Seventh Monitor's Report

Review Period: 8/25/24 – 2/24/25

THE UNITED STATES OF AMERICA

v.

THE STATE OF NEW JERSEY AND THE NEW JERSEY DEPARTMENT OF CORRECTIONS

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INTRODUCTION

The State of New Jersey and the United States Department of Justice (DOJ) signed a settlement agreement on August 24, 2021. Specifically, the agreement involves a comprehensive set of provisions to ensure that incarcerated persons housed at the Edna Mahan Correctional Facility for Women (EMCF), including the Satellite building, are provided with constitutional conditions that protect them from sexual abuse. The purpose of this compliance report is to document the progress of the actions of the New Jersey Department of Corrections (NJDOC) and EMCF in response to the specific requirements of the provisions in the settlement. This is the seventh required court report covering the period of August 25, 2024, through February 24, 2025.

The parties agreed to select Jane Parnell as an objective settlement monitor to evaluate the NJDOC and EMCF's compliance with the settlement requirements. The Monitor began her responsibilities on August 24, 2021. The Court has Ms. Parnell's Curriculum Vitae (CV) detailing her nearly 40 years of experience in the field of corrections.

This report will describe the level of compliance taken by NJDOC and EMCF and the actions taken by the Monitor to determine compliance, as required by the settlement agreement. This evaluation period is August 25, 2024 – February 24, 2025. The settlement addresses three (3) levels of measurement for compliance: Substantial Compliance, Partial Compliance, and Non-Compliance. The Monitor added a fourth level of measurement, i.e., non-applicable, to the monitoring tool. The definitions for these terms are included in the compliance summary section of this report.

As in the last few compliance reports, the Monitor determined that the term "incarcerated person(s)" would be used throughout this and future reports to the Court. The term "prisoner(s)" will only appear when quoting policy or the settlement agreement.

Specific Actions to Evaluate Compliance

Specific actions taken by the Monitor to evaluate compliance during this reporting period were as follows:

- Prior to the on-site compliance visit, the Monitor conducted virtual interviews with 41 individuals with specific responsibilities related to NJDOC and EMCF's compliance with the settlement.
- The Monitor and her Associate conducted an on-site visit immediately after the reporting period. The dates were March 11-13, 2025. During this visit, the Monitor and her Associate met with approximately 24 security staff. These focus groups included staff from each shift (1st, 2nd, and 3rd). The Monitor also spoke with several additional staff during the facility tour.
- Additionally, the Monitor's Associate conducted a focus group with nine (9) civilian
 and contract staff. This group included medical and mental health staff from Rutgers
 University and substance abuse treatment staff from Gateway. Rutgers is the
 contracted medical/mental health services provider for NJDOC/EMCF, and Gateway
 contracts with NJDOC to provide substance abuse treatment for incarcerated persons.

The group also included NJDOC civilian staff (i.e., social workers, teachers, etc.)

- The Monitor or her Associate conducted four incarcerated persons (IPs) focus groups, comprised of approximately 24 randomly selected incarcerated persons at EMCF that week, including two focus groups at the EMCF Satellite Building. The Monitor also spoke with several additional incarcerated persons during the facility tour.
- The Monitor or her Associate spoke with ten (10) incarcerated persons who had submitted an allegation of sexual abuse, sexual harassment, or retaliation during this reporting period. The purpose of these interviews was to determine how the IPs were treated during the investigation and to ask if these IPs felt they had been retaliated against for filing the allegation.
- The Monitor or her Associate spoke with four (4) incarcerated persons who had an investigation resolved during this reporting period. These interviews aimed to determine how the IPs were treated during the investigation, if they had been kept informed about the status and resolution of the allegation, and to ask if they felt they had been retaliated against for filing the allegation.
- The Monitor or her Associate spoke with two (2) LEP-incarcerated persons who had participated in a disciplinary hearing during this reporting period and one (1) LEP-incarcerated person who had spoken with a Special Investigations Division staff member during this reporting period. These interviews aimed to determine how the staff communicated with the LEP-incarcerated persons.
- The Monitor or her Associate spoke with four (4) incarcerated persons who had
 requested to have their retaliation monitoring extended beyond the required ninety
 days. These interviews aimed to determine why they felt the need to have their
 retaliation monitoring extended.
- The Monitor or her Associate spoke with eight (8) LEP-incarcerated persons to ask about their experience of being incarcerated, where most spoke a different primary language than the IP. The Monitor specifically asked for IPs who had served different amounts of years at EMCF.
- The Monitor received and reviewed monthly and quarterly data specific to the operations of EMCF. Examples include logbooks, search reports, documentation of supervisory rounds, staffing reports, incarcerated person rosters, incarcerated persons education reports, cross-gender pat search data, etc.
- The Monitor reviewed over forty NJDOC and EMCF policies, post orders, logbooks, spreadsheets, meeting agendas and minutes, training curricula, PREA investigative reports, and several other types of documents, too numerous to list. All these documents were used to calculate the Monitor's compliance ratings. Compliance

evaluations included information gained during the interviews and observations from facility tours. (Note: this was significantly less than in previous reporting periods due to the dismissal of six sections of the Settlement Agreement)

The Monitor participated in several conference calls with NJDOC, The United States
Department of Justice, and the leadership for EMCF concerning the settlement
provisions and compliance requirements.

Monitoring Tool

The Monitor developed and proposed a "monitoring tool." Both NJDOC and the DOJ approved its usage. The 'monitoring tool' has a section for each paragraph of the Settlement Agreement. The top of each section identifies the specific paragraph and any requirements, as appropriate.

