

State of New Jersey



Office of the Corrections Ombudsperson

2021 – SPECIAL TREATMENT UNIT
ANNUAL REPORT

State of New Jersey

OFFICE OF THE CORRECTIONS OMBUDSPERSON

SPECIAL TREATMENT UNIT ANNUAL REPORT

10/1/2020-9/30/2021

<i>Introduction, Historical Perspective, and Physical Plant.....</i>	<i>3</i>
<i>Treatment.....</i>	<i>4</i>
<i>Contacts Received.....</i>	<i>5</i>
<i>Other Categories.....</i>	<i>6</i>
<i>Method of Contact.....</i>	<i>7</i>
<i>Findings</i>	<i>7</i>
<i>Prison Rape Elimination Act (P.R.E.A).....</i>	<i>7</i>
<i>Matters of Concern.....</i>	<i>8</i>
<i>Modified Activities Program (M.A.P.) 2019 Review.....</i>	<i>8</i>

State of New Jersey

OFFICE OF THE CORRECTIONS OMBUDSPERSON

SPECIAL TREATMENT UNIT ANNUAL REPORT 10/1/2020-9/30/2021

Introduction and Historical Perspective

The State of New Jersey has been civilly committing sex offenders since 1988 as legislated under the Sexually Violent Predators Act (S.V.P.A.). The S.V.P.A. expanded the civil definition of dangerousness to include sex offenders who, based on the opinions of mental health professionals, are believed to be at risk to sexually reoffend. The S.V.P.A. required the establishment of a treatment facility and appointed the Department of Corrections to provide custody and care, and the Department of Human Services to provide treatment (The responsibility for treatment has since been transferred to the Department of Health). The facility was originally opened in Kearney, New Jersey, but was later transferred to the vacant Administrative Close Supervision Unit adjacent to the East Jersey State Prison. The Administrative Close Supervision Unit and its associated buildings are known as the Special Treatment Unit (S.T.U.). The Adult Diagnostic and Treatment Center is the “parent” institution, servicing the custodial and administrative needs of the S.T.U. The Department of Health (D.O.H.) has independent offices. Those committed under the S.V.P.A. are known as “residents.”

Physical Plant

The S.T.U. is comprised of 2 general housing areas. The first, referred to as “The Main,” is made up of 4 cement and iron correctional housing units in the shape of a square. Each has 3 vertical tiers running along 3 sides of the square, surrounding and overlooking a large open day space. Each unit has a Control Booth located above and separated from the activities within the unit. The Officers’ area and treatment rooms about the 4th side of the square. Located in The Main are the North, South, East and West Housing Units. Residents with learning disabilities and other developmental disabilities are segregated in the East Unit. South Unit is reserved for residents that refuse to participate in treatment, and/or are deemed not ready to participate in treatment and/or are residents that have violated the rules of the program. Residents that have violated rules are placed on Modified Activities Program (M.A.P.) status and are required to participate in group therapy until deemed to have processed their infraction to the satisfaction of treatment staff.

The “Annex” is a dormitory setting with 4 wings, A, B, C and D. A, B and C wings let out into a small day space which then connects to a larger day space via a short hallway. The Control Booth runs down the length of the hallway and is separated from the residents. The largest day space is where meals are served and is also used for professional interviews and passive recreational activities. C Wing houses the Therapeutic Community (T.C.) which is modeled on a substance abuse T.C. and is for Residents considered advanced in treatment. D Wing is a dedicated infirmary unit located adjacent to the clinic and is separate from A, B and C wings. Treatment rooms are located in a separate wing radiating off the largest day space.

State of New Jersey

OFFICE OF THE CORRECTIONS OMBUDSPERSON

SPECIAL TREATMENT UNIT ANNUAL REPORT 10/1/2020-9/30/2021

Treatment

Residents progress through treatment via “Phases.” New residents are assigned to Phase 1, residents ready for release are assigned to Phase 5. Progress in treatment is determined by a treatment team which bases its evaluation on treatment participation and other criteria.

Every Resident is assigned to a Process Group that meets year-round and remains unchanged unless the resident is reassigned by treatment staff. Residents are also assigned to Modules, which change in cycles of 16 weeks. Modules are groups dedicated to specific treatment topics such as Victim Empathy, Relapse Prevention, Substance Abuse, etc. Modules can be repeated indefinitely. Vocational, educational and recreational programs are also available.

Every six months, treatment plans are updated by treatment teams and are then presented to the residents. Yearly, every resident is required to appear before a Judge in order to review treatment progress. Public Defenders represent the residents, the Attorney General’s Office represents the State. The judge has the option to order continued civil commitment, release preparation and/or release. In advance of this court appearance, each Resident is interviewed by the Treatment Progress Review Committee (T.P.R.C.) and a report is generated for the court. The report summarizes the resident’s history and current performance in therapy.

