

Eighth Monitor's Report

Review Period:
2/25/25 – 8/24/25

THE UNITED STATES OF AMERICA
v.
THE STATE OF NEW JERSEY AND
THE NEW JERSEY DEPARTMENT
OF CORRECTIONS

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TABLE OF CONTENTS	Pg.
INTRODUCTION	3
Specific Actions to Evaluate Compliance	
Monitoring Tool	
EXECUTIVE SUMMARY	5
Intent of the Report	
New Jersey Department of Corrections/Edna Mahan Correctional Facility for Women: Updates, Progress, Strengths, Challenges, and Opportunities for Improvement	
A. Updates	
B. Progress	
C. Strengths	
D. Challenges	
E. Opportunities for Continued Progress/Improvement	
LOGISTICS	19
Compliance Visit –September 2025	
Process of Monitor’s Report and Monitoring Tool	
SUMMARY OF COMPLIANCE	22
CLOSING OBSERVATIONS	23
ATTACHMENTS	
MONITORING TOOL (SEPARATE PDF ATTACHMENT)	

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 their response to the specific requirements of the provisions in the settlement. This is the eighth required court report, covering the period from February 25 to August 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 over 40 years of experience in the field of corrections.

This report will describe the level of compliance achieved by NJDOC and EMCF, as well as the actions taken by the Monitor to determine compliance, as required by the settlement agreement. This evaluation period spans from February 25, 2025, to August 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 provided 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 34 individuals with specific responsibilities related to NJDOC and EMCF's compliance with the settlement.
- The Monitor and her Associate conducted an on-site visit after the reporting period. The dates were September 16 – 18, 2025. During this visit, the Monitor and her Associate met with approximately 24 security staff. These focus groups included custody 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 22 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 two (2) 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 two (2) 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 four (4) 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 were intended to determine how the staff communicated with the LEP-incarcerated persons.
- The Monitor or her Associate spoke with one (1) incarcerated person who had requested to have her retaliation monitoring extended beyond the required ninety days. The purpose of this interview was to determine why this incarcerated person felt the need to have her retaliation monitoring extended.
- The Monitor or her Associate spoke with fourteen (14) LEP-incarcerated persons to explore 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 data specific to the operations of EMCF. Examples include logbooks, search reports, documentation of supervisory rounds, staffing reports, incarcerated person rosters, education reports for incarcerated persons, and cross-gender pat search data.

- The Monitor reviewed NJDOC and EMCF policies, post orders, logbooks, spreadsheets, meeting agendas and minutes, training curricula, Prison Rape Elimination Act (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.
- 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 terms of 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 has been adjusted to reflect the dismissal of six (6) sections, including 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.

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

A. Updates

Change of the Administrative team at EMCF

During this reporting period, Administrator Ryan O'Dea retired on March 19, 2025, and Bryan Fusaro was appointed as the new Administrator of EMCF. Administrator Fusaro earned a bachelor's degree from Montclair State University and dual Master's degrees in Public Administration and Education Supervision from Seton Hall University. He began his career with the New Jersey Department of Corrections in 2010 as a Corrections Officer, later rising to the rank of Sergeant at EMCF. His steady advancement continued with a promotion to Assistant Superintendent in 2022, followed by Associate Administrator in 2024, before assuming the leadership role of Administrator.

Also, during this reporting period, Tiffany Thompson advanced from Assistant Superintendent to Associate Administrator. In her new role, she supports overall facility management and serves as Acting Administrator when needed. Her responsibilities include directing facility operations, ensuring policy compliance, strengthening staff development, and maintaining community partnerships. Ms. Thompson holds a Bachelor's degree in Criminal Justice and a Master's in human resources training and development. She is currently completing her Master of Social Work (MSW) degree. She began her career in corrections in 2008 and has since built extensive experience in both leadership and program development.

In addition, Randy Anema was promoted to Assistant Superintendent, bringing with him more than twenty years of service at EMCF. Joining NJDOC in June 2003, Mr. Anema has dedicated his entire career to the facility and was honored with the NJDOC Distinguished Service Award in 2014 for his commitment and excellence. In his current role, he oversees essential areas, including Medical Services, Food Service, Satellite Operations, and overall Facility Operations, ensuring the reliable and secure delivery of critical services that support the institution's daily functions.

Collectively, these leadership transitions reflect EMCF's ongoing commitment to cultivating experienced professionals from within its ranks. The appointments of Mr. Fusaro, Ms. Thompson, and Mr. Anema demonstrate a strong foundation of institutional knowledge, dedication, and progressive leadership that will guide the facility's continued growth and stability.

