



# State of New Jersey

DEPARTMENT OF CORRECTIONS

WHITTLESEY ROAD

PO BOX 863

TRENTON NJ 08625-0863

PHILIP D. MURPHY

*Governor*

TAHESHA L. WAY

*Lt. Governor*

VICTORIA L. KUHN, ESQ.

*Commissioner*

## **Maintaining and Restoring the Bonds Between Family and Incarcerated Persons April 11, 2024**

The New Jersey Department of Corrections (“NJDOC” or “Department”) is committed to promoting successful reintegration in a dignified, safe, secure, and rehabilitative manner, thus advancing public safety and ensuring individuals leaving the custody of the Department are appropriately prepared for return to the community.

Recognizing the pivotal role loved ones play in the reentry journey and in community reintegration, the Department prioritizes family reunification and access to supportive networks. Promoting and facilitating connections between incarcerated persons and family and friends is proven to assist in fostering pro-social skills, wellness, and supporting the reintegration process by ensuring strong relationships exist upon release that are important for success in the community.

At the NJDOC, the benefits of continual family support are promoted through a variety of supports and initiatives for the incarcerated population, including in-person visitation programs, non-contact window visits, video visits and videograms, phone and electronic communications, traditional mail, photos, cards, and programming and rehabilitative initiatives to encourage family unification. For example, the Division of Programs and Reintegration Services offers parenting classes to improve outcomes and promote positive effects on their children’s lives, a Family Reunification and Transition program that empowers incarcerated persons with skills to help rebuild familial relationships that may have been damaged as a result of their incarceration, and in partnership with community organizations provides transportation to visits, and family unification efforts beyond ones time in prison. To further the engagement of family, and ensure that their voices and ideas are heard, the Department has established the “Family Working Group” – comprised of loved ones of currently incarcerated people – to help shape the experience for their loved ones in prison and further family unification.

**COVID-19.** As noted in the Ombudsperson’s report, COVID-19 presented challenges to in-person visitation during the pandemic. The Centers for Disease Control (CDC), New Jersey Department of Health (DOH), and Rutgers University Correctional Health Care (UCHC) Infection Control guidelines disallowed traditional in-person visitation for correctional facilities during the COVID-19 pandemic. Therefore, the Department modified procedures and enabled ways in which incarcerated persons could see and communicate with their loved ones.

In accordance with CDC, DOH, and Rutgers UCHC regulations, where permitted during the pandemic, the NJDOC accommodated visits indoors, outdoors and in recreational yards. With such modifications in place, and understanding the importance of families and the population connecting throughout the pandemic, the Department resolved to suspend visits only when absolutely necessary and mandated by Covid mitigation requirements. Visitation rates understandably decreased until COVID-19 mitigation efforts were relaxed. As noted in the Ombudsperson's Office report, data collected from calendar-year (CY) 2018 through 2023 shows that visitations with the incarcerated population began rebounding in May 2023 following the lifting of those restrictions.

Because in-person visits were not always possible throughout the COVID-19 pandemic, the Department stood up additional alternatives to continue the family connections, including granting a number of free phone calls to loved ones and launching video visits.

**In-Person Visitations.** The NJDOC population houses approximately 12,300 individuals in State correctional facilities. Approximately 94 percent of those under the care and custody of the NJDOC are housed in general population, with access to in-person visitation, phone, video visits, electronic mail and regular mail, and other opportunities for family contact.

As of December 1, 2023, approximately 99 percent of the entire incarcerated population in NJDOC custody was eligible for visitation (contact or non-contact window visit), with 95 percent eligible for contact visits. The Department accommodates visits from children, family, friends, clergy, attorneys, court-related personnel, incarcerated relatives, prospective employers, and varied outside agencies as well as extended visits for visitors who travel long distances. Additionally, incarcerated persons may be eligible for bedside visits to family members in critical condition and private, in-person viewings of deceased relatives.

