

INTRODUCTION:

¶ 125 Monitoring Reports:

The Monitor will conduct an on-site inspection and issue a Monitoring Report for Edna Mahan six months after the baseline site visit, and then every six months thereafter. A draft Monitoring Report will be provided to NJDOC and DOJ in draft form for comment at least 30 days prior to its issuance. NJDOC and DOJ will provide comments, if any, to the Monitor within 15 days of receipt of the draft Report. The Monitor will consider the responses of NJDOC and DOJ and make appropriate changes, if any, before issuing the final Monitoring Report.

Requirements:

- ¶ 125 a. Within two months of the Effective Date, the Monitor will conduct a baseline site visit of Edna Mahan to become familiar with Edna Mahan and this Agreement.
- ¶ 125 b. The Monitor will conduct an on-site inspection and issue a Monitoring Report for Edna Mahan six months after the baseline site visit, and then every six months thereafter. A draft Monitoring Report will be provided to NJDOC and DOJ in draft form for comment at least 30 days prior to its issuance. NJDOC and DOJ will provide comments, if any, to the Monitor within 15 days of receipt of the draft Report. The Monitor will consider the responses of NJDOC and DOJ and make appropriate changes, if any, before issuing the final Monitoring Report.
- ¶ 125 c. The Monitoring Reports will describe the steps taken by Edna Mahan to implement this Agreement and evaluate the extent to which Edna Mahan has complied with each substantive provision of the Agreement, as set forth in the numbered Paragraphs herein, beginning with Paragraph 10 and ending at Paragraph 111.
- ¶ 125 d. Each Monitoring Report will evaluate the status of compliance for each relevant provision of the Agreement using the following standards: (1) Substantial Compliance; (2) Partial Compliance; and (3) Non-compliance.
- ¶ 125 e. The Monitor will review a sufficient number of pertinent documents and interview a sufficient number of staff and prisoners to accurately assess current conditions. The provision of documents and scheduling of interviews shall be set up through the Agreement Coordinator.
- ¶ 125 f. Each Monitoring Report will describe the steps taken by each member of the monitoring team to analyze conditions and assess compliance, including documents reviewed and individuals interviewed, and the factual basis for each of the Monitor's findings.
- ¶ 125 g. Each Monitoring Report will contain the Monitor's independent verification of representations from Edna Mahan regarding progress toward compliance, and examination of supporting documentation.
- ¶ 125 h. Each Monitoring Report will provide specific, non-binding recommendations, if applicable, for each of the provisions in the Agreement outlining proposed actions for at least the next six months for Edna Mahan to complete toward achieving compliance with the particular provision.

III. SUBSTANTIVE PROVISIONS:

A. III. SUBSTANTIVE PROVISIONS: General Policies and Procedures

NJDOC and Edna Mahan shall develop and implement policies, procedures, and practices at Edna Mahan to ensure that prisoners are protected from harm due to sexual abuse and sexual harassment. Accordingly, and specifically:

- ¶ 10 During the first nine (9) months following the Effective Date, NJDOC and Edna Mahan will ensure the policies and procedures related to the topics specified below are drafted and/or revised in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable.
- ¶ 10 a. Sexual Assault, Sexual Abuse, and Sexual Harassment;
 - ¶ 10 b. Prisoner Supervision;
 - ¶ 10 c. Camera Management;
 - ¶ 10 d. Staff/Prisoner Over-Familiarity;
 - ¶ 10 e. Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment;
 - ¶ 10 f. Prisoner Education;
 - ¶ 10 g. Cross-gender searches and viewing;
 - ¶ 10 h. Protective Custody;
 - ¶ 10 i. Prevention of Retaliation;
 - ¶ 10 j. Response to Allegations of Sexual Abuse or Sexual Harassment;
 - ¶ 10 k. Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment;
 - ¶ 10 l. Staff Reporting of Personal Relationships.

Requirements:

- ¶ 10 NJDOC and Edna Mahan shall provide any policies and procedures developed or revised in accordance with this Agreement to the Monitor for comment and approval to accomplish the timeframes in this Agreement.
- ¶ 10 The Monitor will provide feedback on these policies and procedures promptly to Edna Mahan, but at all times within thirty (30) days
- ¶ 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

- ¶ 42. Policies and procedures at Edna Mahan shall require that contractors and volunteers who have contact with prisoners but are not directly supervised by NJDOC or Edna Mahan employees comply with Edna Mahan's sexual abuse and sexual harassment policies and procedures.
- ¶ 45 To the extent that revisions are made to policies or procedures, or new policies or procedures are developed to comply with this Agreement, NJDOC and Edna Mahan will work with the Monitor in drafting new training materials and/or revising current training materials to ensure the training materials are current.

Monitor's Measure of Compliance re A. General Policies and Procedures ¶ 10:

- Level 1 and Level 3 Policy on Sexual Assault, Sexual Abuse, and Sexual Harassment drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Prisoner Supervision drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Camera Management drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Staff/Prisoner Over-Familiarity drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Prisoner Education drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Cross-gender searches and viewing drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Protective Custody drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Prevention of Retaliation drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Response to Allegations of Sexual Abuse or Sexual Harassment drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment drafted and/or revised by May 24, 2022
- Level 1 and Level 3 Policy on Staff Reporting of Personal Relationships drafted and/or revised by May 24, 2022
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan to ensure that prisoners are protected from harm due to sexual abuse and sexual harassment

Steps taken by NJDOC and EMCF towards implementation

A. General Policies and Procedures ¶ 10:

2/24/22 Status Report

Policy Revision Due Date: 5/24/22

Policy Implementation Date: 8/24/22

The New Jersey Department of Corrections (NJDOC) and Edna Mahan Correctional Facility Prison (EMCF) have had written policies in place to comply with the provisions of PREA since April 21, 2008. The guidelines in those policies have been implemented and staff has been fully trained.

All policies enumerated in Paragraph 10 are currently under review or being drafted to ensure full compliance with the terms of this Agreement and will be submitted to DOJ and the Monitor according to the timeline in this Agreement.

The policies already in place at NJDOC and EMCF that include provisions related to “*Prevention, Detection, and Response to Sexual Abuse and Harassment*” are PCS.001.008 PREA Compliance Policy and IMM.001.004 Zero Tolerance Prison Sexual Assault. PCS.001.008 was promulgated effective in April 2020 while IMM.001.004 was originally published on April 21, 2008, and currently is still in effect. PCS.001.008, along with other applicable policies, is currently under review to ensure compliance with: (1) NJDOC’s annual review policy; (2) the provisions of this Agreement; (3) any corrective actions identified in the pending PREA Audit; and (4) IMP PCS.001.TGI.01 *Transgender, Intersex and Non-Binary Prisoners*. PCS.001.008 is a NJDOC Policy Statement (NJDOCPS), which is an internal management document issued and signed by the NJDOC Commissioner or designee, that impacts the operation of all organizational units under the authority of the NJDOC Commissioner. NJDOCPS are definitive statements that identify an issue of concern regarding the administration of the NJDOC or the operation of a program within the NJDOC. Corresponding Internal Management Procedures (IMPs) are detailed, step-by-step descriptions of the sequence of activities necessary for achieving the specific intent of the NJDOCPS. A policy may exist without a procedure; however, a procedure cannot exist without a policy. NJDOCPS are Level 1 documents (i.e., applicable across NJDOC facilities) that are reviewed and revised as needed and will be reviewed at least annually.

Monitor’s Finding of Compliance re A. General Policies and Procedures ¶ 10:

- Substantial Compliance
- Partial Compliance
- Non-compliance

N/A not required until May 2022

N/A monitor granted an extension until [date]

Monitor’s Discussion re A. General Policies and Procedures ¶ 10:

Recommendations re A. General Policies and Procedures ¶ 10:

A. General Policies and Procedures

¶ 11 Within one year of the Effective Date, all policies and procedures specified to be drafted and/or revised to incorporate and align them with the provisions in this Agreement will be adopted by Edna Mahan.

Requirements:

- ¶ 11 Edna Mahan will work with the Monitor to prioritize policies and procedures to accomplish the timeframes in this Agreement.
- ¶ 12 Prior to adoption, Edna Mahan will provide a copy of the policy or procedure to DOJ for review, comment, and approval, with any disputes to be resolved by the Court. DOJ will not unreasonably refuse to approve submitted policies or procedures.
- ¶ 12 DOJ will provide feedback on these policies and procedures promptly to Edna Mahan, but at all times within thirty (30) days so that NJDOC can satisfy mandated timeframes.
Edna Mahan will address all comments or make any changes requested by DOJ within thirty (30) days after receiving the comments and resubmit the policies and procedures to DOJ for review and approval, as necessary.
DOJ will respond within thirty (30) days.
- ¶ 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re A. General Policies and Procedures ¶ 11:

- Level 3 Policy on Sexual Assault, Sexual Abuse, and Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Prisoner Supervision signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Camera Management signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Staff/Prisoner Over-Familiarity signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Prisoner Education signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Cross-gender searches and viewing signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Protective Custody signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Prevention of Retaliation signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Response to Allegations of Sexual Abuse or Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment signed by Edna Mahan Administrator by August 24, 2022
- Level 3 Policy on Staff Reporting of Personal Relationships signed by Edna Mahan Administrator by August 24, 2022
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan to ensure that prisoners are protected from harm due to sexual abuse and sexual harassment
- Random review of policies during onsite visit

Steps taken by NJDOC and EMCF towards implementation

Policy Implementation Date: 8/24/22

A. General Policies and Procedures ¶ 11:

2/24/22 Status Report

NJDOC plans to meet the due dates for implementation of the relevant policies as indicated in this Agreement (i.e., all revised or newly drafted policies will be submitted to DOJ and the Monitor by 5/24/22 and will be implemented by 8/24/22). Ensuring the respectful safety of those in our care and appropriately preventing, detecting, and responding to allegations of sexual abuse and sexual harassment in a trauma-informed and gender-responsive manner is a primary focus for NJDOC and EMCF. Steps that have been taken by NJDOC at EMCF to demonstrate this priority include:

- (1) PREA Pre-Audit conducted by The Moss Group, Inc. (TMG) and NJDOC, EMCF staff in July 2021;
- (2) Installation of a state-of-the-art video surveillance system. The new camera system has 353 cameras, with 700 views, and 4 viewing stations. The system went live on 12/13/21. The first staff training was held on February 3, 2022, for staff regarding access, passwords, and codes.
- (3) Body-Worn Camera (BWC) pilot program at EMCF began to roll out on April 26, 2021. We began by issuing a small number of cameras on each shift. Initially, cameras were deployed to supervisors, and to officers assigned to areas that had a higher incidence of prisoner violence, such as restrictive housing units. The number of BWCs incrementally increased each day, and we were able to assess any issues encountered with tagging and uploading of footage. On June 1, 2021, we reached full deployment with 190 BWCs in rotation, equipping all staff on each shift with regular contact with incarcerated individuals.
- (4) TMG has been retained to assist with compliance with this Agreement and provide extensive training to staff including EMCF's Institutional PREA Compliance Manager (IPCM) on the duties of an IPCM, including what to expect, the responsibilities of an IPCM, what a PREA audit entails, and how to accomplish the many tasks of a skilled IPCM.

EMCF was audited for PREA Compliance on August 3-5, 2021, but has not received the official results at the time of this report writing.

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 11:

- Substantial Compliance
- Partial Compliance
- Non-compliance

N/A not required until August 24, 2022

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 11:

Recommendations re A. General Policies and Procedures ¶ 11:

A. General Policies and Procedures

¶ 13 No later than ninety (90) days after DOJ's approval of each policy and procedure (except as otherwise stated in the Agreement), Edna Mahan will create a staff training plan that addresses the training requirements of each policy or procedure revised.

Requirements:

¶ 13 Each training plan will specify (i) staff to be trained and (ii) the date(s) of training planned.

Each staff training plan will be provided to both DOJ and the Monitor.

¶ 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re A. General Policies and Procedures ¶ 13:

- Training Plan developed for Policy on Sexual Assault, Sexual Abuse, and Sexual Harassment no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Prisoner Supervision no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Camera Management no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Staff/Prisoner Over-Familiarity no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Prisoner Education no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Cross-gender searches and viewing no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Protective Custody no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Prevention of Retaliation no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Response to Allegations of Sexual Abuse or Sexual Harassment no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment no later than 90 days after DOJ's approval of policy
- Training Plan developed for Policy on Staff Reporting of Personal Relationships no later than 90 days after DOJ's approval of policy

Steps taken by NJDOC and EMCF towards implementation

A. General Policies and Procedures ¶ 13:

Policy Implementation Date: 8/24/22

Training Plan Creation: 90 days after DOJ approval

2/24/22 Status Report

NJDOC is prepared to provide updated training plans to the Monitor and DOJ according to the timeline indicated in this Agreement, that is, within 90 days of DOJ's approval of each relevant policy.

In addition, EMCF staff has received annual PREA training for over a decade, beginning in 2008. The most recent training for all applicable staff was held in January and February of 2022. The training was facilitated through an in-person instructor, utilizing the NJDOC PREA video. It also included information on "Gender Informed Practices," from the National Institute of Corrections. These materials were provided to the Monitor and DOJ on 11/10/21.

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 13:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until August 24, 2022

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 13:

Recommendations re A. General Policies and Procedures ¶ 13:

A. General Policies and Procedures

- ¶ 14 Unless otherwise agreed to by the Parties, all policies and procedures specified in Paragraph 10 will be fully implemented upon completion of the staff training plan, with a goal of all training being completed within eighteen (18) months or sooner of DOJ's approval of the policy or procedure (except as otherwise stated in the Agreement).

Requirements:

- ¶ 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re A. General Policies and Procedures ¶ 14:

- Training completed for all EMCF staff on Policy on Sexual Assault, Sexual Abuse, and Sexual Harassment no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on Policy on Prisoner Supervision no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on Policy on Camera Management no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on Policy on Staff/Prisoner Over-Familiarity no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on Prisoner Education no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on gender searches and viewing no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on Protective Custody no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on Prevention of Retaliation no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on Response to Allegations of Sexual Abuse or Sexual Harassment no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment no later than 18 months after DOJ's approval of policy
- Training completed for all EMCF staff on Staff Reporting of Personal Relationships no later than 18 months after DOJ's approval of policy

Steps taken by NJDOC and EMCF towards implementation

A. General Policies and Procedures ¶ 14:

Policy Implementation Date: 8/24/22

Training Plan Creation: 90 days after DOJ approval

Full Training Compliance: 18 months after DOJ approval

2/24/22 Status Report

NJDOC is prepared to comply with Paragraph 14 by ensuring all EMCF staff have received approved policies and have been fully trained on compliance with those policies within the timeline indicated in this Agreement, that is, within 18 months of DOJ's approval of each relevant policy.

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 14:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until August 24, 2022

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 14:

Recommendations re A. General Policies and Procedures ¶ 14:

A. General Policies and Procedures

¶ 15 Edna Mahan will annually review its policies and procedures, revising them as it deems necessary. Any revisions to the policies and procedures will be submitted to DOJ for approval in accordance with Paragraph 12.

Requirements:

¶ 12 Prior to adoption, Edna Mahan will provide a copy of the policy or procedure to DOJ for review, comment, and approval, with any disputes to be resolved by the Court. DOJ will not unreasonably refuse to approve submitted policies or procedures. DOJ will provide feedback on these policies and procedures promptly to Edna Mahan, but at all times within thirty (30) days so that NJDOC can satisfy mandated timeframes.

Edna Mahan will address all comments or make any changes requested by DOJ within thirty (30) days after receiving the comments and resubmit the policies and procedures to DOJ for review and approval, as necessary. DOJ will respond within thirty (30) days.

¶ 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Note: See paragraph 29

Monitor's Measure of Compliance re A. General Policies and Procedures ¶ 15:

- List of all EMCF policies submitted to Monitor
- Documentation that all policies reviewed annually, beginning 2022 (Other than policies specified in Paragraph 10)
- List of all EMCF post orders (procedures)
- Documentation that all post orders reviewed annually, beginning 2022

**Steps taken by NJDOC and EMCF towards implementation re
A. General Policies and Procedures ¶ 15:**

**Initial Policy Implementation Date: 8/24/22
Annual review: 7/5/23, 7/5/24
Final Policy Implementation Date: 8/24/23,
8/24/24**

2/24/22 Status Report

NJDOC is prepared to comply with Paragraph 15 by reviewing all policies annually and submitting any policy revisions for approval by DOJ.

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 15:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until August 24, 2022

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 15:

Recommendations re A. General Policies and Procedures ¶ 15:

A. General Policies and Procedures

¶ 16 NJDOC and Edna Mahan shall comply with Edna Mahan’s Internal Management Procedure Titled Zero Tolerance Policy: Prison Sexual Assault, mandating zero tolerance toward all forms of sexual abuse and sexual harassment, and any revision to or replacement of that policy.

Requirements:

Monitor’s Measure of Compliance re A. General Policies and Procedures ¶ 16:

- Agency Level 1 policies mandating zero tolerance
- Edna Mahan Level 3 policies mandating zero tolerance
- Training schedules for staff attending PREA training at Edna Mahan
- PREA Training Curriculum for staff
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct PREA policy compliance and zero tolerance
- Interviews with various officials regarding their knowledge and roles in implementing the PREA policy
- Focus group meetings with staff regarding their knowledge and roles in implementing the PREA policy
- Focus group meetings with prisoners regarding their knowledge to be safe from all forms of sexual abuse and sexual harassment
- On Site Tour impressions-posters advertising PREA and “PREA phone line” ensuring phone lines work to report an allegation, etc.

Steps taken by NJDOC and EMCF towards implementation re

A. General Policies and Procedures ¶ 16:

2/24/22 Status Report

NJDOC and EMCF **continue** to comply with NJDOC’s written policies and procedures mandating zero-tolerance toward all forms of sexual abuse and sexual harassment.

Policies IMM.001.004 *Zero Tolerance Policy: Prison Sexual Assault* and PCS.001.008 *Prevention, Detection, Response to Sexual Assault and Harassment* include zero tolerance procedures and are currently under review to ensure compliance with the terms of this Agreement. All staff have been trained on the zero-tolerance policy and all components of the policy are in practice at EMCF. The most recent training was conducted in January and February 2022, and training records have been submitted to the Monitor and DOJ.

Monitor's Finding of Compliance re A. General Policies and Procedures ¶ 16:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re A. General Policies and Procedures ¶ 16:

Page 2 of 64, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "It is the policy of the NJDOC to maintain a zero tolerance toward all forms of prisoner sexual abuse and prisoner sexual harassment.". And the rest of the 62 pages provides guidance to support how to maintain a zero tolerance. That guidance includes staff training, prisoner education, prevention planning, reporting, responding to allegations, and data collection and review.

The Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73 titled, Zero Tolerance Prison Sexual Assault states, "It is the policy of the New Jersey Department of Corrections to maintain a zero tolerance toward all forms of sexual abuse and sexual harassment, and actively enforce all internal policies and procedures related to the prevention, detection, and response to such conduct.

On February 18, 2022, NJDOC notified the Monitor that all Edna Mahan staff were trained or retrained in the one-hour PREA curriculum. The Monitor reviewed the PREA video, script, and facilitator guide that was used during this recent PREA training. The curriculum included information on NJDOC and Edna Mahan's zero-tolerance policy for sexual abuse and sexual harassment; how to fulfill staff responsibilities under its sexual abuse and sexual harassment prevention, detection, reporting, and response policies and procedures; the right of prisoners to be free from sexual abuse and sexual harassment; the right of prisoners and employees to be free from retaliation for reporting sexual abuse and sexual harassment; the dynamics of sexual abuse and sexual harassment in confinement; the common reactions of sexual abuse and sexual harassment victims; how to respond to sexual abuse and sexual harassment; signs of threatened and actual sexual abuse; how to avoid inappropriate relationships with prisoners; and how to communicate effectively and professionally with prisoners.

During the onsite compliance interviews, the Monitor or her Associate spoke with various staff and officials regarding their knowledge and roles in implementing the PREA policy. Everyone we spoke to was very aware of what their roles were in maintaining a zero tolerance toward all forms of prisoner sexual abuse and prisoner sexual harassment.

During the compliance visit, the Monitor or her Associate met with several prisoners asking if they knew about their right to be safe from all forms of sexual abuse and sexual harassment. Each of these prisoners confirmed they were aware of this right.

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

Recommendations re A. General Policies and Procedures ¶ 16:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise twelve policies; each of which provides guidance to support how to maintain a zero tolerance. Those policies are: Sexual Assault, Sexual Abuse, and Sexual Harassment; Prisoner Supervision; Camera Management; Staff/Prisoner Over-Familiarity; Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment; Prisoner Education; Cross-gender searches and viewing; Protective Custody; Prevention of Retaliation; Response to Allegations of Sexual Abuse or Sexual Harassment; Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment; and Staff Reporting of Personal Relationships.

Additionally, the Settlement Agreement requires that all the above policies be adopted by Edna Mahan. Once the Level 1 and Level 3 policies and/or procedures are re-written, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies.

B. Prisoner Supervision

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

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

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

Steps taken by NJDOC and EMCF towards implementation

Post Orders submitted: 2/14/22

B. Prisoner Supervision ¶ 18:

2/24/22 Status Report

Post Orders, also referred to as Custody Directive IMPs, are written, implemented, and designed to familiarize staff with the policies and procedures regarding Officer Responsibilities. The goal of each is to enable consistency and conformity in the performance of job techniques. Post Orders are often revised to reflect changes and needs of the facility. Current Post Orders have been provided to DOJ and the Monitor. Specific to this paragraph, Post Orders written for officers assigned to all housing areas and dormitory settings have been provided in accordance with the provisions set forth in this Agreement.

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

- Substantial Compliance
- Partial Compliance
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 18:

There are twelve (12) Internal Management Procedure (IMP) Custody Directives, also known as "post orders," related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all housing areas and dormitory settings.

The post orders and their revision dates include:

- Maximum Housing Unit revised February 1, 2022
- Reception Unit Housing revised February 2, 2022
- South Hall North Wing revised February 3, 2022
- Grounds Housing Unit revised February 3, 2022
- Restorative Housing Unit revised February 3, 2022
- Close Custody Unit revised February 10, 2022
- Adjustment Unit revised February 10, 2022
- Substance use Disorder Unit/Hillcrest Unit revised February 10, 2022
- Limited Privileges Unit revised February 11, 2022
- Special Housing Prisoner revised February 11, 2022
- Emergency Confinement revised February 11, 2022
- Residential Treatment Unit revised February 11, 2022

Recommendations re B. Prisoner Supervision ¶ 18:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include the requirements for providing supervision and contact with the prisoners in the housing units be included in these policies.

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

B. Prisoner Supervision

- ¶ 19 Within six months of the Effective Date, Edna Mahan shall ensure that there is adequate supervision by corrections staff assigned to all housing areas and dormitory settings, in that:
- ¶ 19 a Housing Unit Officers in units operated as Direct Supervision shall interact directly with the prisoners in the housing units providing supervision and contact from within the housing unit throughout the shift;
- ¶ 19 b Housing Unit Officers in units not designated for Direct Supervision shall provide continuous supervision of prisoners through indirect supervision from vantage points outside of the unit and routine, unannounced rounds in accordance with Paragraph 22; and
- ¶ 19 c In all housing units, Housing Unit Officers shall conduct living area searches and cell/bed searches as required by policy.

Requirements:

- ¶ 22 Edna Mahan shall ensure and document that, absent exigent circumstances, correction officers conduct unannounced rounds at least every hour inside each general population housing unit and at least once every 30-minute period for units that include special management prisoners (as referenced in Paragraph 20), or more often if deemed necessary by Edna Mahan.
- ¶ 24 Edna Mahan shall ensure that all security rounds are documented on bound logs with pre-printed sequential page numbers that do not contain pre-printed rounding times, and that are maintained on each housing unit, or in an electronic format that does not contain pre-established rounding times and is accessible on each housing unit.
- ¶ 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re B. Prisoner Supervision ¶ 19:

- ¶ 19 a
- No later than February 24, 2022, Post Orders have been written for Housing Units operated as Direct Supervision, documenting the requirement that Housing Unit Officers interact directly with the prisoners
 - Every month (after the Post Orders have been written), Monitor will request a List of all Officers who worked in a (randomly selected) Direct Supervision housing unit
 - Every month (after the Post Orders have been written), Monitor will request documentation that any/all Officers who worked in that same (randomly selected) Direct Supervision housing unit read, and acknowledged understanding of, the requirement that Housing Unit Officers interact directly with the prisoners
 - Every month, (beginning January 2022) Monitor will request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, documenting rounds made by Housing Unit Officers
 - Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Housing Unit Officers to interact directly with the prisoners

- Interviews with staff regarding their knowledge and roles to interact directly with the prisoners
- Review logbooks during On Site Tour

¶ 19 b

- No later than February 24, 2022, Post Orders have been written for Housing Units not designated for Direct Supervision, documenting the requirement that Housing Unit Officers conduct routine, unannounced rounds
- Every month (after the Post Orders have been written), Monitor will request a List of all Officers who worked in a (randomly selected) Housing Unit not designated for Direct Supervision housing unit
- Every month (after the Post Orders have been written), Monitor will request documentation that any/all Officers who worked in that same (randomly selected) Housing Unit not designated for Direct Supervision read, and acknowledged understanding of, the requirement that Housing Unit Officers conduct routine, unannounced rounds
- Every month, (beginning January 2022) Monitor will request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, documenting rounds made by Housing Unit Officers
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Housing Unit Officers to conduct routine, unannounced rounds
- Interviews with staff regarding their knowledge and roles to conduct routine, unannounced rounds.
- Direct observations during On Site Tour
- Review logbooks during On Site Tour

¶ 19 c

- Agency Level 1 policy on Searches of Prisoners and Correctional Facilities
- Edna Mahan Level 3 policy on Searches of Prisoners and Correctional Facilities
- Training Curriculum provided to correctional staff on conducting living area searches and cell/bed searches
- Every month (beginning January 2022) Monitor will request documentation of living area searches and cell/bed searches conducted during the previous month in a (randomly selected) Housing Unit
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct Housing Unit Officers to conduct living area searches and cell/beds searches
- Interviews with staff regarding their knowledge and roles to conduct living area searches and cell/bed searches
- Direct observations during On Site Tour
- Review documentation on living area and cell/bed searches during On Site Tour

Steps taken by NJDOC and EMCF towards implementation re

B. Prisoner Supervision ¶ 19:

2/24/22 Status Report

Due Date: February 24, 2022

Status: Continued Compliance

All units at EMCF **continue** to operate as Direct Supervision. Accordingly, officers interact directly with prisoners and conduct routine, unannounced rounds every half hour, which include checking all bars, doors and windows for security breaches and being observant for

unauthorized activity and the concealment of contraband. This includes all cells, common areas, recreation areas, stairwells and kitchens. Officers document all tours in the unit and any incident and/or activity that precluded a unit tour, if applicable, in a bound logbook. At EMCF, the formal count process is also considered a tour.

Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 19:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 19:

Paragraph 19a and 19b

Note: As per NJDOC and DOJ discussion and agreement, "direct supervision" of special management prisoners "without physical barriers" means that officers routinely patrol special management units and interact directly with prisoners in those units; specifically, when prisoners are outside of their cells, officers interact directly as safety allows, and when prisoners are inside their cells, officers patrol and interact with prisoners from outside cells. Safety concerns preventing direct officer interaction with particular prisoners will be accommodated. Therefore, all EMCF special management units operate as Direct Supervision areas.

There are twelve (12) Internal Management Procedure (IMP) Custody Directives, also known as "post orders," related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all housing areas and dormitory settings. All of these post orders were recently revised and include the expectation that prisoners shall be observed regularly and frequently by custody staff. All of the Post Orders also state that Officers will conduct routine, unannounced rounds every half an hour, and that unit Officers shall document all tours in the unit logbook. The twelve (12) IMP Custody Directives related to housing units are:

- Maximum Housing Unit
- Reception Unit Housing
- South Hall North Wing
- Grounds Housing Unit
- Restorative Housing Unit

- Close Custody Unit
- Adjustment Unit
- Substance use Disorder Unit/Hillcrest Unit
- Limited Privileges Unit
- Special Housing Prisoner
- Emergency Confinement
- Residential Treatment Unit

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states, “All officers are responsible for conducting regular and frequent housing unit tours approximately every thirty minutes during an officer's tour of duty. All unit Officers shall document all tours in the unit logbook and any incident and/or activity that precluded a unit tour, if applicable.”

In January 2022, the Monitor requested copies of the logbook pages from C Cottage Residential Treatment Unit for the week of December 13 – 19, 2021. The Monitor reviewed all logbook entries to verify the timing of rounds made by Housing Unit Officers. In February 2022, the Monitor requested copies of the logbook pages from one wing of Stowe Housing Unit for the week of January 2 – 8, 2022. Again, the Monitor reviewed all logbook entries to verify the timing of rounds made by Housing Unit Officers. The Monitor will continue to request a week’s (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, to document the timing of the rounds made by Housing Unit Officers. During the onsite compliance visit in February 2022, the Monitor reviewed logbooks in a variety of housing units, looking specifically at the timing of rounds made by the Housing Unit Officers.

Also, during the onsite compliance visit in February 2022, the Monitor and/or her Associate spoke with custody officers working in the housing units and asked them about their responsibility interact directly with the prisoners from within the housing units throughout the shift. All officers answered they were required to conduct tours of the housing units at least every thirty minutes. Their answers to their responsibility to interact directly with the prisoners from within the housing units varied, according to what housing unit the officers were used to working in.

Paragraph 19C

The Division of Operations Level 1 / 3 Internal Management Procedures Internal Management Procedure CUS.001.SEA.001 titled, Searches of Prisoners and Correctional Facilities states, “New Jersey Department of Corrections custody staff members, with/without canines, shall, on a routine and continuing basis, search prisoners, prisoner's quarters, and other areas of their correctional facility/organizational unit. The

frequent, unannounced searches of prisoners, prisoner's quarters and other correctional facility/organizational unit areas shall be conducted as often as necessary to ensure the safety and security of the facility”.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive #1, titled Officer Responsibilities, discusses housing unit searches by stating:

- a) The officer will do a visual inspection immediately upon entering the area. These inspections will consist of but not limited to rest rooms, shower areas, closets, offices, storage areas, hallways, and prisoner personal areas.
- b) Whenever prisoners move from one area to another, whether wing, cell or housing unit, the area must be searched and the prisoner must leave it in a clean condition. This is inclusive of wall and footlockers.

Additionally, the same IMP discusses weekly search sheets by stating:

- a) Search Sheets will be displayed in an area visible to staff only, not prisoners.
- b) The 6:00 A.M. and 2:00 P.M. shift will complete no less than three cell searches per shift.
- c) The 10:00 P.M. shift will search all public areas each day.
- d) Discrepancies (contraband) will be briefly described on the back of the sheet. In addition, an incident report will be submitted. The incident report will include a brief description of contraband, where the contraband was found, the disposition of the contraband and any charges (if applicable).
- e) The search sheet will be submitted to the appropriate custody Sergeant. Any reason for not completing the required room searches must be noted on the sheet.

In January 2022, the Monitor requested copies of the documentation of searches from C Cottage Residential Treatment Unit for the week of December 13 – 19, 2021. The Monitor reviewed the amount of, and date and timing of, all searches completed that week by the Housing Unit Officers. In February 2022, the Monitor requested copies of the documentation of searches from one wing of Stowe Housing Unit for the week of January 2 – 8, 2022. Again, reviewed the amount, and date and timing, of all searches completed that week by the Housing Unit Officers. The Monitor will continue to request a week’s (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, to document the living area and cell/bed searches conducted by Housing Unit Officers.

The Monitor also reviewed documentation of living area and cell/bed searches during the on-site compliance visit. Lastly, the Monitor or her Associate interviewed custody staff regarding their knowledge and roles to conduct living area searches and cell/bed searches. They all explained that they are required to conduct cell/bed searches during the first and second shifts (6:00 – 22:00) and the third shift (22:00 – 6:00) conduct living area searches. They also reported they are required to document all searches in the back of the logbook and in the search log.

The Monitor was told that the security staff are trained in conducting living area/cell searches during their Academy training. She was not able to review this training curriculum.

Recommendations re B. Prisoner Supervision ¶ 19:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that Edna Mahan will ensure that there is adequate supervision by corrections staff assigned to all housing areas and dormitory settings in that: housing unit officers in units shall interact directly with the prisoners providing supervision and contact throughout the shift; provide continuous supervision from vantage points outside of the unit; conduct routine, unannounced rounds; and conduct living area searches and cell/bed searches as required by policy.

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

B. Prisoner Supervision

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

Requirements:

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

As per NJDOC and DOJ discussion and agreement, “direct supervision” of special management prisoners “without physical barriers” means that officers routinely patrol special management units and interact directly with prisoners in those units; specifically, when prisoners are outside of their cells, officers interact directly as safety allows, and when prisoners are inside their cells, officers patrol and interact with prisoners from outside cells. Safety concerns preventing direct officer interaction with particular prisoners will be accommodated.

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

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

Steps taken by NJDOC and EMCF towards implementation re

B. Prisoner Supervision ¶ 20:

2/24/22 Status Report

Due Date: February 24, 2022

Status: Continued Compliance

As detailed regarding Paragraph 19, all EMCF special management units operate as Direct Supervision areas.

Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 20:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 20:

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states, "All officers are responsible for conducting regular and frequent housing unit tours approximately every thirty minutes during an officer's tour of duty. All unit Officers shall document all tours in the unit logbook and any incident and/or activity that precluded a unit tour, if applicable."

Note: As per NJDOC and DOJ discussion and agreement, "direct supervision" of special management prisoners "without physical barriers" means that officers routinely patrol special management units and interact directly with prisoners in those units; specifically, when prisoners are outside of their cells, officers interact directly as safety allows, and when prisoners are inside their cells, officers patrol and interact with prisoners from outside cells. Safety concerns preventing direct officer interaction with particular prisoners will be accommodated.

There are several Internal Management Procedure (IMP) Custody Directives, also known as "post orders," related to officer responsibilities of the staff members responsible for direct management of corrections staff assigned to all housing areas and dormitory settings. All of these post orders were recently revised and include the expectation that inmates shall be observed regularly and frequently by custody staff. All of the Post Orders also state that Officers will conduct routine, unannounced rounds every half an hour, and that unit Officers shall document all tours in the unit logbook.

The post orders specific to special management units include:

- Restorative Housing Unit
- Adjustment Unit
- Substance use Disorder Unit/Hillcrest Unit
- Limited Privileges Unit
- Special Housing Inmate
- Emergency Confinement
- Residential Treatment Unit

During the onsite compliance visit in February 2022, the Monitor reviewed logbooks in a variety of housing units, including special management units, looking specifically at the timing of rounds made by the Housing Unit Officers.

Also, during the onsite compliance visit in February 2022, the Monitor and/or her Associate spoke with custody officers working in the special management housing units and asked them about their responsibility to conduct housing tours. Without exception all officers answered they were required to conduct tours of the housing units at least every thirty minutes.

Recommendations re B. Prisoner Supervision ¶ 20:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that all special management units, specifically units for prisoners with mental health issues, close custody, protective custody, and any other segregated housing units, shall be operated as Direct Supervision.

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

B. Prisoner Supervision

¶ 21 Within two years of the Effective Date, Edna Mahan shall ensure that there is Direct Supervision in all housing units.

Requirements:

¶ 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re B. Prisoner Supervision ¶ 21:

- By August 24, 2023, all Housing Unit Post Orders are written designating the unit to be operated as a Direct Supervision housing unit
- Edna Mahan Level 3 policies that direct all Housing Units to be operated as Direct Supervision Units
- Post Orders written for all Correctional Police Officer's working in housing units identifying the expectations that the housing unit is to be operated as a direct supervision unit
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that direct all Housing Units to be operated as Direct Supervision Units
- Direct observations during On Site Tour

Steps taken by NJDOC and EMCF towards implementation

Due Date: August 24, 2023

B. Prisoner Supervision ¶ 21:

Status: Continued Compliance

2/24/22 Status Report

As detailed regarding Paragraph 19, all EMCF housing units operate as Direct Supervision areas.

Monitor's Finding of Compliance re B. Prisoner Supervision ¶ 21:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until August 24, 2023

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 21:

Recommendations re B. Prisoner Supervision ¶ 21:

B. Prisoner Supervision

¶ 22 Edna Mahan shall ensure and document that, absent exigent circumstances, correction officers conduct unannounced rounds at least every hour inside each general population housing unit and at least once every 30-minute period for units that include special management prisoners (as referenced in Paragraph 20), or more often if deemed necessary by Edna Mahan.

Requirements:

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

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

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

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

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

Steps taken by NJDOC and EMCF towards implementation

B. Prisoner Supervision ¶ 22

Due Date: February 24, 2022

Status: Continued Compliance

2/24/22 Status Report

Officers conduct routine, unannounced rounds every half hour, which include checking all bars, doors and windows for security breaches and being observant for unauthorized activity and the concealment of contraband. This includes all cells, common areas, recreation areas, stairwells, and kitchen. Officers document all tours in the unit and any incident and/or activity that precluded a unit tour, if applicable, in a bound logbook. At EMCF, the formal count process is also considered a tour.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 22:

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states, "All officers are responsible for conducting regular and frequent housing unit tours approximately every thirty minutes during an officer's tour of duty. All unit Officers shall document all tours in the unit logbook and any incident and/or activity that precluded a unit tour, if applicable."

In January 2022, the Monitor requested copies of the logbook pages from C Cottage Residential Treatment Unit for the week of December 13 – 19, 2021. The Monitor reviewed all logbook entries to verify the timing of rounds made by Housing Unit Officers. In February 2022, the Monitor requested copies of the logbook pages from one wing of Stowe Housing Unit for the week of January 2 – 8, 2022. Again, the Monitor reviewed all logbook entries to verify the timing of rounds made by Housing Unit Officers. The Monitor will continue to request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, to document the timing of the rounds made by Housing Unit Officers during the onsite compliance visit in February 2022, the Monitor reviewed logbooks in a variety of housing units, looking specifically at the timing of rounds made by the Housing Unit Officers.

Also, during the onsite compliance visit in February 2022, the Monitor or her Associate spoke with custody officers working in the housing units and asked them about their responsibility to conduct housing tours. Without exception all officers answered they were required to conduct tours of the housing units at least every thirty minutes.