The NJDOC partnered with subject matter experts from The Moss Group (TMG) to implement a series of leadership-focused initiatives with EMCF staff throughout this reporting period. These efforts were designed to engage leaders, strengthen communication, and inspire professional growth. As part of this initiative, staff participated in the Core Strengths Assessment Tool, which helps individuals better understand their motivations, conflict styles, and workplace

interactions. TMG also facilitated dedicated team-building sessions with EMCF Administration, EMCF Majors, and Women's Services staff, followed by an EMCF Leadership Retreat in July. Additionally, EMCF leaders continued to meet regularly with assigned subject matter expert mentors to address current challenges and develop strategies for enhancing existing systems. By participating in these activities, EMCF is fostering a strong, team-focused leadership culture that enables staff to implement meaningful and lasting improvements throughout the organization.

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".

The Monitor or her Associate conducted four focus groups with incarcerated individuals. Similar to the staff discussions, the incarcerated participants acknowledged that retaliation is unacceptable, yet some believed it still occurs. Each group was asked whether they had heard of anyone experiencing retaliation— even in subtle forms— for reporting sexual abuse or harassment within the past six months. No one could offer a specific example from that period, but some participants expressed a perception that subtle retaliation continues to occur.

The Monitor spoke with two incarcerated individuals who filed allegations of retaliation during this reporting period. Both of the allegations were investigated. One was deemed to be "unfounded" and the other was deemed to be "unsubstantiated." This issue is discussed more specifically in paragraph 64 of the monitoring tool.

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 perceived 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 addressing and holding staff accountable for any act of retaliation and to continue to educate staff and incarcerated persons that any act of retaliation, including subtle retaliation, violates PREA.

Confidentiality

Previous compliance reports have highlighted the significant efforts made by the NJDOC and EMCF to enhance operational procedures and provide staff training aimed at improving confidentiality. During the most recent compliance visit, the Monitor and her Associate spoke with over 50 staff members, the majority of whom reported clear and noticeable improvements in maintaining confidentiality since the implementation of the Settlement Agreement. The Monitor and her Associate also engaged in discussions with more than 30 incarcerated individuals. While most participants acknowledged positive changes, some incarcerated participants noted that challenges remain and believe that there was limited confidentiality about PREA complaints, despite substantial efforts by NJDOC's Special Investigations Division (SID), because staff members and IPs involved in complaints as subjects or witnesses talked among themselves.

In the previous compliance report, the Monitor informed the Court that this would be the final update on confidentiality unless significant changes occurred. However, given the ongoing challenge of maintaining complete confidentiality within a prison setting, the Monitor believes continued attention to confidentiality practices remains essential. Omitting this topic could create the false impression that it no longer requires focus, which would be inaccurate. Similar to issues with retaliation, discrepancies persist between staff and incarcerated individuals regarding confidentiality. Staff often believe breaches originate from incarcerated persons, while the IPs themselves attribute breaches in confidentiality to staff. Regardless of the source, EMCF must continue to emphasize the importance of maintaining confidentiality in all PREA-related matters and hold staff accountable for any violations.

Language Access

During this reporting period, NJDOC and EMCF continued to build on the significant progress previously made in enhancing access for incarcerated individuals with Limited English Proficiency (LEP). Staff consistently demonstrated a clear understanding of the importance of using telephonic interpretation services and recognized that they may only serve as interpreters if formally assessed and qualified. Most staff also understood that, while they could provide basic directions or answer simple questions in an LEP individual's primary language—predominantly Spanish—they were not authorized to convey critical information regarding discipline, classification, medical care, or mental health.

All LEP incarcerated persons confirmed that they are aware of their right to be free from all forms of sexual abuse and sexual harassment. Everyone reported that they understand how to report allegations of sexual abuse or harassment and provided examples of ways they can do so—or in some cases have—submitted such reports.

The Division of Program and Reintegration Services (DPRS) continues to make dedicated efforts to ensure that LEP incarcerated persons at EMCF have the opportunity to attend, understand, and actively participate in a variety of programs, including cognitive-behavioral, psychoeducational, psychotherapeutic, and volunteer initiatives. Below is a status report on the action plan developed and implemented by DPRS to support these efforts:

- A temporary Mandarin-speaking staff member was hired at EMCF for two days per week, six hours per day.

- A temporary Spanish-speaking staff member was hired at EMCF for two days per week, six hours per day.
- A Spanish-speaking interpreter, with experience as an immigration paralegal and business owner, was hired for two days per week, six hours per day.
- A request was submitted to a temp agency to hire a Haitian-Creole translator; resumes were received, interviews conducted, and a facility tour scheduled. A job offer will depend on the outcome of the tour.
- DPRS continues to work with the New Jersey Office of Human Resources to hire an ESL teacher for EMCF.
- Educational smart boards with Google Translate integration were introduced in classrooms. Technical difficulties remain due to internet limitations in the older buildings, but DPRS is exploring creative solutions.
- All NCCER Core Construction subject textbooks are now available in Spanish.
- A Spanish-speaking incarcerated person with a bachelor's degree was hired as a Teacher's Assistant for Spanish-speaking students.
- A contracted interpreter supported five Spanish-speaking participants in the Road to Recovery and Anger Management programs.
- A contracted interpreter assisted one Mandarin-speaking participant in the STARS (reentry preparedness) and HOPE (parenting) programs.
- Three Spanish-speaking participants were supported with staff interpretation during Releasing Trauma and Embracing Faith (RTEF) group sessions.
- Two Spanish-speaking participants attended Focus on the Victim (FOV) sessions without staff interpretation.
- Two Spanish-speaking participants attended Houses of Healing (HOH) sessions without staff interpretation.
- Three Spanish-speaking participants attended Heal and Empower Those Overcoming Abuse and Rape Trauma (HEART) sessions without staff interpretation.
- Contracted Mandarin interpreters continue to provide language assistance to the Mandarin-speaking participant.
- Language line check-in calls are offered twice weekly to the Haitian-Creole-speaking participant.

