

## 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:**

**8/24/2023 Status Report**

NJDOC, the Federal Monitor, and the Department of Justice remain engaged in a collaborative effort to ensure that all revised policies are comprehensive and effective. All level 1 policies have been submitted to and reviewed by the Federal Monitor. The Department of Justice continues to review level 1 policies. Each policy is being finalized after this review is complete. Once all level 1 policies receive approval and are finalized, NJDOC will proceed with a similar process for 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:**

**8/24/2023 Status Report**

Because the revision of level 3 policies is contingent on the adoption of level 1 policies, and certain level 1 policies remain under review by the Parties, the Parties agreed to extend the deadline for NJDOC to adopt all relevant policies and procedures in Paragraph 11 to February 24, 2024. NJDOC and EMCF are prepared to demonstrate compliance by this date.

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

**8/24/2023 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 A. General Policies and Procedures ¶ 14:**

**8/24/2023 Status Report**

NJDOC continues to be prepared to comply with Paragraph 14 by ensuring all EMCF staff receive approved policies and are 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 A. General Policies and Procedures ¶ 15:****8/24/2023 Status Report**

To ensure that its practices align with the evolving needs and standards, reflecting a commitment to ongoing improvement and compliance with the Agreement, NJDOC remains prepared to comply with the requirements of 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 A. General Policies and Procedures ¶ 16:****8/24/2023 Status Report**

NJDOC and EMCF remain fully committed to complying with NJDOC's written policies and procedures, which establish a strict zero-tolerance approach to all forms of sexual abuse and sexual harassment. Policies IMM.001.004 ("Zero Tolerance Policy: Prison Sexual Assault") and PCS.001.008 ("Prevention, Detection, Response to Sexual Assault and Harassment") specifically incorporate zero tolerance procedures.

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

**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.

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 is used during the PREA training. The curriculum includes 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 compliance interviews in September 2023, 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 the importance in maintaining a zero tolerance toward all forms of sexual abuse and sexual harassment of any incarcerated persons. During the compliance visit, the Monitor or her Associate met with several incarcerated persons asking if they knew about their right to be safe from all forms of sexual abuse and sexual harassment. Each of these individuals confirmed they were aware of this right.

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

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

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

The Monitor received a draft revision of Agency Level 1 policy NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment in May 2022, and provided feedback. Understanding the amount of work required to finalize the required twelve policies noted in the above paragraph, the date for this requirement was extended until 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.

**B. Prisoner Supervision**

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

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

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

**Steps taken by NJDOC and EMCF towards implementation B. Prisoner Supervision ¶ 18:****8/24/2023 Status Report**

Post Orders for officers assigned to all housing areas and dormitory settings have been provided to DOJ and the Monitor for review and approval in compliance with the provisions outlined in this Agreement. NJDOC remains committed to ensuring that written guidance and Post Orders accurately reflect job responsibilities and are in alignment with the intent of 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. These post orders have all been updated to comply with the Settlement Agreement.

**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 units 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 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.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 B. Prisoner Supervision ¶ 19:****8/24/2023 Status Report**

All units at EMCF continue to operate as Direct Supervision. Approval and implementation of related policies will occur as stipulated in this Agreement and according to relevant agreed upon deadlines. As Paragraph 19 requires, Housing Unit Officers interact directly with incarcerated persons, providing continuous supervision and contact from within the housing units throughout their shifts. Additionally, officers conduct routine, unannounced rounds, thoroughly checking for security breaches, unauthorized activity, or contraband concealment. Consistent searches of all cells and living areas are performed as required by policy. The officers document all unit tours and any incidents or activities that may have affected a tour in a bound logbook. A random monthly sampling with dates determined by the monitor is provided to ensure compliance with this requirement.

**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:****19a and 19b Discussion:**

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 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 these Post Orders also state that Officers will conduct routine, unannounced rounds every half an hour, and that 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 September 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 September 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 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, during the compliance visit in September 2023, 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 three cell/bed searches during the first and second shifts (6:00 – 22:00) and the third shift (2200 – 0600) conduct three 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 until February 24, 2024, for all Level 3 Internal Management Procedures. The recommendation is to include a statement that Edna Mahan will ensure that there is adequate supervision by corrections staff assigned to all housing areas and dormitory settings in that: housing unit officers in units shall interact directly with the incarcerated persons providing supervision and contact throughout the shift; provide continuous supervision from vantage points outside of the unit; conduct routine, unannounced rounds; and conduct living area searches and cell/bed searches as required by policy.

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

**B. Prisoner Supervision**

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

**Requirements:**

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

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

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

**Steps taken by NJDOC and EMCF towards implementation B. Prisoner Supervision ¶ 20:****8/24/2023 Status Report**

All units at EMCF operate under the Direct Supervision model, as detailed in Paragraph 19. This Direct Supervision approach is consistently applied across all units, including special management units for incarcerated persons with mental health issues, close custody, and protective custody.

**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:**

During the first reporting period (August 2021 – February 2022), NJDOC and DOJ agreed 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. And that 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 units, including the special management units. All these post orders were revised in February 2022 and included the expectation that inmates shall be observed regularly and frequently by custody staff. All 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.

For each month of this reporting period, the Monitor requested copies of the logbook pages from various housing units and varying weeks. Twice during this reporting period, that included a special management unit. The Monitor reviewed all logbook entries to verify the timing of rounds made by the Unit Officers. 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) special housing unit, to document the timing of the rounds made by Unit Officers.

During the onsite compliance visit in September 2023, the Monitor and/or her Associate reviewed logbooks in a variety of housing units, including special management units, looking specifically at the timing of rounds made by the Unit Officers. Additionally, during the onsite compliance visit in September 2023, the Monitor and/or her Associate spoke with custody officers working in the special management units and asked them

about their responsibility to conduct random tours. Without exception all officers answered they were required to conduct tours of the special management 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 until 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 B. Prisoner Supervision ¶ 21:**

**Status: Continued Compliance**

**8/24/2023 Status Report**

As described in Paragraphs 19 and 20, all units at EMCF operate under the Direct Supervision model according to best practices for working with incarcerated women and pursuant to the requirements of this Agreement. 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:**

**[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 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 ¶ 21:**

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, dormitory settings, and special management units. 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 these 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.

Additionally, as noted above, during the first reporting period (August 2021 – February 2022), NJDOC and DOJ agreed 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. And that 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, staff at both EMCF and the Satellite building have ensured there has been Direct Supervision in all housing units since 2022.

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

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, for all Level 3 Internal Management Procedures.

The recommendation is to include a statement that there is Direct Supervision in all housing units, including special management units. It is also recommended 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. 22 Edna Mahan shall ensure and document that, absent exigent circumstances, correction officers conduct unannounced rounds at least every hour inside each general population housing unit and at least once every 30-minute period for units that include special management prisoners (as referenced in Paragraph 20), or more often if deemed necessary by Edna Mahan.

## Requirements:

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

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

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

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

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

**Steps taken by NJDOC and EMCF towards implementation B. Prisoner Supervision ¶ 22****Status: Continued Compliance, Active Monitoring****8/24/2023 Status Report**

Officers continue to follow this requirement outlined in both policy and this Agreement. Edna Mahan ensures and documents that our correction officers conduct routine, unannounced rounds at least every half hour or even more frequently if deemed necessary within each general population housing unit as well as units that house special management incarcerated persons, as referenced in Paragraph 20. To ensure compliance with this requirement, a random monthly sampling, with dates determined by the monitor, is provided. This measure allows for ongoing oversight and verification, ensuring that the unannounced rounds are consistently and effectively conducted to maintain a secure and safe environment.

**Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 22:****[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 ¶ 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 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, including a special management unit, to document the timing of the rounds made by Unit Officers.

During the onsite compliance visit in September 2023, the Monitor and/or her Associate reviewed logbooks in a variety of housing units, including the special management units, looking specifically at the timing of rounds made by the Unit Officers. Additionally, during the onsite compliance visit in September 2023, the Monitor and/or her Associate spoke with custody officers working in the units and asked them about their responsibility to conduct tours. Without exception all officers answered they were required to conduct tours of the housing units, including the special management 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 and special management units 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 and special management 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:****Status: Continued Compliance, Active Monitoring****8/24/2023 Status Report**

Sergeants and Lieutenants consistently conduct and document a minimum of two unannounced rounds during all shifts, and these rounds are recorded in a bound logbook. This supervisory practice is in accordance with the Agreement as well as policy and helps ensure the safety and security of the facility. Custody supervisors oversee assigned staff, ensuring their presence at designated posts and timely attendance. They also proactively identify and deter any potential staff misconduct or lapses in supervision within the facility. Additionally, they verify that all officers are well-informed of their duties and assignments while adhering to Post Orders and institutional directives. To maintain the integrity of these rounds, unit tours are strategically spaced throughout the shift, providing comprehensive coverage and supervision. The unannounced nature of these tours ensures that they are conducted discreetly and objectively without any prior notification to the officers being supervised. To ensure ongoing compliance with this requirement, we provide a random monthly sampling of logbook entries, with dates determined by the monitor.

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

**Substantial Compliance:** The Monitor acknowledges that Level 3 policies (also known as “post orders”) have been written specifically for Sergeants and Lieutenants. The Monitor also acknowledges that Level 3 policies written specifically for line-level staff need 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 (IMP) 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 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 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 September 2023, the Monitor and/or her Associate reviewed the logbooks of the housing units, including special management 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 September 2023 (or in a virtual interview), 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:**

EMCF Level 3 policies 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 needs to be finalized. The due date for writing these IMP's has been extended until February 24, 2024.

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

**B. Prisoner Supervision**

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

**Requirements:**

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

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

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

**Steps taken by NJDOC and EMCF towards implementation B. Prisoner Supervision ¶ 24:****Status: Continued compliance****8/24/2023 Status Report**

During the period spanning from February 2023 to August 2023, EMCF Leadership provided verification of weekly review of supervisory rounds. This included the submission of copies of the Shift Master Log, a comprehensive record detailing supervisory rounds performed by Sergeants and Lieutenants, and correspondence from the Deputy Commissioner of Operations, acting as the Commissioner's designee, verifying his quarterly review of the supervisory round logs.



**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; 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 March, April, May, June, July, and August, the Monitor received correspondence from Edna Mahan leadership verifying weekly review of supervisory rounds and copies of the Shift Master Log which documents all supervisory rounds made by Sergeants and Lieutenants. During the onsite compliance visit in September 2023, the Monitor and/or her Associate reviewed the logbooks of every housing unit, including special management units, 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 three current Assistant Superintendents. These five persons are the "highest level" of management at Edna Mahan. All five of these people acknowledged responsibility to review the supervisory round logs.

Additionally, the Monitor received two separate memorandums on April 18, 2023, and July 20, 2023, from Deputy Commissioner Willie Bonds that said, "Pursuant to Paragraph 24 of the Settlement Agreement between DOJ and NJDOC, on April 18, 2023 and on July 20, 2023, 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 first recommendation is that the Level 1 agency policy should include a statement that the EMCF master log supervisory rounds are reviewed not less than quarterly by the NJDOC Commissioner or her designee. The second recommendation is that the EMCF Level 3 policy should 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.

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

**C. Camera Management**

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

**Requirements:**

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

par. 10 c Camera Management

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

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

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

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

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

**Steps taken by NJDOC and EMCF towards Implementation C. Camera Management ¶ 26:****8/24/2023 Status Report**

NJDOC and EMCF Level 1 policy CUS.001.BWC.01 *Body Worn Cameras* and Level 3 Custody Directive 124 Policy *Use of Body Worn Cameras (BWC)* are currently under review and revision, and strategic placement and review of cameras is already practiced at EMCF.

**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:**

No recommendation.

**C. Camera Management**

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

Requirements:

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

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

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

**Steps taken by NJDOC and EMCF towards implementation C. Camera Management ¶ 28:****8/24/2023 Status Report**

NJDOC and EMCF Level 1 policy CUS.001.BWC.01 *Body Worn Cameras* and Level 3 Custody Directive 124 *Policy Use of Body Worn Cameras (BWC)* along with CUS.001.CRP.01 *Camera Review Procedures* are currently under review and revision, and EMCF already retains recorded video for a minimum of 30 days.

**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 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 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 due date for the revision of this policy has been 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 revision of this policy has been 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 interviewed Edna Mahan leadership staff and the Special Investigations Division (SID) and the Special Victims Unit (SVU) Principal Investigators assigned to Edna Mahan. Each of these staff were asked about the length of time a video should be retained. Everyone interviewed knew that routine video should be retained for at least 30 days. And with the current stationary camera system, the video is retained at least 8 months routinely. 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) is routinely retained for at least 30 days and 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 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:****8/24/2023 Status Report**

Revisions to CUS.001.CRP.01 *Camera Review Procedures* and CUS.001.BWC.01 *Body Worn Cameras*, which comprehensively outline facility camera management protocols, were submitted in accordance with the terms of the Agreement. NJDOC and EMCF remain fully committed to continuing to comply with NJDOC's existing written policies and procedures while these policies are under review. EMCF's Media Technician performs regular weekly comprehensive camera inspections with a representative from Custody. These inspections are documented. Cameras are inspected and checked for angle placement, feed quality, and recorded footage.



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

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

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

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. In preparation for the PREA audit, the Agency PREA Coordinator and the Institutional PREA Compliance Manager included reviewing cameras in their July tour. In addition to the annual camera location review, Edna Mahan Media Tech performs regular weekly comprehensive camera inspections with a representative from Custody. These 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. These tours are documented and submitted to the EMCF leadership team monthly.

**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 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:**

**8/24/2023 Status Report**

The reviewed staffing plan was completed as required. A copy of the reviewed plan was submitted on February 24, 2023. The submitted plan 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 D. Staffing ¶ 32:****8/24/2023 Status Report**

NJDOC's efforts to revise the *Csizmadia* Consent Order are currently awaiting resolution. Upon reaching an agreement or, if relevant, upon obtaining a court decision, NJDOC will provide the pertinent information to both the DOJ and the Federal Monitor.

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

NJDOC's fiscal year is July 1 – June 30 of each year. The Monitor spoke with Acting Deputy Commissioner Erin Nardelli 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 FTE's 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”<sup>4</sup> to be gender restricted.*

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

This matter is currently pending.

