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2022

***Essex County Correctional Facility
Final Report***



Final Assessment and Critical Findings

***Essex County Correctional Facility
354 Doremus Avenue
Newark, NJ 07105***

Anthony F. Ambrose III

Anthony.Ambrose@TheAmbroseGroupLLC.com

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Table of Contents

Executive Summary 5

 Scope..... 7

 Methodology..... 7

 Standards & Accepted Practices 7

 Review Categories..... 8

Overview of the Essex County Correctional Facility (ECCF) 9

 Successes of the ECCF 9

 Government & Leadership Attributes..... 11

 Geography..... 13

 Facility Infrastructure 13

 Population & Demographics 13

 Staffing & Work Schedules..... 14

 ECCF Command Staff Organization & Structure 16

 Staffing Review & Options 18

 Overtime 21

 Security of Inmates at Medical Facilities 22

 Meetings with PBA & FOP Representatives..... 22

 Sworn Personnel Attire 23

 Document Management & Security 24

 ECCF Evacuation Plan..... 28

Inmate Intake 28

Inmate Classification..... 30

ECCF Medical Review 32

Inmate Housing..... 34

Social Services 36

Review of Contraband..... 40

 Review of Contraband Seizures 41

 Review of SOPs..... 44

 Review of ACA Reaccreditation Standards & Proofs 48

 Review of NJDOC Annual Inspection Report..... 48

 Investigations of Seizures of Contraband 50

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Review of ECCF Contraband Control Protocols..... 52

Criminal Intelligence Bureau 64

Contraband Assessment Summary 70

Review of Internal Affairs Functions 75

Major & Minor Discipline 76

Scope of Responsibilities & Staffing of Internal Affairs Bureau (IAB) & Disciplinary Unit (DU)..... 77

Training of IAB & DU Personnel 80

Facilities & Equipment 81

ACA Accreditation Report 82

NJDOC Inspection Report..... 83

SOPs & Forms 83

Case Management & Caseload Analysis 85

Complaint Process & Investigation 90

Evidence 93

Coordination with Essex County Prosecutor’s Office 94

Review of IAB & DU Investigations 95

Early Warning System 98

Drug Testing 99

Reporting & Transparency 100

Compliance Unit..... 102

Findings & Recommendations 103

Review of Training 114

Review of SOPs..... 116

Review of Staffing..... 117

Review of Procedures, Facilities & Recordkeeping..... 118

Review of NJDOC Inspection Report & ACA Accreditation Report 121

Review of Mandated Firearms Requalification & Use of Force Training 122

Review of Attorney General & Other Mandated Training 126

Review of New Employee Orientation & Training 128

Review of In-Service Training..... 131

Management Skills Training 137

Training Unit Assessment Overview 138

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Review of Use of Force & Policy..... 142

 Use of Force (UOF) Incident Review 144

 The Role of Supervision in UOF Incidents 145

 Incident Reporting & Emergency Response..... 145

 UOF Incidents..... 148

 UOF Data Review Findings 149

 UOF Reporting..... 150

Managerial Oversight & Supervisory Accountability..... 153

Review of Public Inquiries & Wellness Checks 154

 Inmate Surveys..... 155

Unannounced Visits to the ECCF 155

Delaney Hall 156

 Summary 157

 Details of Assessment 157

 Operational Standards 158

 Staffing 159

 Clinical Services & Programming 160

 Security 161

 Site Tour..... 161

 Critical Findings & Recommendations 166

COVID-19 Pandemic Policy 167

Miscellaneous Recommendations 169

ACA Reaccreditation 174

Conclusion 175

Addendum A: Miscellaneous Photos of ECDOC Tours 176

Addendum B: ACA Compliance Tally for ECCF 2022 Reaccreditation 183

Essex County Correctional Facility Final Report

Executive Summary

The Ambrose Group, LLC (TAG) was retained by the County of Essex to conduct an assessment of the Essex County Correctional Facility (ECCF). The focus of this assessment included, but was not limited to, operations, organization, policies and protocols, medical overview, critical incident response, internal affairs and investigative operations. Due to the ongoing and sensitive nature of an investigation, some critical incidents involving inmates and Correctional Police Officers still under internal inquiry or review by the Essex County Prosecutor's Office are not included in this report.

During facility tours and in-person meetings required to interview personnel, gain familiarity with the facility, and to collect and examine materials necessary to complete this final report, the appropriate COVID precautions and procedures were followed, as required by the ECCF. To mitigate the risk of contracting the virus, communication was also maintained by telephone and teleconference.

The ECCF is an accredited institution with the National Commission on Correctional Health Care (NCCHC) and American Correctional Association (ACA). The facility has a compliance certification under the Prison Rape Elimination Act (PREA) of 2003. The ECCF has received repeat commendable reports issued after audits by the New Jersey State Department of Corrections (NJDOC). Although it no longer accepts detainees from the U.S. Immigration and Customs Enforcement (ICE), its prior years of participation in that program was recognized by 100 percent compliance with ICE standards.

The mission statement of the Essex County Department of Corrections is given, as follows:

The purpose of the Essex County Department of Corrections is to provide in a cost-effective manner the highest degree of protection for the citizens of Essex County and safety for both the staff and inmates

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as the institution serves as a place of incarceration for pre-trial detention and the serving of sentences.

In 2019, a nine-member Civilian Task Force made up of licensed attorneys, corrections experts, medical experts, and inmate advocates, was established to provide public oversight, transparency, and accountability focusing upon policies, procedures, practices, supervision, management, and training at the ECCF.¹ The task force also convenes public meetings. It is important to note that the TAG assessment operated independently of the Task Force, although there was continuous communication on progress and findings.

This final report represents the overall TAG assessment of the ECCF. This comprehensive report is divided into independent subprojects which identifies potential deficiencies and includes specific recommendations. Each category is comprised of detailed background information obtained during the course of the assessment. The information in this report should be considered sensitive information and for official use only. Inappropriate dissemination may negatively impact security at the ECCF.

The Ambrose Group LLC

¹ <https://essexcountynj.org/civilian-task/>

Scope

The scope of this report analyzes the ECCF security operations, organization, policies and protocols, medical overview, critical incident response, internal affairs, training, contraband, investigative operations, as well as aspects of Delaney Hall. This assessment will provide an independent and objective assessment designed to add value and improve the ECCFs' critical operational capabilities and provide their leadership with critical findings and recommendations in order to develop and implement improved policies and best practices.

Methodology

Information provided in this assessment was gathered over the course of numerous on-site tours provided to TAG personnel, interviews of ECCF staff, completion of questionnaires by ECCF leadership, the collection and analysis of data, examination of existing policies, operating procedures, and other protocols, and the review of video footage taken of ECCF responses to various incidents with the facility, as well as review of video footage pertaining to facility security and contraband interdiction. The findings arising from this process was compared to state and national best practices and existing state and national standards and regulations.

Additionally, historic security camera video footage was reviewed in an attempt to determine compliance with statutes, regulations, and ECCF policies. Due to an internal policy of keeping non-investigative and non-critical incident video footage for 30 days, TAG reviews were limited by those timelines. Accordingly, it is recommended that the ECDOC modify their security camera recording capabilities to extend the retention time to 60 days.

Standards and Accepted Practices

The following standards and accepted practices were utilized during the course of this assessment.

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- NJ Attorney General Directives and Guidelines.
- Numerous inspection and audit reports from the NJ State Department of Corrections (NJDOC).
- State statutes and regulations mandated by the New Jersey Department of Corrections, Office of County Services,² guided by Title 10A, Corrections, of the New Jersey Administrative Code,³ who provide annual audits of all county correctional facilities.
- Recent accreditation reports issued by the American Corrections Association, Commission on Accreditation for Corrections, Standards Compliance, covering the years 2016 to 2022. It is important to note that during the reaccreditation inspection process for 2022, the ECDOC scored a perfect 100% for mandatory standards and 98.38% for non-mandatory standards, an improvement from 2019.

TAG Review Categories

The assessment of the ECCF by TAG was broken down into the following review categories:

- Administration
- Document Management and Security
- Incident Reporting and Emergency Response
- Public Complaint Process
- Inmate Classification, Housing, Security, Medical, and Mental Health
- Training
- Use of Force and Policy
- Investigations and Internal Investigations
- Pandemic Policy
- Contraband Seizures

¹ <https://www.nj.gov/corrections/pages/OfficeCountyServices.html>

² <https://casetext.com/regulation/new-jersey-administrative-code/title-10a-corrections>

- Managerial Oversight and Supervisory Accountability

In each of the categories, relevant background information was provided from ECCF tours, ECDOC SOP and Documents, and interviews afforded TAG members, as well as the review of ECCF security camera footage. Any issues reviewed during a particular review appear in **red font**. In the final report, all recommendations will appear at the end of each review in **blue font**.

OVERVIEW OF THE ESSEX COUNTY, NEW JERSEY, CORRECTIONAL FACILITY

SUCCESSSES OF THE ESSEX COUNTY CORRECTIONAL FACILITY

The Essex County Correctional Facility (ECCF), through its dedicated administration and staff, has achieved a number of recent successes as a professional correctional facility. These successes include, but are not limited to:

- **Reduction in Use of Force Incidents:** The ECCF saw a significant 39.4% decrease in the Use of Force (UOF) incidents in the facility for the period of January 1, 2022, through August 31, 2022, as compared with UOF incidents from the same period in 2021.
- **Employee Diversity:** The ECCF employs a racial and gender diverse workforce that is reflective of both the citizenry of the County of Essex and of the inmate population they work to administer and protect.
- **ACA Re-Accreditation:** The ECCF attained a perfect 100% scoring on mandatory requirements for reaccreditation in 2022 by the American Corrections Association (ACA) along with a 98.38% on non-mandatory inspection areas, increasing from the prior re-accreditation process. This is addressed in more detail subsequently in various sections in this assessment.
- **Response to COVID-19 Pandemic:** The ECCF's aggressive approach to addressing the impact of the COVID-19 pandemic resulted in the death of only one inmate who died from the coronavirus, in spite of the facility's significant number of inmates and employees. This statistic is relevant in that other

correctional facilities in the State with even lower inmate populations experienced substantially higher incidents of COVID-related deaths. This is addressed in more detail subsequently in the section entitled “Covid-19 Pandemic Policy” in this assessment.

- **Implementation of CorrStat:** The ECCF implemented a program entitled “CorrStat” (i.e., Correctional Statistics) based upon the recommendation of TAG that allows ECCF administrators and supervisors to obtain a current and accurate snapshot of the facility’s activities. The computerized program, patterned after the successful “CompStat” program widely used in traditional law enforcement, is a fluid system that allows for daily changes that can be used as a tool for administrators and supervisors to enhance and manage personnel accountability and performance, resources, and emerging issues before they become problems. This also is delineated in greater detail herein. TAG further recommended the inclusion of additional indicators in the CorrStat report to further assist administrators and supervisors.
- **Enhancing Security:** The ECCF is enhancing facility security through the pending upgrading of its security camera system. The project calls for the purchasing and installation of more than 70 additional security cameras to help address “blind spots” in the facility. This project will serve a plethora of purposes to include enhancing safety for both ECCF employees and inmates; serving as a valuable tool in the investigation and adjudication of administrative and criminal charges; increase facility overall security; facilitate transparency of ECCF activities; and improve supervision oversight. In the event “blind spots” are not adequately remediated, TAG would recommend the implementation of Body Worn Cameras on ECDOC sworn personnel, in addition to facility security cameras, supported by a comprehensive policy.

Government and Leadership Attributes

The ECCF is governed under the Office of the County Executive, Joseph N. DiVincenzo, Jr. The Executive Staff of the ECDOC have strong leadership and command experience in the corrections realm. The ECCF is currently under the direction of ECDOC Director Ronald Charles and Warden Guy Cirillo. Warden Cirillo joined the ECDOC after a lengthy and impressive career at the New Jersey Department of Corrections (NJDOC).

Rounding out the Executive Staff for the majority of the assessment were an Assistant Warden and an Associate Warden. It is noteworthy that effective Friday, August 12, 2022, the Assistant and Associate Wardens were moved back to their Civil Service Commission titles and positions, Lieutenant and Captain respectively, as the result of a Civil Service Commission ruling.

Ronald L. Charles was recently named the new Director of the Essex County Department of Corrections, following the resignation of Director Ortiz. ECDOC Director Ortiz, who alone has served for the past 47 years in various line, supervisory and executive-level in corrections for the State of New Jersey (31 years rising to Administrator) and the County of Essex (16 years as ECDOC Director), had tendered his resignation effective October 1, 2022, due to personal reasons.

Director Charles duties will include oversight of the ECCF. Director Charles was most recently the Director of the Union County, New Jersey Department of Corrections, having served in that capacity since 2015. Prior to his tenure in Union County, Director Charles served as the former Associate Director of the ECCF, as well as Director at Delaney Hall. Director Charles started his 36-year career in corrections in 1986 at the ECCF, rising through the ranks. He earned a Bachelor of Arts degree in Criminal Justice from Caldwell College and is a Certified Public Manager and additionally holds a County Administrator certification. He is also a graduate of the Harvard Kennedy School of Government Program. Lastly, Director Charles is an American Corrections Association (ACA) auditor and a recognized subject matter expert on corrections.

Since being appointed as Director, TAG personnel met with Director Charles pursuant to best practices in corrections and to review a draft of this assessment and final report. Director Charles advised TAG personnel that pursuant to his appointment as ECDOC Director, he had initiated and/or implemented a number of actions based upon his own assessment of the ECCF. These included:

- Already initiated his own staffing analysis for the ECCF and was reviewing the feasibility of an additional staffing assessment by an independent correctional consulting group.
- Actively pursuing the hiring of personnel in support of remediation of the areas of concern noted in the Internal Affairs function.
- Commencing with a security audit of the ECCF in an attempt to address concerns of contraband interdiction and control, as well as the ongoing installation of newly purchased security cameras to address “blind spots” in the facility.

RECOMMENDATION: TAG supports this action and further recommends that Director Charles conduct a fresh assessment of security camera “blind spots” once all the new security cameras have been installed. In the event “blind spots” are not adequately remediated, TAG would recommend the implementation of Body Worn Cameras on ECDOC sworn personnel supported by a comprehensive policy.

- Exploring the purchase of a Document Management System (DMS) for ECCF-wide application.
- Assignment of Sergeants to every floor of the ECCF with supervision and training responsibilities.
- Soliciting volunteers of ECCF personnel to serve on a Social Media Committee (to include the agency website) with the designated chairperson reporting to the Director.

The ECCF is the largest county correctional institution in the State of New Jersey. As such, it handles a considerable number of out-of-county, state, and federal inmates who are awaiting sentencing in their criminal matters. As the ECCF has a rated capacity of 2434 inmates, it is important to note that this inmate population is greater than 94 municipalities in New Jersey.⁴ Additionally, unlike the vast majority of the citizenry comprising the populations of those 94 municipalities, the inmates at the ECCF are confined individuals, some with addiction and psychological problems, some documented violent, and all involved in the criminal justice process. Accordingly, that the ECDOC professionals that administer the inmate population must do so humanely, respectfully, and professionally.

Geography

The ECCF is a modern 980,000 square foot facility located on four acres of land at 354 Doremus Avenue, in an industrialized section of the Ironbound in Newark, New Jersey. This area also juxtaposes a major transportation corridor comprising U.S. Highway 1, the Pulaski Skyway, and the New Jersey Turnpike.

Facility Infrastructure

The ECCF is comprised of four 4-story buildings numbered 2, 3, 4, and 5. Building 2 has 5 pods on the lower level and 7 pods on the upper level; Buildings 3 and 4 both have 4 pods on both levels; and Building 5, a multi-purpose building with inmate housing and functional areas, has 7 pods.

Population and Demographics⁵

ECCF has a rated capacity of 2434 inmates. On average, the day-to-day population fluctuates between 2000 and 2200 inmates.⁶ Approximately one thousand inmates are

⁴ See *New Jersey Cities by Population* (newjersey-demographics.com).

⁵ Data provided in this section was obtained from the ECCF executive staff and from the last pre-COVID audit of the Essex County Correctional Facility conducted in 2019 by the Commission on Accreditation for Corrections, Standards Compliance Reaccreditation Audit.

⁶ At the time of the 2020 New Jersey Department of Corrections Inspection Report, the total inmates incarcerated at ECCF was 2622, 2503 males and 119 females.

held in maximum custody, with another thousand evenly split between medium and minimum custody.

Male and female inmate ages range from 18 to 85 years of age. ECCF does not house juveniles. The ratio of male to female inmates is approximately 15 to 1. The vast majority of inmates have a length of stay between one and fifteen days. Historically, all stays have been less than a year, although that span has lengthened during the COVID pandemic when federal and state retrievals of sentenced inmates were curtailed. Because of its size and capacity, ECCF houses hundreds of inmates from Union County, as well as the state and federal correctional systems.

Staffing and Work Schedules

The ECCF rank and file consists of approximately 696⁷ full time staff, to include approximately 100 executive level, supervisory, and administrative and program support.⁸ Approximately 598 staff are directly tasked with oversight of the inmate population and assigned to the Security Department (SD). The rank structure of the SD currently consists of 5 Captains, 19 Lieutenants, 49 Sergeants, and 525 Correctional Police Officers (CPOs).

The SD covers a 24-hour period with 3 eight-hour shifts:

- 1st Shift: 6:00 a.m. to 2:00 p.m.
- 2nd Shift: 2:00 p.m. to 10:00 p.m.
- 3rd Shift: 10:00 p.m. to 6:00 a.m.

Staffing on each one of these shifts reflects the amount of inmate intake, activity, and supervision required, with the first shift requiring the largest presence of staffing, and the least on the third shift after the lockdown of inmates in their cells.

⁷ Ibid.

⁸ ECCF employee counts will fluctuate on a routine basis due to personnel considerations.

Attendance for duty is authorized by two ECCF administrative policies.⁹ When an ECCF staff member is sick or otherwise absent due to leave taken pursuant to the Family and Medical Leave Act (FMLA), notification must be made to the Staffing Operations Bureau or shift commander at least 1 hour prior to the start of the shift. During this leave, a sick member must also notify ECCF upon leaving their place of confinement. Failure to abide by this policy subjects the member to an unauthorized absence charge and possible disciplinary action. A review of ECDOC personnel on FMLA for 2022 revealed the following:

- 10 personnel on consecutive FMLA:
 - 6 personnel on paid leave.
 - 4 personnel on unpaid leave.
- 122 personnel on intermittent FMLA.

Recommendation for Remediation:

It is recommended that the ECDOC create a Medical Monitoring Unit within the current Staffing Operations Bureau to track and properly monitor personnel for compliance with FMLA and related usage by ECDOC personnel. Accordingly, ECDOC policy PS.ADM.003 (Attendance Control) would need to be revised.

A majority number of SD personnel work the day shift with approximately 39 supervisors from the rank of Sergeant through Captain and 241 CPOs. The overall complement on the afternoon shift is approximately 199, and 119 staff the night shift. The executive staff, as well as specialist positions in administration, internal investigations and training, work the day shift, Monday to Friday, unless an incident requires their presence.

TAG personnel shall be further assessing current staffing and supervisory assignments and coverage, the findings of which shall be presented herein.

⁹ PS.ADM.026 Vacation Policy, and PS.ADM.003 Attendance Control.

ECCF Command Staff Organization and Structure

It should be noted that additional command staff and structure findings will be presented herein. The supervisory ranks are Sergeant, Lieutenant, and Captain. The ECDOC Director and Warden are unsworn civilian positions.

Based upon the documents provided by the ECCF leadership, to include the facility's current Table of Organization (see page 9), it provided that the roster of ECCF personnel is approximately 609¹⁰ non-supervisory sworn CPO's and 67 civilian employees. The sworn ranks currently include 6 Captains, 24 Lieutenants, 57 Sergeants, and 609 CPO's.¹¹ It is important to note that of the 6 current Captains, 1 assists at the Essex County Youth House. Similarly, of the 24 current Lieutenants, 1 has an inter-departmental title, specifically, Lieutenant Camacho is listed as Business Director; 2 other Lieutenants are currently suspended pending discipline. Of the 57 current Sergeants, 4 Sergeants are currently suspended pending discipline. Lastly, of the 609 CPOs, 35 CPOs are currently not working due to unpaid suspensions (12), out of work/ILD (5), military leave (1), unpaid consecutive leave (12), and paid consecutive leave (5).

According to ECCF Rules and Regulations¹² and interviews with ECDOC senior staff:

- The Director is the Chief Executive Officer of the facility with a responsibility to enforce the rules and regulations, develop and issue new policy guidance, and dispense discipline when warranted to the rank and file;
- The Warden reports to the Director and is delegated to manage the daily operations of the facility as consistent with the established policies;
- The duties of the Captains involve the supervision and administrative duties within their assigned organizational unit.

¹⁰ Current as of June 29, 2022, as per ECDOC.

¹¹ Current as of June 29, 2022, as provided by ECDOC.

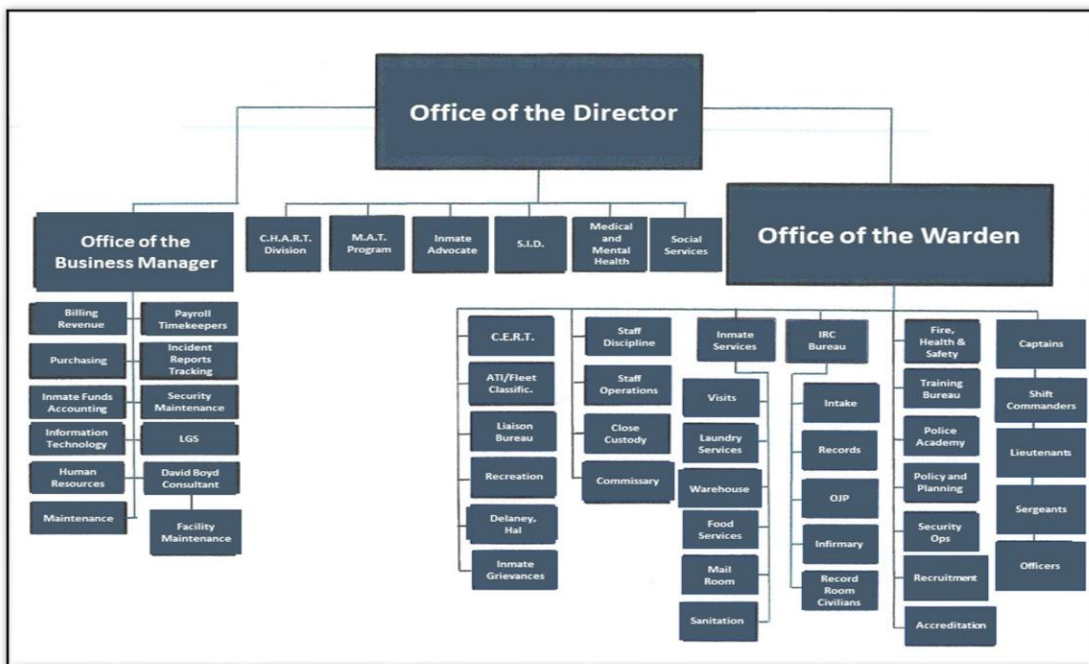
¹² ECCF Rules and Regulation, Chapter Two, Organization of the Department Authority and Responsibility.

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- The Lieutenants command the Sergeants and CPOs during a shift of duty and provide direction during complex situations and incidents. Lieutenant Orlando Camacho was identified as the ECCF Business Manager; and
- The Sergeants are the front-line supervisors, with responsibility to provide leadership, direction, enforcement of the rules and regulations, inspection of their ranks, and providing the required assistance to their subordinate CPOs.

The CPOs are the facing component with the inmates and are tasked with providing supervision, minimizing conflicts and disturbances, and maintaining a humane living environment. CPOs perform a wide range of duties, to include security maintenance, investigation and apprehension of rule violators, prisoner transportation, assist other county law enforcement services during the need for mutual aid, emergency management, and other details delegated by the executive leadership of the ECCF. CPOs may also be assigned outside of the ECCF to federal, state, or county task forces. The ECCF also employs a significant civilian support staff in specialized technical and administrative positions.

The following Table of Organization, circa 2021, reflects the following breakdown of units and their functions:



Staffing Review and Options

Pursuant to ECCF operations, a comprehensive review of staffing was conducted for Correctional Police Officers (CPOs), specifically for Buildings 2 – 5.

The ratio of inmates to CPOs was found to be maintained at 64 inmates to 1 CPO in a normal and typical low risk setting. In areas that are deemed to be high risk, the ratio is 64 inmates to 2 CPOs, however, this is not always consistent based on overall on-duty staffing levels. The staffing level of 64 to 2 should be mandatory staffing in any housing Unit where intelligence is gathered indicating a risk of violence. The higher level should be maintained as mandatory minimum staffing until the threat is proven to be defused or resolved. In certain situations where intelligence reveals gang activity and links to violence on the streets outside the ECCF, a ratio of 64 to 3 should be examined. The safety of the CPOs, as well as the inmates, should be paramount.

The ECDOC maintains policy PS.ADM.032 (Facility Staffing), which dictates that appropriate staffing levels shall be maintained including the usage of video monitoring to protect inmates from sexual abuse / assault, other forms of violence, and to prevent significant self-harm or suicide. The policy also states that security staffing shall be sufficient to maintain facility security and prevent or minimize events that pose a risk of harm to persons or property.

The existing policy also mandates that the facility administrator, or his / her, designee, develop and document comprehensive inmate supervision guidelines, as well as comprehensive staffing analysis and staffing plan, to determine and meet the facility's inmate security needs. The policy mandates that the security and staffing plan be reviewed and updated at least annually.

If the tenets of Facility Staffing policy are adhered to, and the staffing and security plan is reviewed and adjusted based on the everchanging atmosphere with the ECCF, not only annually, but whenever necessary during the calendar year, the facility will be conforming with the standards set forth by the American Correctional Association (ACA)

Accreditation Standards and thus be in compliance with the standards of the National Institute of Corrections (NIC).

Additionally, N.J.A.C. 10A:31-8.15, the statute for Adult County Correctional Facilities, Security and Control, states that the adult county correctional facility shall have a written staffing plan for all shifts.¹³ During the 2021 annual inspection by the NJDOC of the ECCF conducted in February and March of 2022, the NJDOC was found to be in compliance with this standard.

When conducting the security and staffing analysis, the facility administrator should take the following factors into consideration:

- Coordination with the Scheduling Unit;
- Generally accepted detention and correctional practices;
- Any judicial or internal findings of inadequacy;
- The physical layout of the facility;
- The composition of inmate population;
- The prevalence of substantiated and unsubstantiated incidents that have taken place in the facility that reflect facility security and inmate safety;
- Intelligence received from ECCF investigators regarding possible violence or strife between various gang factions both in the ECCF and in the neighborhoods throughout the County that would impact the inmate population;
- The findings and recommendations developed from investigations of incidents that have taken place within the ECCF;
- The length of time inmates are in ECCF custody; and
- Any other relevant factors.

The ECDOC has the tools in place to create and monitor staffing levels based on the everchanging needs of the ECCF through the utilization of the Scheduling Unit, if the policy that has been created is followed. The policy is comprehensive and conforms to

¹³ See N.J.A.C. 10A_31-8.15. [N.J.A.C 10A 31-Adult County Correctional Facilities.pdf \(state.nj.us\)](#).

NIC standards and the ACA accreditation standards.

It is relevant to note that the ECDOC commissioned a staffing analysis and overtime assessment of the ECCF by The Nakamoto Group. Subsequent to their assessment, they submitted their findings and recommendations with specific reference to staffing concerns.

Recommendations for Remediation:

Two options are offered for staffing of Buildings 2 – 5, with the ECDOC Director making the ultimate decision. The first is the protocol currently in place, in which a Captain is assigned to each of the 4 buildings, each having command of their assigned building, as well as other command responsibilities. This option was initially recommended by TAG early on in this assessment. However, based upon the totality of the assessment, as well as conferring with ECCF officials, the following option is also offered.

The second option is to assign one Captain to each of the Divisions within the ECCF who would exercise command and control over their respective Divisions. With specific reference to the security staffing of Buildings 2 – 5, the Captain of the Security Division would have overall command and control of the 4 housing buildings with the Lieutenants on each shift in each respective building have direct supervisory responsibility for each building on each shift. The Lieutenants in each building and on each tour would be responsible for all operations on his / her tour of duty within their respective building. The Lieutenants would be the direct report for the on-duty supervisors within their building command. The assignment of Sergeants would be 2 per each building on each shift, with each assigned a floor with direct supervision of the CPOs assigned to their floor.

Concerning the staffing and assignments of Captains at the ECCF, the following recommendations are offered:

- 1 Captain for each shift assigned to all custody buildings, totaling 3;
- 1 Captain assigned to Inmate Services Bureau;

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- 1 Captain assigned to Professional Standards Bureau;
- 1 Captain assigned to Intake & Classification Bureau;
- 1 Captain assigned to Support Services Bureau; and
- 1 Captain assigned to Administrative Bureau.

It is further recommended that a command rank officer be assigned and present at the ECCF 7 days per week between the hours of 5:00 P.M. and 9:00 AM. All of these assignments are recommended so as to enhance accountability and the safety of ECDOC employees and inmates alike and are based upon consultation and the totality of this assessment to date.

Overtime

Overtime expenditures for 2021 and 2022 were provided for this assessment and reviewed. For 2021, \$10,305,757 was expended in total overtime costs for the year. However, \$2,537,301 was reimbursed pursuant to COVID-19 pandemic activities. Documentation for 2022 overtime expenditures revealed a total expenditure of \$9,677,818 through pay period 18 (year-to-date). A comparative analysis year-to-date for 2021 and 2022 revealed overtime expenditures for the first 18 pay periods of 2021 was \$6,739,962 as compared to \$9,677,818 for the same period in 2022. However, as reflected in the table below, the overtime expenditures for 2022 have been trending progressively downward.



Recommendation for Remediation: It is recommended that the ECDOC administration continue to closely monitor the agency's overtime expenditures and aggressively seek opportunities to reduce overtime costs. It is further recommended that the ECDOC Director ensure that overtime is distributed equitably to ECDOC personnel.

Security of Inmates at Medical Facilities

At various times, CPOs are required to provide secured custody of inmates that require medical services outside of the confines of the ECCF. It was learned that up to 30 inmates may be requiring medical services contemporaneously at outside medical facilities in Essex and Union Counties, whether it be a number of different hospitals or clinics. Each of these visits requires the presence of CPOs to transport the inmates and ensure their proper custody and then return transportation.

Recommendation for Remediation:

It is recommended that the County of Essex seek one outside health care provider at a centralized location to provide all medical services inmates may require outside of the ECCF, thereby reducing the number of CPOs required to transport, secure, and watch the inmates while receiving medical treatment.

Meetings with PBA and FOP Representatives

A meeting was held with representatives of the Policemen's Benevolent Association (PBA) for the ECCF. The representatives raised points concerning **increased staffing and housing; accountability; contractual items (i.e., medical, overtime mandate); discipline; and contraband**. Similarly, meetings were held with representatives of the Fraternal Order of Police (FOP) for the ECCF. Discussions concerned **adequate supervisory staffing; inappropriate span of control and assignments of supervisors; lack of proper transitioning regarding promotions; lack of proper accountability; abuse of FMLA; and new employee hiring and training practices**.

Regarding the aforementioned points discussed with the PBA and FOP representatives, the points of staffing and supervisory assignments, contraband, span of control, supervisory transition, FMLA, new employee hiring and training practices will be discussed in greater detail in other sections of this assessment and final report. Points raised concerning contractual considerations will not be covered in this assessment.

Recommendation for Remediation: It is recommended that the ECDOC Director schedule monthly meetings with representatives from the PBA and FOP. It is further recommended that there be only one designated labor contract liaison who reports directly to the ECDOC Director.

Recommendation for Remediation: It is recommended that the Warden stress the importance of supervisory accountability and re-issue the current ECDOC Rules and Regulations (revised October 2021) emphasizing Section 2:2.11(h) of Supervisory Level Command, which states:

GOOD ORDER: The general good order of their command during their tour of duty to include proper discipline, conduct, welfare, and efficiency.¹⁴

Recommendation for Remediation: As a matter of best practices as it applies to discipline, it is recommended that the ECDOC administration continue to strive to administer discipline in a fair, consistent, and timely manner in accordance with statutes, labor agreements, and industry best standards.

Sworn Personnel Attire:

During the course of site visits to the ECCF, TAG personnel observed various uniformed sworn CPOs whose **wearing of their uniforms did not appear to meet the specifications of ECDOC Uniform Policy (PS.ADM.033; revised October 2021). The uniforms appeared messy, shirts untucked, and mingled with civilian clothing.**

¹⁴ See ECDOC Rules & Regulations, §2:2.11(h).

Recommendation for Remediation: It is recommended the Warden re-issue the Uniform Policy and further hold supervisory personnel accountable for enforcement of the policy.

Document Management and Security

In order to govern the operations of the facility, the ECCF leadership maintains various types of correspondence that define its policies and procedures. These are Policy Statements, Administrative Directives, Internal Management Procedures, Memoranda, Bulletins, and Post Orders.

Policy Statements and Administrative Directives originate from federal or state laws and codes. These various correspondences are drafted by the Bureau of Planning and Strategic Initiatives for review and editing and formalized by signature of the Director, reproduced in digital and paper copy. All originals are maintained in the Bureau's archives. They are issued under the signature and authority of the Director or authorized designee.

Internal Management Procedures, Memos, and Bulletins are correspondence that provide guidance and direction to ECCF units.



The following text appears in Policy Statement PS.ADM.001:

It should be noted that all Memorandums, Directives, Policies, Orders, etc. shall be considered law enforcement sensitive - confidential property of the Essex County Department of Corrections. None of the previously stated documents, in part and/or in whole, maybe released without the exclusive authorization of the Director of Corrections or designee. All employees shall be required to sign an "Acknowledgement of Confidentiality of Policies & Information Form" during initial orientation as detailed in PS.ADM.010 Agency Orientation & Training.