Each section lists the specific measures of compliance the Monitor uses to determine compliance for that paragraph. The measure of compliance identifies the documents, interviews, and observations used to assess compliance for that specific paragraph. Each of these compliance measures was shared and agreed upon by the NJDOC and the DOJ.

The following section in the monitoring tool details the steps taken by NJDOC and EMCF towards implementation. NJDOC writes this section, which allows NJDOC and EMCF to describe the actions taken during the reporting period to implement the Settlement Agreement.

Each paragraph includes an evaluation of the extent to which EMCF has complied with the substantive provisions of the Settlement Agreement during this reporting period by identifying the level of compliance with the requirements specified for each paragraph. There is also an opportunity for the Monitor to discuss how she determined that level of compliance. This determination of compliance would include the documents she reviewed, interviews she or her Associate conducted, and observations made during the compliance visit. The Monitor also described the steps taken by NJDOC and EMCF to implement the Settlement Agreement.

Lastly, the Monitor has an opportunity to provide specific, non-binding recommendations, as applicable. These recommendations would establish non-binding performance expectations for EMCF during the next six-month reporting period.

Note that the monitoring tool for this reporting period has been adjusted to reflect the dismissal of six (6) sections, 38 paragraphs, of the Settlement Agreement.

EXECUTIVE SUMMARY

Intent of the Report

This report informs the Court and all interested parties of the Monitor's assessment of the current progress and status of NJDOC's and EMCF's compliance with the provisions and requirements of the Settlement Agreement.

<u>New Jersey Department of Corrections/Edna Mahan Correctional Facility: Updates, Progress, Strengths, Challenges, and Opportunities for Improvement</u>

A. Updates

Administrator Ryan O'Dea retires

Administrator Ryan O'Dea announced his plans to retire during this reporting period. Administrator O'Dea was appointed acting Administrator at EMCF in October of 2022. This appointment became official in February 2023. His last working day at EMCF was March 19, 2025. During his tenure at Edna, Ryan led with integrity, compassion, and a steadfast commitment to improving conditions for all individuals at the facility. His proactive approach to addressing challenges, fostering a culture of transparency, and prioritizing the safety and well-being of staff and incarcerated individuals set a new standard for leadership. Under his guidance, Edna saw significant improvements in operational efficiency, staff morale, and the implementation of critical reforms required in the Consent Decree.

Bryan Fusaro has been appointed Acting Administrator of EMCF. He holds a Bachelor's Degree from Montclair State University and a Master's in Public Administration and Education Supervision from Seton Hall University. Mr. Fusaro began his career in 2010 as a Corrections Officer with the New Jersey Department of Corrections, later advancing to the position of Sergeant at EMCF. In 2022, he was promoted to Assistant Superintendent, and in 2024, he became Acting Associate Administrator at EMCF. As a valued member of EMCF's leadership team, his extensive experience and commitment make him well-suited to lead the facility into the future.

Dismissal of six (6) sections of the Consent Decree

As the Court is aware, during this reporting session, the Court dismissed six (6) sections of the Consent Decree, totaling 38 paragraphs. The six sections dismissed included: Prisoner Supervision, Prisoner Education, Reporting Allegations of Sexual Assault and Sexual Harassment, Response to Allegations of Sexual Assault and Sexual Harassment, Physical Plant, and Implementation. To terminate any given section, NJDOC must "demonstrate that EMCF has attained and maintained its substantial compliance with that section for at least one year." Many other paragraphs of the Consent Decree have maintained substantial compliance for at least one year, but these sections were the first to be requested to be dismissed.

The minimum-security incarcerated population continues to live in the Satellite Building

The last compliance report confirmed that all IPs with a minimum custody status are now housed in the EMCF Satellite Unit. As a result, the original EMCF grounds now consist only of a higher-security unit and a mixed-use space. This arrangement will remain in place until the new women's facility is constructed and operational. Unless significant changes occur, this will be the Monitor's final update to the Court regarding the transition to the Satellite building.

Confidentiality

Previous compliance reports have highlighted that NJDOC and EMCF have made significant efforts to refine operational procedures and train their staff to enhance confidentiality. During the most recent compliance visit, the Monitor or her Associate spoke with over 50 staff members, most of whom reported noticeable improvements in confidentiality since the implementation of the settlement agreement. Additionally, discussions were held with more than 30 incarcerated individuals, most of whom acknowledged improvements, although not all shared this perspective.

Two examples were provided by incarcerated persons that specifically illustrate the ongoing challenges around confidentiality. The first example was that when an IP is called to the clinic after 3:30 PM, it is widely known that the medical and dental health staff are off-duty, leading other IPs to deduce that the IP is being interviewed regarding a PREA allegation, either by SVU or the Institutional PREA Compliance Manager (IPCM). A second example from IPs in maximum security was that some officers still instructed IPs to go to the clinic because "SVU or SID wants to see them." In contrast, during an interview the Monitor had with an IP in the clinic, the individual indicated she had no idea why she was being sent there, as the officer only instructed her to "report to the clinic." As previously mentioned, achieving complete confidentiality in a prison environment remains a significant challenge due to its inherent complexities. This will be the Monitor's final update to the Court regarding confidentiality unless substantial changes occur.

Retaliation

The NJDOC and EMCF have made notable progress in addressing retaliation, including its more subtle forms. All critical policies and procedures for monitoring retaliation are well-established. EMCF's PREA Compliance Manager actively oversees allegations of retaliation involving incarcerated individuals. During the on-site compliance visit, the Monitor and her Associate interviewed staff and incarcerated individuals to gauge their understanding of "subtle retaliation." Both groups provided examples and demonstrated awareness of the importance of preventing retaliation.