For residents that refuse to participate in treatment, or are perceived to be underperforming, Treatment Probation and Treatment Refusal are utilized. Treatment Probation is a probationary period of usually 1 month’s duration wherein residents are required to improve performance based on guidelines established by their treatment team. Treatment Refusal results when residents do not meet the established guidelines. Treatment Refusal comes with reduction in Phase, reduced privileges and assignment to an “Orientation” group which is the basic, beginners level Process Group.

State of New Jersey

OFFICE OF THE CORRECTIONS OMBUDSPERSON

SPECIAL TREATMENT UNIT ANNUAL REPORT 10/1/2020-9/30/2021

Contacts received in during CY 2021:

During the reporting period of 10/1/2020 through 9/30/2021, the Corrections Ombudsperson's office received 263 contacts pertaining to residents at the S.T.U.

The following categories have been formulated to provide enough specificity and leeway to be inclusive of all contacts:

Medical (41 contacts): Inquiries pertained to dissatisfaction with medical treatment, delays with processing medication, delays in referrals for outside consultations, discrepancy with medical co-pays and allegations of poor treatment received from Medical Staff. (16 % of total contacts)

Legal matters (37 contacts): Contacts pertain to court decisions, legislation, and legal actions. (14% of total contacts)

Miscellaneous (35 contacts): Contacts related to various requests for assistance to include but not limited to: address requests for businesses or agencies, information for file/note and other matters that do not necessarily fall under the purview of the OCO. (13% of total contacts)

Inadequate Living Conditions: (24 contacts): Contacts pertained to temperatures in cells and/or housing units, blankets, mattresses, pillows, food service, clothing, hygiene items, and cell maintenance issues. (9% of total contacts)

Resident Accounts (22 contacts): Common concerns pertained to the posting of inmate wages, deductions for fines and penalties, canteen order refunds, and balance transfers. (8% of total contacts)

JPay (17 contacts): Contacts related to hardware, software and support services provided by the NJDOC's selected provider of resident and incarcerated person's information and recreation. (6% of total contacts)

Program (14 contacts): Contacts related to release, lack of treatment, recreation, visitation, GED testing, and library. (5 % of total contacts)

Records (12 contacts): Contacts related to Department of Health treatment records, Public Defender records, and healthcare records. (5% of total contacts)

Property (11 contacts): Contacts related to state issued property, personal property, property damage and loss. (4% of total contacts)

Mail (10 contacts): Contacts related to legal or personal mail concerns/issues. (4% of total contacts)

Housing transfers (10 contacts): Contacts related to institutional transfers and/or requests. (4% of total contacts)

State of New Jersey

OFFICE OF THE CORRECTIONS OMBUDSPERSON

SPECIAL TREATMENT UNIT ANNUAL REPORT 10/1/2020-9/30/2021

Other Categories:

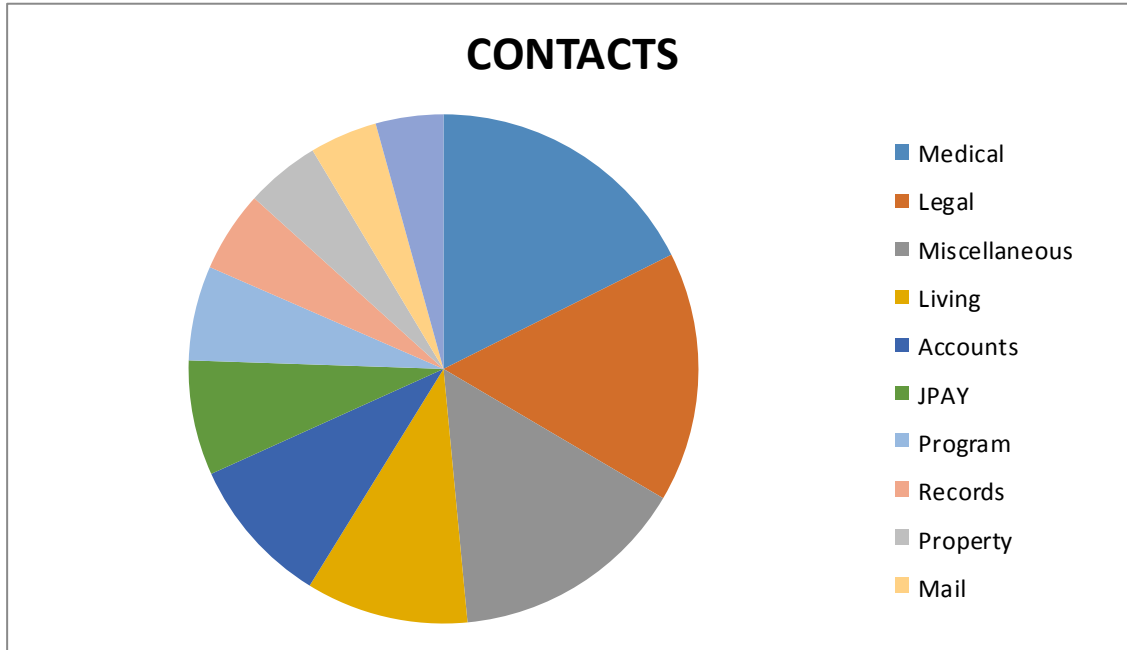
- Process Group 3 contacts
- Treatment and Probation Refusals (0 contacts)
- Allegations of sexual harassment by resident (0 contacts)
- Job (0 contacts)
- Allegations of harassment by other residents (2 contacts)
- Property Claims (6 contacts)
- Allegations of harassment by staff: state employees (3 contacts)
- MAP (1 contact)
- Allegations of assault by staff: State employees (0 contacts)
- Allegations of sexual assault by resident (1 contact)
- Phase (1 contact)
- Telephone Issues (5 contacts)
- Polygraph (0 contacts)
- Allegations of assault by other resident (1 contact)
- Disciplinary (3 contacts)
- Modules (0 contacts)
- Treatment Plan (1 contact)
- Allegations of sexual assault by staff: State employees (0 contacts)
- Mental Health (1 contact)
- Allegations of harassment by contract staff (0 contacts)
- Allegations of sexual harassment by staff: State employees (1 contacts)
- Allegations of sexual assault by contract staff: (0 contacts)
- Allegations of sexual harassment by staff: contract staff (0 contacts)
- Dental (1 contact)