On July 5, 2023, the Monitor and the DOJ received a “Collapsed Post Report” for the second quarter (April, May, and June) of 2023. This report documents and justifies deviations from the current staffing plan.

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

EMCF continues to document and justify all deviations from the current staffing plan.

**D. Staffing**

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

**Requirements:**

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

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

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

**Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 33:****8/24/2023 Status Report****Recruitment Efforts:**

NJDOC continues to follow the Edna Mahan Correctional Facility Recruitment & Retention Plan For Women Correctional Officers. We are leveraging various platforms such as social media, online recruiting sites (including Zip Recruiter, Indeed, and LinkedIn), and internal wellness programs to recruit and retain officers. Our recruitment initiatives have expanded into Delaware, Pennsylvania, and New York City areas, and include attendance at recruitment events, job fairs, educational institutions, vocational programs, and public events throughout New Jersey and neighboring portions of Pennsylvania and New York. NJDOC has posted a Request for Proposal (RFP) for the Custody Recruitment Campaign. NJDOC is seeking external expertise to design, implement, and engage the public in a recruitment campaign to increase interest in joining the Department. We hope that we will receive applications on or before 9/18/23 in order to assist with recruitment. The RFP is posted on the NJDOC website at: [https://www.state.nj.us/corrections/pdf/rfp/sid\\_recruitment\\_rfp.pdf](https://www.state.nj.us/corrections/pdf/rfp/sid_recruitment_rfp.pdf)

**Mentorship Efforts:**

To support our recruits, we have expanded our mentoring program to five staff members who conduct weekly meetings with recruits, as needed, throughout the academy program. Some specific services include:

- Individual contacts with each candidate by mentorship staff through emails, calls, and text messages.
- Assistance with document preparation, notary services, and medical appointment scheduling.
- Support with the Pre-Employment Physical Preparation Program, which is administered twice a week.
- Weekly follow-up contacts with all applicants throughout the hiring process.

- Utilization of QR codes linked to the NJDOC recruitment site.
- Continuation of mentorship help throughout the academy, including weekly meetings with academy recruits.

**Retention Efforts:**

During Women's History Month in March, NJDOC hosted the inaugural Women's Evolution into Leadership summit, an enriching day of conversations, affirmation, and empowerment.

Additionally, we hold staff professionalism and wellness strategic planning meetings to evaluate goal progress. These meetings are instrumental in ensuring that our commitment to the well-being of our staff is continually assessed and aligned with our departmental objectives.

The establishment of The Committee for Employee Morale and Innovation (C.E.M.I.) has been a significant development, with the goal of involving, informing, and empowering all NJDOC personnel and advancing the Your Voices Count! Campaign. C.E.M.I. has organized several open houses, with the latest being held at EMCF on July 26.

On July 28, EMCF celebrated Correctional Officer Appreciation Day, honoring the dedication and contributions of its correctional officers.

We Hold staff professionalism and wellness strategic planning meetings to evaluate goal progress.

**Women Officers' Recruitment Update:**

Academy Class #254 is scheduled for graduation on Friday, August 25, 2023. Specifically, three women from this graduating class have been assigned to Edna Mahan.

**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:**

The Monitor and the DOJ received a Recruitment and Retention plan dated August 24, 2022. On December 24, 2022, the Monitor and the DOJ received an implementation update of each strategy. It is obvious that NJDOC Recruitment and Retention team is making great progress in their support and mentoring of female candidates, throughout the application process and academy. However, it is equally obvious that, unless and until, the current requirements for the Physical Ability Test at the Police Training Commission (PTC) are adjusted for female applicants, the NJDOC will never be able to recruit and retain enough women correctional officers.

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

Continue to implement the strategies identified in the "Recruitment and Retention Plan for Women Correctional Officers." NJDOC work with the Police Training Commission and modify the requirements to reflect reasonable physical requirements for female applicants.

**D. Staffing**

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

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

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

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

**Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 34:****8/24/2023 Status Report**

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



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

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ 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. The plan 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. In the second quarter report for 2023 (April, May, and June), the Monitor and the Department of Justice received a report identifying each day that Edna Mahan deviated from the established staffing plan.

**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:****8/24/2023 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 January through March, 2023:

- EMCF has received through new hire, promotion, or transfer, 11 new staff (9 female);
- 5 staff members (3 female) transferred to another agency;
- 11 staff members (4 female) retired;
- 2 staff members were removed from EMCF (1 female);
- 3 staff members (3 female) resigned; and
- 4 staff members (2 female) transferred to another facility

Data from the submitted Quarterly Staffing Updates show that during the months of April 2023 through June 2023:

- EMCF has receive through new hire, promotion or transfer 9 new staff (5 female);
- 2 staff members (0 female) transferred to another agency;
- 7 staff members (3 female) retired;
- 0 staff members were removed from EMCF ;
- 1 staff members (1 female) resigned;
- 7 staff members (1 female) transferred to another facility; and
- 1 staff member 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 received two Staffing Updates during this reporting period. The first included March 2023. Another was for the second quarter of 2023 (April, May, and June). The Monitor will receive the third quarter staffing update at the end of September. This report will include the data for July and August 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:****8/24/2023 Status Report**

NJDOC continues to employ Ms. Capra as the full-time Agency PREA Coordinator. Ms. Capra has sufficient time and authority to develop, implement, and oversee NJDOC's efforts to comply with the PREA standards at Edna Mahan and all of its facilities.

**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 October 22, 2022, the NJDOC Agency PREA Coordinator, Sandra Capra began employment. Thus, this paragraph requirement was completed during the last reporting period. It is very positive to have someone in this position who has sufficient time and authority to develop, implement, and oversee NJDOC's efforts to comply with the PREA standards.

**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:****8/24/2023 Status Report**

NJDOC continues to employ Ms. Renshaw as the full-time PREA Compliance Manager at EMCF. Ms. Renshaw has no other duties within NJDOC or Edna Mahan and is assigned to oversee PREA compliance at Edna Mahan. She has sufficient authority to coordinate Edna Mahan's efforts to comply with PREA standards.

**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. Thus, this paragraph requirement was completed during the second reporting period of the Settlement Agreement. 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)

Ms. Renshaw continues to work hard in her position as the PREA Compliance Manager and having this position be a full-time position has a very positive impact at Edna Mahan.

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

No recommendation

**D. Staffing**

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

Requirements:

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

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

Job description for EMCF PREA Compliance Manager

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

**Status: Completed**

**8/24/2023 Status Report**

This requirement has been satisfied.

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

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

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

**Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 40:****8/24/2023 Status Report**

The EMCF IPCM continues to receive required training which included, meetings with other Departmental IPCMs, LEP education on April 13, 2023, and PREA disposition training on June 13, 2023.

**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 Renshaw stated that she attended a three-level Gender Diversity Series provided by Rutgers University School of Social Work Continuing Education during this training period. She has continued informal (as well as one formal) meetings with the Agency PREA



Coordinator, and met with her mentor from The Moss Group, a PREA certified assessor, twice a month. Ms. Renshaw believes she has received enough training during this reporting period to successfully fulfill her duties as the Facility PREA Compliance Manager, and the Monitor agrees.

**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 of these 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 his or her 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.

**Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 41:****8/24/2023 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 August 24, 2023, the Monitor and the DOJ received a copy of the meeting minutes of the review meeting held on July 14, 2023, between the NJDOC PREA Coordinator and Edna Mahan's PREA Compliance Manager. The following items were discussed during this meeting: PREA Education/Refreshers, PREA Risk Assessment/ "At-Risk" Log, Staff PREA Training Updates, Investigation Status, Incident Reviews, Facility Tours, Camera Audit and Analysis, Retaliation Monitoring, Notification Compliance, PREA Physical Plant Upgrades, Signage, Ensure understanding of IPCM's responsibilities.

It is also noted that, "that there have been numerous prior in-person visits by Agency PREA Coordinator (APC) at EMCF with Edna Mahan's Institutional PREA Compliance Manager (IPCM) Renshaw, as well as frequent communications between the parties via e-mail and phone. At all prior meetings as well as this formal meeting, the parties engage in pertinent exchanges of information for discussion and continued improvement in areas of concern and/or need at EMCF.

Open lines of communication continue to exist between the parties since the inception of this working relationship. IPCM Renshaw continues, as needed, to supply the APC with historical information as to efforts of compliance at EMCF with the Consent Decree to date.

**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

**Steps taken by NJDOC and EMCF towards implementation D. Staffing ¶ 42:****8/24/2023 Status Report**

Volunteers continue to engage in activities such as relapse prevention, clubs, chaplaincy, and reentry services for our incarcerated population. All volunteers have successfully completed the mandatory PREA training.

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

**[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 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 September 8, 2023, the Monitor and the DOJ received a listing of 49 volunteers; 45 of which are currently volunteering at Edna Mahan. The other four cannot volunteer yet, because they have not received PREA training yet. No volunteer is allowed inside EMCF until they have taken PREA and Undue Familiarity training. Additionally, the Monitor 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 also spoke with Sam Winslow, the volunteer coordinator at Edna Mahan. He explained the process he uses to ensure that all volunteers receive PREA orientation training was changed during this reporting period. When a volunteer volunteers in any institution in New Jersey, they receive training and documentation at the Central Office. If a volunteer volunteers only at Edna Mahan, Mr. Winslow notifies the Central Office and, again, they ensure that the volunteer receives PREA and Undue Familiarity training. In the past, it was the responsibility of the facility to train their “own” volunteers. Mr. Winslow now just verifies the volunteer received PREA and Undue Familiarity training prior to being allowed inside the prison, and documents such.

The Monitor and/or her Associate held two focus groups with Edna Mahan contractors who provide medical and mental health services at Edna Mahan. Everyone confirmed that they had PREA training and were aware of the expectation to comply with Edna Mahan’s sexual abuse and sexual harassment policies and procedures.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended until February 24, 2024.

This policy should include a section specific to the volunteer and contractor requirement to comply with Edna Mahan’s sexual abuse and sexual harassment policies and procedures.

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

**E. Training**

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

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

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

- Rosters of completed PREA, Gender-Responsive, or other subjects noted above training by assigned EMCF staff by February 24, 2022.
- List of all EMCF staff who may have contact with prisoners, including staff who work at other facilities who may work overtime at EMCF (i.e., maintenance, kitchen) and staff assigned to supervise 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 E. Training ¶ 43:****8/24/2023 Status Report**

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

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

This requirement was met during the months of February - May 2022, during the first and second reporting periods. The Monitor reviewed the PREA video, script, and facilitator guide that was used during the 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-day gender-responsive training during the last reporting period. This paragraph has been satisfied.

This two-day gender-responsive training was continued to be offered during this past reporting period. There were 14 different offerings of this two-day training, with 102 staff participating in the 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.



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**E. Training**

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

Requirements:

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

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

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

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

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Timely submissions of draft policy revisions pertinent to this subject matter were made in accordance with the terms outlined in this Agreement. The approval of related policies, coupled with the creation and execution of a staff training plan, will occur as specified within this Agreement, adhering to the agreed upon deadline. 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:**

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**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.

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

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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.

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And, during the compliance visit in September 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 a staff training plan that addresses the training requirements of the Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures.

The Monitor recommends that Administrator O'Dea meet with Major Ilg (who supervises the Training Lieutenant) and the Training Lieutenant monthly to ensure that all active Edna Mahan staff are receiving the appropriate training.

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**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

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

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NJDOC Policy Statement PCS.001.008 *Prevention, Detection, and Response to Sexual Abuse and Harassment* is presently undergoing a process of review and revision. However, the component pertaining to Prisoner Education is already practiced at EMCF. EMCF has submitted verifications of compliance for this reporting period to both the DOJ and the Federal Monitor.

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

**[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 ¶ 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

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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.

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.

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. Both the main Edna Mahan facility and the Satellite Building are now showing this video daily, in both English and Spanish versions.

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**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 a staff training plan that addresses the training requirements of the Prisoner Education policies or procedures.

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CIVIL NO.: 21-15031**F. Prisoner Education**

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

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

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

**Steps taken by NJDOC and EMCF towards implementation F. Prisoner Education ¶ 48:****8/24/2023 Status Report**

NJDOC has continued to submit verifications of compliance to DOJ and the Monitor during this reporting period.



THE UNITED STATES OF AMERICA v. THE STATE OF NEW JERSEY AND THE NEW JERSEY DEPARTMENT OF CORRECTIONS  
CIVIL NO.: 21-15031**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 prisoners who entered Edna Mahan during the month. Additionally, the Monitor received verification that everyone who entered Edna Mahan during each month participated in a comprehensive prisoner orientation session.

During the compliance visit, Mr. Shireman, the Monitor's Associate, watched a comprehensive orientation education for Edna Mahan 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.

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. Everyone who had entered Edna Mahan within this reporting period remembers attending this PREA orientation.

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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. 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 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

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

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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

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

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EMCF and NJDOC continue to comply with this requirement. The EMCF IPCM ensures the delivery of comprehensive education to the incarcerated population within 30 days of their arrival. The necessary training records have been consistently provided to the Federal Monitor and the DOJ on a monthly basis during this reporting period.

**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, Jamie Sferlazzo, Sally Devoy-Green, Taquila Rios, Alicia Lalas, Diana Bartolomwo, 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 two persons who provides the educational orientation is Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager and Veronica Gil, a Social Worker who is a certified bilingual employee.

**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 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:****8/24/2023 Status Report**

Verification forms signed by both the incarcerated person and the facilitator are kept as evidence of the facilitator's presence throughout the full session. These verification forms have been consistently provided to the Monitor and the DOJ on a monthly basis during this reporting period to affirm compliance.

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

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

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

In each of the six months of this reporting period, the Monitor received copies of Prison Rape elimination Act Acknowledgements signed by all newly incarcerated persons who participated in a comprehensive PREA orientation session. Each of these acknowledgements 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". Additionally, the Monitor, or her Associate, spoke with several incarcerated persons who had attended the PREA orientation during this past reporting period. All persons confirmed that the person delivering the orientation remained in the room for the entire period.

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 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:****8/24/2023 Status Report**

Following Title VI of the Civil Rights Act of 1964 and its corresponding regulations, NJDOC provides orientation information that is effectively communicated and presented in formats that are accessible to all incarcerated persons. This includes individuals with limited English proficiency, those who are deaf or visually impaired, and those with other disabilities, as well as individuals with limited reading abilities.

