

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:

2/24/23 Status Report

All level 1 policies listed in the August 24, 2022, status report were submitted and reviewed by the Federal Monitor. Revisions were made by NJDOC on all policies, and they have been submitted to the DOJ. As a collaborative effort, revisions discussions continue. Once all level 1 policies are approved and finalized, NJDOC will undergo the same process with level 3 policies. NJDOC and EMCF are prepared to demonstrate compliance by the due date of February 24, 2024.

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, 2024

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, including staff, during the drafting of Level 1 and 3 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:

2/24/23 Status Report

NJDOC and EMCF are prepared to demonstrate compliance by the due date of February 24, 2024.

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 11 and 91. Consent Decree Paragraph 11 required NJDOC to adopt all revised policies and procedures covered by Paragraph 10 by August 24, 2022. On August 23, 2022, the Court so-ordered the Parties' Joint Stipulation to Extend Certain Consent Decree Deadlines ("August Extension Order"). The August Extension Order extended the Paragraph 11 deadline to February 24, 2023. Because the revision of level 3 policies is contingent on the adoption of level 1 policies, and certain level 1 policies remain under the review of the Parties, the Parties agree to extend the deadline for NJDOC to adopt all relevant policies and procedures in Paragraph 11 to February 24, 2024.

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, 2024

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

Training Plan Creation: 90 days after DOJ approval

A. General Policies and Procedures ¶ 13:

2/24/23 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, 2024

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

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

A. General Policies and Procedures ¶ 14:

2/24/23 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, 2025

N/A monitor granted an extension until [date]

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

Recommendations re A. General Policies and Procedures ¶ 14:

A. General Policies and Procedures

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

Requirements:

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

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

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

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

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

2/24/23 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, 2025

N/A monitor granted an extension until [date]

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

Recommendations re A. General Policies and Procedures ¶ 15:

A. General Policies and Procedures

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

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

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

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

2/24/23 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:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

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

Monitor's Discussion re 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. This policy was last updated on October 1, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

Additionally, State of New Jersey Department of Corrections Policy Statement IMM.001.004 states, "it is the policy of the NJDOC to maintain a zero tolerance toward all forms of inmate sexual abuse/inmate sexual harassment. The NJDOC will respond to, investigate, and support the prosecution of inmate sexual abuse and sexual harassment within the correctional system and externally in partnership with state and local authorities." This policy was last updated on April 1, 2019, and is part of the policies that have been given an extension for revision until February 24, 2024.

The Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) 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". This level 3 IMP was last updated on October 1, 2017, and is part of the policies that have been given an extension for revision until February 24, 2024.

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 receive their annual training which includes one hour of PREA Training. The Monitor's Associate reviewed the training records for this reporting period and verified that this PREA training continues.

The Monitor reviewed the PREA video, script, and facilitator guide that 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. It is worth noting that, during the compliance visit in February 2023, some incarcerated persons raised concerns about purposeful misgendering by staff. The Monitor recognizes that intentional misgendering does constitute sexual harassment and should be reported and investigated as such.

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.

Understanding the amount of work required to finalize this number of policies, the date for this requirement was extended to February 24, 2024. 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.

Additionally, the Monitor recommends that Edna Mahan Leadership team communicate with staff and incarcerated persons that intentional misgendering constitutes sexual harassment and should be reported and investigated as such.

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

Post Orders submitted: February 14, 2022

B. Prisoner Supervision ¶ 18:

2/24/23 Status Report

Relevant post orders continue to be in the review and revision process. These post orders are listed above under Prisoner Supervision located in Paragraph 10. Approval and implementation of related policies will occur as stipulated in this Agreement.

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

[X] Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

There are thirteen Internal Management Procedure (IMP) Custody Directives, also known as “post orders,” related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all housing areas and dormitory settings. All thirteen of these IMP’s were revised during previous reporting periods.

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 in accordance with this Agreement and incorporate gender-responsive strategies, as applicable. The Monitor recognizes that the thirteen Level 3 IMP’s specific to supervision in the housing unit have been updated, but there might be more Level 1 and/or Level 3 policies/procedures that need to be updated. The date for this requirement was extended to February 24, 2024. 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:

2/24/23 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. Approval and implementation of related policies will occur as stipulated in this Agreement and according to relevant agreed upon deadlines.

Due Date: February 24, 2022

Status: Continued Compliance

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 need 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:

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

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

Each of these post orders includes the expectation that incarcerated persons shall be observed regularly and frequently by custody staff. All 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.” This level 3 IMP was last updated on June 10, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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

During the onsite compliance visit in February 2023, the Monitor and/or her Associate reviewed logbooks in a variety of housing units, looking specifically at the timing of rounds made by the Housing Unit Officers. Also, during the onsite compliance visit in February 2023, 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.

19c:

Discussion:

The Division of Operations Level 1 / Level 3 Internal Management Procedures Internal Management Procedure CUS.001.SEA.001 titled, Searches of incarcerated persons and Correctional Facilities states, “New Jersey Department of Corrections custody staff members, with/without canines, shall, on a routine and continuing basis, search 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”. This IMP was last updated in June 2020, and the due date for revision has been extended until February 24, 2024.

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

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

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

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

This level 3 IMP was last updated on June 10, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024. For each month of this reporting period, the Monitor requested copies of the logbook pages from various housing units and varying weeks. The Monitor reviewed all logbook entries to verify the amount of, and date and timing of, all searches completed that week by the Housing Unit Officers. The Monitor will continue to request a week’s (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, to document the living area and cell/bed searches conducted by Housing Unit Officers.

Lastly, the Monitor and/or her Associate interviewed custody staff regarding their knowledge and roles to conduct living area searches and cell/bed searches. They all explained that they are required to conduct 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.

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 incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2024, for all Level 1 and 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

2/24/23 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 deadlines.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

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.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive # 1 Title: Officer Responsibilities states, “All officers are responsible for conducting regular and frequent housing unit tours approximately every thirty minutes during an officer's tour of duty. All unit Officers shall document all tours in the unit logbook and any incident and/or activity that precluded a unit tour, if applicable.” This IMP was last updated on June 10, 2020, and the due date for revision has been extended until February 24, 2024.

There are thirteen Internal Management Procedure (IMP) Custody Directives, also known as “post orders,” related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all housing areas and dormitory settings. 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.

Additionally, during the onsite compliance visit in February 2023, the Monitor and/or her Associate reviewed logbooks in a variety of housing units, looking specifically at the timing of rounds made by the Housing Unit Officers. Also, during the onsite compliance visit in February 2023, the Monitor and/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 ¶ 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 incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 2024, for all Level 3 Internal Management Procedures.

The recommendation is to include a statement that “direct supervision” of special management incarcerated persons “without physical barriers” means that officers routinely patrol special management units and interact directly with incarcerated persons in those units; 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.

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

Due Date: August 24, 2023

B. Prisoner Supervision ¶ 21:

Status: Continued Compliance

2/24/23 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 deadlines.

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

Due Date: February 24, 2022

B. Prisoner Supervision ¶ 22

Status: Continued Compliance, Active Monitoring

2/24/23 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. Approval and implementation of related policies will occur as stipulated in this Agreement and according to relevant agreed upon deadlines.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states, "All officers are responsible for conducting regular and frequent housing unit tours approximately every thirty minutes during an officer's tour of duty. All unit Officers shall document all tours in the unit logbook and any incident and/or activity that precluded a unit tour, if applicable." This IMP was last updated on June 10, 2020, and the due date for revision has been extended until February 24, 2024.

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 February 2023, the Monitor and/or her Associate reviewed logbooks in a variety of housing units, looking specifically at the timing of rounds made by the Housing Unit Officers. Also, during the onsite compliance visit in February 2023, the Monitor and/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 incorporate gender-responsive strategies, as applicable. The Monitor recognizes that the thirteen Level 3 IMP's specific to supervision in the housing unit have been updated, but there might be more Level 1 and/or Level 3 policies/procedures that need to be updated. The recommendation is to include a statement in all applicable Level 3 IMP's that Edna Mahan ensures and documents that, absent exigent circumstances, correction officers conduct unannounced rounds at least once every 30-minute period for all housing units, or more often if deemed necessary by the Administration of Edna Mahan.

The date for this requirement was extended until February 24, 2024.

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. 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

2/24/23 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 August 2022 through January 2023. 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 (IMPs) Titled: Maximum Compound Sergeant One, Two, and Three and Minimum Compound Sergeant One, Two, and Three both states, "Sergeants shall make a minimum of two, irregularly timed tours of all areas under their control ensuring security, safety, and control, in a clean and orderly environment. These tours shall be unannounced and logged into the logbook as such." These two IMPs were last updated in February 2022.

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

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

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

During the onsite compliance visit in February 2023, the Monitor and/or her Associate reviewed the logbooks of the housing units to confirm that supervisors at the rank of sergeant or above conducted and documented unannounced rounds during all shifts. Lastly, during the onsite compliance visit in February 2023, the Monitor and/or her Associate spoke with several Sergeants and Lieutenants and asked them about their responsibility to conduct irregularly timed tours of all areas under their control. Without exception all Sergeants answered that they were aware of the expectation to conduct two tours per shift. The Lieutenants answered that they were aware of the expectation to conduct at least one tour per shift. All Supervisors said that they fulfilled this expectation while they were on shift, unless there was some type of emergency that prevented them from completing such.

Recommendations re B. Prisoner Supervision ¶ 23:

Level 3 policies (IMP's) need to be written to state that the Housing Floor Officer in a unit undergoing a supervisory round shall not be alerted that the supervisory round is occurring. Once these Level 3 policies and/or procedures are finalized, Edna Mahan should create and implement 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 4th quarter of 2021) Monitor will receive documentation that NJDOC Commissioner or designee reviewed master log of supervisory rounds conducted at Edna Mahan
- Interviews with Edna Mahan leadership regarding their knowledge and roles to review master log of supervisory rounds at least weekly
- Interviews with NJDOC Commissioner or designee regarding their knowledge and roles to review Edna Mahan master log of supervisory rounds at quarterly

Steps taken by NJDOC and EMCF towards implementation

Due date: February 24, 2022

B. Prisoner Supervision ¶ 24:

Status: Continued compliance

2/24/23 Status Report

For the months of August 2022 through January 2023 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, the review verification correspondence 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 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 ¶ 24:

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures (IMP) 109 Titled: Logbook Usage, gives the definition of a logbook as: "Logbook means a hardbound journal utilized to document information relevant to the orderly running of the correctional facility. This IMP was updated in October 2017, and the due date for revision has been extended until February 24, 2024.

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

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures 1 Titled: Officer Responsibilities provides guidance to officers on what and how to document activities into the logbook. 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. This IMP was updated in June 2020, and the due date for revision has been extended until February 24, 2024.

For the months of August, September, October, November, December, January, and February, the Monitor received correspondence from Edna Mahan leadership verifying weekly review of supervisory rounds and copies of the Shift Master Log which documents all supervisory rounds made by Sergeants and Lieutenants. During the onsite compliance visit in February 2023, the Monitor and/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 Administrator O'Dea, Associate Administrator Rios, and the two current Assistant Superintendents. These four persons are the "highest level" of management at Edna Mahan. All four of these people acknowledged responsibility to review the supervisory round logs weekly. The Monitor also spoke with the Assistant Commissioner for Women's Services and the Deputy Commissioner of Operations. Both acknowledged that the Deputy Commissioner of Operations has responsibility to review the supervisory round logs on a quarterly basis. In his absence, the AC of Women's Services will do such.

Additionally, the Monitor received documentation from Deputy Commissioner Willie Bonds that said, “Pursuant to 1124 of the Settlement Agreement between DOJ and NJDOC, on August 14, 2022, and on October 14, 2022, I, acting in the capacity of the Commissioner's designee, have completed the quarterly review of the above referenced Supervisory Rounds Master Log as required by the aforementioned settlement agreement”.

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 incorporate gender-responsive strategies, as applicable. The date for this requirement was extended until February 24, 2024. 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 and implement 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

2/24/23 Status Report

Revisions to the policies were submitted in compliance with this Agreement. Approval and implementation of these policies will occur as stipulated in this Agreement and according to relevant agreed upon deadlines.

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

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 C. Camera Management ¶ 26:

The date for this requirement was extended to February 24, 2024.

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

Level 1 Policy Revision Due: May 24, 2022

C. Camera Management ¶ 28:

2/24/23 Status Report

Revisions to the policies were submitted 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 deadlines.

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 provided feedback and the due date for finalization of this policy was extended until February 24, 2024.

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". The due date for finalization of this policy was extended until February 24, 2024.

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 until February 24, 2024.