Recommendations re B. Prisoner Supervision ¶ 22:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that Edna Mahan ensures and documents that, absent exigent circumstances, correction officers conduct unannounced rounds at least every hour inside each general population housing unit and at least once every 30-minute period for units that include special management prisoners or more often if deemed necessary by Edna Mahan.

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

B. Prisoner Supervision

¶ 23 Edna Mahan shall ensure and document that intermediate level or higher-level supervisors (at the rank of sergeant or above) conduct and document unannounced rounds during all shifts to identify and deter staff misconduct or lapses in supervision. The Housing Floor Officer in a unit undergoing a supervisory round shall not be alerted that the supervisory round is occurring.

Requirements:

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

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

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

- Every month, (beginning January 2022) Monitor will request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, documenting supervisory rounds during all three shifts
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that intermediate and higher-level supervisors conduct unannounced rounds
- Interviews with intermediate and higher-level supervisors regarding their knowledge and roles to conduct unannounced rounds
- Review logbooks during On Site Tour

Steps taken by NJDOC and EMCF towards implementation

B. Prisoner Supervision ¶ 23:

Due Date: February 24, 2022

Status: Continued Compliance, Active Monitoring

2/24/22 Status Report

As reflected in Post Orders and practice, Sergeants and Lieutenants conduct a minimum of two unannounced tours per shift, documenting the rounds in a logbook. Additionally, these custody supervisors ensure all staff assigned to the area are on duty at their assigned post, that staff is on time, in proper uniform at all times, and aware of their duties and assignments, that is, supervisors ensure that officers and staff are adhering to their Post Orders and directives of the institution. They also recommend disciplinary action as appropriate. Unit tours are spaced out throughout the shift. Copies of randomly selected logbook entries have been submitted to the Monitor and DOJ reflecting entries made during the months of December 2021 and January 2022.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 23:

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures Titled: Maximum Compound Sergeant One, Two, and Three and Minimum Compound Sergeant One, Two, and Three both stated, "Sergeants shall make a minimum of two, irregularly timed tours of all areas under their control ensuring security, safety, and control, in a clean and orderly environment. These tours shall be unannounced and logged into the logbook as such."

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures Titled: Maximum Compound Lieutenant and Minimum Compound Lieutenant both states, "Lieutenants shall make a minimum of one, irregularly timed tour of all areas under their control insuring security, safety, and control, in a clean and orderly environment. These tours shall be unannounced and logged into the logbook as such. They shall also be entered into the electronic database located in the G-Drive on a daily basis."

In January 2022, the Monitor requested copies of the logbook pages from C Cottage Residential Treatment Unit for the week of December 13 – 19, 2021. The Monitor reviewed all logbook entries to verify rounds made by Sergeants and Lieutenants. In February 2022, the Monitor requested copies of the logbook pages from one wing of Stowe Housing Unit for the week of January 2 – 8, 2022. Again, the Monitor reviewed all logbook entries to verify rounds made by Sergeants and Lieutenants. The Monitor will continue to request a week's (random week from the previous month) worth of logbooks in a (randomly selected) Housing Unit, to document the rounds made by Sergeants and Lieutenants.

Additionally, for days of December 13 – 16, 2021 the Monitor received a copy of the "Supervisor Shift Report" which verified the Lieutenants and Sergeants time of tour, and time that they visited each area of the Edna Mahan facility during those days. Lastly, during both the months of December 2021 and January 2022, the Monitor received copies of the Shift Master Log which documents all supervisory rounds made by Sergeants and Lieutenants.

During the onsite compliance visit in February 2022, the Monitor or her Associate reviewed the logbooks of the housing units to confirm that supervisors at the rank of sergeant or above conduct and document unannounced rounds during all shifts. The Monitor or her Associate also

spoke with several Sergeants and Lieutenants and asked them about their responsibility to conduct irregularly timed tours of all areas under their control. Without exception all Sergeants answered that they were aware of the expectation to conduct two tours per shift. The Lieutenants answered that they were aware of the expectation to conduct one tour per shift. All Supervisors said that they fulfilled this expectation while they were on shift, unless there was some type of emergency that prevented them from completing such.

Recommendations re B. Prisoner Supervision ¶ 23:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that Edna Mahan ensure and document that intermediate level or higher-level supervisors (at the rank of sergeant or above) conduct and document unannounced rounds during all shifts to identify and deter staff misconduct or lapses in supervision. The policies and procedures should also state that the Housing Floor Officer in a unit undergoing a supervisory round shall not be alerted that the supervisory round is occurring.

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

B. Prisoner Supervision

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

Requirements:

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

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

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

Steps taken by NJDOC and EMCF towards implementation

B. Prisoner Supervision ¶ 24:

Due date: February 24, 2022

Status: Continued compliance

2/24/22 Status Report

Officers document all tours, defined in this Agreement as rounds in the unit, in a bound logbook with pre-printed sequential page numbers that do not include pre-printed rounding times. At EMCF, the formal count process is considered a tour. A master log of all supervisory rounds is kept in electronic format, which reflects the data in the logbooks. The master log of all supervisory rounds is reviewed weekly by the Administrator or leadership designee, and this review is documented each week. The master log is then reviewed by the Commissioner's designee, which review is also documented. Documented rounds, master logs and copies of the reviews have been submitted to the Monitor and DOJ for the months of December 2021, and January 2022.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re B. Prisoner Supervision ¶ 24:

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures 109 Titled: Logbook Usage, gives the definition of a logbook as: "Logbook means a hardbound journal utilized to document information relevant to the orderly running of the correctional facility.

This same Level 3 Internal Management Procedures gives the instruction that no lines are to be skipped in the logbook; at no time will a line be left blank and "voided out". Any corrections in the log will be lined out and initialed by the officer making the correction. Correction tape or white-out is not to be used. All entries will be made in chronological order. All times will be entered on the left-hand margin of the page, and each new time will be entered on a new line."

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedures 1 Titled: Officer Responsibilities provides guidance to Officers how what and how to document activities into the logbook.

For both the months of December 2021 and January 2022, the Monitor received copies of the Shift Master Log which documents all supervisory rounds made by Sergeants and Lieutenants. On February 15, 2022, the Monitor received a copy of an email sent from the Assistant Commissioner for Women's Services verifying that she had reviewed the supervisory round logs for December, as a designee for the Commissioner.

On February 16, 2022, the Monitor reviewed copies of emails sent from sent from Associate Administrator Ryan O'Dea verifying that he had reviewed the weekly supervisory round logs, as required. During the onsite compliance visit in February 2022, the Monitor or her Associate reviewed the logbooks of every housing unit and in several "key areas" of the facility. All tours were documented in logbooks. Additionally, the Monitor spoke with the Administrator, Associate Administrator, and two Assistant Superintendents. These four persons are the "highest level" of management at Edna Mahan. We also spoke with the Assistant Commissioner for Women's Services. All five of these persons acknowledged responsibility to review the supervisory round logs.

They also noted that at Edna Mahan, this responsibility is primarily assigned to the Associate Administrator, but if he's not available one of the other leaders will review them. And the Assistant Commissioner for Women's Services noted that she is the designee for the Commissioner for this task. If she is not available, the Deputy Commissioner reviews the supervisory logs.

Recommendations re B. Prisoner Supervision ¶ 24:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Supervision policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that Edna Mahan ensure and document that intermediate level or higher-level supervisors (at the rank of sergeant or above) conduct and document unannounced rounds during all shifts to identify and deter staff misconduct or lapses in supervision. The policies and procedures should also state that the Housing Floor Officer in a unit undergoing a supervisory round shall not be alerted that the supervisory round is occurring.

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

C. Camera Management

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

Requirements:

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

¶ 10 c Camera Management

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

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

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

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

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

Steps taken by NJDOC and EMCF towards implementation

Policy Development Due Date: May 24, 2022

C. Camera Management ¶ 26:

2/24/22 Status Report

1.6 million was appropriated for a state-of-the-art video surveillance system at EMCF. Recognizing the importance of providing a safe environment consistent with PREA standards and with a gender-responsive methodology in mind, NJDOC contracted with experts to conduct the camera installation in conjunction with a project team from NJDOC which reviewed placement.

PJ Smith Electrical Contractors were retained on May 14, 2020, to install the video surveillance camera system. The new camera system has 353 cameras, with 700 views, and 4 viewing stations. The system went live on 12/13/21. Staff training was held on February 3, 2022.

Camera Review Procedures are detailed in Level 1/3 IMPCUS.001.CRP.01, which was submitted to the Monitor and DOJ on September 28, 2021. NJDOC is on track to finalize the camera management procedures by the dates stipulated in this Agreement.

Although not a requirement of this Agreement, in addition to the stand-alone camera system, a BWC program has been implemented at EMCF. BWCs began to roll out on April 26, 2021. NJDOC began by issuing a small number of cameras on each shift. Initially, cameras were deployed to supervisors, and to officers assigned to areas that had a higher incidence of violence. The number of cameras incrementally increased each day, as we were able to assess any issues encountered with tagging and uploading of footage. On June 1, 2021, we reached full deployment, with 190 BWCs in rotation, equipping all staff on each shift with regular contact with incarcerated individuals. EMCF has a Camera Monitor Room supervisor who is responsible for keeping track of logs and data pertaining to the BWC and video surveillance system.

NJDOC and EMCF developed Level 3 Custody Directive 124 Policy *Use of Body Worn Cameras (BWC)* in compliance with Level 1 policy CUS.001.BWC.01 *Body Worn Cameras*, which was published on July 8, 2021. Custody Directive 124 and policy CUS.001.BWC.01 were submitted to the Monitor and DOJ for review on September 28, 2021.

The surveillance system has proven to be an asset to safety and security, as well as NJDOC's investigation process.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until May 2022

N/A monitor granted an extension until [date]

Monitor's Discussion re C. Camera Management ¶ 26:

Recommendations re C. Camera Management ¶ 26:

C. Camera Management

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

Requirements:

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

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

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

Steps taken by NJDOC and EMCF towards implementation

C. Camera Management ¶ 28:

Level 1 Policy Revision Due: May 24, 2022

Level 3 Policy Revision Due: August 24, 2022

2/24/22 Status Report

NJDOC is on track to finalize camera management procedures by the dates required in this Agreement. Currently, all BWC video is maintained for approximately 185 days. The new video system maintains all videos for at least 30 days. The original fixed camera system recently had a new DVR installed in order to ensure compliance with the 30-day provision in this section. Video surveillance **continues** to be utilized as a supplement and not a replacement for direct supervision and rounds conducted by Correctional Police Officers and other custody staff.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re C. Camera Management ¶ 28:

Page 5 of 6 of NJDOC Division of Operations Level 1 and 111 Internal Management Procedure #CUS.001.CRP.01 states, "all video downloads generated by the video reviews shall be saved for a period of no less than 90 days and available for Administrative and Central Office review upon request. Accordingly, as per the State General Records Schedule, video footage downloaded must be saved for at least 30 days or until the footage is properly passed to a responsible official if an incident is reported. Therefore, should audit footage be of a reportable incident then the downloaded video must be forwarded to SID for appropriate disposition."

Page 5 of 6 of Edna Mahan Correctional Facility for Women Level 3, Internal Management Procedure Custody Directive # 115 Title: Camera Review Procedures states, all video downloads generated by the video reviews shall be saved for a period of no less than 90 days and available for Administrative and Central Office review upon request. Accordingly, as per the State General Records Schedule, video footage downloaded must be saved for at least 30 days or until the footage is properly passed to a responsible official if an incident is reported. Therefore, should audit footage be of a reportable incident then the downloaded video must be forwarded to SID for appropriate disposition

The Monitor or her Associate interviewed Edna Mahan leadership staff and the Special Investigations Division (SID) Principal assigned to Edna Mahan. Each of these staff were asked about the length of time a video should be retained. Most staff knew that routine video should be retained for at least 30 days. And with the new camera system, the video is retained at least 120 days routinely. Some of the leadership, and both of the SID investigators were aware of the expectation that in incidents such as an alleged assault or sexual abuse, occurs in an area surveilled, the video shall be preserved until the matter is fully investigated and prosecuted or dismissed by authority of the Commissioner. However, no staff were able to add the last part of the sentence that the video should be preserved until the matter is fully investigated and prosecuted or dismissed by authority of the Commissioner, **or at least five years, whichever is longer.** But, as SID Principal Robbins explained, when the video is pulled for a case, it becomes part of the file. And that file is retained for several years, (she thought seven), as part of the New Jersey retention law, so it would be longer than the required five years in the Settlement Agreement already.

Recommendations re C. Camera Management ¶ 28:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Camera Management policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to ensure the requirement that all videos shall be retained for at least 30 days, unless an unusual occurrence such as an alleged assault or sexual abuse, or display of contraband, occurs in an area surveilled, in which case the video shall be preserved until the matter is fully investigated and prosecuted or dismissed by authority of the Commissioner, or at least five years, whichever is longer.

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

C. Camera Management

¶ 29 Camera management policies and procedures, including the locations where cameras have been placed, will be reviewed by Edna Mahan at least annually to ensure that they are serving their goal of maximizing supervision. To the extent that any changes to the Camera Management policies and procedures, or to a camera location, need to be made, they will be made within 30 days of the completion of the annual review. If a change cannot be made within 30 days, the reason for exceeding 30 days will be documented and notice of the proposed change and reason for exceeding 30 days will be provided to DOJ. NJDOC and Edna Mahan will also provide to DOJ confirmation of completed change once it occurs.

Requirements:

- ¶ 15 Edna Mahan will annually review its policies and procedures, revising them as it deems necessary. Any revisions to the policies and procedures will be submitted to DOJ for approval in accordance with paragraph 12
- ¶ 25 Video surveillance may be used to supplement, but must not be used to replace, rounds by correctional officers
- ¶ 29 To the extent that any changes to the Camera Management policies and procedures, or to a camera location, need to be made, they will be made within 30 days of the completion of the annual review
- ¶ 29 If a change cannot be made within 30 days, the reason for exceeding 30 days will be documented and notice of the proposed change and reason for exceeding 30 days will be provided to DOJ
- ¶ 29 NJDOC and Edna Mahan will also provide to DOJ confirmation of completed change once it occurs

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

- Level 3 Policy on Camera Management drafted and/or revised by May 24, 2022, includes expectation that Camera management policies and procedures will be reviewed at least annually.
- Written report of annual review
- Documentation that changes recommended by annual review have been completed within 30 days of the review
- Monitor will review PREA incident reports, prisoner grievance investigations and PREA investigations conducted by NJDOC Special Investigations. These reviews will determine if the video surveillance system is being used appropriately, consistent with the requirement to provide maximum supervision.

Steps taken by NJDOC and EMCF towards implementation

C. Camera Management ¶ 29:

2/24/22 Status Report

**Policy Revision: May 24, 2022, May 24, 2023
and May 24, 2024**

Camera Review Procedures are detailed in Level 1/3 Internal Management Procedure (IMP) CUS.001.CRP.01, which was submitted to the Monitor and DOJ on September 28, 2021. Level 1/3 Imp CUS.001.BWC.01 *Body Worn Cameras* has been revised and was submitted to Monitor

and DOJ on February 14, 2022. Level 1/3 IMP CUS.001.BWC.02 *Body Worn Camera Retention* is currently being drafted. Once finalized, NJDOC will annually review the camera management procedures in compliance with this Agreement.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until May 2022

N/A monitor granted an extension until [date]

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

Recommendations re C. Camera Management ¶ 29:

D. Staffing

¶ 30 Within four months of the Effective Date, Edna Mahan shall develop a new staffing plan, designating the necessary security and custody posts to be staffed at Edna Mahan, based on gender-responsive principles, that provides for adequate security staffing levels, in accordance with the PREA requirements delineated in 28 C.F.R. § 115.13(a), to protect prisoners from sexual abuse and to achieve compliance with this Agreement on the timelines set out in this Agreement. Edna Mahan's staffing plan shall be subject to review and approval by DOJ, which approval shall not be unreasonably withheld. The staffing plan will be reassessed annually by Edna Mahan in accordance with Paragraph 34 of this Agreement.

Requirements:

- ¶ 31 The Edna Mahan staffing plan shall designate gender-restricted posts at Edna Mahan, through a process that ensures that any such restriction complies with Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§ 2000e, et seq., and make efforts to ensure that the requirements are met for bona-fide occupational qualifications.
- ¶ 34 For the annual reassessment of the staffing plan, NJDOC and Edna Mahan, in consultation with the Department-wide PREA Coordinator and Edna Mahan's PREA Compliance Manager, shall assess, determine, and document whether adjustments are needed to the Edna Mahan staffing plan, and implement such adjustments. The annual reassessment will include documentation of the following information:
- a. An evaluation of existing staffing levels and need for adjustments;
 - b. A listing of each post and position needed;
 - c. The number of hours needed for each post and position;
 - d. A listing of staff, by gender, working overtime at Edna Mahan and the amount of overtime worked by each staff member;
 - e. A listing of supervisors by gender working overtime at Edna Mahan; and
 - f. Edna Mahan's assessment of its ability to comply with the staffing plan.
- ¶ 17 To the extent that a Party to this Agreement requires an extension on the timeframes set forth in this Section, the Party may request an extension, which will not be unreasonably denied by the other Party.

Monitor's Measure of Compliance re D. Staffing ¶ 30:

- Staffing plan developed by December 24, 2021
- Staffing plan included specifics of the security and custody posts and adequate security staffing levels
- Staffing plan designates gender responsive posts

Steps taken by NJDOC and EMCF towards implementation
D. Staffing ¶ 30:

Plan Due Date: December 24, 2021
Revised Due Date Due to Extension Approval: December 30, 2021
Returned for Revision: January 9, 2022
Advised Monitor of TMG Assistance with Plan: January 10, 2022
**Anticipated Date to Receive Revised Staffing Plan from TMG:
February 28, 2022**
Anticipated resubmission to DOJ and Monitor: March 1, 2022

2/24/22 Status Report

NJDOC submitted its initial staffing plan to DOJ and the Monitor on December 30, 2021 (after the Monitor granted a brief extension). The Monitor provided substantial feedback on the staffing plan on January 9. In an effort to ensure compliance with this Agreement, NJDOC has been working on requested revisions to the staffing plan with TMG. The revised staffing plan is slated to be resubmitted for approval on March 1, 2022.

Monitor's Finding of Compliance re D. Staffing ¶ 30:

- Substantial Compliance
- Partial Compliance**
- Non-compliance
- N/A not required until [date]
- N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 30:

It is difficult to determine the compliance of this paragraph. The Monitor and DOJ did receive two staffing documents, as required by paragraphs 30 and 31. However, the documents read more like a "roster" (i.e., a "list of positions") than a staffing plan. There were no explanations for the list of positions provided; no 'keys' to facilitate understanding of either document; or any context to recognize what was provided. The Monitor has never seen a staffing plan that is so "basic" and devoid of explanation.

In fact, the Monitor ultimately referred staff to the definition and guidance provided by the National PREA Resource Center (PRC) to ensure NJDOC understood the goal and objectives of a staffing plan. The definition provided is as follows: "*A staffing plan is a written document that reflects the results of an objective analysis of the facility's staffing needs to ensure sexual safety (and in this case, gender-responsive practices and DOJ settlement provisions)*"

The Monitor provided the following feedback to NJDOC staff: "I believe the two documents you sent may meet the minimal requirements for paragraph #31, requiring that the staffing plan designate gender-restricted posts at EMCF and reflect efforts to ensure that the requirements

are met for bona-fide occupational qualifications. They do not however meet the requirements set forth in paragraph #30. In reading paragraph #30, I believe the instructive line is: “Edna Mahan shall develop a new staffing plan, designating the necessary security and custody posts to be staffed at Edna Mahan, based on gender-responsive principles, that provides for adequate security staffing levels, in accordance with the PREA requirements delineated in 28 C.F.R. § 115.13(a), to protect prisoners from sexual abuse and to achieve compliance with this Agreement on the timelines set out in this Agreement.”

The staffing plan should subsequently be a useful tool for all stakeholders (NJDOC, EMCF, the Governor, the Legislature, the DOJ, etc.) that promotes understanding of how and where you need to allocate staff, and the rank/position necessary. What you provided is a start but clearly needs to be much more of an “instructive tool” for ensuring sexual safety for the women at EMCF, rather than simply a list of employees and positions.” The Monitor then provided a list of fourteen questions/concerns specific to the two documents provided. The Monitor received a revised much more complete staffing plan on February 25, 2022.

Note: This is partial compliance because the revised staffing plan was not received during this reporting period.

Recommendations re D. Staffing ¶ 30:

The Monitor will review the revised staffing plan and provide feedback to NJDOC and Edna Mahan.

D. Staffing

¶ 32 Edna Mahan will take steps to staff the facility based on the staffing plan within one fiscal year of the completion of each staffing plan. NJDOC intends to seek amendment to the consent order in the matter of Csizmadia v. Fauver, Civ. No. 88-786, to enable compliance with this provision. In circumstances where the staffing plan is not complied with, Edna Mahan shall document and justify all deviations from the plan

Requirements:

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

- Documentation that EMCF has taken steps to staff the facility based on the staffing plan by January 1, 2023.
- Documentation that NJDOC has tried to amend the consent order in the matter of Csizmadia v. Fauver, Civ. No. 88-786.
- Documentation that EMCF justifies all deviations from the staffing plan, when the staffing plan is not complied with

Steps taken by NJDOC and EMCF towards implementation

Steps taken Due Date: January 1, 2023

D. Staffing ¶ 32:

2/24/22 Status Report

NJDOC intends to staff EMCF based on the staffing plan and in accordance with PREA Standard 28 C.F.R. § 115.13(a) within one year of the staffing plan's completion, according to the terms of this Agreement. NJDOC has taken steps to seek an amendment to the consent order in the matter of Csizmadia v. Fauver, Civ. No. 88-786. To provide context, below are excerpts taken from a motion to modify this consent order, filed by the Acting Attorney General on December 1, 2021:

The Csizmadia Consent Order arose from two interrelated cases. The first case, Gertrude Csizmadia, et al v. William Fauver, Civil Action No. 88-786, was filed on February 11, 1988. The Consent Order limits the number of gender-restricted posts to assignments that entail routine strip searches. Strip and cavity searches of prisoners by opposite gender correctional officers are permissible only under emergent circumstances. To allow for staffing flexibility and compliance with relief staffing requirements, the Csizmadia Consent Order allowed for twenty percent of "special assignment posts"4 to be gender restricted.

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

The matter is currently pending.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until January 2023

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 32:

Recommendations re D. Staffing ¶ 32:

D. Staffing

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

Requirements:

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

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

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

Steps taken by NJDOC and EMCF towards implementation

Plan Due: April 11, 2022

D. Staffing ¶ 33:

Plan Implementation: December 24, 2022

2/24/22 Status Report

NJDOC is in the process of drafting its plan to better recruit and retain women correctional officers at EMCF in a manner that complies with Title VII. The plan will be submitted to DOJ and the Monitor by April 11, 2022.

Among other things, the plan is expected to include running a female-only academy class in the summer of 2022. In addition, the academy class is expected to be "residential optional" and would enable the women to commute, if they choose to do so. In addition, NJDOC supported the passage of S3672, which was signed into law on January 6, 2022 and mandates that the Civil Service Commission shall exempt from the requirement to take an examination for an entry-level state corrections law enforcement officer position a person who successfully completes a full Basic Course for Correction Officers training course at a school approved and authorized by the New Jersey Police Training Commission within nine months from the date of hire as a temporary entry-level officer. NJDOC anticipates this measure will assist us in the overall recruitment of new officers.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until April 2022

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 33:

Recommendations re D. Staffing ¶ 33:

D. Staffing

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

Requirements:

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

Documentation that staffing plan reassessed submitted to Monitor December 24, 2022 (or one year after the completion of the staffing plan required in paragraph 30);

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

Steps taken by NJDOC and EMCF towards implementation

Annual Plan Due Date: December 24, 2023

D. Staffing ¶ 34:

2/24/22

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

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until December 2023

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 34:

Recommendations re D. Staffing ¶ 34:

D. Staffing

- ¶ 35 Quarterly, Edna Mahan will provide a Staffing Update to the Monitor and DOJ and shall include the following information:
- a. A listing of staff hired at Edna Mahan, by gender and positions filled; and
 - b. A listing of staff who ended their employment at Edna Mahan, including gender, position, and reason for separation.

Requirements:

Monitor's Measure of Compliance re D. Staffing ¶ 35:

Quarterly staffing reports from EMCF, submitted on January 5, 2022 (for October, November, and December 2021)

**Steps taken by NJDOC and EMCF towards implementation
D. Staffing ¶ 35:**

**Plan Due: January 5, 2022, and on
the 5th of each April, July, October,
and January for the duration of
this Agreement**

2/24/22 Status Report

NJDOC submitted the required staffing update to the Monitor and DOJ on January 5, 2022. Our next quarterly submissions are scheduled to occur in April, July, and October.

Data from the submitted Quarterly Staffing Update shows that during the months of October, November, and December 2021:

- EMCF has not hired any new staff;
- 4 staff members (3 female) transferred out of EMCF;
- 4 staff members (1 female) retired;
- 1 staff member was removed from EMCF for reasons unrelated to this Agreement; and
- 11 staff members (3 female) resigned.

Monitor's Finding of Compliance re D. Staffing ¶ 35:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 35:

On January 5, 2022, the Monitor did receive a Staffing Update for the 4th quarter of 2021, (for October, November, and December 2021). The staffing update included a listing of staff hired at Edna Mahan, by gender and positions filled; and a listing of staff who ended their employment at Edna Mahan, including their gender, position, and reason for separation.

Recommendations re D. Staffing ¶ 35:

Continue to provide quarterly Staffing Update to Monitor and DOJ throughout the length of the Settlement Agreement.

D. Staffing

¶ 36 NJDOC shall continue to employ an upper-level, Department-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards at Edna Mahan and all of its facilities.

Requirements:

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

¶ 41 NJDOC's PREA Coordinator shall document semi-annual review meetings with the Edna Mahan PREA Compliance Manager, and other supervisors as appropriate, to discuss the Edna Mahan PREA Compliance Manager's activities and job responsibilities during the relevant period.

Monitor's Measure of Compliance re D. Staffing ¶ 36:

- NJDOC hires full time Agency PREA Coordinator
- Job description for NJDOC PREA Coordinator
- Interview with NJDOC PREA Coordinator

Steps taken by NJDOC and EMCF towards implementation

Status: Continued Compliance

D. Staffing ¶ 36:

2/24/22 Status Report

NJDOC continues to employ Director Jennifer Malinowski as the NJDOC PREA Coordinator. Director Malinowski reports directly to the Acting Commissioner and has the time and authority to develop, implement and oversee PREA compliance.

Monitor's Finding of Compliance re D. Staffing ¶ 36:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 36:

This is a difficult paragraph to determine compliance. On the one hand, Director Jennifer Malinowski as acted as the NJDOC PREA Coordinator for the past few years. Yet, by her own admission, Director Malinowski does not have sufficient time or staff needed to develop, implement, and oversee its efforts to comply with the PREA standards at Edna Mahan or the other NJDOC facilities. Director Malinowski is the Director of Policy and Planning. Her area of responsibility includes Policies, PREA, Grants, Research & Evaluation, Statistical Planning, Legislation compliance and Administrative Rules. The Monitor is aware that NJDOC plans to hire a full-time upper-level, Department-wide PREA Coordinator but, to date, has not been able to do so. This might be a result of the difficulty of having to work through the Civil Service Commission which the Monitor wrote about in the Narrative Compliance Report. Regardless of the reason, the fact is that NJDOC has not met the requirement to employ an upper-level, Department-wide PREA Coordinator with sufficient time and authority to develop, implement, and oversee its efforts to comply with the PREA standards at Edna Mahan and all of its facilities.

Recommendations re D. Staffing ¶ 36:

Recruit for, and hire, an upper-level, Department-wide PREA Coordinator and ensure that person has sufficient time and/or staff needed to develop, implement, and oversee its efforts to comply with the PREA standards at Edna Mahan or the other NJDOC facilities.

D. Staffing

¶ 37 NJDOC and Edna Mahan shall designate a full-time (40 hours/week) PREA Compliance Manager who has no other duties within NJDOC or Edna Mahan and who is assigned to oversee PREA compliance at Edna Mahan. This individual will have sufficient authority to coordinate Edna Mahan’s efforts to comply with the PREA standards.

Requirements:

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

Monitor’s Measure of Compliance re D. Staffing ¶ 37:

- NJDOC hires full time EMCF PREA Compliance Manager
- Job description for EMCF PREA Compliance Manager
- Interview with EMCF PREA Compliance Manager

Steps taken by NJDOC and EMCF towards implementation

D. Staffing ¶ 37:

2/24/22 Status Report

Training to be provided within 30 days of hire.

On February 9, 2022, EMCF selected a qualified individual as the designated full-time (40 hours/week) PREA Compliance Manager. Once the appointment is approved and the appointee successfully clears the required background check, the individual will:

1. Have no other duties within NJDOC or EMCF other than to oversee PREA compliance at EMCF;
2. Monitor any other facility that is built to house women prisoners on PREA-related matters; and
3. Have sufficient authority to coordinate EMCF’s efforts to comply with the PREA standards.

Once appointed, TMG will provide extensive training to EMCF’s new Institutional PREA Compliance Manager (IPCM) on the duties of an IPCM, including what to expect, what the responsibilities are of an IPCM, what a PREA audit entails, and how to actually accomplish the many tasks of a skilled IPCM. This training can be made available to the Monitor and DOJ, upon request.

EMCF’s Institutional PREA Compliance Manager (IPCM) reports directly to the EMCF Administrator with a dotted line reporting to the NJDOC PREA Coordinator.

EMCF developed a job description for its IPCM with expected responsibilities. This job description was submitted to DOJ and the Monitor for review and comment on December 9, 2021. The Monitor’s comments were incorporated and approval to post the position was granted.

EMCF will continue to utilize EMCF Assistant Superintendent, Taquila Rios as the facility's IPCM until the selected candidate's start date. Ms. Rios has been trained and performing these duties since her start date at EMCF in August 2021.

Monitor's Finding of Compliance re D. Staffing ¶ 37:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 37:

As of February 24, 2022, Edna Mahan has not designated or hired a full-time (40 hours/week) PREA Compliance Manager. The person currently acting as the Edna Mahan PREA Compliance Manager is one of the two Assistant Superintends assigned to Edna Mahan. Her area of responsibility includes JPay, Health & Safety, Marriage Committee Chairperson, Prisoner Claims Chair back-up, Puppies Behind Bars, Challenge Historic Assumptions Nobly Generating Efficiencies (CHANGE), DOC Correspondence, Prisoner Claims Chair, De-Centralized Management Model, and Special Treatment Unit (STU). By everyone's admission, Assistant Superintendent Rios does not have sufficient time or staff needed to coordinate Edna Mahan's efforts to comply with the PREA standards.

Edna Mahan and NJDOC did select a candidate for the EMCF PREA Compliance Manager on February 9, 2022. That candidate information was sent to the Governor's Office. After approval from the Governor's Office, the candidate information was sent to Civil Service for approval. After approval by Civil Service, the NJDOC Special Investigations Division must conduct a background check. After those steps are completed, a start date for the candidate can be suggested.

Note: After the reporting period, but prior to the submittal of this report, Edna Mahan did hire Amelia Renshaw to be Edna Mahan's full-time PREA Compliance Manager.

Recommendations re D. Staffing ¶ 37:

Expedite the processing time for each of the steps so that the EMCF PREA Compliance Manager may be hired as quickly as possible.

D. Staffing

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

Requirements:

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

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

Job description for EMCF PREA Compliance Manager

Steps taken by NJDOC and EMCF towards implementation

Due Date: February 24, 2022

D. Staffing ¶ 39:

Job description was forwarded to Monitor timely.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re D. Staffing ¶ 39:

NJDOC and Edna Mahan did develop a job description for Edna Mahan’s PREA Compliance Manager and submitted this job description to the Monitor and DOJ for review. The Monitor provided feedback which NJDOC and Edna Mahan incorporated. The Monitor reviewed the final job description.

Recommendations re D. Staffing ¶ 39:

No recommendations

D. Staffing

¶ 40 NJDOC and Edna Mahan shall provide training to the Edna Mahan PREA Compliance Manager necessary to fulfill his or her duties, ~~and~~ Requirements:

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

Monitor's Measure of Compliance re D. Staffing ¶ 40:

- Training Records for EMCF PREA Compliance manager
- Documented "on the job training" provided to EMCF PREA Compliance Manager
- Interview with EMCF PREA Compliance Manager

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re D. Staffing ¶ 40:

Monitor's Finding of Compliance re D. Staffing ¶ 40:

- Substantial Compliance
- Partial Compliance
- Non-compliance

N/A not required until the EM PREA Compliance Manager is hired.

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 40:

Since the Edna Mahan PREA Compliance Manager was not hired during this reporting period, there was no opportunity to provide the training necessary to fulfill his or her duties. Assistant Superintendent Rios, who has been acting as Edna Mahan PREA Compliance Manager since August 1, 2021, reports she took the Agency PREA training. Additionally, she was provided a "quick guide" of responsibilities of an Institutional PREA Compliance Manager. Mr. Shireman, the Monitor's Associate reviewed this guide. Everything else has been "on-the-job" training.

Recommendations re D. Staffing ¶ 40:

Provide and document all the training received by Amelia Renshaw, Edna Mahan's newly hired PREA Compliance Manager, necessary to fulfill her duties.

D. Staffing

¶ 41 NJDOC's PREA Coordinator shall document semi-annual review meetings with the Edna Mahan PREA Compliance Manager, and other supervisors as appropriate, to discuss the Edna Mahan PREA Compliance Manager's activities and job responsibilities during the relevant period.

Requirements:

Monitor's Measure of Compliance re D. Staffing ¶ 41:

- Meeting minutes between NJDOC's PREA Coordinator and EMCF PREA Compliance Manager submitted to monitor, at least semi-annually, beginning 2022.

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re D. Staffing ¶ 41:

Monitor's Finding of Compliance re D. Staffing ¶ 41:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 41:

Since the Edna Mahan PREA Compliance Manager was not hired during this reporting period, there was no opportunity for the NJDOC PREA Coordinator to conduct a semi-annual meeting with the new Edna Mahan PREA Compliance Manager.

Recommendations re D. Staffing ¶ 41:

NJDOC PREA Coordinator conduct a semi-annual meeting with the new Edna Mahan PREA Compliance Manager as soon as possible after this person is hired.

D. Staffing

¶ 42 Policies and procedures at Edna Mahan shall require that contractors and volunteers who have contact with prisoners but are not directly supervised by NJDOC or Edna Mahan employees comply with Edna Mahan's sexual abuse and sexual harassment policies and procedures.

Requirements:

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

- Rosters of all volunteers who completed PREA training
- List of all EMCF volunteers who may have contact with prisoners, as of February 24, 2022.
- Training Curriculum utilized for PREA
- Interviews with at least two volunteers to confirm that required training took place
- Interviews with EMCF volunteer coordinator (Executive Assistant) to discuss process for how volunteers are trained
- Interviews with EMCF PREA Coordinator to discuss process for how volunteers are trained

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re D. Staffing ¶ 42:

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

Substantial Compliance – for full-time contractors

Partial Compliance

Non-compliance

N/A not required for volunteers until volunteers are used again inside the facility

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Staffing ¶ 42:

Page 23 (of 63), NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, All NJDOC employees (both custody and civilian staff), contractors and volunteers receive PREA-specific training on a biennial basis. This training is focused on key issues regarding staff sexual misconduct and the prevention of prison sexual abuse including the reporting of incidents, as well as first responder responsibilities. All NJDOC employees, volunteers and contractors receive training on their duties and responsibilities under the Department's zero-tolerance policy and are informed that they are required to immediately report any incident or allegation of sexual abuse/sexual harassment to the nearest custody staff member and their immediate supervisor.

All volunteers are subject to an extensive application process, which includes appropriate screening, criminal history background check, and volunteer orientation and training. Contractors and volunteers are provided information regarding conduct and consequences for violating the required conduct.

Additionally, throughout all of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment it speaks to contractors and volunteers when identifying specific responsibilities, practices, and/or procedures that staff must follow.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73, states, "All NJDOC staff, contract employees and volunteers with direct and/or incidental contact with offenders receive documented PREA training.

There has been no use of volunteers during this reporting period, due to Covid. Volunteers are just beginning to be able to come back into the facility. The Monitor will speak with volunteers to verify that they received PREA training during the next reporting period.

Mr. Shireman, the Monitor's Associate spoke with two Edna Mahan contractors. One provides services with Medical (nursing) and the other provides mental health services. Both confirmed that they had received PREA training and were aware of the expectation to comply with Edna Mahan's sexual abuse and sexual harassment policies and procedures.

Recommendations re D. Staffing ¶ 42:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include the statement that Edna Mahan requires all contractors and volunteers who have contact with prisoners but are not directly supervised by NJDOC or Edna Mahan employees to comply with Edna Mahan's sexual abuse and sexual harassment policies and procedures.

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

E. Training

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

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

Requirements:

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

- Rosters of completed PREA, Gender-Responsive, or other subjects noted above training by assigned EMCF staff by February 24, 2022.
- List of all EMCF staff who may have contact with prisoners, including staff who work at other facilities who may work overtime at EMCF (i.e., maintenance, kitchen) and staff assigned to supervise SMCF prisoners at outside locations on February 24, 2022.
- Training Curriculum utilized for PREA
- Training Curriculum utilized for Gender-Responsive
- Training Curriculum utilized to train on any other subjects noted above (not in PREA or Gender-Responsive curriculum)
- List of trainers providing training
- Interviews with staff to confirm that required training took place
- Interviews with trainers who provided training to confirm that required training took place
- Interviews with EMCF training Lieutenant and/or training staff to confirm that required training took place

Steps taken by NJDOC and EMCF towards implementation

Due Date: February 24, 2022

E. Training ¶ 43:

2/24/22 Status Report

As of 2/13/22, 406 EMCF staff received the required re-training. 43 individuals were on long-term leaves and 42 were unable to attend the training due to various reasons including vacation, short term illness, COVID time or were needed to cover facility operations. We have staff that are returning from short- and long-term leaves, lateral transfers, and new hires that have recently joined the EMCF staff totals and have been added to the block of instruction. Upon their return to work or assignment to the facility, the training supervisor reviews their training records to see what they missed and schedule required training. This training will be provided to those who have not yet received it on April 25 through the 29th. It is repeated on an ongoing basis. Training verification reports were provided to DOJ and the Monitor on 2/16/22. The training curriculum was provided to the DOJ and Monitor on 10/12/21 for review and comment.