To ensure effective communication and understanding of comprehensive orientation information among incarcerated persons with limited English proficiency (LEP), EMCF utilizes interpreter assistance through the use of a language phone interpretation service when in-person interpreters are unavailable. This service facilitates communication in approximately 173 languages spoken worldwide, granting EMCF staff the capability to interact with LEP incarcerated persons. Additionally, EMCF has a staff member who is a Social Worker 2, Corrections – Bilingual who has successfully completed an approved interpretation assessment and has been officially appointed to her role since August 27, 2022. The DOJ has confirmed that this staff member is qualified to conduct interpretation in Spanish and English.



Comprehensive efforts have been directed towards preparing staff for LEP interactions. A technical assistance training session was conducted on April 13, 2023. This training was facilitated by representatives from the DOJ. Furthermore, contractors received similar training on various dates leading up to August 24, 2023 providing them with the knowledge and skills necessary to effectively work with LEP individuals and utilize language line services.

To ensure that both staff and contractors are promptly informed when an incarcerated individual is on the LEP roster and requires interpretation services, an EMCF executive assistant furnishes a weekly list to EMCF Lieutenants, Sergeants, department heads, medical and mental health contractors, as well as Parole officers. To streamline identification, stickers indicating LEP status have been affixed to the identification cards of incarcerated persons, allowing for quick recognition that interpretation services may be needed.

**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 until February 24, 2024.

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.

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

On August 24, 2023, the Monitor received a memo identifying five persons who had received PREA orientation in their preferred language, Spanish, during this reporting period. Ms. Gil, the certified bilingual Spanish speaking employee, provided the PREA orientation in Spanish to these five individuals. The Monitor and/or her Associate spoke with all five of these persons, who confirmed that Ms. Gil delivered the PREA orientation education to them.

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 explained that all education materials and videos are available in Spanish, as well as a certified bilingual Spanish speaking employee providing the information in Spanish. If the Incarcerated Person is deaf, the PREA video has subtitles. If an Incarcerated Person is visually impaired or has limited reading skills, they can listen to the video and have the orientation information read to them.

Additionally, Ms. Renshaw explained that if the County Jail is sending someone to Edna Mahan who speaks any language other than Spanish, the jail notifies her in time for her to get all education materials translated into that specific language. If a person is deaf, staff can show the video with subtitles. If the person is visually impaired, they can just “hear” the video. Ms. Renshaw has 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 everything.

**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 until February 24, 2023. Both Level 1 and III 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 a staff training plan that addresses the training requirements of the Prisoner Education policies or procedures.

**F. Prisoner Education**

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

Requirements:

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

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

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

**Steps taken by NJDOC and EMCF towards implementation F. Prisoner Education ¶ 53:****8/24/2023 Status Report**

NJDOC and EMCF continue to comply with this requirement. Records containing attendance details, complete with both participant and in-person facilitator signatures, are maintained. As part of the compliance verification process for this reporting period, random verification forms were submitted to the Monitor and DOJ, as requested. Additionally, copies of receipt documents are retained in the classification folder of every incarcerated person and also held by the IPCM.

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

**[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 ¶ 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 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 requires Edna Mahan 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 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:****8/24/2023 Status Report**

There were no cross-gender searches during this reporting period. Required quarterly reports verifying the absence of cross-gender searches have been submitted as required to both the Federal Monitor and the DOJ during this reporting period.

Policy PCS.001.008 *Prevention, Detection, and Response to Sexual Assault and Harassment*, which includes directives regarding gross gender viewing and searches, was submitted to DOJ and the Federal Monitor for review and comment according to relevant agreed upon deadlines in the Agreement.

Additionally, at EMCF and all other NJDOC correctional facilities, a consistent practice is observed wherein transgender and intersex individuals are provided the option of a search preference. To ensure adherence to N.J.P.L. 2019 c.409, which restricts cross-gender strip searches in state correctional facilities, Gender Identity Search Preference ID Cards are issued to transgender or intersex incarcerated persons. This identification card indicates the individual's search preference based on their transgender or intersex status.

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

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

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

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

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

Additionally, page 12 of NJDOC 001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment* states, “NJDOC does not allow cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical professionals”. 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 April 10, 2023, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of January, February, and March 2023 “Please be advised that there have been no exigent circumstances that required cross-gender strip searches or visual body cavity searches. And on July 5, 2023, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of April, May, and June 2023 “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 April 10, 2023, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of January, February, and March 2023 “Please be advised that there 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. And on July 5, 2023, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of April, May, and June 2023 “there 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 April 10, 2023, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of January, February, and March 2023 “Please be advised that there have been no exigent circumstances that required cross-gender strip searches or visual body cavity searches. And on July 5, 2023, the Monitor and the DOJ received a copy of a letter from Assistant Superintendent IPCM Amelia Renshaw to the Edna Mahan Administrator stating that, for the months of April, May, and June 2023 “Please be advised that there have been no exigent circumstances that required cross-gender strip searches or visual body cavity searches.

Lastly, the Monitor or her Associate interviewed several custody 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 custody staff person we interviewed said they would never conduct cross-gender pat searches. But if they were ordered to in some exigent circumstances, 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.”

In 2022 Edna Mahan, and all other prison facilities within the NJDOC, provided training to all their custody staff. The curriculum taught was a one-hour “Search of Persons” curriculum and the curriculum included the expectation that custody staff document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat- down searches of women prisoners and also document the exigent circumstances that warranted the search. The training also included the expectation that searches be completed in a respectful and professional manner.

**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 a staff training plan that addresses the training requirements of the cross-gender searches and viewing policies or procedures.

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

par. 55 Cross-Gender Viewing

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

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

**par. 55 a:**

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

**par 55 b:**

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

**Steps taken by NJDOC and EMCF towards implementation G. Prisoner's Right to Privacy at Edna Mahan ¶ 55:****8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures, which prohibit cross-gender viewing and announcements. The policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* currently incorporates these procedures and is followed. Revisions to this policy were submitted in accordance with the terms of the Agreement. The revision discussions continue, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

**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 until 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.

The Monitor was very concerned about the lack of privacy in one area of South Hall (the old Reception area) seen during the compliance tour. Although this unit is only supervised by female correctional officers, there are incarcerated persons who are transgender and identify as males who could be assigned to this housing area. They would not have been able to perform bodily functions, such as showering or using the toilet, and change clothing without nonmedical staff of the opposite gender identity viewing them. The Monitor brought this situation to Administrator's O'Dea's attention and appreciates the speed in which this situation was addressed. However, it is concerning that correctional staff that work in this unit, the Sergeant who is required to tour this unit twice a shift, and the Lieutenant who is required to tour this unit once a shift and/or any administrative staff member who had toured this area, had not immediately identified this area as problematic.

The Monitor and/or her Associate conducted focus groups with incarcerated persons currently living at Edna Mahan and asked them if they felt they were able to perform bodily functions without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia. Most of their responses indicated they were afforded this right. Some of the incarcerated persons felt custody staff did not give them privacy when officers are conducting tours while the incarcerated person is using the toilet in their cell. When I asked the EMCF Administrator what the requirements are, he responded that "during a routine cell check, the officer is required to glance through the window of the cell to ensure the presence and wellbeing of the incarcerated person (IP). However, if the officer's height impedes their ability to see the IP through the window, they are instructed to slightly open the door to conduct the necessary verification. This practice is carried out by housing officers where brief incidental viewing may occur in order to provide security/welfare checks".

Additionally, the Monitor discussed the issue with several Sergeants and Lieutenants. Some of the Sergeants/Lieutenants tell their staff to knock on the door, ensure the incarcerated person answers, and then go back to visually check on that person at the end of their rounds (to give the person time to finish using the restroom). Other Sergeants/Lieutenants tell their staff to ensure they see the incarcerated person at the time of the rounds. In all cases, the strong message is that the incarcerated person must be seen, to ensure their safety. The Monitor believes this process is as reasonable as possible, given the prison environment.

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. On August 2, 2023, the Monitor received a revised version of NJDOC Policy Statement CUS.001.011, Searches of Incarcerated Persons and correctional Facilities. Page 4 of 5 states, “All Staff of the opposite gender must announce their presence when entering a housing unit. Opposite gender announcements are required whenever a staff member entering the unit has a different gender identity than the gender identity of any incarcerated person in the area. Upon entering the housing unit, opposite gender staff will announce “male/female on the floor” or staff name “on the floor.”

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

As stated in previous compliance reports, several incarcerated persons asked why the women staff were not required to make announcements when they enter a housing unit since there are transgender and non-binary incarcerated persons residing at Edna Mahan. The Monitor believes the revised policies will address their concerns.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their policies or procedures specific to cross-gender viewing, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended to February 24, 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 “Opposite gender announcements are required for opposite gender staff who enter the housing unit by announcing “male/female” or “Officer Smith” on the floor.

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



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

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

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

**Requirements:**

- par. 56 The Edna Mahan prisoner reporting system must include:
- a. Provisions for accepting reports made verbally, in writing, anonymously, and from third parties including other prisoners, Edna Mahan staff, and the prisoner's friends and family, advocates or legal representation. In the case of reports made verbally, staff shall promptly document those reports in writing;
  - b. Clear information on which reporting methods allow for anonymous reporting; and
  - c. Information on how to report alleged or suspected sexual abuse or sexual harassment on behalf of a prisoner, and that information shall be made publicly available.
- par. 58 NJDOC and Edna Mahan shall ensure that Edna Mahan prisoners may report abuse or harassment to the Office of the Corrections Ombudsperson by methods that comply with Paragraphs 56-57 of this Agreement.

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

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

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

**Steps taken by NJDOC and EMCF towards implementation H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 56:  
8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures, which provide for multiple unimpeded methods to report allegations free from retaliation for incarcerated persons, staff, and anonymous third parties. Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* currently incorporates these procedures and is followed. Revisions to this policy were submitted in accordance with the terms of the Agreement. The revision discussions continue, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

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

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 persons 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.

**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 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:  
8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures, which provide for incarcerated persons the ability to privately report allegations to the Office of The Correctional Ombudsperson. Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* currently incorporates these procedures and is followed. Revisions to this policy were submitted in accordance with the terms of the Agreement. The revision discussions continue, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

**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 a September virtual interview, the Monitor spoke with the staff person assigned to Edna Mahan from the Office of the Corrections Ombudsman. She indicated that, during this reporting period (February 25 – August 24, 2023), there were 401 contacts, there was 1 allegation of staff sexual abuse and 2 allegations of staff sexual harassment, from 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 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:****8/24/2023 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 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: 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. 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 the address and phone number of the Ombudsperson's Office and note that the correspondence is confidential.

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

Additionally, the Monitor and/or her Associate interviewed several incarcerated persons and asked them specifically about reporting any allegations of sexual abuse and harassment, including privately and anonymously, to the Ombudsperson's Office. Most were aware of this option. The incarcerated persons stated that the concerns noted in previous compliance reports still continue, specific to reporting to the Ombudsperson's Office. Those concerns are specific that when they contact the office through the telephone hotline, they often get a busy signal.

The Monitor spoke with Terry Schuster, Corrections Ombudsman. He continues to be aware of the concerns noted by the incarcerated persons. Mr. Schuster acknowledged that the Office of the Corrections Ombudsperson has hired one additional staff member for the office's call center and is in the process of hiring more. He believes these additional hires will help more people get through to a live operator.

Additionally, Mr. Schuster noted that the best way to reach the office is in writing, either dropping requests for assistance in secure Ombudsperson mailboxes at the facility or sending letters confidentially to the office's P.O. Box through legal mail. The ombudsperson assigned to Edna Mahan is on site at least three days a week and regularly makes rounds to listen to incarcerated persons' concerns, including accepting allegations of sexual abuse or sexual harassment.

Mr. Schuster also noted that his office has now moved out of the NJDOC headquarters building and transitioned its email and computer technology out of DOC and into the state Treasury Department. He hopes that the more independent his office is from the Department of Corrections, the more trust the incarcerated persons will have in communicating concerns to the Ombudsperson'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 Ombudsperson.

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

**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:  
8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures, which provide the ability for staff to privately report allegations. Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* currently incorporates these procedures and is followed. Revisions to this policy were submitted in accordance with the terms of the Agreement. The revision discussions continue, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

**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 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, “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”. 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.

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, using JPay, reporting to their family members, reporting to the Ombudsperson, and/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 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 H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:****8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures, which require immediate reporting of allegations for all staff, contractors and volunteers. Policy PCS.001.008 Prevention, Detection, Response to Sexual Assault and Harassment, IMM.001.004 *Zero Tolerance Policy: Prison Sexual Assault* and its Level 3 Internal Management Procedure, Custody Directive 73 *Zero Tolerance Policy: Prison Sexual Assault* currently incorporate these procedures and are followed. Revisions to these policies were submitted in accordance with the terms of the Agreement. The revision discussions continue, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

**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 every month, 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.

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

During the onsite compliance visit in September 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 staff answered they were required to separate the alleged victim from the alleged perpetrator and to report any of these types of allegations/suspensions 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 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:****8/24/2023 Status Report**

Policy PCS.001.008 *Prevention, Detection, and Response to Sexual Assault and Harassment* currently includes directives regarding confidentiality requirements for all allegations pertaining to sexual abuse and sexual harassment, all of which are actively followed. There are ongoing policy revision discussions, which reflect our collaborative endeavor to enhance existing policies in accordance with both PREA and Agreement mandates.

NJDOC and EMCF continue to actively focus on improving the dissemination of information concerning confidentiality to ensure that both staff and incarcerated persons are well-informed about the confidential nature of allegations. It is important to note that incarcerated persons are not restricted from sharing details of an allegation with a peer or staff member. However, staff members are entrusted with the responsibility and expectation to uphold confidentiality by disclosing only what is necessary to individuals designated as mandatory reporters.

To enhance clarity, the EMCF IPCM has refined the language within PREA education materials intended for incarcerated persons regarding the concept of confidentiality, including distinguishing between confidential and anonymous reporting.

EMCF continues to limit the distribution of information related to PREA allegation alerts solely to senior leadership roles. This ensures that only those who require this information receive it.

