



State of New Jersey
DEPARTMENT OF CORRECTIONS

**Remarks Prepared for Delivery
Assembly Judiciary and Women & Children Committees Hearing on Edna Mahan
Correctional Facility for Women
April 8, 2021**

Good afternoon, members of the Assembly. Thank you for the opportunity to discuss the New Jersey Department of Corrections' work related to Edna Mahan Correctional Facility for Women and my Administration's dedication and efforts to fulfill the Department's mission of operating safe and humane facilities.

Public servants who seek a career within the NJDOC commit to ensuring both the public's safety and the safety of the thousands of individuals in state custody. An overwhelming number of employees do just that.

I recognize this commitment because it's part of my value system. My career has been in public service, serving as the policy advisor and policy counsel to former Governors Corzine and Codey before joining the New Jersey Department of Corrections. In these roles, I focused on criminal justice and ethics reform. At the NJDOC, I worked in various roles, including as Chief of Staff and Director of Programs and Community Services, where I was responsible for providing comprehensive reentry services to inmates and community release programs. Rehabilitation and reentry is my passion project, where I'm personally rewarded by helping individuals succeed, making the most of their second chance with the resources we've provided.

My years of service with the Department and institutional knowledge of the corrections industry provide me with unique qualifications to identify solutions within the Department. As Commissioner, I finally have the ability to make REAL changes to address issues that have evaded appropriate attention and solutions for decades, putting the Department on the path of providing appropriate care, safety, and security for ALL inmates entrusted in our custody. This includes reaching settlement on the Edna class action lawsuits stemming from 2014 to present. My administration is ushering in a new era in corrections with safety and rehabilitation at its core to maintain safety within our facilities.

I also want to let you know that the Department of Corrections has reached an agreement on a consent decree with the U.S. Department of Justice in response to the findings of their April 2020 report on Edna Mahan. That agreement is awaiting final approval from DOJ headquarters, which we expect to receive in the coming weeks. Because the agreement is pending final approval, I cannot disclose the details at this time, but I look forward to sharing them with you as soon as the agreement has been finalized.

I value our partnerships to address modern correctional challenges while affording individuals in our care the fundamental right of human decency and security, regardless of their crimes. I look forward to you joining me for a tour of our facility on Monday, April 19, and thank many of you for being a part of this process. Together with my team, and input from stakeholders, advocates and the Legislature, we've made considerable strides to implement creative and sustainable solutions benefitting the incarcerated population and increased transparency around our efforts, positioning New Jersey as a leader in the corrections space.

Due to our thought leadership and best practices, I have been voted by my national correctional peers to serve as Vice-President of the Correctional Leader's Association, a national consortium of corrections CEOs leading over 400,000 correctional professionals and eight million inmates, probationers, and parolees. New Jersey is the go-to resource for correctional best practices – from our Medication Assisted Treatment for substance use disorders to our college education programs and from our officer suicide prevention initiatives to our gender responsive training courses -- we are committed to maintaining our leadership foothold and serving as an example of a modern correctional system.

My Administration has worked incredibly hard to develop these programs and implement safety reforms. Despite this progress, we are here in large part because of an abhorrent incident that violates every aspect of the Department's mission and commitment to operate safe, secure, and humane facilities for New Jersey's offenders. I value today's opportunity to speak with you about initiatives at Edna Mahan Correctional Facility for Women, those implemented since my taking this position in 2018 and those on the horizon, about my leadership and my team, and about moving forward to establish real, sustainable and appropriate change in this Department.

January 11 Incident

In starting with the event that prompted these hearings, I share in your disgust and disappointment for the incidents of January 11. Several women were brutally attacked by employees who proactively chose to disregard established protocol and practices that are necessary for proper cell extractions, de-escalation, and searches. These employees violated the trust and safety of those in our care and the faith we put in them as public servants.

No one deserves the horrific treatment these women endured. The NJDOC has zero-tolerance for this behavior and as Commissioner, I took swift action to address the incident, including immediately suspending all those involved across the Department's hierarchy, pending investigation. The Department immediately and proactively referred the incident to both the Hunterdon County Prosecutor's Office and the Attorney General's Office for criminal investigation.

Once I learned about the incident, I took these bold steps to send a clear message that the Department does not condone this egregious behavior. Those who fail to follow the rules and fail to provide the safety, security, and dignity our inmates deserve, will be held accountable to the fullest extent of my administrative power and the law. The NJDOC remains committed to our continued partnership with the OAG and Hunterdon County Prosecutor's Office to ensure this investigation is thoroughly reviewed and all are held accountable. We also welcome the state's independent investigation.