As Covid restrictions lifted per CDC and other relevant guidelines, the Department recorded a steady increase in the number of visits as calendar year 2023 progressed. Specifically, calendar year 2023 data provides that the number of visits per month steadily increased throughout the year, with monthly visitations nearly quadrupling between January and December 2023, from 1,304 to 4,751 – and with greater than 40,000 contact visits recorded for calendar year 2023.

In spite of a staffing shortage of approximately 570 officers, the Department is dedicated to ensuring family unification occurs, and maintains more than 90 full-time uniformed staff positions Statewide to coordinate and manage in-person visitation, video visitation, non-contact visits, special visitations, videograms, and more. As mentioned in the Ombudsperson's report, when extenuating circumstances do arise, because visits are recognized as being an important service, visitations remain the last activity to be canceled.

**Video Visits, Phone Calls, and Multimedia Messaging.** During the COVID-19 pandemic, when in-person visitation was temporarily modified, the NJDOC introduced “video visitation,” which has continued at all State correctional facilities. During the past year, the Department accommodated approximately 8,235 video visits for the incarcerated population.

In addition, family unification via phone calls is heavily utilized by the population, with CY 2023 recording 10,368,646 phone calls facilitated by the Department. For example, at Edna Mahan Correctional Facility (EMCF) and the EMCF Satellite Unit, the population conducted approximately 288,281 calls totaling nearly three million minutes; the population at New Jersey State Prison (NJSP) conducted more than 1.4 million calls totaling nearly 16 million minutes; the population at Northern State Prison (NSP) conducted approximately 1.6 million phone calls totaling nearly 16 million minutes; the population at South Woods State Prison (SWSP) conducted more than 2.2 million calls totaling nearly 21 million minutes.

The incarcerated population has access to other forms of electronic media and video communications, including, but not limited to, email, videograms, ecards, and “Snap 'n Send.”

More than three million emails and nearly 550,000 electronic photographs were exchanged between incarcerated persons and their approved contacts during CY 2023. Additionally, nearly 300,000 videograms, nearly 85,000 ecards, and more than 630,000 Snap 'n Sends were exchanged between incarcerated persons and their contacts during the year.

Each institution is equipped with a dedicated mailroom and staff, who ensure that U.S. mail, legal mail, photographs, drawings, publications, and other forms of appropriate media are accessible to the incarcerated population. Per month, the NJDOC processes approximately 20,000 letters, 2,000 pieces of legal mail, 10,000 hard-copy photographs, 250 handmade drawings, and 10,000 publications for incarcerated persons statewide.

In an effort to continue to advance technology and the ability to enhance the family unification experience, the NJDOC recently established a contract with the telecommunications company ViaPath Technologies. In partnership with ViaPath, incarcerated persons will receive new, advanced tablets with the ability to place phone calls, video visits, and other multimedia messaging directly from their tablet, thereby increasing access to loved ones following the installation of new technology at each facility.

**Impact of Disciplinary Sanctions.** As noted in the Ombudsperson's report, the Department may restrict or suspend visitation privileges, resulting from an infraction and adjudication through the disciplinary process. A loss of privileges is used as a behavioral modification intervention that is permitted as a less-restrictive sanction in compliance with the Isolated Confinement Restriction Act (ICRA). Specifically, an incarcerated person who is found to be in violation of departmental rules and regulations, following a due process hearing with an impartial hearing officer, may receive a sanction that includes a temporary loss of contact visits or phone privileges, in an effort to deter more serious rule violations, such as assaults on staff, illicit drug activities, and other dangerous actions.

During 2023, approximately five percent of the incarcerated population received a sanction suspending access to contact visitation, thereby continuing to enable the individual to receive window visits.