To enhance direct communication between SID and EMCF leadership, SID continues to coordinate interview requests through Administration. This replaces the previous practice of contacting the area supervisor and appears to be working well. Consequently, when an investigative interview is sought, SID informs the IPCM, Administrator, or their designee, who then arranges for the incarcerated person to be relocated to the multipurpose buildings housing the interview rooms.

In disciplinary housing units, an upgraded system has been introduced to enhance phone privacy. Incarcerated individuals now have access to a phone that allows them to converse while on their beds, with the door and port securely closed.

For routine communication, incarcerated individuals have the option to participate in group sessions with the IPCM. During these sessions, specific standards, including confidentiality, are discussed in detail.

Additionally, the IPCM has been attending routine staff PREA training sessions to facilitate in-depth discussions and answer questions on various topics, including staff members' responsibility to uphold confidentiality. Staff members are also provided with ID-sized cards containing concise information about confidentiality guidelines and their responsibility to maintain confidentiality.

#### **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:**

Page 62 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states NJDOC staff, volunteers and contractors shall not reveal any information related to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures. This policy is currently being revised. 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, "Apart from reporting to designated supervisors or officials, staff shall not reveal information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions." 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.

During the past reporting period (August 25, 2022 – February 24, 2023), Edna Mahan spent a large amount of time changing processes and training staff in order to enhance confidentiality. However, in the interviews with the incarcerated persons, they did not believe confidentiality had improved very much. The Monitor reported to the Court in the last report that she did not know if this perception reflected "outcome" versus "process" and how long it takes for change to happen in a large facility, or if confidentiality had not really improved. During this past reporting period, Edna Mahan has maintained those changes in process, specific to confidentiality.

During the compliance visit in September 2023, the Monitor and/or her Associate spoke with over 50 staff (including focus groups, individual interviews, and talking with staff during the tour of the facility). All staff confirmed that they believe that confidentiality has greatly improved in the past two reporting periods. Custody staff reported that “only those who need to know, know about any allegations of sexual misconduct”. That is very different than it was before. Staff reminded the Monitor of the changes implemented during the past reporting period, which included:

- Changed the locations of the SID/SVU (Special Investigations Division/Special Victims Unit) interview spaces. The locations have many other activities/appointments occurring simultaneously, so no one is supposed to be aware of the purpose of a specific interview. They also made the interview spaces ‘softer’ to promote confidentiality and provide a safe and unthreatening space.
- Changed the process of calling an incarcerated person to an interview with SID/SVU. The previous process involved calling the housing unit and asking them to send the incarcerated person to an interview with SID/SVU. The revised 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 be sent to a specific interview location. The Shift Commander calls the housing unit, who then sends the person to the designated location. One incarcerated person told the Monitor that she was told she was being required to give a urine sample and was surprised when she found out she was being interviewed by SID.
- Reduced the number of persons 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” email that had been sent out to over 100 custody supervisors that provided the details of all PREA allegations.
- Discussed the importance of confidentiality in the staff newsletter.
- Set the expectation that all supervisors discuss the importance of confidentiality with all their direct reports.

However, some contract staff reported they had heard Correctional Officers talk about PREA allegations during this past reporting period.

During the compliance visit in September, the Monitor and/or her Associate spoke individually with each incarcerated person, who was available, who filed an allegation of sexual harassment during this past reporting period (February 25 – August 24, 2023) and asked them, specifically, if they felt that their allegation was handled in a confidential manner and asked for examples. Most persons (although not all) that were interviewed did not believe their allegation had been handled in a confidential manner. Although, most felt it was the incarcerated persons who talked about it, rather than the staff, some incarcerated persons do feel that staff did not keep allegations confidential. Quotes included:

- There is no such thing as confidentiality. Its high school “squared”. It’s not a large facility. Everyone knows everything.
- Confidentiality has improved lately.
- I don’t know if my allegation was handled in a confidential manner. I’ve been locked up.
- No. My allegation was not handled in a confidential manner. Everyone knew about it. Other officers talked to me about it. One officer asked, “why did you do that to the Officer”?

- No, I don't believe my allegation was handled in a confidential manner.
- Inmates are being retaliated against for reporting, so there must not be confidentiality.
- Staff conducted a conversation about a PREA complaint in front of an incarcerated person's cell front, which she believed was in earshot of other incarcerated persons.

One IP reported that an officer said out loud in front of other incarcerated persons, "you have to go make a statement to SID." When the Monitor and/or her Associate spoke with four focus groups with the incarcerated persons each focus group were unanimous in their perception that "everyone knows" when there was been an allegation of sexual abuse or sexual harassment made". They explained that there are two main reasons for this.

The first is a result of the "systems" in place for protecting and interviewing the alleged victim. After someone reports an allegation of sexual abuse or sexual harassment, they are taken to a holding cell out of their housing unit while staff complete the required notifications. Then the alleged victim is seen by medical and mental health staff and interviewed by Edna Mahan custody staff and then Special Victims Unit (SVU) staff. Depending on when the allegation was made, (graveyard shift, weekends, holidays, etc.), the alleged victim can be held in this area for several hours, waiting for staff to arrive at the institution. The incarcerated persons told us that when a person is gone for a long period of time, everyone knows they probably filed a PREA allegation.

This is especially true when the alleged perpetrator is moved away from the reporting incarcerated person. One focus group told us, "It's not hard to figure out that when an incarcerated person is gone for a while, and the staff member or another incarcerated person is moved away from that person, they filed a PREA allegation".

Additionally, incarcerated persons living in the maximum compound can see when a SVU staff come onto the maximum compound, which includes the entrance to the max hospital, where SID interviews alleged victims. The incarcerated persons in the maximum security focus group told us, "We see them come through the screening gate wearing their SID/SVU shirts. We know who they are and why they're here. As soon as they come through the gate, and then someone is called out, it's easy to figure out what's going on".

The second reason is that "people talk". 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.

I believe that NJDOC and Edna Mahan have done a good job of focusing on this area. And, unfortunately, part of a prison environment and the necessary systems to support that environment, will result in complete confidentiality never being achieved.



**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:****8/24/2023 Status Report**

Policy PCS.001.008, *Prevention, Detection, and Response to Sexual Assault and Harassment*, currently includes directives regarding the prompt reporting of all allegations pertaining to sexual abuse and sexual harassment. The draft language within the policy stipulates the necessity to share reports with the Special Investigations Division Investigator(s) within a 12-hour timeframe upon receipt of the allegation. There are ongoing policy revision discussions, which reflect our collaborative endeavor to enhance existing policies in accordance with both PREA and Agreement mandates. This procedure is actively followed.

At EMCF, the Shift Commander immediately reports all allegations of sexual abuse and sexual harassment. This report is consistently transmitted within thirty (30) minutes of its receipt to the Administrator or their designated representative as well as the Central Operations Desk (COD).

Concurrently, the COD activates a written notification whenever an allegation of sexual abuse or assault involving an incarcerated person, on-duty or off-duty employee, volunteer, or visitor on NJDOC property is reported. This confidential email alert, which includes only individuals

with a need to know, is dispatched to notify both SID and the on-call EMCF leadership. This email contains details such as the initiation of the protocol, the time of the allegation report, the notification timings for COD, on-call EMCF leadership, and SID, and identification of the SID contact. Typically, this email notification serves as a "courtesy" to inform the SID Investigator as they have already been informed via a telephone call from EMCF.

**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 must be 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 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 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. Neither principal investigator could think of any case that was not reported within 12 hours.

As with many other requirements in the Settlement Agreement, it is clear that NJDOC and Edna Mahan are abiding by this specific requirement. 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 of Edna Mahan incarcerated persons, including third party reports, anonymous reports, and prisoner grievances, to NJDOC’s Special Investigation Division, promptly, but at all times within 12 hours of receipt of the report.

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

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

par. 63 NJDOC and Edna Mahan shall report all allegations of sexual abuse of Edna Mahan prisoners, including third party reports, anonymous reports, and prisoner grievances, to Edna Mahan's Administrator, promptly, but at all times within 12 hours of receipt of the report.

**Requirements:**

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

**Monitor's Measure of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 63:**

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

**Steps taken by NJDOC and EMCF towards implementation H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 63:****8/24/2023 Status Report**

Policy PCS.001.008, *Prevention, Detection, and Response to Sexual Assault and Harassment*, currently includes directives regarding the prompt reporting of all allegations pertaining to sexual abuse and sexual harassment. The draft language within the policy stipulates the necessity to share reports within a 12-hour timeframe upon receipt of the allegation. There are ongoing policy revision discussions, which reflect our collaborative endeavor to enhance existing policies in accordance with both PREA and Agreement mandates. This procedure is actively followed.

At EMCF, the Shift Commander must immediately report all allegations of sexual abuse and sexual harassment. This report is consistently transmitted within thirty (30) minutes of its receipt to the Administrator or their designated representative as well as the Central Operations Desk (COD).

Concurrently, the COD activates a written notification whenever an allegation of sexual abuse or assault involving an incarcerated person, on-duty or off-duty employee, volunteer, or visitor on NJDOC property is reported. This confidential email alert, which includes only individuals with a

need to know, is dispatched to notify both SID and the on-call EMCF leadership. This email contains details such as the initiation of the protocol, the time of the allegation report, the notification timings for COD, on-call EMCF leadership, and SID, and identification of the SID contact. Typically, this email notification serves as a "courtesy" to inform the EMCF Administrator as he has already been informed via a telephone call from the Edna Mahan Shift Commander.

**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."

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 report 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, based on what has been reported, 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 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

### Steps taken by NJDOC and EMCF towards implementation I. Protecting Prisoners and Staff from Retaliation ¶ 64:

#### 8/24/2023 Status Report

NJDOC and EMCF remain steadfast in addressing the issue of subtle retaliation, ensuring that any instances are promptly addressed and that staff members are held accountable for their actions. Moreover, EMCF is actively augmenting the dissemination of information concerning retaliation, including subtle forms of it, to guarantee comprehensive awareness among both staff and incarcerated persons. This entails not only encouraging questions but also fostering an environment where concerns can be shared openly.

In addition to the previously described processes detailed in prior status reports, the EMCF IPCM has integrated additional information pertaining to the right to protection against retaliation, including subtle forms, into the incarcerated persons' PREA education and orientation presentation. This presentation has been made available to both the Federal Monitor and the DOJ.



For staff, the IPCM provides written monthly PREA updates that encompass various PREA-related subjects, including case statistics, outcomes, information on retaliation (including subtle retaliation), and an invitation for staff to seek clarification on the status of any ongoing PREA investigations.

Another pertinent development is the inclusion of a question specific to subtle retaliation in the retaliation monitoring form. This alteration ensures that incarcerated individuals receive comprehensive insights into this topic, enabling them to both understand it more deeply and report any concerns related to retaliation.

To maintain regular communication, incarcerated persons have the option to participate voluntarily in group sessions with the IPCM. These meetings delve into specific standards in detail, particularly focusing on all aspects of retaliation. Additionally, the IPCM attends regular staff PREA trainings, offering an avenue for staff to delve into intricate queries and discuss a range of topics, including their role in ensuring the absence of any form of retaliation.

#### **Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 64:**

Substantial Compliance

**Partial Compliance:** This is a very difficult paragraph to determine compliance. The paragraph reads, "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."

All the policies and procedures are in place for retaliation monitoring and Edna Mahan's PREA Compliance Manager does monitor allegations of retaliation concerning incarcerated persons. And yet most incarcerated persons say they wouldn't report an allegation of sexual abuse or sexual harassment, because they are afraid of retaliation. It is hard for the Monitor to know if there was actual retaliation during this reporting period or if it is "hearsay" and "old perceptions" of the incarcerated persons. It is also hard to know if, from the incarcerated persons' point of view, retaliation will ever not exist. And the Monitor recognizes that, during this past reporting period, there was not one incident of retaliation reported to the Special Investigations Unit or Special Victims Unit. Additionally, the Monitor spoke with every available incarcerated person who reported an allegation of staff-on-I/P during this reporting period, and every incident of retaliation reported to the Monitor, was investigated, and explained. However, the Monitor would be remiss if she didn't "hear" the fears of the incarcerated persons, specific to retaliation.

It is clear that NJDOC and Edna Mahan have put significant focus on this area during this reporting period. The Monitor recognizes and appreciates this attention and focus. The definition of "Partial Compliance" in the Consent Decree indicates that "NJDOC and Edna Mahan have achieved material compliance on some of the components of the relevant provision of the Agreement, but significant work remains". The Monitor believes this definition is most appropriate for this paragraph.

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 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) 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. EMCF has been given a due date of February 24, 2024, to finalize a Level 3 policy 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 Administrator Ryan O’Dea and Assistant Superintendent Amelia Renshaw what changes EMCF made during this past reporting period, specific to retaliation. They each responded that Edna Mahan Administration continued to focus on the area of subtle retaliation in a variety of ways. Those ways included:

- Modifying and continuing to disseminate the “At a Glance Cards” to staff regarding subtle retaliation.
- Revising the power point presentation for the PREA Education Orientation, for the incarcerated persons, which provides more thorough education about subtle retaliation.
- The Institutional PREA Compliance Manager meeting face to face with all incarcerated persons who filed an allegation of sexual abuse or sexual misconduct and asking them specifically if they had experienced any incidents of subtle retaliation or other concerns of retaliation.
- Administrators walking around and having discussions with line staff, especially custody staff, about their familiarity of subtle retaliation giving examples, providing scenarios and asking if that would be considered subtle retaliation, and clarifying any questions.
- Sending out newsletters to all staff educating them about prohibiting all forms of retaliation, including subtle retaliation, against any incarcerated person or staff who reports an allegation of sexual abuse or sexual harassment.

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. And we asked the staff what their definition of “subtle retaliation” was. 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. They were also able to give good examples of subtle retaliation (i.e., holding the reporting person to a “higher standard” of following the rules, making comments to the incarcerated person about their report, increasing the number of bed/cell searches, etc.).

The custody staff reported that they do not believe any type of retaliation, including subtle retaliation, occurs. Custody staff explained that, since the measures have been put in place to enhance confidentiality, often they do not know when an incarcerated person has filed an allegation of sexual abuse or sexual harassment. In those instances that they might know (they were interviewed by the Special Investigations Unit), custody staff report that they are professional and understand that this is part of working in a prison setting. No custody staff said they had seen or heard of any instances of retaliation against an incarcerated person for making a PREA report. It is worth noting that two contract staff whom the monitor

interviewed said that subtle retaliation does occur after an incarcerated person has filed an allegation of sexual abuse or sexual harassment. However, they could not give any specific examples.