- Three Spanish-speaking participants made a total of six international calls to family members during this reporting period.
- A new full-time Spanish-speaking chaplain began working at EMCF.
- Spanish-speaking participants can now take the GED test in Spanish.

During this reporting period, EMCF, NJDOC, and DPRS have made notable strides in expanding and improving services for incarcerated individuals with Limited English Proficiency (LEP). A clear system is in place to identify LEP individuals, and established policies and procedures guide staff in effectively communicating with them. Efforts include hiring temporary and contracted interpreters in Mandarin, Spanish, and Haitian Creole, as well as employing a Spanish-speaking Teacher's Assistant and a full-time Spanish-speaking chaplain. Programs and educational opportunities have been adapted to meet the language needs of participants, and contracted interpreters and staff continue to provide language support for both group and individual programs. During this reporting period, the Monitor became aware of issues related to the disciplinary process for LEP individuals, including disciplinary charges that were not timely translated. The Monitor, DOC, and DOJ discussed the disciplinary process for LEP individuals at the site visit.

In addition, all LEP individuals acknowledged that they understand their right to be free from sexual abuse and sexual harassment and know how to report any alleged incidents, with many providing examples of how they can—or have—submitted reports. These ongoing efforts reflect EMCF's commitment to removing language barriers, promoting equitable access to education, treatment, and spiritual services, and ensuring the sexual safety of all participants.

New facility

Significant progress has been made during this reporting period toward the construction of the new female facility. The architects and engineers are now firmly in place, and the NJDOC team is working closely with them, along with the Division of Property Management and Construction (DPMC) and other key stakeholders, to move through the design phase of the project. This stage is critical because it lays the foundation for the development of architectural and engineering plans that will guide the entire construction project. The work is proceeding on schedule and within budget, and the timeline remains intact. Construction is expected to begin in mid-to-late 2026, with the first areas anticipated to be completed in 2027, and full completion projected for 2028.

Report published by the New Jersey Office of the State Comptroller

As noted in the last two compliance reports, the New Jersey Office of the State Comptroller (OSC) identified significant weaknesses in the quality and fairness of investigations conducted by the NJDOC's Special Investigations Division (SID). In a 2024 report reviewing select SID investigations from January 2018 through August 2022, OSC examined 46 internal investigation case files from three state prisons (excluding EMCF). The review found that in 22% of cases, SID investigators failed to take the basic step of interviewing all eyewitnesses, and

nearly 13% of the files were missing critical evidence. OSC attributed these shortcomings to unclear policies and procedures as well as inadequate training.

Over three years ago, in February 2022, the Monitor informed the Court that the NJDOC had appointed Kelly Daniels, Esq., as Assistant Commissioner (AC) for the unit. From the outset, AC Daniels introduced a series of reform measures aimed at addressing the deficiencies highlighted in the OSC report. These reforms included expanding staff training, creating or updating key policies, and launching an internal audit program. During the current reporting period, the Special Investigations Unit also restructured SID management to allow AC Daniels to conduct more audits and devote greater attention to areas covered by the Settlement Agreement.

Following the release of the OSC report, the Monitor initiated a deeper review of EMCF investigations involving allegations of sexual abuse, sexual harassment, and retaliation. This review consists of watching recorded interviews with alleged victims, accused staff members, and witnesses. The Monitor, the Department of Justice (DOJ), and SID staff meet monthly to examine all EMCF investigative reports and address any concerns raised by the Monitor or DOJ. Over the past year, the Monitor has observed measurable improvements in the quality of these investigation reports. This enhanced level of review will continue moving forward.

The OSC recommended that the NJDOC strengthen its internal audit program by involving personnel from the Office of the Correctional Ombudsperson (OCO). According to the OSC, OCO's participation would provide valuable insight, enhance objectivity, and add an extra layer of oversight. The report advised that NJDOC and OCO formalize this collaboration through a Memorandum of Understanding (MOU) outlining the audit schedule and requiring NJDOC to share case files with OCO in advance so they can thoroughly review each file and prepare questions. The results of each audit should also be documented and preserved for future reference. In the last compliance report, the Monitor noted that NJDOC and OCO were close to finalizing such an MOU, which would allow external audits of specific investigations, including PREA-related cases. The Monitor emphasized that this added review could strengthen investigative integrity, build public trust, and ensure consistent adherence to policies and procedures. The MOU was finalized on October 8, 2025, soon after this reporting period ended. The Monitor will continue to closely track this matter, which 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, two (2) women from EMCF had their sentences commuted and were released on parole.