On October 1, 2019, NJDOC received funding assistance from DOJ's Office of Justice Programs, Bureau of Justice Assistance (BJA) for a new staff PREA Video. The total funds dedicated to the project amounted to \$492,292, of which 50% was provided by NJDOC and 50% by BJA. The video was produced by GH Studios and was formally incorporated into our training rotation for custody staff in January 2021 and for civilian staff during the Summer of 2021.

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

Substantial Compliance

Partial Compliance – due to the fact that NJDOC and Edna Mahan trained or retrained nearly all staff who may have contact with prisoners but could not verify 100% attendance.

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re E. Training ¶ 43:

As of February 13, 2022, 406 Edna Mahan staff were trained or retrained in the one-hour PREA curriculum and the two-hour gender responsive training. However, 85 staff did not receive the training as required. 43 of those persons were on leave and another 42 persons were unable to attend the training due to various reasons including vacation, illness, COVID time, or facility coverage. The Monitor reviewed the PREA video, script, and facilitator guide that was used during this recent PREA training. The curriculum did include all the requirements noted above (a – k), with the exception of “j” – gender responsive principles.

The Monitor reviewed the two-hour power point and facilitator guide that was used during this recent gender-responsive training. The training, which was developed based on the curriculum suggested by the National Institute of Corrections. It should be noted that in addition to receiving this two-hour training, Edna Mahan is also providing a two-day gender responsive training, provided by The Moss Group, to all staff. The Monitor is very familiar with this gender-responsive curriculum and believes this will be a very good foundation for all staff who work with women prisoners. This training will be delivered during the next reporting period and, thus, will be discussed in more detail during the next compliance report.

During the compliance visit, the Monitor interviewed some Edna Mahan staff to confirm that the required training took place. Additionally, Mr. Shireman, the Monitor's Associate, interviewed the trainers who provided the training and the Training Lieutenant and training staff at Edna Mahan who confirmed this required training took place.

Recommendations re E. Training ¶ 43:

Determine a process that staff demonstrates proficient knowledge of the policies and procedures to complete the training requirements. Train the staff that were not trained or retrained as soon as possible, or, in the case of long-term leaves as soon as they return to work.

E. Training

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

Requirements:

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

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

¶ 44

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

Steps taken by NJDOC and EMCF towards implementation

Due Date: February 24, 2024

E. Training ¶ 44:

2/24/22 Status Report

From 2008-2020, NJDOC trained staff biennially to remain in compliance with PREA standard 115.31.

NJDOC instituted annual PREA training beginning in 2021. Pre and post-tests to demonstrate a trainee's knowledge of the policies and procedures related to the training will be issued.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until February 2024

N/A monitor granted an extension until [date]

Monitor's Discussion re E. Training ¶ 44:

Recommendations re E. Training ¶ 44:

E. Training

¶ 46 NJDOC shall certify and maintain documentation showing that all active Edna Mahan staff have been trained.

Requirements:

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

Monitor's Measure of Compliance re D. Training ¶ 46:

- EMCF Level 3 policy requiring that documentation be maintained to show that all active Edna Mahan staff have been trained.
- Training Records reviewed during On Site visit
- Interviews with EMCF training Lieutenant and/or training staff to verify documentation is maintained showing that all EMCF staff have been trained.

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re D. Training ¶ 46:
2/24/22 Status Report**

Due Date: February 24, 2024

From 2008-2020, NJDOC trained staff biennially to remain in compliance with PREA standard 115.31.

NJDOC instituted annual PREA training beginning in 2021. Pre and post-tests to demonstrate a trainee's knowledge of the policies and procedures related to the training will be issued.

Monitor's Finding of Compliance re D. Training ¶ 46:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re D. Training ¶ 46:

The Monitor could find no NJDOC Level 1 policy or a EMCF Level 3 policy requiring that documentation be maintained to show that all staff have been trained? This will be discussed in the recommendation section. During the compliance visit, Jack Shireman, the Monitor's Associate, reviewed the training records of Edna Mahan staff. Additionally, Mr. Shireman interviewed the Edna Mahan Training Lieutenant and his training staff to verify that documentation is maintained showing that all Edna Mahan staff have been trained.

Recommendations re D. Training ¶ 46:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Sexual Assault, Sexual Abuse, and Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. This policy should include a section specific to staff training. The recommendation is to include a statement that Edna Mahan maintains documentation regarding the training that all Edna Mahan staff receive.

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

F. Prisoner Education

Edna Mahan shall effectively communicate to all prisoners their right to be free from sexual abuse and sexual harassment and the protections in place at Edna Mahan to ensure that such abuse and harassment does not occur or, if it does occur, is reported so it can be responded to promptly, appropriately, and without retaliation. Accordingly, and specifically:

- ¶ 47. Edna Mahan shall continue to ensure that, during the intake process, or within 30 days of intake, all prisoners receive information regarding the following:
- a. NJDOC's zero-tolerance policy regarding sexual abuse and harassment;
 - b. Definitions of sexual abuse and sexual harassment;
 - c. The right to be free from sexual abuse and sexual harassment and from retaliation for reporting such incidents;
 - d. The right to be free from verbal abuse, including name calling, and sexually explicit, profane, vulgar, or degrading language;
 - e. How to confidentially report incidents or suspicions of sexual abuse and harassment, including the availability of non-prisoner interpreters for prisoners with limited ability to speak or write in English;
 - f. How to contact the Special Investigation Division; and
 - g. How to contact the Office of the Corrections Ombudsperson.

Requirements:

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

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

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

Due Date: Within 30 days of intake

2/24/22 Status Report

NJDOC continues to provide incarcerated individuals with comprehensive and ongoing in-person educational services regarding NJDOC's zero tolerance of sexual abuse and sexual harassment, rights, and responsibilities under PREA and available services related to sexual abuse within 30 days of intake.

Upon intake, all prisoners are provided with written and video materials detailing the zero tolerance for sexual abuse/harassment policy, along with PREA informational handouts and reporting instructions.

Specifically, NJDOC provides:

- In-person orientation within 30 days of intake
- Continuous PREA video presentation on closed-circuit TV channel
- PREA handbooks
- JPay PREA content
- PREA section of facility handbook
- PREA posters displayed throughout the facility
- Tier Rep/Liaison meetings
- PREA Reference handouts
- PREA Reference handouts in visit areas
- PREA Reference handouts in law libraries

NJDOC Policy Statement Number 001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment* is currently under review and revision, but this component specific to Prisoner Education is already practiced at EMCF. NJDOC has submitted verifications of compliance to DOJ and the Monitor for the months of August 24, 2021, through January 2022.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 47:

Page 23 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states "During the intake process, prisoners shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Within 30 days of intake, the agency shall provide comprehensive education to prisoners either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

Additionally, page 23 and 24 goes on to state, "NJDOC provides prisoners with comprehensive and ongoing educational services regarding NJDOC's zero tolerance of sexual abuse and sexual harassment, rights, and responsibilities under PREA and available services related to sexual abuse. Upon intake, all prisoners are provided with written and video materials detailing the zero tolerance for sexual abuse/harassment policy, along with PREA informational handouts and reporting instructions. Upon assignment to a correctional facility, prisoners are issued facility specific handbooks which include a PREA section. They are provided information at their orientation on how to report an incident or allegation, along with methods for third party and confidential reporting.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73, states, "During intake and as offenders are transferred between facilities, all offenders will receive information about the NJDOC's policies regarding the Prison Rape Elimination Act (PREA) and Zero Tolerance for Sexual Assault/Rape. Additional information regarding prevention, intervention, treatment, and counseling will be provided by designated staff in a manner that is clearly understood by offenders."

The Monitor reviewed a copy of the PREA video shown to Edna Mahan prisoners, as well as a copy of the training curriculum. The curriculum delivered during the intake process includes all the required information (a – g) listed in Settlement Agreement paragraph 47. Additionally, the Monitor has reviewed a copy of the Edna Mahan Prisoner Handbook, a copy of both the English and Spanish version of the handout titled, "NJDOC PREA: Zero Tolerance and How to report Sexual Abuse/Sexual Harassment or Retaliation at NJDOC ", and a copy of the English and Spanish version of the flyer titled "Zero Tolerance" given out at the orientation session. Again, all the required information (a – g) listed in Settlement Agreement paragraph 47 is listed in these documents.

In January 2022, the Monitor received a list of the 16 prisoners who entered Edna Mahan during the month of December. It was noted that all 16 of these prisoners were scheduled to attend the PREA orientation education on January 14th, 2022. On February 14, 2022, the Monitor received verification that everyone who entered Edna Mahan during the month of December participated in the comprehensive prisoner orientation session on January 10, 2022. In February 2022, the Monitor was notified that, due to Covid concerns, no prisoners entered Edna Mahan during the month of January. Thus, there were no comprehensive prisoner orientation sessions offered in January.

During the compliance visit, Mr. Shireman, the Monitor's Associate, watched a comprehensive orientation education for Edna Mahan prisoners to ensure that the curriculum delivered during the intake process included all the required information (a – g) listed in Settlement Agreement paragraph

47. Additionally, during the compliance visit, the Monitor and her Associate both noted the “PREA posters” posted throughout the housing units and other parts of the facility. These PREA posters noted the right of prisoners to be free from sexual abuse, sexual harassment, retaliation for reporting either, and ways to report.

Mr. Shireman, the Monitor’s Associate, interviewed the Edna Mahan PREA Compliance Manager to confirm the documentation of prisoners who attend, and the person who provides, the comprehensive prisoner orientation sessions. Lastly, during the compliance visit, the Monitor or her Associate met with 22 prisoners asking if they received PREA orientation within 30 days of intake. Most of these prisoners confirmed they did receive intake during 30 days of intake (some couldn’t remember). And it is worth noting that some of the prisoners we spoke to were unaware that there were confidential methods of reporting. This might be a result of two different concerns. One concern is that some of the material the prisoners receive references calls being “anonymous.” This wording might not be understood by all prisoners. A second problem is that, in order to make a “confidential call,” a prisoner has to enter their telephone PIN (Personal Identification Number). Some prisoners might think that, since they must enter their PIN number, that call might not be confidential.

Recommendations re F. Prisoner Education ¶ 47:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Education policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. This policy should include a statement that all prisoners receive PREA information within 30 days of intake.

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

Other recommendations include:

- NJDOC and Edna Mahan change the wording on their PREA materials from “anonymous” to “confidential”
- NJDOC and Edna Mahan look at the opportunity for prisoners to make calls to *SID1# without having to enter their Personal Identification Numbers. Or, at a minimum, prisoners should receive specific education to alert them that Edna Mahan does not have access to that identifying information
- All confidential methods of reporting are emphasized during the prisoner PREA orientation

F. Prisoner Education

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

Requirements:

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

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

Steps taken by NJDOC and EMCF towards implementation

Due Date: Within 30 days of intake

F. Prisoner Education ¶ 48:

2/24/22 Status Report

NJDOC continues to provide incarcerated individuals with comprehensive and ongoing educational services regarding NJDOC's zero tolerance of sexual abuse and sexual harassment, rights, and responsibilities under PREA and available services related to sexual abuse within 30 days of intake. This education is presented in person, utilizing both video and live dialogue by a trained facilitator. In addition, NJDOC provides various informational posters throughout EMCF and a daily showing of the female PREA video on the internal facility television channel.

Upon intake, all prisoners are shown a video titled "PREA: What You Need to Know," and provided written materials detailing the zero tolerance for sexual abuse/harassment policy, along with PREA informational handouts and reporting instructions. Upon assignment to a correctional facility, prisoners are issued facility-specific handbooks which include a PREA section. NJDOC Policy Statement Number 001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment* is currently under review and revision, but this component specific to Prisoner Education is already practiced at EMCF. NJDOC has submitted verifications of compliance to DOJ and the Monitor for the months of August 24, 2021, through January 2022.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 48:

On page 23 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states "During the intake process, inmates shall receive information explaining the agency's zero-tolerance policy regarding sexual abuse and sexual harassment and how to report incidents or suspicions of sexual abuse or sexual harassment. Within 30 days of intake, the agency shall provide comprehensive education to inmates either in person or through video regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding agency policies and procedures for responding to such incidents.

The Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73 titled, Zero Tolerance Prison Sexual Assault" does not contain any references to providing comprehensive orientation education to prisoners. This will be addressed in the recommendation section.

In January 2022, the Monitor received a list of the 16 prisoners who entered Edna Mahan during the month of December. It was noted that all 16 of these prisoners were scheduled to attend the PREA orientation education on January 14th. On February 14, 2022, the Monitor received verification that everyone who entered Edna Mahan during the month of December participated in the comprehensive prisoner orientation session on January 10, 2022. In February 2022, the Monitor was notified that, due to Covid concerns, no prisoners entered Edna Mahan during the month of January. Thus, there were no comprehensive prisoner orientation sessions offered in January.

During the compliance visit, Mr. Shireman, the Monitor's Associate, watched a comprehensive orientation education for Edna Mahan prisoners to ensure the prisoners were told of their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding their policies and procedures for responding to such incidents.

Mr. Shireman, the Monitor's Associate, interviewed the current Edna Mahan PREA Compliance Manager to confirm the documentation of prisoners who attend, and the person who provides, the comprehensive prisoner orientation sessions. Lastly, during the compliance visit, the Monitor met with 22 prisoners during the on-site visit asking if they received PREA orientation within 30 days of intake. Most of these prisoners confirmed they did receive intake during 30 days of intake (some could not remember). As noted above, some of the prisoners we spoke to were unaware that there were confidential methods of reporting.

Recommendations re F. Prisoner Education ¶ 48:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Education policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. This policy should include a statement that during the intake process, or within 30 days of intake, Edna Mahan provides comprehensive orientation education to prisoners either conducted in-person or through a video presented by an in-person facilitator regarding their rights to be free from sexual abuse and sexual harassment and to be free from retaliation for reporting such incidents, and regarding their policies and procedures for responding to such incidents.

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

The Monitor recommends using a PREA Orientation video showing female prisoners rather than male and recommends all confidential methods of reporting are emphasized during the prisoner PREA orientation.

F. Prisoner Education

¶ 49 Current Edna Mahan prisoners will again receive the information and education described in Paragraphs 47 and 48 above within three months of the Effective Date.

Requirements:

Monitor's Measure of Compliance re F. Prisoner Education ¶ 49:

- Copy of PREA video shown to prisoners
- Copy of curriculum (including power point slides, if any) for orientation education for prisoners
- Copy of PREA orientation material for prisoners
- Copy of EMCF Prisoner Handbook
- List of all prisoners at EMCF on November 24, 2021
- Prisoner rosters documenting that the prisoners received the orientation education between August 24 and November 24, 2021
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure all current EMCF prisoners will again receive the orientation information and education
- Interviews with prisoners during the on-site visit that, if they had been at EMCF prior to August 24, 2021, they received PREA information and education again prior to November 24, 2021

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

Due Date: 11/24/2021

Monitor's Finding of Compliance re F. Prisoner Education ¶ 49:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 49:

The Monitor reviewed a copy of the PREA video shown to Edna Mahan prisoners, as well as a copy of the training curriculum. The curriculum delivered during the intake process includes information regarding NJDOC's zero-tolerance policy regarding sexual abuse and harassment; definitions of sexual abuse and sexual harassment; the right to be free from sexual abuse and sexual harassment and from retaliation for reporting such incidents; the right to be free from verbal abuse, including name calling, and sexually explicit, profane, vulgar, or degrading language; how to confidentially report incidents or suspicions of sexual abuse and harassment, including the availability of non-prisoner interpreters for prisoners with limited ability to speak or write in English; how to contact the Special Investigation Division; and how to contact

the Office of the Corrections Ombudsperson. The Monitor reviewed a list of all prisoners who were at Edna Mahan November 24, 2021, and compared that list with the documentation of prisoners that received the comprehensive orientation education between the dates of August 24 and November 24, 2021. This documentation verified that as of November 24, 2021, all current Edna Mahan prisoners received the information and education described in Paragraphs 47 and 48 within three months of the effective Date of the Settlement Agreement (August 24, 2021).

Recommendations re F. Prisoner Education ¶ 49:

No recommendations

F. Prisoner Education

¶ 50. NJDOC and Edna Mahan shall ensure that the individuals conducting or facilitating the comprehensive prisoner educational orientation are trained on Edna Mahan and NJDOC's policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and the terms of this Agreement.

Requirements:

¶ 51. The individual conducting or facilitating the comprehensive prisoner orientation education shall remain in the room during the entire orientation. If an exigent circumstance arises that requires the individual conducting or facilitating the orientation to leave the room, the individual will return to the room as promptly as possible.

Monitor's Measure of Compliance re F. Prisoner Education ¶ 50:

- EMCF Level 3 policy requiring that the individuals conducting the comprehensive prisoner educational orientation are trained on EMCF and NJDOC's policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and the terms of the Settlement Agreement
- List of all persons who provide the comprehensive prisoner educational orientation at EMCF
- Documentation of trainers "training" specific to above and date when it occurred

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

Monitor's Finding of Compliance re F. Prisoner Education ¶ 50:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 50:

The Monitor received the training records for Amelia Renshaw, Jamie Sferlazzo, Sally Devoy-Green, Taquila Rios, Alicia Lalas, Diana Bartolomwo, Nancy Yorlano, and Veronica Gil, the only persons who provides the Edna Mahan comprehensive prisoner educational orientation. These training records verifies that each of these individuals received PREA training, which included information on Edna Mahan and NJDOC's policies and procedures related to sexual abuse and sexual harassment and the PREA standards. Additionally, the Monitor received verification that these individuals received training on the Settlement Agreement on February 22, 2022.

Recommendations re F. Prisoner Education ¶ 50:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Education policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include the requirement in the Level 3 that all the individuals conducting or facilitating the comprehensive prisoner educational orientation are trained on Edna Mahan and NJDOC's policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and the terms of the Settlement Agreement, as long as the Settlement Agreement is in effect.

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

F. Prisoner Education

¶ 51. The individual conducting or facilitating the comprehensive prisoner orientation education shall remain in the room during the entire orientation. If an exigent circumstance arises that requires the individual conducting or facilitating the orientation to leave the room, the individual will return to the room as promptly as possible.

Requirements:

¶47/¶48 - NJDOC Policy Statement Number 001.008 “Prevention, Detection and Response of Sexual Abuse and Harassment” specific to Prisoner Education

Monitor’s Measure of Compliance re F. Prisoner Education ¶ 51:

- EMCF Level 3 policy requiring that the individuals conducting the comprehensive prisoner orientation education remain in the room during the entire orientation. That Level 3 policy should also require that the person provide the comprehensive prisoner educational orientation document that they did remain in the room the entire time and that they notify the EMCF PREA Compliance Manager immediately if they did leave the room, due to an exigent circumstance
- The EMCF PREA Compliance Manager will notify the DOJ and Monitor in writing of the exigent circumstance anytime the person providing the comprehensive prisoner educational orientation document did not remain in the room the entire time
- Class roster for the comprehensive prisoner educational orientation, dated and signed by the person who provided the training, verifying that they remained in the room during the entire orientation
- Interview with EMCF PREA Compliance Manager
- Interview with at least two of the persons who provide the comprehensive prisoner educational orientation
- Interviews with prisoners during the on-site visit asking if the individual conducting the comprehensive prisoner orientation education remained in the room the entire time
- Observation of a comprehensive prisoner orientation education during onsite visit

Steps taken by NJDOC and EMCF towards implementation

Compliant

F. Prisoner Education ¶ 51:

2/24/22 Status Report

As of February 22, 2022, facilitators for this comprehensive orientation delivery have been trained on EMCF and NJDOC’s policies and procedures related to sexual abuse and sexual harassment, the PREA standards, and the terms of this Agreement. Training records have been provided to the DOJ and Monitor.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

The Monitor reviewed the "New Admission Orientation/PREA Completion" form that is individually signed by each Edna Mahan prisoner, verifying their completion of the PREA Orientation. This form is signed by the staff person who delivered the PREA Orientation. The staff signature indicates comprehensive orientation education while remaining in the room during the entire PREA orientation.

Interviews with the Edna Mahan PREA Compliance Manager and one other person, Amelia Renshaw, who provide the comprehensive prisoner educational orientation verified that everyone is aware of the expectation that individuals conducting or facilitating the comprehensive prisoner orientation education shall remain in the room during the entire orientation. Additionally, they both were aware that if an exigent circumstance arises that requires the individual conducting or facilitating the orientation to leave the room, the individual will return to the room as promptly as possible.

Also, during the on-site compliance visit, the Monitor and/or her Associate spoke with prisoners, asking if the individual conducting the comprehensive prisoner orientation education remained in the room the entire time. All responses were affirmative that the facilitator remained in the room the entire time.

Lastly, Mr. Shireman, the Monitor's Associate, observed an entire comprehensive prisoner orientation education session during the onsite compliance visit. During this observed session, the facilitator remained in the room the entire time.

However, there is currently no statement in NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment that requires individuals conducting or facilitating the comprehensive prisoner orientation education shall remain in the room during the entire orientation. Nor is there a requirement that if an exigent circumstance arises that requires the individual conducting or facilitating the orientation to leave the room, the individual will return to the room as promptly as possible.

Likewise, there is currently no such requirement in the Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73 titled, "Zero Tolerance Prison Sexual Assault". This will be addressed in the recommendation section.

Recommendations re F. Prisoner Education ¶ 51:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prisoner Education policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. This policy should include a statement that requires individuals conducting or facilitating the comprehensive prisoner orientation education to remain in the room during the entire orientation or, if an exigent circumstance arises that requires the individual conducting or facilitating the orientation to leave the room, the individual will return to the room as promptly as possible.

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

F. Prisoner Education

¶ 52. Consistent with current policy, Edna Mahan shall ensure that the comprehensive orientation information is conveyed and made available in formats accessible to all prisoners, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to prisoners who have limited reading skills.

Requirements:

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

Monitor’s Measure of Compliance re F. Prisoner Education ¶ 52:

- NJDOC policy statement SUP.004.001 Limited English Proficient (LEP) Language Assistance
- EMCF Level 3 policy requiring that the comprehensive prisoner orientation education is made available in formats accessible to all prisoners, depending on their specific needs
- A semi-annual report (beginning on April 5, 2022, for the last quarter of 2021 and first quarter of 2022)) from EMCF PREA Compliance Manager to the DOJ and Monitor, identifying the names of prisoners who received the prisoner orientation education in a different format. The report should identify the names of the prisoners and the alternate source of how the information was provided
- Interview with EMCF PREA Compliance Manager
- Interview with at least two of the prisoner orientation education trainers
- Interview with at least two prisoners included in these categories and have received the training in an alternative format

Steps taken by NJDOC and EMCF towards implementation

Report Due Date: April 5, 2022

F. Prisoner Education ¶ 52:

2/24/22 Status Report

In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, the Americans with Disabilities Act, and all other applicable laws and regulations, NJDOC ensures that orientation information is conveyed and made available in formats accessible to all prisoners, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to prisoners who have limited reading skills.

NJDOC takes reasonable steps to provide non-English speakers and limited English proficient (LEP) individuals with access to programs and activities and ensure that staff can communicate effectively with LEP incarcerated individuals. Each department head has a passcode to the “language line” for short-term crisis intervention for LEP individuals. In addition to the procedures indicated in NJDOC Policy SUP.004.001 *Limited English Proficient (LEP) Language Assistance: Use of Language Line*, educational staff provide LEP individuals with accommodations when necessary and practical, including tutoring, dictionaries, small-group instruction, simplified instruction and/or instructional software. The

orientation materials, along with all PREA materials are immediately available in both English and Spanish. Both languages are reflected in the posters displayed throughout the facility as well as on all related documents.

EMCF's institutional staff determines what method of communication is most appropriate for deaf or hard-of-hearing prisoners by asking the individual what form of communication she prefers, as deaf prisoners have different means of communicating, and different skill levels for signing, lip-reading, and written language. For those who prefer to sign, an interpreter is provided to ensure effective communication, including but not limited to, those functions listed above. In an emergency situation, the staff use written notes, charts and diagrams until the interpreter arrives.

NJDOC will provide the DOJ and Monitor a semi-annual report by April 5, 2022, of all incarcerated individuals who received LEP services for the comprehensive orientation training.

Monitor's Finding of Compliance re F. Prisoner Education ¶ 52:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re F. Prisoner Education ¶ 52:

Page 14 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment § 115.16 states that, "The agency shall take appropriate steps to ensure that prisoners with disabilities (including, for example, prisoners who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with prisoners who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with prisoners with disabilities, including prisoners who have intellectual disabilities, limited reading skills, or who are blind or have low vision. Additionally, the Policy states, "The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency's efforts to prevent, detect, and respond to sexual abuse and sexual harassment to prisoners who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Additionally, NJDOC policy statement SUP.004.001 Limited English Proficient (LEP) Language Assistance details the department's procedures in addressing the needs of LEP prisoners. Assistance for LEP prisoners includes the use of bi-lingual staff and language line services. Each facility ensures that newly arrived prisoners to the facility receive gender specific verbal, written and video presentations about prisoner sexual abuse/harassment in English and/or Spanish. For deaf and hard of hearing prisoners, videos are available in closed caption. PREA orientation/educational informational materials and posters are provided in both English and Spanish. In instances where an LEP prisoner speaks in a language other than English or Spanish, translation services are provided.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive #100A Titled, Limited English Proficiency (LEP) Language Assistance: Bilingual Staff and Use of the Language Line states, "In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC and Edna Mahan Correctional Facility, to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP inmates, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent inmates, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP inmates in the areas of programming, safety, medical and quasi-legal proceedings. These sources, include, but are not limited to, the Language Line and appropriate staff." The concern the Monitor has with this IMP is that it was last revised in September 2018.

Additionally, Mr. Shireman, the Monitor's Associate, interviewed the current Edna Mahan PREA Compliance Manager and one other person who provides prisoner orientation education, Amelia Renshaw. Both were asked how Edna Mahan ensured the comprehensive orientation information is conveyed and made available to prisoners who are limited English proficient, deaf, visually impaired, or otherwise disabled as well to prisoners who have limited reading skills. They reported that the Social Services Department handles the needed services.

Lastly, the Monitor interviewed two prisoners included in these categories. Both prisoners were asked how they received the training in an alternative format. Both prisoners only spoke Spanish. The Monitor used an interpreter, Veronica Gil who works in Social Services, during these interviews. Both prisoners and Ms. Gil acknowledged that Ms. Gil had conducted the comprehensive PREA orientation for them in Spanish, that they had viewed the PREA video in Spanish, and that they had received all material in Spanish. It should be noted that although Ms. Gil is the primary interpreter for the Spanish speaking prisoners in Edna Mahan, she is not a certified interpreter. Ms. Gil stated that she was scheduled to take the certification test prior to Covid. She is hoping to take it soon. Ms. Gil is very passionate about working with the Spanish speaking prisoners. The Monitor did not meet with any prisoners with disabilities with respect to this paragraph during the course of the most recent site visit.

Recommendations re F. Prisoner Education ¶ 52:

The Settlement Agreement requires that a policy on Prison Education is drafted or revised by May 24, 2022. When this policy is drafted or revised, it should continue to include the statement that, “The agency shall take appropriate steps to ensure that prisoners with disabilities (including, for example, prisoners who are deaf or hard of hearing, those who are blind or have low vision, or those who have intellectual, psychiatric, or speech disabilities), have an equal opportunity to participate in or benefit from all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment. Such steps shall include, when necessary to ensure effective communication with prisoners who are deaf or hard of hearing, providing access to interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary. In addition, the agency shall ensure that written materials are provided in formats or through methods that ensure effective communication with prisoners with disabilities, including prisoners who have intellectual disabilities, limited reading skills, or who are blind or have low vision.

The revised policy needs to continue to state, “The agency shall take reasonable steps to ensure meaningful access to all aspects of the agency’s efforts to prevent, detect, and respond to sexual abuse and sexual harassment to prisoners who are limited English proficient, including steps to provide interpreters who can interpret effectively, accurately, and impartially, both receptively and expressively, using any necessary specialized vocabulary.

Additionally, by August 24, 2022, the policy and procedures need to be adopted by Edna Mahan. Lastly, after the approval of this policy by DOJ, Edna Mahan needs to create a staff training plan that identifies the staff to be trained and the date(s) of training planned.

The Monitor is convinced that a Spanish speaking prisoner would receive the comprehensive orientation information in a format that they would understand. She is not so convinced, however, that a prisoner who speaks any language other than Spanish, or who is deaf, visually impaired, or otherwise disabled, or who have limited reading skills would receive such. This was discussed in the narrative report and will be discussed in more depth during paragraph 90 of this monitoring tool.

F. Prisoner Education

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

Requirements:

¶47/¶48/¶51/¶52 - NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
specific to Prisoner Education

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

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

Steps taken by NJDOC and EMCF towards implementation

Initial roster due date: January 5, 2022, then monthly

F. Prisoner Education ¶ 53:

2/24/22 Status Report

Attendance forms which include verification of participant signature and signature of the in-person facilitator are kept on file. Random verification forms were submitted to the Monitor and DOJ to verify compliance for the months in December 2021 and January 2022. Copies of receipt documents are maintained in each prisoner's classification folder and by the IPCM.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re F. Prisoner Education ¶ 53:

On page 23 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “The agency shall maintain documentation of inmate participation in these education sessions. Inmates are required to sign for receipt of PREA informational materials as well as for attendance at PREA education/orientation sessions. Copies of receipt documents are to be maintained in the inmate’s classification folder and by the Institutional PREA Compliance Manager.”

The Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73 titled, “Zero Tolerance Prison Sexual Assault” does not contain any references to providing comprehensive orientation education to prisoners. This will be addressed in the recommendation section.

Additionally, during the compliance visit, Mr. Shireman, the Monitor’s Associate interviewed the Edna Mahan Compliance Manager and reviewed the documentation of prisoner attendance in comprehensive prisoner orientation sessions offered during the months of August, September, October, and November.

Recommendations re F. Prisoner Education ¶ 53:

The Settlement Agreement requires that a policy on Prison Education is drafted or revised by May 24, 2022. When this policy is drafted or revised, the statement that, “The agency shall maintain documentation of inmate participation in these education sessions. Inmates are required to sign for receipt of PREA informational materials as well as for attendance at PREA education/orientation sessions. Copies of receipt documents are to be maintained in the inmate’s classification folder and by the Institutional PREA Compliance Manager” needs to remain in the policy.

Additionally, by August 24, 2022, the policy and procedures need to be adopted by Edna Mahan. Lastly, after the approval of this policy by DOJ, Edna Mahan needs to create a staff training plan that identifies the staff to be trained and the date(s) of training planned.

G. Prisoner's Right to Privacy at Edna Mahan

NJDOC and Edna Mahan shall prevent officers from unnecessarily viewing Edna Mahan prisoners who are naked or performing bodily functions. Accordingly:

¶ 54. Cross-Gender Searches

- a. Edna Mahan shall comply with N.J.S.A. 30:1B-46 and NJDOC's policy to not conduct cross-gender strip searches or visual body cavity searches (meaning a search of the anal or genital opening) except in exigent circumstances or when performed by medical practitioners.
- b. Prisoners' access to regularly available programming or other out-of-cell opportunities shall not be restricted in order to comply with cross-gender search restrictions.
- c. Edna Mahan shall document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of women prisoners and shall document the exigent circumstances that warranted the search. To the extent any such searches were conducted, Edna Mahan shall provide this documentation to the Monitor and DOJ on a quarterly basis.
- d. NJDOC and Edna Mahan shall train security staff in how to conduct cross-gender pat-down searches, when required, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.

Requirements:

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

¶ 54 a

- Copy of N.J.S.A. 30:1B-46
- NJDOC Level 1 policy prohibiting cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners
- EMCF Level 3 policy prohibiting cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners
- CUS.001.011 Searches of Prisoners and Facilities) and Internal Management Procedure (CUS.001.SEA.001 Searches) which outline the department's rules regarding pat searches, strip searches and body cavity searches
- Training curriculum for staff stating that cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners are prohibited

- Documentation memo/training rosters confirming staff training stating that cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners are prohibited
- Quarterly notification, beginning January 5, 2022, for the last quarter of 2021, to Monitor of exigent circumstances that required a cross-gender strip search or visual body cavity
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan prohibiting cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical practitioners

¶154 b

- EMCF level 3 policy stating that prisoner's access to regularly available programming or other out-of-cell opportunities shall not be restricted in order to comply with cross-gender search restrictions
- Documentation memo/training rosters confirming staff were informed that prisoner's access to regularly available programming or other out-of-cell opportunities shall not be restricted in order to comply with cross-gender search restrictions
- Quarterly notification, beginning January 5, 2022, for the last quarter of 2021, documenting every time available programming or out-of-cell activities were restricted due to not being able to comply with cross-gender search restrictions
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan prohibiting prisoner's access to regularly available programming or other out-of-cell opportunities in order to comply with cross-gender search restrictions

¶154 c

- EMCF level 3 policy requiring that staff document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of women prisoners. And the same level 3 policy requires such documentation include the exigent circumstances that warranted the search
- Quarterly notification (beginning January 5, 2022) for the last quarter of 2021, of exigent circumstances that required a cross-gender strip search, visual body cavity search, or cross-gender pat-down search

¶154 d

- EMCF level 3 policy stating that all security staff shall be trained in how to conduct cross-gender pat-down searches in a professional and respectful manner and in the least intrusive manner possible. And plan to continue to provide this training
- Training records, schedules for training for all security staff, who have been trained, regarding proper methods to conduct cross gender pat down searches
- Copy of curriculum used for this training

- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan in how to conduct cross-gender pat-down searches in a professional and respectful manner and in the least intrusive manner possible
- Interviews with staff during on site visit regarding their responsibilities to document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of women prisoners

Steps taken by NJDOC and EMCF towards implementation

G. Prisoner's Right to Privacy at Edna Mahan ¶ 54:

2/24/22 Status Report

**Verification due quarterly commencing January 5, 2022
for the previous quarter**

NJDOC and EMCF do not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners. Since August 20, 2015, NJDOC also has not permitted cross-gender pat-down searches of female prisoners, absent exigent circumstances. EMCF does not restrict female prisoners' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision and documents all cross-gender strip searches and cross-gender visual body cavity searches, and all cross-gender pat-down searches of female prisoners are documented.

NJDOC policy statement CUS.001.011 *Searches of Prisoners and Facilities* and Internal Management Procedure Level 1/3 CUS.001.SEA.001 *Searches* and the *Search of Persons* training curriculum was provided to DOJ and the Monitor on September 28, 2021. Documentation verifying there were no cross-gender searches performed in the Months of October, November, and December 2021 was provided on January 5, 2022. NJDOC is prepared to provide further verification in accordance with the parameters of this Agreement each quarter it is in effect. This documentation will include verification that there was no uninterrupted access to regularly available programming or other out-of-cell opportunities in order to comply with cross-gender search restrictions.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

Paragraph 54a:

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

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

Additionally, page 12 of 63 of NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “NJDOC does not allow cross-gender strip searches or visual body cavity searches, except in exigent circumstances or when performed by medical professionals”.

Page 6 of 16, of the Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive 50, states, except in exigent circumstances, pat searches shall only be conducted by female custody staff members upon female prisoners. Additionally, Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities says, “Cross-gender pat-down searches of female prisoners are prohibited, absent exigent circumstances. Facilities shall not restrict female prisoners’ access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. Cross-Gender pat frisks shall be documented on the facility Cross-Gender Pat-Frisk form.”

The Monitor also reviewed the power point and the training curriculum for the “Search of Persons” training that NJDOC provides to their custody staff. There is an entire power point slide that notes that “Except in emergency circumstances, pat searches shall only be conducted by female custody staff members upon female prisoners.” The training curriculum also states that “The facility shall not conduct cross-gender strip searches or cross-gender visual body cavity searches except in exigent circumstances or when performed by medical practitioners.

On January 5, 2022, the Monitor and DOJ received a letter from Edna Mahan Administrator stating that, “Please be advised that there have been no exigent circumstances that required cross-gender strip searches or visual body cavity searches for the last quarter (Q4 of 2021, October, November, and December). No programming has been impacted by cross-gender strip searches or visual body cavity searches for the last quarter.”

Paragraph 54b:

Page 6 of 16, of the Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive 50, “states Facilities shall not restrict female prisoners’ access to regularly available programming or other out-of-cell opportunities in order to comply”. Additionally, Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states,

“Cross-gender pat-down searches of female prisoners are prohibited, absent exigent circumstances. Facilities shall not restrict female prisoners' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. Cross-Gender pat frisks shall be documented on the facility Cross-Gender Pat-Frisk form.

On January 5, 2022, the Monitor and DOJ received a letter from Edna Mahan Administrator stating that, “Please be advised that there have been no exigent circumstances that required cross-gender strip searches or visual body cavity searches for the last quarter (Q4 of 2021, October, November, and December). No programming has been impacted by cross-gender strip searches or visual body cavity searches for the last quarter.”

Paragraph 54c:

Page 6 of 16, of the Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive 50, states, “If there is an exigent circumstance, security staff shall conduct cross-gender pat-down searches of prisoners in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs. Facilities must document all pat searches conducted in exigent circumstances.”

Additionally, Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities says, “Cross-gender pat-down searches of female prisoners are prohibited, absent exigent circumstances. Facilities shall not restrict female prisoners' access to regularly available programming or other out-of-cell opportunities in order to comply with this provision. Cross-Gender pat frisks shall be documented on the facility Cross-Gender Pat-Frisk form.”

The Monitor also reviewed the power point and the training curriculum for the “Search of Persons” training that NJDOC provides to their custody staff. According to the training curriculum, one of the points to be made is “The facility shall document all cross-gender strip searches and cross-gender visual body cavity searches and shall document all cross-gender pat-down searches of female prisoners.”

Lastly, the Monitor or her Associate interviewed several staff and asked them specifically about their responsibilities to document all cross-gender strip searches, cross-gender visual body cavity searches, and cross-gender pat-down searches of women prisoners. Without exception, every staff member we interviewed said they would never conduct cross-gender pat searches. But if they were ordered to, they would document those searches in the “G-drive” and complete a custody 100 form.

Paragraph 54d:

Page 5 of 16, of the Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive 50, states, “all searches shall be performed in a professional and respectful manner, and in the least intrusive manner possible, consistent with the safety and security needs of all involved.”