The NJDOC maintains Restorative Housing Units (RHUs) at five correctional facilities: the Adult Diagnostic and Treatment Center, EMCF, NJSP, NSP, and SWSP. To encourage individuals housed in RHU settings to improve their behavior, the Department implemented a two-level system providing an increase in amenities and privileges as the individual advances through the levels. More specifically, Level 1 is the entry level in an RHU wherein the incarcerated person's privileges and amenities are more restricted. Level 2 is the level in which an incarcerated person's possessions, activities, privileges, and amenities are less restricted than Level 1 but more than general population. In doing so, Individuals within either level often are still eligible for non-contact visits.

On average, more than 80 percent of the individuals housed in RHU are serving a sanction related to a charge of a violent nature. These include infractions of fighting or assault, extortion, fraud, arson, and possession of a weapon. If individuals in RHU exhibit positive, constructive behavior, they may receive increased privileges and relaxed restrictions within their level or, for those at Level 1, may transition to Level 2.

From July 2023 to February 2024, 397 incarcerated persons were moved from Level 1 to Level 2. For that same time period, by way of custody staff recommendations, 150 incarcerated persons that remained in Level 1 were provided privilege upgrades for positive behavior including increased phone calls, restoration of their tablets, and restoration of their televisions. Additionally, approximately 80 percent of those sanctioned to RHU time are released early by the Special Administrative Review Committee (SARC), which meets at least twice a month to review RHU sanctions that exceed 30 days.

When an incarcerated person incurs a disciplinary infraction, an RHU sanction may only be imposed after the Hearing Officer has considered less-restrictive sanctions, such as loss of privileges including, but not limited to, phone, tablet, and email use and visitation. Most sanctions may be imposed for up to 30 days. Loss of phone privileges may be imposed up to one year.

Contact visitation privileges may be sanctioned for 30 days, while enabling window visits to continue. If the disciplinary infraction happened during a contact visit, the loss of contact visits may be extended beyond the 30-day period and up to one year. During this time, the incarcerated person may remain eligible for non-contact visits and/or phone privileges.

In accordance with New Jersey Administrative Code 10A and policies, incarcerated persons in an RHU receive the same opportunities to send and receive written correspondence as incarcerated persons in the general population. Each incarcerated person assigned to a restorative housing status are permitted to make telephone calls, based on their level in the RHU, as conditions permit:

Level 1 – One 15-minute telephone period per week, in accordance with the correctional facility’s time schedule for telephone calls.

Level 2 – Five 15-minute telephone periods per week (one period daily), in accordance with the correctional facility’s time schedule for telephone calls

Additionally, all individuals in RHUs may receive visits and phone calls with their legal counsel. Telephone access to the Office of the Corrections Ombudsperson and the NJDOC’s Special Investigations Division also remain unaffected.

The Ombudsperson’s report largely relays statistics related to individuals who have lost certain communication privileges due to misconduct while incarcerated, and we appreciate the review. The Department is responsible for the safety of all those in its care, the staff, facilities, and the community at large. Improper, maladaptive, and assaultive behavior has a detrimental impact on the safety of the population and staff, undermines the NJDOC’s operations, and harms the rehabilitation and reintegration processes of those in our care and custody. As a result, the imposition of loss of privileges sanctions, as a lesser sanction to RHU, in an attempt to curb maladaptive behavior is necessary in order to maintain safety and order throughout the Department. Notably and fortunately, the vast majority of the population does not engage in assaultive or maladaptive behavior.

As this administration continues to review past practices, it appreciates the input of the Ombudsperson. With regard to the recommendation by the Ombudsperson to place clearer limitations on length of a temporary suspension of phone privileges and when utilized as part of the disciplinary system, the Department concurs and modified its policy in July 2023 as part of the implementation of the “Level” system in the RHUs (as set forth above). In addition, the Department is currently reviewing the disciplinary sanctions for loss of privileges, to determine the appropriateness of the length of suspension, and any potential overlap with subsequent charges and sanctions to the RHU.

