



## Isolated Confinement and Restriction Act

Quarterly Report: FY22 Q2

10/1/2021 – 12/31/2021

### OVERVIEW

This report is the result of a legislative mandate instituted by P.L. 2019, c.160, (30:4-82.11) and details the use of housing statuses as defined under the Isolated Confinement and Restriction Act (ICRA) in New Jersey Department of Corrections (NJDOC) facilities during the period of 10/1/2021 thru 12/31/2021 (FY22 Q2). Data are collected at the time of an incarcerated person's initial placement in the housing status. When a placement occurs, the type of confinement and incident(s) are recorded by facility staff. An incarcerated person will always have a confinement type recorded but may have none or one or more incidents documented depending on the circumstances of the event. As such, the number of incarcerated persons placed in these housing statuses and the incidence counts may not sum equally. Multiple placements of the same incarcerated person in any unit during the quarterly reporting period are counted once in Tables 3-5, but are counted as separate events in Table 1 and Tables 6-8. If, however, an incarcerated person is placed in a housing status at more than one institution during the quarterly reporting period, the incarcerated person will be included more than once in Tables 3-5.



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*Table 1. Population counts in housing statuses as defined in the ICRA, as of December 31, 2021.\**

Facility	Count
ADTC	0
BSP	0
EJSP	1
EMCF	0
GYCF	13
MSCF	0
NJSP	16
NSP	12
SSCF	6
SWSP	9
<b>TOTAL</b>	<b>57</b>

\*Please see Note 1 for more information.

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

Facility	Count
ADTC	0
BSP	13
EJSP	7
EMCF	0
GYCF	50
MSCF	8
NJSP	29
NSP	51
SSCF	44
SWSP	21

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

Facility	21 or Younger	22 to 64	65+
ADTC	0	0	0
BSP	0	13	0
EJSP	0	6	0
EMCF	0	0	0
GYCF	7	43	0
MSCF	0	8	0
NJSP	0	27	0
NSP	0	45	0
SSCF	0	44	0
SWSP	0	21	0

Note: Incarcerated persons aged 21 or younger are permitted in Emergency Confinement for a period of up to 24 hours. All of the individuals from GYCF aged 21 or younger in the above table were placed in Emergency Confinement.

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

Facility	Male	Female
ADTC	0	0
BSP	13	0
EJSP	6	0
EMCF	0	0
GYCF	50	0
MSCF	8	0
NJSP	27	0
NSP	45	0
SSCF	44	0
SWSP	21	0

\*Please see Note 2 for additional information.

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

Facility	Not Hispanic or Latino	Hispanic or Latino	Undetermined
ADTC	0	0	0
BSP	9	2	0
EJSP	6	0	0
EMCF	0	0	0
GYCF	43	4	3
MSCF	5	3	0
NJSP	21	5	1
NSP	38	7	0
SSCF	31	11	1
SWSP	18	3	0

\*Please see Note 3 for additional information.

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

Facility	Assault	Emergency Confinement	Mental Illness	Self-Harm	Suicide
ADTC	0	0	0	0	0
BSP	0	0	0	0	0
EJSP	0	0	0	0	0
EMCF	0	0	0	0	0
GYCF	1	3	0	0	0
MSCF	2	1	0	0	0
NJSP	1	0	0	0	0
NSP	0	0	0	0	0
SSCF	0	2	1	0	0
SWSP	0	1	0	0	0

\*Please see Note 4 for additional information.



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

Facility	Adjustment Unit	Emergency Confinement	Investigative Housing	Pre-hearing Disciplinary Housing	Pre-hearing Management Control Unit	Pre-hearing Protective Custody
ADTC	0	0	0	0	0	0
BSP	2	0	1	10	0	0
EJSP	0	0	4	3	0	0
EMCF	0	0	0	0	0	0
GYCF	0	10	7	33	0	0
MSCF	0	4	1	3	0	0
NJSP	0	0	0	29	0	0
NSP	2	0	4	45	0	0
SSCF	0	11	2	31	0	0
SWSP	1	0	1	19	0	0

\*Please see Note 5 for additional information.

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

Confinement Type	Assault	Emergency Confinement	Mental Illness	Self-Harm	Suicide
Pre-hearing Disciplinary Housing	2	1	1	0	0
Emergency Confinement	1	4	0	0	0
Pre-hearing Protective Custody	0	0	0	0	0
Adjustment Unit	0	0	0	0	0
Investigative Housing	1	2	0	0	0
Pre-hearing Management Control Unit	0	0	0	0	0

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



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### NOTES

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



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

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

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

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