CRITICAL FINDING: When a new policy is promulgated, amended, or revoked, there is no uniformity of notification to the rank and file. There is no electronic or paper-based signature process that would memorialize that a staff employee has reviewed and understands the policy. ECCF does not possess an electronic document management system (DMS) or records management system (RMS) that can appropriately track access and downloading.

It therefore suffers the risk of inadvertent or purposeful disclosures of confidential information and internal policy by lacking the ability to electronically monitor who has accessed, downloaded, or printed internal correspondence.

CRITICAL FINDING: During the course of an unannounced visit to the ECCF by TAG personnel, ECCF Incident Reports were observed unsecured and openly hanging on clipboards.

CRITICAL FINDING RECOMMENDATION: It is recommended that the ECDOC SOP be revised so that Incident Reports are electronically scanned and properly secured.

CRITICAL FINDING: During the course of an unannounced visit to the ECCF, TAG personnel observed transportation reports filed in a disorganized and unsecured manner.



CRITICAL FINDING RECOMMENDATION: It is recommended that the above documents be electronically scanned and properly secured in order to remediate the situation.

CRITICAL FINDING RECOMMENDATION: To build accountability and reduce liability, ECCF should develop a process of electronic or physical signature for each new policy or administrative order upon dissemination to the staff.

CRITICAL FINDING RECOMMENDATION: It is highly recommended that ECCF purchase a DMS / RMS to provide the highest assurances of internal and document security.

Informational Technology (I.T.)

As noted elsewhere in this assessment, a number of “blind spots” were noted in the ECCF’s security camera system. This was brought to the administration’s attention and additional cameras have been ordered and installation has commenced.

Additionally, as noted above, the ECCF is lacking a DMS / RMS system that would facilitate the dissemination of policies; facilitate training; tracking of receipt of policies; tracking of completed training; etc. Power DMS is already implemented by other County agencies.

During this assessment, concerns were also noted with reference to the video conferencing capabilities utilized for Court proceedings.

Recommendation for Remediation: It is recommended that the ECCF video conference capabilities be upgraded to properly interact with the Courts system.

Additionally, the agency’s website, which is a web page on the County of Essex’s official website, was found to be outdated and lacking certain mandated criteria pursuant to the Internal Affairs functions (delineated in greater detail in the Internal Affairs section of this assessment). TAG also noted that the agency’s website could be modified to better showcase the agency and facility’s positive programs and activities to the public it serves.

Recommendation for Remediation:

It is recommended that the ECDOC website be enhanced, in addition to those topic-specific recommendations that appear elsewhere in this assessment (i.e., Internal Affairs function). Increasing community engagement should be a key point in this enhancement. Director Charles advised TAG personnel that he had already formed a Social Media Committee to address various aspects, to include the agency's website.

Pursuant to ECDOC Policy No. PS.CUS.067 – Inmate/ICE Detainee Tablets, inmates receive and may utilize tablets as a means by the inmates to request and access ECCF services in an efficient and secure manner, utilize recreational services, and assist in the filing of grievances. The inmate handbook is also included on the tablets. The policy was reviewed and appeared to be comprehensive and detailed. A concern was noted during this assessment that a number of inmate tablets were unaccounted for but ultimately located.

Recommendation: It is recommended that unique ECDOC serial numbers be affixed to all inmate tablets and a central inventory database be established to assist in proper accountability.

With reference to the proper and safe monitoring of the inmate population, it was determined that the ECDOC currently has a policy in effect (Guard Pipe System (GPS); Policy No. PS.CUS.068). This policy details the use of a system designed to aid in documenting offender locations and the logging of accurate visual inspections of inmate activities to assist in the elimination of incidents of suicide and self-harm. **However, during this assessment, it was determined that the GPS has not been functioning properly.**

Recommendation for Remediation: It is recommended that a comprehensive assessment be conducted of the entire electronic monitoring system at the ECCF and that the entire ECCF electronic monitoring system be upgraded and automated to effectively monitor the entire inmate population. The method of inmate monitoring and accountability through pen-and-paper logs is obsolete.

It is further recommended that a complete and comprehensive assessment of the entire ECCF Informational Technology (I.T.) infrastructure, to include all hardware, software, and supporting materials, be conducted with recommendations for revising and/or upgrading forwarded to the Director for consideration.

ECCF Evacuation Plan

ECDOC Policy No. PS.CUS.035 – Fire Prevention, Control and Evacuation is the guiding policy for evacuations at the ECCF. There is a Fire, Health & Safety Supervisor currently assigned at the ECCF, who is a sworn CPO. The policy was reviewed by TAG personnel and appeared to be comprehensive and detailed.

Recommendation: It is recommended that the Fire, Health & Safety Supervisor position be civilianized and the currently assigned CPO be reassigned so as to help mitigate the shortage of sworn personnel at the ECCF.

Inmate Intake

The intake and release policy of the ECCF is enabled by New Jersey Administrative Code¹⁵ and guided by internal protocols.¹⁶

The ECCF Intake area handles both male and female inmates, although they are processed separately. The ECCF inmate population consists largely of Essex and Union County inmates; however, they also house federal inmates. **The facility no longer accepts inmates from Immigration and Customs Enforcement (ICE), although codification policies continue to reflect the handling of ICE inmates.** All of the inmates wear color-coded jumpsuits. **It was learned that inmates are not scanned for contraband upon returning from an attorney visit.** Pursuant to ECDOC SOP PS.CUS.046, the

¹⁵ See N.J.A.C. 10A:31-1 et seq.

¹⁶ Codification: PS.CLS.006-Intake and Release of Inmates, and Codification: PS. CUS006.07-Intake and Release Post Orders

ECDOC generally defines contraband as, “Any article which may be harmful or presents a threat to the secure, orderly operation of the Essex County Correctional Facility.”

CRITICAL FINDING: Inmates are only patted down after visits with an attorney since they never leave the facility.

CRITICAL FINDING RECOMMENDATION: It is recommended that inmates be strip searched in accordance with N.J.S.A. 10A:31-8 upon returning from visits with attorneys.

CRITICAL FINDING: During a site visit of the ECCF by TAG personnel, it was determined that inmates were being housed in Intake more than 5 days, in some instances. TAG personnel were advised that, on average, inmates normally remained in Intake 2-3 days. ECDOC SOP PS.CLS.005.01, Section V.A.2, states, “*Each individual committed to the institution shall be formally classified as soon as is practical, usually within 48 hours, but not to exceed 72 hours.*” It did not appear that the delay was with the Intake process but rather with the availability of beds in the regular housing units once the inmates are classified. TAG personnel shall conduct further inquiries into the delays in assigning inmates to regular housing, thereby necessitating them to remain in Intake longer than necessary.

All inmates receive a copy of the Inmate Handbook. The handbook is in English and Spanish. In the event an inmate lacks the mental acuity or capacity to read the book, a staff person will read the book. A video is also available as an alternative. The inmates can ask the Officers questions regarding the handbook. Social workers are also available.

The booking and intake function of ECCF serves a vital public safety function. The ECCF intake process appears to be operating in accordance with policy.

Intake Recommendation 1:

- Update the pandemic policy to remove ICE inmates. The facility no longer houses ICE Detainees.

Inmate Classification

ECCF utilizes the Initial Custody Assessment Form, which is the same as the Objective Classification Instrument, although slightly modified. The classification unit has 7 CPOs assigned, including a supervisory Sergeant. Two of the CPOs also hold the position of Terminal Agency Coordinator (TAC officers).

The unit operates from 6:00 a.m. to 2:00 p.m. As part of the evaluation process, TAG members reviewed 24 randomly selected county-sentenced inmate files dating back to March 2021. Upon reviewing the electronic records of 24 inmates provided to TAG, it was disclosed that 7 inmates came in on the first shift, 12 inmates came in on the second shift, and 5 inmates came in on the 3rd shift.

The Custody Assessment Form is completed by the classification staff based upon a review of the information provided by the inmate during the intake process, and from medical and mental health, the Offender Management System (OMS), County Correction Information System (CCIS), and the inmate's criminal history report from the Criminal Justice Information Services (CJIS).

It should be noted that Classification staff do not meet daily; however, the staff complete the Initial Custody Assessment Form daily as inmates are processed through Intake and the information is entered into the electronic system for the Classification staff to review. Male and female inmates are scored by the same Initial Custody Assessment Form.

Non-compliance with policy is noted as the Classification Policy states the Classification Committee meetings are supposed to be held on a daily basis. The committee members comprise 1 representative each from Classification, Medical, Mental Health, Social Services, and include 1 Classification Supervisor. Committee meetings discuss the inmate's housing program.

To summarize, **TAG noted that information received from the Classification staff contradict the policy. The policy clearly stated that Classification Committee meeting are to be held daily, while the staff related that the meetings are held weekly.** However, the classification staff do labor daily on the inmate electronic record and prepare documents

for the weekly meeting. As this is an integral part of the classification process, this area of concern should be remediated through revisions to the Classification Policy (PS.CLS.005.01).

TAG revealed certain discrepancies in the training certification of the staff and were assured by ECCF that those disparities would be corrected. The lack of a gender identity policy did not offer assurances that all inmates are processed, classified, and assigned to appropriate housing. According to the Classification and Intake policies, there is not a criteria for addressing and identifying gang members. When a state-sentenced inmate is shipped, the state prison will process the inmate accordingly. The county sentenced inmates are the source of concern.

After reviewing the documents provided to TAG, especially the randomly selected Inmate Commitment Summary Reports for 24 inmates on file, it should be noted there were some discrepancies and lag time between the date of intake and the dates of both classification and housing. For instance, in the housing information category on the form that specified "Reason for the Assignment," responses included "supervisor," "command center," "DH," and "15," with little comprehension as to their meaning. Although staff was very helpful, additional inquiry did not provide clarity to these discrepancies.

It should be noted that the aspect of inmate mental health will be spearheaded by Former Governor James McGreevey along with the Essex County Civilian Task Force.

CRITICAL FINDING: Mental Health inmates should be segregated into areas where mental health services are provided.

Classification Recommendation 1:

- Adjust the Classification Unit work hours so as to encompass inmates arriving on the second and third shifts.

Classification Recommendation 2:

- Update the classification policy to reflect classification meets weekly, not daily, although daily meetings are recommended.

Classification Recommendation 3:

- The training discrepancy should be addressed with the new process. Suggest this is monitored by the supervisor for compliance.

Classification Recommendation 4:

- Develop a policy addressing the validation of gang members for county-sentenced inmates.

Classification Recommendation 5:

- Require a supervisory review and acknowledgement of the Inmate Commitment Summary Report for accuracy. Ensure the Initial Custody Assessment forms are updated as needed and the revision dates are affixed on the form.

ECCF Medical Review

The Medical, Mental Health, and Dental services for inmates at the ECCF are provided by CFG Health Systems, LLC and Affiliates (CFG). CFG has provided medical services for approximately 15 years. They have also provided services to other counties including Camden, Middlesex and Atlantic. The contract with ECCF is a 3-year contract totaling \$53,225,129 with an option for 2-year extension. In reviewing the services provided by CFG, TAG held a number of meetings and discussions with ECCF management, members of the Essex County Community Task Force, and Management from CFG. TAG also reviewed the current contract along with other documents such as billing invoices and recent quarterly reports prepared by the ECCF Medical Consultant, Doctor Shansky. Each of these meetings and documents revealed significant deficiencies in the staffing and services provided by the vendor CFG.

One major obstacle encountered by both ECCF and CFG was the Covid pandemic. Dealing with this world-wide crisis, ECCF should be recognized and credited with the early proactive actions which they took to control the outbreak within the facility. Some of the actions taken by management included: inmate quarantine, halting contact visits,

extensive cleaning throughout the facility, providing sanitizer and protective equipment to staff and inmates, and rigorous testing of anyone entering the facility. These actions resulted in the loss of only a single life attributed to Covid during the pandemic. This is truly noteworthy given the number of admissions to the facility over that two-year period. These actions were taken in cooperation with their medical provider, as well as their staff. **While recognizing this crisis as a significant obstacle, the medical provider has fallen short of the staffing requirements and the services for which it was contracted. These deficiencies could result in significant medical consequences to the inmate population.**

CRITICAL FINDINGS: Based on our review of staffing reconciliations between the contract requirements and actual attendance based on the vendors' invoices, critical staff shortages were identified for many of the medical titles especially the nursing staff. Only 17 hours of the required 448 RN sick call hours were staffed in October 2021. In addition, a review of documents provided for the billing period covering a 10-week period from September 26, 2021, to December 4, 2021, indicate that no Oral Surgeon hours were billed for the entire period.

ECCF management has been proactive on this matter and on 2 separate occasions as required by the contract, they directed CFG to develop a corrective action plan. **The vendor failed to respond to the first request made in October 2021** and the response to the second request was submitted in March 2022.

At an earlier meeting with ECCF and CFG and the Essex County Civilian Oversight Task Force, TAG recommended that a shift analysis be conducted to determine the advantage of creating an overlapping shift for medical staff. In a March 31 letter, ECCF indicated that no analysis was conducted, however, the overlapping tours were implemented. It is further recommended that an x-ray technician be available at the ECCF at least 16 hours per day. It is too early to determine the impact of the corrective action plan or the overlapping tours for this report.

The Essex County Civilian Oversight Task Force recently presented its annual report, of which a significant portion detailed the ECCF's medical operations. TAG personnel reviewed the report and found the report comprehensive and detailed.

The Task Force report also included a voluminous amount of written and verbal responses by ECCF personnel in response to detailed questions propounded by the Task Force during its own assessment. The degree of cooperation and transparency exhibited by the ECCF staff was clearly apparent.

Along with the above recommendations, TAG recommends that the Essex County Civilian Oversight Task Force continue to take the lead in reviewing the performance of the medical vendor CFG and will provide support as needed. The Task Force has medical and academic expertise better suited to evaluate the services provided by CFG to the inmate population.¹⁷

Inmate Housing

Inmate housing is guided by New Jersey Administrative Code and several internal policies.¹⁸ It was determined that the ECCF has 35 pod/housing units. The inmate populations will vary daily. The current inmate population is 2,236¹⁹

The ratio of CPO to inmate is generally 64 to 1, with the number of CPOs assigned varying based upon shift, risk assessment, and assignment. It should be noted that inmates are required to lock into their cells at 9:00 p.m.

After intake, inmates are assigned directly to the Quarantine Unit. They are required to be quarantined before being classified to a regular housing unit as dictated by their classification custody level, and their medical/mental health assessment.

¹⁷ See Essex County Civilian Task Force, *Determinants of Health Report. Medical Subcommittee Report for Essex County Civilian Task Force* 4.30.22.pdf (essexcountynj.org).

¹⁸ See Codification-PS. CUS.037-Inmate Management; Codification- PS.CLS.005-Classification; Codification-PS.CUS.038-Special Housing Unit; and Codification-PS. CUS.006.7-Intake and Release Control Post Orders

¹⁹ Current as of June 30, 2022, as per ECD0C.

During 2020, the COVID pandemic mandated that arrestees/inmates be quarantined according to CDC guidelines. ECDOC indicated that in the event that an inmate tests positive for a communicable disease (i.e., COVID-19), that inmate would then be removed from quarantine and medically isolated. A review of the policy PS.CUS.006.07 Intake & Release Control Post Orders does not mention the CDC requirements, even though they have a revision date of October 4, 2021.

A TAG tour of the Quarantine Unit revealed that the inmates were mingling. It was also observed that inmates in the units were mostly double-bunked. From existing policy, it was not clear if inmates were separated based upon their current booking charge(s).

Inmates in the general population housing unit are free to be out of their cells and in the dayroom unless operations dictate otherwise. Inmates assigned to the Special Housing Unit (SHU) have been classified to be disruptive to the daily orderly running of the facility. The policy outlines the criteria for the SHU population.

It should be noted that currently, inmates sentenced from Essex County and Union County are housed separately. State-sentenced inmates are housed with other inmates. ECDOC personnel indicated that every effort is made to keep inmates separated.

Housing Recommendation 1:

- Develop a policy to address gender identity. Gender identity is not mentioned at all in the policies. Policies should be updated to align with the most recent legislation delineating the process for handling an inmate with gender identity concerns.

Housing Recommendation 2:

- Update the Policy/Post Order to comply with the COVID-19 protocol.

Housing Recommendation 3:

- Inmates on the quarantine unit should be placed in a single occupant cell, when feasible.

Housing Recommendation 4:

- The practice of housing inmates of various custody levels, such as maximum and medium, together should be evaluated, with an eye towards housing by like custody status.

Housing Recommendation 5:

- Inmates in a different custody status such as Volunteer Protective Custody (VPC), Involuntarily Protective Custody (IPC), and Pre-Hearing Detention (PHD) must have their housing status clearly displayed on their cell door.

SOCIAL SERVICES

The ECCF is progressive in its application and administration of inmate social services. Firstly, the ECCF's priority of provided viable social services to its inmate population is delineated in its mission statement that states,

*"The mission of the Essex County Department of Corrections is to ensure that all persons committed to our County's correctional institutions are confined with the level of custody necessary to protect the public while providing care, discipline, training, and treatment in preparation for reintegration into the community."*²⁰

On the same ECCF website page, Deidre White is listed as the ECCF Social services Director.²¹

A review of the ECCF Standard Operating procedures (SOPs) revealed an SOP entitled, *Social Services Program* (PS.ADM.021). That SOP was last revised March 2, 2021. The

²⁰ See ECCF website. [The County of Essex, New Jersey | Corrections \(essexcountynj.org\)](http://www.essexcountynj.org).

²¹ Ibid.

SOP identified the following counseling services available to inmates through the Office of Social Services:

- Individual counseling;
- Drug and alcohol addiction counseling;
- Family counseling;
- Crisis intervention;
- Vocational counseling;
- Discharge planning;
- Release preparations; and
- The referral of inmates to existing community resources.

The SOP additionally indicated that the Office of Social Services would also assist, when necessary, with education and religious services activities.

The Office also provides coordination and cooperation with other ECCF departments (i.e., Mental Health, Social Work, Penal Counselor and Inmate Advocate(s) or designee, Education, Chaplaincy staff, etc.) in planning, developing, and operating the Parenting and Their Children Program (PATCH). The methods of delivering the program are adapted by the needs of the inmate(s) and the recommendations of the Office of Social Services Staff. The program will be delivered by the Office of Social Services. The Office of Social Services shall also be responsible for maintaining communication with the Office of Offender Aid and Restoration (OAR) who provides transportation for the child to and from the ECCF. The purpose of the PATCH Program is to provide education and skills on parenting, promote and reinforce positive relationships, family values, and mutual support and nurturing among inmates and their children. The PATCH Program gives the inmate(s) an opportunity to counteract negative family consequences resulting from his/ her incarceration and to assist in positive reunification upon the inmate's release. Additionally, the purpose is to improve the correctional facility's social environment by providing opportunities for inmates to maintain positive and sustaining contact with their families.

A review of ECCF SOP entitled, *Religious Services* (PS.CUS.021), states,

“The Chaplain or Office of Religious Services at the ECCF seeks to meet the needs that are most important to the population through traditional religious services, discussion and fellowship groups, pastoral care and counseling. They provide programs and worship services which embrace a variety of religious faiths.”

A review of the ECCF Inmate Handbook revealed that Chapter 39 delineates the ECCF social services available to inmates. The documents states,

“The social workers and ombudspersons are [to] respond to all personal requests, such as access to religious counseling, probation and parolee consideration, employment training, educational resources, community housing, alternative to incarceration programs, family assistance, hospital visits to critically ill family members, and court orders for private viewings and funerals. Attention is also given to ensuring that inmates have access to the law library, recreation and resources, and spiritual and religious services and materials.”

The Inmate Handbook further indicated that religious services, law library, library books, and daily recreation programs are available for the inmates. Alternatives to Incarceration Programs are also available, to include Second Chance and assignment to Delaney Hall. Educational services are also listed, to include Basic Skills Remediation, G.E.D. completion, and English as a Second Language (ESL). Additional programs include life skills, support/discussion groups, re-entry post-release services, referral services to various community agencies. Additional, services are made available to disabled inmates and for sexual assault awareness.²²

²² See *“Determinants of Health Report”* presented by the Essex County Civilian Task Force, Chapter 7 (Social Services and Reentry) for a comprehensive outlining of ECCF social services. [Medical Subcommittee Report for Essex County Civilian Task Force4.30.22.pdf \(essexcountynj.org\)](#).

It should be noted that these aforementioned social services are above and beyond those provided pursuant to the ECCF medical and mental health programs and protocols, delineated in detail in the comprehensive and skillfully written *“Determinants of Health Report”* presented by the Essex County Civilian Task Force.²³

Concerning inmate social services at the ECCF, it should be noted that the ECDOC was evaluated favorably by the Commission on Accreditation for Corrections, Standards Compliance Reaccreditation Audit conducted in both 2019 and 2022. The 2019 report indicated the following:

- Concerning recreation, it stated, *“The program is intensive, including various activities in a gymnasium from soccer to basketball.”* and *“The Recreation Department works hard to keep inmates/prisoners busy and active; provide exercise and exercise machines for health and fitness; and minimize stress and anxiety levels in the facility...”*
- Concerning religious programming, it stated, *“The ACA audit team was especially impressed with the Coordinator of Religious Services for her commitment and passion to bringing a variety of services and spiritual activities to this large inmate population.”*
- Concerning offender work programs, it stated, *“It is noted that the administration’s emphasis on life skills, education, religious, and other such programs are emphasized in order to keep the jail population active and productively occupied.”*
- Concerning academic and vocational education, it stated, *The Program Manager, Education Supervisor, and Counselors direct inmates to appropriate programs, including GED, ESL, and self-help programs.”*
- Concerning inmate social services, it stated, *“The Social Service Director works with several external groups and organizations to assist in the above services, to*

²³ Ibid, Chapters 4-6.

assist with reentry, and to help the inmate/prisoner/detainee population change their lives for the better.”

Similarly, the ECDOC was found compliant in all inspected areas concerning inmate social services in the 2019 annual inspection report by the NJDOC, in accordance with N.J.A.C. 10A:31-26 et seq.

REVIEW OF CONTRABAND



Contraband 1 - Various Contraband Seizures at the ECCF

Summary

TAG was retained to conduct an assessment of various aspects of the Essex County Correctional Facility (ECCF). One of the areas that was to be assessed was that of contraband at the facility. This subproject assessment will address the current and most recent problems facing ECCF staff concerning contraband and the tactics and techniques utilized by the staff in countering this problem. While conducting this assessment of contraband, it was deemed relevant to also assess the facility's Criminal Intelligence Bureau (CIB) as it pertained to contraband issues and, accordingly, that review is also included in this larger assessment.

Findings are noted throughout this section. Areas of concern are highlighted in red font. Critical findings and recommendations shall be presented at the conclusion of this section concerning any areas of concern noted.

Background Information

The ECDOC, like correctional facilities around the world, face an ongoing problem with the introduction of contraband into the ECCF and the concealment and utilization of it by inmates. Contraband poses grave dangers to the correctional police officers and civilian employees staffing the facility, as well as to other inmates. It also poses a significant threat to the security and good order of the ECCF. The National Institute of Justice reported that:

“Drugs and weapons pose a particular risk in prison environments, where there is a high potential for violence and drug abuse. Incarcerated individuals can use cell phones to help smuggle in drugs and weapons, organize attempts to escape, or order crimes to be committed inside or outside the prison.”²⁴

The negative impact that contraband poses to the ECCF cannot be overstated. The ECDOC generally defines contraband as, *“Any article which may be harmful or presents a threat to the secure, orderly operation of the Essex County Correctional Facility.”²⁵*

Review of Contraband Seizures

The ECDOC recently implemented a comprehensive computerized tracking of contraband seizures since the commencement of this assessment. During a site visit to the ECCF, TAG was provided with contraband seizure statistics for 2020 and 2021. (See table below). The database is maintained by the ECDOC Corrections Housing and Revenue Team (CHART) and updated daily. CHART personnel explained that the statistics listed by contraband category indicate the number of contraband seizure incidents; not necessarily the total number of contraband items seized. For example, for CY2020, the number 41 was entered for “shanks” (puncture-type weapon); this

²⁴ See U.S. DOJ, NIJ, *Contraband Detection & Control*. [Contraband Detection and Control | National Institute of Justice \(ojp.gov\)](#).

²⁵ See ECDOC SOP PS.CUS.046, *Contraband and Search of Inmates/ICE Detainees and Facility*; Sect. III.A.

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means there were 41 incidents where “shanks” were seized but the actual number seized is not indicated but would not be less than 41. This point was reiterated in written responses by the ECDOC Executive staff that the staff were not capturing or itemizing all contraband forms but indicated that they were creating a database for any and all contraband going forward.

CONTRABAND SEIZURE INCIDENTS 2020 & 2021

	2020	2021	NO. CHANGE	% CHANGE
SEIZURE INCIDENTS BY SHIFTS				
6am – 2pm	82	123	+41	+50%
2pm – 10pm	56	79	+23	+41%
10pm – 6am	6	20	+14	+233%
TOTAL SEIZURE INCIDENTS				
Contraband Reports ²⁶	175	307	+132	+75%
Street Clothes	0	0	0	N/A
Mailroom Contraband	35	16	-19	-54%
Shanks (puncture-type weapon)	41	102	+61	+148%
Cellphones	10	11	+1	+10%
Chargers	8	32	+24	+300%
Hooch (alcoholic liquor)	3	19	+16	+533%
Excessive Medication	9	45	+36	+400%
K2 (synthetic marijuana)	4	18	+14	+350%
Edged Weapon	0	1	+1	Infinite
Tobacco Products	2	22	+20	+1000%
Excessive Batteries	2	48	+46	+2300%
Currency	0	4	+4	Infinite
Marijuana	1	3	+2	+200%
Milk Crates	1	12	+11	+1100%
Pillows	0	15	+15	Infinite
Powder Cocaine	0	1	+1	Infinite
Crack Cocaine	0	0	0	N/A

²⁶ Refers to reports of contraband but did not necessarily result in a seizure.

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TOTAL SEIZURE INCIDENTS, cont'd.				
	2020	2021	NO. CHANGE	% CHANGE
Heroin	0	2	+2	Infinite
Gang Paraphernalia	0	0	0	N/A

Contraband 2 - ECCF Contraband Seizures 2020 & 2021

A review of the above contraband statistics reflects several areas of concern. Incidents of contraband seizures increased, in some cases significantly, in 15 of 19 contraband categories tracked from 2020 to 2021. Concerning contraband weapons, “shanks” seizures increased by 148% from 2020 to 2021, when “shanks” were seized in 102 incidents. Regarding cellular telephones and related accessories, cell phone seizures increased by 10% (11 incidents in 2021), while charger seizures increased 300% (32 incidents in 2021). Excessive batteries seizures increased a staggering 2300%.

With reference to illicit substances, incidents of excessive medication increased by 400%; “K2” (synthetic designer drugs that are intended to mimic THC, the main psychoactive ingredient of marijuana)²⁷ incidents rose from 4 in 2020 to 18 in 2021, accounting for a 350% increase; and although there were only 2 seizures of heroin in 2021, there were none in 2020. Tobacco product seizures also increased 1000%, with 2 incidents in 2020 and 22 in 2021.

Another area of concern, as referenced above, is that contraband seizures were not accurately tracked, resulting in inaccurate statistics on which counter-contraband strategies may be based.

On the positive side, incidents of mailroom contraband seizures dropped by 54% from 2020 to 2021, apparently due to the utilization of the VeroVision™ Mail Screener, which will be detailed herein.

²⁷ See D.E.A. Drug Fact Sheet. [Drug Fact Sheet: K2/Spice \(dea.gov\)](https://www.dea.gov/drug-fact-sheets/k2-spice).

Review of ECDOC SOPs:

A survey of all ECDOC SOPs currently in effect revealed the following directly impacted the potential for contraband control. The SOPs were reviewed and appeared comprehensive, however, some areas of concern were noted, as indicated below.

- Contraband & Search of Inmates / ICE Detainees SOP

The primary ECDOC SOP concerning contraband is SOP PS.CUS.046, entitled *Contraband and Search of Inmates / ICE Detainees and Facility*. A review of the above SOP revealed it to be comprehensive with a great deal of specificity with respect to the procedures involved in the searching of ECCF inmates and facilities to thwart contraband. Reference is made in the SOP to adhering to the provisions of ECDOC SOP PS.ADM.038, entitled *Processing and Control of Evidence*, when personnel encounter contraband that was determined to possibly result in criminal charges. Contraband is defined in the SOP to include “electronic communication devices” that include cellular telephones. However, **the primary SOP is lacking in definitive procedures concerning the tracking of seized contraband or the investigation surrounding the circumstances of the seizure.**

- Processing & Control of Evidence SOP

Accordingly, ECDOC SOP PS.ADM.038 (*Processing and Control of Evidence*) was also reviewed. That review revealed it also to be comprehensive and specific with reference to the actual proper handling of evidence (to which contraband may be included). However, again, **there is no definitive delineation as to the investigation of the circumstances surrounding the contraband's seizure.**

During an interview with the Supervisor of the Internal Affairs Bureau concerning the seizure of items of contraband, it was determined that all contraband seized is given an incident number, a report is generated by the involved officer, the contraband is placed in an evidence bag and sealed, the bag is given an evidence control number, and the sealed bag is placed in a temporary evidence control depository that only IAB

have access to. The contraband is removed by the IAB evidence custodian and logged into the IAB evidence room where it is maintained.

This would indicate that protocols are already in place within the IAB that would allow for the tracking of all contraband seized as all contraband must be handled as evidence and maintained by the Special Investigations Division (of which the IAB is assigned under) through the correlation of Case and Incident Report numbers.²⁸

If the contraband was recovered from an inmate, then the inmate would be charged with institutional charges unless the contraband involved a weapon or a significant quantity of drugs. **Except for those contraband incidents involving a weapon or significant quantities of drugs, neither the IAB nor the Disciplinary Unit would not conduct any investigations into the contraband seizure. Similarly, if the contraband was seized in a common area and not tied to an inmate, then the IAB would not conduct an investigation. There does not appear to be any centralized tracking of contraband seized in the ECCF, nor an in-depth investigative follow-up excepting those instances involving a weapon or a significant quantity of drugs.**

- Security at Facility Entry Points SOP

The SOP indicated that the ECDOC utilizes metal detectors for all persons entering the ECCF, to include sworn and civilian personnel and visitors, to interdict contraband.

The SOP indicates that all personnel entering the ECCF, to include visitors, staff employees, contractors, vendors, etc., must clear a walk-through CellSense metal detector and their belongings scanned by an x-ray machine and/or searched. Contingency plans for persons with medical conditions and persons who fail any of the screenings are also indicated.

²⁸ See ECDOC SOP PS.ADM.038, Section V.H.6, which states, "In cases where non-criminal contraband has been seized, the SID shall maintain control of such until the case is disposed of." and Section V.H.7, which states, "All criminal evidence shall be retained by the SID."

This SOP also defines “contraband,” however, **with reference to cellular telephones, the language is vague in that cellular telephones (and related devices) are referenced only as “electronic communications devices.” The language could be clearer to avoid any confusion.** The SOP also delineates that contraband is prohibited in inner-security areas. Through interviews, it was determined that all ECCF employees (to include sworn officers) are prohibited from possessing personal cellular telephones in the inner-security areas, pursuant to this SOP. Each security post has a listing of specified ECCF personnel authorized to possess County-issued cellular telephones in all areas, pursuant to an internal ECCF order. Authorized personnel include members of the Executive Staff, Captains, Doctors, etc.

Pursuant to ECDOC SOPs and representations by ECDOC Executive Staff, **pat-down searches are only conducted on staff members with reasonable suspicion and not done randomly.**

- Body Imaging Scanner SOP

The SOP indicated that the ECDOC has two (2) body imaging scanners for use at the ECCF for the interdiction of contraband by inmates.

- Cellsense/Ferromagnetic Detection (FMD) SOP

The SOP indicated that the ECCF utilizes scanning technology to detect contraband that has ferrous metal characteristics (i.e., cellular telephones, weapons with metal composition, etc.).

- Facility Perimeter Inspections SOP

The SOP was found to be comprehensive in addressing the potential for contraband that could be left at the ECCF’s perimeter. The SOP indicated that perimeter inspections must be completed at least once each shift.

- Visit Control Officer – Post Order SOP

The SOP addressed the potential for the introduction of contraband into the

ECCF by visitors. It specifically delineated the following procedures both pre- and post-visit: *“Conduct a pat search and wristband inspection of all inmates/ICE Detainees prior to granting them access to the contact visiting area;”* and *“Conduct a strip search of all inmates/ICE Detainees at the end of the contact visit session in accordance with applicable policy and document the search accordingly.”*

- Security Checkpoint Officer – Post Order SOP

The SOP specifically delineated the conducting of a search of their assignment area both at the start and end of their respective shifts, as well as the conducting of frequent and unannounced security inspections on the day and night shifts to control the introduction of contraband.

- Inmate/ICE Detainee Mail SOP

The SOP addressed contraband in the ECCF with reference to inmates’ mail in the searching of incoming mail and packages.²⁹

- Tool Control Officer SOP:

The SOP addressed contraband in the ECCF by delineating the conducting of a search of their assignment area both at the start and end of their respective shifts, as well as the conducting of frequent and unannounced security inspections on the day and night shifts to control the introduction of contraband.

- Corrections Officers – Visit Lobby SOP

The SOP addressed contraband in the ECCF with reference to visitors at the ECCF. It specifically delineated that, *“All persons accessing the ECCF may be subjected to searches including, but not limited to:*

a. Metal Detector walk through

b. Wand Scan

²⁹ See N.J.A.C. 10A:3-6.9.

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c. Search of persons

d. Pat Search

e. Inspection of packages, briefcases, handbags, folders, lunch boxes, any hand carried property

f. Hi-scan X-ray screening of all bags and

g. K-9 searches.”

- Contact Visit Officer – Post Order SOP

The SOP addressed the potential for the introduction of contraband into the ECCF by contact visitors.