When asked directly, no staff member stated that they had seen or heard of any incidents of retaliation during the past reporting period. Some staff noted that "they wouldn't risk their job or pension by retaliating against an IP for reporting" and that the "consequences are not worth the behavior".

During compliance visit interviews, five IPs discussed their concerns about potential retaliation by correction officers, and some described specific incidents of alleged retaliation, although it was unclear when these incidents allegedly occurred. During the reporting period, the Monitor reviewed videos of SID interviews. During one of those interviews, a sixth IP described an incident of retaliation. One IP said she felt that, as a general matter, staff "know how much they can get away with without getting in trouble." The Monitor discusses this issue more specifically in paragraph 64 of the monitoring tool.

During this reporting period, five complaints of alleged retaliation were received. And four IPs asked that the retaliation monitoring be extended beyond the required ninety days. That verifies that incarcerated persons are aware of the importance of retaliation monitoring and know how to report incidents of retaliation. The Monitor believes that EMCF has done a good job of establishing processes

to investigate and address reported instances of retaliation. However, there is concern that, in some instances, cases are determined "not to meet the retaliation criteria" and are, therefore, not investigated as PREA-related retaliation complaints. The Monitor has spoken with the New Jersey Department of Corrections (NJDOC) about this.

There is a significant discrepancy between what the staff and IPs report to the Monitor regarding retaliation. Sadly, it is an unfortunate reality of prison culture that some incarcerated individuals will always feel they are being retaliated against, and some form of retaliation is likely to persist. The Monitor believes that subtle forms of retaliation continue to occur at EMCF, as is likely true in virtually all prison settings. However, the necessary systems are in place. At this point, the primary action remaining is to continue to address and hold staff accountable for any act of retaliation.

Language Access

During the past reporting period, NJDOC and EMCF have made significant strides in this area, dedicating considerable time and effort to improving access for incarcerated individuals with Limited English Proficiency (LEP). Their progress is evident: a clear system is in place to identify LEP individuals, and established policies and procedures guide staff in effectively communicating with them. Staff demonstrated a strong understanding of the importance of using telephonic interpretation services, with officers recognizing the need to contact a supervisor for access. Some IPs reported that some officers in North and South Halls continue to rely on IPs to interpret for other IPs instead of offering language line. Nearly all staff knew they could not serve as interpreters unless they had been formally assessed as qualified. Most also understood that while they could provide simple directions or answer fundamental questions in an LEP individual's native language—primarily Spanish—they could not convey critical information related to discipline, classification, medical care, or mental health. During this reporting period, all LEP IPs received a dictionary in their native languages to assist them with vocabulary development and language comprehension.

All the LEP IPs acknowledged that they knew they had the right to be safe from all forms of sexual abuse and sexual harassment. All reported that they know how to report allegations of sexual abuse or sexual harassment and gave examples of how they can (or in some cases did) report such allegations.

In the last two compliance reports, the Monitor noted that most programming, such as Cognitive Behavior, Psychoeducational, Psychotherapeutic, and Volunteer programs like Alcoholics Anonymous, are offered exclusively in English and, thus, inaccessible to LEP IPs. In the last compliance report, the Monitor reported that the NJDOC Division of Programs and Reintegration Services developed an action plan. The Court asked to be kept updated on the status of the action plan. The Monitor is very pleased to report the following:

• A Mandarin-speaking interpreter has been hired and began working at EMCF on 3/11/25 (after the reporting period ended, but essential work). This staff person will meet with the Mandarin-speaking IP one-on-one and help the IP complete a "program interest form". If the IP meets the criteria for the programs the IP is interested in, the interpreter will attend the programs/activities with the IP and interpret for the IP. The interpreter

will meet with the IP and social services staff to interpret. The interpreter will wear a special shirt, easily identifying them as Mandarin-speaking interpreters, and will be available for all staff.

- A Spanish-speaking interpreter has been hired and began working at EMCF on 2/18/25 (during this reporting period). This staff person will meet one-on-one with all Spanish-speaking IPs and help them complete a "program interest form". If the IP meets the criteria for the programs they are interested in, the interpreter will attend the programs or activities with the IP and interpret for them. The interpreter will meet with the IP and social services staff to interpret. The interpreter will wear a special shirt, easily identifying them as Spanish-speaking interpreters, and will be available for all staff.
- There has been much activity attempting to hire an ESL (English as a Second Language) Teacher for EMCF, but as of the end of this reporting period, no one has been hired. This attempt continues.
- The Office of Educational Services Technology Team reconfigured the educational smartboard to integrate Google Translate in the classrooms. This will allow a teacher to write in English and have the board translate the content into the students' native languages.
- EMCF onboarded a second Mandarin-speaking volunteer. The team of two will preside over Chinese Catholic worship on the second and fourth Fridays of the month.
- The Office of Education Services ordered the following books in Spanish for the following classes:

Date Submitted	Title	Class/Program
11/20/24	National Center for	NCCER Core Construction
	Construction Education and	
	Research (NCCER) Core	
	Construction	
	Delivered 1/27/25	
12/4/24	CPR/First Aid skills guides	CPR/First Aid
12/6/24	NCCER Electrical Level 1	NCCER Electrical
12/6/24	NCCER Electrical Level 2	NCCER Electrical
12/6/24	NCCER Carpentry Level 1	NCCER Carpentry
12/6/24	NCCER Electrical Level 3	NCCER Electrical
12/6/24	NCCER Welding Level 1	NCCER Welding

12/6/24	NCCER Welding Level 3	NCCER Welding
12/11/24	Milady Cosmetology	Cosmetology
12/18/24	ServSafe Food Manager	ServSafe Manager
	Delivered 1/27/25	
12/18/24	ServSafe Food Handler Guide	ServSafe Food Handler

- During this reporting period, three (3) IPs participated in the following group counseling sessions with the help of a staff interpreter: Cage Your Rage, Family Reunification and Transition, Successful Employment and Lawful Living, Successful Transition and Releasing Trauma and Embracing Faith.
- During this reporting period, two (2) IPs participated in the group didactic session of Focus on the Victim, with the help of a staff interpreter.