The Monitor and/or her Associate interviewed Edna Mahan leadership staff and the Special Investigations Division (SID) Principal Investigator assigned to Edna Mahan. Each of these staff were asked about the length of time a video should be retained. All the people interviewed knew that routine video should be retained for at least 30 days. The new camera system has the capacity to maintain video beyond the required 30 days. Although it is important to note that this new camera system is only in the EMCF "main" facility and not in the Satellite building. All cameras in the Satellite building only retain video footage for 30 days. Everyone interviewed also agreed that, if there is still an active

investigation, of any kind, occurring, the video coverage of that incident would be retained “indefinitely”. Both groups also explained that video from the Body Worn Cameras (BWC) 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 until February 24, 2024. 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 and implement 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:

2/24/23 Status Report

In addition to the annual camera location review, the Edna Mahan Media Technician continues to perform regular weekly comprehensive camera inspections with a representative from Custody. These regular weekly camera inspections are submitted to the EMCF leadership team. Additionally, EMCF IPCM conducts weekly tours of the entire EMCF campus, including the Satellite Building. Part of this tour involves reviewing the camera placement. As above, these tours are documented and submitted to the EMCF leadership team.

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:

The Monitor NJDOC Division of Operations Level 1 and 3 Internal Management Procedure #CUS.001.CRP.01 is currently being revised. The due date for the revision of this policy has been extended until February 24, 2024. The Monitor will recommend there is a requirement in the policy that camera management procedures, including location, be reviewed at least annually.

On August 4, 2022, a Camera Review Committee conducted a thorough camera tour of EMCF. The Camera Review Group made the following recommendations, all of which were completed.

- The outdoor cameras were reconfigured to include motion detection and auditable alarms.
- Two additional cameras were placed in the South Hall, a vulnerable housing unit.
- Eight stand-alone cameras were in the housekeeping building install the additional 8 stand-alone cameras. Note: Housekeeping has since moved into Food Service B area and there are currently Johnson Control Cameras in place.
- Cameras were added in the Chapel.
- Additional cameras were added in the North, South and Max Hospitals.

In addition to the annual camera location review, an Edna Mahan Media Tech still performs regular weekly comprehensive camera inspections with a representative from Custody. These regular weekly camera inspections are submitted to the EMCF leadership team. Additionally, Assistant Superintendent Renshaw conducts weekly tours of the entire EMCF campus, including the Satellite Building. Part of this tour involves reviewing the camera placement. As above, these tours are documented and submitted to the EMCF leadership team on a monthly basis.

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 until February 24, 2024. 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. The Level 3 policy should include the requirements that the EMCF media tech, along with a custody representative, perform weekly camera inspections and that the EMCF Institution PREA Compliance Manager perform weekly tours of the facility, including reviewing camera placement.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create and implement 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/Extension Approval: December 30, 2021
Returned for Revision: January 9, 2022
Resubmission to DOJ and Monitor: February 25, 2022
Annual Review Submission: February 24, 2023

2/24/23 Status Report

A staffing plan annual review and assessment was submitted to the Federal Monitor and DOJ on February 24, 2023. Through collaboration with the Moss Group, the reviewed plan submitted was compliant with PREA standards. In order to maintain compliance with the terms of this Agreement, NJDOC will submit a reassessed staffing plan every 12 months.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 30:

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

Recommendations re D. Staffing ¶ 30:

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

D. Staffing

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

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

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

Steps taken by NJDOC and EMCF towards implementation

Due Date: January, 2023

D. Staffing ¶ 32:

2/24/23 Status Report

NJDOC's efforts to modify the *Csizmadia* Consent Order remain pending. Communication with the Courts through the Office of the Attorney General and PBA Union is ongoing. NJDOC continues to negotiate this matter with the PBA as the decree anticipates that the parties will attempt to reach an agreement. If an agreement is not reached, the parties may seek relief under the order. During this time of staffing challenges in several professional areas, in particular in the law enforcement field, this is a necessary step that will hopefully assist us in attaining the overall goal of staffing the facility based on gender informed principles in line with PREA, Federal and State law requirements. 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 July 1, 2023

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 32:

NJDOC's fiscal year is July 1 – June 30 of each year. The staffing plan was submitted on February 25, 2022. The first fiscal year after the submission of the staffing plan begins on July 1, 2023. The Monitor spoke with Deputy Commissioner Bonds and Assistant Commissioner Tome specific to the requirement that Edna Mahan take steps to staff the facility, based on the staffing plan, within one fiscal year of completion of each

staffing plan. Both explained that the concern is not the number of FTE's (full-time employees). Edna Mahan has been allocated the number of FTEs to staff the facility based on the staffing plan. NJDOC in general, and Edna Mahan, specifically, has the challenge of recruiting and retaining staff.

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

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

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

This matter is currently pending.

The Monitor is currently working with the Edna Mahan Administrator to establish the best practice for documenting and justifying all deviations from the staffing plan, beginning July 1, 2023.

Recommendations re D. Staffing ¶ 32:

The Monitor is currently working with the Edna Mahan Administrator to establish the best practice for documenting and justifying all deviations from the staffing plan. When that practice is established, the Monitor recommends Edna Mahan report all deviations, as required by the Settlement Agreement.

D. Staffing

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

Requirements:

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

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

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

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

2/24/23 Status Report

On December 23, 2022, the Edna Mahan Correctional Facility Recruitment & Retention Plan For Women Correctional Officers implementation status report was provided to the DOJ and Federal Monitor. To assist in retaining, EMCF formed a women's advisory group to provide women officers with support and advice. Such a group promotes advocacy of women's issues, bringing any problems to EMCF Administration and suggesting ways in which NJDOC can change policies that may be adversely impacting women in the facility. The creation of the advisory group facilitates removing pressures of individual women to come forward with issues.

This report included recruitment strategies implemented including mentoring opportunities, recruitment events and partnerships with organizations such as New Jersey Women in Law Enforcement (WLE), the National Center for Women and Policing (NCWP), the National Association of Women Law Enforcement Executives (NAWLEE), the National Organization of Black Women in Law Enforcement (NOBWLE), and the Mid-Atlantic Association of Women in Law Enforcement (MAAWLE), Hispanic American Law Enforcement.

NJDOC is fortunate to have several women in positions of leadership. In our efforts to recruit and retain women officers, we have highlighted several higher-ranking women within NJDOC to encourage recruitment as well as retention. Further, in an effort to create awareness of career opportunities for women within NJDOC and at EMCF, applicants are provided an overview of career opportunities at processing dates, academy orientation, and on NJDOC's website.

NJDOC's website has been updated and displays a recruitment notice upon navigating to the page with a direct link to application information. On the site, the benefits of employment, along with minimum eligibility requirements and career advancement are detailed. Our online presence includes not only our website but also social media and advertisements spotlighting women officers.

- NJDOC DOC website:
 - o <https://www.state.nj.us/corrections/pages/index.shtml>
- YouTube Recruitment and NJDOC Specific Videos:
 - o <https://www.youtube.com/@njdocnews4178/videos>
 - Women Officer-Specific Videos:
 - <https://youtu.be/Sq9NJVYSSbw>
 - <https://youtu.be/XhBMKJPB2fc>
 - <https://youtu.be/a1TO4zqubRA>
- Inside Corrections Newsletter:
 - o <https://www.state.nj.us/corrections/pdf/NJDOCNewsletter/2022/InsideCorrectionsOctoberNovember2022.pdf>
 - o <https://www.state.nj.us/corrections/pdf/NJDOCNewsletter/2022/InsideCorrectionsJuneJuly2022.pdf>
- Instagram:
 - o <https://www.instagram.com/NJDepartmentofCorrections/>
- Twitter:
 - o https://twitter.com/NJ_DOC

In terms of recruitment of women officers, Academy Class #253 is scheduled to graduate on March 31, 2023. Trainees in class 253 included 30 women recruits. 6 women withdrew from the Academy due to personal or medical reasons; 10 women were unable to pass the physical 14 women have passed all requirements.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 33:

On December 24, 2022, the Monitor and the DOJ received an implementation update of each strategy described in the original Recruitment and Retention plan dated August 24, 2022. (See attachment #1 to Compliance Report). Although it is too early to measure the effectiveness of the strategies implemented by NJDOC and Edna Mahan, the Monitor was impressed with the amount of progress made between August and December 24, 2022. In order to maintain a finding of substantial compliance in the next reporting period, NJDOC and EMCF should assess the effectiveness of these strategies and make necessary corrective changes.

Recommendations re D. Staffing ¶ 33:

Continue to 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

Annual Plan Due Date: February 25, 2023

D. Staffing ¶ 34:

2/24/23 Status Report

A reassessment was conducted and provided to DOJ and the Federal Monitor on February 24, 2023.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 34:

On February 24, 2023, the Monitor and the DOJ received an updated annual staffing plan dated February 15, 2023. The document did include an evaluation of existing staffing levels and needs for adjustment, a listing of each post and position needed and the number of hours needed for each post and position. It also included schematics of the satellite facility, camera locations, camera inspection forms, a listing of all custody staff on each shift, a schedule of clubs and activities for the incarcerated persons for February 2023, and specifics about EMCF's visitation program. It also included a listing of staff, by gender, working overtime at Edna Mahan and the amount of overtime worked by each staff member, and a listing of supervisors by gender working overtime at Edna Mahan. The Leadership of Edna Mahan is currently assessing its ability to comply with the staffing plan, as required in the Settlement Agreement.

Recommendations re D. Staffing ¶ 34:

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

D. Staffing

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

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

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

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

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

2/24/23 Status Report

NJDOC submitted the required staffing update to the Federal Monitor and DOJ.

Data from the submitted Quarterly Staffing Updates show that during the months of July through September 2022:

- EMCF has receive through new hire, promotion, or transfer, 27 new staff (10 female);
- 10 staff members (5 female) transferred to another agency;
- 11 staff members (4 female) retired;
- 2 staff member was removed from EMCF for reasons unrelated to this Agreement; and
- 2 staff members (0 female) resigned.
- 8 staff members (2 female) transferred to another facility

Data from the submitted Quarterly Staffing Updates show that during the months of October through December 2022:

- EMCF has receive through new hire, promotion or transfer 9 new staff (4 female);
- 0 staff members (0 female) transferred to another agency;
- 5 staff members (2 female) retired;
- 3 staff member was removed from EMCF for reasons unrelated to this Agreement; and
- 2 staff members (1 female) resigned.
- 6 staff members (1 female) transferred to another facility
- 1 staff passed away

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 three Staffing Updates during this reporting period. The first included September 2022. Another was for the third quarter of 2022 (October, November, and December) and the last was for the months of January and February 2023. All staffing updates included a listing of staff hired at Edna Mahan, by gender and positions filled; and a listing of staff who ended their employment at Edna Mahan, including their gender, position, and reason for separation.

Recommendations re D. Staffing ¶ 35:

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

D. Staffing

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

Requirements:

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

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

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

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

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

2/24/23 Status Report

The NJDOC Agency PREA Coordinator, Sandra Capra began employment on October 22, 2022.

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

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

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

Monitor's Discussion re D. Staffing ¶ 36:

On September 9, 2022, Pamela Sooy, a Central Office Headquarters PREA Program Coordinator was assigned the position of Interim Acting Agency PREA Coordinator. On October 22, 2022, the NJDOC Agency PREA Coordinator, Sandra Capra began employment. Ms. Capra is an attorney at law in the State of New Jersey with more than 25 years of experience. Ms. Capra has a wealth of knowledge, experience, and background in areas of pertinence with regard to PREA, as a former County Prosecutor of a Special Victims Unit, in charge of handling sexual assault, child abuse/endangerment, and internet crimes-against-children cases.

Ms. Capra most recently served as Governance/Compliance Director and acting PREA Coordinator at the Cumberland County Department of Corrections. She was a member of the Warden's Administration Team overseeing all aspects of the jail, including but not limited to daily operations; training and development; staffing; and monitors compliance with all Federal and State Codes, Ordinances, Standards and Guidelines as well as oversight of all litigation and legal matters and is the liaison to internal and external counsel with regard to class action lawsuits, two Federal Consent Decrees and all other litigated matters involving inmates and staff.

The Monitor met Ms. Capra and was very impressed. She has the knowledge, background, experience, and enthusiasm to fulfill her duties.

Recommendations re D. Staffing ¶ 36:

No recommendation

D. Staffing

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

Requirements:

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

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

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

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

2/24/23 Status Report

NJDOC continues to employ Ms. Renshaw as the full-time PREA Compliance Manager at EMCF.

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

[X] Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re D. Staffing ¶ 37:

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

The Monitor and the DOJ have received copies of several examples of communication Assistant Superintendent Renshaw has had with both the incarcerated persons and staff at EMCF. AS Renshaw tours the facility and the Satellite building regularly to answer questions, review camera

placement, and look for blind spots that could be possible locations for incidents of sexual harassment or sexual abuse. AS Renshaw is also offering a discussion group for the Transgender/Intersex/Non-Binary (TG/I/NB) individuals. 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

Due Date: February 24, 2022

D. Staffing ¶ 39:

Status: Completed

2/24/23 Status Report

This requirement has been satisfied.