Review of American Correctional Association (ACA) Reaccreditation Standards & Proofs

The American Correctional Association (ACA) Commission on Accreditation for Corrections Standards Compliance Reaccreditation Audit of the ECCF dated June 2019 was reviewed.³⁰ With specific reference to Section 2C (Contraband), the report reflected 131 incidents involving contraband within the prior 12 months. The audit revealed that the ECCF received a 100% compliance for mandatory standards and a 97.9% compliance for non-mandatory standards. None of the non-mandatory standards that did not conform concerned contraband. The report did indicate that the ECCF does not operate a canine unit. It was learned that although the ECCF does not have its own detection canines, it has adequate and multiple resources for detection canines from other law enforcement agencies (i.e., Essex County Sheriff's Office, FBI, etc.) when needed.

Review of N.J. Department of Corrections (NJDOC) Annual Inspection Report

In August of 2021, the NJDOC conducted an inspection of the ECCF for CY2020,

³⁰ See American Correctional Association (ACA) Commission on Accreditation for Corrections Standards Compliance Reaccreditation Audit of the Essex County Correctional Facility dated June 10-13, 2019.

in accordance with the provisions of N.J.A.C. 10A:31-1, et seq. A review of that inspection report, with specific reference to contraband, was conducted. The ECDOC was deemed compliant in the following categories that referenced contraband:

- Item No. 8.2(b): *“Staff at each facility shall develop and implement a comprehensive written plan governing searches of facilities and inmates.”*
- Item No. 8.3(a): *“All inmates admitted to an adult county Correctional facility shall be thoroughly searched in accordance with the applicable provisions of N.J.S.A. 2A:161A-1, et seq., and this subchapter.”*
- Item Nos. 8.4(a) through 8.7(d): Concerning situations where strip and cavity searches are authorized.
- Item No. 8.8(a): *“All inmate residential, work, training and other areas to which inmates have access shall be searched thoroughly for contraband on a routine, continuing basis. Searches shall be unannounced and irregularly timed and limited to a specific building or area.”*
- Item No. 8.8(d): *“Items which are not permitted in the facility shall be confiscated and placed in a secure storage area.”*
- Item No. 8.8(g): *“All vehicular traffic and supplies entering the facility shall be thoroughly searched by a custody staff member.”*

However, a review of the 2021 NJDOC Inspection Report for the ECCF revealed that the ECCF was found non-compliant in 1 area that has potential to impact contraband. Specifically, § 8.9(d), page 31, stated:

“All security perimeter doors, Center Control entrances and block doors shall remain secure except during the use or in an emergency situation.

Documentation/Policy & Procedures: PS.CUS.028 Master Control Operations. NOTE: Security perimeter doors remained open consistently throughout the facility.”

Investigations of Seizures of Contraband

It was determined that incidents of seized contraband have the potential to be investigated by three (3) different entities in the ECCF, depending upon the circumstances surrounding the seizure. The first being the line CPOs and Supervisors. These would normally involve minor inmate infractions, such as possessing “soft” contraband. Soft contraband is defined as “nuisance” items that do not pose a direct and immediate threat to safety but have the potential to create dangerous or unsanitary conditions in the facility based on the quantity.³¹ Investigations would be documented through incident reports with the inmate possibly being charged administratively. The incident reports would be available on the ECCF computer system after being scanned.

The second entity investigating contraband violations is the Internal Affairs Bureau (IAB), which is a unit in the Criminal Investigations Division (CID). IAB investigations concerning contraband are usually limited to ECDOC personnel smuggling contraband into the ECCF and incidents involving inmates found possessing weapons or large quantities of illicit drugs. Neither the IAB nor the CID are advised of all contraband violations or seizures.

The last ECDOC entity that would investigate contraband violations in the ECCF is the Criminal Intelligence Bureau (CIB). Their scope of responsibilities for contraband violations is involving inmates, however, CIB’s investigations are routinely initiated as the result of criminal information received. If the investigation determines criminality or the involvement of ECDOC staff members, then the investigation is relinquished to the IAB. A fuller assessment of the CIB will be delineated further in this larger assessment.

This would indicate that protocols are already in place (albeit not computerized) within the IAB that would allow for the tracking of all contraband seized as all contraband must be handled as evidence and maintained by the Special Investigations Division (of

³¹ See ECDOC SOP *Contraband and Search of Inmates/ ICE Detainees and Facility* (PS.CUS.046).

which the IAB is assigned under) through the correlation of Case and Incident Report numbers.³²

If the contraband was recovered from an inmate, then the inmate would be charged with institutional charges unless the contraband involved a weapon or a significant quantity of drugs. **Except for those contraband incidents involving a weapon or significant quantities of drugs, neither the IAB nor the Disciplinary Unit would not conduct any investigations into the contraband seizure. Similarly, if the contraband was seized in a common area and not tied to an inmate, then the IAB would not conduct an investigation. Lastly, it was determined that** in the majority of the cases that IAB is involved for seized contraband cellular telephones, IAB would not normally conduct a forensic examination of the seized cell phone but rather would contact the interested agency (i.e., FBI for federal prisoners or the Prosecutor's Office) depending on the type of charges the responsible inmate was incarcerated for. Occasionally, the IAB would conduct a forensic examination.

A review of the IAB case logs for 2020 and 2021 revealed that that unit investigated seven (7) cases involving contraband in 2020 and three (3) in 2021. The fact that the IAB investigated 3 contraband cases in 2021, while ECDOC records reflected a total of 222 contraband seizures for 2021, that included 102 "shanks" (makeshift knife), 11 cellular telephones, and 23 seizures of illicit drugs, gives pause for concern.³³

CONTRABAND CRITICAL FINDING NO. 1: A critical finding of this assessment determined that although the ECDOC does currently track contraband seizures, there is not a protocol or strategy established for the centralized investigation of such seizures or a formal, comprehensive and ongoing compilation and analysis of criminal intelligence with specific reference to contraband seizures.

³² See ECDOC SOP PS.ADM.038, Section V.H.6, which states, "In cases where non-criminal contraband has been seized, the SID shall maintain control of such until the case is disposed of." and Section V.H.7, which states, "All criminal evidence shall be retained by the SID."

³³ Refer to Contraband Seizure Table – Contraband 2 in this assessment for details.

Currently, contraband seizures may be investigated by custody supervisors, IAB, or CIB, depending on the circumstances involved.

CONTRABAND CRITICAL FINDING NO. 1 RECOMMENDATION: It is recommended that the Criminal Intelligence Bureau (CIB) [recommended to be the Criminal Intelligence Unit under the Professional Standards Bureau] be formally tasked as the primary unit to coordinate contraband-related investigations, with the notification of all contraband seizures; the investigation of all significant contraband seizures; and the compilation of all criminal intelligence for the ECCF, that would include contraband, for proper analysis, evaluation, and dissemination, in accordance with 28 CFR Part 23. In the event of an investigation of CIB that would indicate potential involvement of ECDOC personnel, it is recommended that the matter be referred to IAU but the investigation be conducted jointly with any criminal intelligence / information made available to CIU personnel for intelligence gathering purposes.

It is further recommended that contraband seizures continue to be comprehensively and accurately tracked by a designated unit for statistical purposes and the outcomes be tracked through the use of the CorrStat reporting mechanism.

Lastly, it is further recommended that the primary ECDOC SOP addressing contraband (i.e., PS.CUS.046) be revised to reflect definitive procedures for the tracking and investigation of contraband-related matters. It is additionally recommended that the ECDOC SOP for Processing & Control of Evidence be similarly revised.

Review of ECCF Contraband Control Protocols

It was reported that the ECDOC attempts to counter the introduction of contraband into the ECCF through intelligence gathering, routine searches, strategic searches, utilization of the body imaging scanner, and metal detection technology for the inmate population. It was additionally learned that ECDOC personnel employ x-ray for packages and personal property, magnetometer / CellSense technology and pat down searches (with reasonable suspicion) for personnel and visitors. Lastly, it was reported that vendors, contractors, and volunteers all have background checks

completed before visits are approved by the ECDOC Alternative to Incarceration (ATI) Unit. **Delaney Hall staff's background checks are completed by GEO, the parent company.**

Inmate Processing for Contraband

The processing of inmates for contraband is conducted pursuant to the provisions of ECDOC SOP PS.CUS.046 (Contraband & Search of Inmates/ICE Detainees & Facility) and PS.CUS.069 (Body Imaging Scanner). During a site visit to the intake section of the ECCF, an inmate was observed executing the procedures relating to contraband upon entry. The facility's metal detectors (of which the inmate was subject to two (2) separate devices) and the body imaging scanner were observed. Additionally, the inmate's personal property was also physically searched and inspected for contraband.

Security Camera System

During the course of this assessment, it was determined that there are a number of blind spots in the ECCF's security camera system. The IAB Supervisor related that he had identified approximately 70 such blind spots and forwarded them to administration, who is purportedly purchasing additional cameras to address the problem. In response to a written questionnaire concerning contraband at the ECCF, **the ECDOC Executive Staff related that there were blind spots identified in the last survey that was conducted within the last 90 days.** The survey had been completed by all Wardens, Captains, and the Lieutenant in the IAB. It was reported that one (1) blind spot in the ECCF kitchen was immediately remediated and further, a purchase order was placed for additional security cameras.

TAG personnel received documentation of price quotes for 90 additional security cameras and accessories for the ECCF. It was explained that this number included cameras to address 73 identified blind spots, along with additional cameras to be purchased as spares. ECDOC personnel also indicated that installation had already begun.

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CONTRABAND CRITICAL FINDING NO. 2: During this assessment, it was determined that there are a significant number of blind spots in the facility's security camera system. This is an area of concern not only impacting the counter-contraband efforts, but also the safety of ECDOC staff and inmates alike. If, during the course of follow-up to this assessment's submission, remediation of the facility's blind spots has not been accomplished, TAG will recommend the acquisition and implementation of body worn cameras (BWCs) for ECDOC staff members.^{34 35}

CONTRABAND CRITICAL FINDING NO. 2

RECOMMENDATION: It is recommended that additional security cameras be purchased and implemented.

Documentation has been received from the ECDOC reflecting that they have received a price quote for the purchase of approximately 90 new security cameras, along with necessary accoutrements. However, definitive documentation indicating the actual purchase and installation is still pending.



Contraband 3-Perimeter

Regarding security camera coverage of the ECCF perimeter, it was determined from written questionnaire responses that **there were no known blind spots at the time, however, an audit would be conducted of the facility's outside areas to determine blind spots and correct as required.**

TAG personnel requested and received downloaded security camera footage covering the ECCF perimeter, visitors' access security point, employees' security entry point, and various access points for vendors, contractors, etc. These downloads covered various dates, days of the week, and shifts in the recent past.³⁶ Random reviews of these

³⁴ See U.S. Dept. of Justice, Bureau of Justice Assistance, NJDOC Body-Worn Camera Expansion Project; awarded grant funding for BWCs. [NJDOC Body-Worn Camera Expansion Project | Bureau of Justice Assistance \(ojp.gov\)](#).

³⁵ See NJDOC Press Release: [New Jersey Department Of Corrections Implements Body Worn Camera Project](#). [NJ DOC Letterhead](#).

³⁶ ECDOC security camera system only has the capacity to store video for approximately 30 days unless specifically downloaded.

downloaded videos were conducted. The following results were indicated.

- ECCF Perimeter:

A review of random video of the ECCF perimeter were reviewed juxtaposed with the dates and times found on ECDOC Facility Perimeter Tour Reports. ECDOC uniformed personnel were observed conducting perimeter inspections in compliance with the applicable ECDOC SOP.

- Vendor / Contractor Entrance Security Points:

Downloaded security camera video of varying dates, days of the week, and shifts were reviewed. Due to the positioning of the cameras, it was not possible to definitively determine if vendor / contractor vehicles and persons are properly being screened comprehensively. However, on a number of occasions, CPOs were observed conducting screenings of vehicles / occupants.



Contraband 4-Vendor Vehicle Screening

- Employees Entrance Security Point:

During a site visit, TAG personnel observed the CellSense machine (ferrous metal detector) and the x-ray scanner located at the employees' entrance to the facility, located on the eastern portion of the facility. (See images below).



Contraband 5 - X-Ray Device



Contraband 6 - CellSense Device

A review of security camera video for random dates, days of the week, and shifts were reviewed for the employees' entrance security point and employees were found to predominantly comply with the approved screening process however, the following exceptions were noted:

- Infrequent employees would bypass both screening devices unchallenged.³⁷
- Numerous employees were observed proceeding through the CellSense device wearing / carrying hats and carrying extra clothing, neither of which were screened other than for ferrous metal.³⁸
- During the infrequent occasion that an employee could not successfully navigate the CellSense device and required electronic handheld wand by the security CPO, the employee would only be scanned in the torso area and not the lower extremities. Additionally, none of the employees failing to navigate the CellSense device were patted down or a Supervisor notified.³⁹

³⁷ This is in conflict with ECDOP SOP PS.CUS.054, Security at Facility Entry Points

³⁸ *Ibid*, Sect. IV.C.1.

³⁹ *Ibid*, Section IV.C.3.

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- Civilian employees pushing carts were successfully screened for their persons, but their carts were not fully screened.⁴⁰

CONTRABAND CRITICAL FINDING NO. 3: ECDOC staff members were found not to be fully compliant with all aspects of the security screening procedures in accordance with ECDOC SOP PS.CUS.054.

CONTRABAND CRITICAL FINDING NO. 3 RECOMMENDATION: It is recommended that security point personnel receive remedial training to comply with provisions of SOP PS.CUS.054.

It is further recommended the Internal Affairs Bureau (or the Inspection Unit, if implemented) routinely spot monitor the ECCF security camera footage at the employee entrance security control points for compliance with the applicable SOPs.

It is further recommended that the ECDOC create and strictly enforce a singular point of entry for all employees.

- Visitor Lobby:
A random review of the security camera footage at the Visitors' Lobby, located on the south side of the facility, on varying dates, days of the week, and shifts revealed that visitors to the ECCF appeared to be properly screened, in accordance with ECDOC SOP PS.CUS.054.

⁴⁰ *Ibid.*



Contraband 7-Visitors Being Screened at Visitor Lobby

CONTRABAND CRITICAL FINDING NO. 4: On a number of occasions, apparent ECDOC employees (some were in uniform while others were in civilian attire) were observed bypassing the visitor lobby entrance screening devices (located to the left of the security desk) and proceeding directly to the right of the security desk unchallenged and entering the facility. Some of the observed personnel were observed carrying bags, clothing or drink containers, which were also not screened.

CONTRABAND CRITICAL FINDING NO. 4 RECOMMENDATION: It is recommended that the Internal Affairs Bureau (or the Inspection Unit, if implemented) routinely spot monitor the ECCF security camera footage at the employee entrance security control points for compliance with the applicable SOPs and to further counter the introduction of contraband into the ECCF.

ECDOC Senior Staff was advised of this critical finding and stated that he would immediately implement procedures to mitigate the situation. Further, they stated that they would furnish TAG with the specifics of the mitigation steps taken. Receipt of documentation is pending.

Visitors Lobby Contraband Warnings

It was determined during this assessment that the introduction of contraband into the ECCF by direct contact visits was significantly curtailed due largely in part to the ramifications of the COVID-19 pandemic. This resulted in no contact visits since March

of 2020 and it was determined that the facility is beginning to reinstate the protocol of direct visits, to include with legal counsel. Regarding non-contact window visits with inmates, that protocol only recently resumed as of April 13, 2022.⁴¹ Prior visits were done remotely through video.

During the course of this assessment, the main visitor entry area was surveyed, and it was determined that, although there were postings advising certain items are prohibited, **there were no postings prominently displayed definitively stating that it is prohibited and a crime to provide contraband to inmates.**

Inmate Visits With Attorneys

Attorney in-person visits with inmate clients only recently resumed effective April 11, 2022.⁴² **It was learned during this assessment that inmates are not scanned for contraband upon returning from an attorney visit.**

CONTRABAND CRITICAL FINDING NO. 5: Inmates are scanned following visits with persons other than an attorney. Since they never leave the facility, inmates are only patted down.

CONTRABAND CRITICAL FINDING NO. 5 RECOMMENDATION: It is recommended that inmates be strip searched in accordance with N.J.S.A. 10A:31-8 upon returning from visits with attorneys.

It was reported that prior to the suspension of non-contact window visits due to the pandemic, contraband was being introduced by visitors by way of removal of the caulking material around the windows themselves. Countermeasures were employed to remediate the problem.

⁴¹ See ECDOC Website, *The County of Essex, New Jersey | Corrections (essexcountynj.org)*.

⁴² *Ibid.*

Inmate Mail

The ECCF has two (2) mail rooms that are utilized to screen incoming inmate mail. The first is the Legal Mail Room, which handles all mail marked as legal documents. The other is the Regular Mail Room, which handles all other mail concerning the inmates. **The Legal Mail Room is staffed with one (1) lone full-time CPO**, while the Regular Mail Room is staffed with three (3) full-time CPOs and one (1) fill-in CPO. The two (2) mail rooms are not contiguous to each other. TAG was advised that the protocols they follow were pursuant to ECDOC SOP PS.CUS.006.29 (Mail Room Officer). Both Mail Rooms are staffed weekdays between 6:00 A.M. and 2:00 P.M. The staff for both Mail Rooms report to the Inmate Services Sergeant.

As part of a site visit for this assessment, the Legal Mail Room was visited and the lone officer in the secluded room was interviewed. The staff utilize gloves and masks as personal protection equipment (PPE); however, **although the staff has been trained in the use of Naloxone (Narcan), pursuant to ECDOC training records, Naloxone was not available in the Legal Main Room. Naloxone is a life-saving medication that can reverse an overdose from opioids, including heroin, fentanyl, and prescription opioid medications.**⁴³ This is particularly noteworthy in that illicit opioids have been involved in correctional contraband smuggling and incidental overdoses of law enforcement personnel have been documented.⁴⁴ **Another area of concern noted is that there is only one (1) staff member alone in the Legal Mail Room. In the event of an incidental exposure / overdose, the staff member's safety may be in peril. TAG members were advised by the ECDOC Executive Staff that Naloxone (Narcan) is not issued to the custody staff as the ECCF has an easily accessible medical staff available 24 hours daily who would respond to such incidents as incidental exposure / overdose. The medical staff are the only staff members issued Naloxone and it is located in their assigned areas.**

⁴³ Centers for Disease Control and Prevention (CDC). *Lifesaving Naloxone* (cdc.gov).

⁴⁴ National Institute of Health. *Health Effects from Unintentional Occupational Exposure to Opioids among Law Enforcement Officers: Two Case Investigations - PMC* (nih.gov).

CONTRABAND CRITICAL FINDING NO. 6: During a site visit to the ECCF Legal Mail Room, as well as from interviews conducted of ECDOC personnel, it was determined that there is only one (1) staff member assigned to process incoming purported legal mail and that person is alone in a closed office. Nationally, law enforcement personnel have been documented as having experienced incidental exposures and overdoses due to opioid-treated materials. In the event of an incidental exposure, staff members may be in peril. Although the ECCF has medical staff available to respond around the clock in the event of an incidental overdose by staff members, the immediate availability of Naloxone in critical non-medical areas can only increase the chances of a favorable disposition for a staff member inadvertently affected.



Contraband 8 -VeroVision Mail Screener.

CONTRABAND CRITICAL FINDING NO. 6 RECOMMENDATION: It is recommended that there either be additional personnel assigned to other duties in the same room or the Legal Mail Room be merged with another larger area so the assigned personnel are not alone in the event of an incidental exposure/overdose.

It is further recommended that all sworn and medical personnel be trained in the administration of and be issued Naloxone (Narcan), with specific emphasis on any personnel that may contact incoming mail (both legal and regular). This would include personnel assigned to both mail rooms and personnel assigned to IAB and CIB. All personnel should continue to receive formal training in the administration of and issued Naloxone (Narcan), a medication approved by the Food and Drug Administration (FDA) designed to rapidly reverse opioid overdose. In addition, Naloxone should be provided at each of the locations in the ECCF where a potential exposure/overdose may occur.

The ECDOC currently utilizes one (1) VeroVision™ Mail Screener for detecting illicit substances in inmates' incoming mail. The VeroVision™ Mail Screener uses powerful imaging spectrometers and modern sensor technology to target distinct illicit drugs and

common cutting agents found in mail items⁴⁵ (see image below). Currently, the machine is located in the Legal Mail Room, while the mail processed in the Regular Mail Room does not have any automated illicit substance screening capabilities, nor does the facility have any portable illicit substance screening capabilities for use in the custody areas.

Cellular Telephones

As previously indicated, the ECDOC currently has an SOP in effect that prohibits the possession of personal cellular telephones in inner-security areas by ECDOC staff.⁴⁶ As indicated previously in this assessment, each security post has a listing of specified ECCF personnel authorized to possess County-issued cellular telephones in all areas, pursuant to an internal ECCF order. Authorized personnel include members of the Executive Staff, Captains, Doctors, etc.

During this assessment, it was determined that the ECDOC does not utilize any cellular telephone jamming or counter-contraband technology for illicit cellular telephones, as they are prohibited by Federal Communications Commission (FCC) regulations. However, it should be noted that there is current technology available that is sanctioned by the FCC that involves the use of a Contraband Interdiction System (CIS) for use in the submission of qualifying requests for the disabling of contraband wireless devices in correctional facilities.⁴⁷

Additionally, the ECDOC does not utilize cellular detection equipment in the custody areas as they were found to be ineffective due to the significant presence of metal interference in the ECCF structure.

⁴⁵ See [Verovision™ Mail Screener For Correctional Facility Mail Inspection \(chemimage.com\)](http://chemimage.com).

⁴⁶ See ECDOC SOP PS.CUS.054, *Security at Facility Entry Points*.

⁴⁷ See FCC, *Wireless Telecommunications Bureau Provides Guidance For Filing Contraband Interdiction System Certification Applications And Self-Certifications*, GN Docket No. 13-111. [ECFS - Download File DOC-5f7266b0e1000000-X.pdf \(fcc.gov\)](http://ecfs.fcc.gov)

It is recommended that the ECDOC staff continue to aggressively conduct cell searches in attempts to detect various items of contraband to include illicit cellular telephones.

Drones and “Throw-Overs”

In recent years, federal, state, and local correctional facilities have encountered numerous attempts to smuggle contraband into prisons via drones, which can carry significant amounts of dangerous contraband.⁴⁸ In fact, a conspiracy was successfully prosecuted recently involving the use of drones to smuggle various items of contraband into a New Jersey Federal prison.⁴⁹ However, during interviews for this assessment, an official stated that the ECCF does not have a problem with the introduction of contraband through the use of drones or “throw-over” incidents at the ECCF, as the outside inmate recreation area is in the interior of the facility surrounded by institutional buildings and covered by fencing and it would not be accessible anywhere near the facility perimeter. He did state that “throw-over” incidents by outside persons have occurred at Delaney Hall. That area of concern was addressed in the assessment of Delaney Hall. “Throw-over” incidents involve the actions of an individual outside the correctional facility covertly throwing items of contraband over the facility’s perimeter fence for inmates to retrieve.

Notification Procedures

It was determined that all contraband seizure incidents are documented through the submission of incident reports prepared by the CPOs involved. The ECDOC Executive Staff are advised of all contraband seizures on a daily basis through the preparation of a briefing form (a sample was displayed during a site visit), as well as

⁴⁸ See *Audit of the Department of Justice’s Efforts to Protect Federal Bureau of Prisons Facilities Against Threats Posed by Unmanned Aircraft Systems*. *Audit of the Department of Justice’s Efforts to Protect Federal Bureau of Prisons Facilities Against Threats Posed by Unmanned Aircraft Systems*.

⁴⁹ See U.S. DOJ Press Release. *Former Inmate Admits Role in Scheme to use Drones to Smuggle Contraband into Fort Dix Federal Prison | USAO-NJ | Department of Justice*.

through an “unusual custody report.” Additionally, it was determined that the Executive Staff may redundantly be advised via group texting if the matter was significant.

Although there was no formal annual reporting of contraband seizures to the Executive Staff, the implementation of the CorrStat program will serve in its place.

Criminal Intelligence Bureau



Contraband 9 - Criminal Intelligence Bureau

During the course of conducting this assessment for contraband issues in the ECCF, it was deemed prudent to include an additional assessment of the Criminal Intelligence Bureau (CIB), as it plays a key role in combatting the problem of contraband in the facility through its development of criminal intelligence.

Intelligence Overview

Intelligence in the correctional environment is "selectively processed information that is of strategic value in making informed decisions regarding security management."⁵⁰ Although security management and the safety of correctional personnel are paramount, other factors are also relevant in favor of aggressive and legal criminal intelligence gathering operations. These include the safety of other inmates; the development of both strategic and operational / tactical intelligence products; the recognition of policies / tactics / training that must be modified in light of

⁵⁰ See *Federal Prisons Journal, The Uses of Intelligence.*” [124114NCJRS.pdf \(ojp.gov\)](#)

developing behaviors of inmates; and the prevention and resolution of criminal incidents. Without evaluation, collation, skillful analysis, and appropriate dissemination, collected intelligence is worthless.⁵¹ Once analyzed, intelligence must be disseminated internally, and when appropriate externally, to the proper end-users. It is vital that strategic intelligence be conveyed in a timely manner to the ECDOC Executive Staff, while tactical / operational intelligence be made available for utilization by designated personnel. ECDOC Executive Staff stated that they have increased their intelligence efforts to better enable them to proactively address security issues in the ECCF, thus resulting in a possible reduction of security incidents and assaults on both CPOs and other inmates.⁵²

CIB Background

The ECDOC reinstated the Criminal Intelligence Bureau (CIB) in September of 2020. The purpose of the CIB was to develop criminal intelligence within the ECCF, to include matters involving criminal gangs, institutional security, general criminality, and contraband. If during the course of developing criminal intelligence the CIB develops information concerning contraband, then they will initiate an investigation. However, if the investigation uncovered involvement of ECDOC staff or criminality, the entire investigation is turned over to members of the Internal Affairs Bureau (IAB).

Standard Operating Procedures (SOP)

It was learned that there is no SOP currently in effect that the CIB utilizes as a guiding document. This was confirmed upon a review of the ECDOC SOP table of contents. A review of the Attorney General Guidelines on the Collection, Handling, Storage and Dissemination of Intelligence in New Jersey states that a criminal justice agency may place information in an intelligence system and disseminate intelligence

⁵¹ See U.S. DOJ, *Law Enforcement Intelligence - A Guide for State, Local, and Tribal Law Enforcement Agencies* (3rd Ed.), Chapter 3. *Law Enforcement Intelligence* (ojp.gov).

⁵² See Essex County Civilian Oversight Task Force Annual Report 2021, Appendix B, Written Responses by ECDOC Director Ortiz, January 19, 2022, Question 12.

only if the agency has adopted written policies and procedures consistent with these guidelines.⁵³

CIB Staffing and Chain of Command

The CIB is currently staffed by four (4) sworn CPOs. **They all report directly to the Warden, as there is no first-line Supervisor assigned, although it was learned that the administration has intentions of assigning a Sergeant to the unit.** The CIB primarily works weekdays from 8:00 A.M. - 4:00 P.M., although they modify their schedule as the needs of the unit present themselves. Schedule recommendations are included herein.

CIB Training

Through interviews, it was determined that **only one (1) of the staff assigned to the CIB has any investigative training and none of the staff have criminal intelligence-specific training.** The Attorney General *Intelligence Concepts* Guideline states that a criminal justice agency may place information in an intelligence system and disseminate intelligence only if the head of the agency has designated and trained an intelligence professional (officer or analyst) to act for the agency as set forth in these guidelines.⁵⁴

CONTRABAND CRITICAL FINDING NO. 7: It was determined during this assessment that the majority of the personnel assigned to CIB lack formal investigative training.

CONTRABAND CRITICAL FINDING NO. 7 RECOMMENDATION: It is recommended that the ECDOC seek presentations by the Essex County Prosecutor's Office (ECPO) legal staff on the criminal charging of individuals, as well as instruction from ECPO supervisory personnel with the ECPO Intelligence Unit. It is further recommended that the personnel assigned to CIB receive formalized basic investigative training, to include criminal gang training, evidence handling, and technical training (i.e., cellular telephones, inmate tablets, video visits, etc.).

⁵³ See Attorney General Guidelines on the Collection, Handling, Storage and Dissemination of Intelligence in New Jersey, Sect. II.A.1. *C:\Documents and Settings\dcj\Local Settings\Temp\AG Guidelines Signed Version.wpd (nj.gov).*

⁵⁴ *Ibid.* Sect. II.A.2.

CIB Offices and Recordkeeping

The security of all official records is unquestionably important. However, certain official records, particularly criminal intelligence files, are of such a sensitive nature that enhanced security is crucial. The security of criminal intelligence records for law enforcement agencies in New Jersey are governed by the provisions of Attorney General Guidelines on the Collection, Handling, Storage and Dissemination of Intelligence in New Jersey, specifically, Section II.F.⁵⁵

A site visit revealed that the CIB offices are segregated from other ECCF offices in the facility and access to the CIB offices and files are physically restricted to CIB personnel. During the site visit, the CIB office entrance was found to be locked, even though it was occupied by CIB personnel.

The CIB maintains a formal case management system for each investigation initiated. The files are hard copy files, which are sequentially numbered by year. A computerized spreadsheet of all investigations is also maintained. The contents of the files are ultimately digitally scanned and maintained in the ECCF computer system. All files are redundantly backed up to an external hard drive. However, access to the computerized CIB files is restricted to CIB personnel. Concerning the records management of the CIB records, it was determined that **although the CIB maintains organized files, which are also computerized, the system is not advanced in the indexing and collating of information gathered, thus making querying and retrieval an arduous task.**

CIB Caseload

The CIB initiated 40 investigations in 2020 (note: the unit formed in September 2020) and 70 investigations in 2021. Specifically concerning the investigation of contraband in the ECCF, the CIB investigates certain contraband incidents but not all.

⁵⁵ *Ibid.* Sect. II.F, et seq.

Similarly, they are not formally notified of all contraband seizures. Rather, members of CIB proactively review the prior day's incident reports for any information relevant to CIB, to include contraband seizures.

CIB Criminal Intelligence Records Protocols

During a site inspection to the CIB offices, and as a result of interviews with the Commanding Officer of the CIB and CIB staff, it was determined that the CIB compiles various forms of criminal intelligence pursuant to their official duties and responsibilities.

The CIB just recently started to track the dissemination of criminal intelligence products. This is required pursuant to Attorney General Guidelines on the Collection, Handling, Storage and Dissemination of Intelligence in New Jersey.⁵⁶ CIB personnel do not formally rate the reliability of the criminal information that is compiled; they do not indicate the degree of sensitivity in handling of the information; and they do not mark the information for suspense dates to review or purge.⁵⁷

CONTRABAND CRITICAL FINDING NO. 8: Although the ECDOC has a viable criminal intelligence gathering capability, it is lacking significant control protocols, specifically, those that comply with the requirements of Attorney General Guidelines on the Collection, Handling, Storage and Dissemination of Intelligence in New Jersey⁵⁸ and the federal 28 CFR Part 23, Criminal Intelligence Systems Operating Policies.⁵⁹

CONTRABAND CRITICAL FINDING NO. 8 RECOMMENDATION: So as to adopt a best practices methodology to criminal intelligence gathering, as well as allay potential liability issues, it is recommended that the ECDOC develop and implement an SOP that mirrors the provisions delineated in the *Attorney General Guidelines on the Collection, Handling, Storage and Dissemination of Intelligence in New Jersey*, as well as Federal

⁵⁶ *Ibid.* Sect. II.E, et seq.

⁵⁷ *Ibid.* Sect. II.C, et seq.

⁵⁸ See *Attorney General Guidelines on the Collection, Handling, Storage and Dissemination of Intelligence in New Jersey C:\Documents and Settings\dcj\Local Settings\Temp\AG Guidelines Signed Version.wpd (nj.gov)*.

⁵⁹ See *eCFR :: 28 CFR Part 23 -- Criminal Intelligence Systems Operating Policies*.

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regulations found in 28 CFR Part 23, *Criminal Intelligence Systems Operating Policies*.

As a minimum, the SOP should address the following:

- Designation by the ECDOC Director of a trained intelligence professional to act for the ECDOC;
- Training of all ECDOC personnel who would have access to the criminal intelligence system (i.e., 28 CFR Part 23).
- Delineated collection protocols and restrictions;
- Proper classification, dating, reviewing, and purging;
- Proper secure storing with restricted access;
- Analysis protocols; and
- Dissemination protocols, to include an audit trail / dissemination log.

It is further recommended that all CIB and IAB personnel receive training that conforms with all provisions of both the *Attorney General Guidelines on the Collection, Handling, Storage and Dissemination of Intelligence in New Jersey*, as well as Federal regulations found in 28 CFR Part 23, *Criminal Intelligence Systems Operating Policies*, at the earliest possible opportunity.

It is further recommended that the ECDOC seek training, monitoring, and auditing compliance from the Essex County Prosecutor's Office, Intelligence Unit, as delineated in the referenced Attorney General Guidelines (Section III).

Additionally, as indicated elsewhere in this assessment, it is recommended that the CIB be renamed as the Criminal Intelligence Unit and be reassigned under the newly reorganized Professional Standards Bureau, the details of which will be delineated in the "Review of Internal Affairs" section of this assessment.

The CIB does not document confidential informants, rather they are handled as undocumented sources of information. In addition to gathering criminal intelligence from inmate sources of information, the CIB employs the follows intelligence gathering techniques through reviews of:

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- Inmate telephone calls
- Inmate tablets
- Inmate mail
- Identities of persons placing money into inmate accounts
- Emergency contact information for inmates
- Visitor logs

The CIB reported a limited interaction in the exchange of information with the Hudson County Correctional Facility and the Newark Police Department but is **lacking in interaction with other law enforcement agencies with criminal intelligence capabilities.**

It was learned that CIB personnel **are not involved in any forensic examinations of seized contraband cellular telephones, as those matters are handled by IAB personnel.** Similarly, **CIB personnel are not provided with any intelligence-related data found on the devices, if forensically examined. CIB personnel are also not authorized to criminally charge anyone as all charging is conducted by IAB personnel.**

Contraband Assessment Summary

The ECDOC, through investigations spearheaded by their own units, has had success in policing their own, as indicated by the arrests of two (2) of their sworn officers at the ECCF in separate incidents for allegedly smuggling contraband into the facility in the recent past.^{60 61} In spite of this success, it was clearly evident that contraband in the ECCF continues to be a significant problem and has increased exponentially, based upon the review of the contraband seizure incidents statistics for 2020 and 2021. During the course of this assessment, interviews were conducted with members of the ECDOC Executive Staff that indicated that the introduction of certain categories of contraband (i.e., illicit drugs, cellular telephones, tobacco) must be coming

⁶⁰ Open media source. See *Essex County Corrections Officer from Newark Charged With Smuggling Contraband into County Jail | Newark, NJ News TAPinto.*

⁶¹ Open media source. See *another corrections officer at N.J. jail charged with smuggling contraband - nj.com.*

from outside the facility and being smuggled in by rogue employees or vendors/contractors.