The Monitor reviewed the power point and the curriculum for the “Search of Persons” training that NJDOC provides to their custody staff. One of the statements in this power point is “strip searches shall be conducted in a professional and dignified manner, with maximum courtesy and respect for the prisoner’s person.” The training curriculum also states that, “The agency shall train security staff in how to conduct cross-gender pat-down searches, and searches of transgender and intersex prisoners, in a professional and respectful manner, and in the least intrusive manner possible, consistent with security needs.”

However, it is not clear to the monitor how, when, or if security staff are trained in conducting cross-gender pat down searches. Mr. Shireman, the Monitor’s Associate, spoke with the Training Lieutenant and his staff assigned to Edna Mahan and neither were aware when security staff received this training. They assumed it was during the Academy, but the Monitor could find no verification of such.

Recommendations re G. Prisoner’s Right to Privacy at Edna Mahan ¶ 54:

The Settlement Agreement requires that a policy on Cross Gender Searches and Viewing is drafted or revised by May 24, 2022. This revised policy needs to continue to reinforce the expectation that Edna Mahan staff of the opposite gender to announce their presence when entering a prisoner housing unit and before entering the shower or toilet areas, except in exigent circumstances. The revised policy should also give consideration to how to accommodate the transgender and non-binary prisoners.

Additionally, by August 24, 2022, the policy and procedures need to be adopted by Edna Mahan. Lastly, after the approval of this policy by DOJ, Edna Mahan needs to create a staff training plan that identifies the staff to be trained and the date(s) of training planned. The training plan should also identify, specifically, when, and where new security staff are to be trained in conducting cross-gender pat down searches.

G. Prisoner's Right to Privacy at Edna Mahan

¶ 55. Cross-Gender Viewing

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

Requirements:

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

¶ 55 a

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

¶ 55 b:

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

Steps taken by NJDOC and EMCF towards implementation

G. Prisoner's Right to Privacy at Edna Mahan ¶ 55:

2/24/22 Status Report

As written in NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment*, in order to accommodate the privacy interests of incarcerated individuals at EMCF, modesty barriers are provided in facility shower areas. Additionally, modesty barriers/panels are provided for use while changing. Privacy screens are available to be utilized for non-routine strip searches. When an opposite-gender staff member, both custody and non-custody, enters a housing unit where there is not already another opposite-gender staff present, the opposite-gender staff is required to verbally announce their arrival on the unit by announcing "male/female on the floor."

NJDOC's Level 1/3 IMP PCS.001.TGI.01 *Transgender, Intersex and Non-Binary Prisoners* ensures that the needs of transgender, intersex, and non-binary individuals are addressed in a manner that is consistent with PREA standards and in accordance with departmental regulations, policies, and procedures. Transgender, intersex, and non-binary individuals are given the opportunity to shower separately from other incarcerated persons.

These topics are covered in the PREA training materials provided to DOJ and the Monitor on 10/21/21. All staff are trained on these procedures annually, and the most recent training of all EMCF staff concluded 2/12/22.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re G. Prisoner's Right to Privacy at Edna Mahan ¶ 55:

Paragraph 55a:

Part of the 2020 New Jersey Revised Statutes Title 30 – Institutions and Agencies, Section 30:1B-46 – Policy to limit cross gender searches and surveillance in State Correctional facilities, prohibits correctional police officers from viewing prisoners of the opposite gender who are nude or performing bodily functions except in an emergency or other extraordinary or unforeseen circumstances and requires a facility to install privacy panels in shower and toilet areas when possible

Page 12 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "In order to accommodate the privacy interests of prisoners, modesty barriers are provided in facility shower areas. Additionally, modesty barriers/panels are provided for prisoners' use while changing. Privacy screens are available at each facility to be utilized for non-routine strip searches."

The Monitor also reviewed the power point and the curriculum for the "Search of Persons" training that NJDOC provides to their custody staff. One of the statements in this power point is "the facility shall implement policies and procedures that enable prisoners to shower, perform bodily functions, and change clothing without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia, except in exigent circumstances or when such viewing is incidental to routine cell checks.

The Monitor and/or her Associate conducted focus groups with women prisoners currently living at Edna Mahan and asked them if they felt they were able to perform bodily functions without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia. Most of their responses indicated they knew they were aware of this right, but they didn't always feel they were afforded this right. A few examples they gave were they felt that sometimes the shower curtains were too short and that the buttocks of short women could be seen while they were showering, or the shower curtains were not wide enough to cover the entire door of the shower. It should be noted that the Monitor was aware of both of these concerns during the baseline visit, and she noted both of these concerns had been addressed during the compliance visit in March. Another example the prisoners provided was that in certain units, their silhouettes might be seen by staff who were walking outside and looking into the window of the cells.

This concern was brought to the attention of the Associate Administrator, and he assured the Monitor he would look into this. The prisoners also asked why women corrections staff can come into their cells without knocking since the Agreement states, "without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia" and that there are transgender and non-binary prisoners residing at Edna Mahan. This will be addressed in the recommendation section.

Lastly, the Monitor or her Associate interviewed several staff and asked them specifically about prisoners being able to perform bodily functions without nonmedical staff of the opposite gender viewing their breasts, buttocks, or genitalia. Again, without exception, every staff member we interviewed were aware of this right of the prisoners.

Paragraph 55b:

Part of the 2020 New Jersey Revised Statutes Title 30 – Institutions and Agencies, Section 30:1B-46 – Policy to limit cross gender searches and surveillance in State Correctional facilities requires a verbal announcement to be made when correctional police officers or other employees of the opposite gender are in an area of the facility. Page 13 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, “when an opposite-gender staff member, both custody and non-custody, enters a housing unit where there is not already another opposite-gender staff present, the opposite-gender staff is required to verbally announce their arrival on the unit by announcing “male/female on the floor.”

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 1 Title: Officer Responsibilities states, “Upon arrival to the unit/housing area, male officers shall announce their presence.”

The Monitor also reviewed the power point and the curriculum for the “Search of Persons” training that NJDOC provides to their custody staff. One of the statements in this power point is “The facility shall implement policies and procedure that require staff of the opposite gender to announce their presence when entering a prisoner housing unit.”

Lastly, the Monitor or her Associate interviewed several male staff and asked them specifically about their responsibilities to announce their presence when entering a prisoner housing unit, and before entering the shower or toilet areas, except in exigent circumstances. Without exception, every male staff member we interviewed were aware of this expectation.

The Monitor did not always observe this practice being done during the baseline tour of the facility in October 2021. However, during the compliance visit February 28 – March 4, 2022, we did observe male staff calling out “man on wing. Cameras activated” every time a male staff entered a housing unit. It should be noted that ever since the correctional staff started wearing body wore cameras, the female security staff now call out “cameras activated” when they enter as cell.

It is worth noting that several prisoners asked us why the women staff were not required to do such, since there are transgender and non-binary prisoners residing at Edna Mahan. This will be addressed in the recommendation section.

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

The Settlement Agreement requires that a policy on Cross Gender Searches and Viewing is drafted or revised by May 24, 2022. This revised policy needs to continue to reinforce the expectation that Edna Mahan staff of the opposite gender to announce their presence when entering a prisoner housing unit and before entering the shower or toilet areas, except in exigent circumstances. The revised policy should also give consideration to how to accommodate the transgender and non-binary prisoners.

Additionally, by August 24, 2022, the policy and procedures need to be adopted by Edna Mahan. Lastly, after the approval of this policy by DOJ, Edna Mahan needs to create a staff training plan that identifies the staff to be trained and the date(s) of training planned.

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

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

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

Requirements:

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

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

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

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

Steps taken by NJDOC and EMCF towards implementation

H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 56:

2/24/22 Status Report

EMCF incarcerated individuals receive ongoing PREA education, which includes methods of reporting allegations of sexual abuse and sexual harassment, all of which is also included in the prisoner handbook. This information is also displayed throughout EMCF. Currently incarcerated individuals may report allegations by:

- Informing any NJDOC staff member, contractor, or volunteer, verbally or in writing;
- Contacting the PREA Compliance Manager;
- Utilizing the prisoner remedy system through the JPAY kiosk;
- Contacting Special Investigations Division (SID) via the confidential SID box or by dialing *SID# on the prisoner telephone system (this is a free call)
- Contacting the Corrections Ombudsperson in writing at the address provided on posters, flyers, and the handbook or by placing a free call to their office at 1-555-555-5555 (prisoner only number). Methods for family members, friends, attorneys, clergy or any other third-party to report allegations are included in the handbook and are published on the NJDOC website. Those methods include:
 - Contacting the PREA Compliance Manager;
 - Contacting SID at 609-826-5617; and
 - Contacting the Corrections Ombudsperson in writing or via phone at 609-633-2596. This phone number is for use by the general public.

Copies of the PREA education curriculum, PREA video, handbook, pamphlets, and flyers have been provided to DOJ and the Monitor in both Spanish and English. Data of allegations, including method utilized to report, is kept on file.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

Page 31 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC has established and maintains multiple internal channels for prisoners to privately report sexual harassment and/or sexual abuse, potential retaliation by other prisoners or staff members for reporting said abuse/harassment, and of any staff member neglect or dereliction of responsibilities that may have contributed to the incident. Prisoners can report incidents of sexual abuse or harassment in person, to their Institutional PREA Compliance Manager, in writing, on J-Pay, or anonymously.

Prisoners can report an incident at any time no matter when, or where, it happened. NJDOC advises and educates prisoners of their rights and ability to report via numerous methods and also provides reporting contact information on posters and literature available throughout each correctional facility. Prisoners may report PREA sexual abuse/sexual harassment by using one of the following methods:

- Verbally or in writing to any NJDOC staff member, contractor, or volunteer
- Contacting the Correctional Facility's Institutional PREA Compliance Manager
- Using the Prisoner Remedy System/JPAY Kiosk
- Contacting the Special Investigations Division (SID) via the Confidential SID box or by dialing
- *SID1# on the Prisoner Telephone System (free call)
- Contacting the Corrections Ombudsman"

Additionally, NJDOC's website includes the following information on how to report an allegation on behalf of a prisoner.

Reporting Prisoner Sexual Abuse/Sexual Harassment:

Prisoners who are victims of sexual abuse/ sexual harassment, or have knowledge of sexual abuse/sexual harassment or retaliation should immediately report the incident by using any of the following reporting methods:

- Verbally or in writing to any NJDOC staff member, contractor, or volunteer
- Using the Prisoner Remedy System form/JPAY Prisoner Computer Kiosk
- Contacting the Institutional PREA Compliance Manager
- Contacting the Special Investigations Division (SID) or by dialing *SID1# on the prisoner telephone system (Direct & Confidential/Free Call)

Third Party Reporting of Prisoner Sexual Abuse/Sexual Harassment:

Family members, friends, attorneys, clergy or any other third party may make a report of sexual abuse/sexual harassment or retaliation on a prisoner's behalf by using any of the following methods:

- Contacting the Correctional Facility's Institutional PREA Compliance Manager
- Contacting the Special Investigations Division by Telephone: **(609) 826-5617**

External Reporting of Prisoner Sexual Abuse/Sexual Harassment and Retaliation Through the Office of Corrections Ombudsman

The Office of the Corrections Ombudsman serves as an available independent external resource for **both prisoners and third parties** to report incidents of sexual abuse, harassment, or retaliation. **Reports to this office are confidential and are anonymous upon request.**

All Allegations of prisoner sexual abuse, sexual harassment or retaliation are immediately forwarded to the NJDOC for investigation.

Prisoners can contact the Office of the Corrections Ombudsman by completing an "Ombudsman Prisoner Request for Assistance Form" that is available at each correctional facility, writing directly to their office, or by calling their confidential, toll-free Prisoner Telephone System number.

Third parties can report sexual abuse/sexual harassment or retaliation in writing or by calling the Office's public telephone number.

Mail directed to or from the Office of the Corrections Ombudsman is classified "Legal, Confidential and Official".

Office of Corrections Ombudsman Contact Information:

Address:

Office of Corrections Ombudsman
PO Box 855
Trenton, NJ 08625

Prisoner Telephone System Number 1-555-555-5555
(Confidential/free call/prisoners only)

Public Reporting Number (609) 633-2596 (Confidential)

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 73: Title: Zero Tolerance Policy: Prison Sexual Assault states, “ Offenders may utilize the Prisoner Remedy System Form to report sexual abuse or harassment; however, offenders are not required to go through the Prisoner Remedy System to report allegations of sexual abuse or harassment. Designated staff will process such reports as a high priority in accordance with established facility emergency procedures and forward copies to the facility’s Administrator and PREA Compliance Manager; or

Offenders may use the free confidential telephone hotline to report sexual abuse or harassment to the Corrections Ombudsman. Offenders may also utilize the Office of the Corrections Ombudsman Request for Assistance form or send written correspondence to their office; or

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

The Monitor has reviewed a copy of both the English and Spanish version of the handout titled, “NJDOC PREA: Zero Tolerance and How to report Sexual Abuse/Sexual Harassment or Retaliation at NJDOC “, and a copy of the English and Spanish version of the flyer titled “Zero Tolerance.” Both handouts provide multiple internal reporting methods, including a grievance process, at least one method that allows prisoners to report privately, and at least one method that allows prisoners to report anonymously.

Additionally, during the compliance visit, the Monitor, and her Associate both noted the “PREA posters” posted throughout the housing units and other parts of the facility. These “PREA posters” provided multiple reporting methods. The Monitor reviewed a copy of the PREA video shown to Edna Mahan prisoners, as well as a copy of the training curriculum. And, during the compliance visit, Mr. Shireman, the Monitor’s Associate, watched a comprehensive orientation education for Edna Mahan prisoners to ensure that this “PREA orientation” provides multiple internal reporting methods, including a grievance process, at least one method that allows prisoners to report privately, and at least one method that allows prisoners to report anonymously.

Although prisoners can make an anonymous call to *SID1# on the prisoner telephone system, in order to make a “confidential call”, a prisoner has to enter their telephone PIN (Personal Identification Number). Some prisoners might think that, since they must enter their PIN number, that call might not be confidential.

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

Lastly, the Monitor or her Associate interviewed several staff and prisoners (separately) and asked them specifically about way prisoners can report any allegations of sexual abuse and harassment, including privately and anonymously. Both groups were very knowledgeable about the multiple of ways prisoners can report allegations of sexual abuse and harassment.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 56:

The Settlement Agreement requires that a policy on Sexual Assault, Sexual Abuse, and Sexual Harassment is drafted or revised by May 24, 2022. This revised policy needs to continue to ensure that NJDOC maintains multiple internal channels for prisoners to privately report sexual harassment and/or sexual abuse, potential retaliation by other prisoners or staff members for reporting said abuse/harassment, and of any staff member neglect or dereliction of responsibilities that may have contributed to the incident

Additionally, by August 24, 2022, the policy and procedures need to be adopted by Edna Mahan. Lastly, after the approval of this policy by DOJ, Edna Mahan needs to create a staff training plan that identifies the staff to be trained and the date(s) of training planned.

The Monitor recommends that NJDOC and Edna Mahan look at the opportunity for prisoners to make calls to *SID1# without having to enter their Personal Identification Numbers. Or, at a minimum, prisoners should receive specific education to alert them that Edna Mahan does not have access to that identifying information.

The Monitor also suggests that NJDOC develops a process to ensure the phone numbers and contact information for all resources remain current.

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

¶ 57. NJDOC and Edna Mahan shall also continue to provide at least one way for Edna Mahan prisoners to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials, allowing the Edna Mahan prisoner to remain anonymous upon request. The preferred method provided should be through a toll-free number, or other method as agreed.

Requirements:

¶ 58. NJDOC and Edna Mahan shall ensure that Edna Mahan prisoners may report abuse or harassment to the Office of the Corrections Ombudsperson by methods that comply with Paragraphs 56-57 of this Agreement.

Monitor's Measures of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 57:

- NJDOC Level 1 and EMCF Level 3 policy identifying at least one way to report abuse or harassment to a public or private entity or office that is not part of NJDOC
- Documentation of the Prisoner Telephone System Number 1-555-555-5555 to Corrections Ombudsman
- NJDOC PREA: Zero Tolerance and How to report Sexual Abuse/Sexual Harassment or Retaliation at NJDOC
- Contract with Office of Corrections Ombudsman
- Prisoner Request for Assistance Form
- Interviews with staff during the on-site visit specific to at least one way to report abuse or harassment to a public or private entity or office that is not part of NJDOC
- Focus group with prisoners during the on-site visit specific to at least one way to report abuse or harassment to a public or private entity or office that is not part of NJDOC
- Interviews with Corrections Ombudsman

Steps taken by NJDOC and EMCF towards implementation

H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 57:

2/24/22 Status Report

EMCF prisoners have the option to report abuse or harassment to the Office of the Corrections Ombudsperson. The Corrections Ombudsperson is external to NJDOC and is able to immediately forward prisoner reports of sexual abuse or harassment to NJDOC officials. A report to the Ombudsperson will maintain confidentiality unless the prisoner is in imminent danger; in that case, the Ombudsperson may reveal the prisoner's identity for her protection.

EMCF incarcerated individuals receive a handbook in addition to ongoing PREA education which includes methods of reporting allegations of sexual abuse and sexual harassment. This information is additionally displayed throughout the facility and includes the ability to contact the Corrections Ombudsperson in writing at the address provided on posters, flyers, and the handbook or by placing a free call to their office at 1-555-555-5555.

Prisoner reporting procedures are also memorialized in NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment*.

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 57:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 57:

Pages 31 and 32 (of 63), NJDOC 001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment* states, "The Office of the Corrections Ombudsman serves as an available outside resource to prisoners in custody of the New Jersey Department of Corrections to report incidents of sexual abuse, assault, harassment, or retaliation. The Office of the Corrections Ombudsman, upon receiving such information, shall immediately forward prisoner reports of Page 32 of 63 sexual abuse or sexual harassment to agency officials, allowing the prisoner to remain anonymous upon request"

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 73: Title: Zero Tolerance Policy: Prison Sexual Assault states, "Offenders may use the free confidential telephone hotline to report sexual abuse or harassment to the Corrections Ombudsman. Offenders may also utilize the Office of the Corrections Ombudsman Request for Assistance form or send written correspondence to their office.

Additionally, NJDOC's website includes the information on how to report an allegation on behalf of a prisoner to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials, allowing the Edna Mahan prisoner to remain anonymous upon request. That information includes the statement that:

The Office of the Corrections Ombudsman serves as an available independent external resource for **both prisoners and third parties** to report incidents of sexual abuse, harassment, or retaliation. **Reports to this office are confidential and are anonymous upon request.** All Allegations of prisoner sexual abuse, sexual harassment or retaliation are immediately forwarded to the NJDOC for investigation.

Prisoners can contact the Office of the Corrections Ombudsman by completing an *“Ombudsman Prisoner Request for Assistance Form”* that is available at each correctional facility, writing directly to their office, or by calling their confidential, toll-free Prisoner Telephone System number. Mail directed to or from the Office of the Corrections Ombudsman is classified "Legal, Confidential and Official". The Website also provides the Office of Corrections Ombudsman Contact Information:

The Monitor reviewed the New Jersey Statue Section 5227EE-28 which states, “The Corrections Ombudsperson shall establish and implement procedures for eliciting, receiving, processing, responding, and resolving complaints from prisoners, their families, other interested citizens, public officials, and government agencies concerning conditions in the correctional facilities”. The Monitor also revised inspection report dated April 13, 2021, written by the Ombudsperson assigned to Edna Mahan. This report identifies issues some of the prisoners talked to the Ombudsperson about and the resolutions for each issue. Lastly, the Monitor reviewed a copy of the “Ombudsperson Prisoner Request for Assistance Form,” which is available to the prisoners living in Edna Mahan in all their housing units.

Lastly, the Monitor read the Office of the Corrections Ombudsperson Annual Report. This report covered the period from October 1, 2020, to September 30, 2021. This report notes a total number of 936 contacts with prisoners from Edna Mahan. Those contacts included 47 allegations of harassment by state employees, 21 allegations of assault by state employees, , 5 allegations of sexual harassment by a state employee, 47 allegations of harassment by another prisoner, 4 allegations of assault by another prisoner, 32 allegations of sexual harassment by another prisoner, and 1 allegation of sexual assault by another prisoner.

The Monitor or her Associate interviewed several staff and prisoners (separately) and asked them specifically about way prisoners can report any allegations of sexual abuse and harassment, to a public or private entity or office that is not part of NJDOC. Both groups were very knowledgeable regarding the ways prisoners can report allegations of sexual abuse and harassment to the Office of Ombudsman.

During the onsite compliance visit, the Monitor spoke with two staff from the Office of the Corrections Ombudsman. They indicated that, during this reporting period (August 24, 2021 – February 24, 2022), six different prisoners reported five allegations of sexual abuse and five allegations of sexual harassment to their office.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 57:

The Settlement Agreement requires that a policy on Sexual Assault, Sexual Abuse, and Sexual Harassment is drafted or revised by May 24, 2022. This revised policy needs to continue to provide at least one way for Edna Mahan prisoners to report abuse or harassment to a public or private entity or office that is not part of the agency, and that is able to receive and immediately forward prisoner reports of sexual abuse and sexual harassment to agency officials.

Additionally, by August 24, 2022, the policy and procedures need to be adopted by Edna Mahan. Lastly, after the approval of this policy by DOJ, Edna Mahan needs to create a staff training plan that identifies the staff to be trained and the date(s) of training planned.

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

¶ 59. NJDOC and Edna Mahan shall continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.

Requirements:

Monitor's Measure of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:

- Copy of PREA video shown to staff
- Copy of curriculum (including power point slides, if any) for PREA education for staff
- NJDOC Level 1 Policy and EMCF Level 3 Policy, IMM.001.004 "Zero Tolerance Policy: Prison Sexual Assault
- Any staff training documentation for employees to understand their method for staff to report privately.
- Interview with EMCF PREA Compliance Manager
- Interviews with staff during the on-site visit specific to the way prisoners can report any allegations of sexual abuse and harassment, including privately and anonymously (per ¶156)

Steps taken by NJDOC and EMCF towards implementation

H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:

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NJDOC staff, contractors and volunteers are able to privately report an allegation to their immediate supervisor, the SID confidential tip line at 609-530-2500 or to the IPCM without fear of retaliation. NJDOC staff receives a pamphlet and quick reference guide in addition to ongoing PREA education which includes methods of reporting allegations of sexual abuse and sexual harassment.

Methods for staff to report confidentially are also memorialized in NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment*. Copies of this policy, the at-a-glance guide and staff training curriculum have been provided to DOJ and the Monitor.

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:

Page 32 (of 63), NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC staff, contractors and volunteers can privately report an allegation of PREA to their immediate supervisor, the Special Investigations Division (SID) confidential tip line 609-530- 2500, or the Institutional PREA Compliance Manager. Additionally, page 22 of the same policy states, "PREA education for all custody staff trainees begins in the NJDOC Training Academy and new non-Uniformed personnel receive PREA training as part of their Orientation. In addition, all NJDOC employees, volunteers and contractors receive training on their duties and responsibilities under the Department's zero-tolerance policy and are informed that they are required to immediately report any incident or allegation of sexual abuse/sexual harassment to the nearest custody staff member and their immediate supervisor."

There is an Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive 73A PREA (Juvenile Provisions) that says, "The agency must enable staff to report abuse or harassment directly to an investigator, administrator, or other agency entity without the knowledge of the staff member's direct colleagues or immediate supervisor". But the Monitor was told that this IMP is a draft, written in order to be prepared any juveniles were committed to Edna Mahan, and is not currently used.

Additionally, NJDOC's website states that, "*The Office of the Corrections Ombudsman* serves as an available independent external resource for **both prisoners and third parties** to report incidents of sexual abuse, harassment, or retaliation. **Reports to this office are confidential and are anonymous upon request.**" Although the website does not speak specifically to staff, it might be implied that staff could be considered to be a "third party." The Monitor reviewed a copy of a quad fold brochure titled, "PREA NJDOC Staff Responsibilities." The brochure states that NJDOC staff, contractors and volunteers can report an allegation of PREA to their immediate supervisor, the Institutional PREA Compliance Manager or privately via the Special Investigations Division (SID) confidential tip line at: (609) 530-2500.

During the onsite compliance visit, both the Monitor and her Associate noted posters in all the living units which gave information on how to report incidents of sexual abuse or sexual harassment.

The Monitor or her Associate interviewed several staff and asked them specifically about the way staff can privately report sexual abuse and sexual harassment of prisoners. Their answers included reporting to the Special Investigations Division (SID), the SID confidential tip line or the Institutional PREA Compliance Manager.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 59:

The Settlement Agreement requires that a policy on Sexual Assault, Sexual Abuse, and Sexual Harassment is drafted or revised by May 24, 2022. This revised policy needs to continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.

Additionally, by August 24, 2022, the policy and procedures need to be adopted by Edna Mahan. Lastly, after the approval of this policy by DOJ, Edna Mahan needs to create a staff training plan that identifies the staff to be trained and the date(s) of training planned.

The Monitor also recommends that a discussion of methods and circumstances that Edna Mahan staff could privately report incidents of sexual abuse and sexual harassment of prisoners be included in the PREA education they receive.

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

- ¶ 60. Consistent with N.J.S.A. 30:1B-40, NJDOC and Edna Mahan shall require all Edna Mahan employees to report immediately:
- a. Any knowledge, suspicion, or information regarding an incident or alleged incident of sexual abuse or sexual harassment of Edna Mahan prisoners that occurred in Edna Mahan, in transport vehicles, or in any off-site facilities under the control and supervision of NJDOC or Edna Mahan;
 - b. Retaliation against Edna Mahan prisoners or staff who reported such an incident; and
 - c. Any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation.

Requirements:

- ¶ 59. NJDOC and Edna Mahan shall continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.
- ¶ 61. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to an Edna Mahan sexual abuse or sexual harassment report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

Monitor's Measures of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:

- NJDOC Level 1 Policy and EMCF Level 3 Policy, IMM.001.004 "Zero Tolerance Policy: Prison Sexual Assault
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies how, and to whom, the prisoner reported
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the requirement that EMCF employees report any allegations of sexual abuse, sexual harassment, retaliation, or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation immediately
- Review of retaliation log during on-site visit
- Reports sent to Monitor of any staff member violating this confidentiality provision
- Interviews with EMCF Administrator of any staff member violating this confidentiality provision
- Interviews with PREA Compliance Manager of any staff member violating this confidentiality provision
- Interviews with Special Investigations Principal and her staff of any staff member violating this confidentiality provision
- Interviews with staff during onsite visit specific to the requirement for confidentiality
- Interviews with staff during the on-site visit specific to the requirement that they report any allegations of sexual abuse, sexual harassment, retaliation, or any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation immediately.

**Steps taken by NJDOC and EMCF towards implementation re
H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:
2/24/22 Status Report**

NJDOC Policy Statement IMM.001.004 *Zero Tolerance Policy: Prison Sexual Assault* and its Level 3 Internal management Procedure, Custody Directive 73 *Zero Tolerance Policy: Prison Sexual Assault* document the expectation that regardless of the source, NJDOC staff, contract employees and volunteers who receive information concerning, observe, or have reasonable cause to suspect an offender is a victim of sexual assault (prisoner on prisoner or staff on prisoner), must immediately report the information or incident to their immediate supervisor and/or shift supervisor. The immediate supervisor/shift supervisor will immediately notify SID and forward all written reports to the SID investigative unit. Apart from reporting to designated supervisors or officials, staff are prohibited from revealing information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions. An employee, contractor or volunteer who fails to report an allegation, or coerces or threatens another person to submit inaccurate, incomplete, or untruthful information with the intent to alter a report, may face disciplinary charges, up to and including dismissal, even on a first offense.

The PCM is responsible for retaliation monitoring at the facility-level. The correctional facility's PCM for at least 90 days following a report of sexual abuse, monitor the conduct and treatment of incarcerated individuals or staff who reported the sexual abuse to see if there are any changes that may suggest possible retaliation, and will act promptly to remedy any such retaliation. This monitoring includes review of any prisoner disciplinary reports, housing or program changes, or negative performance reviews or reassignments of staff. The monitoring continues beyond 90 days if the initial monitoring indicates continuation is needed. In the case of incarcerated individuals, this monitoring will also include periodic status checks. The monitoring obligation terminates upon receipt of the investigative outcome.

Emotional support services are made available for incarcerated individuals, or staff, who fear retaliation for reporting sexual abuse or for cooperating with investigations.

All employees (both custody and civilian staff), contractors and volunteers received PREA-specific training on a biennial basis. As of 2021, this training is provided annually. The training is focused on key issues regarding staff sexual misconduct and the prevention of sexual abuse and sexual harassment including the reporting of incidents, retaliation monitoring as well as the first responder responsibilities. This training has been provided to DOJ and the Monitor.

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:

Page 32 (of 63), NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC requires all staff to immediately report any knowledge, suspicion or information regarding prisoner sexual abuse, sexual harassment, retaliation against a prisoner or staff for reporting, or any staff neglect or violation of responsibilities that contributed to an incident of sexual abuse or harassment or retaliation. All NJDOC employees, volunteers and contractors receive training on their duties and responsibilities under the Department's zero-tolerance policy through which they are informed of their requirement to immediately report any occurrence, incident or allegation of sexual abuse and sexual harassment."

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 73: Title: Zero Tolerance Policy: Prison Sexual Assault states, "NJDOC staff, contract employees and volunteers who receive information concerning offender on offender sexual assault, or who observe an incident of offender on offender sexual assault or have reasonable cause to suspect an offender is a victim of sexual assault (prisoner on prisoner or staff on prisoner), must immediately report the information or incident to their immediate supervisor and/or shift supervisor. Additionally, it states, 'An employee, contractor or volunteer who fails to report an allegation, or coerces or threatens another person to submit inaccurate, incomplete or untruthful information with the intent to alter a report, may face disciplinary charges, up to and including dismissal, even on a first offense.'"

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, of a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies when, how, and to whom, the prisoner reported. It also identifies the date of the incident. Additionally, Page 21 (of 63), NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "PREA education for all custody staff trainees begins in the NJDOC Training Academy and new non-Uniformed personnel receive PREA training as part of their Orientation. In addition, all NJDOC employees, volunteers and contractors receive training on their duties and responsibilities under the Department's zero-tolerance policy and are informed that they are required to immediately report any incident or allegation of sexual abuse/sexual harassment to the nearest custody staff member and their immediate supervisor."

The Monitor reviewed a copy of the PREA training curriculum delivered to staff. The curriculum delivers a very clear message to staff about their duty to report immediately any knowledge, suspicion, or information regarding an incident or alleged incident of sexual abuse or sexual harassment of Edna Mahan prisoners that occurred in Edna Mahan, in transport vehicles, or in any off-site facilities under the control and supervision of NJDOC or Edna Mahan. It also clearly states that staff must report immediately any retaliation against Edna Mahan prisoners or staff who reported such an incident, as well as any staff neglect or violation of responsibilities that may have contributed to an incident or retaliation. The training curriculum also states the consequences staff could face for not reporting such incidents.

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

During the onsite compliance visit, Mr. Shireman, the Monitor's Associate reviewed the retaliation log maintained at Edna Mahan by the PREA Compliance Manager. During this reporting period, 2 persons were monitored for retaliation.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 60:

The Settlement Agreement requires that a policy on Sexual Assault, Sexual Abuse, and Sexual Harassment is drafted or revised by May 24, 2022. This revised policy needs to continue to ensure Edna Mahan staff immediately report any knowledge, suspicion or information regarding prisoner sexual abuse, sexual harassment, retaliation against a prisoner or staff for reporting, or any staff neglect or violation of responsibilities that contributed to an incident of sexual abuse or harassment or retaliation.

Additionally, by August 24, 2022, the policy and procedures need to be adopted by Edna Mahan. Lastly, after the approval of this policy by DOJ, Edna Mahan needs to create a staff training plan that identifies the staff to be trained and the date(s) of training planned.

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

¶ 61. Apart from reporting to designated supervisors or officials, staff shall not reveal any information related to an Edna Mahan sexual abuse or sexual harassment report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions.

Requirements:

Monitor's Measures of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 61:

Steps taken by NJDOC and EMCF towards implementation

H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 61:

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DOC staff were recently retrained on PREA policies, including the obligation to keep confidential all allegations of sexual abuse or harassment, apart from reporting such allegations to their designated supervisors or other appropriate officials. All staff are expected to adhere to their obligation to keep such allegations strictly confidential.

Monitor's Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 61:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 61:

Page 62 (of 63), NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states NJDOC staff, volunteers and contractors shall not reveal any information related to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures.

Edna Mahan Correctional Facility for Women Internal Management Procedure Custody Directive # 73: Title: Zero Tolerance Policy: Prison Sexual Assault states, " Apart from reporting to designated supervisors or officials, staff shall not reveal information related to a sexual abuse report to anyone other than to the extent necessary to make treatment, investigation, and other security and management decisions".

The Monitor interviewed Edna Mahan Administrator Stem and asked her if she was aware of any staff who did not adhere to the expectation of confidentiality specific to a sexual abuse report to anyone other than those necessary for investigative, treatment, and

security/management procedures. Administrator Stem noted that she was aware of one claim that a prisoner made against a staff person. That case is currently under investigation by the Special Investigation Division. Administrator Stem noted that confidentiality is taken very seriously.

Mr. Shireman, the Monitor's Associate, interviewed the Edna Mahan PREA Compliance Manager and asked her if she was aware of any staff who did not adhere to the expectation of confidentiality specific to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures. She stated that she was not aware of any such case.

The Monitor interviewed Special Investigations Principal Robbins assigned to Edna Mahan and asked her if she was aware of any staff who did not adhere to the expectation of confidentiality specific to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures. She noted that one new investigation has been opened specific to a claim by a prison that staff breached confidentiality.

The Monitor and/or her Associate interviewed several staff and asked them about the expectation of confidentiality specific to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures. Without exception, every staff person was clear about the expectation of maintaining confidentiality. However, they also stated that in "reality" there is no confidentiality of reporting in the institution. Most staff acknowledged both staff and prisoners are usually aware when a prisoner files an allegation of sexual abuse or sexual harassment.

The Monitor or her Associate interviewed several staff and prisoners (separately) and asked them specifically about the lack of confidentiality. They explained many reasons. The first is a result of the "systems" in place for protecting the alleged victim. After a prisoner reports an allegation of sexual abuse or sexual harassment, she is often taken to a "holding area" while staff complete the required notifications. If the allegation is against another prisoner, those two prisoners are separated and often those two prisoners are held in different areas (but where staff and other prisoners can often see them). If the allegation is made against a staff member, depending upon the seriousness of the allegation, that staff member may be moved.

Depending upon who the alleged victim told that staff person immediately reports it to their Supervisor. If the Supervisor is not security staff, the Supervisor reports it to the Shift Commander. The Shift Commander notifies the Special Investigations Division, and the Administrator, the Duty Officer (if the allegation is received after "working hours"), a representative from medical, and a representative from mental health. The Shift Commander collects reports from the reporting person(s) and begins necessary paperwork. This is all happening while the alleged victim is being held in a room. Some of the prisoners noted that they are often able to be seen by staff walking by (depending upon the location of where she is held).

Then the alleged victim is seen by medical and mental health staff. This is sometimes done in the housing unit but sometimes the alleged victim is taken to the clinic. Again, she is placed in some type of holding cell while she is waiting to be seen.

Lastly, during the investigation one (or two) members of the Special Investigations Division comes to interview the alleged victim and usually uses designated "SID rooms" for these interviews. Although the SID members could be conducting any type of investigation, in the words of the prisoners, "it's not hard to figure out when it's a PREA investigation."

The Monitor is not saying these systems are inappropriate. Quite the opposite; they are required by NJDOC and Edna Mahan policy and by the PREA Standards. The concern, however, as the staff and prisoners pointed out, is that all of these systems contribute to "everyone knowing" when a PREA allegation has been made. Besides, the "systems issues," there is also the inevitability of staff and prisoners talking. Staff are very clear about the expectation of confidentiality but unfortunately, knowing the expectation and abiding by the expectation sometimes depends on the person.

Additionally, prisoners talk. There is no expectation of confidentiality that they are bound to. In some cases, the alleged victim themselves are shared the allegation with other prisoners and they have shared that information. This lack of confidentiality has caused some alleged (and confirmed) victims to be re-victimized. As one prisoner told us, "She wishes she had never reported the abuse because everyone knew."

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 61:

The Settlement Agreement requires that a policy on Sexual Assault, Sexual Abuse, and Sexual Harassment is drafted or revised by May 24, 2022. This revised policy needs to continue to reinforce the expectation that Edna Mahan staff does not reveal any information related to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures.

Additionally, by August 24, 2022, the policy and procedures need to be adopted by Edna Mahan. Lastly, after the approval of this policy by DOJ, Edna Mahan needs to create a staff training plan that identifies the staff to be trained and the date(s) of training planned.

Additionally, the Monitor recommends that NJDOC and Edna Mahan continue to hold staff accountable who violate the expectation that Edna Mahan staff does not reveal any information related to a sexual abuse report to anyone other than those necessary for investigative, treatment, and security/management procedures.

Lastly, the Monitor recommends that the leadership of Edna Mahan review the systems in place after a report is filed to see if there are any opportunities to make changes that would support more confidentiality specific to an allegation of sexual abuse or sexual harassment.

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

¶ 62. NJDOC and Edna Mahan shall continue to report all allegations of sexual abuse and sexual harassment of Edna Mahan prisoners, including third party reports, anonymous reports, and prisoner grievances, to NJDOC's Special Investigation Division ("SID") promptly, but at all times within 12 hours of receipt of the report.

Requirements:

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

Monitor's Measure of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62:

- NJDOC Level 1 Policy and EMCF Level 3 Policy stating the requirement that EMCF shall report all allegations of sexual abuse and sexual harassment of EMCF prisoners to NJDOC's Special Investigation Division (SID) within 12 hours of receipt of the report
- ADM.006.011 Investigations by Special Investigations Division
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what time EMCF staff were made aware of allegations and what time EMCF notified SID
- Any memos, written directives from the Commissioner, Deputy Commissioner, EMCF Administrator, or Deputy Chief Investigator that addresses procedures, and practices at Edna Mahan specific to the requirement that EMCF employees report any allegations of sexual abuse or sexual harassment to SID within 12 hours
- Interview with EMCF PREA Compliance Manager regarding how quickly Edna Mahan staff report allegations to SID
- Interview with Special Investigations Principal and her staff regarding how quickly Edna Mahan staff report allegations to SID

Steps taken by NJDOC and EMCF towards implementation

H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62:

2/24/22 Status Report

All allegations of sexual abuse and sexual harassment are reported to SID and EMCF's Central Operations Desk (COD) within 12 hours of receipt (and, in practice, the notification is generally immediate).