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

[X] Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re D. Staffing ¶ 39:

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

Recommendations re D. Staffing ¶ 39:

No recommendation

D. Staffing

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

Requirements:

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

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

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

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

2/24/23 Status Report

The EMCF IPCM received the required training upon hire. In addition, she received further IPCM training on September 29-30, 2022 and attends routine training with the Agency PREA Coordinator and a member of the PREA Compliance Unit.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re D. Staffing ¶ 40:

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

Assistant Superintendent Amelia Renshaw, the IPCM at Edna Mahan, states that she attended a two-day training on September 29-30, 2022. This training, facilitated by The Moss Group, was designed for all NJDOC IPCM's and their back-ups. The Monitor reviewed this training curriculum and believed it was very valuable training. Ms. Renshaw also noted that in October 2022, she attended the "train-the-trainer" for Gender Responsiveness. IPCM Renshaw continues to attend PREA trainings that are hosted by the PREA Compliance Unit, with the most recent ones in November when she attended a training on the Gender Identify policy changes and in December 2022, when she received training on various updated forms. 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.

Recommendations re D. Staffing ¶ 40:

NJDOC is currently revising the Level 1 policy, 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment. Additionally, the Edna Mahan Correctional Facility for Women is revising their Level 3 Internal Management Procedure (IMP) Custody Directive 73 titled, Zero Tolerance Prison Sexual Assault. Both revisions have been extended until February 24, 2024. It is recommended that each of these policies include a statement that NJDOC and Edna Mahan will provide training to the PREA Coordinator and PREA Compliance Manager necessary to fulfill their 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:

2/24/23 Status Report

The NJDOC Agency PREA Coordinator and IPCM conducted the semi-annual review as required by paragraph 41. The report was provided to the DOJ and Federal Monitor on February 23, 2023.

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:

On February 23, 2023, the Monitor and the DOJ received a copy of the meeting minutes of the review meeting held on January 31, 2023, between the NJDOC PREA Coordinator and Edna Mahan's PREA Compliance Manager. The following items were discussed during this meeting: a historical summary of the Consent Decree, PREA education to EMCF Staff, PREA education for all incoming incarcerated persons, PREA Risk Assessment/ "At-Risk" Log, Retaliation Monitoring, Staff PREA Training Updates, Investigation Status, Incident Reviews, Facility Tours, Camera Audit and Analysis, PREA Accommodation Committee (PAC) meetings, LEP Issues, and PREA Physical Plant Upgrades.

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 until February 24, 2024. 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:

2/24/23 Status Report

Volunteers have returned to provide services which include relapse prevention, clubs, chaplaincy, and reentry services to our population. All volunteers have received the required PREA training.

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 policy was last updated on October 1, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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. This Level 3 policy was last updated on October 1, 2017, and is part of the policies that have been given an extension for revision until February 24, 2024.

On February 17, 2023, the Monitor and the DOJ received a listing of 41 volunteers currently volunteering at Edna Mahan. That listing included the date they received PREA training. The listing noted that one (1) of these 41 volunteers had not received PREA training yet and, thus, are not eligible to enter EMCF until this training has been completed. Additionally, the Monitor and/or her Associate spoke with two of these volunteers who verified that they both received this training. Both volunteers knew of their responsibility to report if they learned about an allegation of sexual abuse or sexual harassment. Both volunteers remembered ways that both the incarcerated persons and staff/volunteers could report any allegations. Both volunteers also remembered the requirement for confidentiality and were both very adamant about “not saying anything to anyone else”.

The Monitor spoke with one Edna Mahan contractor who provides services with Medical (nursing). She confirmed that she received PREA training and was 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 until February 24, 2024. 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 and implement 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 EMCF prisoners at outside locations on February 24, 2022.
- Training Curriculum utilized for PREA
- Training Curriculum utilized for Gender-Responsive
- Training Curriculum utilized to train on any other subjects noted above (not in PREA or Gender-Responsive curriculum)
- List of trainers providing training
- Interviews with staff to confirm that required training took place
- Interviews with trainers who provided training to confirm that required training took place
- Interviews with EMCF training Lieutenant and/or training staff to confirm that required training took place

Steps taken by NJDOC and EMCF towards implementation

Due Date: February 24, 2022

E. Training ¶ 43:

2/24/23 Status Report

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

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re E. Training ¶ 43:

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 developed by the National Institute of Corrections (NIC) during the last reporting period. Thus, this paragraph has been satisfied. Additionally, all new employees continue to receive the two-hour NIC gender responsive training.

NJDOC is currently discussing ways to provide the two-day training titled Gender Responsive Approaches for Women Offenders to new Edna Mahan employees. The Moss Group trained several staff to deliver this two-day training. However, as of the writing of this report, there is no delivery of, or future planned dates to deliver, this training. The concern is that, although the staff who worked at Edna Mahan, in 2022 received the two-day Gender Responsive Approaches for Women Offenders training at the present time new employees are only receiving the two-hour (rather than the two-day) training. The Monitor is familiar with both trainings and believes the two-day training provides much more needed information than does the two-hour training.

Recommendations re E. Training ¶ 43:

Continue to ensure 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 the incarcerated persons at Edna Mahan. Begin delivering the two-day Gender Responsive Approaches for Women Offenders training to new staff members assigned at EMCF as soon as possible.

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

Due Date: February 24, 2024

E. Training 44:

2/24/23 Status Report

In 2022, EMCF staff were trained on PREA pursuant to Paragraph 43. Draft revisions to policies regarding this subject matter were timely submitted 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 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 (although NJDOC continues to provide annual PREA training).

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

2/24/23 Status Report

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

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

Substantial Compliance: 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 until February 24, 2024. 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.

And, during the compliance visit in February 2023, the Monitor's Associate met with the Training Lieutenant at Edna Mahan and verified that NJDOC and Edna Mahan maintain documentation showing that all active Edna Mahan staff have been trained. The Monitor has received those training records for various training courses required by the Settlement Agreement.

Recommendations re E. Training ¶ 46:

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 until February 24, 2024. 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 and implement 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

2/24/23 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 August 2022 through January 2023.

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 until February 24, 2024. Once this Agency Level 1 policy is written, Edna Mahan will write a Level 3 policy requiring that documentation be maintained to document that during the intake process, or within 30 days of intake, all incarcerated persons receive PREA information.

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. During the last compliance report to the Court, the Monitor had written that she was concerned 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. The Monitor’s Associate was pleased to see that this did not occur during the orientation education session he watched.

The Monitor interviewed Associate Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, to confirm the documentation of incarcerated persons who attend, and the person who provides, the comprehensive prisoner orientation sessions. Lastly, during the compliance visit, the Monitor and/or her Associate met with several incarcerated persons asking if they received PREA orientation within 30 days of intake. Most of these incarcerated persons confirmed they did receive intake during 30 days of intake (some couldn’t 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. And, in response to a recommendation made in the last compliance report, the main Edna Mahan facility is now showing this video daily, in both English and Spanish versions. There is currently no capacity at the Satellite Building to show the PREA video to the incarcerated population.

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 until February 24, 2024. 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 and implement 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.

Due Date: Within 30 days of intake

F. Prisoner Education ¶ 48:

2/24/23 Status Report

NJDOC has continued to submit verifications of compliance to DOJ and the Monitor for the months of August 2022 through January 2023.

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".

The Monitor provided feedback to this draft revision and the date for final revision was extended until February 24, 2024. Once this Agency Level 1 policy is written, Edna Mahan will write a Level 3 policy requiring that documentation be maintained to document that during the intake process, or within 30 days of intake, all incarcerated persons receive PREA information.

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.

The Monitor interviewed Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, and asked her what changes she made to the PREA Orientation, based on the recommendations made in the last compliance report. Ms. Renshaw provided a copy of the revised PREA Education Facilitator Guide (dated 2-1-23) which added a definition of Staff on Incarcerated Person Sexual Abuse, Staff on Incarcerated Person Sexual Harassment, and Staff Sexual Misconduct. There is also a line that discussed staff behaviors which are unrelated to official duties such as pat search contact, etc. This revised PREA Education Facilitator Guide also gives a definition of subtle retaliation.

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. During the last compliance report to the Court, the Monitor had written that she was concerned 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. The Monitor’s Associate was pleased to see that this did not occur during the orientation education session he watched.

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 incarcerated persons confirmed they did receive intake during 30 days of intake (some could not remember).

Additionally, as noted above, Edna Mahan also shows a “PREA video” at least two times a day, on an internal television channel. The incarcerated population calls it the “PREA Channel”. This video reminds the population of their right to be free from sexual abuse and sexual harassment and all the ways to report such. As noted above, in response to a recommendation made in the last compliance report, the Edna Mahan facility is now showing this video daily, in both English and Spanish versions. As noted above, there is currently no capacity at the Satellite Building to show the PREA video to the incarcerated population.

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 until February 24, 2024. 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 and implement a staff training plan that addresses the training requirements of the Prisoner Education policies or procedures.

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

2/24/23 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:

2/24/23 Status Report

This requirement continues to be satisfied. The EMCF IPCM provides 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 August 2022 through January 2023.

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

[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 F. Prisoner Education ¶ 50:

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

Even though these individuals have all received the training The Edna Mahan PREA Compliance Manager, 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 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 until February 24, 2024. 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 and implement 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:

2/24/23 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 August 2022 through January 2023.

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 Acknowledgement forms signed by all newly incarcerated persons who participated in a comprehensive PREA orientation session. Each of these acknowledgements has a signature by the staff person who provided the PREA orientation that states, "The staff signature indicates comprehensive orientation education while remaining in the room during the entire PREA orientation". Clearly, Edna Mahan is ensuring that the person providing the PREA orientation remains in the room during the entire orientation. The next step is to write this requirement into their Level 3 policies.

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 until February 24, 2024. 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 3 policy and/or procedures are finalized, Edna Mahan should create and implement 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:

2/24/23 Status Report

To ensure that all limited-English-proficient (LEP) incarcerated people are afforded the ability to effectively communicate their needs, understand regulations, the parole process, offender classification, disciplinary issues, medical, mental health, social service matters and access to other essential services, when staff interpreters on-site are not available, the facility provides interpreter assistance through a language phone translation service. EMCF staff has the ability to communicate with LEP incarcerated people in approximately 173 languages spoken in the world today. Staff have received LEP training, are able to meet with the IPCM regarding provision of language line services, have been provided with an ID-size at a glance language line quick reference card, and have all outside phone lines marked with language line access information. Several posters with this information are posted throughout the facility.

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. 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 ¶ 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. The Monitor provided feedback to this draft revision and the date for final revision was extended to February 24, 2024. 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.

Additionally, NJDOC policy statement SUP.004.001 Limited English Proficient (LEP) Language Assistance details the department’s procedures in addressing the needs of LEP incarcerated persons. Assistance for LEP incarcerated persons includes the use of bilingual staff and language line services. Each facility ensures that newly arrived incarcerated persons to the facility receive gender specific verbal, written and video presentations about prisoner sexual abuse/harassment in English and/or Spanish. For deaf and hard of hearing incarcerated persons, videos are available in closed captions. PREA orientation/educational informational materials and posters are provided in both English and Spanish. In instances where an LEP prisoner speaks in a language other than English or Spanish, translation services are provided. The date for revision to this policy was extended to February 24, 2024.

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". As with the Level 1 policies, the date for revision to this Level 3 policy was extended to February 24, 2024.

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 the past 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, during this reporting period Ms. Renshaw reports that she has used the telephone interpretation services (language line) to help provide the PREA Orientation for every incarcerated person whose primary language is Spanish. There have been no other persons who have been incarcerated at EMCF during this reporting period who spoke any language other than Spanish or English.

Ms. Renshaw explained that if the County Jail was going to send someone to Edna Mahan who spoke any language other than Spanish, the jail would notify Ms. Renshaw in time for her to get all education materials translated into that specific language. An example of this happening occurred in the last reporting period. Ms. Renshaw received notification that a woman was coming to Edna Mahan 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.

Ms. Renshaw explained that 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 what was being said.

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, 2024. Both Level 1 and 3 policies should include a statement that 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 and implement 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. If a certified bilingual employee is unavailable, it is recommended that Edna Mahan use the telephone interpretation services (language line) or other qualified interpreter to provide the PREA prisoner education. The telephone interpretation services, 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

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

F. Prisoner Education ¶ 53:

2/24/23 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 August 2022 through January 2023. 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 until February 24, 2024. 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 until February 24, 2024. The Level 3 policy should include a statement that would require Edna Mahan to maintain documentation of incarcerated persons participation in the comprehensive PREA orientation sessions.

Once the Level 3 policy and/or procedures are finalized, Edna Mahan should create and implement 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**

2/24/23 Status Report

The information documented in prior status reports remains accurate. There were no cross-gender searches between the months of August 2022 through January 2023. Revisions to policies regarding this subject matter were submitted 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 deadlines in the Agreement.