Clearly, increased enforcement with the screening protocols for employees and outside personnel is crucial to assisting in thwarting the infiltration of contraband into the facility. Additionally, the recent implementation of the Criminal Intelligence Bureau is a significant step in counter-contraband efforts. The development of criminal intelligence is vital to not only the counter-contraband efforts but also to the overall security of the facility. The cultivation of criminal intelligence is such a target-rich environment only makes sense.

It was further determined that there appears to be a **noted lack of coordination in the internal sharing of criminal intelligence and information both internally, with the various units within the ECCF, as well as externally, with various law enforcement agencies with criminal intelligence gathering capabilities.** Additionally, although there is a newly implemented computerized contraband tracking system within the ECCF, **there is not a centralized and uniform protocol for the investigation of contraband incidents.**

MISCELLANEOUS CONTRABAND RECOMMENDATIONS

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 1:

- In an attempt to counter the increase in contraband seizures and in the increase in attacks on ECCF staff members, it is recommended that an intelligence-led strategy be pursued in conjunction with increased random and targeted cell searches to enhance the seizures of contraband and possibly reduce potential incidents of violence and assaults.
- It is further recommended that the ECDOC develop, design, and implement a protocol for the daily pre-planned searches of a targeted location that varies day-to-day.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 2:

- It is recommended that ECDOC SOP concerning Security at Facility Entry Points

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(PS.CUS.054) be revised to provide clearer and more succinct language concerning cellular telephone being prohibited in secure areas of the facility.

- It is recommended that ECDOC SOPs concerning Contraband and Search of Inmates and Facility (PS.CUS.046) and Control of Evidence (PS.ADM.038) be revised to delineate the designated and coordinated of contraband seizure investigations.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 3:

- In a further attempt to counter the problem of contraband being introduced into the ECCF, it is recommended that coordination be pursued with the Essex County Prosecutor's Office and the County Counsel's Office to determine the feasibility of instituting random pat down searches of ECDOC staff members in conjunction with existing protocols in effect.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 4:

- In an attempt to counter the introduction of contraband in Delaney Hall, it is recommended that the ECDOC Internal Affairs Bureau conduct the background investigations of all employees at Delaney Hall.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 5:

- Concerning the security camera system for the ECCF perimeter, it is recommended that an audit be conducted at the earliest opportunity to conclusively determine if any blind spots are present and remediate at the earliest opportunity.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 6:

- It is recommended that the ECDOC prominently post written warnings in all visitor areas that the introduction of specified contraband into the ECCF and to an inmate is prohibited, criminal, and strictly enforced.⁶²

⁶² See *N.J.A.C. 10A:3-6.8*.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 7:

- In an effort to interdict contraband in inmates' mail and documents, it is recommended that an additional VeroVision Mail Screener be purchased to handle mail in the regular mail room (to augment the one currently in use in the legal mail room). It is further recommended that the second VeroVision device be portable in nature so as to be utilized remotely in the various custody areas during targeted searches, thus further enhancing the facility's counter-contraband efforts.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 8:

- It is recommended that research be conducted by the ECDOC into the potential obtaining / utilization of cellular telephone mitigation technology and hardware, sanctioned by the FCC, to thwart illicit use by inmates.^{63 64}

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 9:

- It is recommended that an SOP be drafted as the guiding policy for the Criminal Intelligence Unit, as well as for the proper handling, classification, marking, storage, and dissemination of criminal intelligence products, as indicated in the Attorney General Guidelines on the Collection, Handling, Storage and Dissemination of Intelligence in New Jersey and the federal 28 CFR Part 23 – Criminal Intelligence Systems Operating Policies.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 10:

- It is recommended that a Sergeant be assigned to the Criminal Intelligence Bureau (CIB) as a first-line Supervisor at the earliest opportunity.

⁶³ See Federal Communications Commission (FCC), *Putting an End to Illegal Cell Phone Use in Prisons*. [Microsoft Word - Combating Contraband Cell Phones in Prison Handout v4.doc \(fcc.gov\)](#).

⁶⁴ Potential grant funding is available through the U.S. DOJ/BJA and can be used to support projects related to preventing, detecting, seizing, and/or stopping the presence and use of contraband cellphones by detainees and inmates. This includes the purchasing of managed access systems and other mitigation technologies (as permitted by applicable law). See [Edward Byrne Memorial Justice Assistance Grant \(JAG\) Program | Overview | Bureau of Justice Assistance \(ojp.gov\)](#).

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 11:

- It is recommended that a comprehensive computerized database be developed / purchased for use by the Criminal Intelligence Bureau (CIB) for the proper indexing and collating of their investigative and criminal intelligence files.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 12:

- So as to enhance the criminal intelligence gathering capabilities, it is recommended that consideration be given to expanding the duty hours of the Criminal Intelligence Bureau (CIB) to include the manning of the evening shift on a routine basis.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 13:

- It is recommended that the Criminal Intelligence Bureau (CIB), in addition to the Internal Affairs Bureau (IAB), be notified of all contraband seizures.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 14:

- In an effort to enhance the criminal intelligence gathering and sharing capabilities of the Criminal Intelligence Bureau (CIB), it is recommended that the CIB Supervisor proactively develop liaisons with various other law enforcement agencies that have criminal intelligence faculties. These agencies would include the Essex County Prosecutor's Office, Intelligence Unit; the Newark Police Department, Real Time Crime Center;⁶⁵ the New Jersey State Police, Regional Operations & Intelligence Center (ROIC);⁶⁶ the FBI Joint Terrorism Task Force (JTTF);⁶⁷ the New York/New Jersey High Intensity Drug Trafficking Areas (NY/NJ HIDTA);⁶⁸ and the MAGLOCLLEN network.⁶⁹ Information obtained inside the ECCF may directly relate to crimes and incidents in the various jurisdictions

⁶⁵ See *Newark Police Division*: (newarkpublicsafety.org).

⁶⁶ The NJSP ROIC also issues criminal intelligence advisories in real-time to law enforcement agencies. See *New Jersey Regional Operations & Intelligence Center (NJ ROIC) | New Jersey State Police*.

⁶⁷ See *Joint Terrorism Task Forces — FBI*.

⁶⁸ See <https://www.hidtaprogram.org/summary.php>.

⁶⁹ The mission of the Regional Information Sharing Systems (RISS) Program (parent organization of MAGLOCLLEN) is to assist local, state, federal, and tribal criminal justice partners by providing adaptive solutions and services that facilitate information sharing, support criminal investigations, and promote officer safety. See *RISS Overview - Regional Information Sharing Systems*.

outside of the facility and the timely sharing of that information may reduce crime and may positively impact outside criminal investigations and prosecutions.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 15:

- It is recommended that the Special Investigations Division and the Criminal Intelligence Bureau, when appropriate, conduct forensic analyses on contraband cellular telephones seized to cull intelligence.⁷⁰
- It is further recommended that when forensic analyses are conducted on contraband cellular telephones seized in the ECCF by outside agencies, that the results of the forensic examinations be requested and forwarded to the CIB for intelligence gathering.

CONTRABAND MISCELLANEOUS RECOMMENDATION NO. 16:

- It is recommended that a protocol be established and implemented through an appropriate SOP that would authorize CIB personnel to charge inmates criminally, when warranted. The caveat to this recommendation is that the CIB personnel preemptively receive proper criminal charging training and it is coordinated with the IAB and the established ECDOC chain of command.

REVIEW OF INTERNAL AFFAIRS FUNCTIONS

As part of the overall assessment of the Essex County Correctional Facility (ECCF) by The Ambrose Group, LLC (TAG), TAG personnel were specifically detailed to conduct an assessment of the Internal Affairs function of the ECCF. The period of this assessment was for the years of 2020 and 2021 so as to provide a two-year snapshot of the agency.

Findings of this review of the Internal Affairs Function are documented throughout this assessment with areas of concern highlighted in red font, with recommendations listed at the conclusion of this section.

⁷⁰ The benefits and difficulties regarding forensic examinations of contraband cell phones is discussed in *Cell Phone Forensics in a Correctional Setting: Guideline* (U.S. DOJ, National Institute of Corrections). [Cell Phone Forensics in a Correctional Setting: Guidebook | National Institute of Corrections \(nicic.gov\)](#)

Background

During this assessment, it was determined that the Internal Affairs Function within the ECCF is a bifurcated process, in those disciplinary matters at the ECCF that are determined to be, or have the potential to be, criminal in nature or a major discipline incident are investigated by the Internal Affairs Bureau (IAB). Alternately, incidents that are suspected or determined to involve minor discipline are handled by the Disciplinary Unit (DU), excepting inmates. **Disciplinary matters handled by the IAB and DU are done independent of each unit supervisor.**

Once each incident is fully investigated, then the function is again united, in that all investigative findings, along with recommendations for discipline, are forwarded to the DU for disposition and the administration of the discipline, if applicable, as determined by the ECCF Director (major discipline) and Warden (minor discipline), respectively.

As the DU handles minor discipline matters and the administration of discipline for both units, the DU was also involved in this assessment.

It was determined that as of September 7, 2022, there was a backlog of 477 minor disciplinary matters still pending; 3 from 2020, 61 from 2021, and 413 from 2022.

Major and Minor Discipline

For reference, major and minor discipline are delineated herein. ECDOC SOP No. PS.ADM.002 (revised September 2021) and entitled “*Employee Discipline Procedures*” is the guiding document concerning discipline. The SOP states that major discipline would include removal, disciplinary demotion, suspension or fine for more than five (5) working days at any one time. N.J.A.C. 4A:2-2 is referenced, and a review of that statute revealed that it is the New Jersey Civil Service Commission statute that defines major discipline. The SOP comports with the statute.⁷¹ The SOP states, “*The causes for major disciplinary actions shall be violations of ECDOC policy and procedures,*

⁷¹ See ECDOC SOP No. PS.ADM.002 & N.J.A.C. 4A:2-2.2.

ECDOC rules and regulations, policies of the County of Essex, violations of N.J.A.C. 4A:2-2 and/or criminal acts. Only the Director can impose a major disciplinary action upon an ECDOC staff member.”

Minor discipline is defined in the SOP as including formal written reprimand and suspension/fine of up to five (5) working days. The SOP further states, *“The causes for minor disciplinary actions shall be violations of ECDOC policy and procedures, ECDOC rules and regulations, policies of the County of Essex, violations of N.J.A.C. 4A and/or criminal acts. Minor disciplinary action may be imposed by the Director or his designee.”*

Concerning acts involving inmates that may result in discipline, inmate conduct is delineated in the ECDOC *Inmate Handbook and Disciplinary Rulebook*, which is issued to all inmates upon initial entry processing. Section 16 delineates the disciplinary process for inmates with specific sections for minor and major violations and sanctions.⁷²

Scope of Responsibilities and Staffing of the IAB and DU

Internal Affairs Bureau (IAB)

A review of ECDOC SOP No. PS.ADM.009, entitled *Internal Affairs Standard Operating Procedures*, states that the IAB duties and responsibilities include the following:

- The coordination and control of all complaints against department personnel and preparation of charges and specifications against personnel when warranted.
- Investigations and review of all allegations of misconduct by member of the Department of Corrections.
- Pre-employment personnel investigations.
- Preliminary investigations on complaints emanating from the judiciary.
- Special investigations of confidential nature as assigned by the department Director or Warden.

⁷² See *ECDOC Inmate Handbook & Disciplinary Rulebook*, Section 16 et seq. for details.

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- Special assignments as ordered by the department Director and/or Warden.
- Coordination of investigations involving the discharge of firearms by department personnel.
- Preparation of appropriate reports and analysis as required in the performance of IAB functions.
- Review investigations and dispositions of all inmate complaints.
- The ECDOC performs a criminal background record check of current employees.
- Consultation with the local Joint Terrorism Task Force (JTTF), and/or another similar agency, on all terrorism matters.

On numerous occasions, members of TAG conducted interviews of the Supervisor of the Internal Affairs Bureau (IAB) of the ECCF, who holds the rank of Lieutenant. The scope of responsibility for the IAB is the investigation of major discipline / criminal internal affairs complaints involving sworn personnel, civilian personnel, and inmates,⁷³ to include allegations of employee misconduct that have occurred during non-duty hours and outside the confines of the ECCF.

Additionally, the IAB also conducts background investigations for retired corrections officers who have applied for permits to carry firearms. **Another ECDOC unit, Alternatives to Incarceration (ATI), is responsible for the background investigations of all civilian employees and sworn officer candidates and the ECDOC Recruitment Unit is responsible for background investigations of inter-governmental transfer sworn officers.** At times, IAB personnel will accompany Recruitment Unit personnel to review transfer officers' personnel files.

The IAB is also responsible for the processing and maintaining of all evidence seized within the ECCF and during IAB investigations. Lastly, the IAB is also responsible for random drug testing for sworn personnel, as well as drug testing for all ECDOC employees attending the Corrections Academy.

⁷³ See N.J.A.C. 10A:31-16.1, et seq., *Disciplinary Procedures*.

It was learned that there are currently five (5) sworn officers currently assigned to the IAB full-time. A sixth IAB officer is presently and permanently detached to an FBI Task Force and does not carry an IAB caseload. There is only one supervisor in the unit and has 26 years of experience at the ECCF, reassigned to IAB in 2020. TAG reviewed caseload statistics for the IAB over the last ten (10) years and determined that the average number of matters handled annually by IAB personnel were approximately 147 cases per year and remained relatively steady over that time period.

TAG noted that there is no support or clerical staff in the IAB to assist in the processing of reports and other administrative duties, such as administering the IA Pro computerized program already possessed by IAB for tracking IA cases, albeit not presently utilized.

The hours of operation for IAB are weekdays from 5:00 A.M. to 5:00 P.M., with IAB personnel available after duty hours on an on-call basis. The supervisory Lieutenant reports directly to the ECCF Director.

Through interviews, it was determined that the IAB Supervisor holds daily, albeit informal, meetings with the IAB but not formalized or scheduled staff meetings.

Disciplinary Unit (DU)

Numerous interviews were conducted with the Supervisor of the DU. The DU oversees the investigations of minor disciplinary matters at the ECCF, with the exception of those involving inmates, which are handled administratively and do not involve either the IAB or the DU. The investigations of minor discipline are conducted by the supervisors involved in the offending employee's chain of command and overseen by the DU Supervisor. The DU further monitors attendance issues at the ECCF, to include employee lateness and sick time abuse through the use of a computerized program and paper logs and applies to all employees.⁷⁴ Those matters are governed by ECDOC SOP PS.ADM.003 (Attendance Control). Three or more late/sick incidents will trigger a

⁷⁴ See ECCF SOP # PS.ADM.003, Attendance Control.

referral for potential disciplinary action. The DU further facilitates the administration of all discipline matters with the ECDOC Director and ECCF Warden, respectively. The DU is supervised by a Supervisor and staffed with one (1) additional sworn officer. The DU Supervisor reports directly to the ECCF Director and ECCF Warden, depending upon whether the actions involve major or minor discipline.

TRAINING OF IAB AND DU PERSONNEL

Internal Affairs Bureau (IAB)

Concerning the training qualifications of the IAB personnel, it was learned that all six (6) sworn personnel assigned have completed the N.J. Basic Corrections Academy.⁷⁵

Three of the personnel have completed the N.J. Basic Course for Investigations (BCI), while the IAB commander has completed the Modified BCI Course.⁷⁶ Lastly, all IAB personnel attended the prescribed Internal Affairs Course.⁷⁷ IAB personnel receive annual Internal Affairs legal update training, with the last update being received in October of 2020. That training was provided by the ECPO PSB.

A favorable finding was that a review of the ECDOC Training Unit master training schedule for 2022 revealed that there were a number of mandatory in-service training subjects scheduled for sworn personnel that would be specifically applicable and beneficial to both the IAB and DU staffs. These include:

- Domestic Violence.
- Standards of Conduct/Code of Ethics.
- Workplace Violence.
- Evidence Preservation.

⁷⁵ Required pursuant to NJAC 10:31-5.3(g), which states that custody staff shall complete the Police Training Commission (P.T.C.) approved course at a P.T.C. approved school. See also, NJSA 52:17B-68.1.a, et seq.

⁷⁶ See NJSA 52:17B-69.2.c, which states, "Prior to permanent appointment, a person appointed as an investigator in the Department of Corrections shall satisfactorily complete a basic course for investigators approved by the Police Training Commission."

⁷⁷ N.J. Attorney General Law Enforcement Directive 2020-7, Internal Affairs Policy & Procedures (IAPP), Section 4.2.4, states, "Initially upon assignment, and on an ongoing basis, these investigators should receive training in internal affairs and disciplinary procedures, including training required by the Division of Criminal Justice."

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- Use of Force Review & Update.
- Inmate/Detainee Rules & Regulations.
- Report Writing/Logbook Entries.
- Rights & Responsibilities of Inmates.

Disciplinary Unit (DU)

During an interview with the DU Supervisor, it was learned that **the personnel assigned to the DU only had on-the-job training from other unit personnel and that neither had any investigative or internal affairs training.** This was verified upon review of training documents provided during this assessment. Internal affairs training is crucial to a comprehensive investigation of complaints, albeit minor disciplinary matters, as well as the administration of discipline. This contention is supported by Section 4.3.2 of the Attorney General Internal Affairs Policy and Procedures, which states, *“Each County Prosecutor shall ensure that each agency within the Prosecutor’s jurisdiction implement and maintain a system of ensuring appropriate training for all personnel involved in the agency’s internal affairs function.”*⁷⁸ It is further supported by the U.S. Department of Justice, *Standards & Guidelines for Internal Affairs.*⁷⁹

Facilities and Equipment

Internal Affairs Bureau (IAB)

It was determined through interviews that the IAB has the IA Pro computerized Internal Affairs tracking program, but it is not currently utilized. During a site visit, the IAB file storage areas were inspected and found to be cramped and disorganized (see images below).

⁷⁸ *Ibid.*

⁷⁹ See U.S. DOJ, *Standards & Guidelines for Internal Affairs.* [cops-p164-pub.pdf \(usdoj.gov\)](#).

*IAB File Storage Room 1**IAB File Storage Room 2*

It was determined that as a result of the IAB files and records having previously been moved from a larger storage area to the current smaller areas, **it is cumbersome and time-consuming to expeditiously locate needed documents**. The rooms were found to have been properly secured, with the IAB staff having exclusive access. At the same time, the IAB evidence was surveyed and found to be properly secured with key locks and security cameras. Again, it was learned that only select IAB staff have access.

Disciplinary Unit (DU)

A site visit to the DU was conducted by TAG personnel and the offices were found to be adequate for the two (2) personnel assigned to the Unit. The DU Supervisor stated that the Unit was sufficiently equipped.

American Correctional Association (ACA) Accreditation Report

Concerning accreditation status for the ECCF, the facility is currently accredited by the ACA through June 2022, with the ECCF last receiving accreditation in June of 2019. A review of the ACA Accreditation Audit Report, dated June 10-13, 2019, revealed that the **ECCF received a 100% compliance for mandatory standards and a 97.9%**

compliance for non-mandatory standards. None of the non-mandatory standards that did not conform concerned the Internal Affairs Function.

New Jersey Department of Corrections (NJDOC) Inspection Report

In August 2021, members of the NJDOC inspected the ECCF in general for compliance with NJDOC standards for inspection year 2020. The results of the inspection report revealed that the ECCF was compliant for all standards that impacted the Internal Affairs Function, specifically:

- Inspection Item 14.2(a) concerning the standard: *“Inmates shall be protected by adult County correctional staff from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.”*
- Inspection Item 14.2 (c) concerning the standard: *“Appropriate disciplinary action shall be taken against facility staff who engages in abusive behavior and, when necessary, these cases will be referred to the county prosecutor.”*
- Inspection Item 14.4 concerning the standard: *“A written grievance procedure shall be afforded to all inmates which shall include at least one level of appeal.”*
- Inspection Item 16.9(a) concerning the standard: *“An investigation of the infraction shall be conducted within 48 hours of the time the Disciplinary Report is served upon the inmate, unless there are exceptional circumstances for delaying the investigation.”*

Standard Operating Procedures (SOPs) and Forms

All IAB and DU personnel have access to all ECDOC SOPs through the agency’s computerized network. In addition, interviews revealed that personnel are trained in the more significant SOPs relevant to internal investigations. All new employees must also sign for receipt of the agency’s SOPs. Any new SOPs disseminated must be physically signed for by all employees.

Internal Affairs Bureau (IAB)

TAG members were furnished with a copy of the SOP for the IAB function (Codification # PS.ADM.009). It was stated that the IAB also follows the current Attorney General Directive on Internal Affairs Policy and Procedures (IAPP). The current ECCF SOP for Internal Affairs only references the current IAPP with language concerning the notification to the Prosecutor's Office and the time frames involved in the review of the matter by the Prosecutor's Office. Although the ECDOC is not required to follow the Attorney General IAPP referenced above, TAG personnel were advised during the course of this assessment that the EC DOC IAB was, in fact, following the IAPP provisions. TAG has included and referenced the IAPP throughout this report both as a best practices model and as a means to delineate those provisions of the IAPP that the ECDOC were not complying with, albeit voluntarily. Accordingly, TAG recommends that the ECDOC follow all Attorney General Directives and Guidelines, to include the IAPP, as they are applicable to corrections and Correctional Police Officers (CPOs).⁸⁰

No reference is made to procedures for receipt and handling of complaints, protocols to be followed concerning investigation of complaints, or for legal considerations, all definitively delineated in the IAPP. Reference was made in the SOP to the following documents: Contraband and Search of Inmates and Facility (PS.CUS.046); Processing and Control of Evidence (PS.CUS.038); and Attorney General Directive 2010-1, Guidelines for the Retention of Evidence.

⁸⁰ See New Jersey Attorney General Directive 2020-7, Directive Revising Internal Affairs Policy & Procedures.

It is important to note that TAG legal counsel subsequently advised the TAG interviewer that state and county correctional facilities are under no obligation to implement the provisions of the Internal Affairs Policy and Procedure (IAPP) but may do so of their own volition, with certain caveats. This appears to be supported by a review of N.J.A.C. 10A:31-1.2 (Adult County Correctional Facilities), which stated that the scope of this statute, "...shall be applicable to the New Jersey Department of Corrections, the Office of County Services, all adult county correctional facilities and facilities or units housing county inmates."⁸⁰ This advisement is made to clarify that, in spite of the ECCF not being obligated to implement the provisions of the IAPP, the IAPP is referenced in this assessment as a sound foundation for internal investigations and as a best practices reference.

Disciplinary Unit (DU)

It was determined that the DU follows ECDOC SOP PS.ADM.002, *Employee Discipline Procedures*. A review of the SOP revealed that it appeared to comport with the provisions of N.J.A.C. 4A:2-2, the New Jersey Civil Service Commission statute that concerns discipline. Additionally, the SOP appeared to be comprehensive in the delineation of responsibilities and procedures involved in the disciplinary process for the ECDOC.

Forms

Copies of forms routinely utilized by both the IAB and the DU for both minor and major discipline matters were reviewed and appeared to comport with N.J.A.C. 4A:2-2, the New Jersey Civil Service Commission statute that concerns discipline, as well as with the provisions of Attorney General Internal Affairs Policy and Procedures (IAPP).⁸¹

Case Management and Caseload Analysis

Internal Affairs Bureau (IAB)

TAG reviewed copies of the master logs for IAB for all investigations covering the period 2020 and 2021. Concerning the productivity of the IAB, a review of the case logs revealed that the unit handled 166 total matters in 2020 and 171 matters in 2021. **The IAB commander also carries an investigative caseload, a necessity that deprives him of the time to conduct the depth of review required of these investigations.** Presently, the IAB Supervisor's investigative caseload is nine (9) cases.

Of those totals, the unit handled 104 Internal Affairs cases in 2020 and 99 in 2021. The remainder of the matters each year involved inmate incidents, drug testing, miscellaneous civilian employee matters, and candidate issues. Concerning sworn personnel, the IAB handled 81 cases in 2020 and 71 cases in 2021.

⁸¹ See Attorney General Internal Affairs Policy & Procedures (IAPP). [IAPP-August-2020-Version.pdf \(nj.gov\)](#).

It should be noted that **deciphering the dispositions listed in the IAB paper case logs for 2020 and 2021 was problematic and further supports utilization of a computerized case management system.**

TAG inquired if the IAB had any “45-day rule” violations, which may be monitored by a computerized case tracking system and was informed by the IAB Supervisor that none had occurred as of the date of his assignment to IAB in February 2020.⁸² This provision is not applicable while criminal investigations are actively pending.

The IAB Supervisor reported that the average length of time of an IAB investigation is 45 to 60 days. A review of the IAB case logs for 2020 and 2021 revealed that the vast majority of the Internal Affairs investigations were conducted within the 45-day parameters and a number of the remaining had notations of pending criminal charges and/or investigation by or referral to another law enforcement agency, which would toll the 45-day rule.⁸³

Disciplinary Unit (DU)

For 2020, the DU handled 23 major disciplinary cases (referred from the IAB) along with 611 minor disciplinary cases for a yearly total of 634 disciplinary matters handled by the Unit, while in 2021, the DU handled 40 major disciplinary cases (referred from the IAB) along with 611 minor disciplinary cases for a yearly total of 651 disciplinary matters handled by the Unit. This would indicate that the total number of disciplinary matters (major and minor) handled by the DU from 2020 to 2021 remained relatively steady.

An analysis of unit workload from 2016 through 2021 revealed an annual increase each year. As a point of reference, the unit handled a total of 431 disciplinary matters in 2016 as compared to a total of 651 disciplinary matters in 2021, an increase of 51% over a

⁸² For reference, *N.J.S.A. 40A:14-147, et seq.* states that a complaint charging a violation of the internal rules and regulations established for the conduct of a law enforcement unit shall be filed no later than the 45th day after the date on which the person filing the complaint obtained sufficient information to file the matter upon which the complaint is based.”

⁸³ *Ibid.* States that commencing a criminal investigation into the subject matter of an internal affairs complaint will suspend the 45-day rule pending the disposition of that investigation.

six (6) year period. All of the matters handled by the DU in 2020 and 2021 for minor discipline involved sworn personnel with the exception of two (2) civilians in 2020.

It is noteworthy that there was a **117% increase in missed training matters from 2020 to 2021 (2020: 41; 2021: 89)**. In addition, there was a **23.6% increase in attendance-related disciplinary matters** from 2020 to 2021 (2020: 317; 2021: 392), though the COVID-19 pandemic may have influenced these statistics.⁸⁴ Conversely, from 2020 to 2021, there were noted decreases in the following critical areas:

- Conduct: 100% decrease (2020: 1; 2021: 0).
- Neglect of Duty: 100% decrease (2020: 6; 2021: 0).
- Insubordination: 50% decrease (2020: 6; 2021: 3).
- Performance of Duty: 100% decrease (2020: 3; 2021: 0).
- Refusing Overtime Mandate: 55.3% decrease (2020: 197; 2021: 88).

A review of the case logs for the DU revealed that there were 5 minor disciplinary matters dismissed in 2020 which were listed as “Violation of Due Process (VODP).” That number of VODP dismissals rose to 25 for 2021. **This would account for a 400% increase in VODP dismissals.** During interviews, it was learned that a significant number of the dismissals were the result of the DU personnel not being able to properly serve the offending employee with a Notice of Discipline within the 45-day prescribed time period. Rationale was usually the employee was on leave (i.e., military), however some of the complaints were not received by the DU within the mandated time.

It was additionally determined that the DU Supervisor must personally serve notices of discipline to all employees charged, which involves all shifts.

Based upon interviews and a review of furnished documentation, the DU processed 611 minor discipline matters for 2021. Concerning records management, all complaints received are logged into the Unit. However, **it was learned that minor disciplinary matters were not logged until after a review with the ECCF Warden. Once charges were**

⁸⁴ Includes various sick and lateness-related matters and AWOL matters.

authorized by the Warden, the matters would be logged, and proceedings started. On rare occasions, the Warden would administratively dismiss referred matters.

Once a disciplinary hearing was completed or waived, the disposition would be noted in the DU logbook. It was revealed that matters that had an actual disposition of exonerated, not sustained, or unfounded were simply listed as "Dismissed" in the DU log book.

It is important to note that the Attorney General Internal Affairs Policy and Procedure (IAPP) states,

"All internal affairs complaints shall be recorded in the index file. Entries should record each case's basic information, including the subject officer, allegations, complainant, date received, investigator assigned, disposition and disposition date for each complaint. A unique case number assigned to each internal affairs complaint will point to the complete investigation file's location and will simplify case tracking."⁸⁵

In addition, another section of the IAPP states,

"The internal affairs function shall maintain a comprehensive central file on all complaints received, whether investigated by internal affairs or assigned to the officer's supervisors for investigation and disposition. In addition, internal affairs should establish protocols for tracking all complaints received by the agency and the conduct of all officers. The protocols must include criteria for evaluating the number of complaints received by the agency and the number of complaints filed against individual officers."⁸⁶

Major discipline matters are logged into a computerized program by the DU, which generates a weekly summary. Minor disciplinary matters are logged into a paper

⁸⁵ See A.G. Directive 2020-7, IAPP, Section 9.2.2. [ag-Directive-2020-7 Internal Affairs Policy and Procedures and Appendix.pdf \(nj.gov\)](#)

⁸⁶ See A.G. Directive 2020-7, IAPP, Section 4.1.6. [ag-Directive-2020-7 Internal Affairs Policy and Procedures and Appendix.pdf \(nj.gov\)](#)

logbook after it has been reviewed with the ECCF Warden. Disciplinary History Pages are created for incidents (major and minor) and each new referred incident is logged onto the form. Each ECCF employee has a file created, albeit some have no disciplinary entries. All disciplinary files, once completed by the Director or Warden (usually after a hearing is held or waived), are returned to the Unit for filing. Active and inactive disciplinary files for the past ten (10) years are stored at the Unit, with files dating further back are archived at Essex County facilities offsite. It is imperative that all discipline administered be done so equitably, timely, and impartially.

Case Tracking

As to whether the IAB or DU have a mechanism in place to track the length of time for investigations, as well as alerting if they are exceeding pre-established time thresholds, it was determined that they do not currently have such a system in place.⁸⁷ Neither unit has a formalized protocol for the tracking of disciplinary matters for time limitations for charging, status dates, or length of investigations and are only tracked through the review of paper logs and diligence.^{88, 89} Concerning an early warning system for complaints, it was stated that in the absence of a formalized tracking system, each unit personnel must check the offending individual's Disciplinary History Form each time a complaint is received.⁹⁰

⁸⁷ *Ibid.* States the tracking system should alert investigators & those responsible for management of the complaint process when deadlines are about to expire or have expired.

⁸⁸ N.J. Attorney General Law Enforcement Directive 2020-7, IAPP, Section 6.1 states, "It is vitally important that agencies complete internal affairs investigations in a prompt manner. Long, unnecessary delays do not simply create additional uncertainty for the subject officer; they can threaten the integrity of an investigation and the trust of the community."

⁸⁹ U.S. DOJ, Standards & Guidelines for Internal Affairs, Sections 1.6 and 3.6 also recommends complaint tracking through disposition for management of deadlines; automated, where feasible. [cops-p164-pub.pdf \(usdoj.gov\)](#).

⁹⁰ IAPP, Section 3.4.3, states, "Per AG Directive 2018-3 v2.0, also known as the "Early Warning Systems Directive," law enforcement agencies are required to implement a specific mechanism to track employee behavior, commonly known as an "early warning system." An early warning system should be designed to identify any pattern or practice by any member of the agency that warrants intervention or remediation before it develops into a more serious problem." Both IAPP and Directive 2018-3 list specific performance indicators that must be included in an early warning system. See also N.J. Attorney General Law Enforcement Directive 2018-3.

There is also no protocol currently in place mandating periodic status reports to the ECCF Director on pending investigations. Both of these points are delineated in the Attorney General's Internal Affairs Directive IAPP.⁹¹

Auditing of Minor Disciplinary Matters by IAB

It was learned that the IAB does not review any minor discipline complaints that are forwarded to the DU, in the event that a complaint initially forwarded as minor discipline may, in actuality, best be investigated as major discipline. Additionally, the IAB does not audit or inspect any ongoing or completed minor discipline matters handled by the DU.

Complaint Process and Investigation

Intake

Based upon the interview of the IAB Supervisor, TAG reviewed the protocols for the intake of public complaints. Complaints are received, both internally and externally, through any viable means (i.e., telephonically, email, letter, etc.), as well as anonymously. The IAB is staffed weekdays from 5:00 A.M. to 5:00 P.M., with an IAB investigator on-call the remainder of the time. Telephonic calls when the unit is not physically staffed are tracked a variety of ways. Messages may be left on unit telephones; the ECCF main call taker may accept complaints after hours, refer the caller to a shift commander to accept the complaint, or make arrangements for the on-call investigator to contact the complainant. The assignment of investigations to IAB investigators is based on the investigator's on-call status. A sample copy of an on-call schedule for the IAB for the period of December 20, 2021, through January 31, 2022, was provided, which reflected a weekly rotation of IAB personnel.

⁹¹ See, N.J.A.C. 10A:31, Sections 6.1.2 and 6.1.4, respectively.