The Monitor sees the above as good progress, but would like to see GED educational materials translated into the IPs' native languages as well. The IPs report that they still use GED materials/books written in English and take the GED tests in English. The Monitor discusses the issue of language access more specifically in paragraph 90 of the monitoring tool, which, for the first time, reports that NJDOC and EMCF have achieved substantial compliance with this provision.

New facility

Construction of a new women's correctional facility is ongoing during this reporting period. An Architect and Engineering firm has been contracted for the project, and NJDOC expects to award a contract for the construction management firm in the near future. The State Female Facility Working Group continues to oversee the planning and construction process. This group includes key stakeholders from various state departments, such as the Department of the Treasury, Division of Property Management and Construction (DPMC), New Jersey Department of Environmental Protection (NJDEP), New Jersey Department of Community Affairs (DCA), and the NJDOC. As mentioned in previous compliance reports, closing the EMCF, building the new facility, and transferring incarcerated individuals could take several years, but the process has officially begun.

Report published by the New Jersey Office of the State Comptroller

As previously highlighted in the last compliance report, the New Jersey Office of the State Comptroller (OSC) identified significant shortcomings in the thoroughness and objectivity of investigations conducted by the NJDOC's Special Investigations Division (SID) in a report published last year that reviewed select SID investigations conducted through 2022. While the report did not specifically reference EMCF, the investigative procedures it critiqued are implemented statewide and therefore apply to EMCF. In its review, OSC analyzed 46 internal investigation case files from three state prisons (excluding EMCF) spanning January 2018 to August 2022. The findings revealed that in 22% of the

cases, SID investigators failed to perform the fundamental step of interviewing all eyewitnesses. Additionally, nearly 13% of the files lacked critical evidence. The report attributed these deficiencies to several factors, including a law enforcement "code of silence," the absence of clear policies and procedures, and insufficient training.

The Monitor noted that in February 2022, NJDOC restructured the management of the Special Investigations Unit and hired Kelly Daniels, Esq, as the Assistant Commissioner for that unit. Ms. Daniels had formerly worked in the Hunterdon County Prosecutor's Office as the Assistant Prosecutor in their Special Victims Unit. Thus, she was aware of many of these problems. Since coming to NJDOC, Ms. Daniels has instituted several reform measures, many of which have addressed the deficiencies identified in OSC's report, including increased training, developing or revising policies, and implementing an internal audit program.

One of the recommendations made by OSC was that "the internal audit program would benefit from the participation of personnel from the Office of Correctional Ombudsperson (OCO). OCO may provide valuable insight and expertise, and add an additional layer of objectivity to the process. DOC and OCO should memorialize OCO's participation in the audit program in a memorandum of understanding that, among other things, sets forth the audit schedule and requires DOC to provide OCO with copies of the files to be examined with sufficient time to allow OCO to fully review each file and prepare questions. The results of each audit should be memorialized and preserved." The Monitor understands that the OCO and NJDOC are close to finalizing a Memorandum of Understanding (MOU). This MOU will involve external auditing of investigations in certain categories, including PREA allegations. The Monitor believes this additional level of review has the potential to strengthen the integrity of investigations, build greater public trust, and ensure that policies and procedures are being followed consistently.

Following the release of the OSC report, the Monitor began undertaking a more substantive review of EMCF's investigations related to allegations of sexual abuse, sexual harassment, and retaliation, and has noted some concerns that were brought to the attention of SID. The Monitor, the DOJ, and the SID staff meet monthly to discuss all EMCF investigative reports pursuant to Consent Decree Paragraph 109. During this past reporting period, the Monitor began seeing improvement in several investigation reports. However, the Monitor has been concerned about the thoroughness of investigative interviews in some cases. The Monitor will continue to pay close attention to this area. This issue is discussed further in the "Opportunities for Continued Progress/Improvement" section of this report.

Executive Order 362 - Clemency

As mentioned in the previous compliance report, Governor Phil Murphy signed Executive Order No. 362 regarding the Governor's authority to grant clemency. Particularly relevant to the IPs at EMCF, applications from victims "of domestic or sexual violence or sex trafficking who [were] convicted of a crime or offense against the perpetrator of the domestic or sexual violence or sex trafficking" will be entitled to expedited review.

During this reporting period, three (3) women from EMCF had their sentences commuted and were released on parole. Two (2) more women had their sentences commuted after the reporting period.

Female Incarcerated Person's Rights Protection Act

The Female Incarcerated Person's Rights Protection Act (introduced during the previous reporting period) has been referred to New Jersey's Senate Law and Public Safety Committee and is pending legislation (Bill No. S3530). The bill aims to create a framework of protections designed to enhance the treatment of women in correctional facilities. Key aspects of the proposed legislation emphasize gender-responsive protocols, victim-centered approaches to investigations, community supervision, reentry, and oversight of women's services. It also strengthens PREA oversight, provides services for pregnant incarcerated individuals, and establishes clear training requirements. Many provisions from the Settlement Agreement are incorporated into the draft legislation.