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:

Paragraph 54a:

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”. This policy was last updated on October 1, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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.”. This policy was last updated on September 28, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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

On January 9, 2023, the Monitor and the DOJ received a letter from the Edna Mahan Administrator stating that, for the months of October, November, and December 2022, “Please be advised that there have been no exigent circumstances that required cross-gender strip searches or visual body cavity searches. On February 16, 2023, the Monitor and the DOJ received a copy of letter from the Edna Mahan Administrator stating that, for the months of August, September, stating “Please be advised that there have been no exigent circumstances that required cross-gender strip searches or visual body cavity searches”.

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”). This Level 3 policy was last updated on September 28, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

On January 9, 2023, the Monitor and the DOJ received a letter from the Edna Mahan Administrator stating that, for the months of October, November, and December 2022, “Please be advised that. were no instances of available programming or out of cell activities being restricted due to not being able to comply with cross-gender search restrictions. On February 16, 2023, the Monitor and the DOJ received a copy of letter from the Edna Mahan Administrator stating that, for the months of August, September, noting that “Please be advised that. were no instances of available programming or out of cell activities being restricted due to not being able to comply with cross-gender search restrictions”.

Paragraph 54c:

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.” This

Level 3 policy was last updated on September 28, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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.” This Level 3 policy was last updated on June 10, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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 January 9, 2023, the Monitor and the DOJ received a letter from the Edna Mahan Administrator stating that, for the months of October, November, and December 2022, “Please be advised that there have been no exigent circumstances that required cross-gender strip searches, cross-gender visual body cavity searches, or any cross-gender pat-searches of incarcerated persons.

On February 16, 2023, the Monitor and DOJ received a letter from the Edna Mahan Administrator stating that, for the months of August and September 2022, there were no exigent circumstances that required cross-gender strip searches, cross-gender visual body cavity searches, or any cross-gender pat-searches of incarcerated persons. On January 9, 2023, the Monitor and the DOJ received a letter from the Edna Mahan Administrator stating that, for the months of October, November, and December 2022, “Please be advised that there have been no exigent circumstances that required cross-gender strip searches, cross-gender visual body cavity searches, or any cross-gender pat-searches of incarcerated persons.

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.” This Level 3 policy was last updated on September 28, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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.”

During the last reporting period, 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 incarcerated persons and also document the exigent circumstances that warranted the search. The training also included the expectation that searches be completed in a respectful and professional manner. During the last reporting period, the Monitor and the DOJ received verification that 356-custody staff participated in this training. This included all available Edna Mahan custody staff. However, it is unclear to the Monitor if this training has continued to be provided for custody staff new to Edna Mahan during this reporting period.

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 until February 24, 2024.

These revised policies need to set the expectation that 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. These policies should also set the expectation that 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 and that Edna Mahan staff 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.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create and implement a staff training plan that addresses the training requirements of the cross-gender searches and viewing policies or procedures. NJDOC and Edna Mahan develop a process to ensure that all security staff, including those who transfer to Edna Mahan, receiving training in how to conduct cross-gender pat-down searches in a professional and respect manner, and in the least intrusive manner possible.

G. Prisoner's Right to Privacy at Edna Mahan

par. 55 Cross-Gender Viewing

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

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

par. 55 a:

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

par 55 b:

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

**Steps taken by NJDOC and EMCF towards implementation G. Prisoner's Right to Privacy at Edna Mahan ¶ 55:
2/24/23 Status Report**

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 deadlines in the Agreement.

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 due date for this draft policy has been extended to February 24, 2024.

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

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

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

Paragraph 55 b:

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

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. The due date for this draft policy has been extended until February 24, 2024.

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

facility shall implement policies and procedure that require staff of the opposite gender to announce their presence when entering a prisoner housing unit.” This Level 3 policy was last updated on June 10, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

The Monitor and/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 in February, 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 the living area of a housing unit.

As stated in the previous two compliance reports, several incarcerated persons asked why the female 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 will 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 until February 24, 2024.

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 “non-gender” announcements for all 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 and implement 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:
2/24/23 Status Report**

Copies of the PREA education curriculum, PREA video, handbook, pamphlets, and flyers have been provided to DOJ and the Monitor in Spanish, English, and Mandarin. Data of allegations, including method utilized to report, is kept on file. Draft revisions to policies regarding this subject matter were submitted 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 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 has been extended until February 24, 2024. 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.” This Level 3 policy was last updated on June 10, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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 incarcerated persons to report privately, and at least one method that allows incarcerated persons to report anonymously and confidentially.

Although incarcerated persons can make an anonymous call to *SID1# on the telephone system, in order to make this call, the incarcerated person has to enter their telephone PIN (Personal Identification Number). Some people might think that, since they must enter their PIN number, that call might not be confidential. Additionally, they must make calls 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.

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

Lastly, the Monitor or her Associate interviewed several staff and incarcerated persons (separately) and asked them specifically about ways incarcerated persons can report any allegations of sexual abuse and harassment, including privately and anonymously. Both groups were very knowledgeable about the multiple ways incarcerated persons can report allegations of sexual abuse and harassment. 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 (August 25, 2022 – February 24, 2023), there were 401 contacts, including one (1) allegation of staff sexual abuse and two (2) allegations of staff sexual harassment, from two (2) different persons.

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 until February 24, 2024. The revised policies need 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 and implement 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: 2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of the staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon 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 has been extended until February 24, 2024.

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. This Level 3 policy was last updated on June 10, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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 (August 25, 2022 – February 24, 2023), there were 401 contacts, including one (1) allegation of staff sexual abuse and two (2) allegations of staff sexual harassment, from two (2) 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 until February 24, 2024. 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 and implement 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: 2/24/23 Status Report

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

They are able to report an incident at any time no matter when, or where, it happened. NJDOC and EMCF provides comprehensive education regarding their rights and ability to report via numerous methods and also provides reporting contact information on posters and literature available throughout the facility. In summary, incarcerated persons may report sexual abuse, sexual harassment and/or retaliation related to a sexual abuse or sexual harassment allegation by using one of the following methods:

- Verbally or in writing to any NJDOC staff member, contractor, or volunteer;
- Contacting the Facility's Institutional PREA Compliance Manager;
- Using the Remedy System/JPAY Kiosk;

- Contacting the Special Investigations Division (SID) via the Confidential SID box or by dialing • *SID1# on the Telephone System (free call);
- Contacting the Corrections Ombudsperson.

Revisions to policies regarding this subject matter were submitted in compliance with this Agreement. Approval and implementation of related policies, along with the development and implementation of the staff training plan, will occur as stipulated in this Agreement and according to relevant agreed upon deadlines in the Agreement.

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.

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 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 has been extended until February 24, 2024.

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 Ombudsman'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 Ombudsman'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 Ombudsman's Office. Most were aware of this option, although not all. The incarcerated persons stated that the concerns noted in the last compliance report continue, specific to reporting to the Ombudsman's Office. Those concerns included: when they call the number, they usually get a busy signal and if they use JPay, it is not an anonymous form of reporting.

The Monitor spoke with Terry Schuster, Corrections Ombudsman. He continues to be aware of, and agreed with, the concerns noted by the incarcerated persons. Mr. Schuster acknowledged that the Office of the Corrections Ombudsman is operating with insufficient staff. He has interviewed, and identified more staff that he would like to hire. But, because of New Jersey's bureaucracy and delay in the State Civil Service Commission's process, he has been waiting since October 2022 for approval. This delay continues to result in the Ombudsman's line being busy when incarcerated persons try to call. Mr. Schuster noted that his office has obtained new laptop computers and that the email for the Ombudsman's office is now through the Treasury Department rather than the Department of Corrections. He noted that his office is still housed in a NJDOC headquarters building, but he is hoping that will change. Mr. Schuster noted, and the Monitor agrees, that the more "separated" his office is from the Department of Corrections, the more trust the incarcerated persons will have in the Ombudsman's office.

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 until February 24, 2024. These revised policies need to continue to ensure that Edna Mahan prisoners may report abuse or harassment to the Office of the Corrections Ombudsman.

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

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

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

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

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

**Steps taken by NJDOC and EMCF towards implementation H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:
2/24/23 Status Report**

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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 has been extended until February 24, 2024.

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 in case 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 until February 24, 2024. The recommendation is that these revised policies continue to provide a method for staff to privately report sexual abuse and sexual harassment of incarcerated persons and that this method is available, very clearly, to staff. Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create and implement 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:
2/24/23 Status Report**

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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 has been extended until February 24, 2024.

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.” This Level 3 policy was last updated on October 1, 2017, and is part of the policies that have been given an extension for revision until February 24, 2024.

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.

Also, during the onsite compliance visit in February 2023, the Monitor and/or her Associate spoke with custody and non-custody staff and asked them about their responsibility to report allegations of sexual harassment or sexual abuse, allegations of retaliation, or any staff negligence that would contribute to such incidents. Without exception all officers answered they were required to report any of these types of allegations/suspicions immediately.

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 until February 24, 2024. 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 and implement 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: 2/24/23 Status Report

NJDOC has focused on enhancing the distribution of information regarding confidentiality in order to ensure that both staff and incarcerated persons are aware that allegations are confidential. There is no regulation against an incarcerated person sharing with a peer or staff member details of an allegation, but staff have the responsibility and expectation to keep this information confidential, only reporting what is necessary to those who need to know as mandatory reporters.

The EMCF IPCM has added improved the language in PREA education materials for incarcerated persons regarding confidentiality including the difference between confidential and anonymous reporting. In order to better maintain confidentiality, information regarding PREA allegation alerts has been limited and distributed to only those in senior leadership roles. Due to intentional efforts to improve direct communication between SID and EMCF leadership, investigative interview requests are now made through Administration by SID. Due to this change, SID no longer contacts the area supervisor to arrange an interview and instead, when an investigative interview is requested, SID advises the IPCM, Administrator, or designee who will then call to move the incarcerated person to the multipurpose buildings which house investigative interview rooms.

These rooms have been updated aesthetically to create a more calming environment for a potential victim interview. Work orders have been submitted to install partial closures to improve incarcerated person phone privacy for the areas which do not currently have them. In disciplinary housing units, a new system to improve phone privacy was also implemented. Incarcerated persons are now able to utilize a phone where they are able to speak on their bed with the door and port closed. In order to ensure routine messaging, incarcerated persons are able to voluntarily meet with the IPCM in a group setting where topics about specific standards are discussed in detail including confidentiality. In January, the IPCM began attending routine staff PREA training to offer the ability to ask in-depth questions and discuss several topics including staff's responsibility to ensure confidentiality is maintained. Staff are also provided ID-sized at a glance card with information regarding language line access procedures, confidentiality, and retaliation responsibilities.

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

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 ¶ 61:

During this past reporting period NJDOC, in general, and Edna Mahan, specifically, has spent a large amount of time changing processes and training staff in order to enhance confidentiality. The changed processes/staff training include:

Changed the locations of the SID/SVU interview spaces. The locations have many other activities/appointments occurring so no one is aware of the purpose of that specific interview. Made the interview spaces softer to be confidential, safe and unthreatening space.

- Changed the process to call an incarcerated person to an interview with SID/SVU. The old process was to call the housing unit and ask them to send the incarcerated person to an interview with SID/SVU. The new process involves a member of Administration (the only person who was aware of the allegation) calling the Shift Commander and asking that the incarcerated person to be sent to a specific location. The Shift Commander then calls the housing unit, who then sends the person to the required location. One incarcerated person said she was told she was being required to give an urine sample and was surprised when she found out she was being interviewed by SID.
- Reduced the number of persons to who are notified of an allegation of sexual abuse or sexual harassment to only those who have a "need to know".
- Eliminated the "Executive Packet" that had been sent out to over 100 custody supervisors that gave the details of all PREA allegations.
- Discussed the importance of confidentiality in the staff newsletter.
- Discussed the importance of confidentiality in the PREA Focus Groups held with the incarcerated persons.
- Set the expectation that all supervisors discuss the importance of confidentiality with all their direct reports.
- Developed and distributed laminated "pocket cards" that identified that confidentiality is required and listed the following bullets:
 - Do not ask an IP (incarcerated person) about an investigation.
 - Do not announce in the unit if an IP is going to medical, mental health or professional interview.
 - Do not share any information you may hear from another source about an investigation.

- Ensure you protect privacy and confidentiality for both staff and IP at all times as this protects physical, emotional, and sexual safety.

In the interviews with the incarcerated persons, they did not believe confidentiality has improved very much. However, the Monitor believes this reflects “outcome” versus “process” and how long it takes for change to happen in a large facility, such as Edna Mahan. Another factor is simply the inevitability of people talking. Staff are very clear about the expectation of confidentiality but unfortunately, knowing the expectation and abiding by the expectation sometimes depends on the person. Additionally, incarcerated persons talk. There is no expectation of confidentiality that they are bound to. In some cases, the alleged victims themselves have shared the allegation with others, which they are permitted to do and sometimes need someone to talk to. And this too, can add to the lack of confidentiality.