Complaints Involving Executive Staff

It was also learned by TAG that **complaints involving the ECDOC Director, Warden, or other senior management staff members would be handled by the commander of IAB. Major or significant complaints involving executive leadership would be referred to the Essex County Office of the Inspector General (OIG).**⁹² Complaints of a criminal nature are referred to the Essex County Prosecutor's Office (ECPO) Professional Standards Bureau (PSB).

With reference to the referral of cases to the OIG, it was learned that the cases referred normally involve such allegations of sexual harassment, hostile work environment, and protected class harassment. The vast majority of the time, such cases are referred to the OIG, but the IAB has conducted some preliminary investigations and, if verified, then referred to the OIG. No matters involving criminality are reportedly referred to the OIG. Findings by the OIG are ultimately forwarded to the IAB and the ECDOC Director and Warden.

Case Management

Major disciplinary matters are investigated by IAB and referred to the DU for the administering of discipline, while minor disciplinary matters are initially investigated and referred by the offending employee's supervisor to the DU through the established chain of command for administering of discipline.

⁹² A.G. Directive 2020-7, IAPP, Section 5.1.8., states that complaints against a law enforcement executive, or a member of the executive's senior management team, may originate from a member of the public or from an employee of the agency. All such complaints shall be documented and referred to the County Prosecutor for review. If the subject of the Internal Affairs investigation is the Police Lieutenant, Police Director, Sheriff or Head of Internal Affairs, the County Prosecutor or the Attorney General's Office shall handle the investigation. The investigation may involve any type of alleged employee misconduct, as described in Section 4.1.3, and shall be conducted pursuant to Section 6 (Investigation of Internal Complaints). [AG-Directive-2020-7 Internal Affairs Policy and Procedures and Appendix.pdf \(nj.gov\)](#).

The DU Supervisor stated that he reviews referred minor discipline investigations⁹³ and if a minor discipline matter still needs further investigation after his review, the matter is sent back to the shift Captain for further investigation.

Upon the conclusion of an IAB internal investigation, recommendations are forwarded to the ECCF Disciplinary Unit.

Once all investigations are completed, reports of the investigations are compiled and forwarded by the DU Supervisor to the ECDOC Director for major discipline matters and to the ECCF Warden for minor disciplinary matters, along with recommendations. The DU Supervisor described the criteria for discipline recommendations as being on a case-by-case basis, as well as considering severity of the event, past history, and progressive discipline. If either the Director or Warden concurs with the recommendations for discipline, then the offending individual is served with charges or a Notice of Minor Disciplinary Action. He stated that although the ECCF employs progressive discipline, they do not have a discipline matrix.

From 2016 to the present, IAB files have been properly secured in the IAB offices, as per interviews. During previous years, files were stored in secured cells and offices at the ECCF. As noted previously, the file storage areas were found to be cramped and disorganized. Only IAB personnel have access to the storage areas. All IAB files and documents are paper records, with none electronically archived. The IAB files and records are reportedly maintained in accordance with the New Jersey Records Retention Schedule.⁹⁴ Concerning file management, TAG was told that by the ECCF IAB Supervisor that, in conformance with state retention schedules, IAB has not disposed of any files since February of 2020, the initial date of the Supervisor's assignment to IAB.

⁹³ Section 4.3.1 of the A.G. IAPP states, "Each agency shall ensure that officers assigned to the internal affairs function complete training as mandated by the Division of Criminal Justice." [ag-Directive-2020-7 Internal Affairs Policy and Procedures and Appendix.pdf \(nj.gov\)](#)

⁹⁴ See N.J. Dept. of the Treasury, Div. of Revenue & Enterprise Services, Records Retention Schedules No. C820000 (County Agencies General Records Retention Schedule) and No. C280000-002 (County Detention Center/Jail). [State of NJ - NJ Treasury - DORES Records Retention Schedules.](#)

It was learned that concerning requests from other law enforcement agencies requesting reviews of IAB files regarding prior ECCF employees applying for another law enforcement position, IAB requires that the requesting agency forward a written request on agency letterhead, after which IAB would then schedule a time when the requesting agency personnel would respond to the IAB offices and review the pertinent files. No copying of the files is permitted, only notetaking. Requests from law enforcement agencies to review prior ECCF employee IAB files involving criminal investigations require the issuance of a subpoena and coordination with County Counsel.

Evidence

With specific reference to **original statement recordings (disks), it was reported that these are maintained with the case file.**⁹⁵ IAB has the ability to monitor interviews/statements in real time through equipment in a room adjoining the interview room. The interview room is located within the IAB offices, which was inspected during a site visit. The IAB also has duplicating equipment for the copying of the disks.

Regarding evidence handling and storage procedures, IAB has a designated role identified as the Evidence Custodian. Only IAB personnel, through the Evidence Custodian, have access to IAB evidence. TAG received a blank sample of the Evidence/Property Log that IAB utilizes. **A review of the form revealed that although it is comprehensive in the documentation of the potential evidence seized, there is only one space available for the transfer of evidence items.** It was revealed during interviews that changes in the chain of custody are documented directly on the evidence bag, in addition to paper forms. However, as the paper forms have only limited space to document changes in the chain of custody, IAB personnel make new paper receipts when necessary. This protocol appears inefficient and redundant. The importance of an

⁹⁵ *Model Policy for Electronic Recording of Interrogations & Confessions (IACP) recommends the placing of the original interview recordings into evidence with copies maintained by the investigative unit.*

intact chain of custody of evidence is crucial to a successful disposition of an incident, whether it be criminal or administrative.^{96 97}

During a site visit, the IAB evidence room was surveyed and found to properly secured with key locks and security cameras and it was learned that only select IAB staff have access.

Coordination with the Essex County Prosecutor's Office (ECPO)

TAG learned that the ECCF IAB and the ECPO PSB maintain close communication and coordination on both the legal and investigative fronts. Concerning notifications, the IAB would usually email summaries to the PSB unless the incident or complaint was deemed critical. On such an occasion, direct contact with PSB would be made, with responses generally coming in the form of emails. Sworn officer-related complaints are investigated jointly with the ECPO PSB, but complaints involving civilian employees and inmates are conducted exclusively by the IAB.

With specific reference to domestic violence complaints involving ECCF personnel, it was reported that the protocol usually involves the initial notification from the local law enforcement agency. The IAB would then initiate an investigation while also notifying the ECPO Domestic Violence Unit for legal coordination and ultimate disposition. **The ECCF does not have a current SOP in place for investigation of domestic violence incidents. It is noteworthy that a review of the IAB case logs for 2020 and 2021 revealed there were eight (8) domestic violence matters investigated by the IAB for 2020 and seven (7) matters investigated in 2021. All of the matters involved sworn officers.**

⁹⁶ See ECCF SOP # PS.ADM.038 (Control of Evidence), Sections E – H, which states, in part, that the chain of custody must be clear and documented from time of discovery until trial.”

⁹⁷ See Attorney General Property and Evidence Function Guideline, which states that the law enforcement agency must specifically establish a system of documentation to track property from its receipt to its eventual disposition. <https://www.nj.gov/oag/dcj/agguide/propevid.pdf>.

Review of Internal Affairs Bureau (IAB) Investigations

TAG personnel conducted a site visit to the ECCF and reviewed a sampling of adjudicated IAB investigative files for 2021. The sampling included a variety of alleged violators (i.e., sworn officers, inmates, and civilians), as well as a diversity of alleged violations (i.e., officer and inmate misconduct, use of force, PREA⁹⁸, officer candidate urinalysis, and contraband). The ultimate findings also included all official categories (i.e., sustained, exonerated, not sustained, and unfounded), although the majority of the findings were sustained. A comprehensive review of the investigative case files revealed that the investigations were generally thoroughly conducted and well documented, along with timely investigations and reports. However, the following areas of concern were noted:

- In the files reviewed, there was no documentation of written initial or final notifications to either alleged target violators or complainants.⁹⁹
- There is no provision for review of investigative reports or findings submitted by the IAB Supervisor.
- Original security camera video footage (disks) and interview statements (disks) are frequently maintained in the investigative case file, as opposed to the originals being logged into evidence and copies maintained in the investigative case file. Reference to this point is also delineated in the “Evidence” section above.
- Instances of delayed referrals to IAB of alleged criminality were found, thus delaying the investigation onset by IAB.
- Numerous instances of no or delayed notification to the Essex County Prosecutor’s Office, Professional Standards Bureau on matters involving alleged criminality of sworn personnel.¹⁰⁰ Some of the files reviewed had proper

⁹⁸ PREA refers to Prison Rape Elimination Act.

⁹⁹ See Attorney General Internal Affairs Policy & Procedures, Sections 5.1.14., 6.2.4, 6.2.5, & 6.2.7. [IAPP-August-2020-Version.pdf \(nj.gov\)](#).

¹⁰⁰ *Ibid.* See Section 6.3.2.

notification noted.

- While some of the reviewed investigative files were thoroughly investigated and properly documented, others were uncovered that reflected a lack of investigative merit involving such points as:
 - Alleged offender not being interviewed.
 - Relying solely on the review of Incident Reports and not interviewing witness officers.
 - Lacking details in investigative reports.
 - No interviews of potential witnesses.
 - Untimely delays in the submission of investigative reports.
 - A number of significant delays in conducting investigations (i.e., initial interview of victim).
- Miranda warnings were not given on a number of occasions when target interviews were conducted.¹⁰¹ The rationale for this was explained as the complainant had declined to prosecute in writing or the investigation to date had not revealed a sustained finding.

All internal investigation interviews are purportedly conducted at an interview room located at the IAB offices, which is fully equipped with video and audio recording capabilities, although as previously reported in the Inmate Security section of this report, during a tour of the ECCF there were **observations by TAG members of an inmate interview conducted in full view of other inmates.**

Interviews revealed that **incidents involving sworn personnel that may have possible criminality involved may be investigated preliminarily by shift supervisors in an effort to determine criminality before it is referred to IAB for investigation.** Matters that clearly indicate criminality are referred immediately to IAB.

Based upon interviews, it was learned that sworn personnel who are under suspension are restricted from carrying their on-duty weapon, which would be surrendered until

¹⁰¹ *Ibid.* See Section 8, et seq.

disposition. Similarly, the sworn member would be restricted from being authorized to carry a personal firearm while off-duty pending disposition. This was further referenced in ECDOC SOP PS.CUS.002 (Firearms).¹⁰²

Review of Disciplinary Unit (DU) Investigations

TAG personnel also conducted a review of 25 minor disciplinary case files handled by the DU for 2020 and 2021. The cases involved a variety of minor discipline offenses.

The review revealed the following findings.

The positive findings indicated that there appears to be accountability for policy, rules and regulations violations, based on the type and volume of disciplinary matters handled by DU. Additionally, there was noted significant documentation to address minor disciplinary matters. Areas of concern included:

- 2 out of 8 Minor Disciplinary Matters from 2020 were missing 'Hearing Forms,' while 13 out of 17 Minor Disciplinary Matters from 2021 were missing 'Hearing Forms.'
- There appears to be no uniform complaint intake process.
- There appears to be no uniform investigative format for supervisors to follow, as it is the line supervisors who conduct the investigations for minor disciplinary matters and not the DU personnel.
- The 'Notification of Minor Disciplinary Action' form is being used for counseling, when the form is specifically intended for matters involving discipline of 'OWR' to 5 Days suspension. It is not intended for counseling or mediation.¹⁰³
- Emails are being used to make internal complaints.
- Charges listed in the 'Notification of Minor Disciplinary Action' form are clumped-up, whereas they should be enumerated (i.e., Charge 1; Charge 2; Charge 3; etc.).

¹⁰² See ECDOC SOP PS.CUS.002, Sections G.1 and K.13, et seq.

¹⁰³ See NJAC 4A:2, et seq.

THIS DOCUMENT IS SENSITIVE IN NATURE AND SHOULD NOT BE DISSEMINATED AS IT MAY POSE A BREACH OF SECURITY AT THE ESSEX COUNTY CORRECTIONAL FACILITY

- There is no initial complaint intake tracking mechanism.¹⁰⁴
- There is no formal training for supervisors on how to handle a complaint / investigation of personnel (internal matters generated by supervisors).

Early Warning System (EWS)

It was learned that IAB possesses the IPro computerized Internal Affairs tracking program, but it is not currently being utilized. Accordingly, the IAB does not have a computerized tracking or early warning system and tracks all matters informally by paper logs.^{105,106} The unit utilizes Case Log Summaries (paper) and does have access to the computerized logs maintained by the ECCF Disciplinary Unit but must be queried by name individually. Additionally, the IAB informally utilizes an early warning system only when ECCF personnel are involved in use of force incidents, as well as DWI, domestic violence, and assault incidents. Motor vehicle collisions are investigated if the incident involves a county vehicle. The "red flag" threshold is discretionary.

It is noteworthy that NJOAG has mandated that all law enforcement agencies adopt a tracking system to identify officers who display the requisite number of performance indicators necessary to trigger the early warning system review process. The Directive further mandated that fifteen different criteria be utilized to track personnel for the system. Additionally, the most recent revision by the NJOAG to IA policy and procedures also mandates the implementation of an early warning system.¹⁰⁷

As a point of reference, the NJOAG directive lists fifteen performance indicators that must be included in an EWS. When the ECCF EWS is triggered, the Director and Warden are notified.¹⁰⁸

¹⁰⁴ This area of concern was previously addressed in the Case Management and Caseload Analysis Section of this assessment of the Internal Affairs Function.

¹⁰⁵ IAPP, Section 3.4.3, states, "Per AG Directive 2018-3 v2.0, also known as the "Early Warning Systems Directive," law enforcement agencies are required to implement a specific mechanism to track employee behavior, commonly known as an "early warning system." The section further mandates 14 performance indicators that must be tracked with the Early Warning System, as well as any other indicators determined by the agency's chief executive. See also Attorney General Law Enforcement Directive 2018-3 v2.0 (Early Warning System Directive).

¹⁰⁶ U.S. DOJ, Standards & Guidelines for Internal Affairs, Section 1.6 recommends that tracking systems, preferably automated, be utilized to track complaints through final disposition.

¹⁰⁷ NJOAG, Internal Affairs Policy and Procedures, Section 1.0.9(k), revised August 2020.

¹⁰⁸ Ibid, Section 3.4.5.

These protocols currently employed with reference to an EWS are reactive at best, while the intent of an EWS is to be proactive.¹⁰⁹

Drug Testing

As to the process of drug testing, the ECDOC has an SOP currently in place for drug testing. That SOP was previously provided, and a review revealed it comported with Attorney General Directive 2018-2, Statewide Mandatory Random Drug Testing, issued March 20, 2018, and with Attorney General Guideline Law Enforcement Drug Testing Policy, revised December 2020.¹¹⁰ The IAB reportedly follows NJOAG directives and IAPP procedures. The IAB only conducts drug testing on sworn personnel and inmates. Civilian employee drug testing is handled by another ECDOC unit. For sworn personnel, drug testing is done for new employees, academy trainees, and followed up periodically with random drug testing. Inmates are drug tested on reasonable suspicion only.

During the course of this assessment, documentation concerning drug testing statistics conducted by the IAB was received. The report for 2020 reported 114 random drug tests administered to sworn personnel but the totals indicated in the report for each month actually calculated to be 129 random tests administered. 100 drug tests were also administered to candidate recruits. The report for 2020 further reflected that there were four (4) positive results, with dispositions indicating three (3) exonerated and one (1) officer on extended medical leave.

For 2021, the report reflected 140 random drug tests administered, however, again, there was an apparent calculating conflict as a tally of the random drug tests administered by month totaled 181 random drug tests. 185 drug tests were also administered to candidate recruits. The report further indicated that there were six (6)

¹⁰⁹ This contention is supported by the introductory language of Attorney General Law Enforcement Directive 2018-3, Statewide Mandatory Early Warning Systems, which states, "An Early Warning System ("EW System") is an important management tool designed to detect patterns and trends in police conduct before that conduct escalates. An effective EW System can assist a law enforcement agency in identifying and remediating problematic officer conduct that poses a potential risk to the public, to the agency, and to the officer.

¹¹⁰ ECCF Codification # PS-ADM-017.

positive drug results, with five (5) listed as a sustained disposition (central drug registry submission) and one (1) officer exonerated.

TAG inspected the refrigerator located in the IAB offices that is used for storage of drug testing samples. The refrigerator was found to be secured by locked hasps and key locks. Drug testing samples are submitted to the N.J. Medical Examiner's Office for urinalysis. For reference, the NJOAG requires law enforcement agencies to implement a drug testing program in accordance with its Law Enforcement Drug Testing Policy.¹¹¹ Additionally, Attorney General Law Enforcement Directive 2018-2 (Statewide Mandatory Random Drug Testing) mandates all law enforcement agencies operating under the authority of the laws of the State of New Jersey to implement and comply with the Directive's policies, procedures, standards, and practices.¹¹² Drug testing is further referenced in the IAPP (Section 7.6).

The ECCF currently has an SOP in effect for drug testing, specifically, SOP # PS.ADM.017 (Drug Testing), which upon review was found to comport with the above referenced Attorney General Directive and Policy. TAG received a copy of the ECCF policy for Drug Screening Program Monitor, which further delineated drug testing procedures.

In the event of a positive test result or a refusal, IAB personnel make notification to the IAB Supervisor, ECDOC Director, and Warden. Additionally, in the event of a positive result or refusal for sworn personnel, notification is made to the ECPO/PSB. In addition, IAB forwards an annual report to the ECPO/PSB for all drug testing results for the preceding year.

Reporting and Transparency

Website Posting

It was reported that the ECCF does not post summaries of complaints received with

¹¹¹ See [Drug-Test-Policy_2020-12.pdf \(nj.gov\)](#).

¹¹² See [ag-directive-2018-2.pdf \(nj.gov\)](#).

dispositions or major discipline on the ECCF website, **nor does it post a copy of the ECCF Internal Affairs Complaint Form.**¹¹³ While at the IAB offices, TAG accessed the ECCF website page, which is a component of the County of Essex website. **A review of the website page revealed that the ECCF did not post a copy of their Early Warning System SOP (not currently in effect);¹¹⁴ major discipline reports;¹¹⁵ a statistical summary of all Internal Affairs complaints;¹¹⁶ or an Internal Affairs complaint form.¹¹⁷** The ECDOC does post a copy of their random drug testing SOP. It was learned that an Early Warning System policy was purportedly being drafted for inclusion in the Internal Affairs SOP.

For reference, the Attorney General IAPP requires law enforcement agencies to post these items on their agency websites for transparency purposes.¹¹⁸ Similarly, The President's Task Force on 21st Century Policing recommended that,

“Law enforcement agencies should establish a culture of transparency and accountability in order to build public trust and legitimacy.”¹¹⁹

Reporting

Documentation was received that reflected that the IAB had completed the mandated Attorney General Internal Affairs Summary Report for 2021.¹²⁰ That report reflected a total of 55 internal affairs cases received for 2021. **This total number of internal affairs cases reported for 2021 (55 cases) conflicts with the total number of internal affairs cases initiated for the year as reflected in the IAB case log book (totaling 99 IOPs or Investigations of Personnel).** Another area of concern with this Internal Affairs

¹¹³ DOJ Standards & Guidelines for Internal Affairs, Section 5.1.4 recommends that an I.A. complaint form be available on an agency's website, capable of being filled out & submitted electronically. [cops-p164-pub.pdf \(usdoj.gov\)](#).

¹¹⁴ Mandated by A.G. Directive 2018-3, Section III. [ag-directive-2018-3.pdf \(nj.gov\)](#).

¹¹⁵ Mandated by A.G. Directive 2020-7, IAPP, Section 9.11.2. [ag-Directive-2020-7 Internal Affairs Policy and Procedures and Appendix.pdf \(nj.gov\)](#)

¹¹⁶ Ibid, Section 9.11.1.

¹¹⁷ Ibid, Section 5.1.4.

¹¹⁸ See A.G. Directive 2020-7, IAPP, Section 9.11.

¹¹⁹ See Final Report of The President's Task Force on 21st Century Policing (May 2015), Section 1.3. [Final Report of the President's Task Force on 21st Century Policing \(usdoj.gov\)](#).

¹²⁰ Mandated by A.G. IAPP, Section 9.11. [ag-Directive-2020-7 Internal Affairs Policy and Procedures and Appendix.pdf \(nj.gov\)](#)

Summary Report is that while it is intended to reflect the number of internal affairs cases investigated by the IAB, **it does not properly reflect ALL internal affairs complaints for the agency as the minor discipline cases handled by the DU were not included. It was determined that the DU does not submit annual reports of minor disciplinary matters to the ECPO or Attorney General.**

Similarly, documentation was received that indicated that the IAB had completed the mandated Attorney General Annual Major Discipline Reporting Form for the last six (6) months of 2020 and the entire 2021. For 2020, one (1) sworn officer was terminated for conduct unbecoming/criminal charges. For 2021, a total of thirteen (13) sworn officers received major discipline. Three (3) were terminated for conduct unbecoming, while ten (10) were suspended for a variety of offenses (including attendance-related, loss of weapon, conduct unbecoming/DWI, conduct unbecoming/cell phone inside secure perimeter, insubordination, and incompetence). Suspensions ranged from 6 to 120 days.

Additionally, it was learned through interviews that **the IAB does not forward quarterly reports to the ECPO concerning internal investigations complaint statistical data.** Again, the NJOAG IAPP requires that law enforcement agencies forward quarterly reports as indicated above.¹²¹

Compliance Unit:

A review of the ECDOC policies failed to locate a policy concerning a Compliance Unit or protocol. The Attorney General Internal Affairs Policy and Procedures Directive, Sections 3.5.1 and 3.5.2 (Staff Inspections), states:

“Administrators should establish a mechanism to determine whether an agency's policies and procedures are being properly implemented. It is necessary for management to know if behavior is, in fact, consistent with the agency's rules and regulations, policies and procedures. The task of detecting such defects should be delegated to an inspection unit or function.” and “Large

¹²¹ *Ibid*, Section 9.10.1,

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agencies might establish an inspection unit operating directly out of the office of the law enforcement executive.”¹²²

Section 3.5.3 further states that the inspection function or unit should report any deficiencies to the law enforcement executive and recommend any possible solutions and improvements.

Recommendation for Remediation: It is recommended that the ECDOC create a Compliance Unit whose prime responsibility is to ensure that the ECDOC rules and regulations, policies and procedures are properly implemented and being properly followed at an operational level, to include the review of official reports and uniform compliance. This should be accomplished by unit personnel conducting actual on-site inspections and reviewing security cameras. The Compliance Unit should also evaluate ECDOC material resources (i.e., vehicles, communication and I.T. equipment, office machinery, and supplies) and their utilization.

It is further recommended that the Compliance Unit be organizationally placed under the Professional Standards Bureau.

It is also recommended that a policy be developed and implemented supporting the Inspection Unit. As part of that new policy, the policy should clearly state that the Compliance Unit acts at the behest of the ECDOC Director and that during inspection activities, all ECDOC personnel, regardless of rank, shall treat an order or request from the Compliance Unit as if the order or request came directly from the ECDOC Director.

FINDINGS & RECOMMENDATIONS

Findings Summary

Based upon a comprehensive assessment of the ECCF Internal Affairs Function, to include the IAB and the DU, it is apparent that both units handle a heavy caseload aggressively and continuously. The assigned personnel desire to execute their assigned duties and responsibilities professionally and effectively. However, a number of areas of

¹²² See NJ OAG Internal Affairs Policy & Procedure. [IAPP-August-2020-Version.pdf \(nj.gov\)](#).

concern were identified in the findings of this assessment. These findings primarily consisted of administrative concerns and failure to fully comport with the accepted Internal Affairs best practices standards for the State of New Jersey law enforcement, that being the Attorney General Internal Affairs Policy and Procedures (IAPP), which the ECDOC indicated that they currently follow, albeit of their own volition.

The individual findings were highlighted in red font throughout this assessment; however, Critical Findings are delineated here. Recommendations for remediation are presented thereafter.

- **CRITICAL FINDING:** The current Internal Affairs SOP was found to be lacking in specificity and not comporting with the current Attorney General Internal Affairs Policy and Procedures (IAPP) and is in need of revision.¹²³
- **CRITICAL FINDING:** The current Internal Affairs Function at the ECCF is a bifurcated and, at times, complex process with the investigation and tracking of major and minor disciplinary matters being done independently of each unit involved.
- **CRITICAL FINDING:** The IAB and the DU both do not effectively track their respective cases as no computerized case management system is utilized, even though they currently possess a computerized case management program.¹²⁴
- **CRITICAL FINDING:** The IAB and the DU do not utilize an effective Early Warning System, and whose current protocols do not fully comport with Attorney General Directives.¹²⁵ ¹²⁶ Additionally, the ECDOC does not currently have an Early Warning System SOP in effect, which is also mandated.

¹²³ See Footnote No. 80 of this report and Attorney General Law Enforcement Directive 2020-7, *Internal Affairs Policy and Procedures (IAPP)*. [ag-Directive-2020-7 Internal Affairs Policy and Procedures and Appendix.pdf \(nj.gov\)](#).

¹²⁴ *Ibid*, see Section 9.2.

¹²⁵ *Ibid*, see Section 3.4.

¹²⁶ See Attorney General Law Enforcement Directive 2018-3, *Statewide Mandatory Early Warning Systems*. [ag-directive-2018-3.pdf \(nj.gov\)](#).

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- **CRITICAL FINDING:** The ECDOC does not promote transparency with the public by not posting on their website page Internal Affairs Summary Reports or Reports of Major Discipline, both of which are mandated by Attorney General Directive.¹²⁷ Similarly, the ECDOC does not post a copy of an Internal Affairs complaint form on their website page that can be completed and submitted electronically, also mandated by Attorney General Directive.¹²⁸
- **CRITICAL FINDING:** The IAB does not facilitate proper and timely notification to the Essex County Prosecutor's Office for all matters of suspected criminality and for any allegations against the ECDOC Executive Staff.¹²⁹
- **CRITICAL FINDING:** Proper advisement of a Miranda warning was not always provided to a target of the investigation prior to the interview.

IA RECOMMENDATIONS

IA RECOMMENDATION 1:

- So as to mitigate the findings presented throughout this assessment of the Internal Affairs Function, with particular emphasis on a unified initial and ongoing review of investigations, it is recommended that the investigation of internal affairs complaints be thoroughly revamped through a restructuring of the Internal Affairs Bureau, the Disciplinary Unit (DU), the Criminal Intelligence Bureau, the Compliance Unit, and the Training Unit. With reference to the suggested restructuring, the following recommendations are offered:
 - The IAB will be renamed as the Professional Standards Bureau (PSB), which will be commanded by a Senior Manager.
 - The PSB shall be comprised of four (4) units, the Internal Affairs Unit (IAU); the Criminal Intelligence Unit (CIU); the Disciplinary Unit

¹²⁷ See Attorney General Law Enforcement Directive 2020-7, *Internal Affairs Policy and Procedures (IAPP)*, Section 5.1.4. [Ag-Directive-2020-7 Internal Affairs Policy and Procedures and Appendix.pdf \(nj.gov\)](#).

¹²⁸ *Ibid*, see Section 9.11.

¹²⁹ *Ibid*, see Section 5.1.8.

(DU); and the newly created Compliance Unit (CU). Each unit to be supervised by at least a first-line supervisor.

- All disciplinary complaints (major and minor, to include attendance-related matters) involving sworn and civilian employees will be investigated by the IAU;
- All major disciplinary complaints involving inmates will be investigated by the CIU and would also administer inmate/gang intelligence;
- The Disciplinary Unit (DU) shall continue to administer all disciplinary matters referred to it by the PSB.
- The Compliance Unit's prime responsibility is to ensure that the ECDOC rules and regulations, policies and procedures are properly implemented and being properly followed at an operational level, to include the review of official reports and uniform compliance. This should be accomplished by unit personnel conducting actual on-site inspections and reviewing security cameras. The Compliance Unit should also evaluate ECDOC material resources (i.e., vehicles, communication and I.T. equipment, office machinery, and supplies) and their utilization.
- The Training Unit shall continue with its current responsibilities but be organizationally placed under the PSB command.

IA RECOMMENDATION 2:

- It is recommended that the PSB Manager review all complaints received for proper assignment and disposition of discipline.

IA RECOMMENDATION 3:

- It is recommended that the PSB be appropriately staffed with both sworn and civilian support staff to properly execute all the assigned duties and responsibilities without PSB supervisory staff routinely assuming an investigative caseload.

IA RECOMMENDATION 4:

- It is recommended that civilian support staff assigned to the PSB implement

the already available IA Pro¹³⁰ (or comparable) computerized Internal Affairs case management database. This would allow for a more standardized and streamlined complaint intake process; help to eliminate most of the hand-written documents; assist with the tracking of the complaint/investigation; and allow for chain of command review.

IA RECOMMENDATION 5:

- It is recommended that all ECCF supervisory personnel receive enhanced training for disciplinary matters, processes, and procedures. It is further recommended that any ECDOC personnel involved in the dispensing of discipline receive the proper and appropriate training.

IA RECOMMENDATION 6:

- It is recommended that all personnel assigned to the Disciplinary Unit receive basic Internal Affairs training to help ensure compliance with internal affairs-related procedures and disciplinary actions.

IA RECOMMENDATION 7:

- It is recommended that the supervisory personnel of the Disciplinary Unit receive supervisory/leadership training.

IA RECOMMENDATION 8:

- It is recommended that the current Internal Affairs SOP (PS.ADM.009) be completely revised to comport with all provisions of Attorney General Law Enforcement Directives 2020-7 (Internal Affairs Policy and Procedures/IAPP) and 2018-3 (Statewide Mandatory Early Warning Systems), as applicable to correctional situations. It is further recommended that sample forms be included in the revised SOP as appendices. It is further recommended that the SOP also

¹³⁰ TAG does not endorse or recommend any particular brand (i.e., IA Pro), however this brand is mentioned as the IAB already possesses it. As a point of reference, a review of the IA Pro website described the product as "full-featured software that's been designed from the ground-up to meet the needs of internal affairs and professional standards units." It also has an optional early intervention application. <https://www.iapro.com/pages/the-iapro-solution>.

be revised to reflect any of the recommendations implemented. Although the ECDOC is not required to comply with the provisions of the Attorney General Internal Affairs Policy and Procedures, after consultation with County of Essex County Counsel's Office, it is recommended that the ECDOC comply with all Attorney General Directives and Guidelines, to include the Internal Affairs Policy and Procedures, as they are applicable to a correctional setting and Correctional Police Officers. Although TAG personnel were advised that the ECDOC Internal Affairs function voluntarily follows the Attorney General's Internal Affairs Policy and Procedures, numerous instances were documented during this assessment indicative of the contrary.

IA RECOMMENDATION 9:

- It is recommended that supervisory shift personnel (i.e., Sergeants or Lieutenants) serve sworn employees on their respective shifts with the mandated Notices of Initial Discipline, as opposed to the Disciplinary Unit Supervisor. It is further recommended that coordination be made with the County Counsel's Office to research alternative means to properly serve personnel who are out on leave (i.e., contemporaneous certified and regular mail).

IA RECOMMENDATION 10:

- So as to attempt to mitigate the significant increase in dismissals of minor disciplinary complaints due to failure to serve proper notice within the prescribed time period, it is recommended that a directive be issued to all supervisory staff directing the timely referral of disciplinary complaints.

IA RECOMMENDATION 11:

- It is recommended that all disciplinary complaints (minor and major discipline), be properly logged and indexed, with dispositions properly documented for each complaint regardless of findings, preferably through the existing IA Pro (or comparable) computerized database.

IA RECOMMENDATION 12:

- It is recommended that the IA Pro (or comparable) computerized database be fully utilized so as to properly index and track all complaint cases, to include the tracking of disciplinary matters for time limitations for charging, status dates, or length of investigations, as well as alerting if they are exceeding pre-established time thresholds.

IA RECOMMENDATION 13:

- It is recommended that the IA Pro (or comparable) computerized database be enhanced to implement an Early Warning System that comports with the Attorney General Internal Affairs Policy and Procedures (IAPP) and Law Enforcement Directive 2018-3 (Statewide Mandatory Early Warning Systems). Accordingly, with the implementation of a formal computerized Early Warning System, it is recommended that the PSB become more proactive in the monitoring of ECCF personnel.

IA RECOMMENDATION 14:

- It is recommended that the PSB be directed to prepare and submit periodic written status reports of pending investigations to the ECDOC Director and Warden.

IA RECOMMENDATION 15:

- It is recommended that the PSB Supervisors review all minor discipline investigations for possible adoption as major discipline, when warranted.

IA RECOMMENDATION 16:

- It is recommended that the Essex County Prosecutor's Office, Professional Standards Bureau be immediately advised of all complaints involving potential criminality of sworn personnel and any complaints involving the ECDOC Director,

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Warden, or other senior management staff members.¹³¹

IA RECOMMENDATION 17:

- It is recommended that, as much as possible, all PSB records be electronically/digitally processed and stored. Electronic processing and storage of documents is recommended by the State of New Jersey Division of Revenue and Enterprise Services.¹³²

IA RECOMMENDATION 18:

- It is recommended that the ECDOC draft and implement an SOP for the investigation of domestic violence complaints involving employees and that it comports with Attorney General Law Enforcement Directives and Guidelines.¹³³

IA RECOMMENDATION 19:

- It is recommended that the ECDOC post the following on their website page, as delineated in and conforming to Attorney General Internal Affairs Policy and Procedures (IAPP):
 - Major discipline reports;¹³⁴
 - A statistical summary of all Internal Affairs complaints;¹³⁵
 - A copy of the ECDOC Early Warning System SOP, once implemented;¹³⁶
 - An Internal Affairs complaint form that can be electronically completed and submitted online.¹³⁷

¹³¹ See Attorney General Internal Affairs Policy and Procedures (IAPP), Section 5.1.8, which states that complaints against a law enforcement executive, or a member of the executive's senior management team, may originate from a member of the public or from an employee of the agency. All such complaints shall be documented and referred to the County Prosecutor for review. If the subject of the Internal Affairs investigation is the Police Chief, Police Director, Sheriff or Head of Internal Affairs, the County Prosecutor or the Attorney General's Office shall handle the investigation.

¹³² See Chapter 6, Division of Revenue and Enterprise Services - New Jersey Records Manual (state.nj.us).