Female Incarcerated Person's Rights Protection Act

The Female Incarcerated Person's Rights Protection Act, introduced on June 28, 2024, has advanced out of the New Jersey Senate Law and Public Safety Committee and is now under

review by the Senate Budget and Appropriations Committee as pending legislation (Bill No. S3530). This bill seeks to establish a comprehensive framework of protections to improve the treatment and care of women in correctional facilities. Its key provisions focus on implementing gender-responsive protocols, adopting victim-centered approaches to investigations, and enhancing community supervision, reentry services, and oversight of programs serving women. The legislation also strengthens PREA oversight, expands services for pregnant incarcerated individuals, and establishes clear training standards for staff. This is an essential piece of legislation because many of its measures reflect and build upon provisions outlined in the existing Settlement Agreement.

B. Progress

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

DEPTCOR

DEPTCOR is New Jersey's correctional industry program, operating within the New Jersey Department of Corrections. It provides high-quality products and services, created and delivered by adults incarcerated in New Jersey, to state and local government agencies. Across its factories and service industries statewide, DEPTCOR trains over 900 incarcerated individuals each year. Participants voluntarily engage in meaningful work that helps them develop practical skills and positive work habits, preparing them for successful employment after their release. At EMCF, DEPTCOR operates the sewing program, producing thermals and towels for all NJDOC facilities.

Design Studio

NJDOC's Division of Women's Services and DEPTCOR collaborated to bring a groundbreaking industrial training program to EMCF: a state-of-the-art, industrial fashion/textile training program provided in collaboration with the Pratt Institute, where selected IPs receive education and training in garment design, production, and manufacturing. This program, the first of its kind in the United States and only the third worldwide, joins similar efforts in Milan, Italy, and London, England.

The Design Studio at EMCF is a hands-on training and production facility that provides incarcerated participants with the opportunity to develop the creative and technical design skills required in today's manufacturing industries. The program combines classroom instruction led by Pratt Institute instructors with lectures and lab work, enabling participants to explore the techniques, fabrics, tools, and technology essential for garment construction across various markets. The program culminates in an eight-week capstone project, during which students redesign their correctional uniforms, demonstrating mastery of technical skills, creative problem-solving, and the practical application of design in a real-world context.

The EMCF Culture Campaign (Safety, Dignity, and Respect)

During the reporting period, the NJDOC worked with subject matter experts from The Moss Group to develop the guide “52 Tips: Operational Excellence for Working with Incarcerated Women.” Designed for custody majors, the guide helps leaders actively reflect on and implement practices that enhance the daily operations of the facility, with a focus on three core values: safety, dignity, and respect. It outlines 52 weekly focus areas aimed at improving day-to-day operations through gender-responsive practices, including maintaining safety and privacy, showing respect during vulnerable moments, and conducting searches with dignity.

Housing Request System at the Satellite

EMCF is piloting a new housing request system in the Satellite building to provide incarcerated persons with a fair, transparent, and structured way to request housing changes. This system reduces attempts to manipulate housing through false claims or requests for protective custody, thereby helping to maintain safety while minimizing unnecessary disruptions. More importantly, it provides incarcerated individuals with a clear and reliable path to a desired housing outcome, rewarding positive behavior and encouraging personal responsibility. By establishing a consistent process, the system fosters trust between staff and incarcerated individuals, promotes fairness, and enables them to feel a greater sense of control over their daily environment.

To be approved for a housing move, an IP must have support from their regular unit officer and supervisor, maintain an infraction-free record for a specified period, and provide a legitimate reason for the request. A review committee of custody and administrative staff evaluates each request and makes the final determination, ensuring that decisions are objective, consistent, and in the best interest of both safety and the well-being of the IP.

Community Connect

Community Connect is a new bi-annual initiative designed by EMCF Administration staff to provide timely institutional updates, foster meaningful communication, and strengthen the sense of community within the facility. Held twice a year at both the Max and Satellite locations, these sessions are open to all general population incarcerated persons on a voluntary, first-come, first-served basis. The program aims to share accurate information, highlight new and upcoming initiatives, and create space for respectful dialogue and collective understanding. Community Connect provides transparent updates directly from Administration and department leaders, shares information about upcoming programs, facility developments, and institutional goals, and promotes consistency across housing units while helping to reduce misinformation.

“Give Something Back”

The NJDOC has partnered with the nonprofit organization Give Something Back (GiveBack) to offer long-term academic support and coaching for children of incarcerated parents at Edna Mahan Correctional Facility. Through this program, students receive mentoring and guidance to develop personal success plans, navigate school and college decisions, explore career opportunities, and address basic needs. The initiative also provides scholarships or free

tuition for college and vocational programs. By delivering consistent, individualized support from middle school through early adulthood, GiveBack seeks to break the cycle of incarceration, promote educational achievement, and help students build stable, rewarding careers.

