staff who had not attended the previous training. The Monitor reviewed the PREA video, script, and facilitator guide that was used during this PREA training. The curriculum did include all the requirements noted above (a – k), with the exception of “j” –

gender responsive principles. To accommodate the requirement under “j” , NJDOC and Edna Mahan provided a two-hour gender-responsive training during the last reporting period.

During this reporting period, 332 Edna Mahan staff received a two-day training entitled “Gender Responsive Approaches to Women Offenders”. The Monitor is very familiar with this gender-responsive curriculum and believes it is a very good foundation for all staff who work with incarcerated women. The Monitor reviewed the evaluations from this curriculum and was pleased that, for the most part, they were very positive. However, during the compliance visit, the Monitor interviewed several Edna Mahan staff who had various responses to this training. The Monitor was told that the training was “accepted” or not, depending upon the delivery (presenters, location, acoustics, etc.). The Monitor believes this training might have had more “buy-in” from the staff if the Edna Mahan Leadership Team had introduced and “sold” the curriculum to the staff, as discussed in the narrative portion of this report.

### **Recommendations re E. Training ¶ 43:**

Continue to ensure that all staff working at Edna Mahan have the adequate knowledge, skill, and ability to prevent, detect, and respond to sexual abuse and sexual harassment at Edna Mahan, and to manage, interact, and communicate appropriately with the persons incarcerated at this facility.



**E. Training**

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

Requirements:

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

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

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

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

**Due Date: February 24, 2024**

**August 24, 2022 Status Report**

In 2022 EMCF staff were PREA trained pursuant to paragraph 43. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement. NJDOC continues to provide annual PREA training.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until February 2024

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re E. Training ¶ 44:**

**Recommendations re E. Training ¶ 44:**

**E. Training**

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

**Requirements:**

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

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

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

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

**Due Date: February 24, 2024**

**August 24, 2022 Status Report**

NJDOC continues to be prepared to comply with the required training according to the timelines set forth in this Agreement. Pre and post-tests to demonstrate a trainee’s knowledge of the policies and procedures related to the training will be issued.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor’s Discussion re E. Training ¶ 46:**

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. Page 23 states, “Participation in requisite PREA training shall be documented through employee signature or electronic verification, noting that staff demonstrate proficient knowledge of the policies and procedures to complete the training requirements. Training records will be retained at the Correctional Staff Training Academy. The Monitor provided feedback to this draft revision and the date for final

revision was extended to February 24, 2023. Once this Agency Level 1 policy is written, Edna Mahan will write a Level 3 policy requiring that documentation be maintained to show that all active Edna Mahan staff have been trained.

**Recommendations re E. Training ¶ 46:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. This policy should include a section specific to staff training. The recommendation is to include a statement that Edna Mahan maintains documentation regarding the training that all Edna Mahan staff receive.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures.

**F. Prisoner Education**

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

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

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

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

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

**Due Date: Within 30 days of intake**

**August 24, 2022 Status Report**

NJDOC Policy Statement Number 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment is currently under review and revision, but this component specific to Prisoner Education is already practiced at EMCF. NJDOC has submitted verifications of compliance to DOJ and the Federal Monitor for the months of February, March, April, May, June, and July 2022.

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

- Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance
- Partial Compliance
- Non-compliance
- N/A not required until [ date ]
- N/A monitor granted an extension until [ date ]

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

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. Page 24 states, NJDOC provides inmates with comprehensive education regarding NJDOC's zero tolerance of sexual abuse and sexual harassment, within 30 days of intake at each NJDOC facility. All inmates receive information regarding the following:

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

Additionally, page 24 goes on to state “Upon intake at a NJDOC facility, all inmates are provided with written and video materials detailing the zero tolerance for sexual abuse/harassment policy, along with PREA informational handouts and reporting instructions. Upon assignment to a correctional facility, inmates are issued facility-specific handbooks, which include a PREA section. They are provided information at their orientation on how to report an incident or allegation, along with methods for third party and confidential reporting”.

The Monitor provided feedback to this draft revision and the date for final revision was extended to February 24, 2023. Once this Agency Level 1 policy is written, Edna Mahan will write a Level 3 policy requiring that documentation be maintained to show that all active Edna Mahan staff have been trained.

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

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

During the compliance visit, Mr. Shireman, the Monitor’s Associate, watched a comprehensive orientation education for Edna Mahan incarcerated persons to ensure that the curriculum delivered during the intake process included all the required information (a – g) listed in Settlement Agreement paragraph 47. Additionally, during the compliance visit, the Monitor and her Associate both noted the “PREA posters” posted throughout the housing units and other parts of the facility. These PREA posters noted the right of incarcerated persons to be free from sexual abuse, sexual harassment, retaliation for reporting either, and ways to report.

The Monitor interviewed the Edna Mahan PREA Compliance Manager to confirm the documentation of incarcerated persons who attend, and the person who provides, the comprehensive prisoner orientation sessions. Lastly, during the compliance visit, the Monitor or her Associate met with several incarcerated persons asking if they received PREA orientation within 30 days of intake. Most of these incarcerated persons confirmed they did receive intake during 30 days of intake (some couldn’t remember). During the last report to the Court, the Monitor wrote that some of the incarcerated persons were unaware that there were confidential methods of reporting. The Monitor speculated that this might be a result of two different concerns. One concern is that some of the material the individuals receive references calls being “anonymous.” This wording might not be understood by all everyone. A second problem is that, to make a “confidential call,” an incarcerated person has to enter their telephone PIN (Personal Identification Number). Some might think that, since they must enter their PIN number, that call might not be confidential.

The Administrator told the Monitor that the Edna Mahan leadership team had reviewed the recommendations in the last report to the Court and made the following changes:

- Changed the wording on their PREA materials from “anonymous” to “confidential”
- Began providing specific information to the incarcerated persons to alert them that Edna Mahan does not have access to identifying information when they make a call using their PIN (Personal Identification Number).
- All confidential methods of reporting are emphasized during the prisoner PREA orientation

**Recommendations re F. Prisoner Education ¶ 47:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Education policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. This policy should include a statement that all incarcerated persons receive PREA information within 30 days of intake.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Prisoner Education policies or procedures.



**F. Prisoner Education**

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

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

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

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

**Due Date: Within 30 days of intake**

**August 24, 2022 Status Report**

NJDOC has continued to submit verifications of compliance to DOJ and the Monitor for the months of February through July 2022.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re F. Prisoner Education ¶ 48:**

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. Page 24 states, NJDOC provides inmates with comprehensive education regarding NJDOC's zero tolerance of sexual abuse and sexual harassment, within 30 days of intake at each NJDOC facility.

Additionally, page 24 goes on to state "Upon intake at a NJDOC facility, all inmates are provided with written and video materials detailing the zero tolerance for sexual abuse/harassment policy, along with PREA informational handouts and reporting instructions. Upon assignment to a correctional facility, inmates are issued facility-specific handbooks, which include a PREA section. They are provided information at their orientation on how to report an incident or allegation, along with methods for third party and confidential reporting".

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

During the compliance visit, Mr. Shireman, the Monitor's Associate, watched a comprehensive orientation education for Edna Mahan prisoners to ensure the incarcerated persons were told of their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding their policies and procedures for responding to such incidents. One concern noted during this orientation education was that the presenter spent a lot of time telling the incarcerated persons what PREA was not, rather than describing what PREA is. There were times when the presenter gave "black and white" examples of what PREA was not, without room for nuance. For example, an incarcerated person was told that a correctional staff member viewing her using the toilet would never be a PREA violation because doing so is part of the staff member's duties. Additionally, the incarcerated person was told that it was not a PREA violation if a correctional staff member accidentally touched their breasts while escorting them. The Monitor advises NJDOC to ensure that the Orientation curriculum and instruction not focus on what is "not a PREA violation" and, rather, focus on the intent of zero tolerance and the definitions of sexual assault and sexual harassment.

The concern with making these types of “absolute” statements, is that it might lead the incarcerated person who is experiencing abuse to not report such, thinking that this behavior is appropriate. Rather than giving such examples, the Monitor recommends the presenter gives a more moderate description that “an officer who is doing their job in a professional manner would not stare at you while you are using the restroom or touch your breasts intentionally”, etc.

The Monitor interviewed Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, to confirm the documentation of persons who attend and the person who provides, the comprehensive prisoner orientation sessions. Lastly, during the compliance visit, the Monitor, or her Associate, spoke with several incarcerated persons during the on-site visit asking if they received PREA orientation within 30 days of intake. Most of these persons confirmed they did receive intake during 30 days of intake (some could not remember).

It is worth noting that, in addition to the incarcerated persons receiving a comprehensive orientation PREA education during the intake process, Edna Mahan also shows a “PREA video” at least two times a day, on an internal television channel. The incarcerated population calls it the “PREA Channel”. This video reminds the population of their right to be free from sexual abuse and sexual harassment and all the ways to report such.

#### **Recommendations re F. Prisoner Education ¶ 48:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Education policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. This policy should include a statement that during the intake process, or within 30 days of intake, Edna Mahan provides comprehensive orientation education to incarcerated persons either conducted in-person or through a video presented by an in-person facilitator regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding their policies and procedures for responding to such incidents.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Prisoner Education policies or procedures. It is also recommended that Edna Mahan begin showing the Spanish speaking “PREA Video” at least once a day on the internal television channel. Lastly it is recommended that, rather than giving examples of what PREA is not, the orientation educator provide a more moderate description of an example of what PREA is and note that “a staff person should always conduct their job in a professional manner”.

**F. Prisoner Education**

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

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

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

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

**Due Date: 11/24/2021**

**August 24, 2022 Status Report**

This requirement has been satisfied.

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

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

This requirement was met during the first reporting period.

**Recommendations re F. Prisoner Education ¶ 49:**

No recommendation.

**F. Prisoner Education**

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

Requirements:

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

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

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

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

**August 24, 2022 Status Report**

This requirement continues to be satisfied. The EMCF IPCM provides the comprehensive education for the incarcerated population within 30 days of arrival. The required training records have been submitted to the Federal Monitor and DOJ on a monthly basis for the months of February through July 2022.

The IPCM has formalized a curriculum for PREA standard 115.33 that ensures comprehensive delivery of service to individuals newly admitted to EMCF. The curriculum has been submitted to the Federal Monitor and DOJ and includes an introduction, video, overview of written material provided, and Q&A portion. The curriculum also includes language addressing document requirements, LEP considerations (materials translated to primary language; EMCF currently has Spanish and Mandarin), written transcript of the video for deaf or hard of hearing, and simplified documents for those with developmental disabilities. The IPCM is also in the process of working with an incarcerated individual to become a peer educator for the PREA Orientation Program.

Beginning June 7th, the IPCM offers monthly PREA Discussion Groups to all individuals at EMCF. Discussion groups offer individuals an opportunity to ask questions, share concerns, learn more about the PREA process, and offer suggestions. The IPCM can make the appropriate referrals or recommendations to Administration, Custody or other departments as needed.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

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

Even though these individuals have all received the training The Edna Mahan PREA Compliance Manager, the Edna Mahan Administrator, and the Assistant Commissioner for Women's Services all told the Monitor that, at the present time, the only person who provides the educational orientation for English speaking persons is Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager.

**Recommendations re F. Prisoner Education ¶ 50:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Education policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include the requirement in the Level 3 that all the individuals conducting or facilitating the comprehensive prisoner educational orientation are trained on Edna Mahan and NJDOC's policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and the terms of the Settlement Agreement, as long as the Settlement Agreement is in effect.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Prisoner Education policies.

**F. Prisoner Education**

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

Requirements:

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

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

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

**Steps taken by NJDOC and EMCF towards implementation**

**F. Prisoner Education ¶ 51:**

**August 24, 2022 Status Report**

Verification forms signed by both the incarcerated person and the facilitator are kept verifying that the facilitator remained in the room for the duration of the training. These forms have been submitted to the Monitor and DOJ to verify compliance on a monthly basis for the months of February through July 2022.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

In each of the six months of this reporting period, the Monitor received copies of Prison Rape elimination Act Acknowledgements signed by all newly incarcerated persons who participated in a comprehensive PREA orientation session. Each of these acknowledgements have a signature by the staff person who provided the PREA orientation that states, "The staff signature indicates comprehensive orientation education while remaining in the room during the entire PREA orientation".

**Recommendations re F. Prisoner Education ¶ 51:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Education policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. This policy should include a statement that requires individuals conducting or facilitating the comprehensive PREA orientation education to remain in the room during the entire orientation or, if an exigent circumstance arises that requires the individual conducting or facilitating the orientation to leave the room, the individual will return to the room as promptly as possible.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Prisoner Education policies or procedures.



**F. Prisoner Education**

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

Requirements:

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

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

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

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

**August 24, 2022 Status Report**

The Classification Department reviews all individuals in the county jails prior to admission and alerts Administration and the IPCM of any individuals identified as LEP and their primary language. EMCF uses this information to secure the translation of materials if the facility does not already have them available prior to the individual’s arrival at the facility. Additionally, to aide in timely access, many of the phones with outside lines have been affixed with a sticker providing the phone number for the language line provider along with the facility account number. Refresher training for staff on the LEP policy took place from February through May of 2022, with staff receiving formal training as well as being provided the policy and instructions for the language line. The medical department was included in this refresher, and medical provided signed receipts from staff with the expectations for utilizing the language line.

EMCF is currently in the process of securing a pager system from MMCall to assist with communication to deaf and hard of hearing individuals. The system includes software that allows for staff to communicate quickly to individuals wearing a watch style pager, keeping them informed or providing direct messaging. EMCF is also working to secure a video translation system that will assist with utilizing sign language

as the preferred method of communication. The DOJ and Federal Monitor were provided a semi-annual report of all incarcerated individuals who received LEP services for the comprehensive orientation training. Since January 2022, six incarcerated individuals at EMCF received orientation in their preferred language.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period, due to the video and printed materials being offered in Spanish. The Monitor acknowledges that a Level 1 and Level 3 policy needs to be written, a staff training plan needs to be developed and implemented, and that a certified bilingual employee or qualified interpreter needs to deliver the PREA education orientation to Spanish speaking persons in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor’s Discussion re F. Prisoner Education ¶ 52:**

Page 14 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment § 115.16 states that, “ The agency shall take appropriate steps to ensure that prisoners with disabilities (including, for example, prisoners who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with prisoners who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with prisoners with disabilities, including prisoners who have intellectual disabilities, limited reading skills, or who are blind or have low vision. Additionally, the Policy states, “The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment to prisoners who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

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

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive #100A Titled, Limited English Proficiency (LEP) Language Assistance: Bilingual Staff and Use of the Language Line states, “In accordance with Title VI of the Civil Rights

Act of 1964 and its implementing regulations, it is the policy of the NJDOC and Edna Mahan Correctional Facility, to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical and quasi-legal proceedings. These sources, include, but are not limited to, the Language Line and appropriate staff”.

On August 1, 2022, the Monitor received a memo identifying six persons who had received PREA orientation in their preferred language, Spanish, during the months of December, January, April, and May.

The Monitor interviewed the Edna Mahan PREA Compliance Manager, Ms. Renshaw, and asked how she ensured the comprehensive orientation information is conveyed and made available to incarcerated persons who are limited English proficient, deaf, visually impaired, or otherwise disabled or who have limited reading skills. Ms. Renshaw reported that they have worked hard in this area during this reporting period. It began with Ms. Renshaw making the orientation education more consistent and, thus, easier to translate. All education materials and videos are available in Spanish.

Additionally, if the County Jail is sending someone to Edna Mahan who speaks any language other than Spanish, the jail notifies Ms. Renshaw in time for her to get all education materials translated into that specific language. An example of that happening during this past reporting period was a woman who spoke Mandarin. The county jail notified Ms. Renshaw several weeks ahead of time and Ms. Renshaw had all PREA orientation materials translated into Mandarin. Ultimately, when the women arrived at Edna Mahan, she spoke English, but it was a good “trial run” to ensure the system works.

If a person is deaf, they can show the video with subtitles. If the person is visually impaired, they can just “hear” the video. She has also put the information into an easier-to-understand format, for those who need it. Lastly, Ms. Renshaw says that she follows up with any incarcerated person who might have needed some accommodation during the education orientation to ensure they understood.

The Monitor recognizes and appreciates the services Ms. Gil provides to Spanish speaking incarcerated persons. And it is important to note that Ms. Gil is not a certified translator. Ms. Gil stated that she was scheduled to take the certification test prior to Covid. She is hoping to take it soon.

**Recommendations re F. Prisoner Education ¶ 52:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Education policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. Both Level 1 and III policies should include a statement that the comprehensive orientation information is conveyed and made available in formats accessible to all incarcerated persons, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to incarcerated persons who have limited reading skills.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Prisoner Education policies or procedures.

Lastly, it is recommended that NJDOC use a certified bilingual employee or qualified interpreter to deliver the PREA education orientation in order to ensure consistent translation services are provided. Until a Civil Service Certified Bilingual employee is hired, it is recommended that Edna Mahan use the language line or other qualified interpreter to provide the PREA prisoner education. The language line or qualified interpreter must interpret “effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary” as required by PREA regulations.

**F. Prisoner Education**

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

Requirements:

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

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

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

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

**Initial roster due date: January 5, 2022, then monthly**

**August 24, 2022 Status Report**

NJDOC continues to comply with this requirement. On a monthly basis, a roster of all incarcerated persons along with copies of signed verification forms from all incarcerated individuals were submitted to the Monitor and DOJ to verify compliance for the months of February through July 2022. Copies of receipt documents are maintained in each IP classification folder and by the IPCM.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. Page 25 of the revised version states, "The agency shall maintain documentation of inmate participation in these education sessions. Inmates are required to sign for receipt of PREA informational materials as well as for attendance at PREA education/orientation sessions. Copies of receipt documents are to be maintained in the inmate's classification folder and by the Institutional PREA Compliance Manager."

The Monitor provided feedback to this draft revision and the date for final revision was extended to February 24, 2023. Once this Agency Level 1 policy is written, Edna Mahan will write a Level 3 policy requiring that documentation be maintained of all incarcerated persons' participation in the comprehensive prisoner orientation sessions.

And, in each of the six months of this reporting period, the Monitor received copies of Prison Rape Elimination Act Acknowledgements signed by each incarcerated person who participated in a comprehensive prisoner orientation session at Edna Mahan. Additionally, during the compliance visit, Mr. Shireman, the Monitor's Associate interviewed the Edna Mahan Compliance Manager and reviewed the documentation of attendance in the comprehensive prisoner orientation sessions offered during each of the months of this reporting period. Clearly, Edna Mahan is maintaining documentation of all incarcerated persons' participation in the comprehensive prisoner orientation sessions. The next step is to write this requirement into their Level 3 policies.

**Recommendations re F. Prisoner Education ¶ 53:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Education policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The Level 3 policy should include a statement that requires Edna Mahan maintain documentation of incarcerated persons participation in the comprehensive PREA orientation sessions

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the Prisoner Education policies or procedures.

**G. Prisoner's Right to Privacy at Edna Mahan**

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

par. 54

**Cross-Gender Searches**

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

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

**par. 54 a**

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

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

**par. 54 b**

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

**par. 54 c**

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

**par. 54 d**

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



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

**Verification due quarterly commencing January 5, 2022  
for the previous quarter**

**August 24, 2022 Status Report**

The information documented in by the NJDOC on the February 24, 2022, status report remains accurate. Required quarterly reports indicating that there were no cross-gender searches have been submitted to the Federal Monitor and DOJ from February through July 2022. Additionally, training records verifying that 356 attendees, custody staff participated in the Search of Persons training refreshers conducted in 2022. This included all available Edna Mahan custody staff. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement. Although current practice, it is anticipated that the proposed policies will retain the practice of offering transgender and intersex individuals a search preference. Gender Identity Search Preference ID Cards are issued to incarcerated persons who have been documented by the NJDOC as transgender or intersex. The card denotes a transgender or intersex person's search preference in accordance with N.J.P.L. 2019 c.409, which limits cross gender strip searches in state correctional facilities. The Gender Identity Search Preference ID Card is only issued to, and retained by, incarcerated persons who have been processed and have had their transgender or intersex status recorded.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

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

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

Additionally, page 12 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “NJDOC does not allow cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical professionals”.

Page 6, of the Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive 50, states, except in exigent circumstances, pat searches shall only be conducted by female custody staff members upon female incarcerated persons. Additionally, Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities says, “Cross-gender pat-down searches of female incarcerated persons are prohibited, absent exigent circumstances. Facilities shall not restrict female prisoners' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. Cross-Gender pat frisks shall be documented on the facility Cross-Gender Pat-Frisk form.”

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

**Paragraph 54a:**

On August 1, 2022, the Monitor and the DOJ received a letter from the Edna Mahan Administrator stating that, “Please be advised that there have been no exigent circumstances that required cross-gender strip searches or visual body cavity searches for the first quarter (January, February, and March) and second quarter (April, May, June) of 2022.

**Paragraph 54b:**

Page 6 of the Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive 50, states “Facilities shall not restrict female prisoners' access to regularly available programming or other out-of-cell opportunities in order to comply (with the restriction to not conduct cross-gender strip searches, cross-gender visual body cavity searches, or cross-gender pat downs”).

On August 1, 2022, the Monitor and the DOJ received a letter from the Edna Mahan Administrator stating that, “Please be advised that there have been no exigent circumstances that required cross-gender strip searches or visual body cavity searches for the first quarter (January, February, and March) and second quarter (April, May, June) of 2022. No programming has been impacted by cross-gender strip searches or visual body cavity searches for these quarters.”

**Paragraph 54c:**

Page 6 of the Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive 50, states, “If there is an exigent circumstance, security staff shall conduct cross-gender pat-down searches of prisoners in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. Facilities must document all pat searches conducted in exigent circumstances.”

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

The Monitor also reviewed the PowerPoint and the training curriculum for the “Search of Persons” training that NJDOC provides to their custody staff. According to the training curriculum, one of the points to be made is “The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches and shall document all cross-gender pat-down searches of female prisoners.”

On August 1, 2022, the Monitor and the DOJ received a letter from the Edna Mahan Administrator stating that, “Please be advised that there have been no exigent circumstances that required cross-gender strip searches or visual body cavity searches for the first quarter (January, February, and March) and second quarter (April, May, June) of 2022. No programming has been impacted by cross-gender strip searches or visual body cavity searches for these quarters.”

Lastly, the Monitor or her Associate interviewed several staff and asked them specifically about their responsibilities to document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of female incarcerated persons. Without exception, every staff member we interviewed said they would never conduct cross-gender pat searches. But if they were ordered to, they would document those searches in the “G-drive” and complete a custody 100 form.

**Paragraph 54d:**

Page 5 of the Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive 50, states, “all searches shall be performed in a professional and respectful manner, and in the least intrusive manner possible, consistent with the safety and security needs of all involved.”

The Monitor reviewed the power point and the curriculum for the “Search of Persons” training that NJDOC provides to their custody staff. One of the statements in this power point is “strip searches shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the prisoner’s person.” The training curriculum also states that, “The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex prisoners, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.”

It is not clear to the Monitor how or when security staff are trained in conducting cross-gender pat down searches. Most people assume this training occurs during Academy training, but the Monitor could find no documentation of such. To address this gap, Edna Mahan provided training to all their custody staff. The curriculum taught was a one-hour “Search of Persons” curriculum and the curriculum included the expectation that custody staff document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of women prisoners and also document the exigent circumstances that warranted the search. The Monitor and the DOJ received verification that 356 custody staff participated in this training. This included all available Edna Mahan custody staff.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to cross-gender searches and viewing, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. These revised policies need to set the expectation of when/when all security staff receive training in how to conduct cross-gender pat-down searches.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the cross-gender searches and viewing policies or procedures.

**G. Prisoner's Right to Privacy at Edna Mahan**

par. 55 Cross-Gender Viewing

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

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

**par. 55 a:**

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

**par 55 b:**

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

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

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement. Although in current practice, it is anticipated that the draft Policy Statement Number PCS.001.008 “Prevention, Detection and Response of Sexual Abuse and Harassment” will retain the following language in compliance with this requirement: “Opposite gender announcements are required for opposite gender staff who enter the housing unit by announcing “male/female on the floor.”

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

**Paragraph 55a:**

Part of the 2020 New Jersey Revised Statutes Title 30 – Institutions and Agencies, Section 30:1B-46 – Policy to limit cross gender searches and surveillance in State Correctional facilities, prohibits correctional police officers from viewing prisoners of the

opposite gender who are nude or performing bodily functions except in an emergency or other extraordinary or unforeseen circumstances and requires a facility to install privacy panels in shower and toilet areas when possible

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. Page 13 of this revised policy states, "In order to accommodate the privacy interests of prisoners, modesty barriers are provided in facility shower areas. Additionally, modesty barriers/panels are provided for prisoners' use while changing. Privacy screens are available at each facility to be utilized for non-routine strip searches." The Monitor reviewed this draft revised policy and provided feedback. NJDOC is making the recommended revisions, as appropriate.

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

The Monitor and/or her Associate conducted focus groups with incarcerated persons currently living at Edna Mahan and asked them if they felt they were able to perform bodily functions without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia. Most of their responses indicated they were afforded this right. There were a couple individuals who felt that the officers didn't wait long enough, after they knocked before they looked into the cell while the incarcerated person was using the toilet, but this was the "exception rather than the rule". There was also an example given that, in one instance, a female staff who is too short to look into the window of the cells in a living unit, often opens the door of the cell without knocking first. There have been times when an incarcerated person has been using the toilet and felt vulnerable. The Monitor brought this concern to the leadership of Edna Mahan and was assured this would be taken care of.