¹³³ See Attorney General Domestic Violence Law Enforcement Directives 2000-3 and 2000-4 (9dv34.pdf (nj.gov)) and Domestic Violence Guideline (dv_law_enforcement_manual.pdf (nj.gov)).

¹³⁴ Mandated by A.G. Directive 2020-7, IAPP, Section 9.11.2. ag-Directive-2020-7_Internal_Affairs_Policy_and_Procedures_and_Appendix.pdf (nj.gov)

¹³⁵ *Ibid*, Section 9.11.1.

¹³⁶ Mandated by A.G. Directive 2018-3, Section III. ag-directive-2018-3.pdf (nj.gov).

¹³⁷ *Ibid*, Section 5.1.4.

IA RECOMMENDATION 20:

- It is recommended that the PSB prepare and forward quarterly reports to the Essex County Prosecutor's Office concerning internal investigations complaint statistical data.¹³⁸

IA RECOMMENDATION 21:

- It is recommended that original interview recordings be handled as evidence and the original be placed into evidence and duplicate recordings maintained in the investigative case file.

IA RECOMMENDATION 22:

- It is recommended that the annual Internal Affairs Summary Report submitted to the Essex County Prosecutor's Office and the Attorney General's Office include not only accurate case totals for the major discipline cases handled, but also include those of minor discipline.¹³⁹

IA RECOMMENDATION 23:

- It is recommended that a clearly delineated policy needs to be enacted concerning the intake, investigation, and feedback of public inquiries.

IA RECOMMENDATION 24:

- It is recommended that there be monthly liaison meetings with the PSB Supervisor and representatives of the ECDOC Inmate Advocacy Office, so as to facilitate communication with the inmate population.¹⁴⁰

IA RECOMMENDATION 25:

- It is recommended that all sworn personnel assigned to PSB receive basic

¹³⁸ Mandated by A.G. Directive 2020-7, IAPP, Section 9.10.1. [ag-Directive-2020-7 Internal Affairs Policy and Procedures and Appendix.pdf \(nj.gov\)](#)

¹³⁹ *Ibid*, Section 9.11.

¹⁴⁰ *Ibid*. See Section 3.6.1.

investigative training, specifically the DCJ Basic Course for Investigators (BCI) or comparable. It is further recommended that the ECDOC identify and implement minimum training standards for all sworn PSB personnel.

IA RECOMMENDATION 26:

- In an attempt to address a significant increase in missed training matters by ECCF personnel resulting in disciplinary complaints, it is recommended that there be more stringent oversight of personnel ordered to training by the employee's first-line supervision to facilitate attendance.

IA RECOMMENDATION 27:

- It is recommended that all minor disciplinary matters received be logged into the case log books and/or computerized case management system immediately upon receipt.

IA RECOMMENDATION 28:

- It is recommended that the logbooks and computer programs for both units reflect a proper Internal Affairs investigative finding (i.e., Exonerated, Sustained, Not Sustained, or Unfounded), along with a final disposition (i.e., punishment received, dismissed, etc.).

IA RECOMMENDATION 29:

- It is recommended that the PSB Evidence Form be revised to include additional signature blocks to properly document any changes in the chain of custody of evidence.

IA RECOMMENDATION 30:

- It is recommended that the PSB conduct all background investigations for all new employees, to include intergovernmental transfers of sworn officers.

IA RECOMMENDATION 31:

- It is recommended that all PSB personnel receive remedial Miranda warning training as it applies to Internal Affairs investigations.

IA RECOMMENDATION 32:

- It is recommended that written initial and final notifications are made to the target employee and complaint in accordance with Attorney General Internal Affairs Policy & Procedures (IAPP).

IA RECOMMENDATION 33:

- It is recommended that a superior officer or member of the executive staff review and approve all reports and findings from the PSB Supervisor.

IA RECOMMENDATION 34:

- It is recommended that a directive be issued from the executive staff to all sworn supervisory personnel directing that all incidents involving possible criminality be referred to PSB without delay.

IA RECOMMENDATION 35:

- It is recommended that additional supervisory personnel be assigned to PSB (previously delineated in IA Recommendation 1) to assist in the direct oversight and supervision of investigations to maintain a high and consistent level of investigative effort in all investigations conducted.

IA RECOMMENDATION 36:

- It is recommended that the ECDOC develop a standardized IA complaint intake form, regardless of minor or major discipline.

IA RECOMMENDATION 37:

- It is recommended that each disciplinary file should have an index with a list of all

the forms / documents included in the file. Placed on the top of the case file, this would help ensure the thoroughness of the investigation and completeness of the case file.

IA RECOMMENDATION 38:

- It is recommended that the ECDOC develop an investigative task matrix that would assist in ensuring all proper investigative tasks necessary for a complete and thorough investigation have been completed. This would also serve to assist supervisors in the review of investigations.

IA RECOMMENDATION 39:

- It is recommended that the PSB Supervisor conduct at least monthly scheduled staff meetings with personnel so as to facilitate the supervision of work, the assignment of responsibility, and the coordination of efforts.¹⁴¹

IA RECOMMENDATION 40:

- So as to execute the responsibilities of the PSB more effectively, it is recommended that the on-call investigator work the evening shift on his/her assigned on-call weekday, thereby extending the hours of actual physical coverage from 12 hours per weekday to 19 hours.

REVIEW OF TRAINING

As part of the overall assessment of the Essex County Correctional Facility (ECCF) by The Ambrose Group, LLC (TAG), TAG personnel were specifically detailed to conduct an assessment of the Training function of the ECCF. The period of this assessment was for the years of 2020 and 2021 to provide a two-year snapshot of the agency.

¹⁴¹ See American Correctional Association (ACA), *Adult Correctional Institutions, Accreditation Standard 5-ACI-1A-15* (5th Edition).

Findings of the review are documented throughout this assessment, with any areas of concern highlighted in red font. Recommendations for remediation of the areas of concern are listed at the conclusion of this review of the Training Unit.

Background Information

Pursuant to the overall assessment of the ECCF, TAG personnel conducted a comprehensive review of the ECCF Training Unit (TU), which is commanded by a Captain. In addition to the Captain, TU personnel consists of 3 training officers. Also, additional ad hoc instructors may be utilized for firearms requalification and Use of Force (UOF) training. In accordance with the state administrative code for training and conforming to an agency having in excess of 100 employees, the training positions are all full-time.¹⁴²

The TU follows the provisions of the N.J.A.C. 10A:31-5 et seq. (Adult County Correctional Facilities)¹⁴³; Attorney General Mandatory In-Service Law Enforcement Training Guideline¹⁴⁴; N.J.S.A. 52:17B-66 et seq. (Police Training Act); and N.J.S.A. 2C:39-6j (firearms requalification). The ECCF TU facilitates or provides training mandated by the Police Training Commission (PTC), consisting of recruit training and body scan procedures; training in bloodborne pathogens and Right-to-Know provisions, as mandated by Federal legislation; and training provided in sexual harassment and workplace violence, as required by the County of Essex. All training mandated in accordance with the American Correctional Association (ACA) accreditation mirrors those training provisions mandated by Title 10A:31. All sworn personnel are academy trained pursuant to the Police Training Commission.¹⁴⁵

The ECCF Executive Staff determines the training curriculum for its employees. The training curriculum is based upon mandatory training by statute and ancillary training

¹⁴² See N.J.A.C. 10A:31-5.2(b).

¹⁴³ See N.J.A.C. 10A:31-5, et seq.

¹⁴⁴ See A.G. Mandatory In-Service Law Enforcement Training Guideline, mandator.pdf (nj.gov).

¹⁴⁵ See 52:17B-68 - Authority to require training of policemen prior to permanent appointment; exception :: 2009 New Jersey Code :: US Codes and Statutes :: US Law :: Justia.

suggested by the TU and ultimately approved by the Executive Staff.¹⁴⁶

The majority of the training at ECCF is provided internally. On occasion, training is received outside the facility, usually consisting of “train-the-trainer” type training in order to facilitate instruction of a specific subject within the facility. TU personnel were also currently seeking train-the-trainer status for their personnel for such training topics as law enforcement officer resiliency, G.R.A.C.I.E (defensive) tactics, and de-escalation.

Review of Applicable SOPs

The following information was gleaned from interviews with the TU Supervisor and reviews of furnished documentation. The ECCF currently has an SOP in effect for the training function, *Agency Orientation and Training* (PS.ADM.010). The SOP was last revised in October 2021. It was reported that the ECCF facilitates the availability of reference materials for employees.¹⁴⁷ This may be found at each post in the form of posted orders. In addition, each employee is issued an Inmate Handbook. Lastly, all ECCF SOPs and policies are available for its employees on the facility’s computer network on the “Policy” drive, along with the Essex County Employee Handbook and ECCF Rules and Regulations.

A review of the ECCF Training SOP, juxtaposed with the training mandates of N.J.A.C. 10A:31-5.3, revealed that mandated training topics for new employee orientation were delineated. Additionally, mandated training topics required pursuant to Title 10A for civilian personnel who have regular or daily inmate contact were delineated, along with additional diverse training topics.

It was learned that there is a protocol established within the ECCF to review SOPs on an annual basis, as well as all Title 10A:31 mandates. This was verified by the “Review Schedule” block appearing on the SOP cover page, with review dates. The Warden reviews all policies and forwards recommendations to the ECDOC Director for approval.

¹⁴⁶ See *Sheriff's Guide to Effective Jail Operations, Chapter 6, U.S. Department of Justice, National Institute of Corrections*.

¹⁴⁷ See N.J.A.C. 10A:31-5.3(e), which states that Library and reference services shall be available to complement the Training and Staff Development Program.

The recommendations are further forwarded to the New Jersey Department of Corrections for ultimate approval. Additionally, body scan policies are reviewed by the New Jersey Police Training Commission (PTC). The criteria for SOP review and revision are driven by changes in the law, changes in procedures, and the results of events and incidents occurring at the ECCF, such as the smuggling/possession of contraband.¹⁴⁸

Review of Staffing

The TU consists of the Supervisor (Captain) and 3 training officers (CPOs). Additional firearms instructors are utilized during firearms requalification and Use of Force (UOF) training. Two (2) additional CPOs are permanently assigned as training personnel to the Essex County Police Academy and do not routinely provide training at the ECCF. There are no civilian support staff assigned to the TU.

Qualifications for Training Unit Personnel

N.J.A.C. 10A:31-5.1(b) states that a County Adult Correctional Facility shall have a Training and Staff Development Program that is coordinated and supervised by a qualified training officer. Additionally, ECDOC SOP PS.ADM.010 (Agency Orientation & Training), Section V.I.1.a states:

Prior to instructing any courses within the department, instructors shall:

- a. Required to attend and successfully complete a Methods of Instruction (MOI) Course or equivalent.

The TU Supervisor has been employed by ECCF for approximately 13 years and was assigned to the TU approximately nine (9) months ago and **did receive on-the-job training from the prior TU Supervisor, as well as from members of the ECCF executive**

¹⁴⁸ See N.J.A.C. 10A:31-5.1(a) which indicates that the Training & Staff Development Program shall consider the physical characteristics of the adult county correctional facility.

staff. He had not yet received MOI training, primarily due to curtailed training opportunities resulting from the COVID-19 pandemic.

Another CPO instructor assigned to the TU has primarily on-the-job training, with one (1) defensive tactics instructor's certification, but had also not yet received MOI training. The last CPO instructor was hired from another law enforcement agency and has MOI training, as well as extensive instructor training. It is important to note that opportunities for TU members to attend Methods of Instruction (MOI) training was unavoidably deferred due to the COVID-19 pandemic.¹⁴⁹ There have been no other formal instructor training opportunities other than MOI. The TU, as a whole, is lacking on formal instructor training. Two (2) of the three (3) members of the Bureau have amassed their knowledge based primarily upon on-the-job training.

Review of Training Unit Procedures, Facilities and Recordkeeping

Training Budget

The ECDOC reported that the current 2022 training budget is \$10,000.00. The training budget for 2021 was \$0.00 directly attributable to the COVID-19 pandemic. It is important to note that the line-item training budget is only for external training (i.e., training provided by outside instructors for a fee). Training provided internally by ECDOC personnel does not have funding provided by a specific line-item in the budget. Rather, any expenditures are covered under the respective line-item (e.g., overtime incurred for training would be paid out of the overtime line-item; an electronic training aid would be paid out of the electronics line-item; etc.). Examples that were provided included books and publications; printing and binding; materials and supplies; travel-related expenses; dues; conferences and meetings; education and training; and electrical and communications supplies.

¹⁴⁹ *N.J.A.C. 10A:31-5.1(b) states that the Training & Staff Development Program at adult county correctional facilities shall be coordinated & supervised by a qualified training officer.*

ECDOC further advised that the TU was not necessarily limited to the limit on the funds allocated by the training line amount; rather, if training is needed/required, funds would be made available.

Training Curriculum and Training Goals

Interviews with TU personnel indicated that the ECCF Executive Staff determine the training curriculum for its employees. The training curriculum is based upon mandatory training by statute and ancillary training suggested by the TU and ultimately approved by the Executive Staff.¹⁵⁰

Concerning ECCF training goals for this current year, annual training, including Attorney General mandated ICAT/ABLE training, cell extraction training, and incident response training, as well as the COVID-19 pandemic impact and an uptick in the seizures of contraband, were identified as problems in the ECCF for 2021 and would be addressed in CY2022 training goals.¹⁵¹

Availability of Reference Material

It was determined that in addition to the actual training provided, the ECDOC facilitates the availability of reference materials for employees.¹⁵² This may be found at each post in the form of posted orders. In addition, each employee is issued an Inmate Handbook. Lastly, all ECDOC SOP's and policies are available for its employees on the facility's computer network on the "Policy" drive, along with the Essex County Employee Handbook and ECCF Rules and Regulations.

Training Facilities

TAG personnel conducted a site visit to the TU facilities and determined that the TU has

¹⁵⁰ See *Sheriff's Guide to Effective Jail Operations*, Chapter 6, U.S. Department of Justice, National Institute of Corrections.

¹⁵¹ *Ibid.*

¹⁵² See *N.J.A.C. 10A:31-5.3(e)*, which states that Library and reference services shall be available to complement the Training and Staff Development Program.

adequate training facilities at the ECCF, consisting of:

- A large modern training room with an approximate capacity of 50 persons (see image below);
- A smaller training room with an approximate capacity of 20 persons; and,
- Numerous multi-purpose rooms that may also be utilized for training purposes.



Training 1 - Main Training Room

The TU was also equipped with adequate training aids, to include multimedia support, defensive tactics equipment, and material for contraband training. It was reported that the multimedia support has seen recent updates. Additional training equipment was reportedly on order, specifically inert oleoresin capsicum (OC) spray.

Recordkeeping

The TU's recordkeeping was inspected, and it was determined that they primarily depend on paper documents. The documents were found to be neat, orderly, and complete with each training subject, sign-in sheets, training syllabus/lesson plan, and individual signed training acknowledgement forms. The TU also utilizes a basic computer database for tracking the basic personal information of employees, firearms issuance information and initial academy training and certifications. In-service training is not listed in this database, rather it is entered into a separate Excel spreadsheet on the computer mainframe. **The TU utilizes more than 30 different Excel spreadsheets to track the various functions of the Bureau (i.e., firearms requalification's, in-service, CERT training, etc.). The computerized file, although organized and thorough, were not centralized or correlated thereby requiring the user to search individual record folders, which is time consuming and counterproductive.**

Audit of Training Session

During a site visit, a training session was held in the facility's large training room, which was monitored by TAG personnel. All personnel signed in upon entry. A TU instructor effectively conducted the training utilizing a PowerPoint training aid.

Review of N.J.D.O.C. Inspection Report

On August 9-13, 2021, the New Jersey Department of Corrections (NJDOC) conducted an inspection of the ECCF for inspection year 2020 in an effort to determine compliance with the provisions of N.J.A.C. 10A:31, "*The Manual of Standards for New Jersey Adult County Correctional Facilities*."¹⁵³ A review of that inspection report revealed that the ECCF was found compliant with all nine (9) standards inspected with specific reference to Training and Staff Development. There were no areas with regards to training that were found to be non-compliant.

¹⁵³ See N.J.A.C. 10A:31. NEW JERSEY ADMIN CODE | PAW Document Page (lexis.com).

Review of ACA Accreditation Audit Report

Concerning accreditation status for the ECCF, the facility is currently accredited by the ACA through June 2022, with the ECCF last receiving accreditation in June of 2019. A review of the ACA Accreditation Audit Report, dated June 10-13, 2019, revealed that the ECCF received a 100% compliance for mandatory standards and a 97.9% compliance for non-mandatory standards. None of the non-mandatory standards that did not conform concerned training.

Review of Mandated Firearms Qualification and Use of Force Training

Guiding Policies

Firearms requalification and use of force training are conducted in accordance with Attorney General Mandatory In-Service Law Enforcement Training Guideline, occurring once annually. This appears to comport with the provisions of Attorney General Law Enforcement Directive 2021-7, "*Revising Law Enforcement Training Requirements for 2021*," as long as agency personnel have also received their mandated ICAT (Integrated Communication and Tactics) / ABLE (Active Bystandership for Law Enforcement) use of force training, and Attorney General Law Enforcement Directive 2020-4, "*Directive Revising Firearms Qualification and Requalification Standards for New Jersey Law Enforcement*."¹⁵⁴ It should be noted that **it was determined that only a small number of personnel have received ICAT and ABLE training and it was not expected that the remainder of the ECDOC personnel would be trained in time.** This particular point will be expounded upon in greater detail subsequently in this section.

The ECDOC is further mandated to comply with the provisions of N.J.A.C. 10A:31-5(f), which states that,

“All personnel authorized to use firearms shall be trained in weaponry on a

¹⁵⁴ See Attorney General Law Enforcement Directives 2021-7, [ag-directive-2021-7_Revising-Law-Enforcement-Training-Requirements-for-2021.pdf \(nj.gov\)](#) and 2020-4, [ag-Directive-2020-4_Firearms-Qualification.pdf \(nj.gov\)](#).

continuing basis as required by the Gun Control Act (N.J.S.A. 2C:39-6j)”.

Additionally, ACA accreditation standards 4-ALDF-7B-14 and 4-ALDF-7B-15 state, respectively,

“All personnel authorized to use firearms receive appropriate training before being assigned to a post involving the possible use of such weapons. Firearms training covers the use, safety, and care of firearms and constraints on their use. All personnel authorized to use firearms must demonstrate competency in their use at least annually.”

And,

“All personnel authorized to use chemical agents receive thorough training in their use and in the treatment of individuals exposed to a chemical agent.”

Firearms Requalification and Use of Force Training

A review of training records provided by the TU revealed that firearms requalification and Use of Force (UOF) training had been conducted contemporaneously during 2020 and 2021. Firearms Requalification and UOF training were documented upon review of the ECCF sworn officer master training schedule for 2020 and reviews of random Firearms Unit instructor sign-in sheets that correspond to ECDOC Firearms Requalification and UOF training sign-in sheets for the same date. Additionally, samples of individually signed training acknowledgement forms were also provided that reflected the training. However, training was suspended effective November 3, 2020, as per Governor executive order due to staffing problems.

The firearms requalification’s and UOF training that were missed due to that shut-down were continued into 2021. A review of the Master Training Schedule for 2021 revealed there was UOF training scheduled for the 1st quarter of that year.

The training syllabus for Firearms Requalification and UOF training indicated that the following SOPs were reviewed:

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- Use of Force (SOP PS.CUS.001).
- Firearms (SOP PS.CUS.002).
- Use of O.C. (SOP PS.CUS.004).

A review of the Master Training Schedules for 2020 and 2021 revealed UOF and Defensive Tactics training listed. Additionally, furnished sample training session sign-in sheets, which included a training syllabus, reflected UOF training. Lastly, samples of individually signed training acknowledgement forms were reviewed, which reflected UOF training (with test) and oleoresin capsicum (OC) familiarization (with test).

It was learned that firearms re-qualifications and UOF training are scheduled to be conducted every 8 – 10 months, so as to allow TU personnel ample time to reschedule sworn personnel who may have missed their initial re-qualification / UOF training date. Additionally, all firearms re-qualifications and UOF training is tracked through a TU computerized spreadsheet so that if sworn personnel have not completed the mandated requalification and UOF training by the date of their 1-year period of authorization to carry a firearm, then the personnel's ECCF weapon is confiscated and their official identification is revoked and modified to indicate that they are no longer authorized to carry a firearm, both on and off-duty, until such time as they properly re-qualify and receive their UOF training.

Make-up firearms requalification and UOF training is usually rescheduled for the month following the personnel's initially scheduled date. Any personnel that miss any scheduled training is forwarded to the ECCF Warden's attention through a submitted report on a quarterly basis. Sworn personnel that fail to attend both their initially scheduled and rescheduled firearms re-qualification and UOF training are referred for discipline, as indicated in furnished documentation that included copies of reports listing sworn personnel who had missed Firearms Requalification and UOF training. It included their names and reasons for absence. **For 2020, three (3) personnel were referred to discipline, while eighteen (18) personnel were referred in 2021. This would account for a 500% increase in personnel referred for discipline for missing mandated training.**

Mandated Online Use of Force and ICAT / ABLE Training

Pursuant to Attorney General Law Enforcement Directive 2021-7 (Revising Law Enforcement Training Requirements for 2021), all law enforcement agencies must have their sworn personnel trained in eight (8) comprehensive online UOF training modules; Integrating Communications, Assessment, and Tactics (ICAT); and Active Bystandership for Law Enforcement (ABLE). Pursuant to Attorney General Law Enforcement Directive 2022-5, all IACT/ABLE training must be completed by December 31, 2022.

Based upon interviews with the TU Supervisor, **it was determined that a number of personnel have received ICAT and ABLE training to date and ECDOC personnel were not fully trained in time.** It was learned that ECDOC personnel had received train-the-trainer status in order to train other ECDOC personnel in ABLE training but were still seeking train-the-trainer capabilities for ICAT training.

De-Escalation training is part of the Attorney General's current Use of Force Policy, which is given as part of the Use of Force and De-Escalation in-service training at the ECCF. Documentation of that in-service training was provided. De-Escalation is also part of the ICAT training received by ECDOC personnel. Additional documentation was received reflecting De-Escalation training by new sworn CPOs prior to initial assignment.

Concerning the eight (8) online UOF training modules, the modules are as follows:

- Use of Force Policy- To include Use of Force - Conducted Energy Devices and Use of Force - Vehicular Pursuit.
- Use of Force Core 1-The Sanctity of Human Life and Serving the Community;
- Use of Force Core 2 - Force as a Last Resort and Duty to De-Escalate;
- Use of Force Core 3-Duty to Use only Objectively Reasonable, Necessary and Proportionate Force;

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- Use of Force Core 4-Duty to Use Deadly Force Only as an Absolute Last Resort and Duty to Avoid Actions Which Create a Substantial Risk of Death or Serious Bodily Injury;
- Use of Force Core 5-Duty to Intervene and Report;
- Use of Force Core 6-Duty to Render Medical Assistance;
- Use of Force Core 7-Duty to Report and Review Uses of Force;

These mandated online courses were designed to be received through the NJLearn internet portal. Pursuant to documents provided during this assessment, it was determined that the vast majority of ECCF sworn personnel received the mandated eight (8) modules of UOF training, excepting for 31 personnel. Of the 31 personnel currently not in compliance, 15 were listed as suspended; 7 listed as being on medical leave of absence; 6 were new hires; 2 were listed as being on military leave; and 1 recently returned from a leave of absence. Sample training certificates were provided reflecting the proper receipt of the specified training.

Review of Attorney General and Other Mandated Training

The Attorney General Mandatory In-Service Law Enforcement Training Guideline¹⁵⁵ lists other mandatory training law enforcement officers must receive annually, in addition to annual firearms re-qualification and use of force (UOF) training. The additional mandated training includes the Vehicular Pursuit Policy and Domestic Violence.

Through interviews with the TU and documentation provided, **it was determined that the ECDOC personnel receive training in Vehicular Pursuit through a module on NJLearn, as well as through in-service training.** A review of Attorney General Law Enforcement Directive 2021-14 (Directive Updating Statewide Use of Force Policy) revealed that annual in-service vehicular pursuit training is required for all sworn officers, independent of the NJLearn training.¹⁵⁶ This training is relevant for ECDOC personnel working

¹⁵⁵ See Attorney General Mandatory In-Service Law Enforcement Training. [mandator.pdf \(nj.gov\)](#).

¹⁵⁶ See A.G. Directive 2021-14, UOF Policy, Addendum B, Section 13.3. [ag-Directive-2021-14 Directive-Updating-Statewide-Use-of-Force-Policy.pdf \(nj.gov\)](#)

outside the ECCF, such as inmate transportation and Internal Affairs personnel involved in investigations outside the confines of the facility.

A review of the TU Master Training Schedule revealed that Domestic Violence training is provided. Additionally, Bloodborne Pathogens,¹⁵⁷ Hazardous Materials,¹⁵⁸ and Right to Know¹⁵⁹ trainings are also required, as per the training guideline. A review of the TU Master Training Schedule revealed that all of the above mandated training is provided. Additionally, a review of samples of individually signed training acknowledgement forms were reviewed, which reflected Blood/Airborne Pathogens, Exposure Control Plan, Chemical Control, Right-To-Know, and HazMat training having been provided.

Review of C.E.R.T. Training

There is a training provision in the ECCF Correctional Emergency Response Team (CERT) SOP. That provision concerned initial and ongoing training, specifically, CERT initial training shall be conducted for a minimum 16 hours, with minimum ongoing training of four (4) hours every three (3) months.

The TU facilitates training for the ECCF Corrections Emergency Response Team (CERT). CERT initial training is 16 hours, with additional training minimally being four-hour sessions given four (4) times per year. The actual annual training is 40 hours, based upon the Training Supervisor, who is a member of CERT.

The TU furnished a report for 2021 depicting the CERT roster, along with listings of trainings by type, searches conducted by date, and special detail assignments. **The length of the training in hours is not included in the overall report, however, hours of training and deployment were indicated on individual incident reports. This further supports the contention that a training-specific computerized database, capable of cross-referencing all trainings, is vital to the TU's mission and success.**

¹⁵⁷ Mandated pursuant to Federal 29 C.F.R. 1910.1030.

¹⁵⁸ Mandated pursuant to Federal 29 C.F.R. 1910.120(q)(6).

¹⁵⁹ Mandated pursuant to N.J.A.C. 8:59-7.1(c).

Additionally, a sampling of supporting training documents were also furnished for 2020 and 2021. Based upon a review of the furnished documents, the TU holds a variety of training throughout the year, to include training with the Newark Police Department Emergency Response Team. **However, not all team members were found to not have had received the 4-hour training blocks every quarter, as prescribed by the CERT SOP.** The COVID-19 pandemic may have impacted the training as there were no trainings listed for the months of April, August, November, and December in 2021. **There was also no training at all in 2020.**

The tracking of C.E.R.T. training, although detailed, is not centrally located in one database and is not cross-referenced with other training records automatically. As has been noted previously in this assessment, there is a need for the computerized centralization of all training records.

Review of New Employee Orientation and Training

Civilian Personnel & Others (Vendors / Contractors / Volunteers)

The ECCF has a master training schedule currently in place for sworn personnel for CY2022,¹⁶⁰ which was provided for this assessment. Specific training is also provided for civilian employees, in addition to sworn personnel. This includes ECCF medical staff, but the TU is not responsible for providing their medical training (excepting CPR), as that is obtained separately.

TAG has determined that there is orientation training provided for new employees, which is provided prior to job assignment except for some personnel that will have no continued contact with the inmate population.¹⁶¹ Training is scheduled on a bi-monthly schedule. This is applicable to both full-time and per diem employees (i.e., medical) and routine contractors and vendors. In some instances, the orientation training would be scheduled but the personnel may terminate employment prior to the orientation training

¹⁶⁰ See *N.J.A.C. 10A:31-5.3(a)*, which states that all employees shall receive additional training on an as needed basis.

¹⁶¹ *Ibid*, which states that all new employees shall receive orientation training prior to job assignment.

actually being received. It was learned that certain civilian employees (i.e., per diem employees and emergency contractors) may perform their assigned duties / responsibilities prior to the start of their scheduled training sessions. Those personnel are always escorted / supervised.

The topics covered in new civilian employee orientation, which mirrors the provisions of N.J.A.C. 10A:31-5.3(b), et seq., as Policies; Organizational Structure; Programs; Regulations; and Sexual Harassment, based upon TU interviews. However, a review of a sample Civilian Orientation Program (Supervised Contact) training sign-in form for 2021 that listed the training subjects revealed that although there were 21 diverse and relevant topics listed, there was no listings for Organizational Structure or Programs. There were also numerous empty signature blocks which would acknowledge receipt of training.

It was determined through interviews that volunteers at the ECCF (i.e., clergy) that routinely visit the facility do receive orientation training, included in the bi-monthly training schedule, however, if there is a non-routine volunteer that is authorized to visit the facility and training could not be provided due to the schedule, then they would be provided a constant escort.

Sworn Personnel

Documentation was received from the TU with reference to new sworn officer training at the ECCF. A review of the ECCF New Officer Training Lesson Plans for both 2020 and 2021 revealed 80-hour training courses. The topics covered were found to be diverse and relevant, however there was not a specific listing for ECCF Programs, as indicated in N.J.A.C. 10A:31-5.3(b), et seq. The other mandates in that statute were properly listed. Sample sign-in sheets for the training sessions were provided and reviewed.

Academy Training within Prescribed Time

A review of N.J.S.A. 52:17B-68.1.b states,

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“A person shall be given a probationary appointment as a corrections officer or as a juvenile detention officer for a period of one year so that the person seeking permanent appointment may satisfactorily complete a basic training course for corrections officers or for juvenile detention officers conducted at a school approved by the Police Training Commission.”

An inquiry of the New Jersey Police Training Commission (PTC) verified the previously stated finding. Basic corrections training being completed within 12 months is the standard, while an extension for training may be applied for but only for good cause.

Interviews with TU personnel revealed that CPOs that do not already have formal academy training must undergo academy training within 12 months, with a 6-month extension, if they came off a civil service list and within 9 months if they were a non-Civil Service list hire (i.e., alternate route). During the time they are awaiting the start of the academy class, they may work provided they have received orientation and new employee training (2 weeks).¹⁶² They would also receive 80 hours of New Officer Training, as well as ECCF mandated in-service training quarterly throughout the year like veteran CPOs. Documentation was provided verifying the New Officer Training.

A review of furnished documentation of all sworn personnel hired in 2020 and 2021, along with academy training status, revealed the following:

2020:

- 78 sworn personnel were hired in 2020.
- 18 personnel were academy-trained within the 12-month period.
- 2 personnel were found to have been actively employed by the ECDOC exceeding 12 months without having received academy training. It should be noted that there were notations that indicated military leave for both personnel. Subsequent documentation revealed that one (1) of the personnel received academy training in 2022, while the other received a training extension from the PTC as he is still on military leave.

¹⁶² See N.J.S.A. 52:17B-68.1.b for details.

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- The remaining personnel were previously trained transfers from other law enforcement agencies or no longer employed with the ECCF (i.e., resigned, terminated).

2021:

- 154 sworn personnel were hired in 2021.
- 35 personnel were listed as academy-trained within the 12-month period.
- Five (5) personnel were listed as not being trained and suspended. Additional documentation revealed that one (1) officer resigned; three (3) officers were still suspended; and no documentation was provided for the last individual.
- The remaining personnel were previously trained transfers from other law enforcement agencies or no longer employed with the ECCF (i.e., resigned, terminated, etc.).

Overall, the ECCF appears to be generally compliant with ensuring their new sworn personnel (lacking prior academy training) receive academy training within the prescribed time period, excepting those on extended leave or suspended.

Review of In-Service Training for Sworn and Civilian Personnel

Sworn Staff

The ECCF does have a master training schedule currently in place for sworn personnel for CY2022.¹⁶³ Copies of that master training schedule had previously been furnished and is included below as Table 1. A review of the CY2022 master training schedule revealed that in-service training for sworn personnel is scheduled to be provided on a quarterly basis consisting of four (4) 5-hour blocks of instruction on various topics for a total of 20 hours for the year. ECCF mandated annual training goals for 2022 include Attorney General mandated ICAT/ABLE training, cell extraction training, and incident

¹⁶³ See *N.J.A.C. 10A:31-5.3(a)*, which states that all employees shall receive additional training on an as needed basis.

response training.¹⁶⁴ The impact of the COVID-19 pandemic brought about an uptick in the seizures of contraband. These problems were identified in ECCF during 2021 and would be addressed in CY2022 training goals. In addition, the TU also provides training to the sworn and civilian employees pursuant to the federally enacted Prison Rape Elimination Act (PREA).¹⁶⁵ The current training curriculum was last revised in January of 2022 for this current year and is submitted and revised quarterly.

Reference is also made to the representations by Dr. Lionel Anicette, ECCF Medical Director, during a public hearing on mental health services at the ECCF presented by the Essex County Civilian Oversight Task Force on November 12, 2020, in which he stated, in response to a question regarding what training ECCF officers receive regarding drug withdrawal, that all ECCF officers receive training, mainly on suicide prevention, though training is evolving.¹⁶⁶

Additionally, Director Ortiz authored a written response to questions propounded by the Essex County Civilian Oversight Task Force regarding mental health issues, dated December 29, 2020. In that letter, Director Ortiz related that custody staff receive training via the curriculum offered through the ECCF training department and healthcare staff are provided annual mental health training by the mental health director.¹⁶⁷

Lastly, in the same 2021 Annual Report by Essex County Civilian Oversight Task Force, various aspects of training provided by and for the ECCF were delineated and which were indicated in the training documents furnished by the ECDOC.¹⁶⁸

¹⁶⁴ *Ibid.*

¹⁶⁵ See U.S. DOJ, BJA, PREA [Prison Rape Elimination Act \(PREA\) | Overview | Bureau of Justice Assistance \(ojp.gov\)](#).

¹⁶⁶ See Essex County Civilian Oversight Task Force Annual Report 2021, Appendix D, p. 97.