Freedom Reads Project - Inside Literary Prize

Freedom Reads is a transformative initiative founded by poet and advocate Reginald Dwayne Betts in 2020. The program seeks to humanize and enrich the experience of incarcerated individuals by installing handcrafted, high-design libraries—known as Freedom Libraries—directly within prison cellblocks. Each library offers access to a collection of approximately 500 books, fostering intellectual engagement, a sense of community, and personal growth. During this reporting period, Freedom Reads expanded its impact at EMCF by providing libraries and new books to every housing unit, including the Satellite units, ensuring that all incarcerated persons have access to these valuable resources.

In addition to distributing books, Freedom Reads actively engages incarcerated persons in literary programs, including the 2025 Inside Literary Prize. This year, 25 IPs were invited to participate, reading four thoughtfully selected books designed to encourage critical thinking and meaningful discussion. Participants engaged in structured conversations about the themes, characters, and ideas presented in each book, fostering dialogue, reflection, and collaborative learning. At the conclusion of the program, participants voted for their favorite book, giving them a direct role in shaping the outcome of the prize. By combining access to high-quality literature with opportunities for discussion and decision-making, Freedom Reads promotes not only literacy and critical thinking but also empowers incarcerated persons to express their perspectives, build confidence, and foster a sense of community within the facility.

Incentive-Based Programming for Incarcerated Persons Continues

EMCF continues to celebrate achievements and encourage positive behavior through incentive-based activities and special events. The *Empowering Women!* Speaker Series remains a key component of these efforts, offering monthly sessions that bring inspiring voices to the incarcerated population. During this reporting period, the series placed a special emphasis on women's health, featuring educational presentations on topics such as the aging process, diabetes, cardiovascular health, breast health, personal care, sexual assault awareness, menopause, perimenopause, and human trafficking prevention.

Publication of the Second Newsletter, Titled “Perceptions Reimagined”

In July 2023, EMCF made a meaningful advancement by supporting the women at the facility in creating their own newsletter, *Perceptions Reimagined*—a title chosen by the incarcerated individuals themselves. AC Tome describes it as a publication “for the incarcerated persons at EMCF, by the incarcerated persons at EMCF,” reflecting its purpose as a platform for their voices and perspectives. The second edition of *Perceptions Reimagined* was released during this reporting period, featuring the following message from its editors:

Welcome to the Spring 2025 Issue! This issue of *Perceptions Reimagined* we're tackling the subjects of Mental Health and Substance Abuse. These are not only hot topics in the world

but right here in our facility. Everyone here is affected by one if not both of these issues, whether it be yourself who struggles or a family member or someone close to you. As women we are challenged with a variety of obstacles, faced with the adversity of prison and personal struggles but we come out on the other side – stronger than ever. We, as the editors are tasked with exemplifying the diversity but the common thread that ties us all together, unifying us in ways, with our shared experiences. Some women have dealt with Mental Health and or Substance Abuse firsthand. Others have been indirectly impacted by these from those around them. This Issue includes first-hand accounts of women and their stories and how they have coped throughout the years and continue to do so within the prison environment. The women of the facility continue to use their voices and artistic abilities to contribute to the changes within our Criminal Justice system as well as within EMCF. Our sisterhood perseveres and grows together and as one we become more trauma-informed and bonds are built that cannot be broken, just like us-The Women of EMCF!

Articles (all written by incarcerated persons) in the newsletter included: The Tortured Mind: The Mental Health Crisis, The Season of Grace and Miracles, Strength in SISTERHOOD: Seeking Help Within The Incarcerated Community, Healing Through Helping Others, Health – Yeah!, The Facts of Life (which discusses trauma, abuse, domestic violence, sexual assault, and the loss of a loved one), Depression, Music is the Language of the Heart and Mind, Healing through Crochet, Stigmas, Stereotypes and Strengths, Biological Factors in Mental Health, and Healing Through Meditation. Together, these articles showcase the creativity, resilience, and insight of the incarcerated women at EMCF, providing a powerful platform for self-expression, reflection, and community-building.

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 NJDOC'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 Commissioner has approved the procurement of the WRNA assessment tool, including all associated costs such as training, the validity study, and software. The Division of Women's Services has submitted the required documentation to the New Jersey Office of Information and Technology (NJOIT) for approval of Noble software; the platform selected to collect and manage WRNA data and continues to work with NJDOC OIT to secure the appropriate on-premises storage. In this context, "securing the appropriate on-premises storage" means establishing a dedicated, on-site computer server rather than using a cloud-based system. This approach was necessary to comply with New Jersey IT procurement rules, as relying on the cloud could have delayed approval by up to an additional year under State Treasury regulations.

Recruitment was initiated for two Program Support Specialist 2 positions, responsible for administering and reviewing the assessments.