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

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

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

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

Requirements:

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

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

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

Steps taken by NJDOC and EMCF towards implementation H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62: 2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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 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." This Level 3 policy was last updated on October 1, 2017, and is part of the policies that have been given an extension for revision until February 24, 2024.

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

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

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

Likewise, the Monitor and/or her Associate spoke with the Special Victims Unit/Special Investigations Principal Investigators who are assigned to Edna Mahan and asked them how quickly Edna Mahan staff report allegations to SID. They reported that Edna Mahan staff are very good at immediately reporting all allegations to SID. SID staff report that SID also receives an electronic notice from the Central Operations Desk

(COD), but this is usually just a “courtesy notice” because they received verbal notification much sooner. No member of the Special Investigations Division staff could think of any case that was not reported within 12 hours.

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

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

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 until February 24, 2024. The recommendation is to include the requirement that NJDOC and Edna Mahan report all allegations of sexual abuse and sexual harassment, including purposeful misgendering, 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 and implement 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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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 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." This Level 3 policy was last updated on April 18, 2017, but it's unclear if it is part of the policies that have been given an extension for revision until February 24, 2024.

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

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 O'Dea explained that this email notification is simply a "courtesy" notification because he has already received a telephone call from the Edna Mahan Shift Commander.

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 reported allegations to the Edna Mahan Administrator. She reported that staff immediately report all allegations to the Administrator (or his designee), and always within 30 minutes (30). She could not think of a case that was not reported within 12 hours.

As noted in the previous paragraph, it is clear that NJDOC and Edna Mahan are abiding by the requirement of this paragraph. The next step is to formalize the condition in Level 1 and Level 3 policies.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 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 until February 24, 2024. 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 and implement 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: 2/24/23 Status Report

NJDOC has focused on enhancing the distribution of information regarding retaliation in order to ensure that both staff and incarcerated persons are aware of the procedure and encouraged to ask questions as well as share concerns. In addition to the processes in place described in prior status reports, the EMCF IPCM has added additional information regarding the right to be protected from retaliation, including subtle retaliation, into the incarcerated persons PREA education and orientation presentation. Staff receive monthly PREA updates sent by the IPCM which review several PREA hot topics, including the number of cases and disposition as well as information about retaliation inclusive of subtle retaliation. The EMCF IPCM has added a question specific to subtle retaliation to the retaliation monitoring form so that once again, the incarcerated person is able to receive in depth information about the topic as well as opportunity to report any retaliation concerns. The curriculum, form and updates regarding subtle retaliation have been provided to the DOJ and Federal Monitor. Lastly, in order to ensure routine messaging, incarcerated persons are able to voluntarily meet with the IPCM in a group setting where topics about specific standards are discussed in detail including all forms of retaliation. In

January, the IPCM also began attending routine staff PREA training to offer the ability to ask in depth questions and discuss several topics including staff's responsibility to ensure that no retaliation in any form occurs. Staff are also provided ID-sized at a glance card with information regarding language line access procedures, confidentiality, and retaliation responsibilities.

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, and it is clear that NJDOC and Edna Mahan have put significant focus in this area during this reporting period, several of the incarcerated persons indicated that they believe a subtle form of retaliation is still occurring. The Monitor believes this is an area that could continue to use a lot of 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, 2024.

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 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, including subtle retaliation, by conducting a total of 4 reviews with the person. Two of the reviews are in-person reviews and two are “paper” reviews. This information is documented in the retaliation log. For staff, she monitors any unusual shift schedule changes, or assignments that may cause suspicion. For incarcerated persons, she monitors housing changes, grievances, infractions, etc. She also noted that, if circumstances warrant it, the 90-day monitoring period may be extended.

The Monitor asked Assistant Superintendent Amelia Renshaw what changes she made to the PREA Orientation, based on the recommendations made in the last compliance report. Ms. Renshaw provided a copy of the revised PREA Education Facilitator Guide (dated 2-1-23) which added a definition of subtle retaliation. Additionally, Assistant Superintendent Renshaw stated that she now specifically asks the incarcerated person being monitored if they have had any instances of subtle retaliation, such as selective enforcement of rules, against them. Additionally, she has added the note “IP reported retaliation or subtle retaliation” on the NJDOC PREA Retaliation Monitoring Form.

As noted in the compliance narrative report, both NJDOC and Edna Mahan have invested a large amount of time during this past reporting period changing processes and training staff in order to eliminate retaliation. The changed processes/staff training include:

- Revised the current PREA Orientation facilitator guide to include giving examples of subtle retaliation.
- Revised NJDOC’s monitoring form to include asking the incarcerated person specifically if they have experienced any form of subtle retaliation.

- Discussed the definition of subtle retaliation in the staff newsletter.
- Discussed the definition, and gave examples, of subtle retaliation in the PREA Focus Groups held with the incarcerated persons.
- Set the expectation that all supervisors discuss the definition and prohibition of subtle retaliation with all their direct reports.
- Developed and distributed laminated “pocket cards” that discussed retaliation monitoring and defined ‘subtle’. The card reads:
 - Retaliation monitoring is available for IP and staff for 90 days following a report of sexual abuse or harassment, or cooperation with an investigation.
 - Subtle retaliation is the inappropriate behavior to retaliate against someone that is not obvious or is disguised as professional duties (e.g., assigning a non-desirable post, not getting a meal break, inconsistent rule enforcement, excessive room searches, etc.).
 - Reporting abuse/harassment/retaliation
 - IP – SID; IPCM; Ombudsperson; any staff; JPAY
 - Staff – SID; Ombudsperson; Supervisor

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. Everyone we spoke with was aware of the prohibition of retaliation against any staff or incarcerated person who reports allegations of sexual abuse or sexual harassment or cooperates with such an investigation.

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 sexual harassment. Most were aware of this protection, but some still felt that retaliation for reporting happens. They did not believe the issue of subtle retaliation has improved very much during this past reporting period. They felt the retaliation was 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. These types of comments were made in the focus groups with the incarcerated persons, and it was hard to discern (a) what actions were or were not retaliation or retaliation, (b) whether the alleged retaliation occurred within this reporting period and (c) whether the incarcerated person asserting retaliation had an outstanding PREA allegation, which is necessary for determining whether retaliation is occurring in violation of the incarcerated person’s rights.

The incarcerated persons used the term “retaliation” frequently. However, when the Monitor asked for specific examples, sometimes the examples given were not retaliation for filing an allegation of sexual abuse or sexual harassment, but for some other behavior. In one example, the incarcerated person felt they had been retaliated against for “speaking their mind” in a focus group. Another example given was that one incarcerated person was not put on the “call-out list” for an important meeting. But when the Monitor investigated the incident, it was explained that the incarcerated person’s last name had changed, and she was on the call-out list using her “old” name. Other examples some of the incarcerated persons gave happened previously and not during this reporting period.

However, when the Monitor met individually with four incarcerated persons who had filed an allegation during this reporting period, there were more specifics. One person felt retaliation has “gotten better”, but she also noted that she made an allegation against another incarcerated person and “staff don’t take retaliation seriously unless the allegation is against one of them”. Another incarcerated person felt like staff executes retaliation “underhandedly”. The example she gave was that she was given a bed move from a single unit to a dormitory. When she asked why, the staff person (a friend of the person she made an allegation against) had a reasonable explanation that staff accepted, but she felt the move was in retaliation for her filing an allegation. It should be noted that moves from a single unit to a dormitory are vetted by EMCF administration, so this may be a situation where further communication with the incarcerated person as to why the move occurred would have been beneficial. In another instance, an incarcerated person stated that friends of the alleged perpetrator tried to get her to retract her statement and say, “he didn’t do it” and she felt very intimidated. The last person the Monitor spoke with said that “although she hasn’t felt retaliated against”, she thinks most incarcerated persons don’t report because of concern that subtle retaliation happens.

As noted in the “rating section”, this is a difficult paragraph to determine compliance. Although all the policies and procedures are in place for retaliation monitoring and it is clear that NJDOC and Edna Mahan have put significant focus in this area during this reporting period. Additionally, there does not appear to be a level of retaliation during this reporting period, as was reported during the past reporting period. However, several of the incarcerated persons indicated that they believe a subtle form of retaliation is still occurring. It is hard to determine if this is the case or if this perception reflects “outcome” versus “process” and how long it takes for change to happen in a large facility, such as Edna Mahan. The Monitor recognizes how long it takes for this type of comprehensive culture change to take place and does not believe it will happen in one, six-month reporting period. This area of retaliation should continue to have a lot of focus in the next reporting periods.

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, 2024. 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 and implement a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies. The Monitor believes there continues to be an opportunity for education for staff regarding this subtle retaliation and the Administration should give the strong message that no retaliation of any kind will be tolerated.

It is also recommended that NJDOC and Edna Mahan continue to concentrate on the issue of subtle retaliation and hold any staff accountable for any acts of retaliation.

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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Groups continue to occur with the incarcerated persons and staff regarding monitoring. In addition, the IPCM continues to monitor and track as required per policy. Revisions to policies regarding this subject matter were submitted 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 deadlines in the Agreement.

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 some victims do not want to report incidents of sexual abuse or sexual harassment. The Monitor determined substantial compliance since NJDOC and Edna Mahan 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 the 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 the 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.” As previously noted, this policy was last updated on October 1, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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.

During the onsite compliance visit, Mr. Shireman, the Monitor’s Associate reviewed the Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) completed by the EMCF PREA Compliance Manager for persons who reported allegations of sexual

abuse or sexual harassment. The Associate also reviewed Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive.

The Monitor has 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. During one of the focus groups with staff, some staff mentioned concerns about using the PREA Emotional Support Line because it was their understanding that EMCF staff may be answering the call. EMCF Leadership should communicate with staff if this understanding is inaccurate.

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. Ms. Renshaw reported she monitors possible retaliation, including subtle retaliation, by conducting a total of four reviews with the person. Two of the reviews are in-person reviews and two are "paper" reviews. This information is documented in the retaliation log. For staff, she monitors any unusual shift

schedule changes, or assignments that may cause suspicion. For incarcerated persons, she monitors housing changes, grievances, infractions, etc. She also noted that, if circumstances warrant it, the 90-day monitoring period may be extended.

Likewise, the Monitor spoke with the Edna Mahan Administrator regarding how the facility protects incarcerated persons and staff who report allegations of sexual abuse or sexual harassment from retaliation. He echoed what the Edna Mahan PREA Compliance Manager said in terms of the PREA Compliance Manager meeting with both staff and incarcerated persons face-to-face and monitoring this such as disciplinary reports, program changes, housing changes, performance evaluations, staff reassignments and JPay inquiries/grievances, etc. It is worth noting that there have been no reports of retaliation of staff during the past eighteen months that the Settlement Agreement has been in effect.

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 very subtle manners. 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 until February 24, 2024. 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 and implement a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies. The Monitor believes there is a continuing opportunity for education for staff regarding this subtle retaliation and the Administration should give the strong message that no retaliation of any kind will be tolerated.

It is also recommended that NJDOC and Edna Mahan continue to concentrate on the issue of subtle retaliation and hold any staff accountable for any acts of retaliation.

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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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 (August 25, 2022 – February 24, 2023), Edna Mahan had 22 allegations of sexual abuse or sexual harassment. Of all these allegations, there were eight (8) 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 of sexual abuse, sexual harassment, or retaliation.

The Monitor spoke with Edna Mahan Administrator Ryan O'Dea and asked how he and the Edna Mahan PREA Compliance Manager made the decision whether the staff who have been accused of sexual abuse, sexual harassment, or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included. He reported that it depended upon the severity of the allegation and that his main concern is the safety of the alleged victim. Administrator O'Dea has the ability to remove the alleged perpetrator from the entire facility, or from the part of the facility the alleged victim lives in (maximum or minimum "grounds"), or from the housing unit where the alleged victim lives, or from any type of prisoner contact. He also said that the Stationery and Body Worn Cameras have helped him make his decision during this past reporting period.

When the Administrator is away from the office, Associate Administrator Rios makes the decision whether to remove staff from their position or not. When asked what she considered when making such a decision, she reported the same considerations that Administrator O'Dea did, stating that "the safety of the incarcerated person is the most important priority".

Likewise, the Monitor spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how she and the Administrator made the decision whether the staff who have been accused of 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 until February 24, 2024. 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 of 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 and implement 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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 deadlines in the Agreement.

Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 67:

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 ¶ 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 the 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.

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." This policy was last updated on October 1, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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. This level 3 IMP was last updated on October 1, 2017, and is part of the policies that have been given an extension for revision until February 24, 2024.

The Monitor spoke with the Edna Mahan Administrator Ryan O’Dea regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. He recapped the measures spoken to in the level 1 and Level 3 policies. He also stated that if the alleged staff retaliated against an incarcerated person, that alleged staff will be removed from a position of contact with the individual.

The Monitor also spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She reported she monitors possible retaliation, including subtle retaliation, by conducting a total of 4 reviews with the person. Two of the reviews are in-person reviews and two are “paper” reviews. This information is documented in the retaliation log. For staff, she monitors any unusual shift schedule changes, or assignments that may cause suspicion.