¹⁶⁷ See Essex County Civilian Oversight Task Force Annual Report 2021, Attachment N, Question 2, p. 372.

¹⁶⁸ *Ibid.* See Appendix M, Question 15 and Appendix N, Questions 7 and 10.

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SWORN OFFICER 2022 IN-SERVICE TRAINING

QUARTER 1	QUARTER 2	QUARTER 3	QUARTER 4
Jan.-Mar.	Apr.-Jun.	Jul.-Sep.	Oct.-Dec.
Availability of Policies	2020 CLEAR Directive	2022 Resiliency for Law Enforcement	Bloodborne / Airborne Pathogens
Body Scanner – Overview (Policy)	Ballistic & Blunt Force Vests	Code of Ethics	Chemical Control / Right-to-Know
Contraband	Cell Extractions / Inmate Movement	Inmate / Detainee Rules & Regulations	Counseling Techniques
Domestic Violence	Emergency & Fire Plans Procedures	Post Order Refresher	CPR / AED / First Aid Training
ECDOC Rules & Regulations	Emergency Release Bars	PREA	Defensive Tactics / Handcuffing
Fraternization	Emergency Response NIMS / ICS	Preventing Sexual Harassment	Drug Free Workplace
IPC/Staff Communication Skills	Evidence Preservation	Report Writing / Logbook Entries	Exposure Control Plan Review
Security at Entry Points	Hostage Situations / Riot Control	Rights & Responsibilities of Inmates	Hazardous Substances
Social Media Policy	IACT & ABLE	Search of Inmates & Housing	HIPAA
Standards of Conduct / Code of Ethics	Key & Lock Control	Sexual Misconduct	Hunger Strikes
Workplace Violence	O.C. Re-certification	Sick Call / Urgent Emergent	Inmate Special Needs / ADA
-	Radio Familiarization	Social & Cultural Lifestyles	Mental Health Awareness
-	Use of Force Review & Update	-	PMA Process & Paperwork
-	Use of Restraints / Handcuffing	-	SHU – Isolated Confinement – UPDATED
-	Vehicle Administration	-	SHU Close Observations – Guard One PIPE
-	-	-	Signs & Symptoms of Withdrawal
-	-	-	Suicide Prevention & Intervention
-	-	-	Use of Force Review & Update
-	-	-	Prosecutor Photos
5 Hrs. Training Time	5 Hrs. Training Time	5 Hrs. Training Time	5 Hrs. Training Time

Training 2 - ECCF Sworn Officer 2022 In-Service Training Schedule

Civilian Staff

Specific training is provided for civilian employees, in addition to sworn personnel. This includes ECCF medical staff, but the TU is not responsible for providing their medical

training (excepting First Aid/CPR), as that is obtained separately. Interviews indicated that there is orientation training provided for new employees, which is provided prior to job assignment except for all personnel that will have no contact with the inmate population.¹⁶⁹ He did state that periodically some civilian personnel who do not have any contact with the inmate population (i.e., certain per diem medical personnel) do not receive the orientation training prior to job assignment, as delineated previously. In those instances, the orientation training would be scheduled but the personnel may terminate employment prior to the orientation training. Interviews identified the topics covered in new civilian employee orientation, which mirrors the provisions of N.J.A.C. 10A:31-5.3(b), et seq., as Policies; Organizational Structure; Programs; Regulations; and Sexual Harassment.

The ECCF does have two (2) master training schedules currently in place for civilian personnel for CY2022.¹⁷⁰ These training schedules are broken down into one (1) for civilian employees who will be having direct and continuing contact with inmates (Training 3) and another for those civilian employees who will only have supervised contact with inmates. Copies of those master training schedules had previously been furnished and are included in the tables below.

The first table reflects scheduled training for civilian employees who will be having direct and continuing contact with inmates. This scheduled training is a 40-hour program broken down into four (4) quarters throughout the year. Each quarter consists of five (5) 2-hour sessions that cover a variety of topics delineated from the agency training policy. Similarly, the second table is broken down into quarterly training consisting of (2) 2-hour sessions each quarter.

¹⁶⁹ *Ibid*, which states that all new employees shall receive orientation training prior to job assignment.

¹⁷⁰ See N.J.A.C. 10A:31-5.1, et seq.

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**CIVILIAN EMPLOYEES (DIRECT & CONTINUING CONTACT WITH INMATES)
2022 IN-SERVICE TRAINING**

QUARTER 1	QUARTER 2	QUARTER 3	QUARTER 4
Jan.-Mar.	Apr.-Jun.	Jul.-Sep.	Oct.-Dec.
Availability of Policies	Code of Ethics	Cultural Diversity	Chemical Control/Right to Know
Civilian Dress Code	Inmate Rules & Regulations	PREA	CPR/First Aid
Communication Skills/IPC	Inmates Rights & Responsibilities of	Sexual Harassment	Emergency Procedures
Contraband	Security Procedures & Regulations	Sexual Misconduct	Exposure Control Plan
Counseling Techniques	Standards of Conduct	Inmate Social/Cultural Lifestyles	Hazardous Substances
Fraternization	Supervision of "Prisoners"	Workplace Violence	HIPAA
Report Writing			Key Control
Security at Entry Points			Safety Procedures
Social Media Policy			Suicide Prevention/Intervention
			Use of Force
Five 2-Hour Sessions	Five 2-Hour Sessions	Five 2-Hour Sessions	Five 2-Hour Sessions

Training 3 - Civilian Employees (Direct & Continuing Contact With Inmates) 2022 In-Service Training

**CIVILIAN EMPLOYEES
(SUPERVISED CONTACT WITH INMATES) 2022 IN-SERVICE TRAINING**

QUARTER 1	QUARTER 2	QUARTER 3	QUARTER 4
Jan.-Mar.	Apr.-Jun.	Jul.-Sep.	Oct.-Dec.
Civilian Dress Code	Availability of Policies	Code of Ethics	Chemical Control/Right to Know
Contraband	Suicide Prevention/Intervention	Cultural Diversity	CPR/First Aid
Inmate Rules & Regulations	Communication Skills/IPC	PREA	Emergency Procedures
Inmates Rights & Responsibilities	Counseling Techniques	Sexual Harassment	Exposure Control Plan
Security at Entry Points	Report Writing	Sexual Misconduct Inmate	Hazardous Substances
Security Procedures & Regulations	Fraternization	Social/Cultural Lifestyles	HIPAA
Standards of Conduct		Social Media Policy	Key Control
Supervision of "Prisoners"		Workplace Violence	Safety Procedures
			Use of Force
Two 2-Hour Sessions	Two 2-Hour Sessions	Two 2-Hour Sessions	Two 2-Hour Sessions

Training 4 – Civilian Employees (Supervised Contact With Inmates) 2022 In-Service Training

A review of the CY2022 master training schedule for civilian personnel, as compared to the mandated training provisions in N.J.A.C. 10A:31-5.3 for civilian personnel, revealed that all of the mandated training provisions were listed as training topics, **with the exception of Problem Solving and Guidance**. The TU further had training topics listed as mandated by the County of Essex (i.e., sexual harassment, workplace violence, etc.)¹⁷¹ and Federally (i.e., HIPAA, hazardous substances, exposure control plan, and Right-To-Know).¹⁷² It is worthy to note that in addition to the mandated training topics, the TU also has an additional number of ancillary training topics listed.

Training Evaluation / Feedback

The TU has protocols in place to evaluate the impact of training provided to its employees, although no formal feedback mechanism exists.¹⁷³

These included performance evaluations, informal feedback from training course attendees, and some blocks of instructions have formal testing requirements. The ECCF attempts to schedule training for the day that the employee is scheduled for work, as well as immediately after their shift ends.¹⁷⁴ Overtime is authorized when necessary and received in accordance with existing labor agreements.

Lesson plans are maintained for all training provided, with sample copies being provided to TAG personnel. **The TU currently utilizes paper records but is looking to transition to electronic storage.**

Attendance at Training

As per interviews, formal training orders are issued for all personnel to attend scheduled training. In the event of personnel not attending the ordered training, the personnel would be required to submit a memorandum explaining the reason for not attending with

¹⁷¹ See *Essex County Employee Handbook*, [Download-PDF.pdf \(essexcountynj.org\)](#).

¹⁷² See [Department of Health | Workplace Health and Safety | Public Employees Occupational Safety and Health \(nj.gov\)](#); [Health Insurance Portability and Accountability Act of 1996 \(HIPAA\) | CDC](#).

¹⁷³ Recommendation in *Sheriff's Guide to Effective Jail Operations*, Chapter 6, U.S. Department of Justice, National Institute of Corrections.

¹⁷⁴ *Ibid.*

good cause (such as a sick day) and their training would be rescheduled. For those personnel with no good cause for missing the scheduled training, progressive disciplinary action would ensue. This was verified by a review of reports furnished by the TU that are submitted to the Warden on a quarterly basis and from the Disciplinary Unit of sustained disciplinary matters. **It is noteworthy that there was a 117% increase in missed training matters from 2020 to 2021 (i.e., 2020: 41; 2021: 89).**

Management Skills Training

With specific reference to management skills training, the TU provides managerial training for all supervisors upon promotion only.¹⁷⁵ The promotional training is five (5) days in length and lesson plans are retained. Documents provided by the TU indicated that Supervisors attend regular in-service training with line staff throughout the year. This was verified in a review of sample sign-in sheets of in-service training. The furnished documents further reflected that there were **no administrative training sessions held for Captains and higher ranks in the 1st and 4th quarters of 2020, nor in the 1st or 2nd quarters of 2021. No other supervisory or managerial training is provided except that triggered by promotions.** It should be noted that a review of the ECDOC Training SOP, Section V.A.5 states, *"The Administrative and Senior Managerial staff will receive additional training in management skills each year. Facility management and supervisory staff shall receive at least forty (40) hours of management and supervision training during their first year and at least twenty-four (24) hours of management training each year thereafter."*

With reference to the ECCF administrative and senior managerial staff, documents provided by the TU indicated that there was no management skills training provided for 2020 or 2021.¹⁷⁶

¹⁷⁵ See N.J.A.C. 10A:31-5.3(d), which recommends that the facility's administrative and senior managerial staff receive additional training in management skills each year.

¹⁷⁶ This is recommended in N.J.A.C. 10A:31-5.3(d).

Review of Reporting Protocols

The TU does not provide an annual report to the ECCF Director or Warden for the unit's activities completed for the year.¹⁷⁷ Quarterly reports of personnel delinquent in attending their mandated training are forwarded to the ECCF Executive Staff and the Disciplinary Unit, if applicable.

Training Unit Assessment Overview

The TU personnel have a monumental task of having to facilitate, provide and track both mandated and ancillary in-service training for 700 plus sworn and civilian employees, as well as outside contractors, vendors, and volunteers, on a continuous basis. The TU also tracks the status of academy training for personnel. All the TU personnel appeared aggressive and dedicated in the execution of their assigned duties; expressed a passionate desire to provide the most comprehensive training they can to their fellow employees; and spoke knowledgeably on a host of training subjects. The training areas appeared orderly, sufficiently equipped, and well-maintained. The recordkeeping was found to be well-organized and detailed, albeit, **in need of computerized modernization.**

However, some areas of concern were noted throughout this assessment. The individual findings were highlighted in red font throughout this assessment; however, the following Critical Findings are reiterated here. Recommendations for remediation are presented thereafter.

CRITICAL FINDING: The Training Unit conducts a significant number of training sessions annually for in excess of 700 employees. Some of the training is mandated by statute, Attorney General Directives and Guidelines, and ACA accreditation standards, which have increased in recent years.

¹⁷⁷ This is recommended in U.S. Dept. of Justice, National Institute of Corrections, *Sheriff's Guide to Effective Jail Operations*.

CRITICAL FINDING: Although some of the Training Unit's training files are computerized and well-detailed, they were found not to be centralized, correlated, or easily cross-referenced thereby requiring the user to search multiple individual record folders, which is time consuming and counterproductive.

TRAINING RECOMMENDATION 1:

- It is recommended that the Training Unit be organizationally placed under the newly created Professional Standards Bureau but continue its current mission and responsibilities.

TRAINING RECOMMENDATION 2:

- It is recommended that the Training Unit staffing be increased. It is further recommended that the feasibility of civilianizing certain aspects of the training be considered, as long as the civilians being considered have the proper skill set.

TRAINING RECOMMENDATION 3:

- It is recommended that the ECDOC develop an annual training program for supervisory and senior managerial personnel so as to keep them apprised of the best practices in their profession and supervisory/leadership skills on an ongoing basis, in accordance with ECDOC Training SOP and N.J.A.C.10A:31-5.3(d).
- It is further recommended that the ECDOC develop a Leadership Academy for the sworn personnel career development. This would include the development of a minimum training standard for all supervisory personnel, dependent on rank and assignment, and monitoring protocols to ensure compliance. This training should also include a "transition" component allowing for new supervisors to efficiently and effectively transition into their new supervisory position.
- It is further recommended that, as part of professional development of its sworn personnel, the ECDOC mandate the following:

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- All Sergeants complete the ACA Supervision/Management Course (or similar).
All Lieutenants complete the ACA Certified Corrections Manager Course (or similar).
- All Captains complete the ACVA Leadership Development for Corrections Professional Program (or similar).

TRAINING RECOMMENDATION 4:

- It is recommended that the Training Unit develop and implement a comprehensive annual report of the activities and recommendations of the Training Unit for the purposes of review by executive leadership.¹⁷⁸

TRAINING RECOMMENDATION 5:

- So as attempt to address a significant increase in missed training matters by ECCF personnel resulting in disciplinary complaints, it is recommended that there be more stringent oversight of personnel ordered to training by the employee's first-line supervision to facilitate attendance.

TRAINING RECOMMENDATION 6:

- COVID restrictions obstructed ECCF objectives to get the Bureau Supervisor and an additional instructor in the Training Unit certified in Methods of Instruction (MOI) and other training-related courses. This should be mitigated as soon as possible.¹⁷⁹

TRAINING RECOMMENDATION 7:

- To understand if training is relevant to the tasks required by the rank and file, it is

¹⁷⁸ Recommended in Sheriff's Guide to Effective Jail Operations, U.S. Department of Justice, National Institute of Corrections.

¹⁷⁹ See *N.J.A.C. 10A:31-5.1(b)*.

See *American Correctional Association (ACA) Training. Supervision/Management Package (aca.org)*.

See *ACA Training. Certification Types and Levels (aca.org)*.

See *ACA Training. Leadership Development (aca.org)*.

recommended that there to be a written process of evaluation of training courses provided.¹⁸⁰

TRAINING RECOMMENDATION 8:

- It is recommended that the Training Unit conform to Attorney General Law Enforcement Directive 2021-7 concerning Integrating Communication, Assessment, and Tactics (ICAT) and Active Bystandership for Law Enforcement (ABLE) training as soon as possible. It is further recommended that De-Escalation training be prominently presented in basic and in-service training.

TRAINING RECOMMENDATION 9:

- It is recommended that the Training Unit conform to Attorney General Law Enforcement Directive 2021-7 and Attorney General Mandatory In-Service Law Enforcement Training Guideline concerning Vehicular Pursuit training as soon as possible, with special emphasis for prisoner transportation personnel.

TRAINING RECOMMENDATION 10:

- It is recommended that all ECDOC CERT members receive the prescribed 4-hour in-service training block each quarter, so as comply with the provisions of the ECDOC CERT SOP.

TRAINING RECOMMENDATION 11:

- It is recommended that orientation training for new employees (supervised contact) be modified from every two (2) months to a more frequent time frame, so as help ensure all personnel receive the proper training mandated by statute in a timely manner.¹⁸¹

¹⁸⁰ Recommendation in *Sheriff's Guide to Effective Jail Operations*, Chapter 6, U.S. Department of Justice, National Institute of Corrections.

¹⁸¹ See *N.J.A.C. 10A:31-5.3*.

TRAINING RECOMMENDATION 12:

- It is recommended that the “supervised contact” new employee orientation training be modified to include “organizational structure” and “programs.”¹⁸²

TRAINING RECOMMENDATION 13:

- It is recommended that the lesson plan for new sworn officer training be modified to include ECCF programs.¹⁸³

TRAINING RECOMMENDATION 14:

It is recommended that the civilian in-service training master schedule and lesson plan be modified to include “problem-solving and guidance,” to comport with the provisions of N.J.A.C. 10A:31-5.3.¹⁸⁴

TRAINING RECOMMENDATION 15:

- It is recommended that, pursuant to Attorney General Directives and Guidelines, firearms requalification be conducted twice each calendar year.

TRAINING RECOMMENDATION 16:

- It is recommended that a training-specific and dedicated computerized database be developed/purchased to effectively and efficiently track all training aspects.

REVIEW OF USE OF FORCE AND POLICY

Use of Force in policy and practice at the ECCF is guided by at least 8 codified policies.¹⁸⁵ ECCF policy acknowledges that the use of force by CPOs at the facility may be required to quell disturbances and to protect the life of the public, staff, and inmates. Use of force is guided by relevant policy that promulgates force must be minimally

¹⁸² *Ibid.*

¹⁸³ *Ibid.*

¹⁸⁴ *Ibid.*

¹⁸⁵ *PS.CUS.032 Pepper Ball.pdf, PS.CUS.001 Use of Force.pdf, PS.CUS.001 Use of Force (2).pdf, PS.CUS.003 Use of Restraints.pdf, PS.CUS.003 Use of Restraints (2).pdf, PS.CUS.004 Use of OC.pdf, PS.CUS.004 Use of OC (2).pdf, PS.CUS.002 Firearms.pdf, and, PS.CUS.052 FN 303 Less Lethal Launcher.pdf*

applied after all other means of remediation are exhausted and must withstand the test of reasonableness in its application to bring the inmate under control. The need for medical attention must be followed up immediately.

Sworn staff members who engage in the use of force must submit correspondence reporting same before the end of the duty shift during which the incident occurred.

A preliminary review and assessment of ECCF use of force practices, policies, and procedures was conducted by TAG. The assessment includes interviews with ECDOC employees, a review of the existing ECDOC policy on Use of Force, reviews of New Jersey Office of the Attorney General Guidelines and Directives and assessments on the review and reporting of use of force incidents. The assessment included interviews with members of the executive leadership and the commander of the ECCF Internal Affairs Bureau.

ECCF Use of Force policy was reviewed to ensure the policy was in line with best practices, New Jersey State Law, and the New Jersey Office of the Attorney General (NJOAG) Use of Force Policies for 2000 and 2021. Additionally, the policy structure and format were reviewed.

TAG found the policy format to be clear and informative. The ECCF Use of Force policy included important information such as policy number, title, referenced resources, policy authority, policy implementation date, policy review date, and authorized reviewer(s) signatures. The policy format is in line with modern day police policy structures.

Although TAG determined that the ECCF Use of Force policy format is in line with modern day law enforcement policies, **it does not meet the mandated training stipulated in the June 2000 NJOAG Use of Force policy.** ECCF policy requires annual training, while the NJOAG policy requires bi-annual training. **ECCF Use of Force policy also does not address the immediate notification requirements to the County Prosecutor's Office and/or the Division of Criminal Justice under certain circumstances.**

Use of Force policy references antiquated practices such as the 'Use of Force Continuum' model, which is no longer a modern-day model. **The 'Use of Force Continuum' model could create confusion, as it suggests that the continuum is a step-by-step process, when in reality use of force can change in degree depending on the totality of the circumstances from one extreme to the next.**

The current ECCF Use of Force policy does not meet the current requirements of the December 31, 2021, NJOAG Use of Force Policy Requirements. It should be noted, however, that this assessment is based on the June 2000 NJOAG Use of Force Policy.

Use of Force Incident Review

The ECCF facility has video cameras throughout the facility. The cameras have audio and videotaping capabilities, however, due to privacy concerns of the Health Insurance Portability and Accountability Act (HIPAA), some areas are only audio-recorded. **TAG was also informed that there are numerous blind spots throughout the facility in which video surveillance equipment is not present or able to capture activity.** This aspect is referenced in greater detail in the "Contraband" subproject of this final assessment. All use of force incidents that are captured on video require a review of the footage, as per ECCF policy. During the interview process, TAG learned that there is a chain of command review, and, when warranted, an Internal Affairs review.

CRITICAL FINDING: During the course of this assessment, it was determined that there were a significant number of blind spots in the ECCF's security camera system. This is an area of concern as it directly impacts on the safety of ECCF staff and inmates alike; the review and investigation of use of force incidents; and in the counter-contraband efforts by the ECDOC. Members of the ECDOC Executive Staff have represented that a project is underway to purchase and install additional security cameras to address these concerns.

CRITICAL FINDING RECOMMENDATION: In the event that the blind spots are not effectively remediated, TAG personnel shall consider recommending the issuance and implementation of body worn cameras by ECCF staff members.

It should be noted that a review of the furnished CorrStat Report of September 14, 2022 revealed that for the period of January 1, 2022 through September 14, 2022, the ECCF reported a significant 41% decrease in total Use of Force incidents in the ECCF for 2022 (264 total) as compared with the same period in 2021 (444 total). For the same period:

- There were no deadly force incidents.
- Mechanical force incidents decreased by 37%.
- Physical force incidents decreased by 28%.
- Calculated force incidents decreased by 68%.
- Cell extractions decreased by 79%.
- Assaults on CPOs decreased by 40%.
- Inmate fights/assaults decreased in total by 41%.
- Assaults with weapons by inmates increased 50% increase (10 in 2021 and 15 in 2022).

The Role of Supervision in Use of Force Incidents

The ECCF Use of Force policy requires that a supervisor respond to every use of force incident. The supervisor is responsible for assessing and managing the response. Based on preliminary TAG interviews, it appears that supervisors have adhered to this policy requirement.

Incident Reporting and Emergency Response

The means to respond to, manage, and suppress unusual incidents or emergency situations is guided by at least 8 policies focusing upon emergency response, deployment of the Correctional Emergency Response Team (CERT), inmate riots, hostage situations, explosive devices, and responding to civil disturbances outside the facility.¹⁸⁶ The use of force is authorized by policy to quell a disturbance or maintain security and its application must be proportional to the level of the incident or

¹⁸⁶ PS.CUS.071CERT, PS.CUS.044 Emergency Response, PS.CUS.044 Emergency Response (2), PS.CUS.047 Disorder(s) Riot Situations, PS.CUS.047 Disorder(s) Riot Situations (2), PS.CUS.048 Hostage Situations, PS.CUS.058 Bomb Threat(s) Explosive Devices, and, PS.CUS.059 Civil Disturbance (Outside the facility).

resistance.

The timely response to emergency situations at the ECCF is crucial to safeguarding inmates and personnel alike, as well as maintaining the integrity of the ECCF's security. The ECDOC staff at the ECCF are guided by 2 key policies, primarily, the Emergency Response SOP (PS.CUS.044; revised April 2021),¹⁸⁷ and the companion, Disorder(s)/Riots SOP (PS.CUS.047; revised December 2021),¹⁸⁸ which is to be used in conjunction with the former SOP. With reference to the Emergency Response SOP, it delineates procedures for the response to emergency situations at the ECCF. Pursuant to the SOP, an emergency is defined as:

“Any act or consequence thereof which breaches the security of the ECCF such as, but not limited to, passive resistance actions which interfere with corrections operations, work stoppage, escapes, riots, bomb threats and natural disasters; or any set of circumstances where, in the opinion of the Director of the Department of Corrections or designee, the implementation of Emergency Response Plan is determined to be necessary.”

These SOPs describe response procedures to be employed by sworn personnel, ancillary personnel (i.e., medical and facilities management personnel), and Special Teams (i.e., Cell Extraction Team, Correctional Emergency Response Team, and Hostage Negotiations Team), as well as for different categories of incidents (i.e., routine responses and increasingly serious responses, categorized Alpha through Charlie). The Emergency Response SOP details where designated personnel are supposed to immediately respond to for each incident to address the situation directly and immediately and what their actions shall be. Additionally, in the Emergency Response SOP, it directs that all available sworn personnel (i.e., ancillary, meal break, administrative, etc.) shall report to a pre-designated area for assignment and instructions.

¹⁸⁷ See ECDOC Emergency Response SOP (PS.CUS.044).

¹⁸⁸ See ECDOC Disorder(s)/Riots SOP (PS.CUS.047).

It is important to note that the ECDOC clearly places emphasis on the timely response by sworn and ancillary personnel to emergency incidents at the ECCF, based upon the referenced SOPs, interviews with ECDOC staff members, and documentation provided listing recent training provided (i.e., Emergency & Fire Plan Procedures; Emergency Response NIMS/ICS; and Hostage Situations/Riot Control). It is also informative to recognize the physical aspects of the ECCF itself as it impacts response times of personnel to incidents. As partially stated previously in this assessment, the ECCF is a correctional complex comprised of four 4-story interconnected buildings, with 8 floors in total, situated on approximately 4 acres of land. The ECCF encompasses approximately 980,000 square feet, equating to almost 10 city square blocks.¹⁸⁹ An aerial review of the complex revealed approximately .65 miles of perimeter fencing and 2 large parking lots that ECDOC sworn personnel are also responsible for providing security, as well as the facility proper.

That same aerial review of the ECCF revealed it was approximately .17 miles from the two furthest points in the facility buildings, not accounting for the movement from floor to floor.¹⁹⁰ TAG personnel recognized that these factors would potentially impact response times.

Accordingly, recommendations for remediation include the designation of additional alternate staging areas for incidents responses, as well as the strategic positioning of emergency response gear and equipment so as to expedite the response of sworn personnel safely.

Because of the size of the ECCF, and in an attempt to decrease the response time of CERT personnel to use of force incidents, TAG is reviewing potential areas for the storage of additional CERT response equipment. Further, TAG is recommending the assignment of 5 CERT CPOs and 1 CERT Supervisor to routinely work an overlapping shift.

¹⁸⁹ See Reference.com. [How Many Feet Are in a City Block? \(reference.com\)](#).

¹⁹⁰ Footpath. [New Route | Footpath Route Planner \(footpathapp.com\)](#).

CRITICAL FINDING: It was learned that any staff present in the Officers Dining Room (ODR) have access to their cell phones, cigarettes, and other items considered contraband within the secure perimeter of ECCF. Those present in the ODR at the time of an emergency incident (coded alarm) are deployed as the very first responders to that incident. At the outset of this response and because of the nature of the alarm, they do not undergo normal search requirements. This presents significant risks to the ECCF should those items fall into the hands of the inmates.

CRITICAL FINDING RECOMMENDATION: Policy has to be revised in the event officers have to respond to an incident or event to reflect contraband in secure areas. It is recommended that the policy be revised to restrict the possession/use of cellular telephones in the ECCF, to include outside the secure areas.

ECDOC USE OF FORCE INCIDENTS

ESSEX COUNTY DEPARTMENT OF CORRECTIONS USE OF FORCE ANALYSIS 4TH QUARTER 2021	
OCTOBER	
UOF INCIDENTS	33
SHIFT 1	16
SHIFT 2	14
SHIFT 3	3
NOVEMBER	
UOF INCIDENTS	30
SHIFT 1	11
SHIFT 2	17
SHIFT 3	2
DECEMBER	
UOF INCIDENTS	36
SHIFT 1	14
SHIFT 2	20
SHIFT 3	2
4TH QUARTER TOTAL	
UOF INCIDENTS	99
SHIFT 1	41
SHIFT 2	51
SHIFT 3	7
Shift 1 (0600hrs – 1400hrs) Shift 2 (1400hrs – 2200hrs) Shift 3 (2200hrs – 0600hrs)	

ESSEX COUNTY DEPARTMENT OF CORRECTIONS USE OF FORCE REPORTING 2021 VS 2022 YEAR-TO-DATE (YTD)			
	2022 YTD	2021 YTD	% Change
USE OF FORCE (UOF)			
Calculated UOF	15	45	-67%
Deadly UOF	0	0	-
Mechanical Force	128	200	-36%
Physical Force	102	140	-27%
Cell Extraction	7	31	-77%
Total	252	416	-39%
ASSAULTS ON STAFF			
On Law Enforcement	35	61	-43%
On Civilian	0	0	-
Total	35	61	-43%
INMATE FIGHT/ASSAULT			
Physical Assault	115	221	-48%
Assault w/ Weapon	15	10	+50%
Fight	134	214	-37%
Total	264	445	-41%

UOF Data Review Findings

A review of use of force data provided by the ECCF revealed an increase in reported Use of Force incidents from 2020 to 2021. The number of reported use of force incidents for 2020 was 271 and for 2021 was 541, a **99.63% increase**. The majority of the Use of Force incidents are occurring during the 2nd shift (1400hrs-2200hrs) with a total of 417 between 2020 and 2021 combined.

A review of the 4th quarter of 2021 Use of Force incidents revealed that the majority of the Use of Force incidents reported were occurring during the 2nd shift (1400hrs-2200hrs) with 51; followed by the 1st shift (0600hrs-1400hrs) with 41. The least number of Use of Force incidents were during the 3rd shift (2200hrs-0600hrs) with 7.

A review of approximately 99 Use of Force incidents from the 4th quarter of 2021 was conducted. Based on the documentation provided by ECCF, there is a significant amount of documentation involved for the reporting of Use of Force incidents.

However, **some deficiencies were found with the reporting of use of force incidents.**

The following are some of the deficiencies:

- Missing signatures.
- Use of boilerplate language. For example, in one report the officer reported that he used physical force without explaining further. The officer should have been more specific in his reporting, such as he should have documented exactly what he did, for example: I grabbed the suspect by his right arm and took him the ground, as appose to just saying, I used physical force.
- Reviewing supervisor also using boilerplate language.
- Some of the officers' narrative were missing information, such as, was the incident captured on video, names of other officers involved, description of injuries (if any), name of supervisor that responded/notified, etc.
- Officers are not articulating whether or not they used de-escalation tactics.
- Missing After Action Review Form required by the ECCF UOF policy.

Use of Force Reporting

A review of the reporting and documenting requirement of use of force incidents was conducted. Although there appears to be sufficient documentation produced as a result of a use of force incidents, there are some shortages in the collection of data, which is needed to conduct comprehensive analysis of use of force. For example, TAG reviewed a blank use of force report, and found that some important data elements were missing, such as but not limited to:

- Age of the Subject
- Race of the Subject
- Gender Identification of the Subject
- Height, weight, etc., of the Subject

- Shift when incident happened
- Age of Officer
- Race of Officer
- Gender Identification of Officer
- Height, weight, etc., of the Officer

TAG inquired about the reporting mechanisms for use of force incidents and learned that the process for documenting use of force incidents was a manual process. It was also learned that the data analytics for use of force is done through an ACCESS database, another manual process once a use of force report is received the data has to be entered into the ACCESS database manually in order to produce analytical reports. Currently, **there was no Records Management System**. The NJOAG issued a directive requiring ALL law enforcement agencies to start using a new online portal for the reporting of use of force incidents on or about late 2019 to early 2020. The NJOAG UOF reporting portal is provided by and managed by Benchmark Analytics. Currently, the ECCF does not use the NJOAG Use of Force reporting portal.

CRITICAL FINDING: The ECCF is not using the NJOAG Use of Force reporting portal.

CRITICAL FINDING: The ECCF is not reporting annually to the Essex County Prosecutor's Office and Division of Criminal Justice use of force information required by both the 2000 and the revised 2020 NJOAG Use of Force policies.¹⁹¹

CRITICAL FINDING: The ECCF does not have a Records Management System (RMS) and should procure the system.

UOF Reporting Review Recommendations

UOF REPORTING RECOMMENDATION #1: The ECCF should update their use of force report to ensure they are capturing all the necessary data to conduct comprehensive analysis of use of force.

¹⁹¹ See Attorney General Use of Force Policy (Revised December 2020), §7.6 and 7.7. [ag-Directive-2020-13 Use of Force Procedures.pdf \(nj.gov\)](#).

UOF REPORTING RECOMMENDATION #2 : The ECCF should be using the NJOAG Use of Force reporting portal managed by 'Benchmark Analytics' for the reporting of use of force incidents. The NJOAG use of force tracking goals are incomplete without Correctional Facilities in NJ reporting their use of force via the state's portal. Additionally, the portal would make it easier for ECCF to report and conduct analytics. It is further recommended that the ECDOC submit required Use of Force information annually to the NJOAG and the Essex County Prosecutor's Office.

UOF REPORTING RECOMMENDATION #3: The ECCF should create and implement a "Force Investigations Unit" to investigate any Use of Force by a CPO, as well as any serious injury sustained by a CPO and/or an inmate as the result of an act of violence. Use of Force incidents should be investigated within 24 hours of the incident, while incidents resulting in serious injury should be investigated immediately.

It is further recommended that the ECDOC create a Use of Force Review Committee to review all Use of Force incidents, to include reports and security camera footage. The committee should be comprised of the ECDOC Director, or designee, the ECCF Warden, or designee, the Director of the Professional Standards Bureau, and any other persons deemed necessary by the ECDOC Director. The intent is to reduce not only Use of Force incidents in general, but also acts of violence by inmates on CPOs and on other inmates.

It is further recommended that the Unit coordinate their investigations with applicable outside agencies (i.e., the Essex County Prosecutor's Office).

UOF Reporting Review Recommendation #4: *Records Management System.* The RMS will help ensure, but not limited to:

- Reduce errors caused by duplicative processes
- Confidentiality
- Prevent loss or misplacement of documents
- Ease accessibility
- Preserve the Integrity of Reports
- Reduce the use of Paper
- Allow for chain of command review

THIS DOCUMENT IS SENSITIVE IN NATURE AND SHOULD NOT BE DISSEMINATED AS IT MAY POSE A BREACH OF SECURITY AT THE ESSEX COUNTY CORRECTIONAL FACILITY

- Allow for analysis of workflow, incidents, etc.
- Help reduce the number of silo databases

UOF Reporting Review Recommendation #5: Officers need to articulate in their reports whether or not they used de-escalation tactics, the type of de-escalation tactic used, whether it was effective or not, and if not used, why not?

UOF Reporting Review Recommendation #6: In order to improve efficiency, the ECCF should consider revising/consolidating some of the reports used to report and document use of force incidents.