State of New Jersey

OFFICE OF THE CORRECTIONS OMBUDSPERSON

SPECIAL TREATMENT UNIT ANNUAL REPORT

10/1/2020-9/30/2021



Method of Resident Contact:

Correspondence	36
On-The-Spot Interview	41
Other	3
Referrals	5
Telephone	178

Findings:

Non-treatment related issues identified as possibly problematic due to the number of referrals:

- Healthcare
- Living Conditions
- Program
- JPay
- Trust Account

Prison Rape Elimination Act (P.R.E.A.)

Civil Commitment Units do not fall under the auspices of P.R.E.A.

State of New Jersey

OFFICE OF THE CORRECTIONS OMBUDSPERSON

SPECIAL TREATMENT UNIT ANNUAL REPORT 10/1/2020-9/30/2021

Matters of Concern

1. During the CY 2021 the Office of the Corrections' Ombudspersons received numerous complaints from Susan Silver of the Public Defender's Office on behalf of several residents, alleging harassment, intimidation and sexual assault of (1) resident. The alleged sexual assault in conjunction with the harassment and intimidation allegations were immediately reported by this office to the A.D.T.C. Administration and the Department of Corrections Special Investigations Unit. The Assistant Corrections Ombudsperson assigned to the STU was notified by the Special Investigations Division and ADTC Administration, the matter was under review/investigation. Secondly, all parties to include the alleged victims and alleged perpetrator were assigned keep separate status.

2. The Office of Corrections Ombudsperson received numerous complaints in conjunction with a petition signed by 48 residents regarding inadequate living conditions to include issues with insects, bed bugs and rodent infestations, mold issues in living quarters, physical plant issues and maintenance issues with both HVAC and Heating. Matters referred to ADTC Administration for review, response and action deemed necessary. ADTC Administration provided the OCO a detailed response to include a summary of their findings in conjunction with remedies/actions related to the afore-mentioned. Moreover, ADTC Administration reported, any notable infrastructure issues were reported to the NJDOC Capital Construction Unit accordingly.

3 The resumption of treatment has been slow since treatment staff have returned to the facility for in person contacts. However, according to NJDOC COVID mitigation strategy updates, groups are held with limited capacity, to allow for proper social distancing.

Modified Activities Program (M.A.P.) 2021 Review:

From the May 2, 2019 edition of the S.T.U. Resident Guide:

"The Modified Activities Program is a component of the clinical treatment at the S.T.U. that focuses on stabilizing and enhancing control of disruptive or dangerous behaviors. M.A.P. consists of four distinct levels: Room, Tier, Wing, and Program. Room, Tier, and Wing restrict the unescorted movement of a Resident to those respective areas. Such restrictions are implemented subsequent to behaviors that pose a danger to self or others. The degree of restrictions of unescorted movement will be commensurate with the apparent danger. The levels of M.A.P. represent increasing return of privileges culminating in return to the general S.T.U. population with all privileges reinstated."

In prior years, the M.A.P. studies appeared to demonstrate the program as having a disparate impact on minorities. The OCO will need to complete an in-depth review to assess whether or not the disparity has continued. Therefore, a review shall be completed in the upcoming calendar year of 2022.

Respectfully Submitted by:

Vacant, Corrections Ombudsperson
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