Additionally, to help the population at Edna Mahan process the traumatic events of January 11, evening, our Victim's Services Unit made available increased mental health resources, social services, and religious services.

Because of the ongoing criminal investigation and the State's independent investigation, I am not able to comment further on the January 11 incident or the steps that were taken in the incident's aftermath. I thank Chairman Mukherji and Chairwoman Mosquera for recognizing this reality when the parameters of today's committee hearing were discussed. Like all of you, I look forward to receiving the results of the State's independent investigation that will help us put in place the needed reforms and safeguards to prevent anything like this from ever happening again.

Policies, Training and Accountability

Policies are only as good as the training and disciplinary enforcement behind them. Our disciplinary processes for our custody officers are situational, thorough, and progressive, meaning smaller disciplinary matters such as minor issues (for example, minor attendance, or a failure to quickly follow directions that did not result in a safety/security issue) are met with minor remedial disciplinary action and re-training. If actions persist, sanctions become greater and potentially lead to removal. In addition, our new computerized Early Warning System that will soon be deployed, offers an opportunity for the Department to have a standardized review of staff conduct and potential issues. The EWS enables the Department's administration to receive notification of staff members that may be experiencing issues – work related and potentially wellness related – and provides us with the opportunity to address the situation through re-training or other services such as wellness, counseling, or outside treatment. This will facilitate early intervention course corrective action.

Certain charges warrant immediate removal, such as undue familiarity, excessive force, or bringing in contraband. The Department has zero-tolerance for these actions or any actions that compromise safety or cause harm to others. As part of due process procedure, those criminally charged in the January 11 incident were charged with removal and are in non-pay status.

In addition to proper discipline, training remains critical to our mission of operating safe and humane facilities. As part of the training curriculum, legislation, for which we comply, mandates the NJDOC provide a minimum of 20 hours of training to custody staff, which includes mandated 4 hours of training in the prevention of sexual misconduct, non-fraternization, and manipulation. At this time, over 5,200 of our custody staff, except for those on leave, have been trained on modules such as *Employee as a Professional/Undue Familiarity*, *Ethics Training*, *Prison Rape Elimination Act*, *Trauma-Informed Corrections*, and *Search of Persons*. The Department also offers proactive training modules such as Gender-Informed training for both

custody and civilian staff. Aspects of this training include understanding the uniqueness of the female offender, family background components, trauma theory, abuse, relationships, substance abuse, and help to identify communication strategies to address the population's needs appropriately. In addition, the Department provides annual training to staff on ethics, uses of force, report writing, search of persons, understanding religious affiliation, understanding addiction, suicide prevention, communicable disease prevention, fire safety, and other safety-related topics. The Department, understanding its value, remains committed to investing in training.

Increased Female Leadership

As it pertains to personnel at EMCFW, we've taken steps to increase female leadership, with all leadership positions filled by women, including the Administrator, the Associate Administrator, two Assistant Superintendents, and a Custody Major – the highest ranking custody official in the facility - all of whom report directly to the Deputy Commissioner of Operations who sits on my executive team. In addition, the Special Investigation Division supervisor assigned to Edna, who reports to Central Office, is also a woman, as well as the supervisors who oversee programmatic support such as Social Services, Education and Chaplaincy Services. Although recruiting female officers is challenging, there is approximately a 50/50 percent female to male ratio of officers – 162 female to 161 male officers overseeing a 372 offender population.

Having reviewed the Ombudsperson's report, I've assigned an additional Assistant Superintendent at Edna to manage offender grievances and remedy forms. The Department is also actively hiring an Assistant Commissioner of Women's Services reporting directly to me. Additionally, my executive board comprises an almost 50 percent share of female leaders, serving as Chief of Staff, Deputy Commissioner, Assistant Commissioners overseeing Administration/Fiscal, Programs, Education and County Services, and DEI/Legal and Regulatory, as well as Directors in areas such as Compliance, Social Services, Human Resources and Public Information. Together, we develop and maintain policies focused on offenders' safety and holistic rehabilitation.

Safety Reform Activities Under the Hicks Administration

Those policies include the robust mandates of the Prison Rape Elimination Act (PREA), the law designed to prevent, detect and respond to incidences of sexual abuse and harassment in confinement, for which we successfully meet compliance. As part of PREA, the Department undergoes a comprehensive audit process that includes, but is not limited to, interviews of staff, offenders, and external victim advocates regarding sexual safety and other concerns at the facility. The audit also includes a forensic review of documentation such as grievances, policies and procedures, personnel files, inmate educational and programmatic files, and facility tours to observe critical functions such as intake risk screenings.