For incarcerated persons, she monitors housing changes, grievances, infractions, etc. She also noted that, if circumstances warrant it, the 90-day monitoring period may be extended. Assistant Superintendent Renshaw stated that she now specifically asks the incarcerated person being monitored if they have had any instances of subtle retaliation, such as selective enforcement of rules, against them. Additionally, she has added the note “IP reported retaliation or subtle retaliation” on the NJDOC PREA Retaliation Monitoring Form.

During the onsite compliance visit, Mr. Shireman, the Monitor’s Associate reviewed the Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) completed by the current EMCF PREA Compliance Manager for inmates or staff who reported the sexual abuse of inmates. The Associate also reviewed Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive. Additionally, 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 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 until February 24, 2024. 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 and implement a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies.

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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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 the 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. This policy was last updated on October 1, 2020, and is part of the policies that have been given an extension for revision until February 24, 2024.

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. This level 3 IMP was last updated on October 1, 2017, and is part of the policies that have been given an extension for revision until February 24, 2024.

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, and retaliation for reporting.

The Monitor spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She stated that primary way would be to speak to the individual and if, at any time, there is any evidence that the person expresses a fear of retaliation, that allegation would be referred to the Special Investigations Division and a new investigation would be conducted. Assistant Superintendent Renshaw stated that she now specifically asks the incarcerated person being monitored if they have had any instances of subtle retaliation, such as selective enforcement of rules, against them. Additionally, she has added the note “IP reported retaliation or subtle retaliation” on the NJDOC PREA Retaliation Monitoring Form.

Likewise, the Monitor spoke with the Edna Mahan PREA Administrator Ryan O’Dea regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. He affirmed the answer the Edna Mahan PREA Compliance Manager said that the main way was to let the person know that if they expressed a fear of retaliation, that the allegation would be referred to the Special Investigations Division and a new investigation would be conducted.

During the onsite compliance visit, Mr. Shireman, the Monitor’s Associate, reviewed the Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) completed by the current EMCF PREA Compliance Manager for inmates or staff who reported the sexual abuse of inmates. The Associate also reviewed Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive. Additionally, 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 until February 24, 2024. 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 and implement a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies.

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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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:

In October 2022, the Monitor received a draft revision of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment. This draft states, "No inmate who is alleged to have suffered sexual abuse or sexual harassment shall be placed in involuntary restrictive housing, (Temporary Close Custody, Prehearing Protective Custody or Involuntary Protective Custody) based solely on PREA Risk unless all available alternatives have been reviewed, documented in writing, and there is no available alternate means of separating the inmate from potential abusers". The Monitor provided feedback and the revision date for this policy has been extended to February 24, 2024.

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 involuntary restricted Housing. During this reporting period, there has not been any case of such.

The Monitor spoke with the Administrator of Edna Mahan and asked him under what circumstances victims of sexual abuse and sexual harassment are placed in involuntary restricted housing. The Administrator was very clear that this decision would only be made in very rare circumstances and if there were no available alternative means of separation from the likely abuser. The Administrator stated that there have been no instances of any victim on sexual abuse or sexual harassment being placed in involuntary restricted housing during this reporting period.

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 a very rare circumstance. There were no such incidents during this reporting period.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

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 until February 24, 2024. The recommendation is to finalize NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment as written, that no inmate who is alleged to have suffered sexual abuse or sexual harassment shall be placed in involuntary restrictive housing.

It is also recommended that a Level 3 policy be developed 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 and implement a staff training plan that addresses the training requirements of the revised Protection of Retaliation 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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 deadlines in the Agreement

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:

[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 J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:

In October 2022 the Monitor received a draft revision of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment. This draft states, b) Inmates placed in segregated housing for this purpose shall have access to programs, privileges, education, and work opportunities to the extent possible. If the facility restricts access to programs, privileges, education, or work opportunities, the facility shall document:

- (1) The opportunities that have been limited;
- (2) The duration of the limitation; and
- (3) The reasons for such limitations.

The Monitor provided feedback and the revision date for this policy has been extended to February 24, 2024.

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 him if an alleged victim was placed in involuntarily restricted housing, what privileges would they be allowed to have. The Administrator was very clear that they were allowed all personal property, mail and visit

privileges and other services that are available to incarcerated people in the general population. Likewise, The Monitor also interviewed the Edna Mahan Leadership Team, including the PREA Compliance Manager and asked the same question. All 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, 2024. The recommendation is to finalize the draft as written, 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.

It is also recommended that a Level 3 policy be developed that Edna Mahan ensure that such incarcerated persons have access to privileges, including visitation, commissary, programming, and vocational opportunities to the extent possible.

Once the Level 1 and Level 3 policies and/or procedures are finalized, Edna Mahan should create and implement 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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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, 2024.

The Monitor or her Associate spoke with the Edna Mahan Administrator, the Edna Mahan PREA Compliance Manager, the Assistant Commission for the Special Investigations Division, and SID/SVU Principal Investigators. When asked, all responded that they were aware that incarcerated persons should not be placed in involuntary restriction solely for the purpose of interviewing that person as part of an investigation.

Since August 24, 2021, NJDOC has notified DOJ and the Monitor of any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 24 hours. These notifications also note if the victim who was alleged to have suffered sexual abuse or sexual harassment was placed in restricted housing for any purpose. During this reporting period, there have been no reports of any incarcerated person housed in restricted housing solely for the purpose of interviewing that person as part of an investigation.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

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, 2024. The recommendation is to include the statement that the Monitor suggested reflecting that Edna Mahan does not place in restricted housing an incarcerated person 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 policy and/or procedure is finalized, a staff training plan should be created and implemented that addresses the training requirements of the revised Response to Allegations of Sexual Abuse or Sexual Harassment policy.

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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 deadlines in the Agreement.

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:

[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 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 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 provided feedback and the revision date for this policy has been extended to February 24, 2024.

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". The revised due date for a Level 3 policy is February 24, 2024.

The Monitor reviewed a pamphlet which is made available to incarcerated persons who live at Edna Mahan titled, "NJDOC PREA: External Emotional Support Services for Victims of Sexual Abuse." This pamphlet, which is available in both Spanish and English notified the incarcerated persons that they have access to external sexual abuse emotional support services. It also tells the incarcerated persons that they may access these services even if they do not wish to make a report of sexual abuse. It notifies how the services can be accessed and provides the inmate telephone system phone number *PREA#. It also lets the incarcerated persons know that calls to the PREA Emotional Support Line are free and are classified as confidential.

Additionally, the Monitor reviewed the 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)”

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 impedes confidentiality.

The Monitor reviewed the Memorandum of Understanding Between the New Jersey Department of Corrections and SAFE in Hunterdon County. The purpose of this Memorandum of Understanding (MOU) is to is to guide and direct the parties 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. He reported that there are toll-free numbers they can use (even if they are in restricted housing, they have access to a telephone that is toll-free). The 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 O’Dea reported that in the Close Custody Unit and Restricted Housing Unit they have changed the phone cords. The cords are longer so that incarcerated persons living in those units don’t have to stand in front of their cells to make calls anymore (which let others in that

unit hear their conversations). The longer cords allow the incarcerated person to take the handset of the phone to their beds, which allows for much more privacy. The Monitor saw this phone cord and thinks it is a good step in providing privacy for those incarcerated persons housed in Close Custody Unit and Restricted Housing Unit. Additionally, Administrator O’Dea says the facility plans to add partitions between phones in the hallway of the reception unit. He’s hoping this will allow for more privacy for confidential phone calls, but the Monitor notes that the partitions would not provide any auditory privacy. The Monitor appreciates the steps Edna Mahan has taken in these selected housing units yet continues to have concerns that not all incarcerated persons have such a confidential manner in which to contact emotional support services.

The Monitor interviewed Assistant Superintendent Amelia Renshaw the Edna Mahan PREA Compliance Manger and asked the same question. She also noted that the PREA phone lines are provided in the housing units and was aware of the lack of confidentiality concerns. AS Renshaw said that 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, although many said they would not call because of the lack of confidentiality.

The Monitor is familiar with other Department of Corrections’ agencies that have hired an on-site Victim Services Advocate who is available to incarcerated victims of sexual abuse. This advocate, usually an expert in trauma, helps the victim through the process and trauma of the investigation and aftereffects. This person would also allow for confidential emotional support services. Although not required in the Settlement Agreement, the Monitor believes this is a best practice in the field of institutionalized women’s services.

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, 2024. 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 3 policy and/or procedures are finalized, Edna Mahan should create and implement a staff training plan that addresses the training requirements of the revised Response to Allegations of Sexual Abuse or Sexual Harassment policies.

The Monitor 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 available.

Lastly the Monitor recommends that NJDOC and Edna Mahan consider hiring an on-site Victim Services Advocate.

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:

2/24/23 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. Revisions to policies regarding this subject matter were submitted 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 deadlines in the Agreement.

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

[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 J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

The Monitor reviewed the Memorandum of Understanding Between the New Jersey Department of Corrections and SAFE in Hunterdon County. The purpose of this Memorandum of Understanding (MOU) is to guide and direct the parties 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, 2024. 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 and implement 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:
2/24/23 Status Report**

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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:

In October 2022 the Monitor received a draft revision of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment. This draft 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." The Monitor provided feedback and the revision date for this policy has been extended until February 24, 2024.

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 Assistant Commissioner for the Special Investigation Division (SID). She confirmed that SID/Special Victims Unit investigate all allegations of sexual abuse or sexual harassment promptly, thoroughly, and objectively and, if appropriate, refers 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 Assistant Commissioner.

Recommendations re K. Referrals and Investigations ¶ 75:

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 until February 24, 2024. The recommendation is to finalize the draft as written, 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 and implement 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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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:

In October 2022 the Monitor received a draft revision of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment. This draft 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." The Monitor provided feedback and the revision date for this policy has been extended to February 24, 2024.

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 recently 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 provided feedback and the revision date for this IMP has been extended to February 24, 2024.

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet 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 have recently been 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 provided feedback on these two IMP’s and the revision date for this IMP has been extended to February 24, 2024.

The Monitor spoke with the Assistant Commissioner for the Special Investigation Division, the SID staff assigned to Edna Mahan, as well as the SVU staff that conduct investigations for Edna Mahan. All confirmed that SID/Special Victims 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 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, 2024. The recommendation is to finalize the drafts as written, 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. It is also recommended that statements 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 the IMP.

Once the Level 1 policy and IMPs are finalized, NJDOC should create and implement 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:
2/24/23 Status Report**

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 deadlines in the Agreement.

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 recommended that the specialized training received by members of the SID 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, 2024.

The Monitor spoke with the Assistant 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 SID staff assigned to Edna Mahan, the SVU staff that conduct investigations for Edna Mahan and the Edna Mahan PREA Compliance Manager and asked the same question. Everyone emphatically answered no to this question.

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, 2024. 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, this 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 and implement 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:
2/24/23 Status Report**

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 deadlines in the Agreement.

Monitor’s Finding of Compliance re K. Referrals and Investigations ¶ 79:

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 31st 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 31st 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 made various recommendations. As noted previously, the date for this policy to be finalized was extended to February 24, 2024.

The Monitor interviewed the Assistant 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 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 and/or her Associate posed the same question to the SID/Special Victims Principal Investigators assigned to Edna Mahan. Both confirmed Assistant 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 until February 24, 2024. 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 and implement 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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 deadlines in the Agreement.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 80:

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 made various recommendations. The date for this policy to be finalized was extended until February 24, 2024.

The Monitor reviewed several completed investigations that included interviews with, and statements by, the alleged victim prisoner, the alleged suspect staff person, and witnesses. The decisions made in these investigations appeared to be based on the involved persons’ statements and the evidence (cameras, records, reports, documentation of facts, etc.) available.

Recommendations re K. Referrals and Investigations ¶ 80:

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 until February 24, 2024. 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 and implement 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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted in compliance with this Agreement. Approval and implementation of related policies along with the development and implementation of the staff training plan will occur as stipulated in this Agreement and according to relevant agreed upon deadlines in the Agreement. At this time, NJDOC has one open extension request due to factors beyond our control.

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 provided feedback and the date for this policy to be finalized was extended until February 24, 2024.

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

- The date of notification of the allegation
- The date the case was referred to prosecutor's review
- If the case is criminal or administrative
- If the case was returned to NJDOC, the date returned
- If an extension was requested, and if so, the date of the request, and the reason for the extension
- The date of the completed investigation.
- Whether the allegation is substantiated, unsubstantiated, or unfounded

Additionally, copies of the Sexual Assault Investigation Disposition form for each investigated allegation have been sent to the DOJ and Monitor. During this reporting period (August 25, 2022 – February 24, 2023), EMCF had 22 allegations of staff on incarcerated person sexual abuse or sexual harassment. 14 were investigated and closed. Eight (8) cases are currently being actively investigated (as of the writing of this

report). Of the eight, five (5) are pending Prosecutor's Office review and three (3) are being investigated by SID following the prosecutor's office referral back to NJDOC. Each of the cases investigated by NJDOC, except for one (which requested an extension due to difficulty of contacting the alleged abuser) were completed within the ninety-day requirement.