COD is the centralized communication center that coordinates the recording and notifications of all unusual incidents of the NJDOC 24 hours per day, seven days per week. The Level 3 IMP entitled "*Reporting Unusual Incidents to the Central Operations*" has been provided to DOJ and the Monitor. This procedure is currently in review and being revised. However, in practice, all allegations received by EMCF are reported to COD and SID within 12 hours of receipt.

COD initiates a “PREA Protocol” upon any report of alleged sexual abuse or sexual assault committed on or by a prisoner, employee (on-duty or off-duty), volunteer or visitor on NJDOC property. COD notifies SID and on-call EMCF leadership via an email alert, which includes the Administrator, advising of the protocol initiation, the time the allegation was reported, the time that COD, on-call EMCF Leadership and SID were notified, and who was contacted from SID.

In addition to the revision of this procedure to include the maximum 12-hour requirement, NJDOC and EMCF is in the process of revising NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment*, and ADM.006.011 *Investigations by Special Investigations Division* policies to include the same information. They will be provided to DOJ and the Monitor on or before April 15, 2022.

Monitor’s Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor’s Discussion re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62:

Special Investigations division (SID) Principal Investigator Robbins explained to the Monitor that the Shift Commander at Edna Mahan reports all allegations of sexual abuse and sexual harassment within fifteen (15) minutes to the Special Investigations Unit and the Central Operations Desk (COD). The COD then initiates a “PREA Protocol” upon any report of alleged sexual abuse or sexual assault committed on or by an inmate, employee (on duty or off-duty), volunteer or visitor on NJDOC property. The COD notifies SID and on-call EMCF leadership via an email alert, which includes the Administrator, advising of the protocol initiation, the time the allegation was reported, the time that COD, on-call EMCF Leadership and SID were notified, and who was contacted from SID. SID Principal Robbins explained that this email notification is simply a “courtesy” notification because SID has already received a telephone call from the Edna Mahan Shift Commander.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive 73, states, “NJDOC staff, contract employees and volunteers who have reasonable cause to suspect an offender is a victim of sexual assault must immediately report the information or incident to their immediate supervisor and/or shift supervisor. The immediate supervisor/shift supervisor will immediately notify the Special Investigations Division (SID) and forward all written reports to the SID investigative unit.”

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet identifies the time the incident was reported to Edna Mahan staff and the time the Special Investigations Division was notified.

All allegations of sexual abuse and sexual harassment are reported to Headquarters' Central Operations Desk (COD) immediately. COD initiates a "PREA Protocol" upon any report of alleged sexual abuse or sexual assault committed on or by an inmate, employee (on duty or off-duty), volunteer or visitor on any NJDOC property. COD notifies SID and EMCF Administrator and leadership via an email alert, advising of the protocol initiation. The time the allegation was reported, the time that COD was notified, and the time that Edna Mahan Leadership and SID were notified.

Mr. Shireman, the Monitor's Associate, spoke with the current Edna Mahan PREA Compliance Manager regarding how quickly Edna Mahan staff report allegations to SID. She reported that staff immediately report all allegations to SID, and she could not think of a case that was not reported within 12 hours.

Likewise, the Monitor spoke with the Special Investigations Principal Robbins and her staff who are assigned to Edna Mahan and asked them how quickly Edna Mahan staff report allegations to SID. They reported that Edna Mahan staff are very good about immediately reporting all allegations to SID. Special Investigations Principal Robbins that SID also receives an electronic notice from the Central Operations Desk (COD), but this is usually just a "courtesy notice" because they received verbal notification much sooner. Special Investigations Principal Robbins also noted that she could not think of a case that was not reported within 12 hours.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 62:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include the requirement that NJDOC and Edna Mahan report all allegations of sexual abuse of Edna Mahan prisoners, including third party reports, anonymous reports, and prisoner grievances, to NJDOC's Special Investigation Division, promptly, but at all times within 12 hours of receipt of the report

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

H. Reporting Allegations of Sexual Abuse and Sexual Harassment

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

Requirements:

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

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

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

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 63:

2/24/22 Status Report

As detailed related to Paragraph 62, COD notifies EMCF’s Administrator, among other, immediately upon receipt of an allegation of sexual abuse or sexual harassment.

Monitor’s Finding of Compliance re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 63:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

Edna Mahan Administrator Stem explained to the Monitor that the Shift Commander at Edna Mahan reports all allegations of sexual abuse and sexual harassment within fifteen (15) minutes to the Administrator or her designee (the duty officer of the week) and the Central Operations Desk (COD). If the Administrator is not the duty officer, the duty officer immediately calls the Administrator. The COD also initiates a "PREA Protocol" upon any report of alleged sexual abuse or sexual assault committed on or by an inmate, employee (on duty or off-duty), volunteer or visitor on NJDOC property. COD notifies SID and on-call EMCF leadership via an email alert, which includes the Administrator, advising of the protocol initiation, the time the allegation was reported, the time that COD, on-call EMCF Leadership and SID were notified, and who was contacted from SID. Administrator Stem explained that this email notification is simply a "courtesy" notification because she has already received a telephone call from the Edna Mahan Shift Commander.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive titled "Reporting unusual Incidents to the Central Operations Desk (COD)" states that "Incidents requiring COD notification within fifteen (15) minutes of the Initial Occurrence" and lists one of the incidents that need to be reported as "Any report of an alleged sexual abuse or sexual assault committed on or by an inmate, employee, volunteer or visitor on departmental property".

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet identifies the time the incident was reported to Edna Mahan staff and the time the Administrator was notified.

Mr. Shireman, the Monitor's Associate, spoke with the current Edna Mahan PREA Compliance Manager regarding how quickly Edna Mahan staff report allegations to the Edna Mahan Administrator. She reported that staff immediately report all allegations to the Administrator (or her designee), and she could not think of a case that was not reported within 12 hours.

Likewise, as noted above, the Monitor spoke with the Edna Mahan Administrator and asked her how quickly Edna Mahan staff report allegations to her. She reported that this process is a "well-oiled process" and that the Shift Command immediately reports all allegations to the duty officer, who notifies her. She receives this notification verbally, and in writing by Edna Mahan staff and via email by the COD.

Recommendations re H. Reporting Allegations of Sexual Abuse or Sexual Harassment ¶ 63:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Reporting Incidents or Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include the requirement that NJDOC and Edna Mahan report all allegations of sexual abuse of Edna

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

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

I. Protecting Prisoners and Staff from Retaliation

¶ 64. NJDOC and Edna Mahan shall protect all Edna Mahan prisoners and staff who report allegations of sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other prisoners or staff and shall continue to designate Edna Mahan's PREA Compliance Manager with monitoring allegations of retaliation concerning prisoners.

Requirements:

¶ 59. NJDOC and Edna Mahan shall continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.

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

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy regarding retaliation protection for staff and prisoners
- Completion of NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation) by EMCF PREA Compliance Manager for prisoners or staff who reported the sexual abuse of prisoners
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the retaliation of staff or prisoners for reporting an allegation
- Interviews with NJDOC Assistant Commissioner for Women's Services, EMCF Administrator, PREA Compliance Manager, Special Investigations Principal, and her staff
- Interviews with staff specific to their rights of protection from retaliation of reporting allegations of sexual abuse or sexual harassment
- Focus group with prisoners specific to their rights of protection from retaliation of reporting allegations of sexual abuse or sexual harassment

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 64: 2/24/22 Status Report

The EMCF IPCM is responsible for retaliation monitoring at the facility-level for at least 90 days following a report of sexual abuse, monitor the conduct and treatment of incarcerated individuals or staff who reported the sexual abuse to see if there are any changes that may suggest possible retaliation, and will act promptly to remedy any such retaliation, As stated in NJDOC Policy Statement Number 001.008 "*Prevention, Detection and Response of Sexual Abuse and Harassment.*" As well as in IMM.001.004 *Zero Tolerance Policy: Prison Sexual Assault*. This documented and tracked monitoring includes review of any inmate disciplinary reports, housing or program changes, or negative performance

reviews or reassignments of staff. The monitoring continues beyond 90 days if the initial monitoring indicates continuation is needed. In the case of incarcerated individuals, this monitoring will also include periodic status checks. The monitoring obligation terminates upon receipt of the investigative outcome.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 64:

Page 41 (of 63), NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC protects all inmates and staff who report sexual abuse or sexual harassment and cooperate with sexual abuse or sexual harassment investigations from retaliation by other inmates or staff. The Institutional PREA Compliance Manager (IPCM) is responsible for monitoring retaliation of all PREA allegations.

If there is a suggestion of possible retaliation, any evidence of possible retaliation must be referred to SID for investigation and the Agency PREA Coordinator is advised of same. The Institutional PREA Compliance Manager at the institution where the inmate resides shall monitor inmate disciplinary reports, performance reviews and reassignments for staff to determine if there is any suggestion of possible retaliation. Anyone who does retaliate against a staff member or an inmate who has reported an allegation of sexual abuse in good faith shall be subject to disciplinary action."

There is an Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive 73A PREA (Juvenile Provisions) which states, "The agency must protect all inmates and staff from retaliation for reporting sexual abuse or for cooperating with sexual abuse investigations, in recognition of the fact that retaliation for reporting instances of sexual abuse and for cooperating with sexual abuse investigations is a serious concern in correctional facilities. The proposed standard required agencies to adopt policies that help ensure that persons who report sexual abuse are properly monitored and protected, including but not limited to providing information in training sessions, enforcing strict reporting policies, imposing strong disciplinary sanctions for retaliation, making housing changes or transfers for inmate victims or abusers, removing alleged staff or inmate abusers from contact with victims, and providing emotional support services for inmates or staff who fear retaliation.

The agency must monitor the conduct and treatment of inmates and staff that have reported sexual abuse or cooperated with investigations for at least 90 days to see if there are changes that may suggest possible retaliation by inmates or staff, and act promptly to remedy any such

retaliation. In addition, the proposed standard required that monitoring continue beyond 90 days if the initial monitoring conducted during the initial 90-day period indicated concerns that warranted further monitoring. In addition, the agency may not need to continue monitoring if it determines that an allegation is unfounded.” However, the Monitor was told that this IMP was drafted in case they ever received a juvenile prisoner and is not currently used. The Monitor could find no other IMP specific to retaliation.

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet has identified one case of alleged retaliation during this reporting period.

Mr. Shireman, the Monitor’s Associate, spoke with the Edna Mahan PREA Compliance Manager regarding how the facility protects prisoners and staff who report allegations of sexual abuse or sexual harassment from retaliation. She reported she monitors possible retaliation by conducting in-person reviews with the prisoner or staff person. This information is documented in the retaliation log. For staff, she also monitors any unusual shift schedule changes, or assignments that may cause suspicion. For prisoners, she also monitors housing changes, grievances, infractions, etc. If the situation warrants it, the allegation of retaliation may result in a job change for the staff while the allegation is being investigated.

The Monitor spoke with the Edna Mahan Administrator regarding how the facility protects prisoners and staff who report allegations of sexual abuse or sexual harassment from retaliation. She echoed what the Edna Mahan PREA Compliance Manager said in terms of the PREA Compliance Manager meeting with both staff and prisoners face-to-face and monitoring this such as disciplinary reports, program changes, housing changes, performance evaluations, staff reassignments and JPay inquiries/grievances, etc. She also stated that, if there is any evidence of any kind of retaliation, that allegation would be referred to the Special Investigations Division and a new investigation would be conducted.

The Monitor or her Associate interviewed staff during the onsite compliance visit regarding prisoners and staff’s protection from retaliation for reporting any allegations of sexual abuse or sexual harassment. Most of them were aware of this protection for prisoners. Not as many were aware of their own protection from retaliation.

Additionally, the Monitor or her Associate interviewed several prisoners at Edna Mahan and asked if they were aware of their protection from retaliation for reporting any allegations of sexual abuse or sexual harassment. Most were aware of this protection, but not all. It is worthy to note that the Monitor spoke with one woman who had filed a claim of retaliation against staff. Her allegation was that she experienced blatant retaliation. She reported that one Officer called her a “snitch” and other Officer said he wouldn’t help anyone who “reported on his peers.” She also described less obvious incidents of retaliation. Those included doing a “more thorough” job of searching her cell area than they did for other prisoners. Or conducting a “more thorough” search of her mouth after she took her prescribed medication. As the woman noted, it is hard to say that this is retaliation because the Officers are doing their job. The issue for her is that they

are doing an enhanced “level of thoroughness” on her than on other prisoners. This woman told the Monitor she “is sorry she ever filed the original compliant and she would never do so again.”

Another woman living at Edna Mahan told the Monitor that “she is always nervous that the staff will retaliate against her” and that she just lives with it. The Monitor believes there is an opportunity for more education for staff regarding retaliation how it is monitored, and that no retaliation will be tolerated.

Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 64:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prevention of Retaliation policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that NJDOC and Edna Mahan shall protect all Edna Mahan prisoners and staff who report allegations of sexual abuse or sexual harassment or cooperate with sexual abuse or sexual harassment investigations from retaliation by other prisoners or staff and shall continue to designate Edna Mahan’s PREA Compliance Manager with monitoring allegations of retaliation concerning prisoners.

Once the Level 1 and Level 3 policies and/or procedures are written, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Protection of Retaliation policies. The Monitor believes there is an opportunity for more education for staff regarding the definition of retaliation, how it is monitored (for both staff and prisoners), and that no form of retaliation will be tolerated.

I. Protecting Prisoners and Staff from Retaliation

- ¶ 65. NJDOC and Edna Mahan shall employ multiple protection measures, such as housing changes or transfers for alleged prisoner victims, removal of alleged staff abusers from contact with victims, and emotional support services for prisoners or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

Requirements:

- ¶ 59. NJDOC and Edna Mahan shall continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.

Monitor's Measure of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 65:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment."
- EMCF Level 3 policy regarding retaliation protection for staff and prisoners
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Review of Folder 115.67 (which maintains all PREA Retaliation Forms) on the New Jersey DOCNet I-Drive
- Documentation that information for emotional support services were provided to both staff and prisoners who fear retaliation for reporting (888-4BLUENJ hotline offering mental health resources to Corrections Staff)
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to the retaliation of staff or prisoners for reporting an allegation
- Interview with EMCF Compliance Manager regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment
- Interviews with staff regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment
- Focus group with prisoners regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 65:
2/24/22 Status Report**

NJDOC employs multiple protection measures against potential retaliation such as housing changes or transfers and temporary reassignments of alleged staff or inmate abusers. Retaliation monitoring is conducted on the victim and the inmate or staff member who reported the incident. This monitoring does not include a staff member who is relaying a report from an inmate but does include third party reporting for an inmate or a staff member who directly observes and reports the incident.

Incarcerated individuals are able to access emotional support services through the *PREA# number on the inmate phone system. When that number is called, the inmate is connected to the SAFE Hunterdon agency. The SAFE Hunterdon organization serves Hunterdon County survivors of domestic violence and sexual assault by providing trauma-informed services and resources they need to rebuild their lives and restore safety after experiencing or witnessing sexual and interpersonal abuse.

Staff may obtain confidential emotional support services by contacting 888-4BLUENJ (1.888.425.8365) which is dedicated 24-hour confidential support hotline, staffed By Corrections-trained experts offering Mental health resources to all Corrections Staff (past and present) and their families. All conversations are strictly confidential and callers are kept anonymous so they can speak freely about whatever is on their mind. This information is posted within the Staff areas of the facility, on the NJDOC website and in our NJDOC newsletter, FactFinder.

Staff may privately report allegations of sexual abuse or sexual harassment directly to an SID Investigator through the SID Confidential number which is 609-826-5617 or the PREA Compliance Manager without the knowledge of the staff member's direct colleagues or immediate supervisor.

Monitor's Finding of Compliance re I. Protecting Prisoners and Staff from Retaliation ¶ 65:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

Page 41 (of 63), NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, The NJDOC employs multiple protection measures against potential retaliation such as housing changes or transfers for inmate victims or abusers and removal of alleged staff or inmate abusers from contact with victims. Retaliation monitoring must be done on the victim of the allegation and the inmate or staff member who reported the incident. This does not include a staff member who is relaying a report from an inmate but it does include third party reporting for an inmate or a staff member who directly observes and reports the incident.

For at least 90 days following report of sexual abuse allegation, the Institutional PREA Compliance Manager continues to monitor the allegation by way of periodic status checks with the NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation). The Institutional

PREA Compliance Manager will provide a copy of this form to the inmate with the request that they sign for same. A copy of the signed form, or documented refusal to sign, will be maintained by the Compliance Manager and placed in Folder 115.67 on the DOCNet I-Drive.

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

- Paper reviews include reviewing of disciplinary reports, program changes, housing changes, performance evaluations, staff reassignments and JPay inquiries/grievances.
- Each face-to-face meeting must have signature of staff or inmate and is located on the 2nd page. Institutional PREA Compliance Manager signature is required at the end of the 90 days.
- If retaliation is found and cannot be corrected within the 90 days, continued monitoring is expected in 30-day intervals until the retaliation is addressed and resolved.

All four reviews must be conducted for each individual. Any individual who cooperates with the investigation (including witnesses, perpetrators, staff, etc.) has the ability to express their concerns of retaliation and will be monitored for their potential retaliation using the same form as well.

If an allegation is unfounded, no retaliation monitoring is required. However, if someone fears retaliation and expresses such, they must be monitored even if the allegation was unfounded.”

There is an Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure (IMP) Custody Directive 73A PREA (Juvenile Provisions) states, “The agency must protect all inmates and staff from retaliation for reporting sexual abuse or for cooperating with sexual abuse investigations, in recognition of the fact that retaliation for reporting instances of sexual abuse and for cooperating with sexual abuse investigations is a serious concern in correctional facilities. The proposed standard required agencies to adopt policies that help ensure that persons who report sexual abuse are properly monitored and protected, including but not limited to providing information in training sessions, enforcing strict reporting policies, imposing strong disciplinary sanctions for retaliation, making housing changes or transfers for inmate victims or abusers, removing alleged staff or inmate abusers from contact with victims, and providing emotional support services for inmates or staff who fear retaliation.

The agency must monitor the conduct and treatment of inmates and staff that have reported sexual abuse or cooperated with investigations for at least 90 days to see if there are changes that may suggest possible retaliation by inmates or staff, and act promptly to remedy any such retaliation. In addition, the proposed standard required that monitoring continue beyond 90 days if the initial monitoring conducted during

the initial 90-day period indicated concerns that warranted further monitoring. In addition, the agency may not need to continue monitoring if it determines that an allegation is unfounded.” However, the Monitor was told that this IMP was drafted in case they ever received a juvenile prisoner and is not currently used. The Monitor could find no other IMP specific to retaliation.

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

The Monitor has reviewed copies of a newsletter which goes out to all staff, titled the Fact Finder and it’s 4BLUENJ. In this newsletter, there is reference to the 888-4BLUENJ hotline offering mental health resources to Corrections Staff. This includes emotional support for staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

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

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

PREA External PREA Sexual Abuse Emotional Support Services: NJDOC inmates have access to external sexual abuse emotional support services. Inmates may access these services even if they do not wish to make a report of sexual abuse.

External sexual Abuse services can be accessed via the inmate telephone system by dialing: *PREA#. Calls to the PREA Emotional Support Services Line are free. The hours of operation of the hotline are posted throughout the facility. PREA external emotional support services are confidential.

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

Inmates at this correctional facility may also request external sexual abuse emotional support services/information by writing to: The Sexual Abuse Emotional Support Services (gives their address) and Sexual Abuse Survivor Information (gives their address).

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet has identified one case of alleged retaliation during this reporting period.

Mr. Shireman, the Monitor's Associate, spoke with the Edna Mahan PREA Compliance Manager regarding how the facility protects prisoners and staff who report allegations of sexual abuse or sexual harassment from retaliation. She reported she monitors possible retaliation by conducting in-person reviews with the prisoner or staff person. This information is documented in the retaliation log. For staff, she also monitors any unusual shift schedule changes, or assignments that may cause suspicion. For prisoners, she also monitors housing changes, grievances, infractions, etc. If the situation warrants it, the allegation of retaliation may result in a job change for the staff while the allegation is being investigated.

Likewise, the Monitor spoke with the Edna Mahan Administrator regarding how the facility protects prisoners and staff who report allegations of sexual abuse or sexual harassment from retaliation. She echoed what the Edna Mahan PREA Compliance Manager said in terms of the PREA Compliance Manager meeting with both staff and prisoners face-to-face and monitoring this such as disciplinary reports, program changes, housing changes, performance evaluations, staff reassignments and JPay inquiries/grievances, etc. She also stated that, if there is any evidence of any kind of retaliation, that allegation would be referred to the Special Investigations Division and a new investigation would be conducted.

The Monitor and/or her Associate interviewed staff during the onsite compliance visit regarding prisoners and staff's protection from retaliation for reporting any allegations of sexual abuse or sexual harassment. Most of them were aware of this protection for prisoners. Not as many were aware of their own protection from retaliation. Nor were they aware of any emotional support services available to staff who were in fear of retaliation.

Additionally, the Monitor or her Associate interviewed several prisoners at Edna Mahan and asked if they were aware of their protection from retaliation for reporting any allegations of sexual abuse or sexual harassment and their right to access emotional support services. Most were aware of this protection, but not all.

Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 65:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prevention of Retaliation policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that NJDOC and Edna Mahan will employ multiple protection measures, such as housing changes or transfers for alleged prisoner victims, removal of alleged staff abusers from contact with victims, and emotional support services for prisoners or staff who fear retaliation for reporting sexual abuse or sexual harassment or for cooperating with investigations.

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

I. Protecting Prisoners and Staff from Retaliation

¶ 66. Whenever NJDOC or Edna Mahan receive an allegation that an Edna Mahan staff member has engaged in sexual abuse or sexual harassment, Edna Mahan's PREA Compliance Manager and Administrator shall confer to determine whether the staff should be removed from positions of prisoner contact at Edna Mahan until an investigation is concluded. Edna Mahan's PREA Compliance Manager shall document the decision and forward the conclusion to the Department-wide PREA Coordinator.

Requirements:

¶ 59. NJDOC and Edna Mahan shall continue to provide a method for staff to privately report sexual abuse and sexual harassment of prisoners.

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

- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Paragraph 109 notifications of an incident to DOJ and Monitor. The notifications note what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)
- Monitor will review the documentation sent to NJDOC PREA Coordinator from EMCF PREA Compliance manager, during on site visit.
- Interview with EMCF Administrator regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment
- Interview with EMCF PREA Compliance Manager regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment
- Focus group with prisoners regarding protection measures from retaliation of reporting allegations of sexual abuse or sexual harassment

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 66:
2/24/22 Status Report**

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

NJDOC and EMCF are in the process of revising NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment*. The revised policy will include language specific to Paragraph 66 and will be provided to DOJ and the Monitor on or before April 15, 2022.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet also identifies whether the staff was removed from positions of prisoner contact at Edna Mahan until the investigation is included. During this reporting period (August 24, 2021 – February 24, 2022), Edna Mahan had 72 allegations of sexual abuse or sexual harassment. Of all these allegations, one employee was removed from positions of contact with any prisoner during the time the time the allegation was being investigated.

Since August 24, 2021, NJDOC has notified DOJ and the Monitor any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 24 hours. The notices have included the status of housing assignment for the alleged victim and any restrictions of assignments for staff.

During the onsite compliance visit, the Monitor reviewed the documentation sent to NJDOC PREA Coordinator from EMCF PREA Compliance manager specific to any restrictions of assignments for staff who have been accused to sexual abuse, sexual harassment, or retaliation.

The Monitor spoke with the Edna Mahan Administrator and asked her how she and the Edna Mahan PREA Compliance Manager made the decision whether the staff who have been accused to sexual abuse, sexual harassment, or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included. She reported that it depended upon the severity of the allegation and that her main concern is the safety of the alleged victim. She has the ability to remove the alleged perpetrator from the entire facility, or from the

part of the facility the alleged victim lives in (maximum or minimum “grounds”), or from the housing unit where the alleged victim lives, or from any type of prisoner contact.

Likewise, Mr. Shireman, the Monitor’s Associate spoke with the Edna Mahan PREA Compliance Manager regarding how she and the Administrator made the decision whether the staff who have been accused to sexual abuse, sexual harassment, or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included. She echoed what the Administrator stated, in terms of severity of the allegation and safety of the prisoner.

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

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prevention of Retaliation policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include in the Level 3 policy a list of factors that should be considered by the Edna Mahan PREA Compliance Manager and the Edna Mahan Administrator when deciding whether the staff who have been accused to sexual abuse, sexual harassment, or retaliation should be removed from positions of prisoner contact at Edna Mahan until an investigation is included.

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

I. Protecting Prisoners and Staff from Retaliation

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

Requirements:

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

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

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 67:

2/24/22 Status Report

As detailed related to Paragraph 64, the EMCF IPCM is responsible for retaliation monitoring at the facility-level for at least 90 days following a report of sexual abuse, monitor the conduct and treatment of incarcerated individuals or staff who reported the sexual abuse to see if there are any changes that may suggest possible retaliation, and will act promptly to remedy any such retaliation. This documented and tracked monitoring includes review of any inmate disciplinary reports, housing, or program changes. Documented monitoring for staff includes schedule changes, schedule denials, negative performance reviews or reassignments of staff. The monitoring continues beyond 90 days if the initial monitoring indicates continuation is needed. In the case of incarcerated individuals, this monitoring will also include periodic status checks. The

monitoring obligation terminates upon receipt of the investigative outcome. Anyone who retaliates against a staff member or an inmate who has reported an allegation of sexual abuse is subject to disciplinary action.

NJDOC and EMCF is in the process of revising NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment*. The revised policy will include language specific to Paragraph 66 and will be provided to DOJ and the Monitor on or before April 15, 2022.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re I. Protecting Prisoners and Staff from Retaliation ¶ 67:

Page 41 (of 63), NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Retaliation monitoring must be done on the victim of the allegation and the inmate or staff member who reported the incident. This does not include a staff member who is relaying a report from an inmate but it does include third party reporting for an inmate or a staff member who directly observes and reports the incident.

For at least 90 days following report of sexual abuse allegation, the Institutional PREA Compliance Manager continues to monitor the allegation by way of periodic status checks with the NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation). The Institutional PREA Compliance Manager will provide a copy of this form to the inmate with the request that they sign for same. A copy of the signed form, or documented refusal to sign, will be maintained by the Compliance Manager and placed in Folder 115.67 on the DOCNet I-Drive.

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

All four reviews must be conducted for each individual. Any individual who cooperates with the investigation (including witnesses, perpetrators, staff, etc.) has the ability to express their concerns of retaliation and will be monitored for their potential retaliation using the same form as well.

If an allegation is unfounded, no retaliation monitoring is required. However, if someone fears retaliation and expresses such, they must be monitored even if the allegation was unfounded.”

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

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

The Monitor spoke with the Edna Mahan PREA Administrator regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She recapped the measures spoken to in the level 1 and Level 3 policies. She also stated that if the alleged staff to have retaliated against a prisoner, that alleged staff will be removed from a position of contact with the prisoner. Lastly, the Administrator stated that any allegation of retaliation is taken very seriously and will, in fact, become a new allegation to be investigated.

Mr. Shireman, the Monitor’s Associate spoke with the current Edna Mahan PREA Compliance Manager regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She restated the same measures as noted by the Administrator (noted above).

During the onsite compliance visit, Mr. Shireman, the Monitor’s Associate reviewed the retaliation tracking log maintained by EMCF PREA Compliance Manager.

Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 67:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prevention of Retaliation policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to continue to include a statement that Edna Mahan will monitor all prisoners and staff who report sexual abuse or sexual harassment and prisoners who have been reported to have suffered or cooperated with sexual abuse or sexual harassment investigations from retaliation by other prisoners or staff for at least 90 days following a report of sexual abuse or sexual harassment, to see if there are changes that may suggest possible

retaliation by prisoners or staff, including prisoner disciplinary reports, housing or program changes, and negative performance reviews or reassignments, and shall act promptly to remedy any such retaliation.

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

I. Protecting Prisoners and Staff from Retaliation

¶ 68. If any other individual who cooperates with an investigation expresses a fear of retaliation, NJDOC and Edna Mahan shall take measures they deem appropriate to protect that individual against retaliation.

Requirements:

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

¶ 67 & ¶ 68

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

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re I. Protecting Prisoners and Staff from Retaliation ¶ 68:

2/24/22 Status Report

Any individual who cooperates with the investigation, such as witnesses, staff, and alleged perpetrators has the ability to express their concerns pertaining to retaliation and be monitored. If an allegation is unfounded, no retaliation monitoring is required. However, if someone fears retaliation they will be monitored regardless of the unfounded determination. NJDOC and EMCF is in the process of revising NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment*. The revised policy will include language specific to Paragraph 68 and will be provided to DOJ and the Monitor on or before April 15, 2022.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

Page 41 (of 63), NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Retaliation monitoring must be done on the victim of the allegation and the inmate or staff member who reported the incident. This does not include a staff member who is relaying a report from an inmate, but it does include third party reporting for an inmate or a staff member who directly observes and reports the incident.

For at least 90 days following report of sexual abuse allegation, the Institutional PREA Compliance Manager continues to monitor the allegation by way of periodic status checks with the NJDOC PREA Retaliation Monitoring Form (FORM-PREA.AC Retaliation). The Institutional PREA Compliance Manager will provide a copy of this form to the inmate with the request that they sign for same. A copy of the signed form, or documented refusal to sign, will be maintained by the Compliance Manager and placed in Folder 115.67 on the DOCNet I-Drive.

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

All four reviews must be conducted for each individual. Any individual who cooperates with the investigation (including witnesses, perpetrators, staff, etc.) has the ability to express their concerns of retaliation and will be monitored for their potential retaliation using the same form as well.

If an allegation is unfounded, no retaliation monitoring is required. However, if someone fears retaliation and expresses such, they must be monitored even if the allegation was unfounded."

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

NJDOC and Edna Mahan staff maintain and have submitted a copy to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, and retaliation for reporting.

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

Mr. Shireman, the Monitor's Associate spoke with the current Edna Mahan PREA Compliance Manager regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She stated that primary way would be to speak to the individual and is, at any time, there is any evidence that the person expresses a fear of retaliation, that allegation would be referred to the Special Investigations Division and a new investigation would be conducted.

Likewise, the Monitor spoke with the Edna Mahan PREA Administrator regarding how the facility protects any other individual who cooperates with an investigation and expresses a fear of retaliation. She affirmed the answer the Edna Mahan PREA Compliance Manager said that the main way was to let the person know that if they expressed a fear of retaliation, that they allegation would be referred to the Special Investigations Division and a new investigation would be conducted.

During the onsite compliance visit, Mr. Shireman, the Monitor's Associate reviewed the retaliation tracking log maintained by EMCF PREA Compliance Manager.

Recommendations re I. Protecting Prisoners and Staff from Retaliation ¶ 68:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Prevention of Retaliation policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that if any other individual who cooperates with an investigation expresses a fear of retaliation, NJDOC and Edna Mahan shall take measures they deem appropriate to protect that individual against retaliation.

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

J. Response to an Allegation of Sexual Abuse and Sexual Harassment

NJDOC and Edna Mahan shall ensure that all Edna Mahan prisoners who are alleged victims of sexual abuse and sexual harassment are offered timely, unimpeded access to crisis intervention services as appropriate and that staff appropriately respond to and counsel the alleged victim while taking steps to preserve evidence and protect the victim, consistent with 28 C.F.R. § 115.64. Accordingly:

¶ 70. Edna Mahan shall not place in involuntary restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of protecting that prisoner, unless a determination, documented in writing and reviewed by the PREA Compliance Manager or the Edna Mahan Administrator's designee within 24 hours, has been made that there is no available alternative means of separation from likely abusers.

Requirements:

¶ 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
 - EMCF Level 3 policy stating that no prisoner who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in involuntary restricted housing, unless there is no available alternative means of separation from likely abusers
 - EMCF Level 3 policy stating that if a prisoner is placed in involuntary restricted housing, the placement must be reviewed and documented in writing as to the reasons why by the PREA Compliance Manager or the EMCF designed within 24 hours
 - Interview with EMCF Administrator regarding under what circumstances victims of sexual abuse and sexual harassment are placed in involuntary restricted housing
 - Interview with EMCF PREA Compliance Manager regarding under what circumstances victims of sexual abuse and sexual harassment are placed in involuntary restricted housing
 - Staff interviews during onsite visits regarding their responsibilities in response to an allegation of sexual abuse or sexual harassment
 - Prisoners focus groups during on site visit regarding how prisoners are treated in response to an allegation of sexual abuse or sexual harassment
- ¶72 Notification to the DOJ and Monitor within 24 hours of the placement anytime a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing
- ¶66 Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify what steps were taken to protect the alleged victim (removal of alleged staff abusers from contact with victims, etc.)

- ¶72 Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to placing a prisoner who is alleged to have suffered sexual abuse or sexual harassment in involuntary restricted housing

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

2/24/22 Status Report

It is NJDOC and EMCF's policy that an incarcerated individual who is alleged to have suffered sexual abuse or harassment should not be placed in involuntary restrictive housing (Temporary Close Custody, Prehearing Protective Custody, or Involuntary Protective Custody) except in a truly exceptional circumstance. In the rare circumstance where an individual must be placed in involuntary restrictive housing for her own safety, the reason for the decision is documented and reported to the NJDOC Deputy Commissioner or designee for approval.

NJDOC and EMCF are in the process of revising NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment*. The revised policy will specifically address Paragraph 70 and will be provided to DOJ and the Monitor on or before April 15, 2022.

Since the execution of this Agreement, one incarcerated individual was placed in involuntary restrictive housing. In this case, it was determined that this was an exceptional circumstance. NJDOC determined that because of the seriousness of the allegation and the fact that the alleged perpetrator was not identified, the victim needed to be temporarily moved to investigative housing for her own safety. She identified the officer less than 24 hours later and was returned to her housing unit. The victim's access to privileges was not impacted by her short-term placement in investigative housing.

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

Page 30 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "**Temporary Close Custody** is the non-punitive removal of an inmate from general population or other assigned housing, with restriction to the inmate's cell or to a close custody unit for a period not to exceed 72 hours, for special observation (other than a healthcare need) or investigation, unless information or evidence warrants an extension beyond 72 hours and is documented and approved by the facility Administrator or designee.

Inmates who make a PREA allegation of sexual abuse/sexual harassment shall not be placed in Temporary Close Custody unless all available alternatives have been reviewed and there is no available alternate means of separating the inmate and the abuser. Such an assessment will take place within 24 hours"

The Monitor could not locate an Edna Mahan Level 3 policy specifying that "Inmates who make a PREA allegation of sexual abuse/sexual harassment shall not be placed in Temporary Close Custody unless all available alternatives have been reviewed and there is no available alternate means of separating the inmate and the abuser. Such an assessment will take place within 24 hours". This will be discussed further in the recommendation section.

Since August 24, 2021, NJDOC has notified DOJ and the Monitor any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 24 hours. These notifications also note if the prisoner who was alleged to have suffered sexual abuse or sexual harassment was placed in Temporary Close Custody. During this reporting period, there has only been one such case.

In this case, it was determined that this was an exceptional circumstance. The victim reported that she was raped by an unidentified officer, after biological evidence was recovered from her attorney as he exited the maximum-security compound. NJDOC determined that because of the seriousness of the allegation and the fact that the alleged perpetrator was not identified, the victim needed to be temporarily moved to investigative housing for her own safety. She identified the officer less than 24 hours later and was returned to her housing unit.

The Monitor spoke with the Administrator of Edna Mahan and asked her under what circumstances victims of sexual abuse and sexual harassment are placed in involuntary restricted housing. The Administrator was very clear that this decision would only be made in very rare circumstances and if there were no available alternative means of separation from the likely abuser.

Likewise, Mr. Shireman, the Monitor's Associate, interviewed the current Edna Mahan PREA Compliance Manager and asked the same question. The PREA Compliance Manager responded that it should only occur if other placement alternatives are not available and that this would be in a very rare instance.

The Monitor and/or her Associate also interviewed staff during the onsite compliance visit regarding their responsibilities in response to an allegation of sexual abuse or sexual harassment and the placement of alleged victims into involuntary restrictive housing. They were mostly aware of the expectation that alleged victims are not placed into involuntary restrictive housing unless there are no other available means of separation from likely abusers. Most staff indicated that this would be the very rare circumstance.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 70:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Response to Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that Edna Mahan not place in involuntary restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of protecting that prisoner, unless a determination, documented in writing and reviewed by the PREA Compliance Manager or the Edna Mahan Administrator's designee within 24 hours, has been made that there is no available alternative means of separation from likely abusers into the Level 3 policy.

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

J. Response to an Allegation of Sexual Abuse and Sexual Harassment

¶ 71 If it is necessary to hold prisoners who report sexual abuse or sexual harassment in restricted housing in order to keep them safe from abuse or retaliation, Edna Mahan shall ensure that such prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities to the extent possible, for example absent a threat to the prisoner's safety as determined by SID.

Requirements:

¶ 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner

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

- EMCF Level 3 policy stating that if, in exigent circumstances, a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing, she will have access to privileges, including visitation, commissary, programming and vocational opportunities
- Interview with EMCF Administrator to ensure that prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities if held in involuntary restriction after reporting a PREA incident
- Interview with EMCF PREA Compliance Manager to ensure that prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities if held in involuntary restriction after reporting a PREA incident
- Staff interviews during onsite visit specific to access to privileges are allowed when a prisoner is held in restricted housing in order to keep them safe from abuse or retaliation
- Prisoners focus groups during on site visit specific to access to privileges they are allowed when they are in restricted housing in order to keep them safe from abuse or retaliation

¶ 70 Notification to the Monitor and DOJ within 24 hours of the placement anytime a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing
A copy of the logbook pages documenting activities the prisoner received while she was placed in involuntary restricted housing (reference the above)

¶ 70 Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to placing a prisoner who is alleged to have suffered sexual abuse or sexual harassment in involuntary restricted housing

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

Page 30 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "If an inmate is in Restrictive Housing status as a result of PREA Risk and/or PREA allegation (victims and/or alleged abusers), they will be afforded all personal property, mail and visit privileges and other services that are available to inmates in the general population unless extenuating circumstances exist".