Advisory Groups Continue

The NJDOC and EMCF leadership teams regularly meet with three key advisory groups: staff members, incarcerated individuals at EMCF, and the Board of Trustees (BOT). Maintaining ongoing engagement with both staff and the incarcerated individuals at the facility is essential for understanding their concerns and ensuring their feedback informs current and future policies and programs. Regular contact with the Board of Trustees provides an additional layer of oversight, guidance, and accountability, helping leadership align facility operations with broader organizational goals. Commissioner Kuhn, AC Tomé, and Administrator Fusaro recognize that these discussions are critical for guiding decisions on facility operations, incentive programs, re-entry initiatives, accountability measures, and other activities that directly impact the well-being and success of those at EMCF.

C. Strengths

Leadership

The leadership of the New Jersey Department of Corrections, the Assistant Commissioner of Women's Services, and the administrative team at Edna Mahan Correctional Facility have established a strong foundation for ongoing progress toward the goals outlined in the Consent Decree. Their commitment to transparency, accountability, and open communication fosters trust among both staff and the incarcerated population, ensuring that the perspectives and concerns of all within the system are recognized and valued. This leadership is critical for guiding change, particularly in implementing the reforms and initiatives outlined in the Consent Decree, which require sustained effort, collaboration, and adaptability.

Stakeholders/Partners

The Monitor remains impressed by the breadth and quality of external resources and partnerships that the NJDOC has cultivated. The ongoing support from The Moss Group and the attorneys at Lowenstein Sandler LLP has provided expert guidance, strategic advice, and practical assistance that have been instrumental in helping NJDOC and EMCF meet the requirements of the Settlement Agreement. These partnerships not only strengthen compliance efforts but also bring specialized knowledge and best practices that enhance overall operations and staff development. Additionally, the Board of Trustees has consistently demonstrated engaged and effective collaboration with NJDOC and EMCF leadership, providing oversight, guidance, and accountability that support institutional improvements and ensure the successful implementation of key initiatives. Collectively, these external resources and partnerships play a crucial role in ensuring compliance with the Settlement Agreement.

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 persistent bureaucratic obstacles, particularly regarding the Police Training Act and the Police Training Commission (PTC). The Monitor has highlighted this issue repeatedly—in the 3rd, 4th, 5th, 6th, 7th, and now 8th compliance reports, covering the period from August 25, 2022, to August 24, 2025—yet, despite years of attention, no meaningful progress has been made. The problem remains entirely unresolved.

As documented in prior reports, NJDOC operates under the authority of the Police Training Act and the PTC, which is responsible under N.J.S.A. 52:10B-71 for developing and certifying basic training courses for most law enforcement positions. The PTC issues the Basic Law Enforcement Course Trainee Manual, last revised on January 26, 2023, which establishes uniform pre-academy physical fitness requirements across all genders and ages. Trainees are allowed two attempts to meet these standards; failure to do so results in denial of academy admission. Data from the last five NJDOC academy classes indicate that female candidates consistently fail to meet these fitness requirements at significantly higher rates than their male counterparts.

The persistent failure to address this issue has a clear and ongoing negative impact: it disproportionately affects female candidates, limits NJDOC's ability to hire women, and directly hinders compliance with the Consent Decree specific to recruiting and retaining women correctional officers at EMCF. What remains inexplicably unresolved, even after more than three years, is why the Police Training Commission—an agency that reports to the Office of the Governor—has taken no action to remedy this inequity. The complete lack of response underscores a troubling stagnation in addressing a longstanding and well-documented barrier to gender equity in recruitment and staffing.

Prison Facility/Location Challenges

The challenges facing the facility, previously detailed in compliance reports to the Court, remain largely unresolved. EMCF's infrastructure, now more than 110 years old, continues to create persistent problems, including insufficient hot water, electrical disruptions, frequent power outages, and mold infestations. Administrator Fusaro has reported that dozens of maintenance requests remain pending, highlighting the ongoing strain on facility operations.

EMCF's location further compounds these challenges. Many employees face long commutes of 60 to 90 minutes each way, which, combined with the knowledge that the facility is slated for eventual closure, reduces the appeal of working at EMCF compared with other positions within NJDOC. These factors continue to affect staffing, morale, and the overall ability to maintain consistent, high-quality operations.

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.

Staffing at EMCF was identified as a significant area of concern during the drafting of the Settlement Agreement. Section “D” of the Agreement, which focuses on Staffing, is the most detailed section, underscoring its critical importance. It includes six key paragraphs emphasizing the need to develop and maintain a staffing plan that ensures sufficient security personnel to protect incarcerated individuals from sexual abuse. During this reporting period, EMCF experienced a net loss of five (5) custody staff, with eight (8) departures and only three (3) new hires. Paragraph 33 explicitly addresses the recruitment and retention of female correctional officers in compliance with Title VII of the Civil Rights Act of 1964, 42 U.S.C. §§ 2000e, et seq. Despite this, since the start of the Settlement Agreement in August 2021, the facility has lost a total of 21 female correctional officers.