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

**Paragraph 55 b:**

Part of the 2020 New Jersey Revised Statutes Title 30 – Institutions and Agencies, Section 30:1B-46 – Policy to limit cross gender searches and surveillance in State Correctional facilities requires a verbal announcement to be made when correctional police officers or other employees of the opposite gender are in an area of the facility. Page 13 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment policy states, "when an opposite-gender staff member, both custody and non-custody, enters a housing unit where there is not already another opposite-gender staff present, the opposite-gender staff is required to verbally announce their arrival on the unit by announcing "male/female on the floor."

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. On page 13, this revised version state that, "Opposite gender announcements are required for all opposite gender staff

who enter the housing unit by announcing "male/female on the floor." The Monitor reviewed this draft revised policy and provided feedback. NJDOC is making the recommended revisions, as appropriate.

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states, "Upon arrival to the unit/housing area, male officers shall announce their presence." The Monitor also reviewed the power point and the curriculum for the "Search of Persons" training that NJDOC provides to their custody staff. One of the statements in this power point is "The facility shall implement policies and procedure that require staff of the opposite gender to announce their presence when entering a prisoner housing unit."

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

During the compliance visit September 12-15, 2022, the Monitor and her Associate did observe male staff calling out "man on wing - cameras activated" every time a male staff entered a housing unit. It should be noted that ever since the correctional staff started wearing body wore cameras, the female security staff now call out "cameras activated" when they enter as cell.

As stated in the previous compliance report, several incarcerated persons asked why the women staff were not required to make announcements when they enter a housing unit since there are transgender and non-binary incarcerated persons residing at Edna Mahan. This was be addressed in the recommendation section.

#### **Recommendations re G. Prisoner's Right to Privacy at Edna Mahan ¶ 55:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to cross-gender viewing, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. These revised policies need to set the expectation that ensure incarcerated persons are able to perform bodily functions—such as showering, bathing, and using the toilet— and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks. The policies and procedures should also require "Opposite gender announcements are required for opposite gender staff who enter the housing unit by announcing "male/female" or "Office Smith" on the floor.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the cross-gender searches and viewing policies or procedures.



## **H. Reporting Allegations of Sexual Abuse and Sexual Harassment**

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

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

### Requirements:

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

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

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

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

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

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

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

**August 24, 2022 Status Report**

The status reflected in the February 24, 2022 status report remains accurate. Copies of the PREA education curriculum, PREA video, handbook, pamphlets and flyers have been provided to DOJ and the Monitor in both Spanish and English. PREA Orientation Education documents have also been provided in Mandarin. Data of allegations, including method utilized to report, is kept on file. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. Page 31 of this revised policy states, "NJDOC has established and maintains multiple internal channels for prisoners to privately report sexual harassment and/or sexual abuse, potential retaliation by other prisoners or staff members for reporting said

abuse/harassment, and of any staff member neglect or dereliction of responsibilities that may have contributed to the incident. Prisoners can report incidents of sexual abuse or harassment in person, to their Institutional PREA Compliance Manager, in writing, on J-Pay, or anonymously.

Prisoners can report an incident at any time no matter when, or where, it happened. NJDOC advises and educates prisoners of their rights and ability to report via numerous methods and also provides reporting contact information on posters and literature available throughout each correctional facility. Prisoners may report PREA sexual abuse/sexual harassment by using one of the following methods:

- Verbally or in writing to any NJDOC staff member, contractor, or volunteer
- Contacting the Correctional Facility's Institutional PREA Compliance Manager
- Using the Prisoner Remedy System/JPAY Kiosk
- Contacting the Special Investigations Division (SID) via the Confidential SID box or by dialing
- \*SID1# on the Prisoner Telephone System (free call)
- Contacting the Corrections Ombudsman"

The Monitor reviewed this draft revised policy and provided feedback. NJDOC is making the recommended revisions, as appropriate. The date for the revisions to be completed is February 24, 2023.

Additionally, NJDOC's website includes the following information on how to report an allegation on behalf of an incarcerated person.

**Reporting Prisoner Sexual Abuse/Sexual Harassment:**

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

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

**Third Party Reporting of Prisoner Sexual Abuse/Sexual Harassment:**

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

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

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

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

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

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

Third parties can report sexual abuse/sexual harassment or retaliation in writing or by calling the Office's public telephone number. *Mail directed to or from the Office of the Corrections Ombudsman is classified "Legal, Confidential and Official".*

Office of Corrections Ombudsman Contact Information:

Address:

Office of Corrections Ombudsman  
PO Box 855  
Trenton, NJ 08625

Prisoner Telephone System Number 1-555-555-5555  
(Confidential/free call/prisoners only)

Public Reporting Number (609) 633-2596 (Confidential)

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 73: Title: Zero Tolerance Policy: Prison Sexual Assault states, "Offenders may utilize the Prisoner Remedy System Form to report sexual abuse or harassment; however, offenders are not required to go through the Prisoner Remedy System to report allegations of sexual abuse or harassment. Designated staff will process such reports as a high priority in accordance with established facility emergency procedures and forward copies to the facility's Administrator and PREA Compliance Manager; or

Offenders may use the free confidential telephone hotline to report sexual abuse or harassment to the Corrections Ombudsman. Offenders may also utilize the Office of the Corrections Ombudsman Request for Assistance form or send written correspondence to their office; or

Offenders may use the locked confidential Special Investigation Division (SID) mailbox to report sexual abuse or harassment to the SID Investigative Unit.

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

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

Although incarcerated persons can make an anonymous call to \*SID1# on the telephone system, in order to make this call, the incarcerated person has to enter their telephone PIN (Personal Identification Number). Some persons might think that, since they must enter their PIN number, that call might not be confidential. Additionally, they must make the call on the telephones which are in the public areas of the housing units. Assistant Superintendent Renshaw emphasizes to the incarcerated persons that these calls are confidential, but there is no way to make a call unless they enter their PIN number.

The Monitor made the recommendation in the last compliance report that NJDOC and Edna Mahan look at the opportunity for prisoners to make calls to \*SID1# without having to enter their Personal Identification Numbers. Or, at a minimum, prisoners should receive specific education to alert them that Edna Mahan does not have access to that identifying information. Although they are not able to make the change to the telephone system, they have changed the language on their material from “anonymous” to “confidential” calls and Assistant Superintendent Renshaw emphasizes that the calls made to SID are confidential.

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies how the prisoner reported. This spreadsheet confirms that incarcerated persons report in a multitude of ways.

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

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to reporting incidents or allegations of sexual abuse or sexual harassment, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended February 24, 2023. The revised policies needs to continue to ensure that NJDOC and Edna Mahan maintains multiple internal channels for incarcerated persons to privately report sexual harassment and/or sexual abuse, potential retaliation by other incarcerated persons or staff members for reporting said abuse/harassment, and of any staff member neglect or dereliction of responsibilities that may have contributed to the incident.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses these updated policies or procedures

## **H. Reporting Allegations of Sexual Abuse and Sexual Harassment**

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

Requirements:

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

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

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

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

#### **August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. Pages 31 and 32 of this revised policy states, "The Office of the Corrections Ombudsman serves as an available outside resource to incarcerated persons in custody of the New Jersey Department of Corrections to report incidents of sexual abuse, assault, harassment, or retaliation. The Office of the Corrections Ombudsman, upon receiving such information, shall immediately forward prisoner reports of sexual abuse or sexual harassment to agency officials, allowing the prisoner to remain anonymous upon request". The Monitor reviewed this draft revised policy and provided feedback. NJDOC is making the recommended revisions, as appropriate. The date for the revisions to be completed is February 24, 2023.

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 73: Title: Zero Tolerance Policy: Prison Sexual Assault states, "Offenders may use the free confidential telephone hotline to report sexual abuse or harassment to the Corrections Ombudsman. Offenders may also utilize the Office of the Corrections Ombudsman Request for Assistance form or send written correspondence to their office.

Additionally, NJDOC's website includes the information on how to report an allegation on behalf of a prisoner to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials, allowing the Edna Mahan prisoner to remain anonymous upon request. That information includes the statement that:

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

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



number. Mail directed to or from the Office of the Corrections Ombudsman is classified "Legal, Confidential and Official". The Website also provides the Office of Corrections Ombudsman Contact Information:

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

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

During the onsite compliance visit, the Monitor spoke with the staff person assigned to Edna Mahan from the Office of the Corrections Ombudsman. She indicated that, during this reporting period (February 25, 2022 – August 24, 2022), there were 567 total contacts from incarcerated persons at Edna Mahan to the Ombudsperson's office. Of those 567 contacts, there was 1 allegation of staff sexual abuse and 3 allegations of staff sexual harassment, from 4 different persons.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to reporting incidents or allegations of sexual abuse or sexual harassment, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. These revised policies need to continue to provide at least one way for Edna Mahan incarcerated persons to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses these updated policies or procedures.

**H. Reporting Allegations of Sexual Abuse and Sexual Harassment**

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

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

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

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

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance. The Monitor also recognizes that there are infrastructure issues with the Office of the Ombudsperson, which are out of the control of NJDOC.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. Page 31 of this revised policy states, "NJDOC has established and maintains multiple internal channels for prisoners to privately report sexual harassment and/or sexual abuse, potential retaliation by other prisoners or staff members for reporting said abuse/harassment, and of any staff member neglect or dereliction of responsibilities that may have contributed to the incident. Prisoners can report incidents of sexual abuse or harassment in person, to their Institutional PREA Compliance Manager, in writing, on J-Pay, or anonymously.

Prisoners can report an incident at any time no matter when, or where, it happened. NJDOC advises and educates prisoners of their rights and ability to report via numerous methods and also provides reporting contact information on posters and literature available throughout each correctional facility. Prisoners may report PREA sexual abuse/sexual harassment by using one of the following methods:

- Verbally or in writing to any NJDOC staff member, contractor, or volunteer
- Contacting the Correctional Facility's Institutional PREA Compliance Manager
- Using the Prisoner Remedy System/JPAY Kiosk
- Contacting the Special Investigations Division (SID) via the Confidential SID box or by dialing
- \*SID1# on the Prisoner Telephone System (free call)
- **Contacting the Corrections Ombudsman**

The Monitor reviewed this draft revised policy and provided feedback. NJDOC is making the recommended revisions, as appropriate. The date for the revisions to be completed is February 24, 2023.

Additionally, NJDOC's website includes the following information on how to report an allegation on behalf of an incarcerated person:  
[External Reporting of Prisoner Sexual Abuse/Sexual Harassment and Retaliation Through the Office of Corrections Ombudsman](#)

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

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

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

Third parties can report sexual abuse/sexual harassment or retaliation in writing or by calling the Office’s public telephone number. *Mail directed to or from the Office of the Corrections Ombudsman is classified “Legal, Confidential and Official”.*

Office of Corrections Ombudsman Contact Information:

Address:

Office of Corrections Ombudsman  
PO Box 855  
Trenton, NJ 08625

Prisoner Telephone System Number 1-888-909-3244  
(Confidential/free call/prisoners only)

Public Reporting Number (609) 633-2596 (Confidential)

Offenders may use the free confidential telephone hotline to report sexual abuse or harassment to the Corrections Ombudsman. Offenders may also utilize the Office of the Corrections Ombudsman Request for Assistance form or send written correspondence to their office.

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 73: Title: Zero Tolerance Policy: Prison Sexual Assault states, “Offenders may utilize the Prisoner Remedy System Form to report sexual abuse or harassment; however, offenders are not required to go through the Prisoner Remedy System to report allegations of sexual abuse or harassment. Designated staff will process such reports as a high priority in accordance with established facility emergency procedures and forward copies to the facility’s Administrator and PREA Compliance Manager; or Offenders may use the free confidential telephone hotline to report sexual abuse or harassment to the Corrections Ombudsman. Offenders may also utilize the Office of the Corrections Ombudsman Request for Assistance form or send written correspondence to their office.

The Monitor has reviewed a copy of both the English and Spanish version of the handout titled, “NJDOC PREA: Zero Tolerance and How to report Sexual Abuse/Sexual Harassment or Retaliation at NJDOC “, and a copy of the English and Spanish version of the flyer titled “Zero Tolerance.” Both handouts provide the address and phone number of the Ombudsperson’s Office and note that the correspondence is confidential.

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies how the prisoner reported. This spreadsheet confirms that incarcerated persons report in a multitude of ways, including notifying the Ombudsperson’s Office.

Additionally, the Monitor and/or her Associate interviewed several incarcerated persons and asked them specifically about reporting any allegations of sexual abuse and harassment, including privately and anonymously, to the Ombudsperson’s Office. Most were aware of this option, although not all. The incarcerated persons noted a few concerns with reporting to the Ombudsperson’s Office. Those concerns included: when they call the number, they usually get a busy signal, if they use JPay, it is not an anonymous form of reporting, the Ombudsperson’s office does not use the language line, which raises issues with interpretation for incarcerated persons with limited English Proficiency.

During the compliance visit the Monitor spoke with Terry Schuster, Corrections Ombudsman, and two of his staff who are assigned to Edna Mahan. All were aware of, and agreed with, the concerns noted by the incarcerated persons. Mr. Schuster acknowledged that the Office of the Corrections Ombudsperson is operating with insufficient staff on outdated equipment, utilizing IT services, email, office space, and records storage provided by the Department of Corrections without adequate protection to ensure confidentiality and independence. Specific to calls, Mr. Schuster reported that people in state prisons routinely complain that the line is busy when they call, and their primary alternative to calling is hand-writing a letter to the Ombudsperson’s office. The Ombudsperson’s office computers and database are outdated and fragile and processes for contacting people through legal mail are slow. He acknowledged that he is working on these issues and, in fact, has included these concerns in his strategic plan for the next year.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to reporting incidents or allegations of sexual abuse or sexual harassment, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. These revised policies need to continue to ensure that Edna Mahan prisoners may report abuse or harassment to the Office of the Corrections Ombudsperson.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses these updated policies or procedures. The Monitor also recommends that NJDOC do whatever possible to support the Office of the Ombudsperson in their infrastructure challenges noted above.

## **H. Reporting Allegations of Sexual Abuse and Sexual Harassment**

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

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

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

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

#### **August 24, 2022 Status Report**

The information documented in by the NJDOC on the February 24, 2022, status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**[X] Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. Page 32 of the revised policy states, "NJDOC staff, contractors and volunteers can privately report an allegation of PREA to their immediate supervisor, the Special Investigations Division (SID) confidential tip line 609-530- 2500, or the Institutional PREA Compliance Manager. Additionally, page 22 of the same policy states, "PREA education for all custody staff trainees begins in the NJDOC Training Academy and new non-Uniformed personnel receive PREA training as part of their Orientation. In addition, all NJDOC employees, volunteers and contractors receive training on their duties and responsibilities under the Department's zero-tolerance policy and are informed that they are required to immediately report any incident or allegation of sexual abuse/sexual harassment to the nearest custody staff member and their immediate supervisor." The Monitor reviewed this draft revised policy and provided feedback. NJDOC is making the recommended revisions, as appropriate. The date for the revisions to be completed is September 26, 2022.

There is an Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive 73A PREA (Juvenile Provisions) that says, "The agency must enable staff to report abuse or harassment directly to an investigator, administrator, or other agency entity without the knowledge of the staff member's direct colleagues or immediate supervisor". But the Monitor was told that this IMP is a draft, written in order to be prepared any juveniles were committed to Edna Mahan, and is not currently used.

Additionally, NJDOC's website states that, "*The Office of the Corrections Ombudsman* serves as an available independent external resource for **both prisoners and third parties** to report incidents of sexual abuse, harassment, or retaliation. ***Reports to this office are confidential and are anonymous upon request.***" Although the website does not speak specifically to staff, it might be implied that staff could be considered to be a "third party." The Monitor reviewed a copy of a quad fold brochure titled, "PREA NJDOC Staff Responsibilities." The brochure states that NJDOC staff, contractors and volunteers can report an allegation of PREA to their immediate supervisor, the Institutional PREA Compliance Manager or privately via the Special Investigations Division (SID) confidential tip line at: (609) 530-2500.

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

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to reporting incidents or allegations of sexual abuse or sexual harassment, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. These revised policies need to continue to provide a method for staff to privately report sexual abuse and sexual harassment of incarcerated persons.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses these updated policies or procedures.

## **H. Reporting Allegations of Sexual Abuse and Sexual Harassment**

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

### Requirements:

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

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

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

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



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

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

On May 24, 2022, the Monitor received a revised version of NJDOC Policy Statement 001.008, Prevention, Detection and Response of Sexual Abuse and Harassment. Page 32 of this revised policy states, "NJDOC requires all staff to immediately report any knowledge, suspicion or information regarding prisoner sexual abuse, sexual harassment, retaliation against a prisoner or staff for reporting, or any staff neglect or violation of responsibilities that contributed to an incident of sexual abuse or harassment or retaliation. All NJDOC employees, volunteers and contractors receive training on their duties and responsibilities under the Department's zero-tolerance policy through which they are informed of their requirement to immediately report any occurrence, incident or allegation of sexual abuse and sexual harassment." The Monitor reviewed this draft revised policy and provided feedback. NJDOC is making the recommended revisions, as appropriate. The date for the revisions to be completed is August 24.2023.

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 73: Title: Zero Tolerance Policy: Prison Sexual Assault states, "NJDOC staff, contract employees and volunteers who receive information concerning offender on offender sexual assault, or who observe an incident of offender on offender sexual assault or have reasonable cause to suspect an offender is a victim of sexual assault (prisoner on prisoner or staff on prisoner), must immediately report the information or incident to their immediate supervisor and/or shift supervisor. Additionally, it

states, ‘An employee, contractor or volunteer who fails to report an allegation, or coerces or threatens another person to submit inaccurate, incomplete or untruthful information with the intent to alter a report, may face disciplinary charges, up to and including dismissal, even on a first offense.’

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

Additionally, Page 21 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “PREA education for all custody staff trainees begins in the NJDOC Training Academy and new non-Uniformed personnel receive PREA training as part of their Orientation. In addition, all NJDOC employees, volunteers and contractors receive training on their duties and responsibilities under the Department’s zero-tolerance policy and are informed that they are required to immediately report any incident or allegation of sexual abuse/sexual harassment to the nearest custody staff member and their immediate supervisor.”

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

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

During the onsite compliance visit, Mr. Shireman, the Monitor’s Associate reviewed the retaliation log maintained at Edna Mahan by the PREA Compliance Manager. During this reporting period, Assistant Superintendent Amelia Renshaw, Edna Mahan PREA Compliance Manager, made 222 contacts for retaliation monitoring of cases.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to reporting incidents or allegations of sexual abuse or sexual harassment, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. These revised policies need to continue to ensure Edna Mahan staff immediately report any knowledge, suspicion or information regarding prisoner sexual abuse, sexual harassment, retaliation against a prisoner or staff for reporting, or any staff neglect or violation of responsibilities that contributed to an incident of sexual abuse or harassment or retaliation.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses these updated policies or procedures

## **H. Reporting Allegations of Sexual Abuse and Sexual Harassment**

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

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

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

##### **August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

Substantial Compliance

**Partial Compliance:** Given the numerous problems identified with confidentiality, including the practice of emailing a large number of corrections supervisors about each allegation and staff's misunderstanding of the basic parameters of confidentiality, a Partial Compliance rating is appropriate until such time as the Monitor can observe that these issues have been resolved as planned and implemented in ways that ensure breaches do not occur

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

Page 62 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states NJDOC staff, volunteers and contractors shall not reveal any information related to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures.

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 73: Title: Zero Tolerance Policy: Prison Sexual Assault states,” Apart from reporting to designated supervisors or officials, staff shall not reveal information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions”.

The Monitor interviewed Edna Mahan Administrator Stem and asked her if she was aware of any staff who did not adhere to the expectation of confidentiality specific to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures. Administrator Stem stated that there were no such cases during this reporting period.

The Monitor also interviewed Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, and asked if she was aware of any staff who did not adhere to the expectation of confidentiality specific to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures. She stated she was not aware of any such case.

The Monitor interviewed the Special Investigations Division (SID) staff assigned to Edna Mahan and asked if they were aware of any staff who did not adhere to the expectation of confidentiality specific to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures. They noted that no one was aware of any such case.

The Monitor and/or her Associate interviewed several staff and asked them about the expectation of confidentiality specific to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures. Without exception, every staff person was clear about the expectation of maintaining confidentiality. Everyone reported that you only talk about allegations of sexual abuse or harassment on a “need-to-know” basis. There did, however, seem to be a very “narrow” definition of “confidentiality”. Everyone knew that you were not supposed to talk about the specifics of an allegation. It did not appear so evident that confidentiality includes the fact that an allegation was reported at all.

Nearly everyone the Monitor or her Associate talked to also stated that in “reality” there is no confidentiality of reporting in the institution. 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 will discuss this more in paragraph 64). 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. The first is a result of the “systems” in place for protecting the alleged victim. After someone reports an allegation of sexual abuse or sexual harassment, she is often taken to a “holding area” while staff complete the required notifications. If the allegation is against another incarcerated person, those two individuals are separated and often held in different areas (but where staff and other incarcerated persons can often see them). Regardless of if the allegation is made against a staff member or another incarcerated person,

depending upon the seriousness of the allegation, the alleged perpetrator may be moved. As soon as the movement happens, “everyone knows”, according to our interviews with the incarcerated persons.

Depending upon who the alleged victim told that staff person immediately reports it to their Supervisor. If the Supervisor is not security staff, the Supervisor reports it to the Shift Commander. (It is worth noting that the Monitor gave feedback to NJDOC to change this requirement that the staff must tell their immediate supervisor. This change to the policy is not due until February 24, 2023). The Shift Commander notifies the Special Investigations Division, and the Administrator, the Duty Officer (if the allegation is received after “working hours”), a representative from medical, and a representative from mental health. The Shift Commander collects reports from the reporting person(s) and begins necessary paperwork. This is all happening while the alleged victim is being held in a room.

Then the alleged victim is seen by medical and mental health staff. This is sometimes done in the housing unit but sometimes the alleged victim is taken to the clinic. Again, she is placed in some type of holding cell while she is waiting to be seen. And, again, this process allows many others to “assume/know” why the alleged victim is being seen at the clinic. It is worth noting that there is currently a policy that requires all victims of sexual abuse and sexual harassment to be seen by medical and mental health staff. This might be an area worth reviewing. It is required by PREA standards that victims of sexual abuse be seen by medical and mental health staff, but not a requirement for victims of sexual harassment. This might be a practice that could be changed that might improve confidentiality.

Lastly, during the investigation one (or two) members of the Special Investigations Division (SID) comes to interview the alleged victim and usually uses designated “SID rooms” for these interviews. Although the SID members could be conducting any type of investigation, in the words of the incarcerated persons, “it’s not hard to figure out when it’s a PREA investigation.” This lack of confidentiality has been heightened with the use of SID/Special Victim Unit (SVU) Investigators. Incarcerated persons and staff are all aware that the only reason Special Victim Unit Investigators conduct interviews is a result of an allegation of sexual abuse or sexual harassment. Thus, if SVU is interviewing a staff or incarcerated person, “everyone” knows the reason for that interview.

The Monitor is not saying these systems are inappropriate. Quite the opposite; most are required by NJDOC and Edna Mahan policy and by the PREA Standards. The concern, however, as the staff and incarcerated persons pointed out, is that all of these systems contribute to “everyone knowing” when a PREA allegation has been made. Besides, the “systems issues,” there is also 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. Many incarcerated persons we spoke to were very clear about their lack of trust of SID, SVU, and Edna Mahan custody staff holding any confidentiality regarding the allegations of sexual abuse and/or sexual harassment. One incarcerated person told us this lack of confidentiality keeps them from reporting inappropriate behavior.

During this reporting period the Monitor became aware of a process whereby the Administration of Edna Mahan was sending out the details of all PREA allegations to over 100 custody supervisors. This was not consistent with the Consent Decree’s requirements regarding confidentiality. When the Monitor raised this concern during the compliance visit, the email notification system was immediately changed to limit the recipients who must be notified of allegations, but it is unknown how long this practice had been occurring. The Monitor believes that

the definition of “staff” in this paragraph includes all staff, from Administrators to line staff. This lack of confidentiality in revealing the 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 is concerning.

Additionally, incarcerated persons talk. There is no expectation of confidentiality that they are bound to. In some cases, the alleged victim themselves shared the allegation with other incarcerated persons and they have shared that information. This concern was noted in the last report to the Court with a recommendation that the leadership of Edna Mahan review the systems in place after a report is filed to see if there are any opportunities to make changes that would support more confidentiality specific to an allegation of sexual abuse or sexual harassment. Administrator Stem stated that they have changed the process when an incarcerated person makes an allegation to an outside entity (SID, Ombudsperson Office, Central Office, etc.), rather than through the chain-of-command at Edna Mahan. The change is that no Edna Mahan staff, other than the IPCM and Administration, are notified of the allegation. The concern, remains, that as soon as the SID/SVU staff come into the facility to interview the victim, the confidentiality is lost.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to reporting incidents or allegations of sexual abuse or sexual harassment, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. This revised policy needs to continue to reinforce the expectation that Edna Mahan staff does not reveal any information related to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses these updated policies or procedures.