The Monitor could not locate an Edna Mahan Level 3 policy specifying that "If an inmate is in Restrictive Housing status as a result of PREA Risk and/or PREA allegation (victims and/or alleged abusers), they will be afforded all personal property, mail and visit privileges and other services that are available to inmates in the general population unless extenuating circumstances exist". This will be discussed further in the recommendation section.

As noted above, since during this reporting period, there has only been one incident of a prisoner being placed in involuntary restricted housing who had suffered sexual abuse or sexual harassment solely for the purpose of protecting that prisoner. In this case, it was determined that this was an exceptional circumstance. The victim reported that she was raped by an unidentified officer, after biological evidence was recovered from her attorney as he exited the maximum-security compound. NJDOC determined that because of the seriousness of the allegation and the fact that the alleged perpetrator was not identified, the victim needed to be temporarily moved to investigative housing for her own safety. She identified the officer less than 24 hours later and was returned to her housing unit. The victim's access to privileges was not impacted by her short-term placement in investigative housing.

The Monitor spoke with the Administrator of Edna Mahan and asked her if an alleged victim was placed in involuntary restricted housing, what privileges would she be allowed to have. The Administrator was very clear that they were allowed all personal property, mail and visit privileges and other services that are available to inmates in the general population. Likewise, Mr. Shireman, the Monitor's Associate,

interviewed the Edna Mahan PREA Compliance Manger and asked the same question. The PREA Compliance Manager responded in the same manner as the Administrator.

The Monitor and/or her Associate also interviewed staff during the onsite compliance visit and asked if an alleged victim was placed in involuntary restricted housing, what privileges would she be allowed to have. Most staff were aware that the alleged victim would be allowed all personal property, mail and visit privileges and other services that are available to inmates in the general population, unless it was a threat to the prisoner's safety.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 71:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Response to Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that if it is necessary to hold prisoners who report sexual abuse or sexual harassment in restricted housing in order to keep them safe from abuse or retaliation, Edna Mahan shall ensure that such prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities to the extent possible, for example absent a threat to the prisoner's safety as determined by SID.

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

J. Response to an Allegation of Sexual Abuse and Sexual Harassment

¶ 72. Edna Mahan shall not place in restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of interviewing that prisoner as part of an investigation.

Requirements:

¶ 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

- EMCF Level 3 policy stating that no prisoner who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in involuntary restricted housing for the purpose of interviewing that prisoner as part of the investigation
 - Interview with EMCF Administrator to ensure that prisoners are not placed in involuntary restriction solely for the purpose of interviewing that prisoner as part of an investigation
 - Interview with EMCF PREA Compliance Manager to ensure that prisoners are not placed in involuntary restriction solely for the purpose of interviewing that prisoner as part of an investigation
 - Interview with Special Investigations Principal to ensure that prisoners are not placed in involuntary restriction solely for the purpose of interviewing that prisoner as part of an investigation
- ¶ 70 Notification to the Monitor and DOJ within 24 hours of the placement anytime a prisoner who is alleged to have suffered sexual abuse or sexual harassment is placed in involuntary restricted housing
- ¶ 70 Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan specific to placing a prisoner who is alleged to have suffered sexual abuse or sexual harassment in involuntary restricted housing

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

2/24/22 Status Report

It is NJDOC and EMCF's policy that an incarcerated individual who is alleged to have suffered sexual abuse or harassment should not be placed in involuntary restrictive housing (Temporary Close Custody, Prehearing Protective Custody, or Involuntary Protective Custody) except in a truly exceptional circumstance, and never for the sole purpose of interviewing the victim. In the rare circumstance where an individual must be placed in involuntary restrictive housing for her own safety, the reason for the decision is documented and reported to the NJDOC Deputy Commissioner or designee for approval.

NJDOC and EMCF are in the process of revising NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment*. The revised policy will specifically address Paragraph 70 and will be provided to DOJ and the Monitor on or before April 15, 2022.

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

The Monitor could not locate an Edna Mahan Level 3 policy specifying that "no prisoner who is alleged to have suffered sexual abuse or sexual harassment shall not be placed in involuntary restricted housing for the purpose of interviewing that prisoner as part of the investigation". This will be discussed further in the recommendation section.

Either the Monitor or her Associate spoke with the Edna Mahan Administrator, the Edna Mahan Compliance Manager, and the Edna Mahan Special Investigations Principal. When asked, all responded that they were aware that prisoners should not be placed in involuntary restriction solely for the purpose of interviewing that prisoner as part of an investigation.

Since August 24, 2021, NJDOC has notified DOJ and the Monitor any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 24 hours. These notifications also note if the prisoner who was alleged to have suffered sexual abuse or sexual harassment was placed in restricted housing for any purpose. During this reporting period, there have been no reports of any prisoner housed in restricted housing solely for the purpose of interviewing that prisoner as part of an investigation.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 72:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Response to Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that Edna Mahan does not place in restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of interviewing that prisoner as part of an investigation.

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

J. Response to an Allegation of Sexual Abuse and Sexual Harassment

¶ 73. Edna Mahan shall ensure access for prisoners to outside victim advocates for emotional support services related to sexual abuse by giving prisoners mailing addresses and telephone numbers, where available, of local, state, or national victim advocacy or rape crisis organizations. Edna Mahan shall enable reasonable communication between prisoners and these organizations and agencies in as confidential a manner as possible.

Requirements:

¶ 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

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

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment"
- EMCF Level 3 policy stating that EMCF prisoners have access to external sexual abuse emotional support services. And that same policy details, specifically, how prisoners can access these services
- Prisoner Handbook describing PREA Sexual Abuse Emotional Support Services and names, addresses, and phone numbers of such services
- Documents of agreements (memo of understanding) with any community providers that may provide prisoners with confidential emotional support services
- Interview with EMCF Administrator regarding access for prisoners to outside victim advocates for emotional support services
- Interview with EMCF PREA Compliance Manager regarding access for prisoners to outside victim advocates for emotional support services
- Staff interviews during on site visit regarding the requirement that prisoners have access to external sexual abuse emotional support services
- Prisoners focus groups during on site visit regarding the requirement that prisoners have access to external sexual abuse emotional support services

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:

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

Incarcerated individuals at EMCF and Edna Mahan have access to external sexual abuse emotional support services; specifically, they may contact the Domestic Abuse and Sexual Assault Crisis Center of Warren County (DASACC). They may access these services even if they do not wish to make a report of sexual abuse. Services are based on the county where the incarcerated individual is housed and include at a minimum, written access to emotional support services via correspondence. Contact information for external sexual abuse advocacy agencies is provided in PREA Informational materials distributed at orientation, posted throughout the facility, and written in the handbook.

Sexual Abuse emotional support services may also be accessed via the inmate telephone system by dialing *PREA#. Calls to the PREA Emotional Support Services Line are free and are received by SAFE Hunterdon. The hours of operation of the hotline are posted and information is provided in the handbook. Incarcerated individuals are advised via orientation education and handbook that PREA external emotional support services are confidential. However, the service provider will notify the NJDOC if an inmate communicates a threat of imminent harm against herself or others.

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

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

Page 35 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "Inmates who are committed to the custody of the NJDOC have access to external sexual abuse emotional support services. Inmates may access these services even if they do not wish to make a report of sexual abuse. All inmates are provided with the contact information for State sexual abuse advocacy agencies. They are also provided with information on how to write for a sexual abuse survivor packet that is provided by a national sexual abuse victim advocacy group.

Telephone hotline services are available and can be accessed via the inmate telephone system by dialing *PREA# on the inmate telephone system. Calls to the PREA Emotional Support Services Line are free. The hours of operation of the hotline vary by correctional facility and are posted to the inmate population.

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

The Monitor could not locate an Edna Mahan Level 3 policy specifying that “Inmates who are committed to the custody of the NJDOC have access to external sexual abuse emotional support services”. This will be discussed further in the recommendation section.

The Monitor reviewed a pamphlet which is made available to prisoners who live at Edna Mahan titled, “NJDOC PREA: External Emotional Support Services for Victims of Sexual Abuse.” This pamphlet, which is available in both Spanish and English notified the prisoners that they have access to external sexual abuse emotional support services. It also tells the prisoners that they may access these services even if they do not wish to make a report of sexual abuse. It notifies how the services can be accessed and provides the inmate telephone system phone number *PREA#. It also lets the inmates know that calls to the PREA Emotional Support Line are free and are classified as confidential.

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

PREA External PREA Sexual Abuse Emotional Support Services: NJDOC inmates have access to external sexual abuse emotional support services. Inmates may access these services even if they do not wish to make a report of sexual abuse.

External sexual Abuse services can be accessed via the inmate telephone system by dialing: *PREA#. Calls to the PREA Emotional Support Services Line are free. The hours of operation of the hotline are posted throughout the facility. PREA external emotional support services are confidential.

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

Inmates at this correctional facility may also request external sexual abuse emotional support services/information by writing to: The Sexual Abuse Emotional Support Services (gives their address) and Sexual Abuse Survivor Information (gives their address)

The Monitor reviewed the Memorandum of Understanding Between New Jersey Department of Corrections and the Domestic Abuse and Sexual Assault Crisis Center of Warren County (DASACC). The purpose of this Memorandum of Understanding (MOU) is to guide and direct the parties with regard to collaborative efforts to provide inmates committed to the custody of the NJDOC with access to outside victim

advocates for emotional support services related to sexual abuse. The dates of this agreement were January 1, 2021, through December 31, 2021.

The Monitor spoke with the Administrator of Edna Mahan and asked her how prisoners could access outside victim advocates for emotional support services related to sexual abuse and how Edna Mahan enabled reasonable confidential communication between the prisoner and the outside agencies. The Administrator reaffirmed the prisoners access to outside emotional services. She reported that there are toll-free numbers they can use (even if they are in restricted housing, they have access to a telephone that is toll-free) and that they can write letters. When asked how an indigent prisoner would get stamps, Administrator Stem stated that she, specifically, and the facility, in general, gives stamps to any inmate who does not have the funds to purchase them.

Likewise, Mr. Shireman, the Monitor's Associate, interviewed the current Edna Mahan PREA Compliance Manger and asked the same question. The PREA Compliance Manager responded that the PREA phone lines are provided in the housing units and flyers are posted throughout the units providing access information to outside services.

The Monitor and/or her Associate also interviewed staff during the onsite compliance visit and asked them how prisoners could access outside victim advocates for emotional support services related to sexual abuse and how Edna Mahan enabled reasonable confidential communication between the prisoner and the outside agencies. Most staff knew the process and were familiar with the brochure mentioned above.

Lastly, the Monitor and/or her Associate interviewed the prisoners at Edna Mahan and asked if they were aware of their right to confidentially access outside victim advocates for emotional support services related to sexual abuse. Most prisoners were aware of this right and knew how to access outside victim advocates.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 73:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Response to Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that Edna Mahan does not place in restricted housing a prisoner who is alleged to have suffered sexual abuse or sexual harassment solely for the purpose of interviewing that prisoner as part of an investigation.

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

J. Response to an Allegation of Sexual Abuse and Sexual Harassment

¶ 74. NJDOC and Edna Mahan shall continue to maintain memoranda of understanding or other agreements with community service providers that are able to provide prisoners with confidential emotional support services related to sexual abuse or sexual harassment. NJDOC and Edna Mahan shall maintain copies of such agreements.

Requirements:

¶ 69 When NJDOC or Edna Mahan learns that a prisoner may be subject to a substantial risk of imminent sexual abuse, NJDOC or Edna Mahan shall take immediate action to protect the prisoner.

Monitor's Measure of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

- Interview with EMCF Administrator regarding MOUs with community service providers to provide prisoners with confidential emotional support services
 - Interview with EMCF PREA Compliance Manager regarding MOUs with community service providers to provide prisoners with confidential emotional support services
- ¶ 73 Documents of agreements (memo of understanding) with any community providers that may provide prisoners with confidential emotional support services

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:
2/24/22 Status Report**

NJDOC continues to have a Memorandum of Understanding with the sexual assault advocacy provider, Domestic Abuse and Sexual Assault Crisis Center of Warren County (DASACC). Contact information for this external sexual abuse advocacy agency is provided in PREA informational materials distributed at orientation, posted throughout the facility, and included in the handbook.

The existing Memorandum of Understanding has been submitted to DOJ and the Monitor. The MOU expired on December 31, 2021 and is currently under review for renewal. DASACC has advised the NJDOC that services will continue to be provided for as long as needed. The delay in MOU renewal stems from the design of County Victim Advocacy Organizations in New Jersey. In New Jersey, each county has one lead non-profit agency which provides free, confidential services to sexual abuse survivors. These agencies provide services through funding from the NJ State Department of Children and Families. SAFE Hunterdon is the organization in our county which would normally provide emotional counseling services to our population. However, SAFE Hunterdon encountered some operational difficulties which resulted in their temporary closure in February 2020. Due to this temporary closure EMCF's neighboring County, Warren County, and its lead organization DASACC, has been providing these services to our population. In Summer, 2021, SAFE Hunterdon re-opened and relaunched most of their services including

hotline access. Our *PREA# number goes to the SAFE Hunterdon Organization. NJDOC is in the process of obtaining an MOU for services with one of these providers upon confirmation that SAFE Hunterdon is fully operational.

Monitor's Finding of Compliance re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

The Monitor reviewed the Memorandum of Understanding Between New Jersey Department of Corrections and the Domestic Abuse and Sexual Assault Crisis Center of Warren County (DASACC). The purpose of this Memorandum of Understanding (MOU) is to guide and direct the parties with regard to collaborative efforts to provide inmates committed to the custody of the NJDOC with access to outside victim advocates for emotional support services related to sexual abuse. The dates of this agreement were January 1, 2021, through December 31, 2021. Note: There is an understanding that this MOU will be continued through 2022, but the Domestic Abuse and Sexual Assault Crisis Center of Warren County has been delayed in updating this MOU, due to staff shortages.

The Monitor spoke with the Administrator of Edna Mahan and asked if she has any copies of any other MOU's. She did not. Likewise, Mr. Shireman, the Monitor's Associate interviewed the Edna Mahan PREA Compliance Manager and asked the same question. The PREA Compliance Manager did not have any copies of any other MOU's either.

Recommendations re J. Response to an Allegation of Sexual Abuse and Sexual Harassment ¶ 74:

Revise the current MOU between New Jersey Department of Corrections and the Domestic Abuse and Sexual Assault Crisis Center of Warren County for the year 2022.

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Response to Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that NJDOC and Edna Mahan maintain memoranda of understanding or other agreements with community service providers that are able to provide prisoners with confidential emotional support services related to sexual abuse or sexual harassment and that they maintain copies of such agreements. Once the Level 1 and Level 3 policies and/or procedures are written, Edna Mahan should create a staff training plan that addresses the training requirements of the revised Response to Allegations of Sexual Abuse or Sexual Harassment policies.

K. Referrals and Investigations

NJDOC and Edna Mahan shall ensure that all allegations of sexual abuse and sexual harassment at Edna Mahan are promptly, thoroughly, and objectively investigated and appropriately referred for prosecutorial review, and that alleged victims are advised of the outcome of their allegations. Accordingly:

¶ 75 Edna Mahan investigators shall continue to investigate allegations of sexual abuse or sexual harassment, consistent with NJDOC policy and New Jersey law. Edna Mahan will continue to refer allegations of sexual abuse and sexual harassment to local prosecutors as appropriate.

Requirements:

¶ 76 The provisions in this section that provide deadlines for NJDOC or Edna Mahan's issuance of an investigative report following an allegation of sexual abuse or harassment apply only to administrative investigations undertaken solely by NJDOC or Edna Mahan, and do not apply to criminal investigations undertaken by the prosecutors in collaboration with NJDOC or Edna Mahan.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 75:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations.
- Special Investigations Division Internal Management Procedures #035, "Investigation Procedures"
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies which investigations are undertaken by the prosecutors and which are investigation by NJDOC.
- Interview with EMCF PREA Compliance Manager regarding referring allegations of sexual abuse and sexual harassment to local prosecutors.
- Interview with EMCF Special Investigations Principle regarding referring allegations of sexual abuse and sexual harassment to local prosecutors.

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 75:

2/2/22 Status report

NJDOC's SID promptly, thoroughly, and objectively investigates all verbal, written, and anonymous reports of sexual abuse, misconduct, and harassment. Allegations of sexual abuse are referred for investigation to the appropriate county prosecutor (for EMCF, that is the Hunterdon County Prosecutor), who has the legal authority to conduct criminal investigations, unless the allegation does not involve potentially criminal behavior. The NJDOC responds to, investigates, and supports the prosecution of sexual abuse and sexual harassment within the correctional system and externally in partnership with state and local authorities. SID documents all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. Data collected also identifies which investigations are undertaken by the prosecutors and which are investigated by NJDOC.

NJDOC and EMCF are in the process of revising NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment* and Special Investigations Division IMP #035, *Investigation Procedures*. The revised policies will include language specific to referrals and data collection and will be provided to DOJ and the Monitor on or before April 15, 2022.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 75:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 75:

Page 20 of 63, NJDOC 001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment* states "The NJDOC responds to, investigates, and supports the prosecution of sexual abuse and sexual harassment within the correctional system and externally in partnership with state and local authorities.

NJDOC assigns to the Special Investigations Division (SID) the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by inmates, staff and other individuals who visit NJDOC facilities. NJDOC SID accepts and investigates all verbal, written, and anonymous reports of sexual abuse, misconduct, and harassment.

State of New Jersey Department of Corrections Policy Statement ADM.006.011 titled, *Investigations by the Special Investigations Division and Special Investigations Division Internal Management Procedures #035, "Investigation Procedures"* both state, "The NJDOC assigns to the SID the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by inmates, staff and other individuals who visit NJDOC facilities".

Additionally, NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet identifies the date the local prosecutors were notified of an incident, the decision made by

the prosecutors regarding who is going to investigate, and, if the Hunterdon County Prosecutors Office chooses not to file criminal charges, the date the case is returned to NJDOC for investigation.

The Monitor spoke with the Special Investigation Principal and her staff assigned to Edna Mahan to confirm that Edna Mahan investigators investigated all allegations of sexual abuse or sexual harassment. SID Principal Robbins did confirm such.

Likewise, Mr. Shireman, the Monitor's Associate interviewed the current Edna Mahan PREA Compliance Manger and asked the same question. The PREA Compliance Manager responded in the same manner as the Special Investigation Principal.

Recommendations re K. Referrals and Investigations ¶ 75:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that states that NJDOC and Edna Mahan investigators continue to investigate allegations of sexual abuse or sexual harassment, consistent with NJDOC policy and New Jersey law. The policy should also state that NJDOC and Edna Mahan will continue to refer allegations of sexual abuse and sexual harassment to local prosecutors as appropriate.

Once the Level 1 and Level 3 policies and/or procedures are written, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

K. Referrals and Investigations

¶ 77 Edna Mahan shall investigate all allegations of sexual abuse or sexual harassment reasonably promptly, thoroughly, and objectively, including third party and anonymous reports. The departure of the alleged abuser or victim from the employment or control of Edna Mahan or NJDOC shall not provide a basis for terminating an investigation. Administrative investigations shall be completed regardless of the results of any criminal investigations and regardless of the subject's continued employment by NJDOC.

Requirements:

¶ 76 The provisions in this section that provide deadlines for NJDOC or Edna Mahan's issuance of an investigative report following an allegation of sexual abuse or harassment apply only to administrative investigations undertaken solely by NJDOC or Edna Mahan, and do not apply to criminal investigations undertaken by the prosecutors in collaboration with NJDOC or Edna Mahan.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 77:

¶ 77/¶ 75 –

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations
- Special Investigations Division Internal Management Procedures #014 – Procedures for Sexual Offenses
- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet identifies the time between the date of the notification of the allegation and the date of the completed investigation
- Interview with EMCF Special Investigations Principle and her staff

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 77:

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SID promptly, thoroughly, and objectively investigates until finalized all verbal, written, and anonymous reports of sexual abuse, misconduct, and harassment, regardless of the employment status, or location of the victim and alleged perpetrator.

NJDOC and EMCF are in the process of revising NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment* as well as SID IMP #035, *Investigation Procedures*. The revised policies will include language specific to employment status and will be provided to DOJ and the Monitor on or before April 15, 2022.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 77:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 77:

Page 20 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states "The NJDOC responds to, investigates, and supports the prosecution of sexual abuse and sexual harassment within the correctional system and externally in partnership with state and local authorities.

NJDOC assigns to the Special Investigations Division (SID) the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by inmates, staff and other individuals who visit NJDOC facilities. NJDOC SID accepts and investigates all verbal, written, and anonymous reports of sexual abuse, misconduct, and harassment.

State of New Jersey Department of Corrections Policy Statement ADM.006.011 titled, Investigations by the Special Investigations Division and Special Investigations Division Internal Management Procedures #035, "Investigation Procedures" both state, "The NJDOC assigns to the SID the responsibility of investigating violations of the laws of the United States, the State of New Jersey, as well as violations of the New Jersey Administrative Code (10A), New Jersey Criminal Code Title 2C and NJDOC policies and procedures by inmates, staff and other individuals who visit NJDOC facilities".

Additionally, Special Investigations Division Internal Management Procedures #035, "Investigation Procedures" states, "During the course of any investigation, the Special Investigations Division has the authority to interview any employee of the Department or any inmates, volunteers or contracted vendors/employees".

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to

these incidents. This spreadsheet identifies the date the local prosecutors were notified of an incident, the decision made by the prosecutors regarding who is going to investigate, and, if the Hunterdon County Prosecutors Office chooses to file criminal charges, the date the criminal charges are completed, and the case is returned to NJDOC for administrative investigation.

The Monitor could not find a NJDOC or Special Investigations Division (SID) policy that says that the departure of the alleged abuser or victim from the employment or control of Edna Mahan or NJDOC shall not provide a basis for terminating an investigation. Likewise, Monitor could not find a NJDOC or Special Investigations Division (SID) policy that says that administrative investigations shall be completed regardless of the results of any criminal investigations and regardless of the subject's continued employment by NJDOC. This will be addressed in the recommendation section.

The Monitor spoke with the Special Investigations Division Deputy Chief Investigator Ed Solyts, and Special Investigations Principal Robbins and her one of her staff assigned to Edna Mahan to confirm that the departure of the alleged abuser or victim from the employment or control of Edna Mahan or NJDOC shall not provide a basis for terminating an investigation. Additionally, both Special Investigations Division Deputy Chief Investigator Ed Solyts and Special Investigations Principal Robbins confirmed that administrative investigations are completed regardless of the results of any criminal investigations and regardless of the subject's continued employment by NJDOC.

Recommendations re K. Referrals and Investigations ¶ 77:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that the departure of the alleged abuser or victim from the employment or control of Edna Mahan or NJDOC does not provide a basis for terminating an investigation. The policy should also include a statement that administrative investigations will be completed regardless of the results of any criminal investigations and regardless of the subject's continued employment by NJDOC.

Once the Level 1 and Level 3 policies and/or procedures are written, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

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K. Referrals and Investigations

¶ 78 Edna Mahan shall use investigators who have received special training in institutional sexual abuse. Specialized training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda v. Arizona*, 384 U.S. 436 (1966), and *Garrity v. New Jersey*, 385 U.S. 493 (1967), warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. NJDOC shall maintain documentation that Edna Mahan investigators have completed the required specialized training in conducting sexual abuse investigations. Consistent with current practice, the Department-wide PREA Coordinator and Edna Mahan’s PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.

Requirements:

Consistent with current practice, the Department-wide PREA Coordinator and Edna Mahan’s PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.

Monitor’s Measure of Compliance re K. Referrals and Investigations ¶ 78:

¶ 78/¶ 77/¶ 75 –

- NJDOC Policy Statement Number 001.008 “Prevention, Detection and Response of Sexual Abuse and Harassment” specific to criminal and administrative agency investigations
- List of EMCF Special Investigators and their resume/expertise
- Training curriculum to train investigative staff
- Documentation training to investigators on the Miranda and Garrity warnings
- Training rosters or documents showing the completion of the New Jersey Division of Criminal Justice Basic Course for Investigators
- Training rosters or documents showing the completion of all investigators specialized training

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 78:

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All EMCF SID Investigators continue to receive specialized training in institutional sexual abuse. Training summaries for all EMCF investigators were submitted to the DOJ and Monitor on November 10, 2021. In addition to prior training, additional specialized training for SID investigators will be provided on March 23-25. Initial training is being developed in conjunction with TMG and has a “train the trainer” component for sustainability. This 3-day training will be reviewed by DOJ and the Monitor and provided to investigators annually.

Modules include:

- PREA Overview
- First responders
- Evidence collection

- NJDOC culture
- Trauma and victim response
- Interviewing sexual abuse victims, suspects, and witnesses
- Legal liability and use of *Miranda*, *Weingarten* & *Garrity*
- Sexual harassment
- Report writing

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 78:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 78:

Page 44 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "All SID investigators are required to complete the New Jersey Division of Criminal Justice Basic Course for Investigators. The specialized training received by members of the SID helps to ensure that such investigations are conducted in a thorough, competent, objective manner and using the most current techniques and equipment possible."

The Monitor spoke with the NJDOC PREA Coordinator and asked if she ever served as an investigator for sexual abuse investigations. Additionally, Mr. Shireman, the Monitor's Associate, spoke with the current Edna Mahan PREA Compliance Manager and asked the same question. Both emphatically answered no. Assistant Superintendent Rios added that the PREA Compliance Manager is not an investigator. Her role is to ensure the information is reported to the Special Investigations Division (SID) and it is SID's responsibility to conduct the investigation.

The Monitor reviewed the training records for each of the ten SID staff assigned to Edna Mahan. Additionally, the Monitor reviewed the following eight power point trainings received by the SID staff; Investigative Aspects of Sex Crimes Investigations, Officer Response: Sexual Assault Investigations, PREA Crime Scene Preservation, PREA Training for SID, Child Sex Assault Investigation, NJ Sex Crimes Statutes, and Legal Terms and Aspects of Sex Crimes Investigations. The Monitor also noted the certificates of completion for the SID staff who completed the

“Understanding Sexual Assault Trauma and Considerations for Conducting a Trauma-Informed Interview” and the sign-in sheet for PREA Refresher Training.

The Monitor is aware that The Moss Group is conducting a PREA Specialized Investigations Training for SID staff during the next reporting period. This training will be discussed in more detail in the next compliance report.

Recommendations re K. Referrals and Investigations ¶ 78:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement Edna Mahan use investigators who have received special training in institutional sexual abuse and that training shall include techniques for interviewing sexual abuse victims, proper use of *Miranda v. Arizona*, 384 U.S. 436 (1966), and *Garrity v. New Jersey*, 385 U.S. 493 (1967), warnings, sexual abuse evidence collection in confinement settings, and the criteria and evidence required to substantiate a case for administrative action or prosecution referral. The policy should also require that NJDOC maintain documentation that Edna Mahan investigators have completed the required specialized training in conducting sexual abuse investigations. Lastly, the policy should be clear that the Department-wide PREA Coordinator and Edna Mahan’s PREA Compliance Manager shall not serve as investigators for sexual abuse investigations.

Once the Level 1 and Level 3 policies and/or procedures are written, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

K. Referrals and Investigations

¶ 79 All NJDOC or Edna Mahan investigative staff must disclose any personal relationships with Edna Mahan staff who may be the subject of a current investigation and must recuse themselves from participating in an investigation involving any Edna Mahan staff member with whom they have a personal relationship. A “personal relationship” is any relationship that interferes with the investigator’s ability assess the facts of the investigation in an objective manner, including relationships with a family member, business partner, roommate, cohabitant, or person with whom they are involved in a dating or close social relationship.

Requirements:

A “personal relationship” is any relationship that interferes with the investigator’s ability assess the facts of the investigation in an objective manner, including relationships with a family member, business partner, roommate, cohabitant, or person with whom they are involved in a dating or close social relationship.

Monitor’s Measure of Compliance re K. Referrals and Investigations ¶ 79:

- Special Investigations Division Internal Management Procedures #048, “Staff Reporting of Personal Relationships”
- Semi-annual report (beginning April 5, 2022, for the last quarter of 2021 and first quarter of 2022) to the DOJ and Monitor including all incidents of an investigative staff recusing themselves from an investigation due to a personal relationship with EMCF staff who may be the subject of a current investigation
- Interview with EMCF Special Investigations Principle and her staff regarding staff recusing themselves from participating in an investigation involving anyone with whom they have a personal relationship

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 79:

2/24/22 Status Update

All Special Investigations Division staff are required to disclose on a newly updated recusal form whether they currently supervise, exercise authority over, or work in the same facility with any employee of the NJDOC, or its vendors/contracted employees, who is a family member, business partner, roommate, cohabitant, or person with whom they are involved in a dating or close social relationship.

NJDOC and EMCF is in the process of revising NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment* as well as SID IMP #048, *Staff Reporting of Personal Relationships*. The revised policies, which include a revised recusal form, are being updated in accordance with this Agreement and will be provided to DOJ and the Monitor on or before April 15, 2022.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 79:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 79:

Special Investigations Division (SID) Internal Management Procedures (IMP) #048, "Staff Reporting of Personal Relationships" states, "All SID staff are mandated to notify (verbally and in writing) their Principal Investigator or designee, immediately, if they are assigned an investigation or are participating in an investigation in any capacity which involves a subject(s) with whom they are involved in a close personal relationship. In determining whether he/she should report a relationship, the Investigator shall utilize his/her training and experience to determine whether said relationship is of the nature that a reasonable, unbiased person would conclude creates a perception of partiality and negatively impacts the integrity of the investigation. In the absence of the Principal Investigator or designee, the SID staff member is mandated to contact the Chief Investigator or designee with the pertinent information regarding the relationship. Once all pertinent information has been received and reviewed, the Chief Investigator or designee will make a determination concerning the SID staff member's involvement in the pending investigation. Once recused, the SID staff member must make all reasonable attempts to ensure that they do not become involved in the investigation at any time.

On February 24, 2022, the Monitor interviewed the Special Investigations Division (SID) Deputy Chief Investigator Ed Solyts, and Special Investigations Principal Robbins and her one of her staff and asked them what they would do in the case that they were assigned an investigation involving anyone with whom they have a personal relationship. They responded that all investigators are required to sign the NJDOC Special Investigations Division Recusal Form when they first begin working for SID acknowledging that they are aware of, and acknowledge they will comply with, IMP #048. Additionally, if an Edna Mahan SID investigator is assigned a case with someone he knows, s/he would go immediately to Special Investigations Principal Robbins, sign another SID Recusal Form, and ask to be removed from investigating that particular case.

The Monitor spoke with Assistant Commissioner Kelly Daniels, who has recently been appointed as Assistant Commissioner for the Special Investigations Division. She noted that she is currently in the process of revising the SID Recusal Form and its usage.

Recommendations re K. Referrals and Investigations ¶ 79:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that all NJDOC or Edna Mahan investigative staff must disclose any personal relationships with Edna Mahan staff who may be the subject of a current investigation and must recuse themselves from participating in an investigation involving any Edna Mahan staff member with whom they have a personal relationship

Once the Level 1 and Level 3 policies and/or procedures are written, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

K. Referrals and Investigations

¶ 80 The credibility of an alleged victim, suspect, or witness shall be assessed on an individual basis and shall not be determined by the person's status as prisoner or staff, consistent with 28 C.F.R § 115.71.

Requirements:

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 80:

- NJDOC/SID level 1 policy specifying how they rate the credibility of an alleged victim, suspect, or witness.
- Reviews of completed investigations, to include reviewing witness statements, prisoner victim(s) and alleged perpetrator(s), security staff statements.
- Interview with EMCF Special Investigations Principle and her staff to determine how they rate the credibility of an alleged victim, suspect, or witness

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 80:

2/24/22 Status Report

SID does not rate the credibility of an alleged victim, suspect, or witness by the person's status as prisoner or staff.

During the course of any investigation, the Special Investigations Division has the authority to interview any employee of NJDOC or any incarcerated person, volunteer, or contracted vendor/employee; and to review any records and reports retained by NJDOC. SID investigations are documented in a confidential written report that describes the physical and testimonial evidence and investigative facts and findings. Administrative investigations are documented in written reports that include a description of the physical and testimonial evidence, and investigative facts and findings.

The credibility of a victim, suspect, or witness is assessed on an individual basis and shall not be determined based on the status of a victim or staff member. A credibility determination should place no greater weight on one person over another. Victims, suspects, and witnesses are all equally entitled to give their testimony and none are rejected as incredible simply based on their status. Credibility is impacted by the evidence itself. It is the evidence that refutes, corroborates, or has no impact upon a person's testimonial evidence. The evidence ultimately determines whether the allegation is unfounded, substantiated, or unsubstantiated.

NJDOC and EMCF is in the process of revising NJDOC Policy Statement PCS.001.008 *Prevention, Detection and Response of Sexual Abuse and Harassment* as well as Special Investigations Division Internal Management Procedures #035, *Investigations Procedures*. The revised policies will include language pertaining to determining credibility and will be provided to DOJ and the Monitor on or before April 15, 2022.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 80:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 80:

The Monitor could not find a NJDOC or Special Investigations Division (SID) policy specifying how SID staff rate the credibility of an alleged victim, suspect, or witness. NJDOC acknowledges this and plans to add a section that addresses this when they revise their policies specific to Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment. This will be discussed further in the recommendation section.

The Monitor did review fourteen completed investigations that included interviews with, and statements by, the alleged victim prisoner, the alleged suspect staff person, and witnesses. The decisions made in these investigations appeared to be based on the involved persons' statements and the evidence (cameras, records, reports, documentation of facts, etc.) available.

The Monitor interviewed the SID Principal Investigator assigned to Edna Mahan and her staff and asked them how they determined the credibility of an alleged victim, suspect, or witness? They responded that they did not rate the credibility of the persons they spoke to. Rather, they simply stated the facts of what the person told them.

Recommendations re K. Referrals and Investigations ¶ 80:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that gives guidance to NJDOC or Edna Mahan investigative staff on determining the credibility of an alleged victim, suspect, or witness. The statement should also include that the credibility should be assessed on an individual basis and should not be determined by the person's status as prisoner or staff.

Once the Level 1 and Level 3 policies and/or procedures are written, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

K. Referrals and Investigations

¶ 81 Within 90 days after an allegation of sexual abuse or sexual harassment is referred for investigation, NJDOC or Edna Mahan shall issue a written investigative report that indicates whether the allegation is substantiated, unsubstantiated, or unfounded. If the matter is referred to prosecutorial review, this 90-day period shall begin to run the day after NJDOC receives the prosecutor's decision as to whether the allegation is criminal or administrative (and therefore will be investigated solely by NJDOC or Edna Mahan). The investigator may request in writing, approved by the facility designee, an extension for cause that identifies the remaining actions necessary to complete the investigation. In no case shall the investigation be deemed to be unfounded solely due to the expiration of the 90 days. The investigative report shall include an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Requirements:

If the matter is referred to prosecutorial review, this 90-day period shall begin to run the day after NJDOC receives the prosecutor's decision as to whether the allegation is criminal or administrative (and therefore will be investigated solely by NJDOC or Edna Mahan).

The investigative report shall include an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 81:

- Spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. The spreadsheet should identify:
 - The date of notification of the allegation
 - The date the case was referred to prosecutor's review
 - If the case is criminal or administrative
 - If the case was returned to NJDOC, the date returned
 - If an extension was requested, and if so, the date of the request, and the reason for the extension
 - The date of the completed investigation
 - The finding if the allegation was determined to be unfounded, unsubstantiated, or substantiated.
 - The date the Sexual Assault Advisory Council (SAAC) was held
- Copies of a Sexual Assault Investigation Disposition form for each allegation sent to the DOJ and Monitor
- A quarterly report (beginning January 5, 2022 for the last quarter of 2021) submitted to the DOJ and Monitor of the status of all the "open" EMCF investigations, along with the spreadsheet noted above
- Interview with NJDOC Deputy Chief Investigator

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 81:

2/24/22 Status Report

The EMCF Special Investigations Division currently keeps data tracking the status of each case to ensure that (i) all administrative investigations are closed within 90 days, or (ii) extensions are timely requests when necessary. Closed reports document the efforts taken to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, and investigative facts and findings. The DOJ and Monitor receive quarterly reports outlining the number of open cases, whether they are administrative or criminal, and their status.

NJDOC, DOJ, and the Monitor also hold monthly meetings regarding the status of all outstanding investigations.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 81:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 81:

NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these incidents. This spreadsheet identifies:

- The date of notification of the allegation
- The date the case was referred to prosecutor's review
- If the case is criminal or administrative
- If the case was returned to NJDOC, the date returned
- If an extension was requested, and if so, the date of the request, and the reason for the extension
- The date of the completed investigation.
- Whether the allegation is substantiated, unsubstantiated, or unfounded.

Additionally, copies of the Sexual Assault Investigation Disposition form for each investigated allegation have been sent to the DOJ and Monitor.

During this reporting period (August 24, 2021 – February 24, 2022), Edna Mahan had 72 allegations of sexual abuse or sexual harassment. Of these 72 allegations, 50 are currently open (meaning still being investigated). There have been 2 extension requests, which have identified the remaining necessary actions needed to complete the investigation. For the cases that the investigations were completed, there was 1 substantiated allegation, 13 unsubstantiated allegations, and 8 allegations were deemed to be unfounded.

The Monitor interviewed NJDOC Deputy Chief Investigator Ed Soltys and the SID Principal Investigator assigned to Edna Mahan regarding the expectation that a written investigative report be completed within 90 days of the allegation of sexual abuse or sexual harassment. Both spoke of the New Jersey Administrative Code 10A which requires New Jersey Department of Corrections to report inmate abuse to the county prosecutor of the county in which the State correctional facility is located. For Edna Mahan, that is Hunterdon County. The Hunterdon prosecutor's office determines when the investigation is complete and what action to take (charge a criminal violation or refer back to DOC). The prosecutor's office controls this time frame and can sometimes take months. This causes a lengthy delay in NJDOC being able to investigate an alleged allegation. Once returned for administrative review, the Special Investigations Division tries to complete the investigation as quickly as possible, absent extenuating circumstances.

Effective February 21, 2022, NJDOC has increased the number of Principal Investigators assigned to Edna Mahan to 2 (up from 1) and the number of Special Investigators assigned to Edna Mahan to 9 (up from 7). Their goal of increasing the number of staff is to expedite review of those matters by working collaboratively with Hunterdon County Prosecutors Office to bring the open cases to a resolution (either authorization of criminal charges or referral back to NJDOC for administrative review).