The Monitor or her Associate interviewed all available incarcerated person that filed an allegation of sexual assault against a staff person during this past reporting period. (Some were not available to interview, and some had filed multiple allegations). Each person was asked, very specifically, how the experience of making the report of an allegation was for them. Additionally, they were asked if they felt respected during the experience of making the report and the investigation process. Nearly everyone said they felt “heard” and respected. One incarcerated person says the Special Victims Unit (SVU) staff was interested in what she said, spoke kindly to her and felt the allegation was investigated fairly. Another incarcerated person said she “wasn’t ganged up on” and felt that she was treated fairly. A third person said that SVU staff were kind and listened to her. One incarcerated person said she felt that a member of SID was very professional, but her partner was not and treated her like she was not telling the truth.

Another incarcerated person said he felt “heard” and was treated fairly but felt like it was “killing the roach in an invested house”. Other incarcerated persons said, “they were comfortable talking”, “SVU treated them with compassion” and “they felt respected”. Additionally, each of the incarcerated persons were asked if they knew they had the right not to be retaliated against for reporting a PREA allegation and were there any instances they felt they were retaliated against, even in a subtle way, for reporting their allegation. Responses to these questions were varied.

One incarcerated person said a staff member “cursed her out” but then came back and apologized. Another incarcerated person said that the Officer said out loud, in front of other incarcerated persons, “you have to go make a statement to SID”. She felt the officer said that deliberately to let others know that she had filed an allegation. However, this same incarcerated person said she did not feel she was retaliated against for reporting her allegation. Another incarcerated person said that there had not been any retaliation incidents “that mattered” and that things had “mellowed out”. This same incarcerated person believes staff purposely use terms of mis-gendering as a form of retaliation. A fifth incarcerated person said that she never felt retaliated against herself but had heard that other incarcerated persons had their “stuff torn up” for reporting. The timing of these alleged incidents is unclear.

Another incarcerated person filed three PREA allegations during this reporting period. Two allegations were combined and based on camera footage and witnesses; the allegations were determined to be unfounded.

The second allegation is still pending investigation. This person stated that she has been retaliated against for reporting her allegations by:

- not allowing her access to medical
- not allowing her access to social services
- not allowing her video calls with her children, and
- not properly calculating her jail time.

The Monitor asked for these allegations to be investigated and was informed that:

- Medical staff does rounds in the Restricted Housing Unit (RHU) on a daily basis and all incarcerated persons, including this specific incarcerated person, can access their services
- A social worker tours RHU daily and provides door to door tours to address any issues, questions or concerns. On 7/27/23 this incarcerated person was offered and declined reentry assistance with the social worker. On 3/23/23 this incarcerated person was offered and declined to participate in Social Service's Restoring Hope and Unity program. At any point in time, this incarcerated person can request assistance from Social Services.
- All incarcerated persons can make video calls with any visitor via the IP on the JPAY kiosk. This incarcerated person is on level 1 in RHU which permits her to have one non-contact visit per month with relatives, which shall not exceed 60 minutes. This incarcerated person does not have any restrictions from accessing JPAY, and it was confirmed that there have been no requests for a video visit from this person.
- The classification unit is responsible for calculating jail time and would not know of any allegations of sexual abuse that any incarcerated person has lodged.

As previously noted, the Monitor and/or her Associate spoke with four incarcerated person focus groups. These groups were also asked if they knew they had the right not to be retaliated against for reporting a PREA allegation and were there any instances felt they were retaliated against, even in a subtle way, for reporting their allegation.

One group of 5 incarcerated persons couldn't give specific examples but felt all incarcerated persons "always walks on eggshells" in terms of retaliation. They said that Officers try to "catch us on the little things" after an incarcerated person has filed an allegation. They said they have heard officers say things like, "you inmates will do anything for a check" and "you deserve what you get". Every one of these 5 persons said they would never report an allegation of sexual abuse or sexual harassment because of the retaliation they think they would experience.

Another group of 6 incarcerated persons said the exact same thing; that they would not report because of the fear of retaliation. They said that, although none of them have felt retaliated against, they believe staff "send a signal" to the incarcerated persons who report an allegation of sexual abuse or sexual harassment. They said they believe the subtle retaliation was mostly around bed/area searches.

The specific example this group shared was an instance where everyone else's beds were searched, except for the person who reported the allegation. The Monitor asked Assistant Superintendent Amelia Renshaw, the EMCF PREA Compliance Manager, to investigate this allegation of retaliation. She reports that "Based on the names scheduled for the focus group at the Satellite, there was only one IP who made an allegation during this reporting period. On 8/7/23, IP on IP harassment was reported. However, a review of August and September search logs found the allegation that all beds were searched except for the victim's was false. Following August 7<sup>th</sup>, searches of at least 3 beds were completed at a time, which included the alleged victim. At no time were all beds searched with the exception of one."

Ms. Renshaw also wrote that "I expanded my review of searches conducted during the reporting period and found that there were no searches that were indicative of retaliation concerns."

A third focus group stated they had not heard of anyone being retaliated against, even subtly, for reporting incidents of sexual abuse or sexual harassment during the last six months. They did say, however, that most incarcerated persons don't trust staff not to retaliate.

The last incarcerated person focus group said they did not know of any specific examples of retaliation. However, they said they believe "certain officers" do retaliate. They said they "heard about" examples of subtle retaliation such as incarcerated persons not being told about a visit, an incarcerated person having their mail held up, and staff "tearing up" the property of an incarcerated person who reported a PREA allegation during a search.

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, 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 could be a reflection of "outcome" versus "process" and how long it takes for change to happen in a large facility, such as Edna Mahan. Regardless, the Monitor believes this is an area that could continue to use a lot of focus.

#### **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 until 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 a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies. The Monitor believes there is an opportunity for education for staff regarding this subtle retaliation and 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

**Steps taken by NJDOC and EMCF towards implementation I. Protecting Prisoners and Staff from Retaliation ¶ 65:****8/24/2023 Status Report**

Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* currently includes guidelines pertaining to offering multiple protection measures to counteract potential retaliation. These measures encompass options such as housing adjustments or transfers, as well as temporary reassignments for both alleged staff and IP abusers. This procedure has been followed throughout ongoing policy revision discussions.

**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 reviewing housing changes or transfers for alleged incarcerated 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. And the Edna Mahan Leadership Team put a lot of focus and energy in this area during the past two reporting periods. Yet, several of the incarcerated persons indicated that they believe a subtle form of retaliation is occurring, which they report is the reason victims do not want to report incidents of sexual abuse or sexual harassment. The Monitor determined substantial compliance since NJDOC and Edna Mahan does employ the protection measures identified in this paragraph. The Monitor acknowledges that a Level 1 and Level 3 policy needs to be written, and a staff training plan developed and implemented in order to maintain substantial compliance.

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 65:**

Page 41 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, The NJDOC employs multiple protection measures against potential retaliation such as housing changes or transfers for inmate victims or abusers and removal of alleged staff or inmate abusers from contact with victims. Retaliation monitoring must be done on the victim of the allegation and the inmate or staff member who reported the incident. This does not include a staff member who is relaying a report from an inmate, but it does include third party reporting for an inmate or a staff member who directly observes and reports the incident.

For at least 90 days following a 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 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. EMCF has been given a due date of February 24, 2024, to finalize a Level 3 policy specific to retaliation.

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

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

Additionally, the Monitor reviewed the Edna Mahan Inmate Handbook, which says the following:

PREA Emotional Support services are provided by external sexual abuse victim advocates who can assist in crisis intervention, provide information, and offer support to anyone who has questions or is looking for information about sexual violence. The services are only for emotional support related to sexual abuse.

Inmates at this correctional facility may also request external sexual abuse emotional support services/information by writing to: The Sexual Abuse Emotional Support Services (gives their address) and Sexual Abuse Survivor Information (gives their address). NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet notes that there have been no cases of identified alleged retaliation during this reporting period.

The Monitor spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how the facility protects incarcerated persons and staff who report allegations of sexual abuse or sexual harassment from retaliation. She reported she monitors possible retaliation, 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 only one report of retaliation from staff during the twenty-four months that the Settlement Agreement has been in effect, and this report was determined to be "unsubstantiated".

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. Most were aware of this protection, but as noted in the discussion in paragraph 64 (above), some of the incarcerated persons' perception is that they are being retaliated against in a very subtle

manner. Additionally, most (but not all) were aware of their right to contact an external sexual abuse emotional support service. However, as discussed in paragraph 73, incarcerated persons in the maximum housing compound have difficulty contacting the organization in a confidential manner.

#### **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 a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies. The Monitor believes there is an opportunity for education for staff regarding this subtle retaliation and the Administration team 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

**Steps taken by NJDOC and EMCF towards implementation I. Protecting Prisoners and Staff from Retaliation ¶ 66:****8/24/2023 Status Report**

Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* currently includes guidelines pertaining to the separation protocols for individuals accused of sexual abuse and/or sexual harassment. This procedure has been followed throughout ongoing policy revision discussions, which reflect our collaborative endeavor to enhance existing policies in accordance with both PREA and Agreement mandates.

When EMCF determines that an incarcerated person is subject to a substantial risk of imminent sexual abuse, prompt actions are taken to protect the incarcerated person, including separation from potential abusers. Methods of separation include removal of alleged abusers from contact with victims until SID investigation is concluded. Temporary reassignment of staff may vary from removal from the institution, removal from grounds or the max compound, removal from the housing unit, removal from the housing wing or other separation from the victim. These decisions are made on a case-by-case basis and approved by the Administrator.

**Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 66:**

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

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 66:**

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet also identifies whether the staff was removed from positions of prisoner contact at Edna Mahan until the investigation is included. During this reporting period (February 25 – August 24, 2023), Edna Mahan had 16 allegations of sexual abuse or sexual harassment. Of all these allegations, there were 6 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.

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 to 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 to sexual abuse, sexual harassment, or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included. She echoed what the Administrator stated, in terms of severity of the allegation, safety of the victim, and using the Body Worn and stationary Cameras

**Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 66:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prevention of Retaliation policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended 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 to sexual abuse, sexual harassment or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included.

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

**I. Protecting Prisoners and Staff from Retaliation**

par. 67 NJDOC and Edna Mahan shall monitor all prisoners and staff who report sexual abuse or sexual harassment and prisoners who have been reported to have suffered or cooperated with sexual abuse or sexual harassment investigations from retaliation by other prisoners or staff for at least 90 days following a report of sexual abuse or sexual harassment, to see if there are changes that may suggest possible retaliation by prisoners or staff, including prisoner disciplinary reports, housing or program changes, and negative performance reviews or reassignments, and shall act promptly to remedy any such retaliation.

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

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy regarding retaliation protection for staff and prisoners
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Semi-annual report (beginning April 5, 2022, for the last quarter of 2021 and first quarter of 2022), to the DOJ and Monitor identifying any staff or prisoner who had signs of retaliation, any person whose monitoring was extended beyond the 90 days, or any other individual who cooperates with an investigation that expressed a fear of retaliation
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the retaliation of staff or prisoners for reporting an allegation
- Review of Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive during on-site visit
- Review of retaliation tracking log maintained by EMCF PREA Compliance Manager during on-site visit
- Interview with EMCF Administrator regarding retaliation protection for staff and prisoners
- Interview with EMCF PREA Compliance Manager regarding retaliation protection for staff and prisoners

**Steps taken by NJDOC and EMCF towards implementation I. Protecting Prisoners and Staff from Retaliation ¶ 67:****8/24/2023 Status Report**

Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* presently incorporates procedural provisions for retaliation monitoring for at least 90 days. Any staff member, volunteer, contractor or incarcerated person who fears retaliation against them for having reported a sexual abuse and/or sexual harassment allegation is able to report this concern via any of the multiple reporting methods. Per existing procedure all allegations of retaliation are referred to the Special Investigations Division, which is responsible for conducting an investigation. This procedure has been followed throughout ongoing policy revision discussions.

**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 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.

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.

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 a staff person is alleged to have retaliated against an incarcerated person, that alleged staff will be removed from a position of contact with the individual. There were no allegations of retaliation by a staff member against an incarcerated person during this reporting period. 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, during the last reporting period, she 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 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. It was also noted that there were no cases where anyone (either staff or incarcerated person) was monitored beyond the required 90 days.

#### **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 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

**Steps taken by NJDOC and EMCF towards implementation I. Protecting Prisoners and Staff from Retaliation ¶ 68:****8/24/2023 Status Report**

Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* presently incorporates procedural provisions for retaliation monitoring. At EMCF it is common for incarcerated persons to report fear of retaliation to the institutional PREA compliance manager. However, any incarcerated person who fears retaliation against them for having reported alleged sexual abuse and/or sexual harassment is able to report this concern via any of the multiple reporting methods. Per existing procedure all allegations of retaliation are referred to the Special Investigations Division, which is responsible for conducting an investigation. This procedure has been followed throughout ongoing policy revision discussions, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

**Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 68:**

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

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 68:**

Page 41 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Retaliation monitoring must be done on the victim of the allegation and the inmate or staff member who reported the incident. This does not include a staff member who is relaying a report from an inmate, but it does include third party reporting for an inmate or a staff member who directly observes and reports the incident. For at least 90 days following report of sexual abuse allegation, the Institutional PREA Compliance Manager continues to monitor the allegation by way of periodic status checks with the NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation). The Institutional PREA Compliance Manager will provide a copy of this form to the inmate with the request that they sign for same. A copy of the signed form, or documented refusal to sign, will be maintained by the Compliance Manager and placed in Folder 115.67 on the DOCNet I-Drive.

Retaliation monitoring shall be an ongoing process within the 90 days post allegation. The monitoring can be scheduled at any time and conducted periodically throughout the monitoring period. NJDOC requires at least 2 face-to-face meetings and 2 paper reviews to be conducted within those 90 days. These must be done on separate instances, with one face to face and one paper review being in the first 45 days and one face to face and one paper review in the second 45 days.

All four reviews must be conducted for each individual. Any individual who cooperates with the investigation (including witnesses, perpetrators, staff, etc.) has the ability to express their concerns of retaliation and will be monitored for their potential retaliation using the same form as well. 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. If an allegation is unfounded, no retaliation monitoring is required. However, if someone fears retaliation and expresses such, they must be monitored even if the allegation was unfounded."

The Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73 titled, "Zero Tolerance Prison Sexual Assault" does not contain any reference to retaliation protection for any other individual who cooperates with an investigation that expresses a fear of retaliation. This will be included in the recommendation section. 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.

During the onsite compliance visit, Mr. Shireman, the Monitor's Associate, reviewed the Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) completed by the current EMCF PREA Compliance Manager for inmates or staff who reported the sexual abuse of inmates. The Associate also reviewed the Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive.

The Monitor spoke with Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manager, regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She stated that primary way would be to speak to the individual and if, at any time, there is any evidence that the person expresses a fear of retaliation, that allegation would be referred to the Special Investigations Division and a new investigation would be conducted. 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 retaliation tracking log maintained by EMCF PREA Compliance Manager. It should be noted that there were no cases where any individual who cooperated with an investigation expressed a fear of retaliation during this reporting period. This could mean that there were no instances of retaliation or that incarcerated persons did not feel comfortable reporting retaliation allegations.

#### **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 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

**Steps taken by NJDOC and EMCF towards implementation J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70: 8/24/2023 Status Report**

Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* presently incorporates procedural provisions mandating unimpeded access to crisis intervention services to all incarcerated persons who are alleged victims of sexual abuse and sexual harassment. Furthermore, as of the writing of the last status report, no incarcerated persons have been placed in involuntary restrictive housing solely for safeguarding purposes in response to alleged sexual abuse or sexual harassment victimization. Revisions to this policy were submitted in accordance with the terms of the Agreement. This procedure has been followed throughout ongoing revision discussions, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

**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". Edna Mahan has been given a due date of February 24, 2024, to write such a Level 3 policy.

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. And, in fact, there has been only one such incident during the past twenty-four months of this Settlement Agreement.

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 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 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



**Steps taken by NJDOC and EMCF towards implementation J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:****8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures. Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* currently incorporates procedures relevant to this paragraph and is followed. Revisions to this policy were submitted in accordance with the terms of the Agreement. The revision discussions continue, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

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

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

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

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". Edna Mahan has been given a due date of February 24, 2024, to write such a Level 3 policy.

The Monitor and/or her Associate also interviewed various staff, at all levels, 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. All staff were aware that the alleged victim would be allowed all privileges any incarcerated person in the general population would be allowed.

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 the interviewed the Edna Mahan Leadership Team, including the PREA Compliance Manger, Majors, Lieutenants, and Sergeants and asked the same question. All responded in the same manner as the Administrator.

#### **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 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

**Steps taken by NJDOC and EMCF towards implementation J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72: 8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures. Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* currently incorporates procedures relevant to this paragraph and is followed. Revisions to this policy were submitted in accordance with the terms of the Agreement. The revision discussions continue, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

**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 until February 24, 2024.

The Monitor 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 until February 24, 2024. The recommendation is to include the statement that the Monitor suggested reflecting that Edna Mahan does not place in restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of interviewing that prisoner as part of an investigation.

Once the Level 1 policy and/or procedures are finalized, a staff training plan should be developed 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

**Steps taken by NJDOC and EMCF towards implementation J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73: 8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures. Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* currently incorporates procedures relevant to this paragraph and is followed. Revisions to this policy were submitted in accordance with the terms of the Agreement. The revision discussions continue, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

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

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

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

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

Page 35 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Inmates who are committed to the custody of the NJDOC have access to external sexual abuse emotional support services. Inmates may access these services even if they do not wish to make a report of sexual abuse. All inmates are provided with 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 date for this policy to be finalized was extended until 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". Edna Mahan has been given a due date of February 24, 2024, to write such a Level 3 policy.

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 telephones in the maximum compound are located very close to one another in the hallways or common areas. Many of these phones are located in areas where other incarcerated persons and staff can hear the conversation, which inhibits confidentiality.

The Monitor reviewed the Memorandum of Understanding Between New Jersey Department of Corrections and SAFE in Hunterdon County. The purpose of this Memorandum of Understanding (MOU) is to guide and direct the parties with regard to collaborative provide inmates committed to the custody of the NJDOC with access to outside victim advocates for emotional support services related to sexual abuse in accordance with federal PREA 115.53 Inmate Access to Outside Confidential Support Services. This agreement is in effect from June 30, 2023, and will proceed open-ended for the continuation of services by SAFE in Hunterdon with no set end date.

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 maximum compound 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 believes 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 added partitions between phones in the hallway of the reception unit, but the partitions were too tight for some incarcerated persons to get into the partitions and, thus, they had to be taken out. The phones in the Satellite building are far enough apart to allow for confidential conversations. The concern is focused on the phones in the three living units on the maximum compound. The Monitor appreciates the steps Edna Mahan has taken in restricted housing and close custody units yet continues to have concerns that not all incarcerated persons have a confidential manner in which to contact emotional support services. This continues to be a concern for the incarcerated persons in the maximum compound.

The Monitor interviewed Assistant Superintendent Amelia Renshaw, the Edna Mahan PREA Compliance Manger. 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 the posters posted throughout the housing units at Edna Mahan and at the Satellite building. However, the posters discuss the "Emotional Support Services" at the top of the poster and does not use the word "SAFE" until at the very bottom. Additionally, the poster lists two resources/addresses that the incarcerated persons can write. This appeared to be confusing to some of the incarcerated persons. One incarcerated person, who had been incarcerated for several years, reported she had never heard of SAFE. Others said they were unclear if they could call or write to the resources. Many of the persons were aware of the \*PREA# phone number but didn't realize this was the number to SAFE.

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. As noted above, most were aware of this right and knew the "#PREA# number but didn't realize this was the SAFE organization. And many who lived on the maximum compound, said they would not call because of the lack of confidentiality.

As noted in my last compliance report, 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. 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 until 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 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 each area of each housing unit have one bulletin board specific to all rights associated with sexual safety. This would allow one location for all notices/posters, including emotional support services, to be located in one place.

The Monitor also recommends that Edna Mahan look at opportunities to allow the incarcerated persons in the maximum compound to make these types of telephone calls in more confidential manners than currently utilized.

Lastly the Monitor continues to recommend that NJDOC and Edna Mahan consider hiring a 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

**Steps taken by NJDOC and EMCF towards implementation J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74: 8/24/2023 Status Report**

The present Memorandum of Understanding (MOU) with SAFE in Hunterdon has been shared with both the Federal Monitor and the DOJ. Notably, the current MOU includes certain modifications compared to the previous arrangement, including that services will be delivered in the preferred language of the Incarcerated Person. Furthermore, the agreement’s term, which previously spanned a limited two-year period, has now transitioned into an open-ended arrangement, focusing on the sustained provision of services.

**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 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 June 30, 2023, and will proceed open-ended for the continuation of services by SAFE in Hunterdon with no set end date.

**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 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.

**Steps taken by NJDOC and EMCF towards implementation K. Referrals and Investigations ¶ 75:****8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures. Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment*, and Internal Management Procedures #035 *Investigation Procedures* currently include procedural information requiring that all allegations of sexual abuse or sexual harassment are promptly, thoroughly, and objectively investigated. Additionally, where applicable, investigations are referred to the relevant Prosecutor's Office. Revisions to these policies were submitted in accordance with the terms of the Agreement and these procedures have been followed throughout ongoing revision discussions, reflecting a collaborative effort to improve existing policies that align with PREA and Agreement requirements.

**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 Commission for the Special Investigation Division (SID). She confirmed that SID/Special Victim Unit refers the investigation to Hunterdon County, when appropriate.

**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

**Steps taken by NJDOC and EMCF towards implementation K. Referrals and Investigations ¶ 77:****8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures. Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment*, Policy Statement ADM.006.011 *Investigations by the Special Investigations Division* and Special Investigations Division and Internal Management Procedures #035 *Investigation Procedures* currently includes information about the investigative responsibilities of the Special Investigations Division and their investigative staff. In addition, it continues to be noted that SID promptly, thoroughly and objectively investigates until finalized all verbal, written, and anonymous reports of sexual abuse, misconduct and harassment, regardless of the employment status, or location of the victim and alleged perpetrator. Revisions to these policies were submitted in accordance with the terms of the Agreement. These procedures have been followed throughout revision discussions.



**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 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".

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 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 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 until February 24, 2024.

The Monitor spoke with the Assistant Commissioner for the Special Investigation Division, the SID Principal Investigator assigned to Edna Mahan, as well as the SVU Principal Investigator. All confirmed that SID/Special Victim Unit complete reports on 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 until 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 is finalized, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

**K. Referrals and Investigations**

par. 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

**Steps taken by NJDOC and EMCF towards implementation K. Referrals and Investigations ¶ 78:****8/24/2023 Status Report**

Both NJDOC and EMCF are fully committed to complying with NJDOC's written policies and procedures. Policy PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* currently includes that SID investigators receive specialized training which includes 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, evidence collection and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. Revisions to this policy were submitted in accordance with the terms of the Agreement. This procedure has been followed throughout ongoing revision discussions.

**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 should 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 due date for this revised policy was extended until February 24, 2024.

On August 26, 2023, the Monitor received verification that all SID investigators assigned to Edna Mahan received the following special training during this reporting period: Interviewing Victims of Sexual Misconduct/Preponderance – 8 hours; Sex Assault Investigations – 3 hours; Domestic Violence – 2 hours; Disciplinary Report Writing - .5 hours; Suicide Prevention – 1 hour; Interactive Communication – 2.5 hours; Special Needs – 2.5 hours.

The Monitor spoke with the Assistant Commissioner for the Special Investigations Unit (SID), the SID Principal Investigator assigned to Edna Mahan, as well as the SVU Principal Investigator. All were asked if either the NJDOC PREA Coordinator or the Edna Mahan PREA Compliance Manager ever served as an investigator for sexual abuse investigations. 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 until 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 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

**Steps taken by NJDOC and EMCF towards implementation K. Referrals and Investigations ¶ 79:****8/24/2023 Status Report**

SID IMP #048 *Staff Reporting of Personal Relationships* currently incorporates information about the disclosure of personal relationships by NJDOC and EMCF investigative staff. This policy is currently being followed while policy revision discussions continue. These policy revisions reflect a collaborative effort to improve existing policies that align with Agreement requirements.

**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 31 of the year. If an SID staff member answers the Certification in the affirmative, then the SID member shall identify the name and relationship of the qualifying person as instructed on the Certification form. The SID staff member shall sign and date the Certification where noted". The draft policy goes on to say:

- A. "All SID staff will complete SID Form PRC-1 and forward it to the Chief Investigator or designee (Deputy Chief, Principal Investigator) on a yearly basis no later than the 31 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 until 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 posed the same question to the SID Principal Investigator and the SVU Principal Investigator assigned to Edna Mahan. Both confirmed Deputy Commissioner Daniels' response.

**Recommendations re K. Referrals and Investigations ¶ 79:**

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The date for this requirement was extended 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 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

**Steps taken by NJDOC and EMCF towards implementation K. Referrals and Investigations ¶ 80:****8/24/2023 Status Report**

Completed reports have been provided to the Federal Monitor and DOJ. These reports are used to verify that the credibility of a victim, suspect, or witness is assessed on an individual basis and is not determined based on the status of a victim or staff member. Instead, investigations rely on the evidence collected to include statements, cameras, records, reports, and available documentation. In addition, SID IMP #035 *Investigation Procedures* currently incorporates information about credibility, report content, and due dates of an investigative report and is followed. The policy revision discussions continue, reflecting a collaborative effort to improve existing policies that align with Agreement requirements.

**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 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

**Steps taken by NJDOC and EMCF towards implementation K. Referrals and Investigations ¶ 81:****8/24/2023 Status Report**

The information documented in previous status reports remains accurate. SID IMP #035 *Investigation Procedures* currently incorporates information about the contents and due dates of an investigative report and is followed. The policy revision discussions continue, reflecting a collaborative effort to improve existing policies that align with Agreement requirements.

It should be noted that as of July 1, 2023, upon receipt of the Final Investigation Report and in compliance with any disciplinary deadlines included in collective bargaining agreements, the Administrator of the involved facility is required to:

- a) Read the final investigation report;
- b) Discuss the final investigation report with the facility leadership team. The Administrator may request that the investigator and/or the investigator's supervisor participate in the discussion to answer questions about the report;
- c) Make and document the final disposition of PREA allegations based upon the report provided by the investigator and other relevant factors.
- d) Ensure that no standard higher than a preponderance of the evidence is used to determine whether the allegations have been substantiated, unsubstantiated or unfounded.

Before assigning this responsibility, NJDOC provided an 8-hour training on Preponderance of the Evidence. The training was held on June 12 and 13, 2023 for all Operations Directors, Administrators, Associate Administrators, Assistant Superintendents, and PREA Compliance Unit members. The training was facilitated by a consultant from The Moss Group who has also provided prior PREA and investigations training to NJDOC staff.

**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 (February 25 – August 24, 2023), EMCF had 16 allegations of staff on incarcerated person sexual abuse or sexual harassment. Two were investigated and closed. That leaves 14 cases that are actively being investigated. All of the 14 open cases are pending Prosecutor's Office review. Each of the cases investigated by NJDOC was 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:
  - o Staff name(s)
  - o Prisoner Name(s)
  - o Location of incident
  - o Type of allegation
  - o Date and time of day of the incident
  - o 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:****8/24/2023 Status Report**

The information documented in previous status reports remains accurate SID IMP (IMP) #035 *Investigation Procedures* currently incorporates an investigative sheet for all cases. The policy revision discussions continue, reflecting a collaborative effort to improve existing policies that align with Agreement requirements.

**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)



**Steps taken by NJDOC and EMCF towards implementation K. Referrals and Investigations ¶ 83:****8/24/2023 Status Report**

The information documented in previous status reports remains accurate. Policy PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment* currently incorporates information about the SAAC. The policy revision discussions continue, reflecting a collaborative effort to improve existing policies that align with Agreement requirements.