**Programs & Reintegration Services.** In addition to visitation and communication privileges, the Department offers programming through the Division of Programs & Reintegration Services to support family unification. For example, Helping Offenders Parent Effectively (HOPE)—is an 11-week course that teaches parenting skills and education, including effective communication and childhood development.

During calendar year 2023, 256 incarcerated persons completed the HOPE program, making them eligible to be placed into the Reconnecting Children and Families program (RECAP), which gives incarcerated parents the opportunity to visit with their children and the caregiver in specialized settings. During the year, 31 RECAP participants at EMCF and NSP had approximately 161 visits with their families through the program alone.

Additionally, in an effort to help support families visiting their loved ones in prison, the Division of Programs & Reintegration Services has established transportation assistance for family members of incarcerated persons in RECAP at NSP and EMCF (both main facility and satellite location). Via the “Second Chance Act Addressing the Needs of Incarcerated Parents with Minor Children” grant from the Bureau of Justice Assistance, the Department has been given the opportunity to provide transportation services to and from those facilities via a contracted community agency for those children and families who do not have a means of transportation. In this regard, assistance was provided for 63 of the RECAP visits during the year. The Department plans to expand transportation assistance to the other seven correctional facilities. Additionally, the grant has helped to provide training for staff in areas of best practices in child visitation within correctional facilities as well as general supplies for the RECAP program.

Continuing to support family unification, the Office of Programming & Supportive Services (OPSS) within the Division of Programs & Reintegration Services organized events throughout the year with the goal to strengthen the bond between parent and child. For example, in June 2023, NSP held a “Dads Matter” event in which male speakers from the community spoke about their experiences as fathers and the importance of being present for family. In December 2023, OPSS organized a “Winter Wonderland” holiday celebration at NSP, wherein approximately two dozen families connected with their incarcerated loved one, shared meals, made gingerbread houses, and played games. At the end of the event, each child received a gift and a family photo. These two events represent just a portion of the opportunities the Department provides in its efforts to strengthen family bonds and to prepare the population to return to the community and their families.

Moreover, in 2023, the Department welcomed a Community Outreach Specialist, the first position of its kind within the Department. The Community Outreach Specialist assumes the responsibility of expanding the reach of our “corrections community” by actively engaging with diverse demographics and fostering meaningful connections with external stakeholders. Through strategic initiatives and collaborative efforts, they aim to bridge gaps, enhance transparency, and promote understanding between the corrections system and the broader community, thereby fostering a more inclusive and supportive environment for all involved parties. Notably, the Community Outreach Specialist initiated the first-ever “Family Working Group” within the NJDOC, consisting of family members of the incarcerated population, in an effort to hear their voices and include them in the measures being taken in the Department to unify families, support loved ones while in prison, and assist them in their return to the communities.

**Residential Community Reintegration Program (RCRP).** Residential Community Reintegration Programs (RCRP) are community-based residential facilities contracted by the New Jersey Department of Corrections for incarcerated persons under community supervision and include treatment programs, educational, vocational training, work release programs, and specialized gender-responsive programs serving the female population. The NJDOC oversees 13 RCRPs across New Jersey, serving nearly 1,000 incarcerated persons. These programs serve persons in the custody of NJDOC who are actively employed and/or attending school in the community and have less than 30 months remaining to be served in custody. While participating in an RCRP, individuals are afforded many opportunities for family unification before being released, including daily calls, in-person visits, and other forms of communication.

In addition, beginning February 1, 2024, the Department restored the furlough program for individuals housed in an RCRP. This program enables participants to visit an approved furlough site in the State, such as a loved one’s residence, for either 12 or 24 hours at a time. This program is a clear step toward successful reintegration and helps both the incarcerated person and their loved ones through the reentry process.

**Conclusion.** The Department remains resolute in our mission to build and enhance the bonds between incarcerated persons and their loved ones, recognizing the profound impact of familial support on their loved one while incarcerated, and in their successful return to the community.