The Monitor has reviewed fourteen investigative reports that have been written during this reporting period. Each of these reports have included an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Recommendations re K. Referrals and Investigations ¶ 81:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is to include a statement that within 90 days after an allegation of sexual abuse or sexual harassment is referred for investigation, NJDOC or Edna Mahan shall issue a written investigative report that indicates whether the allegation is substantiated, unsubstantiated, or unfounded. The policy should also require that the investigator must request in writing, approved by the facility designee, an extension for cause that identifies the remaining actions necessary to complete the investigation. The policy should state

that in no case shall the investigation be deemed to be unfounded solely due to the expiration of the 90 days. Lastly, the policy should require that the investigative report include an effort to determine whether staff actions or failures to act contributed to the abuse, a description of the physical and testimonial evidence, the reasoning behind credibility assessments, and investigative facts and findings.

Once the Level 1 and Level 3 policies and/or procedures are written, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

K. Referrals and Investigations

¶ 82. NJDOC shall ensure that an investigative summary sheet that provides an overview of the current status of an investigation is included in the investigative file. The summary information should include, among other things, basic information such as staff name(s), prisoner names(s), location of incident, type of allegation, and the date and time of day of the incident.

Requirements:

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 82:

- Copies of investigative summary sheets sent to the DOJ and Monitor. Investigative summary sheets include:
 - Staff name(s)
 - Prisoner Name(s)
 - Location of incident
 - Type of allegation
 - Date and time of day of the incident
 - Other information, as needed
- Interview with NJDOC Deputy Chief Investigator regarding completing the investigative summary sheet/closure report
- Interview with EMCF Special Investigations Principle and her staff regarding completing the investigative summary sheet/closure report
- Interview with EMCF PREA Compliance Manager regarding the investigative summary sheet/closure report

Steps taken by NJDOC and EMCF towards implementation

K. Referrals and Investigations ¶ 82:

2/24/22 Status Update

An investigative summary sheet is currently kept on all cases investigated by SID containing all of the referenced requirements in this section. When applicable per this agreement, those sheets are submitted to DOJ and the Monitor. We are currently revising the investigative summary sheet and will provide it to the DOJ and Monitor for review and comment on or before March 1, 2022.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 82:

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

[] Partial Compliance

[] Non-compliance

[] N/A not required until [date]

[] N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 82:

The NJDOC had already developed and been using a summary sheet, titled, "NJDOC Special Investigations Division Investigations Report Summary. This summary sheet identifies among other things, the prisoners name, their NJDOC #, location of incident, type of allegation, and the date and time of day of the incident. This Investigations Report Summary was provided to DOJ and the Monitor, with the initial notice on an incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse.

On February 18, 2022, the Monitor received notification that this form had been updated to meet the criteria of this paragraph. The Monitor was able to review the draft form, and discuss its usage, during the compliance visit.

Recommendations re K. Referrals and Investigations ¶ 82:

The use of the revised NJDOC Special Investigations Division Investigations Report Summary needs to be documented in policy and all relevant personnel need to be trained to the new use of this form.

K. Referrals and Investigations

- ¶ 83. A review team, including upper-level management officials at Edna Mahan, with input from line supervisors, investigators, and medical and mental health practitioners, shall conduct an incident review within 30 days of the conclusion of every investigation of substantiated and unsubstantiated allegations of sexual abuse by staff. The review team shall:
- a. Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse by staff;
 - b. Examine the area in Edna Mahan where the incident allegedly occurred to assess whether physical barriers in the area may prevent detection of sexual abuse;
 - c. Assess the adequacy of staffing levels in that area during different shifts;
 - d. Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and
 - e. Prepare a report of its findings and any recommendations for improvement and submit such report to the Department-wide PREA Coordinator, and Edna Mahan's PREA Compliance Manager.

Requirements:

- ¶ 85 Edna Mahan's Administrator should have access to investigative files once they are complete, as well as the personnel files of involved employees, and regular briefings of PREA investigations that include sufficient details so that the facility Administrator and/or the incident review team has sufficient information to assess the incident and devise and implement any necessary movement, discipline, or corrective action.

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 83:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations.
- NJDOC PCS. 001.PREA .001 Sexual Assault/PREA Advisory
- EMCF's Level 3 policy on Sexual Assault/PREA Advisory
- Copies of the Sexual Assault Investigation Disposition form for all EMCF's cases
- A review of Folder 115.73 on the DOCNet I-drive during the on-site visit
- Copies of EMCF's Sexual Assault Advisory Council (SAAC) monthly agenda and meeting minutes
- Copies of all report of EMCF's Sexual Assault Advisory Council findings and recommendations for improvement sent to NJDOC PREA Coordinator and Edna Mahan's PREA Compliance Manager
- Interview with EMCF PREA Compliance Manager regarding EMCF's Sexual Assault Advisory Council (SAAC)
- Interview with EMCF Administrator regarding EMCF's Sexual Assault Advisory Council (SAAC)
- Interview at least two of the members who sit on the EMCF's Sexual Assault Advisory Council (SAAC)

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 83:

2/24/22 Status Report

The EMCF PCM is responsible for convening the EMCF Sexual Assault Advisory Council (SAAC) review within 30 days of the completion of the investigation by SID. The review is held in accordance with PREA Standard 115.86. Central Office Headquarters (COHQ)'s SAAC review team utilizes the same review form used as the institutional level.

The EMCF SAAC review team includes the PCM, the Administrator, a Major, a representative from SID, a representative from Medical and a representative from Mental Health. The SAAC review team documents and considers whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse by staff. They examine the area in Edna Mahan where the incident allegedly occurred to assess whether physical barriers in the area may prevent detection of sexual abuse. They assess the adequacy of staffing levels in that area during different shifts and whether monitoring technology should be deployed or augmented to supplement supervision by staff. At the conclusion of the SAAC review, the PCM prepares a report of its findings, noting any facility-specific recommended corrective actions, and any recommendations for improvement. The report is submitted to the NJDOC PREA Coordinator for review by the COHQ SAAC. A copy of the signed review committee form is maintained by the PCM. The EMCF PCM is also tasked with ensuring implementation of the recommended corrective action at EMCF. EMCF and COHQ SAAC review forms have been submitted to DOJ and the Monitor when applicable.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 83:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 83:

Page 54 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, NJDOC has established a multi-disciplinary Sexual Assault Advisory Council (SAAC) which convenes at both the correctional facility and Departmental level to review all allegations and instances of sexual abuse/sexual harassment with the purpose of assessing and improving PREA prevention, detection and response.

Facility incident reviews are ordinarily convened within thirty (30) days of the conclusion of the investigation. SID will then present the completed investigation case for review at a central-office SAAC meeting where a final determination is rendered as Substantiated, Unsubstantiated or Unfounded. These reviews are done for all allegations of sexual abuse and/or harassment as defined by PREA.

(a) The review team shall:

- (1) Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;*
- (2) Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;*
- (3) Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;*
- (4) Assess the adequacy of staffing levels in that area during different shifts; (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and*
- (6) Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.*

Each PREA allegation case review completed by the SAAC takes into account all factors listed above in section (d) of this subsection.

(b) The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.

The SAAC may issue Corrective Action Reports, if necessary, and will monitor the implementation of recommended corrective actions. The Council reports to the NJDOC Commissioner, or designee, on matters reviewed by the committee and shall comply with collective bargaining agreements in implementing changes or programs.” There is no Edna Mahan Level 3 policy which references the Sexual Assault Advisory Council (SAAC).

The Monitor and DOJ have both received copies of the two Sexual Assault Advisory Council (SAAC) Incident Reviews completed by Edna Mahan during this reporting period. In both cases, the SAAC considered whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse by staff, examined the area in Edna Mahan where the incident allegedly occurred to assess whether physical barriers in the area may prevent detection of sexual abuse; assessed the adequacy of staffing levels in that area during different shifts; assessed whether monitoring technology should be deployed or augmented to supplement supervision by staff; and sent a copy of its findings and any recommendations for improvement and submit such report to the Department-wide PREA Coordinator, and Edna Mahan’s PREA Compliance Manager.

The Monitor spoke with three members of the Edna Mahan Sexual Assault Advisory Council: the PREA Compliance Manager, the Edna Mahan Administrator, and a Major regarding the process of Edna Mahan’s Sexual Assault Advisory Council. All acknowledged that the PREA Compliance Manager is responsible to convene and chair the SACC. They also stated that the SACC is usually convened within two weeks and always within thirty (30) days of the conclusion of the investigation. During the SAAC, the Special Investigation Division staff assigned to Edna Mahan present the completed investigation case for review where a final determination is rendered as Substantiated, Unsubstantiated or Unfounded. The three members

confirmed that the Edna Mahan SAAC prepares a report of its findings and any recommendations for improvement and submits that report to the Department-wide PREA Coordinator. The members also confirmed that the NJDOC Agency SAAC reviews, and signs off, on this report.

During the compliance visit, Mr. Shireman, the Monitor's Associate reviewed the Folder 115.73 (which maintains all the SAAC documents) on the New Jersey DOCNet I-Drive

Recommendations re K. Referrals and Investigations ¶ 83:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is the Level 3 policy be written to be clear about the purpose, process, and expectations of the Edna Mahan Sexual Assault Advisory Council.

Once the Level 1 and Level 3 policies and/or procedures are written, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

K. Referrals and Investigations

¶ 84. NJDOC and Edna Mahan shall review the review team's recommendations for improvement and shall implement them or document their reasons for not doing so.

Requirements:

Monitor's Measure of Compliance re K. Referrals and Investigations ¶ 84:

- NJDOC Policy Statement Number 001.008 "Prevention, Detection and Response of Sexual Abuse and Harassment" specific to criminal and administrative agency investigations
- NJDOC PCS. 001.PREA .001 Sexual Assault/PREA Advisory
- EMCF's Level 3 policy on Sexual Assault/PREA Advisory
- Copies of all report of EMCF's Sexual Assault Advisory Council findings and recommendations for improvement
- Copies of all Corrective Action Reports developed by EMCF's Sexual Assault Advisory Council (SAAC)
- Copies of all completed EMCF's Corrective Action Reports as referenced above
- Copies of ANY subsequent actions that are recommended by the EMCF SAAC, to include, but not be limited to, memos, emails, new level 3 policies, procedures, Post Orders, etc.
- Copies of all Corrective Action Reports developed by NJDOC's Agency Sexual Assault Advisory Council (SAAC)
- Copies of all completed NJDOC's Corrective Action Reports as referenced above
- Copies of ANY subsequent actions that are recommended by the NJDOC's SAAC, to include, but not be limited to, memos, emails, new level 1 policies, procedures, directives, etc.
- All documents from EMCF or NJDOC's SAAC that describe "why" recommended actions were not taken
- Interview with EMCF PREA Compliance Manager regarding the Review Team's recommendations for improvement
- Interview with EMCF Administrator regarding the Review Team's recommendations for improvement
- Interview with NJDOC Deputy Chief Investigator regarding reviewing EMCF's Review Team's recommendations for improvement

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re K. Referrals and Investigations ¶ 84:

2/24/22 Status Report

The EMCF PREA Compliance Manager is tasked to ensure the response to and implementation of any recommended corrective action at EMCF. Currently, the SAAC review forms are being updated in order to facilitate corrective action recommendation tracking and status updates. The revised form will be submitted to the Monitor and DOJ upon completion, which is scheduled to be on or before April 15, 2022. EMCF and COHQ SAAC review forms have been submitted to the DOJ and the Monitor when applicable.

Monitor's Finding of Compliance re K. Referrals and Investigations ¶ 84:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re K. Referrals and Investigations ¶ 84:

Page 54 of 63, NJDOC 001.008 Prevention, Detection and Response of Sexual Abuse and Harassment states, "NJDOC has established a multi-disciplinary Sexual Assault Advisory Council (SAAC) which convenes at both the correctional facility and Departmental level to review all allegations and instances of sexual abuse/sexual harassment with the purpose of assessing and improving PREA prevention, detection and response.

Facility incident reviews are ordinarily convened within thirty (30) days of the conclusion of the investigation. SID will then present the completed investigation case for review at a central-office SAAC meeting where a final determination is rendered as Substantiated, Unsubstantiated or Unfounded. These reviews are done for all allegations of sexual abuse and/or harassment as defined by PREA.

(1) *The review team shall:*

- *Consider whether the allegation or investigation indicates a need to change policy or practice to better prevent, detect, or respond to sexual abuse;*
- *Consider whether the incident or allegation was motivated by race; ethnicity; gender identity; lesbian, gay, bisexual, transgender, or intersex identification, status, or perceived status; or gang affiliation; or was motivated or otherwise caused by other group dynamics at the facility;*
- *Examine the area in the facility where the incident allegedly occurred to assess whether physical barriers in the area may enable abuse;*
- *Assess the adequacy of staffing levels in that area during different shifts; (5) Assess whether monitoring technology should be deployed or augmented to supplement supervision by staff; and*
- *Prepare a report of its findings, including but not necessarily limited to determinations made pursuant to paragraphs (d)(1)-(d)(5) of this section, and any recommendations for improvement and submit such report to the facility head and PREA compliance manager.*

Each PREA allegation case review completed by the SAAC takes into account all factors listed above in section (d) of this subsection.

(2) The facility shall implement the recommendations for improvement or shall document its reasons for not doing so.

The SAAC may issue Corrective Action Reports, if necessary, and will monitor the implementation of recommended corrective actions. The Council reports to the NJDOC Commissioner, or designee, on matters reviewed by the committee and shall comply with collective bargaining agreements in implementing changes or programs.”

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

The Monitor and DOJ have both received copies of the two Sexual Assault Advisory Council Incident Reviews completed by Edna Mahan during this reporting period. In neither case, were any recommendations for improvement made. Thus, there were no Correction Action Plans (CAP's) developed by Edna Mahan during this reporting period. Assistant Superintendent Rios did refer to one case (a prisoner-to-prisoner case) that resulted in a recommendation for cameras in a particular area.

Recommendations re K. Referrals and Investigations ¶ 84:

The Settlement Agreement requires that NJDOC and Edna Mahan draft and/or revise their Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures, in accordance with this Agreement and to incorporate gender-responsive strategies, as applicable. The recommendation is the statement that both the NJDOC and Edna Mahan Sexual Assault Advisory Council either makes a recommendation for improvement and shall implement them or document their reasons for not doing so be included.

Once the Level 1 and Level 3 policies and/or procedures are written, NJDOC should create a staff training plan that addresses the training requirements of the Referrals and Investigations of Allegations of Sexual Abuse or Sexual Harassment policies or procedures.

L. Physical Plant

¶ 86. Edna Mahan shall ensure that access to and from the Edna Mahan compound is through secure, staffed checkpoints only. Specifically, Edna Mahan shall conduct regular monitoring of the perimeters of the Edna Mahan grounds with the goal of preventing entry by persons or contraband outside of the secure checkpoints.

Requirements:

As discussed, and agreed by NJDOC and DOJ, since there is no specified deadline for any of the Physical Plant provisions, the monitoring tool could refer to NJDOC's planned timeline in the Implementation Plan. ¶ 86 is a "daily" date. NJDOC is already conducting perimeter monitoring and entry is through secure checkpoints. NJDOC will provide documentation called for by February 24, 2022

Monitor's Measure of Compliance re L. Physical Plant ¶ 86:

- EMCF Level 3 policy requiring all access to and from the Edna Mahan Compound is through secure, staffed checkpoints only
- Post Orders for perimeter Correctional Police Officers requiring regular monitoring of the perimeters of the Edna Mahan grounds with the goal of preventing entry by persons or contraband outside of the secure checkpoints
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure access to and from the Edna Mahan compounds is through secure, staffed checkpoints only
- Copies of logbooks for perimeter Correctional Police Officers demonstrating times of rounds, when required by Monitor
- Review of logbooks for perimeter Correctional Police Officers demonstrating times of rounds during onsite visit
- Interviews with perimeter Correctional Police Officers during on-site visits specific to the requirement regular monitoring of the perimeters of the Edna Mahan grounds with the goal of preventing entry by persons or contraband outside of the secure checkpoints

Steps taken by NJDOC and EMCF towards implementation re

Due Date: February 24, 2022

L. Physical Plant ¶ 86:

2/24/22 Status Report

Level 3 IMP Custody Directive 25 *Perimeter Security Detector System* was submitted to the Monitor and DOJ on February 15, 2022. Perimeter monitoring is conducted and documented multiple times per day and includes, but is not limited to, any wall or security fencing, electrically operated and interlocking vehicle sally-port entrances and gates, all prisoner entrances, all visitor and delivery entrances, all security gates and entranceways, and boundaries composed of public streets located in proximity to parking areas or surrounding the facility.

Copies of logbooks for perimeter Correctional Police Officers demonstrating times of rounds have been submitted to DOJ and the Monitor for the months of December 2021 and January 2022.

Monitor's Finding of Compliance re L. Physical Plant ¶ 86:

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

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re L. Physical Plant ¶ 86:

As discussed, and agreed by NJDOC and DOJ, since there is no specified deadline for this paragraph, or any of the Physical Plant provisions, the monitoring tool could refer to NJDOC's planned timeline in NJDOC's Implementation Plan. ¶ 86 is a "daily" date, meaning the assumption is this activity happens on a "daily basis". NJDOC has been conducting, and continues to conduct, perimeter monitoring to ensure entry is through secure checkpoints.

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Title: Armed Patrol/Roving Patrol, Custody Directive 29 says, "The policy of the New Jersey Department of Corrections is to operate secure correctional facilities and to provide a safe environment for all persons entering these facilities or housed within. In order to accomplish this policy, maintain a high level of security at all facility entry points, and prevent the introduction of contraband, all persons requesting entrance into the Inner-Security Perimeter of any medium and maximum NJDOC facility shall be required to present and wear appropriate identification, clear a walk-through metal-detector scan and submit to a subsequent pat-search. This includes the search of all religiously oriented or medically necessary headwear. Additionally, searches such as, but not limited to passive canine and other scanning/testing devices may be utilized. All authorized items carried by persons entering the Inner-Security Perimeter shall also be subject to search.

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Title: Armed Patrol/Roving Patrol, Custody Directive 29 says, " a Roving Patrol officer shall be assigned to enhance perimeter security of the facility on a 24-hour basis. The Roving Patrol officer(s) primary responsibility is to maintain patrol the correctional facility perimeter and adjacent properties under its control. The officer(s) will be constantly vigilant for suspicious incidents, activities, persons, vehicles, etc., observed or occurring on or within the security perimeter and a reasonable proximity of the prison, and that would adversely affect its orderly operation and security. Additionally, this Internal management Procedure Responsibilities of a Roving Patrol Officer includes, "Make frequent passes around the Max Compound. Direction of travel and times should be varied as to not set a pattern."

The Monitor requested copies of pages of logbooks for the dates of perimeter Correctional Police Officers for the dates of December 13 – 16, 2021. These logbook pages demonstrated the times and verified the perimeter rounds.

During the on-site compliance visit in February 2022, the Monitor reviewed copies of the perimeter Correctional Police Officers logbook. Again, the logbook pages demonstrated the times and verified the perimeter rounds.

Lastly, the Monitor conducted interviews with three perimeter Correctional Police Officers during the on-site compliance visit, specific to the requirement of regular monitoring of the perimeters of the Edna Mahan grounds. All three Officers were very knowledgeable about their responsibilities of preventing entry by persons or contraband outside of the secure checkpoints.

Recommendations re L. Physical Plant ¶ 86:

NJDOC and Edna Mahan should develop and implement a policy incorporating the requirement that Edna Mahan shall ensure that access to and from the Edna Mahan compound is through secure, staffed checkpoints only and train relevant personnel on the policy.

L. Physical Plant

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

Requirements:

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

¶ 87 was assigned a “daily” date; NJDOC is taking steps to implement the discussed screening changes and will plan to fully implement this procedure by the end of January 2022

Monitor’s Measure of Compliance re L. Physical Plant ¶ 87:

- EMCF Level 3 policy requiring that every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening
- Post Orders for Correctional Police Officers working at the entrance to all buildings on the minimum-security compound (except the Administration Building, as noted above), requiring that all staff, contractors, volunteers, visitors, and government officials entering the compound receive thorough and effective contraband screening in addition to metal detection
- Post Orders for Correctional Police Officers working the entry gate into the maximum compound requiring that all staff, contractors, volunteers, visitors, and government officials entering the compound receive thorough and effective contraband screening
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure all every individual, including all staff, contractors, volunteers, visitors, and government officials entering the Edna Mahan compound receive thorough and effective contraband screening
- Observations during on-site visits
- Interviews with security staff during on-site visits regarding how they conduct contraband screening on every individual, including all staff, contractors, volunteers, visitors, and government officials entering Edna Mahan minimum security compound housing units, education building, medical triage building, Siltzer Building (classification location), and food services building, as well as the maximum-security compound

Steps taken by NJDOC and EMCF towards implementation re

L. Physical Plant ¶ 87:

2/24/22 Status Report

EMCF specific Post Orders ensure all who enter the compound receive a thorough and effective contraband screening. Prior to entering the walk-through metal-detector, the person being searched is instructed to remove all items from their pockets and all outerwear (i.e., coats, jackets, sweaters, hats) and place them on the search-table adjacent to the metal-detector machine. Additionally, some items containing metal (e.g., belt buckle, some jewelry, watch, etc.) may be removed and placed on the search table if necessary. At no time shall any person remove their footwear to clear the walk-through metal detector. Footwear shall only be removed for further search (physical and mechanical) if a person has unsuccessfully attempted to clear the

machine four (4) times and the feet area is specifically identified as the source of hidden metal. Revised or updated Post Orders will be submitted to the Monitor and DOJ for review.

Current applicable Post Orders:

- Custody Directive #3 *Grounds Housing Unit Officer* (revised February 2, 2022, and approved on February 11, 2022)
- Custody Directive #6 *Entrance Control Officer*
- Custody Directive #44 *Silzer Officer*
- Custody Directive #12 *Edna Mahan Hall Officer*
- Custody Directive #21 *Max Entrance & Vehicle Control*

Monitor's Finding of Compliance re L. Physical Plant ¶ 87:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re L. Physical Plant ¶ 87:

Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive #28: Title: Main Gate Officer states, "It is the responsibility and duty of custody staff-assigned to facility entrance points to positively identify, and if necessary, respectfully, and professionally challenge the identify and authorization of all persons requesting entry into or exiting from an NJDOC facility. Additionally, this Internal Management Procedure lists the following responsibilities of this post:

Post Responsibilities:

- Visually inspect all vehicles entering and leaving the institution.
- All staff must present their ID Card upon entry and exit
- Verify the identity of all persons attempting to enter or leave the institution
- All civilian visitors to be processed into EMCF will be processed through the visit center. Civilian employees (ISP, ETC.) will be processed through the Main Gate Officer.

Additionally, Edna Mahan Correctional Facility for Women Level 3 Internal Management Procedure Custody Directive #6: Title: Entrance Control Officer gives the instruction that, "Civilian employees and visitors who must park in the visitor's parking lot must present a valid DOC issued ID and clear the

Secure Scan Metal Detector. If the visitor fails the Secure Scan, the hand frisker will be utilized to determine the source of the positive indication. Lastly, this internal Management Procedures provides a list of authorized items for staff and requires all authorized items shall be carried on person or in a clear plastic cosmetic bag (maximum size 12" x 12" x 3").

While the Monitor and her Associate were on site during the compliance visit, both observed several staff members with the clear plastic cosmetic bags described above. The Monitor asked staff about their use of these clear bags, and all reported these bags were required to bring anything into the Edna Mahan facility.

Lastly, the Monitor (or her Associate) conducted interviews with four security staff assigned to the entrance gate during the on-site compliance visit, specific to how they conduct contraband screening on every individual, including all staff, contractors, volunteers, visitors, and government officials entering Edna Mahan minimum security compound (excluding the Administration building), as well as the maximum-security compound.

They explained that there are two "sets of approves" for people who enter the Edna Mahan grounds. For "officials" who have been previously approved by Administration to enter the grounds, those persons simply show their identification and are signed in. And then are allowed to move to the Administration building. People in that category include outside NJDOC staff, government officials, approved volunteers, contractors, etc.

For those people who have not been previously approved by Administration to enter the Edna Mahan grounds, they are taken to another building to receive a thorough and effective contraband screening. Prior to entering the walk-through metal-detector, the person being searched is instructed to remove all items from their pockets and all outerwear and place them on the search-table adjacent to the metal-detector machine. Additionally, some items containing metal (e.g., belt buckle, some jewelry, watch, etc.) may be removed and placed on the search table if necessary. The person then walks through the metal detector and their outerwear is searched.

Regardless of which "set of approve" the person has, they receive another thorough screening if they go into any building on the minimum security "grounds" housing units (or Edna Mahan Hall) or the maximum-security compound of the Edna Mahan facility. This process was demonstrated every time the Monitor came through the entrance gate or went into either the minimum grounds housing units or the maximum compound. The Monitor noted that there was no additional screening for persons going into the Silzer Building, Chapel, or Housekeeping Building.

Recommendations re L. Physical Plant ¶ 87:

Develop a system to ensure additional screening for persons going into the Silzer Building, Chapel, or Housekeeping Building.

L. Physical Plant

¶ 88. Edna Mahan shall conduct an inventory of all abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound and develop and implement plans to demolish or secure any out of use buildings that pose a threat to institutional security or provide significant opportunities for sexual abuse.

Requirements:

Conduct inventory by February 1, 2022, per NJDOC's Implementation Plan.

Monitor's Measure of Compliance re L. Physical Plant ¶ 88:

- Copy of inventory conducted of all abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound
- Copy of plans to demolish or secure any out of use buildings that pose a threat to institutional security or provide significant opportunities for sexual abuse
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator, or their designees, that addresses procedures, and practices regarding any abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound
- Observations during on-site visits
- Interview with EMCF administrator specific to the inventory of, and implementation plans for, all abandoned, dilapidated, or currently out of use structures

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re L. Physical Plant ¶ 88:

2/24/22 Status Report

Ten buildings on EMCF's 328.35 acres are no longer in use and have been deemed condemned or uninhabitable. We have tasked the Maintenance Department with securing all condemned or uninhabitable structures on the grounds of EMCF. Annual Capital Project Requests have been submitted by NJDOC to the NJ Office of Management and Budget (OMB) for the demolition of all condemned or uninhabitable structures. This request has been made annually since fiscal year 2019 but has not been approved. Each of the buildings has been secured with to block access points to the building. Each of these buildings are visually inspected on a daily basis by Roving Patrol units to check for any breach of the building.

Condemned or Uninhabitable Structures:

- East Cottage
- Fielder
- Fielder Trailer
- Paddock Residence
- Residence #1
- Residence #2

- Residence #3
- Superintendent's residence
- Witt Pen

The assessment was submitted to DOJ and the Monitor on February 8, 2022

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re L. Physical Plant ¶ 88:

On January 14, 2022, Associate Administrator Ryan O'Dea sent an Interoffice Communication to Erica Stem, Administrator, EMCF, which says, "On Edna Mahan Correctional Facility's 328.35 archers we currently have nine buildings that are no longer in use and have been deemed condemned or uninhabitable. We have tasked the Maintenance Department with securing all condemned or uninhabitable structures on the grounds of EMCF. Annual Capital Project Requests have been submitted to request the demolition of all condemned or uninhabitable structures. Each of the buildings have been secured with plywood to block all access points to the building. Each of these buildings are visually inspected on a daily basis by Roving Patrol units to check for any breach of the building.

Condemned or Uninhabitable Structures

East Cottage

Fielder

Fielder Trailer

Paddock

Residence #1

Residence #2

Residence #3

Superintendents Residence

Witt Penn

During the on-site compliance visit, the Monitor went to, or looked at, each abandoned, dilapidated, or currently out of use structures on the Edna Mahan compound to verify that these buildings are secure and do not provide significant opportunities for sexual abuse. As noted above, the Monitor noted that all buildings are secured with plywood to block all access points to the buildings.

Additionally, the Monitor noted that there are two housing units, Williamson and Conover, that stopped being used in January 2022. The current security measure being used to monitor access to these two buildings is the Key Watcher System. Since there should be access to either of these buildings, the Monitor is suggesting using a “central control key system,” which is a more secure security system.

Additionally, the Monitor spoke with the Administrator of Edna Mahan, Erica Stem. We discussed the inventory, and security plans, for all abandoned, dilapidated, or currently out of use structures. Ms. Stem also reminded the Monitor that the decision has not been made yet whether the Edna Mahan facility will be closed, and the prisoners moved to another facility. Until that decision is made, NJDOC will not invest the amount needed to demolish any buildings on the facility’s campus.

Recommendations re L. Physical Plant ¶ 88:

There are two buildings (Williamson and Conover) that are not currently used but are considered “deemed condemned or uninhabitable “and have not been secured with plywood to block all access points to the buildings. The access points have been sealed with locks and require Supervisory access to the keys. The Monitor is suggesting a more secure “Central Command key” access process for those two buildings.

L. Physical Plant

¶ 89. If Edna Mahan determines that it will continue to utilize the old upholstery warehouse, Edna Mahan shall clear the space of unused equipment, inventory, and other visible barriers that pose safety concerns and create blind spots.

Requirements:

¶ 88 Document determination by February 1, 2022

Monitor's Measure of Compliance re L. Physical Plant ¶ 89:

- Written decision sent to the DOJ and Monitor regarding determination to utilize the old upholstery warehouse
- If decision is not to use old upholstery warehouse, copy of plans to demolish or secure the building to ensure institutional security and eliminate any opportunities for sexual abuse
- If decision is to use the old upholstery warehouse, documentation that the building has been cleared of any unused equipment, inventory, and other visible barriers that pose safety concerns and create blind spots
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator, or their designees, that addresses procedures, and practices regarding the old upholstery warehouse
- Observations during on-site visits
- Interview with EMCF administrator specific to utilization of the old upholstery warehouse

Steps taken by NJDOC and EMCF towards implementation

L. Physical Plant ¶ 89:

2/24/22 Status Report

At this time there is no immediate plan to utilize or repurpose the Grounds Sewing/Upholstery Warehouse. At this time there is no approved plan to demolish this building. Security measures are currently in place for Grounds Sewing/Upholstery Warehouse. The building is secured at all times. Access to the building is restricted to Lieutenants and Majors via the Key Watcher System. The Key Watcher System maintains a digital record any time an individual removes and returned key from the system. Information pertaining to this section of the Agreement was provided to DOJ and Monitor on February 8, 2022. Utilization changes and updates will be reported to the DOJ and Monitor as they occur.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re L. Physical Plant ¶ 89:

On January 14, 2022, Associate Administrator Ryan O'Dea sent an Interoffice Communication to Erica Stem, Administrator, EMCF, which says, " At this time there is no immediate plan to utilize or repurpose the Grounds Sewing/Upholstery Warehouse. There is no plan to demolish this building due to the potential for future use. This area will be undergoing a small maintenance project in the near future to address structural issues with the building. Security measures are currently in place for Grounds Sewing/Upholstery Warehouse. The building is secured at all times. Access to the building is restricted to Lieutenants and Majors via the Key Watcher System. The Key Watcher System maintains a digital record any time an individual removes and returned key from the system."

The Monitor is familiar with the Key Watcher System and is comfortable there would be enough documentation to restrict access to this building.

Additionally, the Monitor spoke with the Administrator of Edna Mahan, Erica Stem about the old upholstery warehouse. She confirmed that the warehouse is not being used and is, in fact, secured from providing opportunities for sexual abuse.

Recommendations re L. Physical Plant ¶ 89:

The only reason for that level of compliance is that there are plans to address structural issues with the building for future use. Depending on the use of this building, and the chance that Edna Mahan facility will be closed and the prisoners moved to another facility, the Monitor believes it is prudent to determine partial Compliance at this time.

M. Limited English Proficient (LEP) Prisoners

¶ 90. With respect to implementing the terms of this Agreement, NJDOC and Edna Mahan shall ensure that all LEP prisoners at Edna Mahan have access to interpretation and translation services as required by Title VI of the Civil Rights Act.

Requirements:

Monitor's Measure of Compliance re M. Limited English Proficient (LEP) Prisoners ¶ 90:

- NJDOC policy statement SUP.004.001 Limited English Proficient (LEP) Language Assistance
- Level 3 policy requiring that all LEP prisoners at Edna Mahan have access to interpretation and translation services, as required by Title VI of the Civil Rights Act
- Documentation of ALL methods created to provide access for LEP prisoners to interpretation and translation services, as required by Title VI of the Civil Rights Act
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices to ensure all prisoners at Edna Mahan have access to interpretation and translation services as required by Title VI of the Civil Rights Act.
- Details of the usage of any LEP prisoners to access interpretation services -records, logs, phone call use, etc.
- Interview with at least two LEP identified prisoners
- Review of any grievances submitted regarding any requirements of the provision
- Interview with Edna Mahan Administrator specific to interpretation and translation services for LEP prisoners
- Interview with Edna Mahan EDNA PREA Compliance Manager specific to interpretation and translation services for LEP prisoners

¶ 52 - A semi-annual report (beginning on April 5, 2022, for the last quarter of 2021 and first quarter of 2022) from EMCF PREA Compliance Manager to the DOJ and Monitor, identifying the names of prisoners who received the prisoner orientation education in a different format. The report should identify the names of the prisoners and the alternate source of how the information was provided.

**NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re M. Limited English Proficient (LEP) Prisoners ¶ 90:
2/24/22 Status Report**

In accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, the Americans with Disabilities Act, and all other applicable laws and regulations, NJDOC ensures that orientation information is conveyed and made available in formats accessible to all prisoners, including those who are limited English proficient, deaf, visually impaired, or otherwise disabled as well as to prisoners who have limited reading skills.

NJDOC takes reasonable steps to provide non-English speakers and limited English proficient (LEP) individuals with access to programs and activities and ensure that staff can communicate effectively with LEP incarcerated individuals. Each department head has a passcode to the "language line" for short-term crisis intervention for LEP individuals. In addition to the procedures indicated in NJDOC Policy SUP.004.001 *Limited English Proficient (LEP) Language*

Assistance: Use of Language Line, educational staff provide LEP individuals with accommodations when necessary and practical, including tutoring, dictionaries, small-group instruction, simplified instruction and/or instructional software. The orientation materials, along with all PREA materials are immediately available in both English and Spanish. Both languages are reflected in the posters displayed throughout the facility as well as on all related documents.

EMCF's institutional staff determines what method of communication is most appropriate for deaf or hard-of-hearing prisoners by asking the individual what form of communication she prefers, as deaf prisoners have different means of communicating, and different skill levels for signing, lip-reading, and written language. For those who prefer to sign, an interpreter is provided to ensure effective communication, including but not limited to, those functions listed above. In an emergency situation, the staff use written notes, charts and diagrams until the interpreter arrives.

NJDOC will provide the DOJ and Monitor a semi-annual report by April 5, 2022, of all incarcerated individuals who received LEP services for the comprehensive orientation training.

Monitor's Finding of Compliance re M. Limited English Proficient (LEP) Prisoners ¶ 90:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re M. Limited English Proficient (LEP) Prisoners ¶ 90:

Edna Mahan Correctional Facility for Women Level III Internal Management Procedures #100A, titled "Limited English Proficiency (LEP) Language Assistance," states, "[I]n accordance with Title VI of the Civil Rights Act of 1964 and its implementing regulations, it is the policy of the NJDOC and Edna Mahan Correctional Facility, to take reasonable steps to provide meaningful access to non-English speakers and limited English proficient (LEP) individuals incarcerated, detained, or otherwise encountering NJDOC correctional facilities, programs, and activities. These steps help to ensure that language shall not prevent staff from communicating effectively with LEP prisoners, detainees, and others to ensure safe and orderly operations, and that limited English proficiency shall not prevent prisoners, detainees, or others from accessing important programs and information; understanding rules; participating in proceedings; or gaining eligibility for parole, probation, treatment programs, alternatives to revocation, or favorable classifications. The DOC shall utilize various internal and external sources to provide oral and written language assistance services to communicate with LEP prisoners in the areas of programming, safety, medical and quasi-legal proceedings. These sources, include, but are not limited to, the Language Line and appropriate staff.

Edna Mahan Correctional Facility for Women Level III Internal Management Procedures #SUP.004.001EM, titled, "Limited English Proficiency (LEP) Language Assistance: Bilingual Staff and use of the Language Line," identifies the procedures for intake, identification and tracking of all LEP prisoners,

how to access the Language Line, and the expectation of posters throughout Edna Mahan to notify the prisoner population of the availability of services to assist LEP prisoners.

Mr. Shireman, the Monitor's Associate, interviewed the Edna Mahan PREA Compliance Manager specific how the facility ensured interpretation and translation services for LEP prisoners. She responded that, on intake, prisoners are identified as LEP, and subsequently a Social Services staff person ensures the LEP prisoner receives all needed accommodations.

During the compliance visit, the Monitor realized that this was an area that is well covered in policy, but daily practices by staff are much very different. The Monitor noted a few posters relating to help for LEP prisoners on the walls of some buildings and housing units. One type of poster lists several different languages that express what to do if the person speaking that particular language needs help. The idea is that the prisoner or visitor could point to the language they recognized, and staff would be able to call the "language line" number to access an interpreter. One staff person shared with the Monitor that they used this poster one time, when a visitor didn't speak English. The second type of poster provides information about when and how NJDOC offers free interpretation and translation to LEP prisoners. This would include Language Line. This poster was present in the entry area of the medical facility, but not in most other areas. When asked, the vast majority of staff stated that they had never heard of the language line and didn't know how to use it. Additionally, it was explained there since there are no outside telephone lines in the housing units, even if staff were aware of the language line, they wouldn't be able to access it to help communicate with a LEP prisoner.

When staff were questioned about how they communicate with LEP prisoners, with rare exception, they reported that they only had Spanish speaking prisoners and that usually they use other Spanish speaking prisoners to help translate. When questioned what they would do with a prisoner that came in tomorrow which only spoke Russian, their answers were almost always, "I would report it to my supervisor". It was clear to the Monitor that staff are very unprepared to effectively communicate with LEP prisoners.

As noted previously, the Monitor interviewed two prisoners who spoke only Spanish. The Monitor used Veronica Gil, a staff member who works in Social Services, to interpret during these interviews. Both prisoners reported that Ms. Gil has been very good about communicating with them and that they can use both their Kiosk and JPay to communicate to different departments. However, they often don't get responses back in Spanish, so they don't know if anyone has read their messages or not. Both prisoners had several notable concerns. One was with medical. One of the women told us she had never been offered an interpreter when she was being seen by medical staff. She stated she was recently put on a new medication, and no one has explained to her what the medication is designed to do and if it will interfere with her previously established medical condition. The second woman said that "sometimes she is offered an interpreter and sometimes she isn't. That it depends on the medical provider."