Discussions with staff revealed that excessive overtime remains a significant challenge. Custody personnel reported routinely working two to three overtime shifts per week, with many resigning themselves to the expectation that “this is just a fact of working here.” Overtime is particularly common for those scheduled from Thursday through Sunday, and third-shift staff (10 PM to 6 AM) face especially demanding conditions. With the fewest personnel assigned to this shift and the largest incoming shift, third-shift staff often work overtime four to five times per week. This relentless schedule has left many custody staff exhausted, discouraged, and experiencing high levels of burnout, further complicating recruitment, retention, and the facility’s ability to maintain adequate staffing levels.

E. Opportunities for Continued Progress/Improvement

Special Investigation Divisions’ Investigative Reports

As noted in the “Updates” section of this report, a 2024 publication by the New Jersey Office of the State Comptroller (OSC) identified shortcomings in the thoroughness and objectivity of investigations conducted by NJDOC’s Special Investigations Division before 2022. In response, the Monitor has increased the level of scrutiny applied to investigation files and expanded monthly discussions with NJDOC regarding these cases. The Monitor commends the Assistant Commissioner of the Special Investigations Division for her exemplary efforts to identify systemic issues and strengthen the policies, training, and practices that guide PREA investigations. A Memorandum of Understanding between the NJDOC and the Office of the Correctional Ombudsperson (OCO), which is expected to provide additional insight, enhance objectivity, and add an essential layer of oversight to the Division’s investigative process, was finalized on October 8, 2025. Some investigators would also benefit from continued education and training.

Continued Focus on Confidentiality and Retaliation:

Protecting the confidentiality of PREA investigations is essential to ensuring that incarcerated persons feel safe coming forward to report sexual misconduct. Equally important is holding staff accountable for any form of retaliation, as even minor reprisals can discourage reporting and erode trust in the system. While both areas received a substantial compliance rating, the realities of prison culture—where staff and incarcerated persons interact frequently—mean that some incarcerated individuals may still perceive or experience retaliation. For this reason, maintaining strong confidentiality and accountability for any acts of retaliation must remain a top priority for EMCF to ensure a safe, transparent, and responsive correctional environment.

LOGISTICS

Compliance Visit

The eighth compliance visit took place from September 16–19, 2025. During this visit, the Monitor and her Associate conducted interviews with staff and incarcerated individuals and toured multiple facility locations. In preparation, the Monitor identified over 60 individuals for interviews, selecting participants based on their direct or indirect roles in implementing and overseeing various components of the Settlement Agreement.

Additionally, the Monitor 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 participants chosen at random. To guide the visit, the Monitor developed a set of key questions and discussion topics, along with a list of documents for review, as outlined in the monitoring tool, which served as reference points for assessing compliance with the Settlement Agreement.

The Monitor also conducted follow-up video meetings with staff and stakeholders to accommodate scheduling needs and improve efficiency; these meetings are documented below.

- Administrator Bryan Fusaro
- Associate Administrator and LEP Coordinator Tiffany Thompson
- Assistant Superintendent Randy Anema
- Assistant Superintendent Amelia Renshaw, Edna Mahan PREA Compliance Manager
- Board of Trustee Member Kathleen Witcher
- Board of Trustee Member Bonnie Kerness
- 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
- 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
- Chief of Programs and Reintegration Services, Dr. Darcella Sessomes
- EMCF Outpatient Mental Health Counselor and Sexual Assault Advisory Council Member Dr. James Cassidy
- 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
- EMCF Ombudsperson Office Staff Roshunda Simmons
- Ombudsperson Office Staff Mary Ann Conte
- 3 Lieutenants from EMCF, including one from the Satellite building
- 4 Sergeants from EMCF, including one from the Satellite building

The agenda for the onsite compliance visit was as follows:

Tuesday, September 16, 2025:

- Observed Morning Briefing
- Interview with IP who filed an allegation against staff during this reporting period
- Interview with IP who filed an allegation against staff during this reporting period
- Interview with IP who had an investigation resolved during this reporting period
- Interview with Mandarin-speaking IP
- Tour of the Hillcrest Dorm (in-patient drug and alcohol program)
- Tour of the South Hall Dormitory
- Interview with LEP Incarcerated Person who had a disciplinary hearing and who has been at EMCF for less than 3 years
- Interview with LEP Incarcerated Person who has been at EMCF for less than 3 years
- Interview with IP who had an investigation resolved during this reporting period
- IP Focus Group – Max #1
- Interview with LEP Incarcerated Person who has been at EMCF less than 3 years

Wednesday, September 17, 2025:

- Observed Morning Briefing
- IP Focus Group – Max #2
- Tour of Food Services/Officers Dining Room Area
- Tour of C Cottage (inpatient mental health)
- Tour of new Wellness Room
- Tour of Design Studio
- Interview with SID Chief Investigator Timothy Gonzalez
- Interview with LEP Incarcerated Person who had a disciplinary hearing and who has been at EMCF for more than 4 years