The sexual assault of offenders at EMCF has plagued this Department, and female prisons nationwide, for decades. I expressly took this position with the dedication, fervor, and determination to make significant and REAL change. The status quo CANNOT and will not go on. Much change is needed – but we are moving in the right direction. Since taking this position in 2018, we have engaged in immediate efforts and initiatives to eradicate sexual assault, establishing the Safety and Accountability for Edna Task Force comprised of NJDOC executives. Tasked with developing programs and safety/security enhancements, the task force

established the camera projects, ensuring blind spot reduction, increased educational awareness of PREA, developed institutional posters with various reporting mechanisms, an information booklet, and video content distributed to both staff and offenders at orientation, and increased reporting mechanisms, including a confidential hotline in the facilities to the Special Investigations Division for reporting sexual abuse. Individuals can report verbally or in writing to any NJDOC staff, including the PREA Compliance Manager, contractor, or volunteer, through JPay or the Office of the Ombudsperson. Staff reporting continues to be the most utilized mechanism for reporting followed by JPay and the SID hotline. Reporting can be made with confidentiality and anonymity to ensure everyone who reports can best select the reporting mechanism right for their circumstances and feel confident and comfortable reporting sexual abuse/harassment allegations. Once an individual issues a report, all efforts are made to separate the alleged perpetrator from the victim. Additionally, the Department monitors for retaliation 90 days following the initial allegation, with timing extended as needed.

I also appointed a dedicated PREA Liaison at the facility, of the rank of Assistant Superintendent, working directly with the inmate population, SID and the Central Office Headquarters PREA coordinator. We offer continuous PREA staff training and increased the number of gender-restricted posts by 17.

In addition to the PREA enhancements, the Safe Taskforce established child-friendly visit and play areas to foster positive child-parent bonding, expanded visiting hours, and offered increased education and counseling modules focused on activity and nutrition, medical and mental wellness. For example, the clinical #MeToo program provides support for victims of abuse. The Heal and Empower Those Overcoming Abuse and Rape through Support programs or HEARTS is a trauma recovery-based program offered to the female population that focuses on the impact of sexual abuse on its victims and survivors. In addition to internal clinical support, the Department provides inpatient and residential mental health services, occupational therapy, Medication-Assisted Treatment for those with substance disorders, group therapy, sex offender treatment services, and physical health support, including yearly mammograms and nutrition education. Additionally, the Department provides access to a third-party support hotline with clinical experts who provide emotional support to those impacted by sexual assault and crisis. We also hired a Victim Services Coordinator of Gender Responsiveness Services tasked with examining our programmatic curriculum to ensure they are trauma-informed in both development and delivery.

Increased security

From a security perspective, we've increased oversight by updating the Edna camera system, adding a Major to second shift, having SID site visits and tours, and developing a Use of Force Committee tasked with providing meaningful review of cases ladder up to the COHQ.

After months of planning, we are excited to see additional security efforts come to fruition, including our new Body Worn Camera pilot program. A first-of-its-kind for New Jersey's state correctional system, the Body-Worn Camera program complements the camera surveillance program, providing increased oversight at Edna and Northern State Prison to start. This program was conceptualized in 2019 with hopes to get it off the ground quickly; however, the pandemic, along with infrastructure requirements and vendor contracting challenges, delayed deployment.

As mentioned briefly earlier, we are also working to launch an Early Warning System (EWS). The system will enable us to monitor custody and civilian staff for inappropriate behavioral patterns to facilitate early intervention course corrective action through training and mentorship to reduce the potential for future incidents or complaints and provide staff wellness support. System triggers include internal affairs complaints, civil actions filed against an employee, criminal investigations or complaints, use of force complaints that are formally determined or adjudicated to have been excessive, unjustified, or unreasonable; sexual abuse or harassment claims against staff by an inmate or employee, insubordination, unexcused absences among other indicators.

Both the body-worn camera pilot and early warning system will increase safety for both staff and offenders, while supporting reductions in allegations of use of force, PREA, and misconduct. Furthermore, the Early Warning System has a career development component providing a greater opportunity to build a healthier, stronger workforce.

The body-worn camera pilot program and early warning system are examples of our ongoing commitment to safeguarding our facilities and its people. These initiatives come on the heels of the Department's hiring of the nationally recognized criminal justice consulting firm, the Moss Group, charged with technical support in operational practice, policy development, and implementation of identified solutions related to Edna Mahan Correctional Facility. The Moss Group will partner with the Assistant Commissioner of Women's Services to implement the Department of Justice requirements, which continues to be in settlement discussions. We are close to finalizing the Consent Decree, and once finalized, we will share the relevant information with you. The Asst. Commissioner of Women's Services will also work with you all and other stakeholders on sustainable solutions to address the female population's needs. We will continue to think outside of the box to identify safety reforms across all our facilities.