B. Progress:

NJDOC and EMCF have continued to progress steadily during this reporting period, in areas both required and not required by the Settlement Agreement. Those areas of progress include:

Incentive-Based Programming for Incarcerated Persons Continues

EMCF continues celebrating achievements and positive behavior through incentive-based activities and special events. The *Empowering Women!* Speaker Series continues to bring inspiring voices to the incarcerated population at EMCF through monthly sessions. During this reporting period, the series expanded its focus to include women's health education, covering topics such as breast health, personal care, sexual assault awareness, diabetes, menopause, perimenopause, and human trafficking prevention.

EMCF also supports the *Inside Literary Prize*, a national literary award judged by incarcerated individuals. Currently, 25 participants from EMCF are reading four selected books and will vote to determine the winner. The award will be presented in June 2025, in collaboration with Freedom Reads, the National Book Foundation, and the Center for Justice Innovation.

Additionally, in November, the Visual Arts Center of New Jersey (VACNJ) launched an exhibit titled *Something to Hold On To: Art and the Carceral System*, showcasing works by individuals impacted by the justice system. The exhibition included contributions from six artists at EMCF, whose work highlights the transformative power of art in healing, advocacy, and self-expression.

Women's Risk Need Assessment (WRNA)

During the reporting period, Women's Services continued efforts to implement the Women's Risk Needs Assessment (WRNA) at EMCF for use with the incarcerated population. The WRNA is the only validated, peer-reviewed assessment tool specifically developed by and for justice-involved women. Its implementation marks the Department's first use of a gender-responsive tool to guide correctional strategies—identifying higher-risk individuals for more intensive interventions and lower-risk individuals for less intensive ones. The ultimate aim is to reduce institutional misconduct and lower the risk of recidivism following release. Additionally, the tool is expected to help streamline available services and improve the prioritization of program assignments.

The Women's Services Division of NJDOC advanced staffing and technology efforts related to WRNA deployment. Recruitment was initiated for two Program Support Specialist 2 positions, responsible for administering and reviewing the assessments. Collaboration continued with the DOC Office of Information and Technology to draft and submit a proposal for Noble, the platform chosen to collect and manage WRNA data. Meetings with The Moss Group (TMG) were held at senior leadership and institutional levels to map out EMCF's current intake process. Insights from these meetings will guide the implementation and integration of WRNA across multiple departments within the facility.

Advisory Groups Continue

The NJDOC and EMCF leadership teams hold regular meetings with three essential advisory groups: staff members, incarcerated individuals at EMCF, and the Board of Trustees (BOT). Consistent engagement with both the women at the facility and staff is vital for staying connected to their concerns and ensuring their feedback informs the current and future direction of NJDOC/EMCF. Commissioner Kuhn, AC Tomé, and Administrator O'Dea recognize that these conversations with advisory groups play a critical role in shaping the next steps for various activities, incentive programs, re-entry initiatives, facility operations, and accountability measures.

C. Strengths

Leadership

The leadership of the New Jersey Department of Corrections, the Assistant Commissioner of Women's Services, and the Edna Mahan Correctional Facility Administrative Team have established a solid foundation for continued progress toward achieving the goals outlined in the Consent Decree. Their dedication to transparency, accountability, and open communication fosters trust with staff and the incarcerated population, ensuring that the concerns and perspectives of those within the system are heard and valued. The leadership of these teams is essential in navigating change, particularly in implementing the reforms and measures outlined in the Consent Decree which demand ongoing effort, collaboration, and flexibility.

Stakeholders/Partners

The Monitor remains impressed by the external resources and partnerships that NJDOC has developed. In the Monitor's opinion, the continued support from the Moss Group and the lead attorneys at Lowenstein Sandler LLP has been crucial in assisting NJDOC and EMCF in meeting the Settlement Agreement requirements. Additionally, the Board of Trustees has demonstrated strong and effective engagement with the NJDOC and EMCF leadership teams.

D. Challenges

It is noted that many of the challenges remain the same and, in some instances, are outside the influence of the NJDOC or EMCF.

Police Training Act and the Police Training Commission

The New Jersey Department of Corrections and Edna Mahan Correctional Facility for Women continue to face significant bureaucratic challenges. One of these challenges involves the Police Training Act and the Police Training Commission (PTC). The Monitor has mentioned this issue in the 3rd, 4th, 5th, 6th, and now 7th compliance reports (covering the period from August 25, 2022, to February 24, 2025). Yet, this issue remains unresolved. In fact, during this past reporting period, the New Jersey Police Training Commission approved a Pilot Program for the Pre-Academy Physical Assessment that, in some persons' opinion, will make it more difficult for all students to pass the current physical ability requirements and did not acknowledge the impact on female candidates.

As noted in previous compliance reports, the NJDOC operates under the authority of the Police Training Act and the PTC. According to N.J.S.A. 52:10b-71, the PTC is tasked with developing and certifying basic training courses for various law enforcement positions, excluding the New Jersey State Police. The PTC issues a Basic Law Enforcement Course Trainee Manual, last revised on January 26, 2023. This manual outlines pre-academy fitness requirements, which are uniform across genders and age groups. Trainees have two attempts to meet these physical standards before beginning the academy. Failure to meet these requirements results in denial of admission, as per PTC regulations.

Data from the last four NJDOC academy classes continue to demonstrate that female candidates have a significantly lower passing rate for the physical fitness requirements than male candidates.