Both prisoners expressed their concern about confidentiality about having to communicating through other prisoners. They said that this allows the other prisoners to "know their business." But they often have to use other Spanish speaking prisoners in order to report errors of medication or concerns about effects of medication. They are also concerned that if the medical staff know that they can "speak a little English," they don't use interpreters and then use words and phrases that the women can't understand.

One of the women reported that when she spoke with mental health staff, they used the language line. The other said that when she spoke with the Parole Board, they used the language line. When each were asked if they knew how to report an incident of sexual abuse, sexual harassment, or retaliation, they both reported they did.

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

As noted above, both NJDOC Level 1 and Edna Mahan Level 3 policies are well written and meet this requirement. The gap is between policy and practice. The recommendation is that a considerable amount of training needs to be developed and delivered to ensure that staff know how to guarantee that all LEP prisoners at Edna Mahan have access to interpretation and translation services as required by Title VI of the Civil Rights Act.

IV. QUALITY IMPROVEMENT AND DATA COLLECTION

¶ 91. Within eighteen (18) months of the Effective Date, NJDOC and Edna Mahan shall develop and implement a quality improvement program, as described in the paragraphs below, to identify and address any trends and deficiencies in Edna Mahan’s systems for prevention, detection and response to sexual abuse and sexual harassment at Edna Mahan, and to assess and ensure compliance with the terms of this Agreement.

Requirements:

Monitor’s Measure of Compliance re Quality Improvement and Data Collection ¶ 91:

Edna Mahan Level 3 policy which establishes responsibilities and procedures for a quality improvement program to identify and address any trends and deficiencies in EMCF systems for prevention, detection, and response to sexual abuse and sexual harassment at Edna Mahan, signed by Edna Mahan administrator no later than February 24, 2023.

¶92/¶93 - Copies of Quality Improvement meeting minutes.

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 91:

Monitor’s Finding of Compliance re Quality Improvement and Data Collection ¶ 91:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until February 2023

N/A monitor granted an extension until [date]

Monitor’s Discussion re Quality Improvement and Data Collection ¶ 91:

Recommendations re Quality Improvement and Data Collection ¶ 91:

¶ 92. Within twelve (12) months of the Effective Date, Edna Mahan will draft and/or revise any quality improvement policies and procedures, consistent with the process in the Policies and Procedures Section, Section III.A, to identify and address systemic deficiencies, if identified, in Edna Mahan's sexual safety system.

Requirements:

- ¶ 94. The Edna Mahan RMS data collection shall include:
- a. Number of substantiated prisoner and third-party reports of:
 - i. sexual abuse at Edna Mahan;
 - ii. sexual harassment at Edna Mahan;
 - iii. cross-gender staff presence in the shower and toilet areas of the bathrooms at Edna Mahan;
 - iv. Edna Mahan staff located in areas other than their assigned posts; and
 - v. retaliatory treatment and threats to prisoners or third parties, including disciplinary actions or housing relocation;
 - b. Number and names of Edna Mahan staff who:
 - i. engaged in or allegedly engaged in sexual abuse at Edna Mahan;
 - ii. engaged in or allegedly engaged in sexual harassment at Edna Mahan;
 - iii. allegedly violated the privacy rights of prisoners at Edna Mahan by entering the shower and toilet areas unannounced and without justification;
 - iv. allegedly used sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language on a frequent or repeated basis at Edna Mahan;
 - v. allegedly were located in areas other than their assigned post at Edna Mahan on a frequent or repeated basis;
 - vi. were disciplined for actions at Edna Mahan involving sexual abuse, sexual harassment, use of sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language, or unprofessional staff conduct with prisoners, including terminations, suspensions, and resignations; and
 - vii. resigned while a sexual abuse or sexual harassment allegation, or other investigation, was pending at Edna Mahan;
 - c. Number of forensic medical exams, exams performed by sexual assault forensic examiners, and exams performed by sexual assault nurse examiners;
 - d. Staffing levels, by gender, during different shifts;
 - e. The number of sexual abuse and sexual harassment allegations that occurred on each shift;
 - f. Locations within Edna Mahan where alleged sexual abuse and sexual harassment occurred;
 - g. Number of prisoners who were held in or assigned to involuntary segregation because of a risk of or report of sexual victimization;

- h. Number and names of pregnant prisoners at Edna Mahan;
- i. Number of cross-gender strip, visual cavity, and pat-down searches;
The number of all grievances related to sexual abuse or sexual harassment, emergency grievances, and number of grievances referred to Edna Mahan's Special Investigations Division for investigation;
- j. Number of times NJDOC or Edna Mahan has determined that an Edna Mahan prisoner was subject to substantial risk of imminent sexual or physical abuse;
- k. Number of administrative investigations initiated regarding allegations of sexual abuse or sexual harassment;
- l. Number of sexual abuse or sexual harassment investigations that involved extensions because a final decision had not been reached within 90 days;
- m. Number of instances when prisoners were used to act as interpreters for other prisoners in connection with sexual abuse or sexual harassment allegations or investigations;
- n. Total number of investigations, total number substantiated, total number unsubstantiated, and total number unfounded complaints of sexual abuse or sexual harassment;
- o. Number of PREA-related allegations involving staff from Edna Mahan referred for criminal investigation and the number of criminal prosecutions;
- p. Number of Edna Mahan staff disciplined for on- or off-duty conduct related to sexual abuse or sexual harassment or is a potential risk factor related to sexual abuse, such as employee misconduct at Edna Mahan related to contraband or undue familiarity, or for off-duty conduct related to domestic violence or drug trafficking;
- q. Number of times a substantiated incident of retaliation occurred involving Edna Mahan staff or prisoners;
- r. NJDOC, Edna Mahan, and staff reports of training attendance, frequency, and completion rates; and
- s. Incidents of self-harm.

Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 92:

- Edna Mahan Level 3 policy which establishes responsibilities and procedures for the collection of data, including a Risk Management System, and its use in a Quality Improvement (QI) system at Edna Mahan in order to improve operations, ensure women prisoners are treated with dignity and respect, and to protect the safety and security of prisoners drafted by August 24, 2022, and signed by Edna Mahan administrator no later than February 24, 2023
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan regarding collection of data, including a Risk Management System, and a Quality Improvement (QI) system at Edna Mahan
- Copies of Quality Improvement meeting minutes

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 92:

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 92:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until August 24, 2022

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 92:

Recommendations re Quality Improvement and Data Collection ¶ 92:

- ¶ 93. NJDOC and Edna Mahan shall develop, implement, and maintain a Risk Management System (“RMS”) that will document and track facility trends at Edna Mahan related to allegations of: (1) sexual abuse; (2) sexual harassment; and (3) retaliation for reporting sexual abuse or sexual harassment.
- a. The RMS shall ensure that trends and incidents involving sexual abuse and sexual harassment are identified and corrected in a timely manner.
 - b. The RMS will collect, consolidate, analyze, track, and otherwise use its data described in this this Section to assist with the prevention of sexual abuse and sexual harassment.

Requirements:

- ¶ 94. The Edna Mahan RMS data collection shall include:
- a. Number of substantiated prisoner and third-party reports of:
 - i. sexual abuse at Edna Mahan;
 - ii. sexual harassment at Edna Mahan;
 - iii. cross-gender staff presence in the shower and toilet areas of the bathrooms at Edna Mahan;
 - iv. Edna Mahan staff located in areas other than their assigned posts; and
 - v. retaliatory treatment and threats to prisoners or third parties, including disciplinary actions or housing relocation;
 - b. Number and names of Edna Mahan staff who:
 - i. engaged in or allegedly engaged in sexual abuse at Edna Mahan;
 - ii. engaged in or allegedly engaged in sexual harassment at Edna Mahan;
 - iii. allegedly violated the privacy rights of prisoners at Edna Mahan by entering the shower and toilet areas unannounced and without justification;
 - iv. allegedly used sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language on a frequent or repeated basis at Edna Mahan;
 - v. allegedly were located in areas other than their assigned post at Edna Mahan on a frequent or repeated basis;
 - vi. were disciplined for actions at Edna Mahan involving sexual abuse, sexual harassment, use of sexually explicit, profane, vulgar, degrading, or racially insensitive or offensive language, or unprofessional staff conduct with prisoners, including terminations, suspensions, and resignations; and
 - vii. resigned while a sexual abuse or sexual harassment allegation, or other investigation, was pending at Edna Mahan;
 - c. Number of forensic medical exams, exams performed by sexual assault forensic examiners, and exams performed by sexual assault nurse examiners;
 - d. Staffing levels, by gender, during different shifts;
 - e. The number of sexual abuse and sexual harassment allegations that occurred on each shift;

- f. Locations within Edna Mahan where alleged sexual abuse and sexual harassment occurred;
- g. Number of prisoners who were held in or assigned to involuntary segregation because of a risk of or report of sexual victimization;
- h. Number and names of pregnant prisoners at Edna Mahan;
- i. Number of cross-gender strip, visual cavity, and pat-down searches;
The number of all grievances related to sexual abuse or sexual harassment, emergency grievances, and number of grievances referred to Edna Mahan's Special Investigations Division for investigation;
- j. Number of times NJDOC or Edna Mahan has determined that an Edna Mahan prisoner was subject to substantial risk of imminent sexual or physical abuse;
- k. Number of administrative investigations initiated regarding allegations of sexual abuse or sexual harassment;
- l. Number of sexual abuse or sexual harassment investigations that involved extensions because a final decision had not been reached within 90 days;
- m. Number of instances when prisoners were used to act as interpreters for other prisoners in connection with sexual abuse or sexual harassment allegations or investigations;
- n. Total number of investigations, total number substantiated, total number unsubstantiated, and total number unfounded complaints of sexual abuse or sexual harassment;
- o. Number of PREA-related allegations involving staff from Edna Mahan referred for criminal investigation and the number of criminal prosecutions;
- p. Number of Edna Mahan staff disciplined for on- or off-duty conduct related to sexual abuse or sexual harassment or is a potential risk factor related to sexual abuse, such as employee misconduct at Edna Mahan related to contraband or undue familiarity, or for off-duty conduct related to domestic violence or drug trafficking;
- q. Number of times a substantiated incident of retaliation occurred involving Edna Mahan staff or prisoners;
- r. NJDOC, Edna Mahan, and staff reports of training attendance, frequency, and completion rates; and
- s. Incidents of self-harm.

Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 93:

- Edna Mahan Level 3 policy which establishes responsibilities and procedures for the collection of data, including a Risk Management System, and its use in a Quality Improvement (QI) system at Edna Mahan in order to improve operations, ensure women prisoners are treated with dignity and respect, and to protect the safety and security of prisoners drafted by August 24, 2022, and signed by Edna Mahan administrator no later than February 24, 2023
- Any memos, written directives from the Commissioner, Deputy Commissioner and/or Administrator that addresses procedures, and practices at Edna Mahan regarding collection of data, including a Risk Management System, and a Quality Improvement (QI) system at Edna Mahan
- Copies of Quality Improvement meeting minutes

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

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 93:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 93:

Recommendations re Quality Improvement and Data Collection ¶ 93:

- ¶ 95. Edna Mahan shall aggregate the data collected on a quarterly basis and review data aggregated in order to assess and improve the effectiveness of its sexual abuse and sexual harassment prevention, detection, and response policies, practices, and training, including by:
- a. Identifying potential patterns, changes, and problem areas (including for individual officers; for individual prisoners; and for housing units); to include problems in Edna Mahan's staffing levels, policies, practices, staff discipline system, and staff and prisoner training/education that might have contributed to those patterns if such patterns reflect increased sexual abuse and sexual harassment, decreased sexual abuse and sexual harassment detection, or inadequate responses to sexual abuse and sexual harassment;
 - b. Identifying staff or supervisors in need of retraining, performance plans, and discipline, while considering the employee's general responsibilities and specific assignment;
 - c. Developing intervention options, as appropriate, to facilitate an effective response to identified problems;
 - d. Taking corrective action on an ongoing basis; and
 - e. Preparing semi-annual reports of its findings and corrective actions, including a comparison to the findings in previous reports to assess progress.

Requirements:

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

- Quarterly copies of the aggregated data beginning January 5, 2023, for the second quarter of the year, 2023
- Corrective action plans developed as a result of data review/QI meetings, beginning June 2023
- Copies of semi-annual reports beginning 2023

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

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 95:

Recommendations re Quality Improvement and Data Collection ¶ 95:

- ¶ 96. The RMS will rely on the data analysis described above. All appropriate supervisors and investigative staff shall have access to this data described above.
- a. Edna Mahan’s Administrator shall use information from the RMS to improve quality management practices, identify patterns and trends, and take necessary corrective action both on an individual and systemic level.
 - b. Supervisors assigned to Edna Mahan will assure that remedial activities are completed, as well as report if the intervention was effective in changing behaviors.
 - c. The executive staff member responsible for women’s facilities, or designee, will manage the RMS and will conduct quarterly audits of the RMS to ensure that analysis and intervention are working effectively, and to identify potential patterns or trends resulting in harm to prisoners.

Requirements:

Monitor’s Measure of Compliance re Quality Improvement and Data Collection ¶ 96:

- ¶ 92/¶ 93 - Edna Mahan Level 3 policy which establishes responsibilities and procedures for the collection of data, including a Risk Management System, and its use in a Quality Improvement (QI) system at Edna Mahan in order to improve operations, ensure women prisoners are treated with dignity and respect, and to protect the safety and security of prisoners drafted by August 24, 2022, and signed by Edna Mahan administrator no later than February 24, 2023
- a. Corrective action plans developed by Edna Mahan’s Administrator, both on an individual and systemic level, beginning June 2023
Interview with Edna Mahan Administrator
 - b. Copies of documentation from supervisors verifying that the identified remedial activities were completed beginning June 2023.
Copies of documentation from supervisors verifying that the identified remedial activities were effective in changing staff behaviors beginning June 2023
Interviews with at least three Edna Mahan Supervisors during on-site visits
 - c. Quarterly copies of the audits of the RMS conducted by the Assistant Commissioner for Women’s Services beginning July 5, 2023, for the second quarter (Q2) of the year, 2023
Interviews with Assistant Commissioner for Women’s Services

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Quality Improvement and Data Collection ¶ 96:

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 96:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 96:

Recommendations re Quality Improvement and Data Collection ¶ 96:

¶ 97. NJDOC and Edna Mahan will provide to the Monitor and DOJ on a semi-annual basis a list of all staff members identified through the RMS, and any corrective action, if taken. On an annual basis, NJDOC and Edna Mahan shall conduct a documented review of the RMS to ensure that it has been effective in identifying concerns regarding policy, training, or the need for discipline. NJDOC and Edna Mahan will document their review and conclusions and provide them to the Monitor and DOJ.

Requirements:

The fact that a staff member is identified through the RMS does not necessarily mean that corrective action should be taken.

Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 97:

- A list of staff members identified through the RMS, and the corrective action taken (if any) provided semi-annually, beginning July 2023
- A copy of the annual documented review of the Risk Management System provided to the DOJ and Monitor, beginning in the year 2024

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

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 97:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 97:

Recommendations re Quality Improvement and Data Collection ¶ 97:

- ¶ 98. If either the aggregated data referenced in Paragraph 95 indicates in three consecutive RMS reports a consistent failure to improve protection of prisoners from sexual abuse and sexual harassment by staff, or if there are increases in any of the following:
- a. cases of staff-on-prisoner sexual abuse that are not unfounded;
 - b. cases of staff-on prisoner sexual harassment that are not unfounded;
 - c. cases of staff discipline for sexual abuse, sexual harassment, or staff use of sexually explicit, profane, vulgar, degrading, or racially insensitive offensive language directed at a prisoner; NJDOC and Edna Mahan shall make modifications to Edna Mahan's policies, procedures and/or practices to address the increase within 60 days of the third consecutive report.

Nothing in this section prevents NJDOC and Edna Mahan from making modifications sooner than this or as data and/or incidents indicate a need for adjustment.

Requirements:

Monitor's Measure of Compliance re Quality Improvement and Data Collection ¶ 98:

- Revised policies, procedures, and/or practices as a result of the Risk Management System identifying a consistent failure to improve protection of prisoners from sexual abuse or sexual harassment by staff
- Interview with Edna Mahan Administrator
- Interview with at least two members of the Quality Improvement meetings (other than the Edna Mahan Administrator)

¶95 - Quarterly copies of the aggregated data beginning July 5, 2023, for the previous quarter of the year 2023 (Q2)

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

Monitor's Finding of Compliance re Quality Improvement and Data Collection ¶ 98:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required at this time

N/A monitor granted an extension until [date]

Monitor's Discussion re Quality Improvement and Data Collection ¶ 98:

Recommendations re Quality Improvement and Data Collection ¶ 98:

¶ 99. Within 30 days of the Effective Date, NJDOC will designate an Agreement Coordinator to coordinate compliance with this Agreement and to serve as a point of contact for DOJ and the Monitor.

Requirements:

Monitor's Measure of Compliance re Implementation ¶ 99:

- Job Description for the person who serves as the Agreement Coordinator designating that position as the point of contact for the DOJ and Monitor
- Notification to the DOJ and Monitor of the name of the person/position in the above position no later than September 24, 2021

Steps taken by NJDOC and EMCF towards implementation

(Agreement Coordinator)¶ 99:

2/24/22 Status Report

NJDOC selected Helena Tomé, Assistant Commissioner of Women's Services, as it's Agreement Coordinator, as reflected in a September 15, 2021, communication to DOJ and the Monitor. The job description was also provided to the DOJ and Monitor.

Monitor's Finding of Compliance re Implementation ¶ 99:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re Implementation ¶ 99:

On September 15, 2021, the Monitor received a letter from Rachel Moseson Dikovics, Esq. ,Lowensetein Sandler, formally confirming that Helena Tome had been hired in the position of Assistant Commissioner for Women's Services. This position was designated as the Agreement Coordinator to coordinate compliance with the Settlement Agreement and to serve as a point of contact for DOJ and the Monitor.

Additionally, the Monitor has reviewed the job description in the job announcement for, and her resume of, Assistant Commissioner Tome.

Recommendations re Implementation ¶ 99:

V. IMPLEMENTATION

¶ 100. NJDOC and Edna Mahan will create an Implementation Plan that describes the actions NJDOC and Edna Mahan will take to fulfill the obligations under this Agreement. Implementation of this Agreement will be completed in phases as outlined in the Agreement and the Implementation Plan.

Requirements:

¶101. Within 30 days of the Effective Date, Edna Mahan will provide the first Implementation Plan to DOJ and the Monitor. In its Implementation Plan, Edna Mahan will develop a specific schedule and deadlines for the upcoming year and a general schedule for successive years. In its Implementation Plan, Edna Mahan will develop a specific schedule and deadlines for the first twelve months, in which Edna Mahan will:

- (a) draft or revise policies and procedures;
- (b) complete a staffing plan,
- (c) develop and deliver training to Edna Mahan staff and providers concerning the provisions of this Agreement and Edna Mahan's commitment to fulfilling its obligations under the Constitution;
- (d) develop and implement an RMS; and
- (e) develop and implement monthly quality improvement mechanisms to report on aggregate relevant data to prevent or minimize harm to prisoners from sexual abuse.

¶102. DOJ and the Monitor will provide comments regarding the Implementation Plan (and any revisions to the Implementation Plan) within 30 days of receipt. Edna Mahan will timely revise its Implementation Plan to address comments from DOJ and the Monitor; the Parties and the Monitor will meet and consult, as necessary.

¶103. As needed, Edna Mahan, in conjunction with DOJ and the Monitor, will supplement or revise the Implementation Plan to focus on and provide additional detail regarding implementation activities. Edna Mahan will address in its updated Implementation Plans any areas of non-compliance or other recommendations identified by the Monitor in his or her report.

Monitor's Measure of Compliance re Implementation ¶ 100 & ¶ 101

- Implementation plan submitted to DOJ and Monitor no later than 9-24-21

NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation re Implementation ¶ 100 & ¶ 101:

Monitor's Finding of Compliance re Implementation ¶ 100 & ¶ 101:

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re Implementation ¶ 100 & ¶ 101:

On September 24, 2021, the Monitor did receive an implementation plan that described the actions NJDOC and Edna Mahan will take to fulfill the obligations under the Settlement Agreement. The implementation plan set a specific schedule and deadlines for the upcoming year and a general schedule for successive years. The Monitor reviewed the original implementation plan and returned comments on October 19, 2021. On November 18, 2021, NJDOC requested more time to resend the revised plan to the Monitor. That request was approved and, on November 22, 2021 the Monitor received a revised implementation plan. The Monitor gave feedback one more time and, again on January 13, 2022, received a revised final implementation plan on This final implementation plan set specific dates of completion for paragraphs that had no specified date of completion identified in the Settlement Agreement. The Monitor has used these dates as measures of completion for this compliance report.

Recommendations re Implementation ¶ 100 & ¶ 101:

Continue to follow the implementation plan and completion dates to; draft or revise policies and procedures; complete a staffing plan, develop and deliver training to Edna Mahan staff and providers concerning the provisions of this Agreement and Edna Mahan's commitment to fulfilling its obligations under the Constitution; develop and implement a Risk Management System; and develop and implement monthly quality improvement mechanisms to report on aggregate relevant data to prevent or minimize harm to prisoners from sexual abuse.

VI. NJDOC AND EDNA MAHAN'S REPORTING REQUIREMENTS

¶ 104. NJDOC and Edna Mahan shall provide to the Monitor and DOJ a semi-annual Status Report until the Agreement is terminated, the first of which shall be submitted within six months of the Effective Date.

Requirements:

- ¶ 105. Each Status Report shall describe the actions NJDOC and Edna Mahan have taken during the reporting period to implement this Agreement and shall make specific reference to the Agreement provisions being implemented. The report shall also summarize audits and quality improvement activities and contain findings and recommendations that would be used to track and trend data compiled at Edna Mahan.
- ¶ 106. NJDOC and Edna Mahan shall maintain sufficient records to document that the requirements of this Agreement are being properly implemented and shall make such records available to DOJ at all reasonable times for inspection and copying. In addition, NJDOC and Edna Mahan shall maintain and submit upon request records or other documents to verify that they have taken such actions as described in their Status Reports (e.g., census summaries, policies, procedures, protocols, training materials and incident reports) and will also provide to DOJ all documents reasonably requested by DOJ.

Monitor's Measure of Compliance re NJDOC and EMCF Reporting Requirements ¶ 104:

¶ 104 – Status Report submitted to the DOJ and Monitor on, or before, the following dates:

- February 24, 2022
- August 24, 2022
- February 24, 2023
- August 24, 2023
- February 24, 2024
- August 24, 2024

And other dates, as needed, until the Agreement is terminated.

**Steps taken by NJDOC and EMCF towards implementation
NJDOC and EMCF Reporting Requirements ¶ 104:**

Status Report Due Dates:

February 24, 2022

August 24, 2022

February 24, 2023

August 24, 2023

February 24, 2024

August 24, 2024

2/24/22 Status Update

NJDOC provided its first status report to DOJ and the Monitor on February 24, 2022.

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re NJDOC and EMCF Reporting Requirements ¶ 104:

On February 23, 2022, the Monitor and DOJ received a Status Report from NJDOC. Part of the status report described the actions NJDOC and Edna Mahan have taken during the reporting period to implement the Settlement Agreement. The descriptions, which referenced the Agreement paragraphs being implemented, are included in this monitoring report in the area titled, "NJDOC Discussion: Steps taken by NJDOC and EMCF towards implementation.

Additionally, the Status Report also summarized activities NJDOC and Edna Mahan have taken to improve conditions (including, but not limited to sexual safety) at the facility.

Recommendations re NJDOC and EMCF Reporting Requirements ¶ 104:

No Recommendations

¶ 109. Within 72 hours of an incident or report, NJDOC shall notify DOJ upon any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse. With this notification, NJDOC and Edna Mahan shall forward to DOJ any related incident reports and medical and/or mental health reports and investigations as they become available.

Requirements:

Monitor's Measure of Compliance re DOJ's Right of Access ¶ 109:

Notices of all incidents or allegations of sexual abuse or retaliation submitted to the Monitor and DOJ within 72 hours of the incident or report.

Notices should include, but not be limited to:

- Name of person making report
- Name of alleged victim
- Name of staff involved in allegation
- Incident number
- Date of incident
- Date of notification
- Status of housing assignment for prisoner
- Restrictions of assignments for staff (if any)
- Any other preliminary reports/information available

Steps taken by NJDOC and EMCF towards implementation

DOJ's Right of Access ¶ 109:

2/24/22 Status Report

NJDOC submitted its first Paragraph 109 notification on September 24, 2021, pursuant to this section of the Agreement. Since that time, NJDOC has made every effort to ensure continued compliance. Since August 24, 2021, there have been 53 applicable allegations. 94% of the notifications were submitted within 72 hours. As a result of our standing monthly review meetings with EMCF leadership and EMCF SID Investigators, we identified 3 cases that, upon review, met the definition of a sexual abuse *allegation* which were not originally submitted as notifications. In the interest of full transparency and demonstration of good faith effort, upon identification of these cases, NJDOC immediately notified DOJ and the Monitor. All three late notifications were identified and submitted within 30 days of the allegation date. Out of the 53 total applicable cases, at the time of this writing, 11 have been closed, 12 are pending administrative review, 28 are under review for potential criminal charges at the Hunterdon County Prosecutor's Office and 2 required the submission of extension requests to DOJ and the Monitor, detailing the reason for the extension. Of the closed cases, 3 were determined to be unfounded, 1 was substantiated and resulted in criminal charges, and 7 were unsubstantiated. In an effort to expedite case

resolutions, NJDOC SID representatives, including our newly hired Assistant Commissioner of Investigations, Kelly Daniels (start date 1/15/22), met with the Hunterdon County Prosecutor's Office on February 9, 2022, to review open cases. As a result of that meeting, we anticipate that several will be returned to NJDOC for administrative investigation. In preparation for this, NJDOC SID has temporarily enhanced the SID unit at EMCF. Effective February 21, 2022, we will now have 2 Principal Investigators (PI) (up from 1) and 9 SI/Investigators (up from 7). Each PI will oversee either: (1) new allegations; or (2) open investigations with the Hunterdon County Prosecutors Office. Our goal is to expedite review of those matters by working collaboratively with HCPO to bring those matters to a resolution (either authorization of criminal charges or referral for administrative review). NJDOC's intent is to maintain this enhancement until such time as there is no longer a need for additional staff.

Monitor's Finding of Compliance re DOJ's Right of Access ¶ 109:

Substantial Compliance for this reporting period

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

Monitor's Discussion re DOJ's Right of Access ¶ 109:

Since August 24, 2021, NJDOC has notified DOJ and the Monitor any incident or allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse within 24 hours. At a minimum, the notices have included

- The name of person making report
- The name of alleged victim
- The name of staff involved in allegation
- The incident number
- The date of incident
- The date of notification to Edna Mahan and NJDOC
- The status of housing assignment for the alleged victim
- Restrictions of assignments for staff (if any)
- Any other preliminary reports/information available

NJDOC has also forwarded to DOJ and the Monitor any related incident reports and medical and/or mental health reports and completed investigations as they become available.

Additionally, NJDOC and Edna Mahan staff maintain, and have submitted a copy, to DOJ and the Monitor, a spreadsheet documenting all allegations of sexual abuse, sexual harassment, retaliation for reporting, and/or staff neglect or violation of responsibilities that may have contributed to these

incidents, as well as the information noted above. Monthly, NJDOC, DOJ, and the Monitor meet to review this spreadsheet and discuss any noteworthy cases.

Recommendations re DOJ's Right of Access ¶ 109:

Continue to notify DOJ and the Monitor within 72 hours of an incident or report of allegations of sexual abuse or retaliation and/or injury requiring emergency medical attention related to an allegation sexual abuse. Additionally continue to forward to DOJ and the Monitor any related incident reports and medical and/or mental health reports and investigations as they become available.

¶ 110. NJDOC shall provide to the Monitor and to DOJ copies of or applicable portions of any formal reports or recommendations from the Office of the Corrections Ombudsperson or the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct concerning efforts to establish or revise Edna Mahan or statewide policies and procedures, including reporting and data collections systems, related to sexual abuse or sexual harassment of prisoners.

Requirements:

This paragraph does not include ordinary course referrals and related documentation

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

Monitor's Measure of Compliance re DOJ's Right of Access ¶ 110:

- Copies provided to the Monitor and DOJ of applicable portions of any formal reports or recommendations from the Office of the Corrections Ombudsperson concerning efforts to establish or revise Edna Mahan or statewide policies or procedures, related to sexual abuse or sexual harassment of prisoners.
- Copies provided to the Monitor and DOJ of applicable portions of any formal reports or recommendations from the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct concerning efforts to establish or revise Edna Mahan or statewide policies or procedures, related to sexual abuse or sexual harassment of prisoners.
- Interviews with staff from the Office of the Corrections Ombudsperson
- Interviews with members of the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct
- Meeting minutes from the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct, as available

Steps taken by NJDOC and EMCF towards implementation

DOJ's Right of Access ¶ 110:

2/24/22 Status Report

The Office of the Ombudsperson, which is independent of any supervision or control by NJDOC, provides an annual report on EMCF to the Governor's Office, the Legislature, NJDOC and the public on or before November 1 of each year. In addition to this annual report, Representatives from the office perform announced as well as unannounced inspections of all NJDOC facilities. At EMCF, the Ombudsperson last conducted 2 unannounced tours on April 9, 2021, which included the Hillcrest Housing Unit and the Restorative Housing Unit. These reports were provided to NJDOC as well as the general public. The Annual Report, along with the two EMCF-specific reports, have been submitted to DOJ and the Monitor.

NJDOC will provide reports by the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct when they are available.

Monitor's Finding of Compliance re DOJ's Right of Access ¶ 110:

- Substantial Compliance
- Partial Compliance
- Non-compliance

N/A not required until NJDOC receives a formal report or recommendations from the Office of the Corrections Ombudsperson or the Commission to Protect New Jersey Prisoners from Sexual Assault and Sexual Misconduct

N/A monitor granted an extension until [date]

Monitor's Discussion re DOJ's Right of Access ¶ 110:

The Monitor read the Office of the Corrections Ombudsperson Annual Report. This report covered the period from October 1, 2020, to September 30, 2021. The report listed the Office of the Corrections Ombudsperson Mission, Goals, and Objectives. It also discussed issues in all NJDOC facilities, as well as issues specific to Edna Mahan. The report listed the four future objectives of: 1) Maintain visibility within correctional facilities; 2) Respond promptly to inquiries from people who are incarcerated and other stakeholders in a timely manner while prioritizing each in order of importance; 3) Increase community outreach efforts and public awareness; and 4) Continue inspections of all state prison facilities and provide completed reports to the Department of Corrections.

To date, the Monitor has not received any copies of applicable portions of any formal reports or recommendations from the Office of the Corrections Ombudsperson concerning efforts to establish or revise Edna Mahan or statewide policies or procedures, related to sexual abuse or sexual harassment of prisoners during this reporting period.

In June 2021, bill AJR234 was introduced to make the "Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct" permanent. The bill stalled at the Assembly Judiciary Committee and is now listed as failed effective 1/11/22. Therefore, as of February 24, 2022, there is no longer a "Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct".

Recommendations re DOJ's Right of Access ¶ 110:

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

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

Requirements:

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

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

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

¶ 107. DOJ and its attorneys, consultants, and agents shall have access to Edna Mahan, Edna Mahan prisoners, NJDOC and Edna Mahan staff and documents as is reasonably necessary to evaluate compliance with this Agreement. DOJ will provide written notice prior to any site visits. DOJ may participate in any compliance visits by the Monitor.

¶ 108. Access is not intended, and will not be construed, as a waiver, in litigation with third parties of any applicable statutory or common law privilege associated with information disclosed to DOJ under this Agreement.

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

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

- Dates and agendas of meetings with Edna Mahan staff, to include, but not be limited to the following agenda item:
 - a. Gather feedback on events, accomplishments, and setbacks
- Minutes from meetings with Edna Mahan staff, to include names of all attendees and summary of meeting
- Interviews with Edna Mahan Board of Trustees members
- Interviews with Stakeholders
- Interviews/Focus Groups with Edna Mahan staff during on-site visits

Steps taken by NJDOC and EMCF towards implementation

DOJ's Right of Access ¶ 111:

2/24/22

The EMCF Board of Trustees consisted of Mary Diehl, Dr. Karma Warren, and Dr. Kristen Zgoba as of August 24, 2021. Prior to this date, although we did not have a quorum, we held monthly meetings with those members and all participated in interviews with TMG as well as the Monitor and DOJ during the October baseline visit. NJDOC has been sending monthly meeting minutes to the DOJ and Monitor since September 2021.

Through active recruiting, we identified qualified and interested individuals to nominate for the Board of Trustees. A very diverse and unique full slate of EMCF Board of Trustees nominated by NJDOC was formally appointed by Governor Murphy on 2/16/22. The new Board of Trustees includes:

- Dr. Karma Warren
 - Associate Professor of Medicine at Rutgers New Jersey Medical School. She is a former staff physician, having served at East Orange Veterans Hospital, Rutgers University-Newark, Irvington General Hospital, and Newark Beth Israel Medical Center. Prior to her career in medicine, she worked as an electrical engineer for several Fortune 500 companies. Dr. Warren holds a bachelor's degree from Tuskegee University. She received her M.D. from Robert Wood Johnson Medical School.
- Tia Ryans
 - Founder and Executive Director of FORTE House, a referral-based support program for people who have been incarcerated. As someone formerly under the care of the Edna Mahan Correctional Facility, Tia will be the first formerly incarcerated person to serve on a DOC advisory board. She also currently serves on the advisory boards of NJ-STEP and the Princeton Prison Teaching Initiative. Tia received her bachelor's degree from Rutgers University-Newark.
- La'Nae Grant
 - Director of the Child and Adult Care Food Program for the City of East Orange. Grant will be the first transgender woman to serve on the Edna Mahan Board of Trustees. Grant is also a longtime activist for the rights of the transgender community, including transgender persons that are currently incarcerated. Grant received her bachelor's degree from Kean University. She holds a master's degree from the Rutgers Graduate School of Social Work.
- Dr. Johanna Foster

- Associate Professor of Sociology at Monmouth University, where her research interests include intersectional feminism and the incarceration of women. Dr. Foster currently co-coordinates the Monmouth University Academic Exchange Program where Monmouth University students and students living in New Jersey state prisons study together in combined classes. She formerly served as the director of the Gender Studies Program at Monmouth University. She holds a Ph.D. from Rutgers University and earned her master's and bachelor's degrees from American University.
- Kathleen Witcher
 - President of the Irvington NAACP and a long-time active member of the NAACP's Prison Project Committee. Witcher is also a retired public-school teacher.
- Dr. Amesika Nyaku
 - Assistant Professor in the Division of Infectious Diseases at Rutgers New Jersey Medical School and a physician-scientist. She is a graduate of Northwestern University Feinberg School of Medicine where she completed medical school, Internal Medicine residency, and an Infectious Diseases fellowship. She is also co-director of the Northern New Jersey Medication-Assisted Treatment Center of Excellence that is tasked with assisting the State in expanding access to medication-assisted treatment for opioid use disorder through education, novel service delivery, and community collaboration. She received her BA, MS, and M.D. from Northwestern University.
- Bonnie Kerness
 - Director for the American Friends Service Committee's Prison Watch Program. In this capacity, she provides human rights monitoring and advocacy support to imprisoned individuals and their family members, collects testimonies of prisoners reporting abuses committed behind bars, and creates resources to help people in prison. She serves as an adviser to California Prison Focus, Critical Resistance, Women Who Never Give Up, the Campaign to End the New Jim Crow, and Solitary Watch. She is also a member of the Juvenile Justice Roundtable, NJ Coalition Against Isolated Confinement, and the Integrated Justice Alliance Prisons Committee. Kerness received her bachelor's degree from Kean University. She holds a masters' degree from the Rutgers Graduate School of Social Work.

NJDOC will host the first EMCF Public Meeting on March 4, 2022, at 10:30am. The meeting will be virtual due to COVID safety concerns, but presenters will be meeting at the NJDOC Harris Auditorium in Trenton, NJ. Federal Monitor Jane Parnell has agreed to facilitate the event, which will be 90 minutes in length, with 30 minutes dedicated to providing participants with the opportunity to ask questions or submit recommendations and proposals. The public meeting information and registration will be put on the NJDOC website and open to all who wish to attend. NJDOC is also inviting specific stakeholders that fall into the categories of advocates, persons with lived experience, and families of persons with lived experience, per Paragraph 111. The tentative meeting schedule and agenda has been provided to the Monitor and DOJ. In addition to the public meeting minutes, NJDOC will provide minutes from the staff feedback session(s).

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

Substantial Compliance

Partial Compliance

Non-compliance

N/A not required until [date]

N/A monitor granted an extension until [date]

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

NJDOC and Edna Mahan have worked hard to engage with the Edna Mahan Board of Trustees. They have scheduled regular monthly meetings and have provided the Monitor copies of their meeting minutes. The Monitor has spoken with three members, and they have all very pleased with the increased communication with NJDOC and Edna Mahan.

On Thursday, February 17, 2022, New Jersey Governor Phil Murry announced the appointments of Dr. Amesika Nyaku, Tia Ryans, Dr. Johanna Foster, Bonnie Kerness, La'Nae Grant, and Kathleen Witcher to the Edna Mahan Correctional Facility for Women Board of Trustees. The Governor also reappointed Dr. Karma Brown Warren. The announcement noted that these appointments will act to create a diverse, highly engaged, and forward-thinking Board of Trustees that is well-equipped to supervise the operations of the state's only women's correctional facility.

Although it occurred after this reporting period, it is worth noting that on March 4, 2022, NJDOC conducted their first public meeting with stakeholders. There were 139 attendees at this virtual meeting. The stakeholder's invitation list included representatives of advocates, persons with lived experience, family/friends of persons with lived experience, legislators, contractors, and Board of Trustee members. The agenda of this meeting included an update on events, accomplishments, and setbacks at Edna Mahan and NJDOC, a question-and-answer period, and an opportunity for stakeholders to make proposals.

As of February 24, 2022, there has been no semi-annual meeting conducted with Edna Mahan staff.

Recommendations re DOJ's Right of Access ¶ 111:

Continue to conduct monthly Board of Trustees meetings.

Conduct meetings with available Edna Mahan staff to gather feedback from staff on events, accomplishments, and setbacks.