Additionally, the Monitor makes the following recommendations:

- The leadership of NJDOC, Edna Mahan, and the Special Investigations Division review the systems in place after a report is filed to see if there are any opportunities to make changes that would support more confidentiality specific to an allegation of sexual abuse or sexual harassment.
- SID/SVU interviews be conducted in locations outside the Edna Mahan housing units.
- More training/conversation with staff, including leadership, specific to the broader definition of confidentiality, to include reporting any allegation.
- NJDOC and Edna Mahan continue to hold staff accountable who violate the expectation that Edna Mahan staff does not reveal any information related to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures.

- NJDOC and Edna Mahan review their policy requirement that staff, including contractors, report all allegations of sexual abuse and sexual harassment to their immediate supervisor and, rather, that these reports go directly to the Shift Commander
- NJDOC and Edna Mahan review the requirement that all victims of sexual harassment be assessed by the medical staff.



## **H. Reporting Allegations of Sexual Abuse and Sexual Harassment**

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

### **Requirements:**

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

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

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

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

#### **August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

Edna Mahan Administrator Erica Stem explained to the Monitor that the Shift Commander at Edna Mahan reports all allegations of sexual abuse and sexual harassment within fifteen (15) minutes to the Special Investigations Unit and the Central Operations Desk (COD). The COD then initiates a "PREA Protocol" upon any report of alleged sexual abuse or sexual assault committed on or by an inmate, employee (on duty or off-duty), volunteer or visitor on NJDOC property. The COD notifies SID and on-call EMCF leadership via an email alert, which includes the Administrator, advising of the protocol initiation, the time the allegation was reported, the time that COD, on-call EMCF Leadership and SID were notified, and who was contacted from SID. Administrator Stem explained that this email notification is simply a "courtesy" notification because SID has already received a telephone call from the Edna Mahan Shift Commander.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73, states, "NJDOC staff, contract employees and volunteers who have reasonable cause to suspect an offender is a victim of sexual assault must immediately report the information or incident to their immediate supervisor and/or shift supervisor. The immediate supervisor/shift supervisor will immediately notify the Special Investigations Division (SID) and forward all written reports to the SID investigative unit."

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

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

The Monitor spoke with Assistant Superintendent Amelia Renshaw, Edna Mahan's PREA Compliance Manager, regarding how quickly Edna Mahan staff report allegations to SID. She reported that staff immediately report all allegations to SID, and she could not think of a case that was not reported within 12 hours.

Likewise, the Monitor spoke with the Special Investigations staff who are assigned to Edna Mahan and asked them how quickly Edna Mahan staff report allegations to SID. They reported that Edna Mahan staff are very good about immediately reporting all allegations to SID. SID staff report that SID also receives an electronic notice from the Central Operations Desk (COD), but this is usually just a "courtesy notice" because they received verbal notification much sooner. No member of the Special Investigations Division staff could think of any case that was not reported within 12 hours.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to reporting incidents or allegations of sexual abuse or sexual harassment, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include the requirement that NJDOC and Edna Mahan report all allegations of sexual abuse of Edna Mahan incarcerated persons, including third party reports, anonymous reports, and prisoner grievances, to NJDOC's Special Investigation Division, promptly, but at all times within 12 hours of receipt of the report

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses these updated policies or procedures.

## **H. Reporting Allegations of Sexual Abuse and Sexual Harassment**

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

### Requirements:

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

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

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

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

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

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

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

Edna Mahan Administrator Stem explained to the Monitor that the Shift Commander at Edna Mahan reports all allegations of sexual abuse and sexual harassment within fifteen (15) minutes to the Administrator or her designee (the duty officer of the week) and the Central Operations Desk (COD). If the Administrator is not the duty officer, the duty officer immediately calls the Administrator.

The COD also initiates a "PREA Protocol" upon any report of alleged sexual abuse or sexual assault committed on or by an inmate, employee (on duty or off-duty), volunteer or visitor on NJDOC property. COD notifies SID and on-call EMCF leadership via an email alert, which includes the Administrator, advising of the protocol initiation, the time the allegation was reported, the time that COD, on-call EMCF Leadership and SID were notified, and who was contacted from SID. Administrator Stem explained that this email notification is simply a "courtesy" notification because she has already received a telephone call from the Edna Mahan Shift Commander.

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

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

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

Likewise, as noted above, the Monitor spoke with the Edna Mahan Administrator and asked her how quickly Edna Mahan staff report allegations to her. She reported that the Shift Commander "almost immediately" reports all allegations to her directly during working hours. If the allegation is made after working hours, the Shift Commander reports to the duty officer, who notifies her. She receives this notification verbally and in writing by Edna Mahan staff and via email by the COD.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to reporting incidents or allegations of sexual abuse or sexual harassment, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include the requirement that NJDOC and Edna Mahan report all allegations of sexual abuse of Edna Mahan incarcerated persons, including third party reports, anonymous reports, and prisoner grievances, to Edna Mahan's Administrator promptly, but at all times within 12 hours of receipt of the report.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses these updated policies or procedures.

## **I. Protecting Prisoners and Staff from Retaliation**

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

Requirements:

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

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

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

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

#### **August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

Further, in an effort to ensure all incarcerated individuals are aware of their sexual safety rights and retaliation monitoring, the EMCF IPCM provides PREA education for all incoming incarcerated persons (IP) while they are in Reception and hosts interactive information sessions for those interested in knowing more about a specific topic. She reviews various scenarios with the incarcerated individuals and asks them whether each scenario implicates PREA.

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

Substantial Compliance

**Partial Compliance:** This is a difficult paragraph to determine compliance. Although all the policies and procedures are in place for retaliation monitoring, several of the incarcerated persons indicated that they believe a subtle form of retaliation is occurring. The Monitor believes this is an area that could use more focus. Thus, the “partial compliance” rating.

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

Page 41 of DOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “NJDOC protects all inmates and staff who report sexual abuse or sexual harassment and cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. The Institutional PREA Compliance Manager (IPCM) is responsible for monitoring retaliation of all PREA allegations.

If there is a suggestion of possible retaliation, any evidence of possible retaliation must be referred to SID for investigation and the Agency PREA Coordinator is advised of same. The Institutional PREA Compliance Manager at the institution where the inmate resides shall monitor inmate disciplinary reports, performance reviews and reassignments for staff to determine if there is any suggestion of possible retaliation. Anyone who does retaliate against a staff member or an inmate who has reported an allegation of sexual abuse in good faith shall be subject to disciplinary action. NJDOC sent a revised copy of this policy to the Monitor for her review. The Monitor provided feedback and the date for finalizing this policy has been extended to February 24, 2023.

There is an Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive 73A PREA (Juvenile Provisions) which states, “The agency must protect all inmates and staff from retaliation for reporting sexual abuse or for cooperating with sexual abuse investigations, in recognition of the fact that retaliation for reporting instances of sexual abuse and for cooperating with sexual abuse investigations is a serious concern in correctional facilities.” The proposed standard required agencies to adopt policies that help ensure that persons who report sexual abuse are properly monitored and protected, including but not limited to providing information in training sessions, enforcing strict reporting policies, imposing strong disciplinary sanctions for retaliation, making housing changes or transfers for



inmate victims or abusers, removing alleged staff or inmate abusers from contact with victims, and providing emotional support services for inmates or staff who fear retaliation.

The agency must monitor the conduct and treatment of inmates and staff that have reported sexual abuse or cooperated with investigations for at least 90 days to see if there are changes that may suggest possible retaliation by inmates or staff, and act promptly to remedy any such retaliation. In addition, the proposed standard required that monitoring continue beyond 90 days if the initial monitoring conducted during the initial 90-day period indicated concerns that warranted further monitoring. In addition, the agency may not need to continue monitoring if it determines that an allegation is unfounded.” However, the Monitor was told that this IMP was drafted in case they ever received a juvenile prisoner and is not currently used. The Monitor could find no other IMP specific to retaliation.

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet has identified no cases of identified alleged retaliation during this reporting period.

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

The Monitor also spoke with the Edna Mahan Administrator regarding how the facility protects incarcerated persons and staff who report allegations of sexual abuse or sexual harassment from retaliation. She echoed what Assistant Superintendent Renshaw said in terms of the PREA Compliance Manager meeting with the person face-to-face and monitoring things such as disciplinary reports, program changes, housing changes, performance evaluations, staff reassignments and JPay inquiries/grievances, etc. She also stated that, if there is any evidence of any kind of retaliation, that allegation would be referred to the Special Investigations Division and a new investigation would be conducted.

The Monitor or her Associate interviewed staff during the onsite compliance visit regarding incarcerated persons and staff’s protection from retaliation for reporting any allegations of sexual abuse or sexual harassment. Most of them were aware of this protection both for the incarcerated persons and for themselves.

Additionally, the Monitor or her Associate interviewed several incarcerated persons at Edna Mahan and asked if they were aware of their protection from retaliation for reporting any allegations of sexual abuse or sexual harassment. Most were aware of this protection, but still felt that retaliation for reporting happens. They felt the retaliation is very subtle and nothing they could “prove” or report. The incarcerated persons stated they believe officers are deliberately doing subtle forms of retaliation after they reported an allegation, to make their lives more difficult.

Examples provided were that their cells/housing areas began to get searched more often. Or an officer started holding them accountable to “little rules” when they hadn’t them accountable to those specific rules before, or when that same officer wasn’t holding others to the same level of accountability. Someone described the officer not giving her the supplies she needed. Another said that the officer assigned another incarcerated person, who he knew that she feels uncomfortable with, into her housing cubicle.

One incarcerated person described that her alleged perpetrator stood “medication line” to ensure the incarcerated persons appropriately swallowed their medication. The incarcerated person stated that she had to move her tongue up and down and side-to-side several times, while the officer “smirked”. She described it as having to do a “tongue dance”. She stated that she thought the officer knew exactly what he was doing, and why. The incarcerated person reported she felt humiliated, embarrassed, and degraded.

The incarcerated persons we spoke with acknowledge that these things are hard to prove because the officers are “technically” following the rules and don’t retaliate in a manner that would be noticed through retaliation monitoring. However, some indicated that these types of behaviors began happening after they filed an allegation. They also reported that often it was not the officer that they made the allegation against that was involved in this low-level of retaliation, but, rather, his/her friend or co-worker. 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.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prevention of Retaliation policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include a statement that NJDOC and Edna Mahan shall protect all Edna Mahan incarcerated persons and staff who report allegations of sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other incarcerated persons or staff and shall continue to designate Edna Mahan’s PREA Compliance Manager with monitoring allegations of retaliation concerning incarcerated persons.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies. The Monitor believes there is an opportunity for education for staff regarding this subtle retaliation and Administration should give the strong message that no retaliation of any kind will be tolerated.

It is also recommended that the issue of retaliation, even subtle retaliation, be discussed during the PREA education orientation.

## **I. Protecting Prisoners and Staff from Retaliation**

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

Requirements:

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

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

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

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

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

The EMCF IPCM has developed a tracking system that clearly tracks the dates monitoring was completed and indicates the type (face to face contact or paper review) that is pending. Due to the high volume of cases, a great deal of time has been spent getting older cases caught up and providing more timely monitoring of new cases that are reported. The voluntary IP PREA discussion group is another method implemented to help provide information about retaliation monitoring and what the population can expect from EMCF Administration.

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

**Substantial Compliance** - Again, as with the above paragraph, this is a very difficult paragraph to determine compliance. On one hand, all the policies and procedures are in place for retaliation monitoring. And Edna Mahan does employ multiple protection measures, such as housing changes or transfers for alleged prisoner victims, removal of alleged staff abusers from contact with victims, and emotional support services for incarcerated persons or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Yet, several of the incarcerated persons indicated that they believe a subtle form of retaliation is occurring, which is the reason victims do not want to report incidents of sexual abuse or sexual harassment. The Monitor determined substantial compliance since NJDOC and Edna Mahan does employ the protection measures identified in this paragraph. The Monitor acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 65:**

Page 41 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, The NJDOC employs multiple protection measures against potential retaliation such as housing changes or transfers for inmate victims or abusers and removal of alleged staff or inmate abusers from contact with victims. Retaliation monitoring must be done on the victim of the allegation and the inmate or staff member who reported the incident. This does not include a staff member who is relaying a report from an inmate, but it does include third party reporting for an inmate or a staff member who directly observes and reports the incident.

For at least 90 days following report of sexual abuse allegation, the Institutional PREA Compliance Manager continues to monitor the allegation by way of periodic status checks with the NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation). The Institutional PREA Compliance Manager will provide a copy of this form to the inmate with the request that they sign for same. A copy of the signed form, or documented refusal to sign, will be maintained by the Compliance Manager and placed in Folder 115.67 on the DOCNet I-Drive.

Retaliation monitoring shall be an ongoing process within the 90 days post allegation. The monitoring can be scheduled at any time and conducted periodically throughout the monitoring period. NJDOC requires at least two face-to-face meetings and two paper reviews to be conducted within those 90 days. These must be done on separate instances, with one face to face and one paper review being in the first 45 days and one face to face and one paper review in the second 45 days.

- Paper reviews include reviewing of disciplinary reports, program changes, housing changes, performance evaluations, staff reassignments and JPay inquiries/grievances.
- Each face-to-face meeting must have signature of staff or inmate and is located on the second page. Institutional PREA Compliance Manager signature is required at the end of the 90 days.
- If retaliation is found and cannot be corrected within the 90 days, continued monitoring is expected in 30-day intervals until the retaliation is addressed and resolved.

All four reviews must be conducted for each individual. Any individual who cooperates with the investigation (including witnesses, perpetrators, staff, etc.) has the ability to express their concerns of retaliation and will be monitored for their potential retaliation using the same form as well.

If an allegation is unfounded, no retaliation monitoring is required. However, if someone fears retaliation and expresses such, they must be monitored even if the allegation was unfounded.”

There is an Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive 73A PREA (Juvenile Provisions) states, “The agency must protect all inmates and staff from retaliation for reporting sexual abuse or for cooperating with sexual abuse investigations, in recognition of the fact that retaliation for reporting instances of sexual abuse and for cooperating with sexual abuse investigations is a serious concern in correctional facilities. The proposed standard required agencies to adopt policies that help ensure that persons who report sexual abuse are properly monitored and protected, including but not limited to providing information in training sessions, enforcing strict reporting policies, imposing strong disciplinary sanctions for retaliation, making housing changes or transfers for inmate victims or abusers, removing alleged staff or inmate abusers from contact with victims, and providing emotional support services for inmates or staff who fear retaliation.

The agency must monitor the conduct and treatment of inmates and staff that have reported sexual abuse or cooperated with investigations for at least 90 days to see if there are changes that may suggest possible retaliation by inmates or staff, and act promptly to remedy any such

retaliation. In addition, the proposed standard required that monitoring continue beyond 90 days if the initial monitoring conducted during the initial 90-day period indicated concerns that warranted further monitoring. In addition, the agency may not need to continue monitoring if it determines that an allegation is unfounded.” However, the Monitor was told that this IMP was drafted in case they ever received a juvenile prisoner and is not currently used. The Monitor could find no other IMP specific to retaliation.

During the onsite compliance visit, Mr. Shireman, the Monitor’s Associate reviewed the Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) completed by the EMCF PREA Compliance Manager for persons who reported allegations of sexual abuse or sexual harassment. The Associate also reviewed the Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive.

The Monitor has reviewed copies of a newsletter which goes out to all staff, titled the Fact Finder and it’s 4BLUENJ. In this newsletter, there is reference to the 888-4BLUENJ hotline offering mental health resources to Corrections Staff. This includes emotional support for staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations. Additionally, 4BLUENJ now has a chat function operational. In addition to 4BLUENJ the following resources are available offering mental health services to Corrections Staff:

- COP2COP
- VETS4WARRIORS
- NJ VET2VET
- MOM2MOM
- CARE2CAREGIVERS
- AID NJEA
- RESILIENCE4 FAMILIES
- SHATTERPROOF
- BOTTLES&BADGES

In terms of emotional support for incarcerated persons who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations, the Monitor reviewed a pamphlet which is made available to everyone who live at Edna Mahan titled, “NJDOC PREA: External Emotional Support Services for Victims of Sexual Abuse.” This pamphlet, which is available in both Spanish and English notified the incarcerated population that they have access to external sexual abuse emotional support services. It also tells the incarcerated persons that they may access these services even if they do not wish to make a report of sexual abuse. It notifies how the services can be accessed and provides the telephone system phone number \*PREA#. It also notes that calls to the PREA Emotional Support Line are free and are classified as confidential.

Additionally, the Monitor reviewed the Edna Mahan Inmate Handbook, which says the following:

PREA Emotional Support services are provided by external sexual abuse victim advocates who can assist in crisis intervention, provide information, and offer support to anyone who has questions or is looking for information about sexual violence. The services are only for emotional support related to sexual abuse.

Inmates at this correctional facility may also request external sexual abuse emotional support services/information by writing to: The Sexual Abuse Emotional Support Services (gives their address) and Sexual Abuse Survivor Information (gives their address).

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet notes that there have been no cases of identified alleged retaliation during this reporting period.

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

Likewise, the Monitor spoke with the Edna Mahan Administrator regarding how the facility protects incarcerated persons and staff who report allegations of sexual abuse or sexual harassment from retaliation. She echoed what the Edna Mahan PREA Compliance Manager said in terms of the PREA Compliance Manager meeting with both staff and incarcerated persons face-to-face and monitoring this such as disciplinary reports, program changes, housing changes, performance evaluations, staff reassignments and JPay inquiries/grievances, etc. She also stated that, if there is any evidence of any kind of retaliation, that allegation would be referred to the Special Investigations Division and a new investigation would be conducted.

The Monitor and/or her Associate interviewed staff during the onsite compliance visit regarding incarcerated persons’ and staff’s protection from retaliation for reporting any allegations of sexual abuse or sexual harassment. Nearly all staff were aware of this protection for the incarcerated persons, as well as their own protection. It is worth noting, however, that during the past two reporting periods, there have not been any incidents of staff being retaliated against for reporting any allegations of sexual abuse or sexual harassment.

Additionally, the Monitor and/or her Associate interviewed several incarcerated persons at Edna Mahan and asked if they were aware of their protection from retaliation for reporting any allegations of sexual abuse or sexual harassment and their right to access emotional support services. Most were aware of this protection, but as noted in the discussion in paragraph 64 (above), some of the incarcerated persons’ perception is that they are being retaliated against in a very subtle manner. Additionally, most, but not all of the incarcerated persons we spoke to were aware of their right to access emotional support services and they knew how to access these services.

**Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 65:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prevention of Retaliation policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include a statement that NJDOC and Edna Mahan will employ multiple protection measures, such as housing changes or transfers for alleged incarcerated persons victims, removal of alleged staff abusers from contact with victims, and emotional support services for incarcerated persons or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies.

The Monitor also recommends that staff receive additional education regarding this subtle form of retaliation and that Administration should give the strong message that no retaliation of any kind will be tolerated. Lastly, the Monitor recommends that the IPCM specifically ask the incarcerated person being monitored if they have had any instances of subtle retaliation against them and discuss subtle retaliation in the PREA orientation.



## **I. Protecting Prisoners and Staff from Retaliation**

par. 66 Whenever NJDOC or Edna Mahan receive an allegation that an Edna Mahan staff member has engaged in sexual abuse or sexual harassment, Edna Mahan's PREA Compliance Manager and Administrator shall confer to determine whether the staff should be removed from positions of prisoner contact at Edna Mahan until an investigation is concluded. Edna Mahan's PREA Compliance Manager shall document the decision and forward the conclusion to the Department-wide PREA Coordinator.

Requirements:

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

### **Monitor's Measure of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 66:**

- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Paragraph 109 notifications of an incident to DOJ and Monitor. The notifications note what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Monitor will review the documentation sent to NJDOC PREA Coordinator from EMCF PREA Compliance manager, during on site visit.
- Interview with EMCF Administrator regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment
- Interview with EMCF PREA Compliance Manager regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment
- Focus group with prisoners regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment

### **NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 66:**

#### **August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 66:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 66:**

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet also identifies whether the staff was removed from positions of prisoner contact at Edna Mahan until the investigation is included. During this reporting period (February 25 - August 24, 2022), Edna Mahan had 27 allegations of sexual abuse or sexual harassment (19 from the same incarcerated person). Of all these allegations, there were eleven (11) employees removed from their position during the time the allegation was being investigated.

Since August 24, 2021, NJDOC has notified DOJ and the Monitor any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse. The notices have included the status of housing assignment for the alleged victim and any restrictions of assignments for staff. During the onsite compliance visit, Mr. Shireman, the Monitor's Associate, reviewed the documentation sent to NJDOC PREA Coordinator from EMCF PREA Compliance manager specific to any restrictions of assignments for staff who have been accused to sexual abuse, sexual harassment, or retaliation.

The Monitor spoke with Edna Mahan Administrator Erica Stem and asked her how she and the Edna Mahan PREA Compliance Manager made the decision whether the staff who have been accused to sexual abuse, sexual harassment, or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included. She reported that it depended upon the severity of the allegation and that her main concern is the safety of the alleged victim. She has the ability to remove the alleged perpetrator from the entire facility, or from the part of the facility the alleged victim lives in (maximum or minimum "grounds"), or from the housing unit where the alleged victim lives, or from any type of prisoner contact. She also said that the Stationery and Body Worn Cameras have helped her make her decision during this past reporting period.

Likewise, the Monitor spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how she and the Administrator made the decision whether the staff who have been accused to sexual abuse, sexual harassment, or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included. She echoed what the Administrator stated, in terms of severity of the allegation, safety of the victim, and using the Body Worn and stationary Cameras.

**Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 66:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prevention of Retaliation policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include in the Level 3 policy a list of factors that should be considered by the Edna Mahan PREA Compliance Manager and the Edna Mahan Administrator when deciding whether the staff who have been accused to sexual abuse, sexual harassment or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies.

**I. Protecting Prisoners and Staff from Retaliation**

par. 67 NJDOC and Edna Mahan shall monitor all prisoners and staff who report sexual abuse or sexual harassment and prisoners who have been reported to have suffered or cooperated with sexual abuse or sexual harassment investigations from retaliation by other prisoners or staff for at least 90 days following a report of sexual abuse or sexual harassment, to see if there are changes that may suggest possible retaliation by prisoners or staff, including prisoner disciplinary reports, housing or program changes, and negative performance reviews or reassignments, and shall act promptly to remedy any such retaliation.

**Monitor's Measure of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 67:**

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy regarding retaliation protection for staff and prisoners
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Semi-annual report (beginning April 5, 2022, for the last quarter of 2021 and first quarter of 2022), to the DOJ and Monitor identifying any staff or prisoner who had signs of retaliation, any person whose monitoring was extended beyond the 90 days, or any other individual who cooperates with an investigation that expressed a fear of retaliation
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the retaliation of staff or prisoners for reporting an allegation
- Review of Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive during on-site visit
- Review of retaliation tracking log maintained by EMCF PREA Compliance Manager during on-site visit
- Interview with EMCF Administrator regarding retaliation protection for staff and prisoners
- Interview with EMCF PREA Compliance Manager regarding retaliation protection for staff and prisoners

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 67:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Retaliation Monitoring is specifically addressed in PCS. 001.008. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 67:**

**Substantial Compliance:** As with paragraphs 64 and 65, this is a very difficult paragraph to determine compliance. Edna Mahan does monitor all incarcerated persons and staff who report sexual abuse or sexual harassment and incarcerated persons who have been reported to have suffered or cooperated with sexual abuse or sexual harassment investigations from retaliation by other incarcerated persons or staff for at least 90 days following a report of sexual abuse or sexual harassment. Yet, several of the incarcerated persons indicated that they believe a subtle form of retaliation is occurring, which is the reason victims do not want to report incidents of sexual abuse or sexual harassment. The Monitor determined substantial compliance since NJDOC and Edna Mahan does employ the protection measures identified in this paragraph. The Monitor acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 67:**

Page 41 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Retaliation monitoring must be done on the victim of the allegation and the inmate or staff member who reported the incident. This does not include a staff member who is relaying a report from an inmate, but it does include third party reporting for an inmate or a staff member who directly observes and reports the incident.

For at least 90 days following report of sexual abuse allegation, the Institutional PREA Compliance Manager continues to monitor the allegation by way of periodic status checks with the NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation). The Institutional PREA Compliance Manager will provide a copy of this form to the inmate with the request that they sign for same. A copy of the signed form, or documented refusal to sign, will be maintained by the Compliance Manager and placed in Folder 115.67 on the DOCNet I-Drive.

Retaliation monitoring shall be an ongoing process within the 90 days post allegation. The monitoring can be scheduled at any time and conducted periodically throughout the monitoring period. NJDOC requires at least 2 face-to-face meetings and 2 paper reviews to be conducted within those 90 days. These must be done on separate instances, with one face to face and one paper review being in the first 45 days and one face to face and one paper review in the second 45 days. All four reviews must be conducted for each individual. Any individual who cooperates with the investigation (including witnesses, perpetrators, staff, etc.) has the ability to express their concerns of retaliation and will be monitored for their potential retaliation using the same form as well.

If an allegation is unfounded, no retaliation monitoring is required. However, if someone fears retaliation and expresses such, they must be monitored even if the allegation was unfounded."

The Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73 titled, "Zero Tolerance Prison Sexual Assault" does not contain any reference to retaliation protection for any other individual who cooperates with an investigation that expresses a fear of retaliation. This will be included in the recommendation section.