**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.” There is currently no Edna Mahan Level 3 policy which references the Sexual Assault Advisory Council (SAAC). The date for this policy to be finalized and for an EMCF Level 3 policy to be written was extended 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 five members of the Edna Mahan Sexual Assault Advisory Council. Those members were: the PREA Compliance Manager; the Edna Mahan Administrator; the Mental Health Representative, a Custody Sergeant, 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 members to ask questions or seek any further information. The members confirmed that the Edna Mahan SAAC prepares a report of its findings and any recommendations for improvement and submits that report to the Department-wide PREA Coordinator. The members also confirmed that the NJDOC Agency SAAC reviews, and signs off, on this report.

On July 1, 2023, the process was changed to allow the Facility Administration to render the PREA dispositions. Prior to July, the Special Investigator that investigated the case made the finding determination. The analogy would be to have the police officer determine the guilt of the person/case they investigated. Effective July 1, 2023, the Facility Administrator, upon receipt of the Final Investigation Report, discusses the final investigation report with the facility leadership team. The Administrator may request that the investigator and/or the investigator's supervisor participate in the discussion to answer questions about the report and then makes the final disposition of PREA allegations. The Monitor believes that this is a very positive change and compliments the New Jersey Department of Corrections for making the adjustment.

**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

**Steps taken by NJDOC and EMCF towards implementation K. Referrals and Investigations ¶ 84:****8/24/2023 Status Report**

The EMCF's Sexual Assault Advisory Committee (SAAC) records its recommendations for corrective action on the post-incident review form used by the committee. The Institutional PREA Compliance Manager (IPCM) then tracks all these recommendations on a spreadsheet. The completed form is sent to the PREA Compliance Unit (PCU) at Central Office Headquarters (COHQ). The entire case is reviewed by the COHQ SAAC along with the facility's recommendations for corrective action, and (i) a final determination is made or (ii) additional questions or action items are provided to the facility. PCU then keeps informed of the progress by sending periodic check-in emails to the IPCM requesting updates or confirming that actions have been successfully carried out.

**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.” There is currently no Edna Mahan Level 3 policy which references the Sexual Assault Advisory Council (SAAC).

The date for this NJDOC Level 1 policy and EMCF Level 3 to be finalized was extended 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. There were two recommendations made during this reporting period. One was for placement of a camera and the other involved discipline for a staff member. In the last compliance report, the Monitor recommended that the IPCM, 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. This was not done. The Monitor makes the same recommendation again.

#### **Recommendations re K. Referrals and Investigations ¶ 84:**

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 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.

The Monitor recommends that the 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 L. Physical Plant ¶ 86:****8/24/2023 Status Report**

Consistent with information provided in previous semi-annual reports, NJDOC continues the practice of perimeter monitoring in compliance with existing policies and procedures described in Custody Directive 29, *Armed Patrol/Roving Patrol* to guarantee that access occurs exclusively via secure checkpoints on a daily basis. A random sampling with dates determined by the monitor is provided to ensure compliance with this requirement.

**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 two 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. Both Officers were knowledgeable about their responsibilities of preventing entry by persons or contraband outside of the secure checkpoints.

**Recommendations re L. Physical Plant ¶ 86:**

Edna Mahan should develop and implement a Level 3 policy incorporating the requirement that Edna Mahan shall ensure that access to and from the Edna Mahan compound is through secure, staffed checkpoints only. The due date for this policy has been extended until February 24, 2024.

Once the Level 3 policy and/or procedures are finalized, EMCF should create a staff training plan that addresses the training requirements of the policy.



**L. Physical Plant**

par. 87 Edna Mahan shall ensure that every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening.

Requirements:

As agreed by NJDOC and DOJ, the Administration Building is **not** meant to be included in contraband screening.

**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 L. Physical Plant ¶ 87:****8/24/2023 Status Report**

The information documented in previous status reports remains accurate. Policies currently incorporate security and screening procedures relevant to this paragraph and are followed. The policy revision discussions continue, reflecting a collaborative effort to improve existing policies that align with Agreement requirements.

**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 type 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 approvals” 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.

Additionally, everyone who enters the Satellite building receives a thorough screening, including a metal detection and wand screening, prior to entering the building. This process was demonstrated every time the Monitor went into the Satellite building.

**Recommendations re L. Physical Plant ¶ 87:**

Edna Mahan staff continue to ensure that every individual entering the Edna Mahan compound, including the Satellite building, receives thorough and effective contraband screening.

**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

**Steps taken by NJDOC and EMCF towards implementation L. Physical Plant ¶ 88:****8/24/23 Status Report**

In June 2023, an additional assessment of unused buildings was conducted. All condemned buildings are securely locked with security tags affixed to the lock and hasp on the entry doors. All condemned buildings have orange construction fence installed around the structures. We have ordered an additional 600 Feet of this orange fencing to be placed around the Superintendent Residence #1 and Superintendent Residence #2. The Lieutenant responsible for the area conducts weekly rounds, which also include unoccupied buildings. These rounds are documented in tour reports. Visual inspections are carried out on buildings with structural issues, where the exterior is examined for any changes. Two buildings located on the outer grounds of the facility on Hillside Road have been added to the original list of vacant buildings. Armed patrols patrol this road during the third shift. Similar to other vacant buildings, these additional buildings are locked, secured, and regularly monitored by rover patrol custody staff.

The current inventory of uninhabitable structures includes:

1. East Cottage
2. Fielder
3. Fielder Trailer
4. Paddock Residence

- 5. Residence #1
- 6. Residence #2
- 7. Residence #3
- 8. Superintendent Residence #1
- 9. Witt Pen
- 10. Barn
- 11. Superintendent Residence #2

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

**Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

**Monitor’s Discussion re L. Physical Plant ¶ 88:**

On July 10, 2023, Associate Administrator Taquila Rios sent an Interoffice Communication to Administrator EMCF, Ryan O’Dea which says, On Edna Mahan Correctional Facility's 328.35 acres, we currently have 11 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 for the demolition of all condemned or uninhabitable structures. Each of the buildings have been secured to block all access points. Each of these buildings are visually inspected on a daily basis by Roving Patrol units to check for any breach of the building.

Condemned or Uninhabitable Structures

#2

#3

#4

#5

#6

#7

#9

c:|

East Cottage

Fielder

Fielder Trailer

Paddock  
Residence #1  
Residence #2  
Residence #3  
Superintendent's Residence #1  
Superintendent's Residence #2  
Witt Penn  
Grounds Barn

The officer assigned will be responsible for writing a report detailing their visual inspection of these buildings. The inspections' purpose is to ensure the ground levels windows and entrances are secured with a lock, padlock and/or plywood. If any entrances or windows are unsecured, note such in their report. Maintenance must be notified of any unsecured entrance or windows so that they can be secured.

During the September 2023 compliance visit, the Monitor went to, and 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. The Monitor noted that all buildings are secured with plywood to block all access points to the buildings. 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 not been used during this past reporting period. 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 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.

**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:****8/24/2023 Status Report**

As highlighted in the previous status report, the current situation remains unchanged regarding the utilization or repurposing of the Grounds Sewing/Upholstery Warehouse. There are no authorized plans for the demolition of this structure. Strict security protocols have been enacted for the Grounds Sewing/Upholstery Warehouse, ensuring its continual safeguarding. The building is secured around the clock, and entry is limited solely to Lieutenants and Majors through the Key Watcher System. This system logs all instances whenever an individual retrieves or returns a key, maintaining a digital record of these actions.

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

The Grounds Sewing/Upholstery Warehouse has not been used since 2020. The building is secured at all times. Access to the building is restricted to Lieutenants and Majors via the Key Watcher System. The Key Watcher System maintains a digital record any time an individual removes and returned key from the system.”.

The Grounds Sewing/Upholstery Warehouse was not used during this past reporting period. As with the other currently out of use structures on the Edna Mahan compound, until a decision is made whether/when the Edna Mahan facility will be closed, NJDOC will not invest the resources needed to repair any buildings on the facility's campus.

During the compliance visit in September 2023, the Monitor toured the current sewing room located in South Hall. It is worth noting that the Monitor found the logbook left out on the Officer's desk and three doors unsecured, including a door to a room that held tools. This is not the first time the Monitor found such conditions. Although there are cameras in this room and the door must be unlocked by the Correctional Officer in the Control Room, the Monitor has concerns that this lack of security poses a threat to the institutional security and sexual safety.

**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.

Ensure that all doors in the current sewing room are locked and that the logbook is always secured appropriately.



**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 ad 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.

**Steps taken by NJDOC and EMCF towards implementation M. Limited English Proficient (LEP) Prisoners ¶ 90:****8/24/2023 Status Report**

To ensure effective communication and understanding of matters such as regulations, parole processes, classification, disciplinary issues, medical and mental health concerns, social services, and other essential services among incarcerated persons with limited English proficiency (LEP), EMCF utilizes interpreter assistance through the use of a language phone interpretation service when in person interpreters are unavailable. This service facilitates communication in approximately 173 languages spoken worldwide, granting EMCF staff the capability to interact with LEP incarcerated persons.

Comprehensive efforts have been directed towards preparing staff for LEP interactions. A technical assistance training session was conducted on April 13, 2023. This training was facilitated by representatives from the DOJ. Furthermore, contractors received similar training on various dates leading up to August 24, 2023 providing them with the knowledge and skills necessary to effectively work with LEP individuals and utilize language line services. To reinforce this education, staff have access to an ID-sized at-a-glance language line quick reference card, and crucial information is displayed on all outside phone

lines for easy reference. In addition, multiple informative posters bearing language line access details are strategically placed throughout the facility, enhancing awareness.

Civilian employees who work in a classified title must go through and adhere to the procedures stipulated by the NJ Civil Service Commission (CSC) to qualify as bilingual. In addition to other duties, the CSC is responsible for the recruitment and examination of qualified candidates who would like to join the state, county or local civil service workforce. For titles that are identified as bilingual, applicants must take and pass the Bilingual Communicative Ability Test (BICAT). Candidates must pass this test prior to being officially appointed to a bilingual title. The DOJ has confirmed that an individual who passes the BICAT and receives an official appointment into the bilingual position is qualified to conduct interpretation in Spanish and English. EMCF employs a bilingual social work staff member (CSC title: Social Worker 2, Corrections – Bilingual) who has successfully passed the BICAT and was officially appointed to her role on August 27, 2022.

To ensure that both staff and contractors are promptly informed when an incarcerated individual is on the LEP roster and requires interpretation services, an EMCF executive assistant furnishes a weekly list to EMCF Lieutenants, Sergeants, department heads, medical and mental health contractors, as well as Parole officers. To streamline identification, stickers indicating LEP status have been affixed to the identification cards of incarcerated persons (which they carry at all times), allowing for quick recognition that interpretation services may be needed.

#### **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 much work to be done specific to communicating with Limited English Proficiency (LEP) 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 NJDOC has several policies specific to Limited English Proficient (LEP) Language Assistance: Use of Language line.

Those include:

SUP.004.001, Limited English Proficient (LEP) Language Assistance:

Use of Language Line (last revised September 10, 2018);

PCS.008.LEP.01, Internal Management Procedure, Division of Programs and Community Services, Office of Transitional Services (last revised October 22, 2018);

PCS.004.LEP.OSAPAS.01, Office of Substance Abuse Programming & Addiction Services Level I + III, Internal Management Procedures (last revised December 2020);

SUP.003.LEP.01, Office Education Services Level I, Internal Management Procedures (last revised October 22 2018); PCS.001.LEP.01 Office of Community Programs And Outreach Services Level I Internal Management Procedures (last revised November 1, 2018).

Each of these policies has the following policy statement:

“In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC 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 services and appropriate staff.

It is also NJDOC policy to ensure that no inmate is retaliated against for requesting language assistance services or participating in any other conduct protected under Title VI. Except in emergency circumstances, other inmates shall not be utilized to provide interpretation for LEP inmates with significant matters that include psychological, medical and safety. An exception may be made for trained counsel substitutes in disciplinary proceedings”.

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.

Lastly, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures #IMM.002.JPG.001.EM titled, JPay Guidelines, states "If an LEP inmate submits an inquiry or grievance in a language other than English, the Department receiving the inquiry or grievance will obtain assistance of a Bi-Lingual staff member to translate the communication and the response into the LEP inmate's language, or use other means to provide a written response in the LEP Inmate's language. The use of a language line/translator services may be used if there are no available staff who speak the LEP inmate's language. The information listed below outlines Instructions for obtaining translation for inquiries and grievances:

A. Use Bi-Lingual Staff to translate if available, if not available, then:

B. Follow New Jersey Edna Mahan Corrections Facility Document Translation Access Instructions: Account number: 11424

1. Send an email to "translations@linguisticainternational.com"

a. Title the subject of the email "Document Translation Request Account 11424"

b. Include in the body of the email: your account number, the language you would like the document translated into, and any special requests.

c. Attach the document(s) to the email and send it.

d. The Vendor Linguistica International Translation Coordinator will first issue you a quote for the work based on contracted rates. Sign this document and return it to the Translations Coordinator. The vendor will then begin the Translation process and return the document to you when it is finished. Most documents take several business days to complete.

\*Detail in your Administrative Notes section about the date inquiry/grievance sent for translation and any other pertinent information

\*Follow this protocol for translation as well as responses back to inmates.

\*Fill out the Interpreter/Document Services Approval Form or send an email if the vendor is used and copy the EMCF Business Manager, EMCF LEP Liaison and EMCF Remedy Coordinator for Tracking purposes.

The Monitor has several concerns about the language in this Level 3 Internal Management Procedure (IMP), specific to reporting sexual abuse or sexual harassment. JPay is one of the ways the incarcerated persons are told they can report a PREA allegation. If the incarcerated person has Limited English Proficiency, and uses JPay to report, this Level 3 IMP directs to use Bi-Lingual Staff to translate if available. It does not direct to use a certified Bi-Lingual staff. This would result in using a person that may, or may not, be able to translate accurately. More importantly, it involves giving sensitive and confidential information to non-certified staff. Another concern is the amount of time (due to a complicated process) to get the document translated.

Although Ms. Rios, the Edna Mahan LEP Coordinator, indicated that the facility has received a translated document within one day, the IMP says, “most documents take several business days to complete”. This could leave an LEP incarcerated victim without protection/support for several days. During the compliance visit, the Monitor reviewed the Linguistica bills, for the period of 8/1/23 – 8/25/23. One of the observations, is that there were more requests to have documents translated from Spanish (from the incarcerated persons) than there were to translate responses to Spanish (to the incarcerated persons). The assumption is that EMCF is getting more communication translated from a LEP incarcerated person than they are responding to a LEP incarcerated person. The bills also support claims from LEP incarcerated persons that they can submit JPAY complaints in Spanish, but receive responses in English.