- Interview with LEP Incarcerated Person who had a disciplinary hearing during this reporting period
- Observed 2nd Shift Line-up
- Interview with LEP Incarcerated Person who had a disciplinary hearing during this reporting period
- Interview with LEP Incarcerated Person who has been at EMCF for less than 3 years
- Interview with IP, who is the alleged victim of a sexual assault at EMCF
- Staff Focus Group – 1st shift custody
- Interview with LEP Incarcerated Person who had a disciplinary hearing during this reporting period
- Non-Custody Staff Focus Group
- IP Focus Group – Satellite Bldg #1
- IP Focus Group – Satellite Bldg #2
- Staff Focus Group – 2nd shift custody
- Staff Focus Group – 3rd shift custody

Thursday, September 18, 2025:

- Observed Morning Briefing
- Interview with IP who filed an allegation against staff during this reporting period
- Interview with IP who filed an allegation of retaliation against staff during this reporting period
- Interview with IP who requested to have retaliation monitoring extended
- Interview with Assistant Superintendent Maureen Hayes
- Interview with Identification Officer
- Interview with LEP Incarcerated Person who has been at EMCF for less than 3 years
- Interview with LEP Incarcerated Person who has been at EMCF for less than 3 years
- Interview with LEP Incarcerated Person who has been at EMCF for more than 4 years
- Interview with LEP Incarcerated Person who has been at EMCF for more than 4 years
- Interview with LEP who speaks Haitian-Creole
- Reviewed retaliation log maintained by IPCM
- Interview with Training Lieutenant – reviewed training records
- Close out meeting with Administrators

Friday, September 19, 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 representatives from medical, mental health, and substance abuse departments. These groups included a diverse mix of male and female staff from various racial and ethnic backgrounds. Each group was asked a consistent set of questions regarding their roles and responsibilities related to PREA and sexual safety, followed by discussions based on their responses. Similar conversations were also held with staff informally during the facility tour.

In addition, the Monitor and her Associate held four focus groups with incarcerated individuals, carefully selected to reflect racial diversity and a range of housing units. Two groups were drawn from the maximum-security unit and two from the Satellite building, totaling 24 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. Informal discussions on these topics also took place with other incarcerated individuals throughout the facility tour.

Process of Compliance Report and Monitoring Tool

- 1) NJDOC sent a semi-annual status report to DOJ and the Monitor on August 24, 2025.
- 2) The Monitor sent the first draft report and monitoring tool to both parties on 10/14/2025. The agreement allows for a two-week period of review by both parties.
- 3) Due to the federal government lapse in funding from October 1, 2025, to November 12, 2025, the Parties and the Monitor agreed that comments on the Eighth Monitor Report would be submitted within 15 days of the federal government reopening.
- 4) The Monitor received the comments from the Department of Justice on November 20, 2025.
- 5) The Monitor received the comments from NJDOC on November 20, 2025.
- 6) The Monitor participated in conference calls with both parties on November 24, 2025.
- 7) 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.
- 8) The Monitor submitted the final report to the Court on December 3, 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 (after the dismissal of 38 paragraphs). The Monitor determined that 51 paragraphs achieved a “substantial compliance” rating and one was “not applicable” during this review. It is important to note that the ratings presented reflect only the current reporting period. All requirements of the Settlement Agreement must remain a primary focus and be consistently followed in future reporting periods. The issues that prompted the creation of the Settlement Agreement are systemic in nature and require sustained, ongoing efforts to achieve the lasting changes necessary to enhance safety at EMCF.

CLOSING OBSERVATIONS

The Monitor observed continued progress at EMCF during this reporting period. Leadership teams at both the New Jersey Department of Corrections and EMCF have demonstrated a strong and sustained commitment to meeting the requirements of the Settlement Agreement and enhancing safety for staff and incarcerated individuals alike.

The Monitor also recognizes and appreciates the high level of cooperation from NJDOC and EMCF throughout this reporting period. Requests for documents and information were consistently met in a thorough and timely manner, and both the Monitor and the Department of Justice (DOJ) were promptly notified of any incidents or allegations of sexual abuse or retaliation.

To support ongoing communication and timely issue resolution, regular conference calls have been established between the Monitor, the DOJ, and NJDOC. These calls facilitate collaborative review of active cases and ensure that emerging concerns are addressed quickly and effectively.

Overall, the Monitor acknowledges and commends NJDOC and EMCF for their strong dedication to the full and effective implementation of the Settlement Agreement. During this reporting period, all conditions of the Settlement Agreement were found to be in compliance, reflecting a consistent and system-wide commitment to enhancing the safety and well-being of both staff and incarcerated individuals. The working relationship among NJDOC, Lowenstein Sandler, the Department of Justice, and the Monitor remains collaborative, constructive, and solution-focused, with all parties aligned in their shared goal of enhancing sexual safety at EMCF. The Monitor recognizes the significant progress achieved over the past six months and anticipates that these efforts will continue to strengthen the culture of safety, accountability, and support within the facility.