During the onsite compliance visit, Mr. Shireman, the Monitor's Associate reviewed the Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) completed by the current EMCF PREA Compliance Manager for inmates or staff who reported the sexual abuse of inmates. The Associate also reviewed the Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive.

The Monitor spoke with the Edna Mahan Administrator Erica Stem, regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She recapped the measures spoken to in the level 1 and Level 3 policies. She also stated that if the alleged staff to have retaliated against an incarcerated person, that alleged staff will be removed from a position of contact with the individual. Lastly, the Administrator stated that any allegation of retaliation is taken very seriously and will, in fact, become a new allegation to be investigated.

The Monitor shared with Administrator Stem the examples of retaliation that the individuals had given us when we interviewed the incarcerated persons. Administrator Stem took the concerns very seriously. She acknowledged that this type of "subtle" retaliation is very difficult to identify/prove, and she recognized that additional communication/education in this area would be appropriate.

The Monitor also spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She reported she monitors possible retaliation by conducting a total of 4 reviews with the person. Two of the reviews are in-person reviews and two are "paper" reviews. This information is documented in the retaliation log. For staff, she monitors any unusual shift schedule changes, or assignments that may cause suspicion.

For incarcerated persons, she monitors housing changes, grievances, infractions, etc. She also noted that, if circumstances warrant it, the 90-day monitoring period may be extended. Again, the Monitor shared with Assistant Superintendent Renshaw the examples of retaliation that the individuals had given us when we interviewed the incarcerated persons and suggested that she specifically ask the victim if they are experiencing any examples of "subtle" retaliation.

During the onsite compliance visit, Mr. Shireman, the Monitor's Associate reviewed the retaliation tracking log maintained by EMCF PREA Compliance Manager. It was noted that there were no identified allegations of retaliation made during this reporting period.

**Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 67:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their performance reviews or reassignments and shall act promptly to remedy any such retaliation.

The date for this requirement was extended to February 24, 2023. The recommendation is to continue to include a statement that Edna Mahan will monitor all incarcerated persons and staff who report sexual abuse or sexual harassment and any person who have been reported to have suffered or cooperated with sexual abuse or sexual harassment investigations from retaliation by other incarcerated persons or staff for at least 90 days following a report of sexual abuse or sexual harassment, to see if there are changes that may suggest possible retaliation by incarcerated persons or staff, including prisoner disciplinary reports, housing or program changes, and negative performance reviews or reassignments, and shall act promptly to remedy any such retaliation.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies.

The Monitor recommends that the IPCM specifically ask the incarcerated person being monitored if they have had any instances of subtle retaliation, such as selective enforcement of rules, against them.

**I. Protecting Prisoners and Staff from Retaliation**

par. 68 If any other individual who cooperates with an investigation expresses a fear of retaliation, NJDOC and Edna Mahan shall take measures they deem appropriate to protect that individual against retaliation.

**Monitor's Measure of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 68:**

par. 67 and par. 68

- NJDOC Policy Statement Number 001.008 “Prevention, Detection and Response of Sexual Abuse and Harassment”
- EMCF Level 3 policy regarding retaliation protection for staff and prisoners
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Semi-annual report (beginning April 5, 2022, for the last quarter of 2021 and the first quarter of 2022), to the DOJ and Monitor identifying any staff or prisoner who had signs of retaliation, any person whose monitoring was extended beyond the 90 days, or any other individual who cooperates with an investigation that expressed a fear of retaliation
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the retaliation of staff or prisoners for reporting an allegation
- Review of Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive during on-site visit
- Review of retaliation tracking log maintained by EMCF PREA Compliance Manager during on-site visit
- Interview with EMCF Administrator regarding specific measures they have taken to protect an individual against retaliation
- Interview with EMCF PREA Compliance Manager regarding specific measures they have taken to protect an individual against retaliation

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 68:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Retaliation Monitoring is specifically addressed in PCS.001.008. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.



**Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 68:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 68:**

Page 41 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Retaliation monitoring must be done on the victim of the allegation and the inmate or staff member who reported the incident. This does not include a staff member who is relaying a report from an inmate, but it does include third party reporting for an inmate or a staff member who directly observes and reports the incident. For at least 90 days following report of sexual abuse allegation, the Institutional PREA Compliance Manager continues to monitor the allegation by way of periodic status checks with the NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation). The Institutional PREA Compliance Manager will provide a copy of this form to the inmate with the request that they sign for same. A copy of the signed form, or documented refusal to sign, will be maintained by the Compliance Manager and placed in Folder 115.67 on the DOCNet I-Drive.

Retaliation monitoring shall be an ongoing process within the 90 days post allegation. The monitoring can be scheduled at any time and conducted periodically throughout the monitoring period. NJDOC requires at least 2 face-to-face meetings and 2 paper reviews to be conducted within those 90 days. These must be done on separate instances, with one face to face and one paper review being in the first 45 days and one face to face and one paper review in the second 45 days.

All four reviews must be conducted for each individual. Any individual who cooperates with the investigation (including witnesses, perpetrators, staff, etc.) has the ability to express their concerns of retaliation and will be monitored for their potential retaliation using the same form as well.

If an allegation is unfounded, no retaliation monitoring is required. However, if someone fears retaliation and expresses such, they must be monitored even if the allegation was unfounded."

The Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73 titled, "Zero Tolerance Prison Sexual Assault" does not contain any reference to retaliation protection for any other individual who cooperates with an investigation that expresses a fear of retaliation. This will be included in the recommendation section NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, and retaliation for reporting. During the onsite compliance visit, Mr. Shireman, the Monitor's Associate, reviewed the Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) completed by the current EMCF PREA Compliance Manager for inmates or staff who reported the sexual

abuse of inmates. The Associate also reviewed the Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive.

The Monitor spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She stated that primary way would be to speak to the individual and if, at any time, there is any evidence that the person expresses a fear of retaliation, that allegation would be referred to the Special Investigations Division and a new investigation would be conducted.

Likewise, the Monitor spoke with the Edna Mahan PREA Administrator Erica Stem regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She affirmed the answer the Edna Mahan PREA Compliance Manager said that the main way was to let the person know that if they expressed a fear of retaliation, that the allegation would be referred to the Special Investigations Division and a new investigation would be conducted.

During the onsite compliance visit, Mr. Shireman, the Monitor's Associate, reviewed the retaliation tracking log maintained by EMCF PREA Compliance Manager.

#### **Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 68:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prevention of Retaliation policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include a statement that if any other individual who cooperates with an investigation expresses a fear of retaliation, NJDOC and Edna Mahan shall take measures they deem appropriate to protect that individual against retaliation.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies.

The Monitor recommends that the IPCM specifically ask the incarcerated person being monitored if they have had any instances of subtle retaliation, such as selective enforcement of rules, against them.

**J. Response to an Allegation of Sexual Abuse and Sexual Harassment**

NJDOC and Edna Mahan shall ensure that all Edna Mahan prisoners who are alleged victims of sexual abuse and sexual harassment are offered timely, unimpeded access to crisis intervention services as appropriate and that staff appropriately respond to and counsel the alleged victim while taking steps to preserve evidence and protect the victim, consistent with 28 C.F.R. § 115.64. Accordingly:

par. 70 Edna Mahan shall not place in involuntary restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of protecting that prisoner, unless a determination, documented in writing and reviewed by the PREA Compliance Manager or the Edna Mahan Administrator's designee within 24 hours, has been made that there is no available alternative means of separation from likely abusers.

Requirements:

par. 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

**Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:**

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy stating that no prisoner who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in involuntary restricted housing, unless there is no available alternative means of separation from likely abusers
- EMCF Level 3 policy stating that if a prisoner is placed in involuntary restricted housing, the placement must be reviewed and documented in writing as to the reasons why by the PREA Compliance Manager or the EMCF designed within 24 hours
- Interview with EMCF Administrator regarding under what circumstances victims of sexual abuse and sexual harassment are placed in involuntary restricted housing
- Interview with EMCF PREA Compliance Manager regarding under what circumstances victims of sexual abuse and sexual harassment are placed in involuntary restricted housing
- Staff interviews during onsite visits regarding their responsibilities in response to an allegation of sexual abuse or sexual harassment
- Prisoners focus groups during on site visit regarding how prisoners are treated in response to an allegation of sexual abuse or sexual harassment

par. 72 Notification to the DOJ and Monitor within 24 hours of the placement anytime a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing

par. 66 Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)

par. 72 Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to placing a prisoner who is alleged to have suffered sexual abuse or sexual harassment in involuntary restricted housing

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement. As of the writing of the last status report, no IPs have been placed in involuntary restrictive housing.

**Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:**

- Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance
- Partial Compliance
- Non-compliance
- N/A not required until [ date ]
- N/A monitor granted an extension until [ date ]

**Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:**

Page 30 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “**Temporary Close Custody** is the non-punitive removal of an inmate from general population or other assigned housing, with restriction to the inmate’s cell or to a close custody unit for a period not to exceed 72 hours, for special observation (other than a healthcare need) or investigation, unless information or evidence warrants an extension beyond 72 hours and is documented and approved by the facility Administrator or designee. Inmates who make a PREA allegation of sexual abuse/sexual harassment shall not be placed in Temporary Close Custody unless all available alternatives have been reviewed and there is no available alternate means of separating the inmate and the abuser. Such an assessment will take place within 24 hours”.

The Monitor could not locate an Edna Mahan Level 3 policy specifying that “Inmates who make a PREA allegation of sexual abuse/sexual harassment shall not be placed in Temporary Close Custody unless all available alternatives have been reviewed and there is no available

alternate means of separating the inmate and the abuser. Such an assessment will take place within 24 hours”. This will be discussed further in the recommendation section.

Since August 24, 2021, NJDOC has notified DOJ and the Monitor of any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 24 hours. These notifications also note if the prisoner who was alleged to have suffered sexual abuse or sexual harassment was placed in Temporary Close Custody. During this reporting period, there has not been any case of such.

The Monitor spoke with the Administrator of Edna Mahan and asked her under what circumstances victims of sexual abuse and sexual harassment are placed in involuntary restricted housing. The Administrator was very clear that this decision would only be made in very rare circumstances and if there were no available alternative means of separation from the likely abuser. The Administrator stated that there have been no instances of any victim on sexual abuse or sexual harassment being placed in involuntary restricted housing during this reporting period.

Likewise, the Monitor interviewed Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, and asked the same question. Ms. Renshaw responded that it should only occur if other placement alternatives are not available and that this would be in a very rare instance and, again, stated that during this reporting period, there have been no incidents of any victims being placed in involuntary restricted housing.

The Monitor and/or her Associate also interviewed line staff, Sergeants Lieutenants, and Majors during the onsite compliance visit regarding their responsibilities in response to an allegation of sexual abuse or sexual harassment and the placement of alleged victims into involuntary restrictive housing. They were all very aware of the expectation that alleged victims are not placed into involuntary restrictive housing unless there are no other available means of separation from likely abusers. Most staff indicated that this would be the very rare circumstance. There were no such incidents during this reporting period.

#### **Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Response to Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include a statement into the Level 3 policy that Edna Mahan not place in involuntary restricted housing anyone who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of protecting that person, unless a determination, documented in writing and reviewed by the PREA Compliance Manager or the Edna Mahan Administrator’s designee within 24 hours, has been made that there is no available alternative means of separation from likely abusers.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Response to Allegations of Sexual Abuse or Sexual Harassment policies.

**J. Response to an Allegation of Sexual Abuse and Sexual Harassment**

par. 71 If it is necessary to hold prisoners who report sexual abuse or sexual harassment in restricted housing in order to keep them safe from abuse or retaliation, Edna Mahan shall ensure that such prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities to the extent possible, for example absent a threat to the prisoner's safety as determined by SID.

Requirements:

par. 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner

**Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:**

- EMCF Level 3 policy stating that if, in exigent circumstances, a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing, she will have access to privileges, including visitation, commissary, programming and vocational opportunities
- Interview with EMCF Administrator to ensure that prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities if held in involuntary restriction after reporting a PREA incident
- Interview with EMCF PREA Compliance Manager to ensure that prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities if held in involuntary restriction after reporting a PREA incident
- Staff interviews during onsite visit specific to access to privileges are allowed when a prisoner is held in restricted housing in order to keep them safe from abuse or retaliation
- Prisoners focus groups during on site visit specific to access to privileges they are allowed when they are in restricted housing in order to keep them safe from abuse or retaliation

par 70 Notification to the Monitor and DOJ within 24 hours of the placement anytime a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing. A copy of the logbook pages documenting activities the prisoner received while she was placed in involuntary restricted housing (reference the above).

Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to placing a prisoner who is alleged to have suffered sexual abuse or sexual harassment in involuntary restricted housing

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:**

Page 30 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "If an inmate is in Restrictive Housing status as a result of PREA Risk and/or PREA allegation (victims and/or alleged abusers), they will be afforded all personal property, mail and visit privileges and other services that are available to inmates in the general population unless extenuating circumstances exist".

The Monitor could not locate an Edna Mahan Level 3 policy specifying that "If an inmate is in Restrictive Housing status as a result of PREA Risk and/or PREA allegation (victims and/or alleged abusers), they will be afforded all personal property, mail and visit privileges and other services that are available to inmates in the general population unless extenuating circumstances exist". This will be discussed further in the recommendation section.

The Monitor spoke with the Administrator of Edna Mahan and asked her if an alleged victim was placed in involuntary restricted housing, what privileges would she be allowed to have. The Administrator was very clear that they were allowed all personal property, mail and visit privileges and other services that are available to inmates in the general population. Likewise, The Monitor also interviewed the Edna Mahan PREA Compliance Manger and asked the same question. The PREA Compliance Manager responded in the same manner as the Administrator. The Monitor and/or her Associate also interviewed staff during the onsite compliance visit and asked if an alleged victim was placed in involuntary restricted housing, what privileges would they be allowed to have. Most staff were aware that the alleged victim would be allowed

all personal property, mail and visit privileges and other services that are available to incarcerated persons in the general population, unless it was a threat to the individual's safety.

**Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Response to Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include a statement that if it is necessary to hold incarcerated persons who report sexual abuse or sexual harassment in restricted housing in order to keep them safe from abuse or retaliation, Edna Mahan shall ensure that such incarcerated persons have access to privileges, including visitation, commissary, programming, and vocational opportunities to the extent possible, for example absent a threat to the prisoner's safety as determined by SID.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Response to Allegations of Sexual Abuse or Sexual Harassment policies.



**J. Response to an Allegation of Sexual Abuse and Sexual Harassment**

par. 72 Edna Mahan shall not place in restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of interviewing that prisoner as part of an investigation.

Requirements:

par. 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

**Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:**

- EMCF Level 3 policy stating that no prisoner who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in involuntary restricted housing for the purpose of interviewing that prisoner as part of the investigation
- Interview with EMCF Administrator to ensure that prisoners are not placed in involuntary restriction solely for the purpose of interviewing that prisoner as part of an investigation
- Interview with EMCF PREA Compliance Manager to ensure that prisoners are not placed in involuntary restriction solely for the purpose of interviewing that prisoner as part of an investigation
- Interview with Special Investigations Principal to ensure that prisoners are not placed in involuntary restriction solely for the purpose of interviewing that prisoner as part of an investigation

par. 70 Notification to the Monitor and DOJ within 24 hours of the placement anytime a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing

Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to placing a prisoner who is alleged to have suffered sexual abuse or sexual harassment in involuntary restricted housing

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:**

Special Investigations Division (SID) Internal Management Procedures (IMP) #035, Investigation Procedures was recently revised and submitted to the Monitor for feedback. Page 3 says, "Investigations of incidents should be completed in a manner so as to preserve the rights of the persons involved. In administrative investigations the contractual and Civil Service rights of employees must be preserved. Criminal cases should be investigated in such a way so as to prevent challenges to admissibility of evidence based upon search and seizure law, Miranda rights, and other considerations appropriate to a criminal case". The Monitor provided feedback that added the following to this statement, "At EMCF, no inmate who is alleged to have suffered sexual abuse or sexual harassment shall be placed in restricted housing solely for the purpose of interviewing that inmate as part of an investigation.

The date for this policy to be finalized was extended to February 24, 2023. The Monitor could not locate an Edna Mahan Level 3 policy specifying that "no prisoner who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in involuntary restricted housing for the purpose of interviewing that prisoner as part of the investigation". This will be discussed further in the recommendation section.

The Monitor spoke with the Edna Mahan Administrator, the Edna Mahan PREA Compliance Manager, the Deputy Security for the Special Investigations Division, the Edna Mahan Special Investigations Principal and SID/SVU staff. When asked, all responded that they were aware that incarcerated persons should not be placed in involuntary restriction solely for the purpose of interviewing that person as part of an investigation.

Since August 24, 2021, NJDOC has notified DOJ and the Monitor of any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 24 hours. These notifications also note if the victim who was alleged to have suffered sexual abuse or sexual harassment was placed in restricted housing for any purpose. During this reporting period, there have been no reports of any incarcerated person housed in restricted housing solely for the purpose of interviewing that person as part of an investigation.

**Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Response to Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include the statement that the Monitor suggested reflecting that Edna Mahan does not place in restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of interviewing that prisoner as part of an investigation.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Response to Allegations of Sexual Abuse or Sexual Harassment policies.

**J. Response to an Allegation of Sexual Abuse and Sexual Harassment**

par. 73 Edna Mahan shall ensure access for prisoners to outside victim advocates for emotional support services related to sexual abuse by giving prisoners mailing addresses and telephone numbers, where available, of local, state, or national victim advocacy or rape crisis organizations. Edna Mahan shall enable reasonable communication between prisoners and these organizations and agencies in as confidential a manner as possible.

Requirements:

par. 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

**Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:**

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy stating that EMCF prisoners have access to external sexual abuse emotional support services. And that same policy details, specifically, how prisoners can access these services
- Prisoner Handbook describing PREA Sexual Abuse Emotional Support Services and names, addresses, and phone numbers of such services
- Documents of agreements (memo of understanding) with any community providers that may provide prisoners with confidential emotional support services
- Interview with EMCF Administrator regarding access for prisoners to outside victim advocates for emotional support services
- Interview with EMCF PREA Compliance Manager regarding access for prisoners to outside victim advocates for emotional support services
- Staff interviews during on site visit regarding the requirement that prisoners have access to external sexual abuse emotional support services
- Prisoners focus groups during on site visit regarding the requirement that prisoners have access to external sexual abuse emotional support services

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policy PCS.001.008 regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:**

Page 35 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Inmates who are committed to the custody of the NJDOC have access to external sexual abuse emotional support services. Inmates may access these services even if they do not wish to make a report of sexual abuse. All inmates are provided with the contact information for State sexual abuse advocacy agencies. They are also provided with information on how to write for a sexual abuse survivor packet that is provided by a national sexual abuse victim advocacy group.

Telephone hotline services are available and can be accessed via the inmate telephone system by dialing \***PREA**# on the inmate telephone system. Calls to the PREA Emotional Support Services Line are free. The hours of operation of the hotline vary by correctional facility and are posted to the inmate population.

PREA Emotional Support services are provided by external sexual abuse victim advocates who can assist in crisis intervention, provide information, and offer support to anyone who has questions or is looking for information about sexual violence. The services are only for emotional support related to sexual abuse."

The Monitor could not locate an Edna Mahan Level 3 policy specifying that "Inmates who are committed to the custody of the NJDOC have access to external sexual abuse emotional support services". This will be discussed further in the recommendation section.

The Monitor reviewed a pamphlet which is made available to incarcerated persons who live at Edna Mahan titled, "NJDOC PREA: External Emotional Support Services for Victims of Sexual Abuse." This pamphlet, which is available in both Spanish and English notified the incarcerated persons that they have access to external sexual abuse emotional support services. It also tells the incarcerated persons that they may access these services even if they do not wish to make a report of sexual abuse. It notifies how the services can be accessed and provides

the inmate telephone system phone number \*PREA#. It also lets the inmates know that calls to the PREA Emotional Support Line are free and are classified as confidential.

Additionally, the Monitor reviewed the Edna Mahan Inmate Handbook, which says the following:

PREA External PREA Sexual Abuse Emotional Support Services: NJDOC inmates have access to external sexual abuse emotional support services. Inmates may access these services even if they do not wish to make a report of sexual abuse.

External sexual Abuse services can be accessed via the inmate telephone system by dialing: \*PREA#. Calls to the PREA Emotional Support Services Line are free. The hours of operation of the hotline are posted throughout the facility. PREA external emotional support services are confidential.

PREA Emotional Support services are provided by external sexual abuse victim advocates who can assist in crisis intervention, provide information, and offer support to anyone who has questions or is looking for information about sexual violence. The services are only for emotional support related to sexual abuse.

Inmates at this correctional facility may also request external sexual abuse emotional support services/information by writing to: The Sexual Abuse Emotional Support Services (gives their address) and Sexual Abuse Survivor Information (gives their address)

The Monitor reviewed the Memorandum of Understanding Between New Jersey Department of Corrections and SAFE in Hunterdon County. The purpose of this Memorandum of Understanding (MOU) is to guide and direct the parties with regard to collaborative provide inmates committed to the custody of the NJDOC with access to outside victim advocates for emotional support services related to sexual abuse in accordance with federal PRE4 115.53 Inmate Access to Outside Confidential Support Services. This agreement is in effect from July 1, 2021, through June 30, 2023.

The Monitor reviewed the Memorandum of Understanding Between New Jersey Department of Corrections and SAFE in Hunterdon County. The purpose of this Memorandum of Understanding (MOU) is to guide and direct the parties with regard to collaborative provide inmates committed to the custody of the NJDOC with access to outside victim advocates for emotional support services related to sexual abuse in accordance with federal PRE4 115.53 Inmate Access to Outside Confidential Support Services. This agreement is in effect from July 1, 2021, through June 30, 2023.

The Monitor spoke with the Administrator of Edna Mahan and asked how an incarcerated person could access outside victim advocates for emotional support services related to sexual abuse and how Edna Mahan enabled reasonable confidential communication between the victim and the outside agency. The Administrator reaffirmed the incarcerated persons' access to outside emotional services. She reported that there are toll-free numbers they can use (even if they are in restricted housing, they have access to a telephone that is toll-free). The concern is that

the telephones that the incarcerated persons use are in a “telephone bank” in the housing units and do not offer much of an opportunity for a private/confidential conversation. Administrator Stem also confirmed that the incarcerated person can write a letter. When asked how an indigent incarcerated person would get stamps, Administrator Stem stated that she, specifically, and the facility, in general, gives stamps to any person who does not have the funds to purchase them.

Likewise, the Monitor interviewed Assistant Superintendent Amelia Stem, the Edna Mahan PREA Compliance Manger, and asked the same question. Ms. Stem responded that the PREA phone lines are provided in the housing units and flyers are posted throughout the units providing access information to outside services. The Monitor and her Associate noted the posters posted throughout the housing units at Edna Mahan and at the Satellite building.

The Monitor and/or her Associate also interviewed staff during the onsite compliance visit and asked them how an incarcerated person could access outside victim advocates for emotional support services related to sexual abuse. Most staff (although not all) said they had seen the posters in the facility.

Lastly, the Monitor and/or her Associate interviewed several incarcerated persons at Edna Mahan and asked if they were aware of their right to confidentially access outside victim advocates for emotional support services related to sexual abuse. Most of the incarcerated persons were aware of this right and knew how to access outside victim advocates. One of the Spanish speaking LEP individuals did not. When asked how Edna Mahan enabled reasonable confidential communication between the victim and the outside agencies, the only response was that the incarcerated persons used the telephones available to them. Most are located in the hallways or common areas which inhibits confidentiality.

#### **Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Response to Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include the statement in the Level 3 policy that Edna Mahan ensures access for incarcerated persons to outside victim advocates for emotional support services related to sexual abuse by giving incarcerated persons mailing addresses and telephone numbers of local, state, or national victim advocacy or rape crisis organizations. The policy should also include a statement that Edna Mahan will enable reasonable communication between incarcerated persons and these organizations and agencies in as confidential a manner as possible.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Response to Allegations of Sexual Abuse or Sexual Harassment policies.

The Monitor also recommends that Edna Mahan look at opportunities to allow the incarcerated persons to make these types of telephone calls in more confidential manners than currently utilized.

Lastly, the Monitor recommends that Edna Mahan continuously update the contact information for outside agencies on all posted materials and that they continuously remind the incarcerated persons that they can use the telephones in their social worker's offices for more confidential calls.



**J. Response to an Allegation of Sexual Abuse and Sexual Harassment**

par. 74 NJDOC and Edna Mahan shall continue to maintain memoranda of understanding or other agreements with community service providers that are able to provide prisoners with confidential emotional support services related to sexual abuse or sexual harassment. NJDOC and Edna Mahan shall maintain copies of such agreements.

Requirements:

par. 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

**Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:**

- Interview with EMCF Administrator regarding MOUs with community service providers to provide prisoners with confidential emotional support services
- Interview with EMCF PREA Compliance Manager regarding MOUs with community service providers to provide prisoners with confidential emotional support services

par. 73 Documents of agreements (memo of understanding) with any community providers that may provide prisoners with confidential emotional support services

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:**

**August 24, 2022 Status Report**

The current Memorandum of Understanding with SAFE in Hunterdon has been provided to the Federal Monitor and DOJ. The agreement is in effect from July 1, 2021, through June 30, 2023. The IPCM, Administrator, Associate Administrator and Assistant Superintendents have received copies of the MOU. Draft revisions to policy PCS.001.008 was submitted on May 24, 2022 in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:**

The Monitor reviewed the Memorandum of Understanding Between New Jersey Department of Corrections and SAFE in Hunterdon County. The purpose of this Memorandum of Understanding (MOU) is to guide and direct the parties with regard to collaborative provide inmates committed to the custody of the NJDOC with access to outside victim advocates for emotional support services related to sexual abuse in accordance with federal PRE4 115.53 Inmate Access to Outside Confidential Support Services. This agreement is in effect from July 1, 2021, through June 30, 2023.

**Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Response to Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include a statement that NJDOC and Edna Mahan maintain memorandum of understanding or other agreements with community service providers that are able to provide incarcerated persons with confidential emotional support services related to sexual abuse or sexual harassment and that they maintain copies of such agreements.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Response to Allegations of Sexual Abuse or Sexual Harassment policies.

**K. Referrals and Investigations**

NJDOC and Edna Mahan shall ensure that all allegations of sexual abuse and sexual harassment at Edna Mahan are promptly, thoroughly, and objectively investigated and appropriately referred for prosecutorial review, and that alleged victims are advised of the outcome of their allegations. Accordingly:

par. 75 Edna Mahan investigators shall continue to investigate allegations of sexual abuse or sexual harassment, consistent with NJDOC policy and New Jersey law. Edna Mahan will continue to refer allegations of sexual abuse and sexual harassment to local prosecutors as appropriate.

Requirements:

par. 76 The provisions in this section that provide deadlines for NJDOC or Edna Mahan's issuance of an investigative report following an allegation of sexual abuse or harassment apply only to administrative investigations undertaken solely by NJDOC or Edna Mahan, and do not apply to criminal investigations undertaken by the prosecutors in collaboration with NJDOC or Edna Mahan.

**Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 75:**

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations.
- Special Investigations Division Internal Management Procedures #035, "Investigation Procedures."
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies which investigations are undertaken by the prosecutors and which are investigation by NJDOC.
- Interview with EMCF PREA Compliance Manager regarding referring allegations of sexual abuse and sexual harassment to local prosecutors.
- Interview with EMCF Special Investigations Principle regarding referring allegations of sexual abuse and sexual harassment to local prosecutors.

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 75:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 75:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re K. Referrals and Investigations ¶ 75:**

Page 20 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states “The NJDOC responds to, investigates, and supports the prosecution of sexual abuse and sexual harassment within the correctional system and externally in partnership with state and local authorities.

NJDOC assigns to the Special Investigations Division (SID) the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by inmates, staff and other individuals who visit NJDOC facilities. NJDOC SID accepts and investigates all verbal, written, and anonymous reports of sexual abuse, misconduct, and harassment.

State of New Jersey Department of Corrections Policy Statement ADM.006.011 titled, Investigations by the Special Investigations Division and Special Investigations Division Internal Management Procedures #035, “Investigation Procedures” both state, “The NJDOC assigns to the SID the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by inmates, staff and other individuals who visit NJDOC facilities”.

Additionally, NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet identifies the date the local prosecutors were notified of an incident, the decision made by the

prosecutors regarding who is going to investigate, and, if the Hunterdon County Prosecutors Office chooses not to file criminal charges, the date the case is returned to NJDOC for investigation.

The Monitor spoke with the Deputy Commission for the Special Investigation Division (SID) and the Special Investigation Principal assigned to Edna Mahan. Both confirmed that SID/Special Victim Unit investigate all allegations of sexual abuse or sexual harassment promptly, thoroughly, and objectively and, if appropriate, refer the investigation to Hunterdon County.

Likewise, the Monitor interviewed the Edna Mahan PREA Compliance Manger and asked the same question. The PREA Compliance Manager responded in the same manner as the Deputy Commission and the Special Investigation Principal.

#### **Recommendations re K. Referrals and Investigations ¶ 75:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to include a statement that states that NJDOC and Edna Mahan investigators continue to investigate allegations of sexual abuse or sexual harassment, consistent with NJDOC policy and New Jersey law. The policy should also state that NJDOC and Edna Mahan will continue to refer allegations of sexual abuse and sexual harassment to local prosecutors as appropriate.

Once the Level 1 policy is finalized, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

**K. Referrals and Investigations**

par. 77 Edna Mahan shall investigate all allegations of sexual abuse or sexual harassment reasonably promptly, thoroughly, and objectively, including third party and anonymous reports. The departure of the alleged abuser or victim from the employment or control of Edna Mahan or NJDOC shall not provide a basis for terminating an investigation. Administrative investigations shall be completed regardless of the results of any criminal investigations and regardless of the subject's continued employment by NJDOC.

Requirements:

par. 76 The provisions in this section that provide deadlines for NJDOC or Edna Mahan's issuance of an investigative report following an allegation of sexual abuse or harassment apply only to administrative investigations undertaken solely by NJDOC or Edna Mahan, and do not apply to criminal investigations undertaken by the prosecutors in collaboration with NJDOC or Edna Mahan.

**Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 77:**

par. 75

par. 77

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations
- Special Investigations Division Internal Management Procedures #014 – Procedures for Sexual Offenses
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies the time between the date of the notification of the allegation and the date of the completed investigation
- Interview with EMCF Special Investigations Principle and her staff

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 77:**

**August 24, 2022 Status Report**

The status reflected in the February 24, 2022 status report remains accurate. Draft revisions to the policies were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 77:**

- Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance
- Partial Compliance
- Non-compliance
- N/A not required until [ date ]
- N/A monitor granted an extension until [ date ]

**Monitor's Discussion re K. Referrals and Investigations ¶ 77:**

Page 20 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states “The NJDOC responds to, investigates, and supports the prosecution of sexual abuse and sexual harassment within the correctional system and externally in partnership with state and local authorities.

NJDOC assigns to the Special Investigations Division (SID) the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by inmates, staff and other individuals who visit NJDOC facilities. NJDOC SID accepts and investigates all verbal, written, and anonymous reports of sexual abuse, misconduct, and harassment.

State of New Jersey Department of Corrections Policy Statement ADM.006.011 titled, Investigations by the Special Investigations Division and Special Investigations Division Internal Management Procedures #035, “Investigation Procedures” both state, “The NJDOC assigns to the SID the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by inmates, staff and other individuals who visit NJDOC facilities”.

Additionally, Special Investigations Division Internal Management Procedures (IMP) #035, was just drafted to read, “Investigation Procedures” states, “During the course of any investigation, the Special Investigations Division has the authority to interview any employee of the Department, any person, volunteers, contracted vendors/employees, or any other necessary person”. The Monitor gave feedback on this IMP, but this IMP has not been finalized yet.

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet identifies the date the local prosecutors were notified of an incident, the decision made by the prosecutors regarding who is going to investigate, and, if the Hunterdon County Prosecutors Office chooses to file criminal charges, the date the criminal charges are completed, and the case is returned to NJDOC for administrative investigation.

Additionally, Special Investigations Division Internal Management Procedures (IMP) #035 and #14 were just drafted to read, “The departure of an inmate or staff member from NJDOC’s control or employment does not provide a basis to terminate an investigation. Investigators shall continue to investigate allegations of sexual abuse or sexual harassment consistent with NJ law and DOC policy and regardless of whether the inmate or staff member has departed from DOC. Investigators shall continue and complete administrative investigations regardless of a staff member’s employment status “. The Monitor gave feedback on these two IMP’s, but neither have not been finalized yet.

The Monitor spoke with the Deputy Commission for the Special Investigation Division, the Special Investigation Principal (SID) and SID staff assigned to Edna Mahan, as well as the SVU staff that conduct investigations for Edna Mahan. All confirmed that SID/Special Victim Unit complete all allegations of sexual abuse or sexual harassment, whether the alleged abuser or victim is still at Edna Mahan or not. Everyone also confirmed that the investigations are completed regardless of the results of any criminal investigations and regardless of the alleged abuser’s continued employment by NJDOC.

#### **Recommendations re K. Referrals and Investigations ¶ 77:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to ensure the statement that the departure of the alleged abuser or victim from the employment or control of Edna Mahan or NJDOC does not provide a basis for terminating an investigation. The policies should also ensure the statement that administrative investigations will be completed regardless of the results of any criminal investigations and regardless of the subject’s continued employment by NJDOC be included in the finalized version of this IMP

Once these policies are finalized, NJDOC and Edna Mahan should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.



**K. Referrals and Investigations**

par. 78 Edna Mahan shall use investigators who have received special training in institutional sexual abuse. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda v. Arizona*, 384 U.S. 436 (1966), and *Garrity v. New Jersey*, 385 U.S. 493 (1967), warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. NJDOC shall maintain documentation that Edna Mahan investigators have completed the required specialized training in conducting sexual abuse investigations. Consistent with current practice, the Department-wide PREA Coordinator and Edna Mahan’s PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.

**Requirements:**

Consistent with current practice, the Department-wide PREA Coordinator and Edna Mahan’s PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.

**Monitor’s Measure of Compliance re K. Referrals and Investigations ¶ 78:**

par. 75  
par. 77  
par. 78

- NJDOC Policy Statement Number 001.008 “Prevention, Detection and Response of Sexual Abuse and Harassment” specific to criminal and administrative agency investigations
- List of EMCF Special Investigators and their resume/expertise
- Training curriculum to train investigative staff
- Documentation training to investigators on the Miranda and Garrity warnings
- Training rosters or documents showing the completion of the New Jersey Division of Criminal Justice Basic Course for Investigators
- Training rosters or documents showing the completion of all investigators specialized training

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 78:**

**August 24, 2022 Status Report**

There are currently four SID investigators at EMCF. There are eight SID investigators who work for the Special Victims Unit (SVU) and one Principal investigator. Investigators at EMCF and SVU have received the required specialized training detailed in NJDOC’s February Status Report. Training records have been submitted to the Federal Monitor and DOJ. The EMCF Principal Investigator position was recently vacated when the prior PI transferred to a different unit. The posting to fill this position closes on August 23rd. Until the PI position is filled, the EMCF SID field unit reports directly to the Assistant Commissioner and Deputy Chief, both of whom have also received the required training.

Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

In the draft Policy Statement Number PCS.001.008 “Prevention, Detection and Response of Sexual Abuse and Harassment”, the NJDOC proposes to add the following language to the definition of an Institutional PREA Compliance Manager in compliance with this requirement: “Institutional PREA Compliance Manager (IPCM) means the NJDOC staff member designated by the institutional Administrator to coordinate and supervise PREA compliance within the facility. This position will be at the level of an Assistant Superintendent or higher. The Institutional PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.”

**Monitor’s Finding of Compliance re K. Referrals and Investigations ¶ 78:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor’s Discussion re K. Referrals and Investigations ¶ 78:**

Page 46 of the draft revised NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “All SID investigators are required to complete the New Jersey Division of Criminal Justice Basic Course for Investigators. The specialized training received by members of the SID helps to ensure that such investigations are conducted in a thorough, competent, objective manner and using the most current techniques and equipment possible.” The Monitor reviewed this draft policy and made the recommendation that the specialized training received by members of the SID shall include techniques for interviewing sexual abuse victims. The Monitor also recommended that this policy include a statement that NJDOC shall maintain documentation that SID investigators have completed the required specialized training in conducting sexual abuse investigations. The extended due date for this revised policy is February 24, 2023.

The Monitor spoke with the Deputy Commissioner for the Special Investigations Unit (SID) and asked if either the NJDOC PREA Coordinator or the Edna Mahan PREA Compliance Manager ever served as an investigator for sexual abuse investigations. Additionally, the Monitor spoke with the Special Investigation Principal and SID staff assigned to Edna Mahan, the SVU staff that conduct investigations for Edna Mahan and the Edna Mahan PREA Compliance Manger and asked the same question. Everyone emphatically answered no.

The Monitor is aware that The Moss Group conducted a three-day PREA Specialized Investigations Training for SID staff during this reporting period. The Monitor reviewed the facilitator guide for this “Train-the-Trainer” training and provided feedback to NJDOC. The eight modules of this training include PREA Investigative Standards, Trauma and Victim Response, legal Liability, First Response, Evidence Collection, Agency Culture, Interviewing Victims of Sexual Misconduct, Sexual Harassment, and Report Writing. The Monitor reviewed the training records and verified that all four (4) SID staff assigned to Edna Mahan and all nine (9) SID/Special Victim Unit staff attended this training. The evaluation of this training reflected that 100% of participants either agreed or strongly agreed that the information presented during this training met the needs of the investigators.

#### **Recommendations re K. Referrals and Investigations ¶ 78:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to finalize NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment to include the suggestions made by the Monitor to include a statement that Edna Mahan use SID investigators who have received special training in institutional sexual abuse and that training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda v. Arizona*, 384 U.S. 436 (1966), and *Garrity v. New Jersey*, 385 U.S. 493 (1967), warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral.

The policy should also require that NJDOC maintain documentation that Edna Mahan investigators have completed the required specialized training in conducting sexual abuse investigations. Lastly, Level 1 policy should be clear that the Department-wide PREA Coordinator and Edna Mahan’s PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.

Once the policy is finalized, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

**K. Referrals and Investigations**

par. 79 All NJDOC or Edna Mahan investigative staff must disclose any personal relationships with Edna Mahan staff who may be the subject of a current investigation and must recuse themselves from participating in an investigation involving any Edna Mahan staff member with whom they have a personal relationship. A “personal relationship” is any relationship that interferes with the investigator’s ability assess the facts of the investigation in an objective manner, including relationships with a family member, business partner, roommate, cohabitant, or person with whom they are involved in a dating or close social relationship.

**Requirements:**

A “personal relationship” is any relationship that interferes with the investigator’s ability assess the facts of the investigation in an objective manner, including relationships with a family member, business partner, roommate, cohabitant, or person with whom they are involved in a dating or close social relationship.

**Monitor’s Measure of Compliance re K. Referrals and Investigations ¶ 79:**

- Special Investigations Division Internal Management Procedures #048, “Staff Reporting of Personal Relationships”
- Semi-annual report (beginning April 5, 2022, for the last quarter of 2021 and first quarter of 2022) to the DOJ and Monitor including all incidents of an investigative staff recusing themselves from an investigation due to a personal relationship with EMCF staff who may be the subject of a current investigation
- Interview with EMCF Special Investigations Principle and her staff regarding staff recusing themselves from participating in an investigation involving anyone with whom they have a personal relationship

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 79:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to the policies were submitted on May 24, 2022 in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor’s Finding of Compliance re K. Referrals and Investigations ¶ 79:**

**[X] Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re K. Referrals and Investigations ¶ 79:**

Special Investigations Division (SID) Internal Management Procedures (IMP) #048, "Staff Reporting of Personal Relationships" states, was revised during this reporting period. Page 3 states, "All Special Investigations Division staff are required to certify to the SID Chief Investigator or designee, whether they do, or do not, currently supervise, exercise authority over or work in the same facility with any employee of the NJDOC, or its vendors/contracted employees, who is a family member, business partner, roommate, cohabitant or person with whom the SID staff member is involved in a dating relationship or a close social relationship, or with whom the SID member has a relationship that would interfere with the SID staff member's ability to assess the facts of an investigation in an objective manner. The Personal Relationships Certification ("Certification") attached to this policy shall be utilized for the reporting and shall be completed on a yearly basis no later than January 31<sup>st</sup> of the year. If an SID staff member answers the Certification in the affirmative, then the SID member shall identify the name and relationship of the qualifying person as instructed on the Certification form. The SID staff member shall sign and date the Certification where noted". The draft policy goes on to say:

- A. "All SID staff will complete SID Form PRC-1 and forward it to the Chief Investigator or designee (Deputy Chief, Principal Investigator) on a yearly basis no later than the 31<sup>st</sup> of January. If answered affirmatively, the SID staff member will provide the identity of the involved person as well as the type of relationship as instructed on SID Form PRC-1 and also complete the State of New Jersey Department of Corrections Recusal form.
- B. In addition to completing the PRC-1 form yearly, it is the SID member's obligation to complete form PRC-1 upon being made aware of having a relationship identified in the Certification. This will require the SID staff member to complete SID Form PRC-1 and State of New Jersey Department of Corrections Recusal form. The completion of these forms should take place immediately on the day of being made aware, or if work conditions do not permit, then the next available day the SID staff member is in the office.
- C. All SID staff are mandated to notify (verbally and in writing) their Principal Investigator or designee, immediately, if they are assigned an investigation or are participating in an investigation in any capacity which involves a subject(s) with whom they are involved in a close personal relationship

The Monitor reviewed this draft policy and make various recommendations. As noted previously, the date for this policy to be finalized was extended to February 24, 2023.

The Monitor interviewed the Deputy Commissioner for the Special Investigations Division (SID) and asked her what SID would do in the case that they were assigned an investigation involving anyone with whom they have a personal relationship. She responded that they have just changed the process to require all investigators to sign the NJDOC Special Investigations Division Recusal Form at the beginning of each year. Their signature of this form acknowledges that they are aware of, and acknowledge they will comply with, IMP #048. Additionally, if an

SID/SVU investigator is assigned a case with someone they know, s/he would go immediately to their supervisor and sign another SID Recusal Form and ask to be removed from investigating that case.

The Monitor posed the same question to the SID staff assigned to Edna Mahan and the SID/Special Victims Unit staff that conducts the sexual abuse and sexual harassment investigations. All confirmed Deputy Commissioner Daniels' response.

**Recommendations re K. Referrals and Investigations ¶ 79:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to September 26, 2022. The recommendation is to finalize Special Investigations Division (SID) Internal Management Procedures (IMP) #048, "Staff Reporting of Personal Relationships, as recommended.

Once this policy is finalized, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

**K. Referrals and Investigations**

par. 80 The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as prisoner or staff, consistent with 28 C.F.R § 115.71.

**Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 80:**

- NJDOC/SID level 1 policy specifying how they rate the credibility of an alleged victim, suspect, or witness.
- Reviews of completed investigations, to include reviewing witness statements, prisoner victim(s) and alleged perpetrator(s), security staff statements.
- Interview with EMCF Special Investigations Principle and her staff to determine how they rate the credibility of an alleged victim, suspect, or witness

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 80:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to the policies were submitted on May 24, 2022, in compliance with this Agreement and included this language. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement. In the draft Policy Statement Number PCS.001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment," NJDOC added the following language in compliance with this requirement: "SID does not rate the credibility of an alleged victim, suspect, or witness by the person's status as an incarcerated person or staff. The credibility of a victim, suspect, or witness is assessed on an individual basis and shall not be determined based on the status of a victim or staff member. A credibility determination should place no greater weight on one person over another. Victims, suspects, and witnesses are all equally entitled to give their testimony, and none are rejected as incredible simply based on their status. Credibility is impacted by the evidence itself. It is the evidence that refutes, corroborates, or has no impact upon a person's testimonial evidence. The evidence ultimately determines whether the allegation is unfounded, substantiated, or unsubstantiated."

**Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 80:**

**[X] Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re K. Referrals and Investigations ¶ 80:**

Special Investigations Division (SID) Internal Management Procedures (IMP) #035, Investigation Procedures was recently revised. Page 4 now says, "The credibility of an alleged victim, suspect, or witness shall not be determined by the person's status as an inmate or staff member. A credibility determination should place no greater weight on one person over another. Victims, suspects, and witnesses are all equally entitled to give their testimony if they so choose, and none are rejected as not being credible based on their status. Credibility is impacted by the evidence itself, to include statements by the alleged victim, witness statements, documentary evidence, and recorded evidence, such as surveillance video, Body Worn Camera video and telephonic recordings. The overall evidence determines whether an allegation is substantiated, unsubstantiated or unfounded". The Monitor reviewed this draft policy and make various recommendations. The date for this policy to be finalized was extended to February 24, 2023.

The Monitor did review several completed investigations that included interviews with, and statements by, the alleged victim prisoner, the alleged suspect staff person, and witnesses. The decisions made in these investigations appeared to be based on the involved persons' statements and the evidence (cameras, records, reports, documentation of facts, etc.) available.

**Recommendations re K. Referrals and Investigations ¶ 80:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement for this policy was extended to February 24, 2023. The recommendation is to finalize Special Investigations Division (SID) Internal Management Procedures (IMP) #035, "Investigation Procedures", as recommended.

Once this policy is finalized, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.



**K. Referrals and Investigations**

par. 81 Within 90 days after an allegation of sexual abuse or sexual harassment is referred for investigation, NJDOC or Edna Mahan shall issue a written investigative report that indicates whether the allegation is substantiated, unsubstantiated, or unfounded. If the matter is referred to prosecutorial review, this 90-day period shall begin to run the day after NJDOC receives the prosecutor's decision as to whether the allegation is criminal or administrative (and therefore will be investigated solely by NJDOC or Edna Mahan). The investigator may request in writing, approved by the facility designee, an extension for cause that identifies the remaining actions necessary to complete the investigation. In no case shall the investigation be deemed to be unfounded solely due to the expiration of the 90 days. The investigative report shall include an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

**Requirements:**

If the matter is referred to prosecutorial review, this 90-day period shall begin to run the day after NJDOC receives the prosecutor's decision as to whether the allegation is criminal or administrative (and therefore will be investigated solely by NJDOC or Edna Mahan).

The investigative report shall include an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

**Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 81:**

- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify:
  - The date of notification of the allegation
  - The date the case was referred to prosecutor's review
  - If the case is criminal or administrative
  - If the case was returned to NJDOC, the date returned
  - If an extension was requested, and if so, the date of the request, and the reason for the extension
  - The date of the completed investigation
  - The finding if the allegation was determined to be unfounded, unsubstantiated, or substantiated.
  - The date the Sexual Assault Advisory Council (SAAC) was held
- Copies of a Sexual Assault Investigation Disposition form for each allegation sent to the DOJ and Monitor
- A quarterly report (beginning January 5, 2022 for the last quarter of 2021) submitted to the DOJ and Monitor of the status of all the "open" EMCF investigations, along with the spreadsheet noted above
- Interview with NJDOC Deputy Chief Investigator

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 81:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement. All administrative cases investigated by SID have been closed within 90 days. At this time, NJDOC does not have any open extension requests.

**Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 81:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re K. Referrals and Investigations ¶ 81:**

Special Investigations Division (SID) Internal Management Procedures (IMP) #035, Investigation Procedures was recently revised and submitted to the Monitor for feedback. The Monitor suggested that the following statement be added to this policy:

- A. For allegations of sexual abuse or sexual harassment from EMCF, SID will issue a written investigation within 90 days after the allegation. The investigative report will indicate whether the allegation is substantiated, unsubstantiated, or unfounded. If the matter is referred to prosecutorial review, this 90-day period shall begin to run the day after NJDOC receives the prosecutor's decision as to whether the allegation is criminal or administrative. The investigator may request, in writing and approved by the facility designee, an extension for cause that identifies the remaining actions necessary to complete the investigation. In no case shall the investigation be deemed to be unfounded solely due to the expiration of the 90 days. The investigative report shall include an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, ad investigative facts and findings.

The date for this policy to be finalized was extended to February 24, 2023.

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

- The date of notification of the allegation
- The date the case was referred to prosecutor's review
- If the case is criminal or administrative
- If the case was returned to NJDOC, the date returned
- If an extension was requested, and if so, the date of the request, and the reason for the extension
- The date of the completed investigation.
- Whether the allegation is substantiated, unsubstantiated, or unfounded

Additionally, copies of the Sexual Assault Investigation Disposition form for each investigated allegation have been sent to the DOJ and Monitor. As discussed in the narrative compliance report, this has been an incredible area of improvement for NJDOC Special Investigations Division during this reporting period. The Special Victims Unit (SVU) was launched in mid-April. By the first week in May it was fully functional. They alone investigate sexual abuse allegations. They have helped to clear the backlog of cases that existed at Edna Mahan when they were formed. In February of this year, there were 65 open sexual abuse investigations (this number includes incarcerated person-to-incarcerated person cases, which is outside of the Settlement Agreement, but still gives the Court an idea of the improvement in this area). By the end of August that number was down to 27. Additionally, 41 new cases were opened. This mean 79 sexual abuse cases were closed during this reporting period.

During this reporting period (February 25, - August 24, 2022), Edna Mahan had 27 allegations of sexual abuse or sexual harassment (19 from the same person). Of these 27 allegations, 11 are closed (all that were within NJDOC's ability to investigate and 16 are currently open (meaning still being investigated), all with Hunterdon County Prosecutor's Office. For the cases that the investigations were completed, there was no substantiated allegations, 4 unsubstantiated allegations, and 7 allegations were deemed to be unfounded.

The Monitor has reviewed several investigative reports that have been written during this reporting period. Each of these reports have included an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

**Recommendations re K. Referrals and Investigations ¶ 81:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to finalize Special Investigations Division (SID) Internal Management Procedures (IMP) #035, “Investigation Procedures”, as recommended.

Once this policy is finalized, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

**K. Referrals and Investigations**

par. 82. NJDOC shall ensure that an investigative summary sheet that provides an overview of the current status of an investigation is included in the investigative file. The summary information should include, among other things, basic information such as staff name(s), prisoner names(s), location of incident, type of allegation, and the date and time of day of the incident.

**Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 82:**

- Copies of investigative summary sheets sent to the DOJ and Monitor. Investigative summary sheets include:
  - Staff name(s)
  - Prisoner Name(s)
  - Location of incident
  - Type of allegation
  - Date and time of day of the incident
  - Other information, as needed
- Interview with NJDOC Deputy Chief Investigator regarding completing the investigative summary sheet/closure report
- Interview with EMCF Special Investigations Principle and her staff regarding completing the investigative summary sheet/closure report
- Interview with EMCF PREA Compliance Manager regarding the investigative summary sheet/closure report

**Steps taken by NJDOC and EMCF towards implementation K. Referrals and Investigations ¶ 82:**

**August 24, 2022 Status Report**

The revised investigative summary sheet was provided to the Federal Monitor and DOJ and is currently utilized. The remainder of the information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 82:**

- Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance
- Partial Compliance
- Non-compliance
- N/A not required until [ date ]
- N/A monitor granted an extension until [ date ]

**Monitor's Discussion re K. Referrals and Investigations ¶ 82:**

On February 18, 2022, the Monitor received notification that this form had been updated to meet the criteria of this paragraph. The Monitor was able to review the draft form and discuss its usage. The Special Investigations Division of the NJDOC have been using this revised form since March 2022.

Special Investigations Division (SID) Internal Management Procedures (IMP) #035, Investigation Procedures was recently revised and submitted to the Monitor for feedback. The Monitor suggested that the following statement be added to this policy: SID investigation reports shall thoroughly document the investigation, to include descriptions of the physical and testimonial evidence and investigative facts. An investigative summary sheet that provides an overview of the current status of an investigation must be included in the investigative file. The summary information should include, among other things, basic information such as staff name(s), inmate name(s), location of incident, type of allegation, and the date and time of date of the incident. The date for this policy to be finalized was extended to February 24, 2023.

**Recommendations re K. Referrals and Investigations ¶ 82:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023. The recommendation is to finalize Special Investigations Division (SID) Internal Management Procedures (IMP) #035, "Investigation Procedures", as recommended.

Once this policy is finalized, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

**K. Referrals and Investigations**

- par. 83 A review team, including upper-level management officials at Edna Mahan, with input from line supervisors, investigators, and medical and mental health practitioners, shall conduct an incident review within 30 days of the conclusion of every investigation of substantiated and unsubstantiated allegations of sexual abuse by staff. The review team shall:
- a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse by staff;
  - b. Examine the area in Edna Mahan where the incident allegedly occurred to assess whether physical barriers in the area may prevent detection of sexual abuse;
  - c. Assess the adequacy of staffing levels in that area during different shifts;
  - d. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
  - e. Prepare a report of its findings and any recommendations for improvement and submit such report to the Department-wide PREA Coordinator, and Edna Mahan's PREA Compliance Manager.

Requirements:

- par. 85 Edna Mahan's Administrator should have access to investigative files once they are complete, as well as the personnel files of involved employees, and regular briefings of PREA investigations that include sufficient details so that the facility Administrator and/or the incident review team has sufficient information to assess the incident and devise and implement any necessary movement, discipline, or corrective action.

**Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 83:**

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations.
- NJDOC PCS. 001.PREA .001 Sexual Assault/PREA Advisory
- EMCF's Level 3 policy on Sexual Assault/PREA Advisory
- Copies of the Sexual Assault Investigation Disposition form for all EMCF's cases
- A review of Folder 115.73 on the DOCNet I-drive during the on-site visit
- Copies of EMCF's Sexual Assault Advisory Council (SAAC) monthly agenda and meeting minutes
- Copies of all report of EMCF's Sexual Assault Advisory Council findings and recommendations for improvement sent to NJDOC PREA Coordinator and Edna Mahan's PREA Compliance Manager
- Interview with EMCF PREA Compliance Manager regarding EMCF's Sexual Assault Advisory Council (SAAC)
- Interview with EMCF Administrator regarding EMCF's Sexual Assault Advisory Council (SAAC)
- Interview at least two of the members who sit on the EMCF's Sexual Assault Advisory Council (SAAC)

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 83:**

**August 24, 2022 Status Report**

EMCF and COHQ SAAC review forms have been submitted to DOJ and the Federal Monitor monthly. The EMCF PREA Compliance Manager is responsible to convene and chair the SAAC. The SAAC is always convened within thirty (30) days of the conclusion of an investigation. During the SAAC, the SID staff assigned to EMCF present the completed investigation case for review, including the final determination of Substantiated, Unsubstantiated or Unfounded. The EMCF SAAC chair prepares a report of its findings and any recommendations for improvement and submits that report to the Department-wide PREA Coordinator. The members also confirmed that the NJDOC Agency SAAC reviews, and signs off, on this report. The final reports including disposition signed by the incarcerated person is saved in Folder 115.73 (which maintains all the SAAC documents) on the New Jersey DOCNet I-Drive.

SAAC considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse by staff, and examines the area where the incident allegedly occurred to assess whether physical barriers in the area may prevent the detection of sexual abuse; assesses the adequacy of staffing levels in that area during different shifts; assesses whether monitoring technology should be deployed or augmented to supplement supervision by staff; and sent a copy of its findings and any recommendations for to the Department-wide PREA Coordinator, and Edna Mahan's PREA Compliance Manager.

Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 83:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]



**Monitor's Discussion re K. Referrals and Investigations ¶ 83:**

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment was recently revised as a draft and sent to the Monitor for feedback. Page 57 states, NJDOC has established a multi-disciplinary Sexual Assault Advisory Council (SAAC) which convenes at both the correctional facility and Departmental level to review all allegations and instances of sexual abuse/sexual harassment with the purpose of assessing and improving PREA prevention, detection and response.

Facility incident reviews are ordinarily convened within thirty (30) days of the conclusion of the investigation. SID will then present the completed investigation case for review at a central-office SAAC meeting where a final determination is rendered as Substantiated, Unsubstantiated or Unfounded. These reviews are done for all allegations of sexual abuse and/or harassment as defined by PREA. The Monitor made the suggestion that the word "ordinarily" be stricken from the policy so that it would now read, "Facility incident reviews are convened within thirty (30) days of the conclusion of the investigation"

The draft policy goes on to state:

*d) The review team shall:*

- (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;*
- (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;*
- (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;*
- (4) Assess the adequacy of staffing levels in that area during different shifts;*
- (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and*
- (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager*

Each PREA allegation case review completed by the SAAC takes into account all factors listed above in section (d) of this subsection.

*(a) The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.*

The SAAC may issue Corrective Action Reports, if necessary, and will monitor the implementation of recommended corrective actions. The Department level Council reports to the NJDOC Commissioner, or designee, on matters reviewed by the committee and shall comply with collective bargaining agreements in implementing changes or programs."

There is currently no Edna Mahan Level 3 policy which references the Sexual Assault Advisory Council (SAAC).

The date for this policy to be finalized and for an EMCF Level 3 policy to be written was extended to February 24, 2023.

The Monitor and DOJ have both received copies of all the Sexual Assault Advisory Council (SAAC) Incident Reviews completed by Edna Mahan during this reporting period. In all cases, the Edna Mahan SAAC considered whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse by staff, examined the area in Edna Mahan where the incident allegedly occurred to assess whether

physical barriers in the area may prevent detection of sexual abuse; assessed the adequacy of staffing levels in that area during different shifts; assessed whether monitoring technology should be deployed or augmented to supplement supervision by staff; and sent a copy of its findings and any recommendations for improvement to the Department-wide PREA Coordinator, and Edna Mahan's PREA Compliance Manager.

The Monitor spoke with four members of the Edna Mahan Sexual Assault Advisory Council: the PREA Compliance Manager, the Edna Mahan Administrator, the Mental Health Representative, and a Correctional Sergeant regarding the process of Edna Mahan's Sexual Assault Advisory Council. All acknowledged that the PREA Compliance Manager is responsible to convene and chair the SACC. They also stated that the SACC is usually convened within two weeks and always within thirty (30) days of the conclusion of the investigation. During the SAAC, the Special Investigation Division/SVU staff assigned to Edna Mahan present the completed investigation case for review. This provides the opportunity for any SAAC member to ask questions or seek any further information. The members confirmed that the Edna Mahan SAAC prepares a report of its findings and any recommendations for improvement and submits that report to the Department-wide PREA Coordinator. The members also confirmed that the NJDOC Agency SAAC reviews, and signs off, on this report.

During the compliance visit, Mr. Shireman, the Monitor's Associate reviewed the Folder 115.73 (which maintains all the SAAC documents) on the New Jersey DOCNet I-Drive.

### **Recommendations re K. Referrals and Investigations ¶ 83:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023.

The recommendation is to finalize NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, as recommended above. The recommendation is also made that a Level 3 policy be written to be clear about the purpose, process, and expectations of the Edna Mahan Sexual Assault Advisory Council.

Once these policies are finalized, NJDOC and Edna Mahan should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

**K. Referrals and Investigations**

par. 84. NJDOC and Edna Mahan shall review the review team's recommendations for improvement and shall implement them or document their reasons for not doing so.

**Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 84:**

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations
- NJDOC PCS. 001.PREA .001 Sexual Assault/PREA Advisory
- EMCF's Level 3 policy on Sexual Assault/PREA Advisory
- Copies of all report of EMCF's Sexual Assault Advisory Council findings and recommendations for improvement
- Copies of all Corrective Action Reports developed by EMCF's Sexual Assault Advisory Council (SAAC)
- Copies of all completed EMCF's Corrective Action Reports as referenced above
- Copies of ANY subsequent actions that are recommended by the EMCF SAAC, to include, but not be limited to, memos, emails, new level 3 policies, procedures, Post Orders, etc.
- Copies of all Corrective Action Reports developed by NJDOC's Agency Sexual Assault Advisory Council (SAAC)
- Copies of all completed NJDOC's Corrective Action Reports as referenced above
- Copies of ANY subsequent actions that are recommended by the NJDOC's SAAC, to include, but not be limited to, memos, emails, new level 1 policies, procedures, directives, etc.
- All documents from EMCF or NJDOC's SAAC that describe "why" recommended actions were not taken
- Interview with EMCF PREA Compliance Manager regarding the Review Team's recommendations for improvement
- Interview with EMCF Administrator regarding the Review Team's recommendations for improvement
- Interview with NJDOC Deputy Chief Investigator regarding reviewing EMCF's Review Team's recommendations for improvement

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 84:**

**August 24, 2022 Status Report**

The EMCF IPCM is tasked with ensuring the response to and implementation of any recommendation for improvement at EMCF. EMCF and Central Office (COHQ) SAAC review forms for the months of February through July 2022 have been submitted to the DOJ and the Federal Monitor. Since March 2022, there have been five recommendations stemming from SAAC reviews. Two required the installation of additional cameras, two required mandatory Body Worn Camera activation for all interactions with particular incarcerated individuals and one required the replacement of a DVR. All recommendations were approved and completed.

Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.

**Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 84:**

- Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance
- Partial Compliance
- Non-compliance
- N/A not required until [ date ]
- N/A monitor granted an extension until [ date ]

**Monitor's Discussion re K. Referrals and Investigations ¶ 84:**

NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment was recently revised as a draft and sent to the Monitor for feedback. Page 57 states, NJDOC has established a multi-disciplinary Sexual Assault Advisory Council (SAAC) which convenes at both the correctional facility and Departmental level to review all allegations and instances of sexual abuse/sexual harassment with the purpose of assessing and improving PREA prevention, detection, and response.

Facility incident reviews are ordinarily convened within thirty (30) days of the conclusion of the investigation. SID will then present the completed investigation case for review at a central-office SAAC meeting where a final determination is rendered as Substantiated, Unsubstantiated or Unfounded. These reviews are done for all allegations of sexual abuse and/or harassment as defined by PREA. The Monitor made the suggestion that the word "ordinarily" be stricken from the policy so that it would now read, "Facility incident reviews are convened within thirty (30) days of the conclusion of the investigation"

The draft policy goes on to state:

*d) The review team shall:*

- (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;*
- (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;*
- (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;*
- (4) Assess the adequacy of staffing levels in that area during different shifts;*
- (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and*
- (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager*

Each PREA allegation case review completed by the SAAC takes into account all factors listed above in section (d) of this subsection.

*(a) The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.*

The SAAC may issue Corrective Action Reports, if necessary, and will monitor the implementation of recommended corrective actions. The Department level Council reports to the NJDOC Commissioner, or designee, on matters reviewed by the committee and shall comply with collective bargaining agreements in implementing changes or programs.” There is currently no Edna Mahan Level 3 policy which references the Sexual Assault Advisory Council (SAAC).

The date for this NJDOC Level 1 policy and EMCF Level 3 to be finalized was extended to February 24, 2023. The Monitor and DOJ have both received all copies of the Sexual Assault Advisory Council Incident Reviews completed by Edna Mahan during this reporting period. The recommendations for improvement were minimal and mostly involved cameras. They included things such as cleaning the lens of a camera, readjusting a camera, adding a camera, etc. Thus, there were no formal Correction Action Plans (CAP’s) developed by Edna Mahan during this reporting period.

#### **Recommendations re K. Referrals and Investigations ¶ 84:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2023.

The recommendation is to finalize NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment, as recommended above. The recommendation is also made that a Level 3 policy is written with a statement that Edna Mahan Sexual Assault Advisory Council either makes a recommendation for improvement and shall implement them or document their reasons for not doing so be included.

Once the Level 1 and Level 3 policies and/or procedures are finalized, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

**L. Physical Plant**

par. 86 Edna Mahan shall ensure that access to and from the Edna Mahan compound is through secure, staffed checkpoints only. Specifically, Edna Mahan shall conduct regular monitoring of the perimeters of the Edna Mahan grounds with the goal of preventing entry by persons or contraband outside of the secure checkpoints.

**Requirements:**

As discussed, and agreed by NJDOC and DOJ, since there is no specified deadline for any of the Physical Plant provisions, the monitoring tool could refer to NJDOC's planned timeline in the Implementation Plan. Paragraph 86 is a "daily" date. NJDOC is already conducting perimeter monitoring and entry is through secure checkpoints. NJDOC will provide documentation called for by February 24, 2022

**Monitor's Measure of Compliance re L. Physical Plant ¶ 86:**

- EMCF Level 3 policy requiring all access to and from the Edna Mahan Compound is through secure, staffed checkpoints only
- Post Orders for perimeter Correctional Police Officers requiring regular monitoring of the perimeters of the Edna Mahan grounds with the goal of preventing entry by persons or contraband outside of the secure checkpoints
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure access to and from the Edna Mahan compounds is through secure, staffed checkpoints only
- Copies of logbooks for perimeter Correctional Police Officers demonstrating times of rounds, when required by Monitor
- Review of logbooks for perimeter Correctional Police Officers demonstrating times of rounds during onsite visit
- Interviews with perimeter Correctional Police Officers during on-site visits specific to the requirement regular monitoring of the perimeters of the Edna Mahan grounds with the goal of preventing entry by persons or contraband outside of the secure checkpoints

**Steps taken by NJDOC and EMCF towards implementation re L. Physical Plant ¶ 86:**

**Due Date: February 24, 2022**

**August 24, 2022 Status Report**

NJDOC has been conducting, and continues to conduct, perimeter monitoring to ensure entry is through secure checkpoints on a daily basis. Verification in the form of copies of logbooks that Custody Directive 29 Armed Patrol/Roving Patrol procedure is implemented on a daily basis is submitted as requested to the DOJ and Federal Monitor.

**Monitor's Finding of Compliance re L. Physical Plant ¶ 86:**

**Substantial Compliance:** The Monitor recognizes that NJDOC and Edna Mahan have met the requirements of this paragraph during this reporting period. And acknowledges that a Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re L. Physical Plant ¶ 86:**

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Title: Armed Patrol/Roving Patrol, Custody Directive 29 says, "The policy of the New Jersey Department of Corrections is to operate secure correctional facilities and to provide a safe environment for all persons entering these facilities or housed within. In order to accomplish this policy, maintain a high level of security at all facility entry points, and prevent the introduction of contraband, all persons requesting entrance into the Inner-Security Perimeter of any medium and maximum NJDOC facility shall be required to present and wear appropriate identification, clear a walk-through metal-detector scan, and submit to a subsequent pat-search. This includes the search of all religiously oriented or medically necessary headwear. Additionally, searches such as, but not limited to passive canine and other scanning/testing devices may be utilized. All authorized items carried by persons entering the Inner-Security Perimeter shall also be subject to search.

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Title: Armed Patrol/Roving Patrol, Custody Directive 29 says, " a Roving Patrol officer shall be assigned to enhance perimeter security of the facility on a 24-hour basis. The Roving Patrol officer(s) primary responsibility is to maintain patrol the correctional facility perimeter and adjacent properties under its control. The officer(s) will be constantly vigilant for suspicious incidents, activities, persons, vehicles, etc., observed or occurring on or within the security perimeter and a reasonable proximity of the prison, and that would adversely affect its orderly operation and security. Additionally, this Internal management Procedure Responsibilities of a Roving Patrol Officer includes, "Make frequent passes around the Max Compound. Direction of travel and times should be varied as to not set a pattern."

Lastly, the Monitor's Associate conducted interviews with three perimeter Correctional Police Officers during the on-site compliance visit, specific to the requirement of regular monitoring of the perimeters of the Edna Mahan grounds. All three Officers were very knowledgeable about their responsibilities of preventing entry by persons or contraband outside of the secure checkpoints.

**Recommendations re L. Physical Plant ¶ 86:**

Edna Mahan should develop and implement a Level 3 policy incorporating the requirement that Edna Mahan shall ensure that access to and from the Edna Mahan compound is through secure, staffed checkpoints only. The due date for this policy has been extended to February 24, 2023.

Once the Level 3 policy and/or procedures are finalized, EMCF should create a staff training plan that addresses the training requirements of the policy.

**L. Physical Plant**

par. 87 Edna Mahan shall ensure that every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening.

**Requirements:**

As agreed by NJDOC and DOJ, Administration Building is **not** meant to be included in contraband screening. Paragraph 87 was assigned a “daily” date; NJDOC is taking steps to implement the discussed screening changes and will plan to fully implement this procedure by the end of January 2022

**Monitor’s Measure of Compliance re L. Physical Plant ¶ 87:**

- EMCF Level 3 policy requiring that every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening
- Post Orders for Correctional Police Officers working at the entrance to all buildings on the minimum-security compound (except the Administration Building, as noted above), requiring that all staff, contractors, volunteers, visitors, and government officials entering the compound receive thorough and effective contraband screening in addition to metal detection
- Post Orders for Correctional Police Officers working the entry gate into the maximum compound requiring that all staff, contractors, volunteers, visitors, and government officials entering the compound receive thorough and effective contraband screening
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure all every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening
- Observations during on-site visits
- Interviews with security staff during on-site visits regarding how they conduct contraband screening on every individual, including all staff, contractors, volunteers, visitors, and government officials entering Edna Mahan minimum security compound housing units, education building, medical triage building, Siltzer Building (classification location), and food services building, as well as the maximum-security compound

**Steps taken by NJDOC and EMCF towards implementation re L. Physical Plant ¶ 87:**

**August 24, 2022 Status Report**

EMCF Level 3 Post Orders ensure all who enter the compound receive a thorough and effective contraband screening. This screening is conducted at all EMCF Housing Units and Buildings including the Silzer building, Chapel and Housekeeping which are equipped with staff and metal detection equipment.

The information documented in the February 24, 2022 status report remains accurate. Draft revisions to policies regarding this subject matter were submitted on May 24, 2022, in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon extensions of deadlines in the Agreement.



**Monitor's Finding of Compliance re L. Physical Plant ¶ 87:**

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re L. Physical Plant ¶ 87:**

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive #28: Title: Main Gate Officer states, "It is the responsibility and duty of custody staff-assigned to facility entrance points to positively identify, and if necessary, respectfully, and professionally challenge the identify and authorization of all persons requesting entry into or exiting from an NJDOC facility. Additionally, this Internal Management Procedure lists the following responsibilities of this post:

Post Responsibilities:

- Visually inspect all vehicles entering and leaving the institution.
- All staff must present their ID Card upon entry and exit
- Verify the identity of all persons attempting to enter or leave the institution
- All civilian visitors to be processed into EMCF will be processed through the visit center. Civilian employees (ISP, ETC.) will be processed through the Main Gate Officer.

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive #6: Title: Entrance Control Officer gives the instruction that, "Civilian employees and visitors who must park in the visitor's parking lot must present a valid DOC issued ID and clear the Secure Scan Metal Detector. If the visitor fails the Secure Scan, the hand frisker will be utilized to determine the source of the positive indication. Lastly, this internal Management Procedures provides a list of authorized items for staff and requires all authorized items shall be carried on person or in a clear plastic cosmetic bag (maximum size 12" x 12" x 3").

While the Monitor and her Associate were on site during the compliance visit, both observed several staff members with the clear plastic cosmetic bags described above. The Monitor asked staff about their use of these clear bags, and all reported these bags were required to bring anything into the Edna Mahan facility.

Lastly, the Monitor spoke with security staff assigned to the entrance gate during the on-site compliance visit, specific to how they conduct contraband screening on every individual, including all staff, contractors, volunteers, visitors, and government officials entering Edna Mahan minimum security compound (excluding the Administration building), as well as the maximum-security compound.

They explained that there are two “sets of approves” for people who enter the Edna Mahan grounds. For “officials” who have been previously approved by Administration to enter the grounds, those persons simply show their identification and are signed in. And then are allowed to move to the Administration building. People in that category include outside NJDOC staff, government officials, approved volunteers, contractors, etc.

For those people who have not been previously approved by Administration to enter the Edna Mahan grounds, they are taken to another building to receive a thorough and effective contraband screening. Prior to entering the walk-through metal-detector, the person being searched is instructed to remove all items from their pockets and all outerwear and place them on the search-table adjacent to the metal-detector machine. Additionally, some items containing metal (e.g., belt buckle, some jewelry, watch, etc.) may be removed and placed on the search table if necessary. The person then walks through the metal detector and their outerwear is searched.

Regardless of which “set of approve” the person has, they receive another thorough screening if they go into any building on the minimum security “grounds” housing units (or Edna Mahan Hall) or the maximum-security compound of the Edna Mahan facility. This process was demonstrated every time the Monitor came through the entrance gate or went into either the minimum grounds housing units or the maximum compound.

In the last report to the Court, the Monitor noted that there was no additional screening for persons going into the Silzer or Housekeeping Buildings or the Chapel and made the recommendation to develop a system to ensure additional screening for persons going into these buildings. Edna Mahan Administrator Erica Stem reported that they have added metal detectors and assigned custody staff in each of these buildings to ensure everyone receive a thorough screening prior to entering. During the compliance site visit, the Monitor verified these additional security systems were in place.

#### **Recommendations re L. Physical Plant ¶ 87:**

The Monitor recommends that the Level 3 Internal Management Procedures for each of these three sites are updated, noting the additional security measures in each of these buildings.

**L. Physical Plant**

par. 88 Edna Mahan shall conduct an inventory of all abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound and develop and implement plans to demolish or secure any out of use buildings that pose a threat to institutional security or provide significant opportunities for sexual abuse.

Requirements:

Conduct inventory by February 1, 2022, per NJDOC's Implementation Plan.

**Monitor's Measure of Compliance re L. Physical Plant ¶ 88:**

- Copy of inventory conducted of all abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound
- Copy of plans to demolish or secure any out of use buildings that pose a threat to institutional security or provide significant opportunities for sexual abuse
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator, or their designees, that addresses procedures, and practices regarding any abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound
- Observations during on-site visits
- Interview with EMCF administrator specific to the inventory of, and implementation plans for, all abandoned, dilapidated, or currently out of use structures

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re L. Physical Plant ¶ 88:**

**August 24, 2022 Status Report**

The keys to both Williamson and Conover Housing Units have been relocated to Central Control. Although not officially condemned, the Conover Housing Unit, which is located on the full minimum compound has not been utilized in several years. The Williamson Housing Unit is habitable. Also located on the full minimum compound, it had not been routinely utilized. Since COVID, we do currently utilize the Williamson Housing Unit as a unit to safety quarantine close contacts of COVID positive cases classified as full minimum.

**Monitor's Finding of Compliance re L. Physical Plant ¶ 88:**

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re L. Physical Plant ¶ 88:**

On January 14, 2022, Associate Administrator Ryan O'Dea sent an Interoffice Communication to Erica Stem, Administrator, EMCF, which says, "On Edna Mahan Correctional Facility's 328.35 archers we currently have nine buildings that are no longer in use and have been deemed condemned or uninhabitable. We have tasked the Maintenance Department with securing all condemned or uninhabitable structures on the grounds of EMCF. Annual Capital Project Requests have been submitted to request the demolition of all condemned or uninhabitable structures. Each of the buildings have been secured with plywood to block all access points to the building. Each of these buildings are visually inspected on a daily basis by Roving Patrol units to check for any breach of the building.

Condemned or Uninhabitable Structures

East Cottage  
Fielder  
Fielder Trailer  
Paddock  
Residence #1  
Residence #2  
Residence #3  
Superintendents Residence  
Witt Penn

During the September on-site compliance visit, the Monitor went to, or looked at, each abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound to verify that these buildings are still secure and do not provide significant opportunities for sexual abuse. As noted above, the Monitor noted that all buildings are secured with plywood to block all access points to the buildings. Per the Monitor's recommendation in the last report, it was reported that the keys to both Williamson and Conover housing units had been relocated to Central Control. The Monitor was informed that the Conover housing unit has not been utilized in several years. The Williamson Housing Unit has been used during this past reporting period as a unit to quarantine incarcerated persons who have tested positive for COVID.

During the onsite compliance visit, the Monitor noted that the keys to Williamson were no longer in Central Control but, instead, had been moved to the keyrings of all Sergeants who had responsibility for this area of the facility. It was explained that Williamson had recently been used as a living unit for quarantined incarcerated persons and had just recently been closed again. Associate Administrator O'Dea explained that this was a mistake and assured the Monitor that these keys to this building would, once again, be placed in Central Control.