NJDOC and Edna Mahan have put significant focus on this area, again, 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). Custody staff were well educated in where to find outside lines that they could use to call the telephone interpretation services. Additionally, the Sergeants, Lieutenants, and Majors discussed how to use the telephone interpretation services with their chain-of-command custody staff, and most supervisors (although not all) knew how to make calls to the language line. 22 custody staff underwent standard annual LEP training and 55 contractors from Rutgers and Gateway were specially trained in how to communicate with Limited English Proficiency incarcerated persons.

Edna Mahan continued to show the Spanish version of the PREA orientation video throughout the “main facility” and began showing the Spanish and subtitled version in the Satellite building. Ms. Gil, who had been providing translation services earlier at Edna Mahan, was able to become a certified bilingual employee during this past reporting period. This gives Edna Mahan one such employee. When on duty, Ms. Gil is able to provide PREA orientation to incarcerated persons who are new to the facility, and provide translations services, as needed, during classification for Spanish speaking persons (Note: to date, EMCF has no other LEP languages, other than Spanish).

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. However, most staff were aware that, if they spoke in the LEP’s native language (mostly Spanish), they could give them simple directions or answer simple questions, but not provide them with essential information on any “critical areas”; areas such as discipline, classification, medical, mental health, etc.

The Monitor and/or her Associate spoke with 7 incarcerated persons who had Limited English Proficiency (LEP). Ms. Gil translated for the LEP incarcerated persons during these meetings. These 7 persons were either new to Edna Mahan or persons the Monitor had not interviewed before. All LEP incarcerated persons acknowledged that they had attended the PREA orientation and that they know how to report allegations of sexual abuse or sexual harassment. They also confirmed that the Spanish speaking version of the PREA orientation video is shown daily.

When asked how they communicate with staff when they need something, their answers varied. Most acknowledged that staff who speak Spanish can now talk with them about “little things” such as when they have an appointment, answering their questions about time of activities, and/or giving the LEP incarcerated persons something they requested. Some LEP incarcerated persons said that LEP incarcerated persons “want “to learn to speak English”. Others said they have friends that speak Spanish, and they rely on them for help. One example of asking for help from a friend was when a Spanish-speaking incarcerated person received a letter from the Internal Revenue Service, and she asked her friend to translate that letter for her. Most, but not all, of the LEP incarcerated persons we spoke with knew that they could ask for an interpreter through the language line. Several of the LEP incarcerated persons we spoke to know that the language line was available in some circumstances, but did not realize that they could request it in any circumstance for which they need it. Several also noted that, while they could submit complaints through JPAY in Spanish, the responses often arrived in English and they could not read them.

The Administration team at Edna Mahan made several significant changes in August of this year. One of the most important was that Ms. Rios, the Associate Administrator, became the “LEP liaison” for the facility. This put the focus, importance, and responsibility of this issue at the highest level of the facility. In August, Ms. Rios conducted an audit of the use of the language line by all departments of the facility and implemented immediate policies and procedures.

Those policies and procedures included:

- A weekly listing sent out to all Supervisors (including medical and mental health supervisors) of all identified LEP incarcerated persons
- A “green sticker” on the LEP Incarcerated person’s ID tag, identifying them as LEP
- A “green sticker” on the LEP Incarcerated person’s door tag, identifying them as LEP
- A “green sticker” on the LEP Incarcerated person’s “face sheet” in a binder in their housing unit, identifying them as LEP
- Medical added the fact that an incarcerated person is LEP to the “alerts” section of the person’s electronic medical file.
- Medical developed a policy that, if a patient is identified as a LEP incarcerated person, that patient is automatically offered the language line.

One additional area of concern during the reporting period pertained to EMCF’s “LEP Coordinator” position. That position did not have clear job duties associated with it and did not require the incumbent to monitor compliance with LEP policies across various departments. We understand that any LEP Coordinator duties are being consolidated into the LEP Liaison position and hope that this will allow for greater compliance accountability across EMCF.

These changes, although late in being implemented in the reporting period, are important and very good steps in the right direction. Of note, we did hear concerns about LEP incarcerated persons adjusting the placement of the green stickers on their ID tag, which limited the utility of the stickers for custody staff in some cases. The Monitor spoke with two LEP incarcerated persons who had been at the facility 9 and 14 years, respectively. They each stated that this is the first time, since they have been incarcerated at EMCF, that medical has offered them the use of the language line.

Out-patient mental health services staff currently use an employee who speaks some Spanish to provide programs and services. LEP incarcerated persons reported inconsistent use of qualified interpreters for mental health services. The mental health providers acknowledge the need to use a certified bilingual employee and are currently looking at ways to have Spanish speaking providers attain a proficiency certification.

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." LEP incarcerated persons also informed the Monitor that certain outside services provide via mobile provider at EMCF, like mammograms, do not offer translated documents or interpretation services to LEP incarcerated persons. We understand that EMCF is looking at ways to address that problem.

The Monitor appreciates the effort and seriousness that the leaders at Edna Mahan took in this area during the last reporting period. And it is apparent there is still work to do.

#### **Recommendations re M. Limited English Proficient (LEP) Prisoners ¶ 90:**

NJDOC should develop and implement Level 1 policies which ensure that all LEP incarcerated persons at Edna Mahan have access to interpretation and translation services as required by Title VI of the Civil Rights Act. Additionally, Edna Mahan shall develop and implement Level 3 policies, which incorporate and document the changes/requirements they have recently implemented. The due date for these policies has been extended until February 24, 2024.

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

It is recommended that all IPs whose native language is not English will be offered use of the telephonic language line, for any "essential" communication (such as medical (including the mobile mammogram service), mental health, discipline, classification, substance abuse treatment, programming, etc.)

It is also recommended that NJDOC and all contractors identify ways to increase the number of employees that are determined to be certified bilingual employees.

## QUALIY 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.

### **Steps taken by NJDOC and EMCF towards implementation Quality Improvement and Data Collection ¶ 91:**

#### **8/24/2023 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.

### **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

#### **Steps taken by NJDOC and EMCF towards implementation Quality Improvement and Data Collection ¶ 92:**

##### **8/24/2023 Status Report**

A draft quality improvement and data collection policy related to the Risk Management System was submitted to DOJ and the Federal Monitor on August 24, 2023. The deadline to implement the quality improvement and data collection program was extended to February 24, 2024.

**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

**Steps taken by NJDOC and EMCF towards implementation Quality Improvement and Data Collection ¶ 93:**

**8/24/2023 Status Report**

The deadline to implement the quality improvement and data collection program was extended to February 24, 2024. NJDOC and EMCF continue to be prepared to demonstrate full compliance with this section of the Agreement on or before the required due date. A draft policy related to the Risk Management System was submitted to DOJ and the Federal Monitor for review on August 24, 2023.

**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

**Steps taken by NJDOC and EMCF towards implementation Quality Improvement and Data Collection ¶ 95:**

**8/24/2023 Status Report**

The deadline to implement the quality improvement and data collection program was extended to February 24, 2024. NJDOC and EMCF continue to be prepared to demonstrate full compliance with this section of the Agreement on or before the required due date.

**Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 95:**

- Substantial Compliance  
 Partial Compliance  
 Non-compliance

N/A not required 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

#### **Steps taken by NJDOC and EMCF towards implementation Quality Improvement and Data Collection ¶ 96:**

##### **8/24/2023 Status Report**

The deadline to implement the quality improvement and data collection program was extended to February 24, 2024. 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

**Steps taken by NJDOC and EMCF towards implementation Quality Improvement and Data Collection ¶ 97:**

**8/24/2023 Status Report**

The deadline to implement the quality improvement and data collection program was extended to February 24, 2024. 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)

**Steps taken by NJDOC and EMCF towards implementation Quality Improvement and Data Collection ¶ 98:**

**8/24/2023 Status Report**

The deadline to implement the quality improvement and data collection program was extended to February 24, 2024. 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:**

**8/24/2023 Status Report**

The requirements of this paragraph have been satisfied.

**Monitor's Finding of Compliance re Implementation ¶ 99:**

**[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 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 9/24/2021.

**Steps taken by NJDOC and EMCF towards Implementation ¶ 100 & ¶ 101:****8/24/2023 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:****8/24/2023 Status Report**

NJDOC provided its fourth status report to DOJ and the Monitor on August 24, 2023.

**Monitor's Finding of Compliance re NJDOC and EMCF Reporting Requirements ¶ 104:****[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 NJDOC and EMCF Reporting Requirements ¶ 104:**

On August 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, "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:**

##### **8/24/2023 Status Report**

In the current reporting period, a total of 15 allegations pertaining to this section have either been investigated by SID or are currently under investigation. Among these 15 cases, one case has been officially closed, one is awaiting administrative review, and 13 are currently undergoing review by the respective County Prosecutor's Office. Among the cases that have been closed, one was deemed unfounded, while no cases were substantiated or found to be 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:**

**8/24/2023 Status Report**

The status report from February 24, 2023 remains unaltered. The 2022 Annual Report from the Office of the Correctional Ombudsperson was shared with both the DOJ and Federal Monitor on November 4, 2022. No reports from the Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct have been released thus far. NJDOC will ensure the delivery of all reports to the DOJ and Federal Monitor as soon as they become accessible.

**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." 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

There were no recommendations in this report specific to sexual abuse or sexual harassment of incarcerated persons.

On September 7, 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, as of February 24, 2022, there is no longer a "Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct."

**Recommendations re DOJ's Right of Access ¶ 110:**

Provide a copy to the Monitor and DOJ whenever Corrections Ombudsperson writes a formal report, or makes any recommendations related to sexual abuse or sexual harassment of incarcerated persons.

par. 111 Within ninety days of the Effective Date and for the duration of the Agreement, NJDOC will engage the Edna Mahan Board of Trustees to identify goals, concerns, and recommendations regarding implementation of this Agreement. NJDOC shall conduct periodic, but at least semi-annual, public meetings. Additionally, NJDOC and Edna Mahan shall conduct periodic, but at least semi-annual, meetings with available Edna Mahan staff to gather feedback from staff on events, accomplishments, and setbacks during the previous period.

**Requirements:**

Public meetings with stakeholders should include former Edna Mahan prisoners, prisoner advocates, and family members of current Edna Mahan prisoners.

The meetings shall serve to provide stakeholders and the public with an update on events, accomplishments, and setbacks during the previous period, and to respond to stakeholders' questions and requests for information related to Edna Mahan. Stakeholders will also be afforded the opportunity to ask questions and make proposals.

Nothing in this Paragraph is intended to create any enforcement rights or standing other than those of the Parties under this Agreement.

- par. 107 DOJ and its attorneys, consultants, and agents shall have access to Edna Mahan, Edna Mahan prisoners, NJDOC and Edna Mahan staff and documents as is reasonably necessary to evaluate compliance with this Agreement. DOJ will provide written notice prior to any site visits. DOJ may participate in any compliance visits by the Monitor.
- par. 108 Access is not intended, and will not be construed, as a waiver, in litigation with third parties of any applicable statutory or common law privilege associated with information disclosed to DOJ under this Agreement.

**Monitor's Measure of Compliance re DOJ's Right of Access ¶ 111:**

- Agendas for Edna Mahan Board of Trustees meetings
- Minutes from Edna Mahan Board of Trustees meetings
- Notification of to the Monitor and DOJ of appointments of new Edna Mahan Board of Trustees members
- Dates and agendas of Public Stakeholder meetings, to include, but not be limited to the following agenda items:
  - a. Updates on events, accomplishments, and setbacks
  - b. Opportunity for questions and answers
  - c. Opportunity for requests for information
  - d. Opportunity for stakeholders to make proposals
- Minutes from Public Stakeholder meetings, to include names of all attendees and summary of meeting
- Dates and agendas of meetings with Edna Mahan staff, to include, but not be limited to the following agenda item:
  - a. Gather feedback on events, accomplishments, and setbacks

- Minutes from meetings with Edna Mahan staff, to include names of all attendees and summary of meeting
- Interviews with Edna Mahan Board of Trustees members
- Interviews with Stakeholders
- Interviews/Focus Groups with Edna Mahan staff during on-site visits

#### **Steps taken by NJDOC and EMCF towards implementation DOJ's Right of Access ¶ 111:**

##### **8/24/2023 Status Report**

During this reporting period, Dr. Warren and Dr. Nyaku both regretfully resigned from the EMCF Board of Trustees (BOT) due to work and personal time constraints. NJDOC has polled the EMCF BOT for recommendations. We hope to have the vacancies filled within the next reporting period. The remaining members continue to be active. Copies of minutes have been submitted to the Monitor and DOJ.

NJDOC will host the fourth EMCF Public Meeting on September 22, 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.

#### **Monitor's Finding of Compliance re DOJ's Right of Access ¶ 111:**

##### **Substantial Compliance**

Partial Compliance

Non-compliance

N/A not required until [ date ]

N/A monitor granted an extension until [ date ]

#### **Monitor's Discussion re DOJ's Right of Access ¶ 111:**

NJDOC has held meetings with the Board of Trustees (BOT) during this reporting period, at the BOT's request. The Monitor spoke with three members of the Edna Mahan Board of Trustees (BOT). Everyone is very pleased with the progress and functioning of the BOT. The members noted that they (the BOT) adjusted the number and process of the meetings held during this past reporting period. They acknowledged that this process didn't work as planned and caused them to feel a bit "disconnected" with NJDOC staff. They stated that they plan to go back to their original process of holding regular monthly meetings with NJDOC staff.

The members report that they believe 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 is very responsive to their requests and is prompt in his follow-up.

As noted in the last compliance report, on March 3, 2023, NJDOC held its third 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 fourth stakeholders meeting was held on September 22, 2023, outside this reporting period. Over 90 people attended this virtual meeting.

Staff advisory meetings are held at different times, the last one was on 5/10/23 and included Administrator O’Dea, Assistant Commission Helena Tome, Commissioner Kuhn, NJ State Senator Steinhardt, and Public Information Director Amy Quinn. Several staff were present and asked questions, mostly pertaining to the move and staffing.

#### **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.