Legislation

In addition to policy implementation, the Department has successfully implemented various legislative requirements. In 2020, several legislative pieces, which pertain to Edna and aim to protect incarcerated women from sexual abuse and mistreatment took effect. The Department has effectuated many of these laws on or before the effective date of the respective Acts. For example, the Department is in full compliance with the Isolated Confinement Restrictions Act and The Dignity for Incarcerated Primary Caretaker Parents Act. We have met the requirements of the Dignity for Incarcerated Primary Caretaker Parents Act with parent training modules, visitation, trauma-informed care for inmates, and the restriction of staff entering restrooms and shower facilities of inmates of the opposite sex when occupied. We are also implementing Trauma-Informed Corrections training for staff and new inmate intake policies to help place individuals in institutions near their children whenever possible.

Other legislation for which the Department complies include limiting cross-gender strip searches in State correctional facilities. The Department enacted policies allowing transgender inmates to indicate a gender preference of the Correctional Police Officer who conducts a strip search. As an added protection to ensure the preference is honored, NJDOC implemented a non-descript secondary identification card indicating the inmate's transgender status and search preference.

The Department is also in compliance with the law that requires correctional employees to report inmate abuse and a mechanism for investigating these allegations. All incidents of inmate abuse, as determined by investigation, are referred to the local prosecutor's office as well as other appropriate outside law enforcement entities. Additionally, an annual staff training helps identify inmate abuse and the obligation to report behaviors that could indicate inmate abuse. Further, the Department has added an internal disciplinary procedure to assess the monetary penalty for an employee's failure to report inmate abuse under this Act.

The Department is also prepared to cooperate fully and participate vigorously in the Commission to study sexual assault, misconduct, and harassment by staff against inmates in State correctional facilities, pursuant to SJR79, once the Commission is formed.

We appreciate your shared concern for the well-being of those in the state's custody and appreciate a collaborative relationship that supports the incarcerated's unique needs. Our operational insights, in tandem with your partnership, can help inform a legislative and NJDOC policy agenda offering transformation change.

Closing Our People/My Story

I'm here today because it is important you have a full understanding of the Department's inner workings. In the spirit of transparency, before the January 11 events, my Department proactively, in good faith, reached out to several members of the Assembly and Senate to open those doors of communication to provide additional insight into our operations. That offer still stands.

I'm also here to say that the incident of January 11, does not reflect the NJDOC.

Overwhelmingly the NJDOC is a place for those who dedicate their lives in service to others. It's a place for individuals with a commitment to the Department's mission. For individuals who treat other human beings with dignity and respect, regardless of their crime. I want to recognize the overwhelming majority of our staff who take their oath as public servants seriously, as a selfish few have overshadowed their efforts. I wish to state unequivocally that the Department recognizes them and thanks them for their service.

The January 11 incident and those incidents before my tenure have culminated in this moment, bringing my character into question. My life's work has been in public service. Public service is my calling. I never dreamed that my years in public service would lead me to the Department of Corrections. I have many years of experience in this Department. Some suggest my varied institutional knowledge is the problem, suggesting my way of thinking aligns with previous administrations. I respectfully disagree. My experience in community programs and RCRP's is behind my passion for rehabilitation and reentry. I'm rewarded by seeing individuals leave our system better than they arrived. My experience has also given me the ability to view the actions - or lack of action- of prior administrations. It was only in 2018, when the Governor saw me worthy of the Chief of Staff and ultimately the Commissioner's role, that I had a seat at the table, with the opportunity to effectuate real change. As Commissioner, I am working to change the culture for both our officers and inmates, creating programs for both of these populations with rehabilitation and wellness at the forefront. My Administration is changing the perception of corrections from a lock 'em up and throw away the key mentality to one that focuses on holistic

rehabilitation. Most of all, I am working to change the culture at Edna Mahan by doubling-down on safety reforms.

As I sit here today, I reaffirm my position that my administration is ushering in a new era in corrections. Change is coming slowly but surely, as these things take time. Shifting culture takes time. My administration is up to the challenge. It's the right team for the job with individuals who operate with integrity and passion for our mission.

We are committed to being the drivers of the cultural shift realizing our mission focused on safety and holistic rehabilitation, and welcome ongoing dialogue and partnership that drives sustainable solutions with the security of the women at Edna and all those residing across the state's prison facilities at the core. And we will work to ensure that all employees at the Department of Corrections live up to these principles. Those who do not will be held accountable.

Thank you for your time and I am happy to answer your questions.

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