As was the status in the last reporting period, the decision has not been made yet whether or when the Edna Mahan facility will be closed, and the persons living there moved to another facility. Until that decision is made, NJDOC will not invest the number of resources needed to demolish any buildings on the facility's campus.

**Recommendations re L. Physical Plant ¶ 88:**

Continue to monitor and ensure that all abandoned dilapidated, or currently out of use buildings are secured with plywood to block all access points to the buildings.

Ensure the keys to Williamson building are moved to Central Control whenever that building is not in use.

**L. Physical Plant**

par. 89 If Edna Mahan determines that it will continue to utilize the old upholstery warehouse, Edna Mahan shall clear the space of unused equipment, inventory, and other visible barriers that pose safety concerns and create blind spots.

Requirements:

par. 88 Document determination by February 1, 2022

**Monitor's Measure of Compliance re L. Physical Plant ¶ 89:**

- Written decision sent to the DOJ and Monitor regarding determination to utilize the old upholstery warehouse
- If decision is not to use old upholstery warehouse, copy of plans to demolish or secure the building to ensure institutional security and eliminate any opportunities for sexual abuse
- If decision is to use the old upholstery warehouse, documentation that the building has been cleared of any unused equipment, inventory, and other visible barriers that pose safety concerns and create blind spots
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator, or their designees, that addresses procedures, and practices regarding the old upholstery warehouse
- Observations during on-site visits
- Interview with EMCF administrator specific to utilization of the old upholstery warehouse

**Steps taken by NJDOC and EMCF towards implementation L. Physical Plant ¶ 89:**

**August 24, 2022 Status Report**

At this time there continues to be no immediate plan to utilize or repurpose the Grounds Sewing/Upholstery Warehouse. There is no approved plan to demolish this building. Security measures are currently in place for Grounds Sewing/Upholstery Warehouse. The building is secured at all times. Access to the building is restricted to Lieutenants and Majors via the Key Watcher System. The Key Watcher System maintains a digital record any time an individual removes and returns a key from the system.

The structural supports of the flooring in the upholstery/sewing shop are severely compromised. NJDOC will hire a structural engineer who will provide the means and methods to address this issue. This project has not been initiated or started as of this date. In addition, once we receive the engineering report, the means to address this issue will more likely be through a Capital Construction Project. Once we determine the method to address this structural issue, NJDOC would need to seek funding from the State of New Jersey Capital Commission. If/when we receive funding, the project would be managed by the New Jersey Department of Property Management and Construction. Therefore, the building will continue to remain closed to any daily occupancy.

**Monitor's Finding of Compliance re L. Physical Plant ¶ 89:**

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re L. Physical Plant ¶ 89:**

On January 14, 2022, Associate Administrator Ryan O'Dea sent an Interoffice Communication to Erica Stem, Administrator, EMCF, which says, "At this time there is no immediate plan to utilize or repurpose the Grounds Sewing/Upholstery Warehouse. There is no plan to demolish this building due to the potential for future use. This area will be undergoing a small maintenance project in the near future to address structural issues with the building. Security measures are currently in place for Grounds Sewing/Upholstery Warehouse. The building is secured at all times. Access to the building is restricted to Lieutenants and Majors via the Key Watcher System. The Key Watcher System maintains a digital record any time an individual removes and returned key from the system.". The Monitor is familiar with the Key Watcher System and is comfortable there would be enough documentation to restrict access to this building.

The Grounds Sewing/Upholstery Warehouse was not used during this past reporting period. As noted in NJDOC's "status update", the structural supports of the flooring in this building are severely compromised. As with the other currently out of use structures on the Edna Mahan compound, until a decision is made whether/when the Edna Mahan facility will be closed, NJDOC will not invest the resources needed to repair any buildings on the facility's campus.

**Recommendations re L. Physical Plant ¶ 89:**

Continue to monitor and ensure that the Grounds Sewing/Upholstery Warehouse building is not used and there is restricted access through the Key Watch system.

**M. Limited English Proficient (LEP) Prisoners**

par. 90 With respect to implementing the terms of this Agreement, NJDOC and Edna Mahan shall ensure that all LEP prisoners at Edna Mahan have access to interpretation and translation services as required by Title VI of the Civil Rights Act.

**Monitor's Measure of Compliance re M. Limited English Proficient (LEP) Prisoners ¶ 90:**

- NJDOC policy statement SUP.004.001 Limited English Proficient (LEP) Language Assistance
- Level 3 policy requiring that all LEP prisoners at Edna Mahan have access to interpretation and translation services, as required by Title VI of the Civil Rights Act
- Documentation of ALL methods created to provide access for LEP prisoners to interpretation and translation services, as required by Title VI of the Civil Rights Act
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure all prisoners at Edna Mahan have access to interpretation and translation services as required by Title VI of the Civil Rights Act.
- Details of the usage of any LEP prisoners to access interpretation services -records, logs, phone call use, etc.
- Interview with at least two LEP identified prisoners
- Review of any grievances submitted regarding any requirements of the provision
- Interview with Edna Mahan Administrator specific to interpretation and translation services for LEP prisoners
- Interview with Edna Mahan EDNA PREA Compliance Manager specific to interpretation and translation services for LEP prisoners

par. 52 A semi-annual report (beginning on April 5, 2022, for the last quarter of 2021 and first quarter of 2022) from EMCF PREA Compliance Manager to the DOJ and Monitor, identifying the names of prisoners who received the prisoner orientation education in a different format. The report should identify the names of the prisoners and the alternate source of how the information was provided.

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re M. Limited English Proficient (LEP) Prisoners ¶ 90:**

**August 24, 2022 Status Report**

The information documented in the February 24, 2022 status report remains accurate. In addition to what was reported in February, the Classification Department reviews all individuals in the county jails prior to admission and alerts Administration and the IPCM of any individuals identified as LEP and their primary language. EMCF uses this information to secure the translation of materials if the facility does not already have them available prior to the individual's arrival at the facility. Additionally, to aide in timely access, many of the phones with outside lines have been affixed with a sticker providing the phone number for the language line provider along with the facility account number. Refresher training for staff on the LEP policy took place from February through May of 2022, with staff receiving formal training as well as being provided the policy and instructions for the language line. The medical department was included in this refresher, and medical provided signed receipts from staff with the expectations for utilizing the language line.



In order to facilitate officer communicating with incarcerated individuals who are Limited English Proficient (LEP), specifically after the hours of 5:00 p.m. on second shift and all of third shift, NJDOC proposed to pilot a handheld transmitter with no Wi-Fi capabilities that can be utilized to translate for the officers interacting with LEP incarcerated persons. EMCF is currently in the process of securing a pager system from MMCall through grant funds to assist with communication to deaf and hard of hearing individuals. The system includes software that allows for staff to communicate quickly to individuals wearing a watch style pager, keeping them informed or providing direct messaging. EMCF is also working to secure a video translation system that will assist with utilizing sign language as the preferred method of communication.

**Monitor’s Finding of Compliance re M. Limited English Proficient (LEP) Prisoners ¶ 90:**

Substantial Compliance

**Partial Compliance** – the Monitor recognizes and appreciates the significant amount of work that Edna Mahan Administration staff completed in this area during the reporting period. Nearly all staff that the Monitor spoke to was aware of the language line. However, not all staff knew how to use the language line. Additionally, staff are still using other incarcerated persons or staff to communicate with persons with LEP. Thus, the “partial compliance” rating.

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor’s Discussion re M. Limited English Proficient (LEP) Prisoners ¶ 90:**

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures #100A, titled “Limited English Proficiency (LEP) Language Assistance,” states, “[I]n accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC and Edna Mahan Correctional Facility, to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP incarcerated persons, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent incarcerated persons, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications.

The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP incarcerated persons in the areas of programming, safety, medical and quasi-legal proceedings. These sources, include, but are not limited to, the Language Line and appropriate staff.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures #SUP.004.001EM, titled, “Limited English Proficiency (LEP) Language Assistance: Bilingual Staff and use of the Language Line,” identifies the procedures for intake, identification and tracking of all LEP

incarcerated persons , how to access the Language Line, and the expectation of posters throughout Edna Mahan to notify the prisoner population of the availability of services to assist LEP incarcerated persons .

NJDOC and Edna Mahan has put significant focus in this area during this reporting period. They provided refresher training for staff, including medical and mental health, on the LEP policy from February through May of 2022. This training included information on the policy and availability of the language line. Additionally, during this reporting period, all EMCFW Civilian and Custody Staff signed the following statement and received the following information:

My signature below indicates I have received the following documents and have been advised of the expectations as it relates to the following:

1. SUP.004.OOI Limited English Proficient (LEP) Language Assistance: Bilingual Staff and Use of the Language Line
2. EMCF Telephone Interpreter Access Instructions
3. Interpreter Services-Language Identification Card/Guide
4. EMCF LEP Phone Receipt

Other improvements in this area include:

- Affixing a sticker providing the phone number LINGUISITICA, along with the facility account number to the telephones inside the facility that have outside lines.
- Having the Classification Department review all individuals in the county jails prior to admission and alert Administration and the IPCM if any individual is identified as LEP and notify them of the incarcerated person's primary language.

During the compliance visit, the Monitor noted several posters relating to help for LEP incarcerated persons on the walls of various buildings and housing units. When asked, "how do you accommodate an incarcerated person who has Limited English Proficiencies", most staff stated that they would notify their supervisor and s/he would help the individual use the language line. When speaking with a Major, the Monitor asked when he would use the language line? How did he know if the incarcerated person's issue was a valid concern or simply a "trivial compliant?" The Major responded, appropriately, by saying "I wouldn't know so I would always use the language line. It's better to use it, even for small issues than not to be able to communicate with an incarcerated person".

When asked how staff would access a language line, since there are no outside telephone lines in the housing units, nearly all staff responded they would escort the LEP individual to an area that has an outside line and, thus, access to the language line. Unfortunately, in some instances, when asked to explain how to use the language line, staff were not able to. It is clear that staff received training that the language line was available. It is not as clear that all staff understood the functionality and application of the language line.

When staff were questioned about how they communicate with LEP incarcerated persons, with rare exception, staff reported that they only have had Spanish speaking incarcerated persons and that usually they use other Spanish speaking individuals to help translate. They also reported that most of the Spanish speaking incarcerated persons know “enough English to get by”.

As noted previously, the Monitor interviewed two incarcerated persons who primarily spoke Spanish and had very limited English Proficiency. The Monitor used Veronica Gil, a staff member who works in Social Services, to interpret during these interviews. Both incarcerated persons stated that Ms. Gil had provided the comprehensive PREA orientation to them. Both persons said they were aware of their right to be free from sexual abuse and sexual harassment and the protections in place to ensure that such abuse and harassment does not happen. Additionally, both incarcerated persons were aware of different ways to report such abuse or harassment. They both acknowledged that they had read the PREA posters in Spanish and they had received the PREA brochures in Spanish.

One of the women was not aware of the ombudsperson mailbox as an option available to her. One person the Monitor spoke to said that if she has questions in her housing unit, there are other incarcerated persons that she can turn to for help with translation. She said that during the weekend or “after work hours”, she wouldn’t feel very comfortable going to staff directly to ask questions. This same woman said it is hardest for her with medical. They use terms that she doesn’t always understand. She did say that one time she couldn’t understand what the OB-GYN was saying so the Dr. used the language line, and it was very helpful. She noted that no one else in medical has offered the language line, because they thought she was understanding what they were saying.

The other incarcerated person the Monitor said that she understands basic questions and is sometimes able to answer in English. She noted that she reads and writes better in English than she speaks it. She stated that she relies mostly on Ms. Gil or an officer who works in her housing unit who speaks Spanish when she has questions or concerns. She reports that she does not use other incarcerated persons who speak Spanish to help her translate because she “mostly stays to herself”. This woman stated that medical staff offered translation services to her, but she said she could understand well enough on her own.

#### **Recommendations re M. Limited English Proficient (LEP) Prisoners ¶ 90:**

As noted above, both NJDOC Level 1 and Edna Mahan Level 3 policies are well written and meet this requirement. And it is clear that a considerable amount of work went into this area during this past reporting period. The recommendation is that education continue to ensure all staff know how to use the language line and that, due to confidentiality considerations, staff not rely on other incarcerated persons or staff to translate. It is also recommended that medical staff consider increasing the use of the language line rather than assuming the patient is understanding what is being said.

The Monitor also recommends that NJDOC/Edna Mahan develop some process, other than the computer, to identify an incarcerated person as Limited in English Proficiency.

Lastly, in order to achieve substantial compliance in this area, NJDOC must use a certified translator and/or qualified interpreter in order to ensure consistent translation services are provided.

#### IV. QUALITY IMPROVEMENT AND DATA COLLECTION

par. 91 Within eighteen (18) months of the Effective Date, NJDOC and Edna Mahan shall develop and implement a quality improvement program, as described in the paragraphs below, to identify and address any trends and deficiencies in Edna Mahan’s systems for prevention, detection and response to sexual abuse and sexual harassment at Edna Mahan, and to assess and ensure compliance with the terms of this Agreement.

##### **Monitor’s Measure of Compliance re Quality Improvement and Data Collection ¶ 91:**

Edna Mahan Level 3 policy which establishes responsibilities and procedures for a quality improvement program to identify and address any trends and deficiencies in EMCF systems for prevention, detection, and response to sexual abuse and sexual harassment at Edna Mahan, signed by Edna Mahan administrator no later than February 24, 2023.

par. 92

par. 93 Copies of Quality Improvement meeting minutes.

##### **NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 91:**

###### **August 24, 2022 Status Report**

NJDOC and EMCF continue to be prepared to demonstrate full compliance with this section of the Agreement on or before the required due date.

##### **Monitor’s Finding of Compliance re Quality Improvement and Data Collection ¶ 91:**

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until February 2023

N/A monitor granted an extension until [ date ]

##### **Monitor’s Discussion re Quality Improvement and Data Collection ¶ 91:**

##### **Recommendations re Quality Improvement and Data Collection ¶ 91:**

par. 92 Within twelve (12) months of the Effective Date, Edna Mahan will draft and/or revise any quality improvement policies and procedures, consistent with the process in the Policies and Procedures Section, Section III.A, to identify and address systemic deficiencies, if identified, in Edna Mahan's sexual safety system.

Requirements:

- par. 94 The Edna Mahan RMS data collection shall include:
- a. Number of substantiated prisoner and third-party reports of:
    - i. sexual abuse at Edna Mahan;
    - ii. sexual harassment at Edna Mahan;
    - iii. cross-gender staff presence in the shower and toilet areas of the bathrooms at Edna Mahan;
    - iv. Edna Mahan staff located in areas other than their assigned posts; and
    - v. retaliatory treatment and threats to prisoners or third parties, including disciplinary actions or housing relocation;
  - b. Number and names of Edna Mahan staff who:
    - i. engaged in or allegedly engaged in sexual abuse at Edna Mahan;
    - ii. engaged in or allegedly engaged in sexual harassment at Edna Mahan;
    - iii. allegedly violated the privacy rights of prisoners at Edna Mahan by entering the shower and toilet areas unannounced and without justification;
    - iv. allegedly used sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language on a frequent or repeated basis at Edna Mahan;
    - v. allegedly were located in areas other than their assigned post at Edna Mahan on a frequent or repeated basis;
    - vi. were disciplined for actions at Edna Mahan involving sexual abuse, sexual harassment, use of sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language, or unprofessional staff conduct with prisoners, including terminations, suspensions, and resignations; and
    - vii. resigned while a sexual abuse or sexual harassment allegation, or other investigation, was pending at Edna Mahan;
  - c. Number of forensic medical exams, exams performed by sexual assault forensic examiners, and exams performed by sexual assault nurse examiners;
  - d. Staffing levels, by gender, during different shifts;
  - e. The number of sexual abuse and sexual harassment allegations that occurred on each shift;
  - f. Locations within Edna Mahan where alleged sexual abuse and sexual harassment occurred;
  - g. Number of prisoners who were held in or assigned to involuntary segregation because of a risk of or report of sexual victimization;
  - h. Number and names of pregnant prisoners at Edna Mahan;

- i. Number of cross-gender strip, visual cavity, and pat-down searches;  
The number of all grievances related to sexual abuse or sexual harassment, emergency grievances, and number of grievances referred to Edna Mahan's Special Investigations Division for investigation;
- j. Number of times NJDOC or Edna Mahan has determined that an Edna Mahan prisoner was subject to substantial risk of imminent sexual or physical abuse;
- k. Number of administrative investigations initiated regarding allegations of sexual abuse or sexual harassment;
- l. Number of sexual abuse or sexual harassment investigations that involved extensions because a final decision had not been reached within 90 days;
- m. Number of instances when prisoners were used to act as interpreters for other prisoners in connection with sexual abuse or sexual harassment allegations or investigations;
- n. Total number of investigations, total number substantiated, total number unsubstantiated, and total number unfounded complaints of sexual abuse or sexual harassment;
- o. Number of PREA-related allegations involving staff from Edna Mahan referred for criminal investigation and the number of criminal prosecutions;
- p. Number of Edna Mahan staff disciplined for on- or off-duty conduct related to sexual abuse or sexual harassment or is a potential risk factor related to sexual abuse, such as employee misconduct at Edna Mahan related to contraband or undue familiarity, or for off-duty conduct related to domestic violence or drug trafficking;
- q. Number of times a substantiated incident of retaliation occurred involving Edna Mahan staff or prisoners;
- r. NJDOC, Edna Mahan, and staff reports of training attendance, frequency, and completion rates; and
- s. Incidents of self-harm.

**Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 92:**

- Edna Mahan Level 3 policy which establishes responsibilities and procedures for the collection of data, including a Risk Management System, and its use in a Quality Improvement (QI) system at Edna Mahan in order to improve operations, ensure women prisoners are treated with dignity and respect, and to protect the safety and security of prisoners drafted by August 24, 2022, and signed by Edna Mahan administrator no later than February 24, 2023
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan regarding collection of data, including a Risk Management System, and a Quality Improvement (QI) system at Edna Mahan
- Copies of Quality Improvement meeting minutes

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 92:**

**August 24, 2022 Status Report**

Consent Decree Paragraph 92 requires EMCF to revise all policies and procedures by August 24, 2022. Due to the extension of the timeframe in Paragraph 10, the Parties agreed to extend the timeframe in Paragraph 92 by twelve months, such that EMCF shall be required to revise all policies and procedures subject to Paragraph 92 by August 24, 2023.

NJDOC is working to more completely identify locations of collected data as well as explore IT ways for pulling and memorializing the data into qualitative and quantitative review formats.

A team of consultants and staff have worked together in the past months to thoroughly study the full decree language and identify areas of data collection. The team has identified 63 areas of needed data collection under seven specific categories. The categories identified are: investigations, privacy rights, retaliation, possibility of harm, cross-gender searches, grievances and catch all variety category. All data points have been incorporated into an excel spreadsheet.

The consultants and staff have also been meeting to identify who holds the data needed for collection. A variety of data is located in facility logs and smaller databases and much of the data is also located in investigative templates and human resource records.

The PREA Compliance Manager at EMCF has also created an excel spreadsheet to begin tracking staff discipline quantities, self-harm quantities and training attendance and completion rates. These were areas of required tracking not easily found in current statistics.

The Special Investigations Division (SID) is currently collecting a variety of investigative data requirements and this data is being shared with the Agency PREA Coordinator (PC) or designee and the Facility Administrator on a monthly basis.

The current methodology being used to analyze the data collected is monthly PC meetings with SID and the Facility Administrator as well as monthly meetings with executive leadership.

The next step is to begin working with IT and a vendor to create ways to pull the data together in helpful, researchable formats. This will increase quality control and allow for more timely analyzation of the data.

**Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 92:**

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until August 2023

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re Quality Improvement and Data Collection ¶ 92:**

**Recommendations re Quality Improvement and Data Collection ¶ 92:**



- par. 93 NJDOC and Edna Mahan shall develop, implement, and maintain a Risk Management System (“RMS”) that will document and track facility trends at Edna Mahan related to allegations of: (1) sexual abuse; (2) sexual harassment; and (3) retaliation for reporting sexual abuse or sexual harassment.
- a. The RMS shall ensure that trends and incidents involving sexual abuse and sexual harassment are identified and corrected in a timely manner.
  - b. The RMS will collect, consolidate, analyze, track, and otherwise use its data described in this this Section to assist with the prevention of sexual abuse and sexual harassment.

Requirements:

- par 94. The Edna Mahan RMS data collection shall include:
- a. Number of substantiated prisoner and third-party reports of:
    - i. sexual abuse at Edna Mahan;
    - ii. sexual harassment at Edna Mahan;
    - iii. cross-gender staff presence in the shower and toilet areas of the bathrooms at Edna Mahan;
    - iv. Edna Mahan staff located in areas other than their assigned posts; and
    - v. retaliatory treatment and threats to prisoners or third parties, including disciplinary actions or housing relocation;
  - b. Number and names of Edna Mahan staff who:
    - i. engaged in or allegedly engaged in sexual abuse at Edna Mahan;
    - ii. engaged in or allegedly engaged in sexual harassment at Edna Mahan;
    - iii. allegedly violated the privacy rights of prisoners at Edna Mahan by entering the shower and toilet areas unannounced and without justification;
    - iv. allegedly used sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language on a frequent or repeated basis at Edna Mahan;
    - v. allegedly were located in areas other than their assigned post at Edna Mahan on a frequent or repeated basis;
    - vi. were disciplined for actions at Edna Mahan involving sexual abuse, sexual harassment, use of sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language, or unprofessional staff conduct with prisoners, including terminations, suspensions, and resignations; and
    - vii. resigned while a sexual abuse or sexual harassment allegation, or other investigation, was pending at Edna Mahan;
  - c. Number of forensic medical exams, exams performed by sexual assault forensic examiners, and exams performed by sexual assault nurse examiners;
  - d. Staffing levels, by gender, during different shifts;
  - e. The number of sexual abuse and sexual harassment allegations that occurred on each shift;
  - f. Locations within Edna Mahan where alleged sexual abuse and sexual harassment occurred;

- g. Number of prisoners who were held in or assigned to involuntary segregation because of a risk of or report of sexual victimization;
- h. Number and names of pregnant prisoners at Edna Mahan;
- i. Number of cross-gender strip, visual cavity, and pat-down searches;  
The number of all grievances related to sexual abuse or sexual harassment, emergency grievances, and number of grievances referred to Edna Mahan's Special Investigations Division for investigation;
- j. Number of times NJDOC or Edna Mahan has determined that an Edna Mahan prisoner was subject to substantial risk of imminent sexual or physical abuse;
- k. Number of administrative investigations initiated regarding allegations of sexual abuse or sexual harassment;
- l. Number of sexual abuse or sexual harassment investigations that involved extensions because a final decision had not been reached within 90 days;
- m. Number of instances when prisoners were used to act as interpreters for other prisoners in connection with sexual abuse or sexual harassment allegations or investigations;
- n. Total number of investigations, total number substantiated, total number unsubstantiated, and total number unfounded complaints of sexual abuse or sexual harassment;
- o. Number of PREA-related allegations involving staff from Edna Mahan referred for criminal investigation and the number of criminal prosecutions;
- p. Number of Edna Mahan staff disciplined for on- or off-duty conduct related to sexual abuse or sexual harassment or is a potential risk factor related to sexual abuse, such as employee misconduct at Edna Mahan related to contraband or undue familiarity, or for off-duty conduct related to domestic violence or drug trafficking;
- q. Number of times a substantiated incident of retaliation occurred involving Edna Mahan staff or prisoners;
- r. NJDOC, Edna Mahan, and staff reports of training attendance, frequency, and completion rates; and
- s. Incidents of self-harm.

**Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 93:**

- Edna Mahan Level 3 policy which establishes responsibilities and procedures for the collection of data, including a Risk Management System, and its use in a Quality Improvement (QI) system at Edna Mahan in order to improve operations, ensure women prisoners are treated with dignity and respect, and to protect the safety and security of prisoners drafted by August 24, 2022, and signed by Edna Mahan administrator no later than February 24, 2023
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan regarding collection of data, including a Risk Management System, and a Quality Improvement (QI) system at Edna Mahan
- Copies of Quality Improvement meeting minutes

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 93:**

**August 24, 2022 Status Report**

NJDOC and EMCF continue to be prepared to demonstrate full compliance with this section of the Agreement on or before the required due date.

**Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 93:**

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re Quality Improvement and Data Collection ¶ 93:**

**Recommendations re Quality Improvement and Data Collection ¶ 93:**

- ¶ 95. Edna Mahan shall aggregate the data collected on a quarterly basis and review data aggregated in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training, including by:
- a. Identifying potential patterns, changes, and problem areas (including for individual officers; for individual prisoners; and for housing units); to include problems in Edna Mahan's staffing levels, policies, practices, staff discipline system, and staff and prisoner training/education that might have contributed to those patterns if such patterns reflect increased sexual abuse and sexual harassment, decreased sexual abuse and sexual harassment detection, or inadequate responses to sexual abuse and sexual harassment;
  - b. Identifying staff or supervisors in need of retraining, performance plans, and discipline, while considering the employee's general responsibilities and specific assignment;
  - c. Developing intervention options, as appropriate, to facilitate an effective response to identified problems;
  - d. Taking corrective action on an ongoing basis; and
  - e. Preparing semi-annual reports of its findings and corrective actions, including a comparison to the findings in previous reports to assess progress.

**Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 95:**

- Quarterly copies of the aggregated data beginning January 5, 2023, for the second quarter of the year, 2023
- Corrective action plans developed as a result of data review/QI meetings, beginning June 2023
- Copies of semi-annual reports beginning 2023

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 95:**

**August 24, 2022 Status Report**

NJDOC and EMCF continue to be prepared to demonstrate full compliance with this section of the Agreement on or before the required due date.

**Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 95:**

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re Quality Improvement and Data Collection ¶ 95:**

**Recommendations re Quality Improvement and Data Collection ¶ 95:**

- par. 96 The RMS will rely on the data analysis described above. All appropriate supervisors and investigative staff shall have access to this data described above.
- a. Edna Mahan's Administrator shall use information from the RMS to improve quality management practices, identify patterns and trends, and take necessary corrective action both on an individual and systemic level.
  - b. Supervisors assigned to Edna Mahan will assure that remedial activities are completed, as well as report if the intervention was effective in changing behaviors.
  - c. The executive staff member responsible for women's facilities, or designee, will manage the RMS and will conduct quarterly audits of the RMS to ensure that analysis and intervention are working effectively, and to identify potential patterns or trends resulting in harm to prisoners.

**Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 96:**

par. 92

par. 93 Edna Mahan Level 3 policy which establishes responsibilities and procedures for the collection of data, including a Risk Management System, and its use in a Quality Improvement (QI) system at Edna Mahan in order to improve operations, ensure women prisoners are treated with dignity and respect, and to protect the safety and security of prisoners drafted by August 24, 2022, and signed by Edna Mahan administrator no later than February 24, 2023

- a. Corrective action plans developed by Edna Mahan's Administrator, both on an individual and systemic level, beginning June 2023  
Interview with Edna Mahan Administrator
- b. Copies of documentation from supervisors verifying that the identified remedial activities were completed beginning June 2023.  
Copies of documentation from supervisors verifying that the identified remedial activities were effective in changing staff behaviors beginning June 2023  
Interviews with at least three Edna Mahan Supervisors during on-site visits
- c. Quarterly copies of the audits of the RMS conducted by the Assistant Commissioner for Women's Services beginning July 5, 2023, for the second quarter (Q2) of the year, 2023  
Interviews with Assistant Commissioner for Women's Services

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 96:**

**August 24, 2022 Status Report**

NJDOC and EMCF continue to be prepared to demonstrate full compliance with this section of the Agreement on or before the required due date.

**Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 96:**

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re Quality Improvement and Data Collection ¶ 96:**

**Recommendations re Quality Improvement and Data Collection ¶ 96:**

par. 97 NJDOC and Edna Mahan will provide to the Monitor and DOJ on a semi-annual basis a list of all staff members identified through the RMS, and any corrective action, if taken. On an annual basis, NJDOC and Edna Mahan shall conduct a documented review of the RMS to ensure that it has been effective in identifying concerns regarding policy, training, or the need for discipline. NJDOC and Edna Mahan will document their review and conclusions and provide them to the Monitor and DOJ.

Requirements:

The fact that a staff member is identified through the RMS does not necessarily mean that corrective action should be taken.

**Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 97:**

- A list of staff members identified through the RMS, and the corrective action taken (if any) provided semi-annually, beginning July 2023
- A copy of the annual documented review of the Risk Management System provided to the DOJ and Monitor, beginning in the year 2024

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 97:**

**August 24, 2022 Status Report**

NJDOC and EMCF continue to be prepared to demonstrate full compliance with this section of the Agreement on or before the required due date.

**Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 97:**

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re Quality Improvement and Data Collection ¶ 97:**

**Recommendations re Quality Improvement and Data Collection ¶ 97:**



- par. 98 If either the aggregated data referenced in Paragraph 95 indicates in three consecutive RMS reports a consistent failure to improve protection of prisoners from sexual abuse and sexual harassment by staff, or if there are increases in any of the following:
- a. cases of staff-on-prisoner sexual abuse that are not unfounded;
  - b. cases of staff-on prisoner sexual harassment that are not unfounded;
  - c. cases of staff discipline for sexual abuse, sexual harassment, or staff use of sexually explicit, profane, vulgar, degrading, or racially insensitive offensive language directed at a prisoner; NJDOC and Edna Mahan shall make modifications to Edna Mahan's policies, procedures and/or practices to address the increase within 60 days of the third consecutive report.

Nothing in this section prevents NJDOC and Edna Mahan from making modifications sooner than this or as data and/or incidents indicate a need for adjustment.

**Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 98:**

- Revised policies, procedures, and/or practices as a result of the Risk Management System identifying a consistent failure to improve protection of prisoners from sexual abuse or sexual harassment by staff
- Interview with Edna Mahan Administrator
- Interview with at least two members of the Quality Improvement meetings (other than the Edna Mahan Administrator)

par. 95 Quarterly copies of the aggregated data beginning July 5, 2023, for the previous quarter of the year 2023 (Q2)

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 98:**

**August 24, 2022 Status Report**

NJDOC and EMCF continue to be prepared to demonstrate full compliance with this section of the Agreement on or before the required due date.

**Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 98:**

Substantial Compliance

Partial Compliance

Non-compliance

**N/A not required at this time**

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re Quality Improvement and Data Collection ¶ 98:**

**Recommendations re Quality Improvement and Data Collection ¶ 98:**

par. 99 Within 30 days of the Effective Date, NJDOC will designate an Agreement Coordinator to coordinate compliance with this Agreement and to serve as a point of contact for DOJ and the Monitor.

**Monitor's Measure of Compliance re Implementation ¶ 99:**

- Job Description for the person who serves as the Agreement Coordinator designating that position as the point of contact for the DOJ and Monitor
- Notification to the DOJ and Monitor of the name of the person/position in the above position no later than September 24, 2021

**Steps taken by NJDOC and EMCF towards implementation (Agreement Coordinator)¶ 99:**

**August 24, 2022 Status Report**

The requirements of this paragraph have been satisfied.

**Monitor's Finding of Compliance re Implementation ¶ 99:**

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re Implementation ¶ 99:**

On September 15, 2021, the Monitor received a letter from Rachel Moseson Dikovics, Esq., Lowensetein Sandler, formally confirming that Helena Tome had been hired in the position of Assistant Commissioner for Women's Services. This position was designated as the Agreement Coordinator to coordinate compliance with the Settlement Agreement and to serve as a point of contact for DOJ and the Monitor. Additionally, the Monitor has reviewed the job description in the job announcement for, and her resume of, Assistant Commissioner Tome.

**Recommendations re Implementation ¶ 99:**

No recommendation

## V. IMPLEMENTATION

par. 100 NJDOC and Edna Mahan will create an Implementation Plan that describes the actions NJDOC and Edna Mahan will take to fulfill the obligations under this Agreement. Implementation of this Agreement will be completed in phases as outlined in the Agreement and the Implementation Plan.

### Requirements:

- par. 101 Within 30 days of the Effective Date, Edna Mahan will provide the first Implementation Plan to DOJ and the Monitor. In its Implementation Plan, Edna Mahan will develop a specific schedule and deadlines for the upcoming year and a general schedule for successive years. In its Implementation Plan, Edna Mahan will develop a specific schedule and deadlines for the first twelve months, in which Edna Mahan will:
- (a) draft or revise policies and procedures;
  - (b) complete a staffing plan,
  - (c) develop and deliver training to Edna Mahan staff and providers concerning the provisions of this Agreement and Edna Mahan's commitment to fulfilling its obligations under the Constitution;
  - (d) develop and implement an RMS; and
  - (e) develop and implement monthly quality improvement mechanisms to report on aggregate relevant data to prevent or minimize harm to prisoners from sexual abuse.
- par. 102 DOJ and the Monitor will provide comments regarding the Implementation Plan (and any revisions to the Implementation Plan) within 30 days of receipt. Edna Mahan will timely revise its Implementation Plan to address comments from DOJ and the Monitor; the Parties and the Monitor will meet and consult, as necessary.
- par. 103 As needed, Edna Mahan, in conjunction with DOJ and the Monitor, will supplement or revise the Implementation Plan to focus on and provide additional detail regarding implementation activities. Edna Mahan will address in its updated Implementation Plans any areas of non-compliance or other recommendations identified by the Monitor in his or her report.

### **Monitor's Measure of Compliance re Implementation ¶ 100 & ¶ 101**

Implementation plan submitted to DOJ and Monitor no later than 9-24-21

### **NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Implementation ¶ 100 & ¶ 101:**

#### **August 24, 2022 Status Report**

The requirements of this paragraph have been satisfied. As time progresses, revisions to the implementation plan may be submitted for consideration.

**Monitor's Finding of Compliance re Implementation ¶ 100 & ¶ 101:**

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re Implementation ¶ 100 & ¶ 101:**

On January 13, 2022, the Monitor and the DOJ received a final implementation plan that describes the actions NJDOC and Edna Mahan will take to fulfill the obligations set in this Settlement Agreement. This final implementation plan set specific dates of completion for paragraphs that had no specified date of completion identified in the Settlement Agreement. The Monitor has used these dates as measures of completion for this compliance report.

**Recommendations re Implementation ¶ 100 & ¶ 101:**

Continue to follow the implementation plan and completion dates identified.

## VI. NJDOC AND EDNA MAHAN'S REPORTING REQUIREMENTS

par. 104 NJDOC and Edna Mahan shall provide to the Monitor and DOJ a semi-annual Status Report until the Agreement is terminated, the first of which shall be submitted within six months of the Effective Date.

Requirements:

par. 105 Each Status Report shall describe the actions NJDOC and Edna Mahan have taken during the reporting period to implement this Agreement and shall make specific reference to the Agreement provisions being implemented. The report shall also summarize audits and quality improvement activities and contain findings and recommendations that would be used to track and trend data compiled at Edna Mahan.

par. 106 NJDOC and Edna Mahan shall maintain sufficient records to document that the requirements of this Agreement are being properly implemented and shall make such records available to DOJ at all reasonable times for inspection and copying. In addition, NJDOC and Edna Mahan shall maintain and submit upon request records or other documents to verify that they have taken such actions as described in their Status Reports (e.g., census summaries, policies, procedures, protocols, training materials and incident reports) and will also provide to DOJ all documents reasonably requested by DOJ.

### **Monitor's Measure of Compliance re NJDOC and EMCF Reporting Requirements ¶ 104:**

par. 104 Status Report submitted to the DOJ and Monitor on, or before, the following dates:

- February 24, 2022
- August 24, 2022
- February 24, 2023
- August 24, 2023
- February 24, 2024
- August 24, 2024

And other dates, as needed, until the Agreement is terminated.

**Steps taken by NJDOC and EMCF towards implementation  
NJDOC and EMCF Reporting Requirements ¶ 104:**

**Status Report Due Dates:**

**February 24, 2022 August 24, 2022**

**February 24, 2023 August 24, 2023**

**February 24, 2024 August 24, 2024**

**August 24, 2022 Status Report**

NJDOC provided its second status report to DOJ and the Monitor on August 24, 2022.

**Monitor's Finding of Compliance re NJDOC and EMCF Reporting Requirements ¶ 104:**

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re NJDOC and EMCF Reporting Requirements ¶ 104:**

On February 23, 2022, the Monitor and DOJ received a Status Report from NJDOC. Part of the status report described the actions NJDOC and Edna Mahan have taken during the reporting period to implement the Settlement Agreement. The descriptions, which referenced the Agreement paragraphs being implemented, are included in this monitoring report in the area titled, "NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation. Additionally, the Status Report also summarized activities NJDOC and Edna Mahan have taken to improve conditions (including, but not limited to sexual safety) at the facility.

**Recommendations re NJDOC and EMCF Reporting Requirements ¶ 104:**

Continue to provide status reports, as required.

par. 109 Within 72 hours of an incident or report, NJDOC shall notify DOJ upon any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse. With this notification, NJDOC and Edna Mahan shall forward to DOJ any related incident reports and medical and/or mental health reports and investigations as they become available.

**Monitor's Measure of Compliance re DOJ's Right of Access ¶ 109:**

Notices of all incidents or allegations of sexual abuse or retaliation submitted to the Monitor and DOJ within 72 hours of the incident or report. Notices should include, but not be limited to:

- Name of person making report
- Name of alleged victim
- Name of staff involved in allegation
- Incident number
- Date of incident
- Date of notification
- Status of housing assignment for prisoner
- Restrictions of assignments for staff (if any)
- Any other preliminary reports/information available

**Steps taken by NJDOC and EMCF towards implementation DOJ's Right of Access ¶ 109:**

**August 24, 2022 Status Report**

NJDOC's SID which is responsible for investigating staff and incarcerated people for violations of the criminal code and administrative rules/regulations throughout NJDOC's many facilities. SID is comprised of trained investigators, all of whom are sworn law enforcement officers with full police powers. The type of investigations SID conducts are wide ranging, covering a myriad of subjects, to include contraband and assaults.

Since August 24, 2021, there have been 94 allegations applicable to this paragraph that have been or are in the process of being investigated by SID. Out of the 94 total applicable cases at the time of this writing, 70 have been closed, 3 are pending administrative review, and 21 are under review for potential criminal charges at the applicable County Prosecutor's Office. Of the closed cases, 23 were determined to be unfounded, 1 was substantiated and resulted in criminal charges, and 46 were unsubstantiated.

Of note, of the 94 allegations received, 46 allegations were made by one individual. Of the 46 allegations, 17 were determined to be unfounded. Of those unfounded cases, 3 resulted in the individual receiving criminal charges for knowingly giving false information to law enforcement. Of the remaining allegations, 22 were unsubstantiated and remainder are currently in the process of being investigated.



In April of this year, NJDOC launched a distinct Special Victims Unit ("SVU") within SID, whose sole charge is to investigate and report on all allegations of sexual abuse throughout its institutions. Prior to SVU's creation, the responsibility for investigating these challenging cases fell generally to all SID Investigators. With the creation of SVU, a team of specially trained Investigators with targeted skills and knowledge now exists to investigate sexual abuse allegations with compassion and an informed victim-centered approach. SVU Investigators work with county prosecutors' offices, state forensic scientists and medical personnel to fulfill their duty to hold perpetrators accountable while giving victims a voice. This unit consists of eight investigators and one principal investigator.

**Monitor's Finding of Compliance re DOJ's Right of Access ¶ 109:**

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re DOJ's Right of Access ¶ 109:**

Since August 24, 2021, with rare exception, NJDOC has notified DOJ and the Monitor any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 72 hours. At a minimum, the notices have included

- The name of person making report
- The name of alleged victim
- The name of staff involved in allegation
- The incident number
- The date of incident
- The date of notification to Edna Mahan and NJDOC
- The status of housing assignment for the alleged victim
- Restrictions of assignments for staff (if any)
- Any other preliminary reports/information available

NJDOC has also forwarded to DOJ and the Monitor any related incident reports and medical and/or mental health reports and completed investigations as they become available. Additionally, NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents, as well as the information noted above. Monthly, NJDOC, DOJ, and the Monitor meet to review this spreadsheet and discuss any noteworthy cases.

**Recommendations re DOJ's Right of Access ¶ 109:**

Continue to notify DOJ and the Monitor within 72 hours of an incident or report of allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse. Additionally continue to forward to DOJ and the Monitor any related incident reports and medical and/or mental health reports and investigations as they become available.

par. 110 NJDOC shall provide to the Monitor and to DOJ copies of or applicable portions of any formal reports or recommendations from the Office of the Corrections Ombudsperson or the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct concerning efforts to establish or revise Edna Mahan or statewide policies and procedures, including reporting and data collections systems, related to sexual abuse or sexual harassment of prisoners.

**Requirements:**

This paragraph does not include ordinary course referrals and related documentation

par. 107 DOJ and its attorneys, consultants, and agents shall have access to Edna Mahan, Edna Mahan prisoners, NJDOC and Edna Mahan staff and documents as is reasonably necessary to evaluate compliance with this Agreement. DOJ will provide written notice prior to any site visits. DOJ may participate in any compliance visits by the Monitor.

par. 108 Access is not intended, and will not be construed, as a waiver, in litigation with third parties of any applicable statutory or common law privilege associated with information disclosed to DOJ under this Agreement.

**Monitor's Measure of Compliance re DOJ's Right of Access ¶ 110:**

- Copies provided to the Monitor and DOJ of applicable portions of any formal reports or recommendations from the Office of the Corrections Ombudsperson concerning efforts to establish or revise Edna Mahan or statewide policies or procedures, related to sexual abuse or sexual harassment of prisoners.
- Copies provided to the Monitor and DOJ of applicable portions of any formal reports or recommendations from the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct concerning efforts to establish or revise Edna Mahan or statewide policies or procedures, related to sexual abuse or sexual harassment of prisoners.
- Interviews with staff from the Office of the Corrections Ombudsperson
- Interviews with members of the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct
- Meeting minutes from the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct, as available

**Steps taken by NJDOC and EMCF towards implementation DOJ's Right of Access ¶ 109:**

**August 24, 2022 Status Report**

The status reflected in the February 24, 2022 status report remains accurate. No additional reports pertaining to EMCF have been provided by the Office of the Corrections Ombudsperson. No reports by the Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct have been issued. NJDOC will provide all reports to DOJ and Federal monitor when available.

**Monitor's Finding of Compliance re DOJ's Right of Access ¶ 110:**

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until the Corrections Ombudsperson's Office writes a formal report, or makes any recommendations related to sexual abuse or sexual harassment of incarcerated persons.

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re DOJ's Right of Access ¶ 110:**

The Monitor read the Office of the Corrections Ombudsperson Annual Report. This report covered the period from October 1, 2020, to September 30, 2021. The report listed the Office of the Corrections Ombudsperson Mission, Goals, and Objectives. It also discussed issues in all NJDOC facilities, as well as issues specific to Edna Mahan. The report listed the four future objectives of: 1) Maintain visibility within correctional facilities; 2) Respond promptly to inquiries from people who are incarcerated and other stakeholders in a timely manner while prioritizing each in order of importance; 3) Increase community outreach efforts and public awareness; and 4) Continue inspections of all state prison facilities and provide completed reports to the Department of Corrections.

It is worth noting that on May 23, 2022, Terry Schuster was appointed to the position of Corrections Ombudsman. Mr. Schuster noted that the Office of the Corrections Ombudsperson acts as an independent set of eyes and ears for the public, opening up the otherwise closed world of prisons. The Office works to identify and address problems at the individual and system levels to ensure that people housed in New Jersey's prisons:

- Are safe,
- Have their medical and mental health needs addressed,
- Have reasonable access to their loved ones, and
- Are engaged in productive activities to prepare them to return to the community.

The Monitor also read a copy of a report written by the Corrections Ombudsperson specific to heat in NJDOC prison facilities, including Edna Mahan. However, to date, the Monitor has not received any copies of applicable portions of any formal reports or recommendations from the Office of the

Corrections Ombudsperson concerning efforts to establish or revise Edna Mahan or statewide policies or procedures, related to sexual abuse or sexual harassment of incarcerated persons during this reporting period.

The Monitor has spoken with the Corrections Ombudsperson Terry Schuster. Mr. Schuster expects that the next Office of the Corrections Ombudsperson Annual Report will be completed and distributed in November 2022.

In June 2021, bill AJR234 was introduced to make the "Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct" permanent. The bill stalled at the Assembly Judiciary Committee and is now listed as failed effective January 11, 2022. Therefore, as of February 24, 2022, there is no longer a Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct.

**Recommendations re DOJ's Right of Access ¶ 110:**

Provide a copy to the Monitor and DOJ whenever Corrections Ombudsperson writes a formal report, or makes any recommendations related to sexual abuse or sexual harassment of incarcerated persons.

par. 111 Within ninety days of the Effective Date and for the duration of the Agreement, NJDOC will engage the Edna Mahan Board of Trustees to identify goals, concerns, and recommendations regarding implementation of this Agreement. NJDOC shall conduct periodic, but at least semi-annual, public meetings. Additionally, NJDOC and Edna Mahan shall conduct periodic, but at least semi-annual, meetings with available Edna Mahan staff to gather feedback from staff on events, accomplishments, and setbacks during the previous period.

**Requirements:**

Public meetings with stakeholders should include former Edna Mahan prisoners, prisoner advocates, and family members of current Edna Mahan prisoners.

The meetings shall serve to provide stakeholders and the public with an update on events, accomplishments, and setbacks during the previous period, and to respond to stakeholders' questions and requests for information related to Edna Mahan. Stakeholders will also be afforded the opportunity to ask questions and make proposals.

Nothing in this Paragraph is intended to create any enforcement rights or standing other than those of the Parties under this Agreement.

par. 107 DOJ and its attorneys, consultants, and agents shall have access to Edna Mahan, Edna Mahan prisoners, NJDOC and Edna Mahan staff and documents as is reasonably necessary to evaluate compliance with this Agreement. DOJ will provide written notice prior to any site visits. DOJ may participate in any compliance visits by the Monitor.

par. 108 Access is not intended, and will not be construed, as a waiver, in litigation with third parties of any applicable statutory or common law privilege associated with information disclosed to DOJ under this Agreement.

**Monitor's Measure of Compliance re DOJ's Right of Access ¶ 111:**

- Agendas for Edna Mahan Board of Trustees meetings
- Minutes from Edna Mahan Board of Trustees meetings
- Notification of to the Monitor and DOJ of appointments of new Edna Mahan Board of Trustees members
- Dates and agendas of Public Stakeholder meetings, to include, but not be limited to the following agenda items:
  - a. Updates on events, accomplishments, and setbacks
  - b. Opportunity for questions and answers
  - c. Opportunity for requests for information
  - d. Opportunity for stakeholders to make proposals
- Minutes from Public Stakeholder meetings, to include names of all attendees and summary of meeting
- Dates and agendas of meetings with Edna Mahan staff, to include, but not be limited to the following agenda item:
  - a. Gather feedback on events, accomplishments, and setbacks

- Minutes from meetings with Edna Mahan staff, to include names of all attendees and summary of meeting
- Interviews with Edna Mahan Board of Trustees members
- Interviews with Stakeholders
- Interviews/Focus Groups with Edna Mahan staff during on-site visits

**Steps taken by NJDOC and EMCF towards implementation DOJ's Right of Access ¶ 111:**

**August 24, 2022 Status Report**

EMCF continues to meet with the EMCF Board of Trustees on a monthly basis. A Board Chair and Vice chair have been elected. Various members have visited the facility and participated as special speakers at our monthly "Empowering Women!" speaker series. NJDOC will host the second EMCF Public Meeting on September 16, 2022, at 10:30am. The meeting will be virtual due to COVID safety concerns, but presenters will be meeting at the NJDOC Harris Auditorium in Trenton, NJ. We anticipate that Monitor Jane Parnell will agree to facilitate the event, which will be 90 minutes in length, with 30 minutes dedicated to providing participants with the opportunity to ask questions or submit recommendations and proposals. The public meeting information and registration will be put on the NJDOC website and open to all who wish to attend. NJDOC is also inviting specific stakeholders that fall into the categories of: advocates, persons with lived experience, and families of persons with lived experience, per Paragraph 111. The tentative meeting schedule and agenda will be provided to the Monitor and DOJ. In addition to the public meeting minutes, NJDOC will provide minutes from the staff feedback session(s)

**Monitor's Finding of Compliance re DOJ's Right of Access ¶ 111:**

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re DOJ's Right of Access ¶ 111:**

The Monitor spoke with four (4) new members and one (1) returning member Edna Mahan Board of Trustees (BOT). Everyone is very happy with the make-up of the new BOT. In the new words of the returning member, "things are 100% better". Other members stated that the BOT is "coming together very nicely". The members report that have a very open relationship with Commissioner Tome and Assistant Commissioner Tome and that they receive regular informational updates. The BOT have held regular monthly meetings and the Monitor has reviewed copies of their meeting minutes.

On March 4, 2022, NJDOC conducted their first public meeting with stakeholders. There were 139 attendees at this virtual meeting. The stakeholder's invitation list included representatives of advocates, persons with lived experience, family/friends of persons with lived experience, legislators, contractors, and Board of Trustee members. The agenda of this meeting included an update on events, accomplishments, and setbacks at Edna Mahan and NJDOC, a question-and-answer period, and an opportunity for stakeholders to make proposals.

The next stakeholders meeting occurred on September 16, 2022, outside of the reporting period. However, It is still worth noting that over 80 persons attended this virtual meeting. The attendees included, but was not limited to, advocates, family/friends of incarcerated persons legislators, staff, contractors, and Board of Trustee members. The agenda of this meeting was the same as the last and included an update on events, accomplishments, and setbacks at Edna Mahan and NJDOC, a question-and-answer period, and an opportunity for stakeholders to make suggestions/proposals.

On March 11, 2022, NJDOC and Edna Mahan held its first meeting on the Staff Advisory Group. The purpose of this group is to help NJDOC gain new insights and advice to solve problems and explore new 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. The agenda for this group, which is open to all EMCF staff, included providing information on events, accomplishments, and setback and an open forum to gather feedback from staff.

The Monitor reviewed the meeting minutes from the March, April, and May meetings. The agenda for the May meeting noted that any staff member who would like to voluntarily attend are welcome.

#### **Recommendations re DOJ's Right of Access ¶ 111:**

Continue to conduct monthly Board of Trustees meetings.

Continue to hold semi-annual public meetings with stakeholders.

Conduct meetings with available Edna Mahan staff to gather feedback from staff on events, accomplishments, and setbacks.