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 until February 24, 2024. 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 and implement 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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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:

The Special Investigations Division of the NJDOC revised in, and has been using this revised form, in March 2022.

Special Investigations Division (SID) Internal Management Procedures (IMP) #035, Investigation Procedures was 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 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 until February 24, 2024.

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, 2024. 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 and implement 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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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:

In October 2022 the Monitor received a draft revision of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment. This draft 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.” The date for this policy to be finalized was extended until February 24, 2024.

There is currently no Edna Mahan Level 3 policy which references the Sexual Assault Advisory Council (SAAC). The date for an EMCF Level 3 policy to be written was extended until February 24, 2024.

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 the Principal Investigator for the Special Investigations Unit regarding the process of Edna Mahan’s Sexual Assault Advisory Council. All acknowledged that the PREA Compliance Manager is responsible to convene and chair the SACC. They also stated that the SACC is usually convened monthly and always within thirty (30) days of the conclusion of the investigation. During the SAAC, the Principal Investigator for the Special Investigation Division staff assigned to Edna Mahan presents the completed investigation case for review. This provides the opportunity for any SAAC member to ask questions or seek any further information. The members confirmed that, in her role as the Chair of the Edna Mahan SAAC, Assistant Superintendent Renshaw prepares a report of the SAAC’s findings and any recommendations for improvement and submits that report to the Department-wide PREA Coordinator. The SAAC 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 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 until February 24, 2024.

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 and implement 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:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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:

In October 2022 the Monitor received a draft revision of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment. This draft 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.” The date for this NJDOC Level 1 policy to be finalized was extended until February 24, 2024.

There is currently no Edna Mahan Level 3 policy which references the Sexual Assault Advisory Council (SAAC). The date for an EMCF Level 3 policy to be written was extended until February 24, 2024.

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 adding a mirror, readjusting a camera, adding a camera, etc. The Monitor notes that the Edna Mahan SAAC did not create formal Corrective Action Plans (CAPs) in the last reporting period but will begin to do so in the next reporting period, as needed.

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 until February 24, 2024. 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.

The Monitor recommends that the Edna Mahan SAAC begin producing formal Corrective Action Plans (CAPs) and that the Institutional PREA Compliance Manager, Chair of the SAAC, develop a process to formally report back to the SAAC members when a SAAC recommendation and/or Corrective Action Plan has been completed.

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

Due Date: February 24, 2022

L. Physical Plant ¶ 86:

2/24/23 Status Report

As reported in other semi-annual reports, 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 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 until February 24, 2024.

Once the Level 3 policy and/or procedures are finalized, EMCF should create and implement 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, the Administration Building is **not** meant to be included in contraband screening. Paragraph 87 was assigned a “daily” date; NJDOC is taking steps to implement the discussed screening changes and will plan to fully implement this procedure by the end of January 2022

Monitor’s Measure of Compliance re L. Physical Plant ¶ 87:

- EMCF Level 3 policy requiring that every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening
- Post Orders for Correctional Police Officers working at the entrance to all buildings on the minimum-security compound (except the Administration Building, as noted above), requiring that all staff, contractors, volunteers, visitors, and government officials entering the compound receive thorough and effective contraband screening in addition to metal detection
- Post Orders for Correctional Police Officers working the entry gate into the maximum compound requiring that all staff, contractors, volunteers, visitors, and government officials entering the compound receive thorough and effective contraband screening
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure all every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening
- Observations during on-site visits
- Interviews with security staff during on-site visits regarding how they conduct contraband screening on every individual, including all staff, contractors, volunteers, visitors, and government officials entering Edna Mahan minimum security compound housing units, education building, medical triage building, Silzer Building (classification location), and food services building, as well as the maximum-security compound

Steps taken by NJDOC and EMCF towards implementation re L. Physical Plant ¶ 87:

2/24/23 Status Report

The information documented in prior status reports remains accurate. Revisions to policies regarding this subject matter were submitted 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 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").

In each of the compliance visits, the Monitor and her Associate 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 types of 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 approvals” for people who enter the Edna Mahan grounds. For “officials” who have been previously approved by Administration to enter the grounds, those persons simply show their identification and are signed in. Then they are allowed to move to the Administration building. People in that category include outside NJDOC staff, government officials, approved volunteers, contractors, etc.

For those people who have not been previously approved by the Administration to enter the Edna Mahan grounds, they are taken to another building to receive a thorough and effective contraband screening. Prior to entering the walk-through metal-detector, the person being searched is instructed to remove all items from their pockets and all outerwear and place them on the search-table adjacent to the metal-detector machine. Additionally, some items containing metal (e.g., belt buckle, some jewelry, watch, etc.) may be removed and placed on the search table if necessary. The person then walks through the metal detector and their outerwear is searched.

Regardless of which “set of approval” the person has, everyone receives another thorough screening if they go into any building on the minimum security “grounds” housing 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 compliance report, the Monitor recommended that Level 3 Internal Management Procedures (IMP’s) needed to be written for Silzer, the Housekeeping Buildings, and the Chapel. During the compliance visit in February 2023, Administrator O’Dea provided the Monitor with copies of each of these three Level 3 IMP’s.

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:

2/24/23 Status Report

Each of the buildings determined to be uninhabitable continue to be secured to block 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. Access to the building keys is limited utilizing the Key Watcher System. The Key Watcher System maintains a digital record any time an individual removes and returns a key from the system.

Monitor's Finding of Compliance re L. Physical Plant ¶ 88:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

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

Monitor's Discussion re L. Physical Plant ¶ 88:

On January 14, 2022, then Associate Administrator Ryan O’Dea sent an Interoffice Communication to then Administrator EMCF, Erica Stem, 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 is 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 February 2023 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 (although in a few cases not all of the lower windows were covered by plywood). The Monitor was informed that the Conover housing unit has not been utilized in several years and the keys to Conover housing units are located in Central Control.

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, however, at the time of the compliance visit (Feb. 28 – March 2023), it was not being used. Administrator O’Dea said that the keys to Williamson Housing Unit are currently in Central Control as well. Keys that are in Central Control require permission to be accessed and it is documented who took the keys, for what purpose, and how long the keys were out. The Monitor believes that, if the keys to these two buildings remain in Central Control, this is a good key accountability system.

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 incarcerated 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, including ensuring that all lower windows are covered by plywood.

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:

2/24/23 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.

Monitor's Finding of Compliance re L. Physical Plant ¶ 89:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re L. Physical Plant ¶ 89:

The Grounds Sewing/Upholstery Warehouse has not been used since 2020, including this past reporting period. The building is secured at all times. According to Administrator Ryan O'Dea, 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 key from the system.

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 the Grounds Sewing/Upholstery Warehouse.

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:
2/24/23 Status Report**

LEP Incarcerated Persons continue to be identified by classification prior to arrival so proper preparation can be made to ensure PREA materials are available in the primary language needed. Signage was added within each housing unit in informing incarcerated persons how to communicate in their preferred language utilizing the language line. Incarcerated persons or staff who are not certified translators are utilized as translators. Staff document when the language line is used and housing units are provided with a list of areas with outside phone lines to access the language line. These outside phone lines have stickers with the phone number and account number for the language line for ease of making calls.

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 the Edna Mahan Administration staff completed in this area during the reporting period. However, there were still some serious problems specific to communicating with Limited English Proficiency incarcerated persons. 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 have put significant focus on this area during this reporting period. They continued to provide refresher training for staff on the LEP policy. This training included information on the policy and availability of the telephone interpretation services (Language Line). Although it is important to note that this training is the “standard training” provided to all NJDOC custody staff during their annual in-service training. Custody staff were well educated in where to find outside lines so they could use to call the telephone interpretation services. Additionally, the Majors discussed how to use the telephone interpretation services with their chain-of-command custody staff, and the supervisors practiced making calls to the language line.

In addition, Edna Mahan began showing the Spanish version of the PREA orientation video throughout the “main facility” (the Satellite building does not have this technology capacity). Assistant Renshaw, the Edna Mahan PREA Compliance Manager began providing one-on-one orientation and using the

telephone interpretation services to provide certified translation services to Spanish speaking persons (Note: to date, EMCF has no other LEP languages, other than Spanish).

Lastly, Assistant Superintendent Renshaw developed and distributed laminated “pocket cards” that gave the following instructions:

LEP – Language Line Directions

To reach an interpreter, call Linguistic International for translation services. The card lists the phone number and EMCF’s account number. It goes on to explain, “The staff will utilize the translator on the phone to assist the IP with communication when the IP has limited English proficiency. **Other IP’s or staff should not be utilized to translate**”. The card goes on the list the location of all outside phone lines, which have the capacity to call Linguistic International throughout the facility, including the Satellite building.

When the Monitor and/or her Associate spoke with custody staff, they were, with limited exception, generally clear how to use the telephonic interpretive services and that they were not to provide interpretive services, unless they had been formally assessed as qualified to do so. Unfortunately, in some cases, this resulted in the “pendulum swinging too far in the other direction,” due to a failure of staff to distinguish between essential communications requiring a qualified interpreter and simple communications that may not require one. Admittedly, this can be a nuanced area and it appears that this shift may have been based, in part, on a misunderstanding of Title VI’s requirements. Since this reporting period ended, DOJ has provided additional technical assistance to NJDOC on language access issues and remains available for questions as NJDOC continues to work to reach substantial compliance with this provision.

Some LEP incarcerated persons told us that custody staff is no longer speaking Spanish to them anymore, whether they knew how to speak Spanish or not. One LEP person described asking a question about the time of an activity and the custody staff (who previously spoken Spanish to her) had told her he could no longer speak to her in Spanish. This left the LEP person with less access to information than before. The Monitor and/or her Associate spoke individually with four (4) incarcerated persons who had various degrees of Limited English Proficiency. All four explained that previously, when they needed to, they could “get by” with having someone translate for, or speak Spanish with, them. Now they say this is no longer an option with custody staff. One LEP incarcerated person reported to the Monitor that that her social worker will communicate with her in Spanish, and other LEP incarcerated persons reported that their friends who speak both Spanish and English still assist in everyday communications.

With respect to certain essential communications, the Monitor discovered several examples where Edna Mahan staff did not consistently use a qualified interpreter. For example, the Monitor is still very concerned about the medical and mental health staffs’ inconsistent use of qualified interpretation services (telephonic or otherwise). One of the LEP incarcerated persons told us that her psychiatrist spoke “a little Spanish” and does not use a qualified interpreter during their therapy sessions. While the LEP incarcerated person told us that she was fine with this, this is a type of communication where a qualified interpreter should be utilized unless the LEP incarcerated person explicitly consents to not using a qualified interpreter. This person also told us that “some people in medical use the language line. Others don’t.” Another LEP incarcerated person told the Monitor that “they (medical staff) ask if we speak English, and we answer yes, they don’t use the language line, but I don’t always understand what they are saying.”

Additionally, in one case, an LEP incarcerated person described an incident where she was being moved out of her room and didn't understand why. She reported that the officer screamed at her that he was not allowed to speak to her in Spanish, but she didn't understand that she was being asked to move out of her room. While in this case, another incarcerated person who spoke English and Spanish, explained to her in Spanish that if she didn't move, she believed she would receive an infraction, the incarcerated person would not have received an infraction in this situation. Where situations could result in the incarcerated person receiving an infraction, NJDOC must provide the incarcerated person with language assistance services and NJDOC should not rely on other incarcerated persons to provide language assistance to LEP incarcerated persons. Additional technical assistance regarding Title VI obligations and exploring ways to maximize resources in providing language access services to LEP incarcerated persons could be beneficial.

During the compliance visit, the Monitor asked a mental health worker who had worked at the facility for several years, how he communicated with a person who didn't speak English. He explained that he mostly uses "Google Translate". When it was explained to this Dr. that this was not an "approved method of communication," he began to defend how effective this method was and how long he has been using this method.

The last area of concern noted was that there does not appear to be any process, other than the computer, to identify an incarcerated person as Limited in English Proficiency. This puts the custody staff at a disadvantage, since they often don't have immediate access to a computer and, therefore, cannot know how proficient someone is at speaking English. This is particularly difficult for floating staff who may not know the population of any given unit and have to figure out who the LEP incarcerated persons are by having conversations with them and realizing they cannot speak fluent English. This was noted in the last compliance report and remained a problem during this past reporting period.

The Monitor appreciates the effort and seriousness that the leaders at Edna Mahan took in this area during the last reporting period. However, during this next reporting period, Edna Mahan must focus on utilizing qualified interpretation to ensure meaningful communications involving essential information. That information would include, but not be limited to, medical and mental health, discipline, classification, PREA information, etc., and recognizing when bilingual staff may be able to have non-essential communications in Spanish with LEP incarcerated persons.