Class 254 Female Data	Class 254 Male Data
63 Attended Pre-Assessment Test	150 Attended Pre-Assessment Test
42 Failed Pre-Assessment (77%)	34 Failed Pre-Assessment (23%)
Class 255 Female Data	Class 255 Male Data
116 Attended Pre-Assessment Test	395 Attended Pre-Assessment Test
90 Failed Pre-Assessment (77.5%)	123 Failed Pre-Assessment (31%)
Class 256 Female Data	Class 256 Male Data
94 Attended Processing	268 Attended Processing
90 Failed Processing PT Assessment (60%)	21 Failed Processing PT Assessment (8%)
Class 257 Female Data	Class 256 Male Data
171 Attended Processing	499Attended Processing
105 Failed Processing PT Assessment (61%)	49 Failed Processing PT Assessment (9.8%)

It is clear the physical fitness requirements had an adverse impact on female candidates, a detrimental impact on NJDOC's ability to hire females, and hinders the department's ability to meet the requirements of the Consent Decree. What is not clear is why, after more than three years, the Police Training Commission (which reports to the Office of the Governor) has done nothing about the situation.

Prison Facility/Location Challenges

The challenges faced by the facility, as outlined in previous compliance reports to the Court, continue to persist. The facility's infrastructure, which is over 110 years old, leads to ongoing issues such as inadequate hot water, electrical disruptions, frequent power outages, and mold infestations.

In addition, EMCF's location presents a significant hurdle. Employees living farther away face long commutes, often ranging from 60 to 90 minutes each way. This extended travel time, coupled with the knowledge that the current facility will eventually be closed, makes working at EMCF less appealing than other positions/locations within the NJDOC.

Staffing

Staffing challenges at EMCF persist due to several factors, including location, Police Training Act requirements for academies, difficulties hiring qualified staff, and the tight labor market. Regardless of these specific causes, discussions with staff confirm their belief that understaffing dramatically increases the risk of sexual abuse. With fewer staff members to monitor incarcerated individuals, opportunities for predatory behavior rise significantly. Staff believe that insufficient staffing makes it difficult for custody staff to effectively supervise interactions, leaving vulnerable incarcerated persons at a higher risk of victimization.

While drafting the Settlement Agreement, staffing at EMCF was identified as a significant area of concern. Section "D" of the Agreement, which addresses Staffing, is the most extensive section, reflecting its importance. It includes six key paragraphs that highlight the need to develop and maintain a staffing plan capable of ensuring adequate security personnel to protect incarcerated individuals from sexual abuse. During this reporting period, EMCF experienced a net staffing gain, hiring 18 officers while losing 11, marking the first time since the Agreement began that more officers were hired than departed. However, since the start of the Settlement Agreement in August 2021, EMCF has lost a total of 21 female correctional officers.

Conversations with staff focused heavily on the issue of excessive overtime for correctional officers. Custody staff reported that, during this reporting period, they were routinely required to work an average of two to three overtime shifts per week. Many indicated that overtime was especially common for those scheduled on Thursdays through Sundays. As highlighted in previous reports, third-shift staff (10 PM to 6 AM) face particularly challenging conditions. This shift has the fewest personnel, while the incoming shift is the largest, often resulting in mandatory overtime for third-shift staff, which can occur up to four or five times per week. This relentless workload has left many third-shift staff exhausted, discouraged, and experiencing significant burnout.

NJDOC's recruitment and retention team (referenced in paragraph 33 of the monitoring tool) has begun to yield positive results. The most recent academy class produced the highest number of graduates since the inception of the Settlement Agreement. In response to this increased interest, NJDOC plans to introduce a third academy class beginning in 2025, bringing the total to three per year. Notably, just one week before the close of this reporting period, 13 cadets from the Academy were assigned to EMCF. These developments represent a meaningful step forward; however, continued efforts are necessary. In a

women's correctional facility, where the risk of sexual misconduct is heightened, maintaining sufficient numbers of well-trained staff is essential to preventing abuse, supporting rehabilitation, and ensuring a secure and respectful environment.

E. Opportunities for Continued Progress/Improvement

Special Investigation Divisions' Investigative Reports

As mentioned in the "updates" section of this report, a 2024 publication by the New Jersey Office of the State Comptroller (OSC) highlighted deficiencies in the thoroughness and objectivity of investigations conducted by NJDOC's Special Investigations Division prior to 2022. In response, the Monitor has increased scrutiny of investigation files and expanded monthly discussions with NJDOC regarding these investigations. The Monitor commends the Special Investigations Division Assistant Commissioner for her outstanding efforts in identifying systemic issues and enhancing the policies, training, and practices governing PREA investigations, but recognizes there is more work to be done.

The Monitor has concerns regarding the quality and thoroughness of certain investigative interviews conducted by SVU. In several interviews observed, the Monitor noted issues such as excessively brief interactions with alleged victims and/or witnesses, the use of predominantly closed-ended questions, the failure to interview key witnesses, the failure to follow up on statements made by the persons being interviewed, and some vague questions asked. The monitoring tool discusses more specific information and recommendations in paragraphs 77 and 109.

Communicating with Limited English Proficiency Incarcerated Persons.

As mentioned in the "updates" section of this report, and in paragraph 90 of the monitoring tool, the NJDOC, specifically EMCF, has dedicated considerable time during this reporting period to enhancing processes and training staff on communication with incarcerated individuals who have Limited English Proficiency (LEP). However, there remain areas for further improvement, including:

- Continue to educate staff that requesting other IPs to interpret for them should only be at the IP's request.
- Spot check or otherwise monitor areas of the facility where IPs have noted that officers rely on other IPs to interpret instead of offering language line services.
- Ensure that all Educational and Cognitive Behavior Programming materials are translated into languages other than English.

Training Staff to Level 1 and Level 3 Policies

Under the Settlement Agreement, a staff training plan that addresses the training needs associated with each revised policy or procedure must be completed within 18 months of each policy's adoption. EMCF delivered the policy training to non-custody staff; however, the majority of policy changes are specific to custody staff. Training correctional staff at EMCF on new policies and procedures is essential for successful implementation and compliance and must be a focus during the upcoming reporting period.

Continue to Implement a Risk Management System

The Settlement Agreement requires NJDOC and EMCF to develop, implement, and maintain a Risk Management System (RMS) designed to document and monitor facility trends related to allegations of sexual abuse, sexual harassment, and retaliation for reporting such incidents. The RMS must facilitate the timely identification and resolution of concerning patterns or incidents. Additionally, it is responsible for collecting, consolidating, analyzing, tracking, and applying data to support the prevention of sexual abuse and harassment. NJDOC continued working with multiple internal departments throughout the period to establish the electronic RMS. This system would provide alerts in the event of repeated allegations by staff and incarcerated persons, as well as repeated allegations in specific areas of the facility. Unfortunately, NJDOC was notified after the conclusion of this current rating period that the federal PREA grant funds intended to fund this project were cut. NJDOC shall work to secure funding elsewhere.

As noted in the monitoring tool paragraphs 91-96, EMCF conducted monthly Quality Improvement (QI) meetings during this reporting period. Additionally, EMCF held its third-quarter meeting in October 2024 and its fourth-quarter meeting in January 2025. The Monitor and the DOJ also received a semi-annual report of the RMS/QI committee's findings and corrective actions. This report contained findings and corrective action for Q3 and Q4 and included a comparison to the findings in the previous report to assess progress.

The finalization of a "Quality Improvement and Data Collection" policy, which is still under review by DOJ, should be a focus in this area during this upcoming reporting period.

LOGISTICS

Compliance Visit

The seventh compliance visit was scheduled for March 11–14, 2025. During this visit, the Monitor and her Associate interviewed staff and incarcerated individuals and toured various facility locations. In preparation, the Monitor identified over 60 individuals for interviews, selected based on their roles—direct or indirect—in implementing and overseeing different components of the Settlement Agreement.

The Monitor also requested the organization of several focus groups: three for custody staff, one for medical, mental health, and substance abuse staff, and four for incarcerated individuals, with randomly selected participants. To guide the visit, the Monitor developed a list of key questions and discussion topics and a set of documents to be reviewed for compliance. These documents are outlined in the monitoring tool and serve as reference points for assessing adherence to the Settlement Agreement.

The Monitor also conducted follow-up video meetings with staff and stakeholders after the onsite visit to accommodate scheduling needs and enhance efficiency. These meetings are documented below.

• Administrator Ryan O'Dea

- Associate Administrator Bryan Fusaro
- Assistant Superintendent Maureen Hayes, Edna Mahan
- Assistant Superintendent and LEP Coordinator Tiffany Thompson
- Assistant Superintendent Amelia Renshaw, Edna Mahan PREA Compliance Manager
- Board of Trustee Member Kathleen Witcher
- Board of Trustee Member La'nae Grant
- Board of Trustee Member Bonnie Kerness
- Board of Trustee Member Dr. Johanna Foster
- Board of Trustee Member Dr. Mechele Morris
- Board of Trustee Member Cynthia Cupe
- Board of Trustee Member Sheila Trapp
- NJDOC Assistant Commissioner of Special Investigations Division Kelly Daniels
- Special Investigations Division Special Investigator Joseph Conway
- EMCF Special Investigations Principal Investigator Michael Thompson
- EMCF Special Victims Unit Principal Investigator Gregory Cirillo
- EMCF Major Ilg
- EMCF Major Karpew
- EMCF Major Zwolinski
- NJDOC Commissioner Victoria Kuhn
- NJDOC Chief of Staff Kristina Chubenko
- Chief of Programs and Reintegration Services, Dr. Darcella Sessomes
- EMCF Outpatient Mental Health Counselor and Sexual Assault Advisory Council Member Dr. Rachel Reed
- Assistant Commissioner of Women's Services Helena Tome
- Director of Women's Services Leanne Scott
- Rutgers Regional Nursing Manager and Sexual Assault Advisory Council Member Theresa Hernandez
- Supervisor In-Patient Mental Health Unit, Dr. Deborah Skibbee
- Rutgers General Counsel, Anne Marie Simone
- Two EMCF Volunteers
- Gateway Program Supervisor Amber Wagner
- EMCF Ombudsperson Office Staff Roshunda Simmons
- Ombudsperson Office Staff Mary Ann Conte
- 3 Lieutenants from EMCF, including one from the Satellite building
- 5 Sergeants from EMCF, including one from the Satellite building

The agenda for the onsite compliance visit was as follows:

Tuesday, March 11, 2025:

- Interview with IP who filed allegation against staff during this reporting period
- Interview with IP who filed allegation against staff and who had investigation completed during this reporting period
- IP Focus Group Maximum #1
- Interview with IP who had an investigation resolved during this reporting period

- Interview with IP who filed allegation against staff and who had investigation completed during this reporting period
- Interview with LEP IP who came into EMCF during this reporting period (speaks Spanish)
- Interview with LEP Incarcerated Person who had a disciplinary hearing and who had investigation completed during this reporting period
- IP Focus Group Satellite Building #1
- Interview with LEP IP who came into EMCF during this reporting period (speaks Haitian-Creole)
- IP Focus Group Satellite Building #2
- Tour of Satellite Building

Wednesday, March 12, 2025:

- Interview with LEP Incarcerated Person who had a disciplinary hearing during this reporting period
- Interview with IP who filed allegation against staff during this reporting period
- Interview with LEP IP who has been at EMCF more than four years
- Interview with IP who filed allegation against staff and who filed an allegation of retaliation during this reporting period
- Interview with IP who filed allegation against staff and who had investigation completed during this reporting period
- Interview with IP who filed allegation against staff during this reporting period
- Interview with IP who filed allegation against staff during this reporting period
- Interview with Training Lieutenant
- Interview with IPCM Renshaw (review her retaliation log)
- Custody Staff Focus Group 2nd shift
- Interview with IP who requested to have retaliation monitoring extended
- Interview with IP who requested to have retaliation monitoring extended
- Interview with IP who requested to have retaliation monitoring extended
- Custody Staff Focus Group 3rd shift

Thursday, March 13, 2025

- IP Focus Group Maximum #2
- Custody Staff Focus Group 1st shift
- Non-Custody Staff Focus Group
- Interview with LEP who speaks Mandarin
- Interview with IP who filed allegation against staff during this reporting period
- Interview with IP who filed allegation against staff during this reporting period
- Interview with IP who requested to have retaliation monitoring extended
- Tour and Interview IPs in South Hall Dorm
- Tour and Interview IPs in Maximum that have had privacy issues
- Tour of Kitchen and Officer's Dining Room
- Close out meeting with Administrators

Friday, March 14, 2025

Stakeholders Meeting

During the compliance visit, the Monitor and her Associate conducted three focus groups with staff and one specifically with non-custody personnel, including those from medical, mental health, and substance abuse departments. These groups represented a diverse mix of male and female staff from various racial backgrounds. Each group was asked the same set of questions regarding their roles and responsibilities related to PREA and sexual safety, followed by discussions based on their responses. The Monitor and her Associate also engaged staff in similar conversations during the facility tour.

Additionally, the Monitor and her Associate held four focus groups with incarcerated individuals, selected to reflect racial diversity and a range of housing units. Two groups came from the maximum-security unit and two from the Satellite building, totaling 25 participants. These individuals were asked about their knowledge of PREA, how to report allegations, perceptions of the sexual safety culture at EMCF, and any other safety concerns. The Monitor and her Associate also discussed these topics informally with other incarcerated individuals throughout the facility tour.

<u>Process of Compliance Report and Monitoring Tool</u>

- 1) NJDOC sent a semi-annual status report to DOJ and the Monitor on February 25, 2025.
- 2) The Monitor sent the first draft report and monitoring tool to both parties on May 1, 2025. The agreement allows for a two-week period of review by both parties.
- 3) The Monitor received the comments from the Department of Justice on May 15, 2025.
- 4) The Monitor received the comments from NJDOC on May 15, 2025.
- 5) The Monitor participated in conference calls with both parties on May 21 and May 22, 2025.
- 6) The Monitor considered all the comments submitted by NJDOC and DOJ. The Monitor made some revisions and provided additional information to the parties in response to comments.
- 7) The Monitor submitted the final report to the Court on May 30, 2025.

SUMMARY OF COMPLIANCE

The settlement definitions for the three measures of compliance are as follows:

- Substantial Compliance indicates that NJDOC and EMCF have achieved material
 compliance with the components of the relevant provision of the Agreement. Material
 compliance requires that, for each provision, NJDOC and EMCF have developed and
 implemented any relevant policies incorporating the requirement and trained relevant
 personnel on the policy.
- **Partial Compliance** indicates that NJDOC and EMCF have achieved material compliance on some of the components of the relevant provision of the Agreement, but significant work remains.
- **Non-compliance** indicates that NJDOC and EMCF have not met the components of the relevant provision of the Agreement.

The Monitor added the following measure of compliance:

Non-Applicable for the purpose of this report, the Monitor defines the term Non-Applicable as "does not apply to a particular situation or expectation". For example, if a provision in the Settlement Agreement requires an action to be taken by January 1, 2026, the Monitor would use "not applicable at this time" as the measurement for that provision in this report.

The monitoring tool now comprises 52 paragraphs (38 paragraphs have been dismissed). Forty-eight (47) paragraphs were evaluated during this reporting period. Five paragraphs (14, 15, 92, 98, and 110) were non-applicable during this reporting period. The Monitor determined that 46 paragraphs achieved a "substantial compliance" rating during this review, and one paragraph (77) achieved a "partial compliance" rating.

It's crucial to remember that the ratings provided apply only to this reporting period. All requirements outlined in the Settlement Agreement must remain a primary focus and be adhered to in subsequent reporting periods and beyond. The challenges that led to the creation of the Settlement Agreement are systemic and demand ongoing efforts to effect lasting changes necessary to improve the safety of EMCF.

CLOSING OBSERVATIONS

During this reporting period, the Monitor observed continued progress at EMCF. The leadership teams at the New Jersey Department of Corrections and EMCF have shown a strong and ongoing commitment to fulfilling the Settlement Agreement requirements and enhancing safety for both staff and incarcerated individuals.

The Monitor appreciates the high level of cooperation from NJDOC and EMCF throughout this period. All requests for documents and information were met promptly and thoroughly. Additionally, the Monitor and the Department of Justice (DOJ) were promptly informed of any incidents or allegations of sexual abuse or retaliation.

Regular conference calls have been established between the Monitor, the DOJ, and the NJDOC to support timely communication and issue resolution. These discussions ensure active cases are reviewed collaboratively, and any emerging concerns are addressed quickly.

Overall, the Monitor acknowledges NJDOC and EMCF's dedication to effectively implementing the Settlement Agreement. The working relationship between NJDOC, Lowenstein Sandler, DOJ, and the Monitor remains collaborative and constructive, with all parties united in their commitment to improving sexual safety at EMCF. The Monitor commends the progress achieved over the past six months and looks forward to continued advancements in the next reporting period.