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. It is recommended that medical and mental health staff consider using the telephonic interpretive services consistently, rather than assuming the patient is understanding what is being said or relying on Google Translate.

It is also recommended that the Monitor continue to seek Technical Assistance (TA) from the Department of Justice for training whenever there is a question of what circumstances custody staff need to use an interpreter or not.

Lastly, the Monitor recommends that NJDOC/Edna Mahan develop some process, other than the computer, to identify an incarcerated person as Limited in English Proficiency.

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: 2/24/23 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 of February 24, 2024. Consent Decree Paragraph 91 requires NJDOC to develop and implement a “quality improvement program” by February 24, 2023. The Paragraph 91 program consists in part of drafting quality improvement policies and procedures, as detailed in Consent Decree Paragraph 92. The August Extension Order extended the deadline to draft the Paragraph 92 policies to August 24, 2023. As development and implementation of the quality improvement program is dependent on first drafting the policies and procedures currently due on August 24, 2023, under Paragraph 92, the Parties further agree to extend the deadline for NJDOC to implement the Paragraph 91 quality improvement program to February 24, 2024.

Monitor’s Finding of Compliance re Quality Improvement and Data Collection ¶ 91:

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 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:

2/24/23 Status Report

NJDOC and EMCF are prepared to demonstrate full compliance with this section of the Agreement on or before the required due date of August 24, 2023.

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 92:

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 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:
2/24/23 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 until February 24, 2024

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:
2/24/23 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

[X] N/A not required until February 24, 2024

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:
2/24/23 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 until February 24, 2024

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:

2/24/23 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 until February 24, 2024

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:
2/24/23 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 until February 24, 2024

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:

2/24/23 Status Report

The requirements of this paragraph have been satisfied.

Monitor's Finding of Compliance re Implementation ¶ 99:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re Implementation ¶ 99:

This paragraph was satisfied on September 15, 2021, during the first reporting period.

Recommendations re Implementation ¶ 99:

No recommendation

V. IMPLEMENTATION

- par. 100 NJDOC and Edna Mahan will create an Implementation Plan that describes the actions NJDOC and Edna Mahan will take to fulfill the obligations under this Agreement. Implementation of this Agreement will be completed in phases as outlined in the Agreement and the Implementation Plan.
- par. 101 Within 30 days of the Effective Date, Edna Mahan will provide the first Implementation Plan to DOJ and the Monitor. In its Implementation Plan, Edna Mahan will develop a specific schedule and deadlines for the upcoming year and a general schedule for successive years. In its Implementation Plan, Edna Mahan will develop a specific schedule and deadlines for the first twelve months, in which Edna Mahan will:
- (a) draft or revise policies and procedures;
 - (b) complete a staffing plan,
 - (c) develop and deliver training to Edna Mahan staff and providers concerning the provisions of this Agreement and Edna Mahan's commitment to fulfilling its obligations under the Constitution;
 - (d) develop and implement an RMS; and
 - (e) develop and implement monthly quality improvement mechanisms to report on aggregate relevant data to prevent or minimize harm to prisoners from sexual abuse.

Requirements:

- par. 102 DOJ and the Monitor will provide comments regarding the Implementation Plan (and any revisions to the Implementation Plan) within 30 days of receipt. Edna Mahan will timely revise its Implementation Plan to address comments from DOJ and the Monitor; the Parties and the Monitor will meet and consult, as necessary.
- par. 103 As needed, Edna Mahan, in conjunction with DOJ and the Monitor, will supplement or revise the Implementation Plan to focus on and provide additional detail regarding implementation activities. Edna Mahan will address in its updated Implementation Plans any areas of non-compliance or other recommendations identified by the Monitor in his or her report.

Monitor's Measure of Compliance re Implementation ¶ 100 & ¶ 101

Implementation plan submitted to DOJ and Monitor no later than 9-24-21.

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Implementation ¶ 100 & ¶ 101: 2/24/23 Status Report

The requirements of this paragraph have been satisfied. As time progresses, revisions to the implementation plan may be submitted for consideration.

Monitor's Finding of Compliance re Implementation ¶ 100 & ¶ 101:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re Implementation ¶ 100 & ¶ 101:

These two paragraphs were satisfied on January 13, 2022, during the first reporting period.

Recommendations re Implementation ¶ 100 & ¶ 101:

Continue to follow the implementation plan and completion dates identified, or adjust completion dates, as needed.

VI. NJDOC AND EDNA MAHAN'S REPORTING REQUIREMENTS

par. 104 NJDOC and Edna Mahan shall provide to the Monitor and DOJ a semi-annual Status Report until the Agreement is terminated, the first of which shall be submitted within six months of the Effective Date.

Requirements:

par. 105 Each Status Report shall describe the actions NJDOC and Edna Mahan have taken during the reporting period to implement this Agreement and shall make specific reference to the Agreement provisions being implemented. The report shall also summarize audits and quality improvement activities and contain findings and recommendations that would be used to track and trend data compiled at Edna Mahan.

par. 106 NJDOC and Edna Mahan shall maintain sufficient records to document that the requirements of this Agreement are being properly implemented and shall make such records available to DOJ at all reasonable times for inspection and copying. In addition, NJDOC and Edna Mahan shall maintain and submit upon request records or other documents to verify that they have taken such actions as described in their Status Reports (e.g., census summaries, policies, procedures, protocols, training materials and incident reports) and will also provide to DOJ all documents reasonably requested by DOJ.

Monitor's Measure of Compliance re NJDOC and EMCF Reporting Requirements ¶ 104:

par. 104 Status Report submitted to the DOJ and Monitor on, or before, the following dates:

- February 24, 2022
- August 24, 2022
- February 24, 2023
- August 24, 2023
- February 24, 2024
- August 24, 2024
- And other dates, as needed, until the Agreement is terminated.

**Steps taken by NJDOC and EMCF towards implementation
NJDOC and EMCF Reporting Requirements ¶ 104:**

Status Report Due Dates:

February 24, 2022 August 24, 2022

February 24, 2023 August 24, 2023

February 24, 2024 August 24, 2024

2/24/23 Status Report

NJDOC provided its third status report to DOJ and the Monitor on February 24, 2023.

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 24, 2023, 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:

2/24/23 Status Report

During this reporting period, there were 18 allegations applicable to this paragraph that have been or are in the process of being investigated by SID. Out of the 18 cases at the time of this report, 11 have been closed, 3 are pending administrative review, and 4 are under review for potential criminal charges at the applicable County Prosecutor's Office. Of the closed cases, 4 were determined to be unfounded, 0 were substantiated and 7 were unsubstantiated.

Monitor's Finding of Compliance re DOJ's Right of Access ¶ 109:

[X] Substantial Compliance

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

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

Monitor's Discussion re DOJ's Right of Access ¶ 109:

Since August 24, 2021, with rare exception, NJDOC has notified DOJ and the Monitor any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 72 hours. At a minimum, the notices have included:

- The name of person making report
- The name of alleged victim
- The name of staff involved in allegation
- The incident number
- The date of incident
- The date of notification to Edna Mahan and NJDOC
- The status of housing assignment for the alleged victim
- Restrictions of assignments for staff (if any)
- Any other preliminary reports/information available

NJDOC has also forwarded to DOJ and the Monitor any related incident reports and medical and/or mental health reports and completed investigations as they become available. Additionally, NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents, as well as the information noted above. NJDOC, DOJ, and the Monitor continue to meet monthly to review this spreadsheet and discuss any noteworthy cases.

Recommendations re DOJ's Right of Access ¶ 109:

Continue to notify DOJ and the Monitor within 72 hours of an incident or report of allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse. Additionally continue to forward to DOJ and the Monitor any related incident reports and medical and/or mental health reports and investigations as they become available.

par. 110 NJDOC shall provide to the Monitor and to DOJ copies of or applicable portions of any formal reports or recommendations from the Office of the Corrections Ombudsperson or the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct concerning efforts to establish or revise Edna Mahan or statewide policies and procedures, including reporting and data collections systems, related to sexual abuse or sexual harassment of prisoners.

Requirements:

This paragraph does not include ordinary course referrals and related documentation

par. 107 DOJ and its attorneys, consultants, and agents shall have access to Edna Mahan, Edna Mahan prisoners, NJDOC and Edna Mahan staff and documents as is reasonably necessary to evaluate compliance with this Agreement. DOJ will provide written notice prior to any site visits. DOJ may participate in any compliance visits by the Monitor.

par. 108 Access is not intended, and will not be construed, as a waiver, in litigation with third parties of any applicable statutory or common law privilege associated with information disclosed to DOJ under this Agreement.

Monitor's Measure of Compliance re DOJ's Right of Access ¶ 110:

- Copies provided to the Monitor and DOJ of applicable portions of any formal reports or recommendations from the Office of the Corrections Ombudsperson concerning efforts to establish or revise Edna Mahan or statewide policies or procedures, related to sexual abuse or sexual harassment of prisoners.
- Copies provided to the Monitor and DOJ of applicable portions of any formal reports or recommendations from the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct concerning efforts to establish or revise Edna Mahan or statewide policies or procedures, related to sexual abuse or sexual harassment of prisoners.
- Interviews with staff from the Office of the Corrections Ombudsperson
- Interviews with members of the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct
- Meeting minutes from the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct, as available

Steps taken by NJDOC and EMCF towards implementation DOJ's Right of Access ¶ 110:

2/24/23 Status Report

On November 4, 2022, NJDOC provided DOJ and the Monitor with the Office of the Correctional Ombudsperson's Annual Report. A special Summer Heat report was provided on September 6, 2022. 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 makes any recommendations related to sexual abuse or sexual harassment of incarcerated persons.

N/A monitor granted an extension until [date]

Monitor's Discussion re DOJ's Right of Access ¶ 110:

On November 1, 2022, the Office of the Corrections Ombudsperson completed its 2022 Annual Report. This report included five strategic plan goals to include:

- Monitoring key priorities across the prison system
- Addressing individual requests for help
- Enhancing on-site presence and visibility at prison facilities
- Engaging the public
- Personnel and equipment

On February 21, 2023, the Monitor spoke with Corrections Ombudsperson Terry Schuster. He stated that there were no inspection reports written by the Ombudsperson Office during this reporting period.

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, 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:

2/24/23 Status Report

EMCF continues to meet with the EMCF Board of Trustees on a routine basis. Various members have visited the facility and participated as special speakers at our monthly “Empowering Women!” speaker series. NJDOC will host the third EMCF Public Meeting on March 3, 2023, at 10:30am. The meeting will be virtual, but presenters will be meeting at the NJDOC Harris Auditorium in Trenton, NJ. We anticipate that Monitor Jane Parnell will agree to facilitate the event, which will be approximately 90 minutes in length, with 30 minutes dedicated to providing participants with the opportunity to ask questions or submit recommendations and proposals. The public meeting information and registration will be put on the NJDOC website and open to all who wish to attend. NJDOC is also inviting specific stakeholders that fall into the categories of advocates, persons with lived experience, and families of persons with lived experience, per Paragraph 111. The tentative meeting schedule and agenda will be provided to the Monitor and DOJ. 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:

[X] Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re DOJ’s Right of Access ¶ 111:

NJDOC has held regular monthly meetings with the Board of Trustees (BOT) during this reporting period. The Monitor has received and reviewed copies of the minutes of these meetings. The Monitor spoke with four members of the Edna Mahan Board of Trustees (BOT). Everyone is very pleased with the progress and functioning of the BOT. The members report that they have a very open relationship with Commissioner Kuhn and Assistant Commissioner Tome and that they receive regular informational updates. They are also very happy with the relationship with Administrator O’Dea. The Board members say that Administrator O’Dea attends nearly every meeting, is very responsive to their requests, and is prompt in his follow-up.

On September 16, 2022, during this reporting period, NJDOC held its second public meeting with stakeholders. Over 80 people attended this virtual meeting. The attendees included, but was not limited to, advocates, family/friends of incarcerated persons legislators, staff, contractors, and Board

of Trustee members. The agenda of this meeting included an update on events, accomplishments, and setbacks at Edna Mahan and NJDOC, a question-and-answer period, and an opportunity for stakeholders to make suggestions/proposals.

The third stakeholders meeting was held on March 3, outside this reporting period. Over 80 people attended this virtual meeting, and it will be addressed substantively in the next compliance report.

On September 8, 2022, NJDOC and Edna Mahan held a meeting on the Staff Advisory Group. There were 14 people in attendance, 4 of which were members of Edna Mahan's Leadership Team. The Monitor and the DOJ received the minutes of this meeting. The agenda included discussions on programs and services, staffing and training, security, and setbacks.

Recommendations re DOJ's Right of Access ¶ 111:

Continue to conduct monthly Board of Trustees meetings.

Continue to hold semi-annual public meetings with stakeholders.

Continue to conduct meetings with available Edna Mahan staff to gather feedback from staff on events, accomplishments, and setbacks.