UOF Reporting Review Recommendation #7: The use of the NJ Attorney General's Use of Force Reporting Portal will ensure that the ECCF is collecting all the necessary information for the analysis of use of force incidents.

Managerial Oversight and Supervisory Accountability

There are best practices that can be applied across the profession of law enforcement, be it state and local policing or corrections. One of these utilizes indicators gleaned from comparative statistics. The use of indicators is a proven process of management accountability and oversight much replicated in professional law enforcement. It creates a high degree of situational awareness on the part of commanders and puts a spotlight on errant or ineffectiveness practices or policies.

A shortcoming recognized by the TAG team was the lack of key indicator reporting. More specifically, providing the landscape for a review of the various operations of the facility on a timely basis. The management of a correctional facility is a dynamic process. There are no executive leadership meetings with unit leaders to reveal trends and patterns on issues such as public complaints, internal investigations, contraband seizures, inmate disturbances, etc.

As progress towards this goal, ECCF personnel are in the process of preparing a booklet of preliminary indicators for tracking, analysis, and accountability for a regularly scheduled review process they are referred to as Correctional Statistics (CorrStat). TAG

members recommended additional indicators to review, such as inmate mental health and random and planned cell searches, which were implemented.

CorrStat, when fully implemented and properly employed on a regular, routine basis, will be a dashboard concept allowing for an up-to-the-minute snapshot of the facility's changing aspects. The protocol will assist in holding supervisors properly accountable to the assigned duties and responsibilities, and further identify and prevent problems in advance.

Review of Public Inquiries and Wellness Checks

TAG interviews revealed that there is no uniform policy as it relates to the receipt, investigation, and feedback of inmate inquiries and wellness checks coming from the public. Inquiries are routinely received by ECDOC personnel, as well as other County agencies, concerning the well-being of inmates. Allegations of misconduct or mistreatment are handled through established protocols (i.e., Internal Affairs function). However, some inquiries may not rise to that level but are just as important to the inmate and their family and friends.

Recommendation for Remediation: To address this concern, it is recommended that research be conducted for the purchase and implementation of a proprietary system that would allow for the centralized tracking of inquiries for the monitoring of inmates for well-being by ECCF sworn personnel. It is further recommended that the system include provisions for the inclusion of dispositions of the inquires. Lastly, it is further recommended that a policy be developed and implemented to support this program.

It is further recommended that the ECDOC develop and implement a Community Interaction program that can facilitate interaction and partnerships with relevant interest

groups to assist in managing the external environment for inmates. A policy supporting this program would also need to be developed and implemented.

Inmate Input

TAG defers to the Essex County Correctional Facility Civilian Task Force for direct input by ECCF inmates as indicated in their 2021 Annual Report where they detail engagement with individuals incarcerated at the ECCF and facilitated open communication methods, as well as in-person meetings.

Unannounced Visits to the ECCF

On numerous occasions, TAG members made unannounced visits to the ECCF. Deficiencies were noted on occasion during these visits, detailed elsewhere in this interim report or which will be in the final assessment (or both). However, it is crucial to note that TAG personnel also witnessed various aspects at the ECCF that were commendable and worthy of praise. For example:

- The ECCF medical facilities were found to be especially sanitary and neat;



- The storage area for the facility's food supplies was found to be very clean and organized;

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- The ECCF kitchen facilities were found to be clean and orderly; and



- The facility's cafeteria and halls were found to be clean and well-maintained.

REVIEW OF DELANEY HALL



Summary

As part of the overall assessment of the ECCF, TAG personnel were specifically detailed to conduct an assessment of the operating procedures of Delaney Hall located at 354 Doremus Avenue in the City of Newark. The period of this assessment was for the years of 2020 and 2021 to provide a two-year snapshot of the agency. The contract between Essex County Corrections and GEO ReEntry Inc. was provided and reviewed.

The GEO ReEntry submitted copies of various reports (Tour Sheets, Count Breakdown Reports, Housing Rosters, Monthly Clinical Reports, Programing Schedules, Incident Reports, etc.) which were examined for compliance.

Finally, a site visit was conducted to establish the current conditions at the facility. After the above elements were completed and scrutinized, it appears that GEO ReEntry is in general compliance with the contract. However, there are a couple of security/safety exceptions. These security/safety risks include an unusual high amount of contraband recovered, items that can be used as weapons, which were left within the reach of inmates and electrical wires, exposed. These observations will be detailed further below.

Details of Assessment

Delaney Hall is an Essex County Correctional Facility (ECCF) run by GEO ReEntry, Inc., which is a privately owned company. GEO was awarded a contract for the 2022 calendar year to provide alternative incarceration and residential treatment housing for inmates who were being detained by Essex County Corrections. This contract encompasses operational standards, staffing, Clinical Services/ Programming and Security. The facility currently houses low to medium risk level inmates. The contract calls for a minimum of 325 to a maximum of 675 inmates to be paid for and housed at the facility. As of this report a total of 236 inmates (228 Males and 8 females) were housed at the location. They are separated into 2 Units. Unit 5 holds the male population, which has 2 wings of rooms, while Unit 1 houses the female population.

There is a 3rd Unit (Unit 2) which hold inmates that are currently in medical isolation. There is less than a 30 inmate to 1 staff member ratio at Delaney Hall.

Operational Standards

The operational standards of the GEO Group appear to be within the prescribed parameters of the Memorandum of Service Agreement. The below is a general explanation of the daily living arraignments of an inmate which were observed during our site visit. Once transferred to the facility, an inmate is logged in by the attending supervisor. A COVID Test is performed to ensure that they do not have the virus. He/she is searched for any possible contraband and allowed to view an orientation video. Inmates are not allowed to bring any personal belongings into Delaney Hall.

Their belongings are stored at the Essex County Correctional Facility until they either return or are released. The detainees are logged in to Delaney Hall and then provided with certain living essentials (clothing, linen, toiletries etc.). Case managers who will provide the best treatment options and schedule an interview with each detainee.

The inmates are then placed in 1 of 2 units (Male or Female) and meticulously tracked throughout the facility. They are assigned specific rooms and beds in those rooms. A Housing Count Roster is created with the names, ID and sleeping location of each inmate. There are counts of the inmates done on each shift to make sure that no one is missing. The 1st Shift (Day) does 1 count, 2nd Shift (Afternoon) does 2 counts and the 3rd shift does 6 counts of the inmates. These counts are documented on the Housing Count Roster as well as the Shift Supervisor's Tour Reports

In addition, there are also Count Breakdown Reports by individual Units and Departments such as the Kitchen. These reports show the movement of inmates to Court, Medical Trips, Kitchen, Maintenance Department, Class Department, Legal, Business Office, Parole, OPS/Intake, etc. Sample copies of these reports have also been reviewed and attached. Delaney Hall/ GEO ReEntry does not operate any Administrative Special Management Units or a Disciplinary Special Management Units. Detainees who need to be segregated for one reason or another are transferred back to

the Essex County Correctional Facility. A copy of an Essex County Corrections Policy Titled: Intake & Release Control Post Order was provided to TAG. This order specified that Intake Sergeants of ECCF shall tour Delaney Hall once during their shift to ensure the facility is safe, secure and staffed properly. The documentation and findings of the tour shall be documented on the Delaney Hall Tour Sheet. This order came into effective on January 21, 2022. TAG reviewed random Delaney Hall Tour Sheets and found that they were in compliance with this order

Shift Supervisor Tour Reports were also reviewed to see that they were properly documenting all incidents that occurred during their shift. The reports documented breakfast, lunch & dinner times; staff that were working during that shift; movements of prisoners; outside individuals in the facility (e.g. EC Corrections Officers); and perimeter checks, prisoner counts and any other unusual incidents. These reports appear to be satisfactorily completed and acceptable.

Staffing

GEO ReEntry employs security monitors to watch and control the inmates at Delaney Hall. There are no ECDOC CPOs permanently assigned to this facility. CPOs do occasionally respond to the facility to monitor facility conditions, inmate transports or as needed.

On all 3 shifts, there is at least 1 Supervisor on duty, 3 Security Monitors in Unit 5 (Males), 1 Monitor in Unit 1 (Females), Intake, Central Control and Check Points. The 1st & 2nd Shifts have 1 Security Monitor in the Kitchen, Green Mile Hall & escorts/floater. During the 1st shift, additional Monitors are present for the Visiting Area and Property Clerk. These staffing levels were verified through the Delaney Hall Tour Sheets that show the security staff on duty. They appear to comply with the previously agreed matrix and contract.

There are also clinical program staff assigned to Delaney Hall that are part of the GEO ReEntry. They include 1 Assistant Facility Director, 1 Unit Manager, 8 Case Managers, 1 Teacher, 2 Family Services individuals, and 1 Recreation Specialist. These staff

members ensure that the detainees are getting the programming and assistance that they need.

Medical Care Department is run by a Registered Nurse who is the Health Services Administrator. There is also a physician who is on site during the week. Additionally, a psychiatrist and optometrist provide services to the inmates and are contracted by GEO. Other staff include; full time and part time Registered Nurses as well as Licensed Practical Nurse, Medical Records Clerk and a Medical Assistant. Dental Services are provided by Essex County Corrections at their facility. All professional licenses are available on-site. TAG found that staffing was sufficient to address the healthcare needs of the detainee population.

Clinical Services/Programming

As part of the agreement between Essex County Corrections is that GEO ReEntry offers inmates evidence-based reentry treatment and training. This training gives the incarcerated individual the chance to address antisocial thinking patterns and behaviors before they are released into the community. The training that was agreed upon was for Alcohol Anonymous, Narcotics Anonymous, Transition Skills, Drug Education/Relapse Prevention, Cultural Awareness and Anger Management.

GEO ReEntry provides Essex County Corrections with Monthly Clinical Reports showing monthly / yearly participation in each of the evidence-based programs that the inmates should be attending. TAG was given these reports and they were reviewed. Only NA/AA Meetings, Inside Out Dads and Mentoring Our Moms showed participation. There were eight other programs that were either not given or not attended. The Clinical Report does show that Assessments of inmates are being done and some Basic Education Programs are being attended.

The contract called for GEO to maintain weekly inmate activity schedules. TAG requested and received the weekly activity schedules and reviewed them. These schedules have been attached to this report. It was first observed that the meetings in January through March were not being fully implemented. On the weekly reports as well

as during our tour, Clinical Director Kristen DeFilippo explained that prior to COVID the residents were assigned to attend 4 workshops (1 hour each) per week, which is consistent with the contract, but due to COVID protocols they were not able to fully instruct the detainees as required. The specialty groups were put on hold and the schedule was spread out to maintain social distancing requirements. Inmates currently only attend 1 workshop a week. GEO ReEntry is currently waiting for permission to fully re-establish their training programming sometime this year.

Security

GEO ReEntry does attempt to maintain a secure facility, given the circumstances. All visitors, employees and vendors are searched prior to entering. They conduct security sweeps of the facility as well as searches of the inmates for cause. The entire facility is also monitored by surveillance cameras that record the movements of inmates, staff and visitors. Yet contraband makes its way into the facility. TAG requested all incidents in which contraband was recovered for this year.

A review of these reports showed that there were 8 incidents between January and the end of March 2022 in which contraband was found. This is a high amount given that no inmate enters the facility with personal property. The contraband had to be imported into Delaney Hall illegally from an outside source. The items that were confiscated ranged from cigarettes, cell phones, lighters to illegal items such as marijuana and weapons (shanks).

Site Tour

On March 29, 2022, TAG conducted a walk-through of Delaney Hall. The TAG representatives were met by Essex County Corrections Warden Guy Cirillo along with GEO ReEntry, Regional Director Melissa Kraton, Acting Director of Delaney Hall Luis Soto, Assistant Facility Director Keith Hooper, and Clinical Director Kristen DeFilippo.

A brief meeting was held in which an explanation of the operational procedures for Delaney Hall was detailed. TAG was then taken on a tour of the facility.

The GEO Staff first walked TAG through the first floor. The hallway looked clean and free of obstructions. Several conference rooms that were used for programming and clinical services, were pointed out. The rooms had seats placed evenly spaced/ socially distanced (6 feet apart) throughout. They were clean and free of debris. Before the pandemic, the conference room held approximately 60 inmates but due to social distancing, they can only hold a little over 20 individuals.

TAG was then taken to the cafeteria and kitchen. Assistant Director Soto explained that meals are prepared in the kitchen and food is placed onto individual trays for distribution to detainees as they arrive. They just started having inmates eating in the cafeteria; prior to this, the trays were delivered to the inmates in their rooms to eat. They also are socially distanced during mealtime. The meals are prepared, delivered and served under staff supervision. Sanitation in the kitchen and cafeteria is adequate. The facility does not use knives. All other tools are properly secured and inventoried. Dry storage, freezers and refrigerators are in compliance with both temperature and storage specifications. Checks of kitchen equipment and water temperatures are also routinely conducted.

The next area that we were shown was a basketball / gym area as well as another cafeteria that was being utilized as a prayer room. These rooms were also clean. No loose items were observed in these rooms and all equipment appeared to be properly secured. The inmates use these rooms on a rotating basis based on occupancy restrictions. If they want to use them, they must request authorization.

Unit 1 (Female Inmates) was the following area to be shown. The Unit has 2 doors that are locked and can only be opened by GEO Staff. Once inside there were 2 security monitors. We were told that 8 females were currently housed in this area although the Unit can hold over 50. There were multiple sleeping quarters observed that were clean and properly maintained. The female bathroom has showers, toilets and sinks that are in proper working order.

A couple of buckets and mops were observed in a corner of the bathroom and not secured. This can pose a safety hazard as an inmate can use these items as possible weapons. This was pointed out to the staff who said that they had just finished cleaning the floors prior to our arrival and that they would be put away as soon as possible.

A female hair care room for female detainees was also shown. It was explained that females had everything that they needed to take care of themselves. All hair care items were observed properly stored. Although not observed, the male inmates also have a similar room for their needs.

A "day room" that the female inmates use to watch television and generally socialize was also shown. This room was observed with a television secured to the wall on a mount and a cable wire coming from it to a cable box on a shelf that was not secured. There were a couple of chairs in the room so that inmates may sit and watch the TV.

Unit 5 (Male Inmates) is located on the 2nd floor of the building. A walk through of both wings was conducted. Each wing houses a little over 100 inmates. They are secured by 2 double locked doors, which only GEO Staff has keys for. The male living area is similar to the females. There are sleeping quarters that accommodate between 2-12 inmates in each room depending on the number of detainees that they have. There are 2 bathroom facilities as well as day rooms so that they can watch television.

The same safety deficiencies were observed in the male unit as the female unit. Buckets were observed in an unsecured room. An open electrical outlet was seen in one of the day rooms. Wires were also observed loose and hanging from televisions. It was noted that inmates were free to walk around within the Unit. TAG asked if the doors to the individual dorm rooms were able to be locked. The staff stated that they did not. Therefore, in the male unit wings approximately 125 inmates cannot be secured if a large incident were to occur. This creates an unnecessary hazard, if the rooms had locked, incidents could be further detained within a specific area and "not spill out" onto the entire wing.

During the tour, TAG observed fire extinguishers strategically located throughout the facility. All had been inspected in January. The Newark Fire Department had inspected the facility and was found compliant with minimum fire safety standards mandated by the State. Unfortunately, the containers holding the fire extinguishers were found to be unsecured and the extinguishers themselves loose in the compartment. An inmate can easily remove one and use it as a weapon. The hallways are also clearly marked with exit signs in case of a fire or emergency.

There are fire alarm pull boxes throughout the facility. The Emergency Exits are magnetically locked and are opened when a fire occurs or when someone pulls the alarm. Facility sanitation was found to be adequate. TAG observed and interviewed staff and verified that they have a clear understanding of the need for proper storage, issuance and storage procedures regarding hazardous material (e.g., Bleach, cleaning supplies etc.). A file with all Material Safety Data Sheets is maintained in the maintenance office. These Material Data Sheets are available throughout the facility.

TAG confirmed that the hazardous substances are properly stored and inventoried accurately. Furthermore, eyewash stations, which are OSHA compliant, are installed at different locations within the complex.

While touring Delaney Hall, TAG was able to interview several male and female inmates to assess the overall living and detention conditions at the facility. The length of detention for these inmates ranged from 14 days to a year. All inmates interviewed were generally happy with the conditions that they live in given their circumstances. They state that they are given proper medical care and are satisfied with the quality of food given to them. There were no complaints regarding telephone calls, sending and receiving mail, recreation, religious services, excessive force or sexual abuse of any kind.

Delaney Hall is also equipped with a general medical care department that is run by GEO. TAG was shown the clinic, advised of the policies and procedures, verified medical staff credentials and interviewed health care and administrative staff. The clinic

is open 24 hours a day, seven days a week. Delaney Hall accepts only detainees with stable or low-level medical conditions.

Prior to being transferred to Delaney Hall, Essex County Corrections completes an initial medical evaluation on each inmate. Once at Delaney Hall, a Registered Nurse conducts a follow up medical evaluation. The facility does not have infirmary housing. It does, however, have an isolation unit for those who have tested positive for COVID. Inmates who develop a condition requiring specialized medical attention are transferred to Essex County Correctional Facility.

Detainees can access healthcare services by completing sick call requests available in the housing units. The completed request forms are deposited by the inmates in lockboxes for collection by medical staff. A Registered Nurse also conducts sick calls on a daily basis using established medical protocols. Medications are supplied to inmates by individual specific dose packs.

According to staff, there have been no suicides, attempted suicide or suicide watches this year. Delaney Hall does not have a suicide watch cell. Inmates that are determined to be at risk of suicide by medical staff are immediately transferred to Essex County Corrections for suicide watch and further medical/mental health evaluation.

Conclusion

Overall, Delaney Hall and the GEO Group were found to be within the parameters of the contract that they were awarded by Essex County, given the current circumstances. Operational Standards and Staffing were good. **Clinical Services have not been done as per contract**, but this is no fault of GEO due to the COVID Pandemic causing social distancing protocols. ECCF are aware of this deficiency and GEO is attempting to safely re-implement the programming.

The following security deficiencies were noted during the assessment:

- **A high number of contraband items were noted as being recovered during this year so far. The security is doing a good job in finding the contraband.**

- Unfortunately, they are not doing a good job in preventing it from getting inside the facility.
- There were items that could have been used as weapons within the reach of inmates. These items were noted as mops, buckets, and fire extinguishers. These items should be secured. There are currently two known ways that contraband enters the facility. The 1st is compromised staff and the other is items being thrown into the yard area from outside. Closer scrutiny should be established to prevent these items from entering the facility. Compromised staff should be detected, and neutralized, and preventive measures should be established to stop outside individuals from throwing items into the facility.
 - Inmates are not restricted within the Unit that they are placed into. The dorm rooms in which the inmates live do not have locks. Unlike, the rest of the facility which is virtually “locked down”, the dorm area is open. There are about 125 inmates who congregate in the same area and cannot be secured further if an incident occurs.

Another area of concern is Emergency Exits. They are equipped with automatic magnetic door locks, which open when the fire alarm is activated. An inmate can pull the fire alarm and go through one of these emergency exits without being immediately detected. Finally, exposed electrical outlets were observed in the facility. This can pose a danger not only to inmates but staff as well. When staff observes these conditions, they should immediately be reported, and corrective action taken.

Critical Findings:

CRITICAL FINDING: A significant amount of contraband was noted as being recovered in Delaney Hall so far this year. Although security personnel do an admirable good job in finding the contraband, they are deficient in effectively identifying, intercepting and preventing it from getting inside the facility. Two primary methods were identified through which contraband enters the facility. The first being compromised staff apparently smuggling contraband into the facility and the other being items of contraband being thrown into the yard area from outside the facility’s perimeter.

CRITICAL FINDING RECOMMENDATION:

It is recommended that closer scrutiny should be established through revised protocols to prevent items of contraband from entering the facility. Compromised staff should be detected, and neutralized. It is also recommended that the ECDOC IAB be responsible for conducting all background investigations of Delaney Hall vendor staff (currently GEO Reentry, Inc.) for all future personnel, as well as personnel currently assigned there.

It is further recommended that preventative measures should be developed and implemented to thwart individuals from outside the facility from throwing items of contraband into the facility, to include security perimeter modifications and enhancements.

Lastly, it is recommended that security at Delaney Hall be enhanced.

Covid-19 Pandemic Policy

Existing COVID-19 policy addresses numerous precautions to safeguard the inmates and staff during the pandemic.¹⁹² Medical staff are assigned to the intake area to administer a screening questionnaire to all new inmates and, in accordance with CDC guidelines, to identify any symptoms at the time of their admission to the ECCF.

State Department of Health and CDC information is posted throughout the facility to constantly provide updates to all staff, visitors, and inmates. Additionally, inmates and staff are issued disinfectant solution for personal use, and to clean all transport vehicles.

Additionally, during the height of the pandemic, contact visits were not allowed and accommodations were made to facilitate non-contact visits for the inmate population.

When visits were necessary, as in the case of contractors, visiting social service agencies, and lawyers, temperature checks were conducted prior to entrance into the facility. This policy also extended to all sworn staff and medical and civilian personnel. Temperatures of 100.4 and above were denied access to the facility. Temperatures

¹⁹² PS.MED.014 Coronavirus.

noted in ECCF personnel triggered a screening form, supervisory notification, and a COVID test.

Food service and the practice of religious services was also modified to minimize the risk of exposure in the inmate and staff populations.

ECCF is particularly commended for administering the welfare of the inmates during the depths of the COVID pandemic in 2020 and 2021, during which only 1 inmate died from the coronavirus. This is a notable accomplishment in the face of the significant volume of inmates that moved in and out of the ECCF during the worst of the pandemic. To stress the significance of that lone COVID-related death, the following statistics are offered. A review of the "Confirmed COVID-19 Cases and Deaths in US Correctional and Detention Facilities by State" webpage on the CDC website revealed a compilation of deaths at various correctional facilities for the time period of March 2020 through July 2022. For New Jersey, 3 State correctional facilities were found to have had more COVID-related deaths at their facilities as compared to ECCF, in spite of the fact that their respective inmate populations were smaller. The COVID-related deaths for each facility are listed below, along with their respective inmate populations.

FACILITY NAME	INMATE POPULATION¹⁹³	COVID-RELATED DEATHS¹⁹⁴
Adult Diagnostic & Treatment Center	844	14
Northern State Prison	1808	10
East Jersey State Prison	1149	8
Essex County Correctional Facility	2434¹⁹⁵	1

¹⁹³ See N.J. Department of Corrections website, Main Facilities. [New Jersey Department of Corrections Facilities - Google My Maps](#).

¹⁹⁴ See CDC Website, Confirmed COVID-19 Cases and Deaths in US Correctional and Detention Facilities by State (New Jersey). [CDC COVID Data Tracker: Correctional Facilities](#).

¹⁹⁵ Source: American Correctional Association, Commission on Accreditation for Corrections, Standards Compliance Reaccreditation Audit, ECCF, June 2019.

COVID-19 - 1 - COVID-Related Deaths in N.J. Correctional Facilities

It was recommended that the facility issue a policy addressing operations during a pandemic. The facility has issued a draft policy and indicated that they are awaiting approval from New Jersey Department of Corrections to issue it in final form.

MISCELLANEOUS RECOMMENDATIONS

During the course of this assessment of the ECCF, TAG members have identified a number of recommendations that did not present themselves in any of the various assessment area reports. These miscellaneous recommendations are not presented in any prioritized order. Accordingly, they are included here for consideration.

MISCELLANEOUS RECOMMENDATION NO. 1:

It is recommended that all senior ECCF executive Staff members be located together in the administrative area of the ECCF. This would include the ECDOC Director, any assistant Directors (if so named), the ECCF Warden, the ECCF Medical Director, and the ECCF Business Administrator.

It is further recommended that the Discipline Unit and the Inspection/Compliance Unit be similarly located near the senior executive staff members.

MISCELLANEOUS RECOMMENDATION NO. 2:

It is recommended that the ECCF Table of Organization (T/O) be completely revised so as to definitively reflect the various divisions, bureau, units, and functions of the ECCF, along with clear lines of command, while be mindful of the concept of effective span of control.

It is further recommended that the ECDOC Rules and Regulations be revised and updated with specific reference to the various executive and command positions within the ECDOC/ECCF so that they accurately delineate position duties and responsibilities, as well establishing a clear chain and unity of command.

MISCELLANEOUS RECOMMENDATION NO. 3:

It is recommended that the ECCF personnel continue to routinely employ the established CorrStat program. It is further recommended that the ECCF executive staff conduct comprehensive and scheduled reviews of the CorrStat program and proactively evaluate new and evolving aspects that may be included in future revisions, so as to enhance its capabilities and effectiveness.

MISCELLANEOUS RECOMMENDATION NO. 4:

It is recommended that the ECDOC purchase and implement facility-wide Power DMS system. The system can be utilized for dissemination of policies; facilitate training; tracking of receipt of policies; tracking of completed training; etc. Power DMS is already implemented by other County agencies.

MISCELLANEOUS RECOMMENDATION NO. 5:

It is recommended that the ECCF video conference capabilities be upgraded to properly interact with the Courts system.

MISCELLANEOUS RECOMMENDATION NO. 6:

It is recommended that the ECDOC website be enhanced in addition to those topic-specific recommendations that appear elsewhere in this assessment (i.e., Internal Affairs function). Increasing community engagement should be a key point in this enhancement.

MISCELLANEOUS RECOMMENDATION NO. 7:

It is recommended that the ECDOC create a comprehensive strategy for the recruitment, hiring and retention of ECCF employees, for both sworn and civilian positions. It is further recommended that an SOP be developed corresponding to the new strategy.

MISCELLANEOUS RECOMMENDATION NO. 8:

Inquiries are routinely received by ECDOC personnel, as well as other County agencies, concerning the well-being of inmates. Allegations of misconduct or mistreatment are handled through established protocols (i.e., Internal Affairs function). However, some inquiries may not rise to that level but are just as important to the inmate and their family and friends. To address this concern, it is recommended that research be conducted for the purchase and implementation of a proprietary system that would allow for the centralized tracking of inquiries for the monitoring of inmates for well-being by ECCF sworn personnel. It is further recommended that the system include provisions for the inclusion of dispositions of the inquires. Lastly, it is further recommended that a policy be developed and implemented to support this program.

It is further recommended that the ECDOC develop and implement a Community Interaction program that can facilitate interaction and partnerships with relevant interest groups to assist in managing the external environment for inmates. A policy supporting this program would also need to be developed and implemented.

MISCELLANEOUS RECOMMENDATION NO. 9:

It is recommended that, in an attempt to reduce the inmate population in the ECCF, if needed, the currently empty section of Delaney Hall be utilized. Uses of Delaney Hall space could include the housing of all female inmates and utilization as a quarantine area in the event of an outbreak of infectious diseases.

MISCELLANEOUS RECOMMENDATION NO. 10:

It is recommended that the ECDOC executive staff conduct weekly meetings with the ECDOC Human Resources staff so as to proactively address personnel concerns.

MISCELLANEOUS RECOMMENDATION NO. 11:

In an effort to alleviate overcrowding in then ECCF, it is recommended that ECDOC official explore the feasibility of implementing an electronic GPS monitoring program for

inmates that meet certain pre-established criteria. It is further recommended that, in the event this program is implemented, an SOP be developed and implemented.

MISCELLANEOUS RECOMMENDATION NO. 12:

It is recommended that the ECDOC reestablish the Safety and Security Bureau, as it had in the past. The function would be responsible for the emergency response team (ERT) and any other specialized teams or functions relating to safety/security, to include cell searches.

It is further recommended that the ECDOC develop a protocol to assign a small number (2-3) of ERT Officers to each custody building for an immediate response, as well as other duties.

MISCELLANEOUS RECOMMENDATION NO. 13:

It is recommended that all inmates that commit a criminal offense inside the ECCF be prosecuted in a unilateral strategy.

MISCELLANEOUS RECOMMENDATION NO. 14:

It is recommended that the ECDOC implement an integrated Classification and Housing strategy for the most violent inmates so categorized, regardless of inmate status (i.e., Essex County, Union County, Federal, etc.). A change of housing assignment would come with compliance with established ECCF rules and regulations.

MISCELLANEOUS RECOMMENDATION NO. 15:

In an effort to ensure the proper security of the ECCF, it is recommended that the ECDOC implement a protocol that all non-uniformed ECCF personnel prominently display their official identification while in the ECCF and must be in possession of it at security checkpoints.

MISCELLANEOUS RECOMMENDATION NO. 16:

It is recommended that the ECDOC increase the utilization of law enforcement canines

for planned searches of the ECCF.

MISCELLANEOUS RECOMMENDATION NO. 17:

It is recommended that the ECDOC upgrade the current security camera system so as to facilitate the obtaining of “still” images from respective video. This would be beneficial to administrative and criminal investigations conducted in the ECCF.

MISCELLANEOUS RECOMMENDATION NO. 18:

It is recommended that the ECDOC draft and implement a policy that comports with the provisions of Attorney General Guideline entitled, “*Protocols Regarding Pregnant Officers*” issued August 25, 2022.¹⁹⁶

MISCELLANEOUS RECOMMENDATION NO. 19:

In an effort to enhance the performance of the CPOs, as well as to ensure the safety and security of ECDOC personnel and inmates alike, it is recommended that a directive be developed and issued from the Director’s office, and any applicable policies be revised, that directs all CPO supervisors to directly convey any and all pertinent information relating to ECCF operations to the oncoming shift supervisor.

MISCELLANEOUS RECOMMENDATION NO. 20:

It is recommended that the ECDOC strictly adhere to the provisions of N.J.S.A. 11A:4-1.3 and all applicable New Jersey Civil Service Commission regulations.

It is further recommended that the ECDOC develop and implement a comprehensive SOP that clearly delineates the mandatory minimum requirements for the hiring of all ECDOC personnel. The SOP should also state that no ECDOC prospective employee shall commence employment until their background investigation is fully completed and approved.

¹⁹⁶ See OAG Guideline “*Protocols Regarding Pregnant Officers*” for details. [AG-Guidelines-protocols-for-pregnant-officers.pdf \(nj.gov\)](#).

It is additionally recommended that all ECDOC prospective employee background investigations be conducted by the ECDOC Internal Affairs Bureau.

It is further recommended that the ECDOC Director coordinate all hirings of ECDOC personnel with both the Essex County Department of Human Resources and the ECDOC Director of Human Resources.

It is also recommended that all newly hired CPOs fully complete all required training, pursuant to the provisions of N.J.S.A. 10A:31-5.3, et seq., prior to job assignment.¹⁹⁷

Lastly, TAG strongly recommends that all newly hired CPOs complete their mandatory basic academy training¹⁹⁸ prior to assignment in the ECCF, excepting those previously trained CPOs transferring inter-agency.

American Correctional Association Accreditation

The American Correctional Association of Accreditation (ACA) is a national accreditation agency recognized worldwide for accreditation standards in the correctional industry. ACA has developed national standards which address services, programs, and other operations essential to effective correctional management. Accreditation provides systemic standardization of many critical operations and promotes sound public policy which will enable staff at all levels to be part of a nation-wide network of professionals with enhanced productivity, efficiency, and effectiveness. Agencies seeking accreditation must undergo intensive evaluations by ACA that culminate with the accreditation audit, a comprehensive assessment that encompasses every area of correctional operations.

The ECCF received a passing percentage score of 100% for Mandatory Inspection Areas and 98.38 for Non-Mandatory Inspection Areas, improved from the 2019 percentage score of 97.90 for Mandatory Inspection Areas.

¹⁹⁷ See N.J.A.C. 10A:31-5.3 for details.

¹⁹⁸ In accordance with Police Training Commission provisions, N.J.S.A. 52:17B-68.1 and N.J.A.C. 10A:31-5.3(g) – Adult County Correctional Facilities, Training and Staff Development. N.J. Legislative Statutes (state.nj.us) and NEW JERSEY ADMIN CODE | PAW Document Page (lexis.com), respectively.

CONCLUSION

This final report includes sensitive information from the Essex County Correctional Facility for the purposes of organizational analysis. Information and statistics provided in this report were provided by the Essex County Correctional Facility, as well as other sources, and are the most up to date statistics available. All critical findings and recommendations are provided within this report are provided with the intent to develop and implement sound operational practices and policy based on best practices derived from a comprehensive assessment conducted by an independent group of law enforcement professionals.

The goal of this assessment is to enhance policy and improve the professional standards of conduct that promote optimum safety and sound best practices in the correctional workplace. The Ambrose Group LLC had the opportunity to review operational practices to identify potential vulnerabilities and make critical recommendations to improve the work environment of staff; safeguard employees and inmates alike; and improve prison facilities using new technologies.

The Ambrose Group would like to thank the leadership of the Essex County Correctional Facility and its staff, and Former Governor James McGreevey and the Essex County Civilian Task Force, for their cooperation, assistance, and professionalism shown to the members of The Ambrose Group for providing access and transparency during the course of this assessment. The Ambrose Group stands ready to assist the Essex County Administration and Director Charles and his staff at the ECCF in the implementation of the noted recommendations, to include training resources, and further recommends intensive follow-up as the second phase of this assessment.

ADDEMDUM A



Photo: 2 Examination Room



Photo: 1 Examination Room



Photo: 3 Medical Area



Photo: 4 Court Video Conference Booth



Photo: 5 Computer set-up in Infirmary



Photo: 6 Officers Report Writing Station

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Photo: 7 Command Center



Photo: 8 Command Center

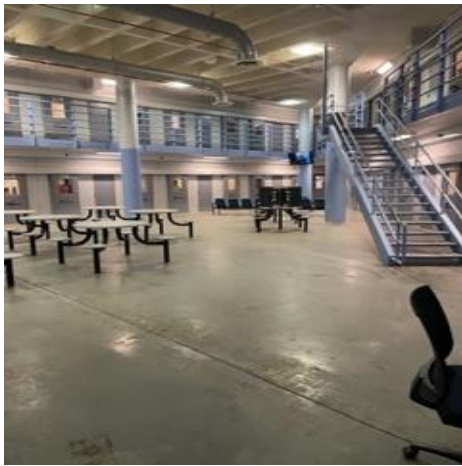


Photo: 9 Inmate Housing

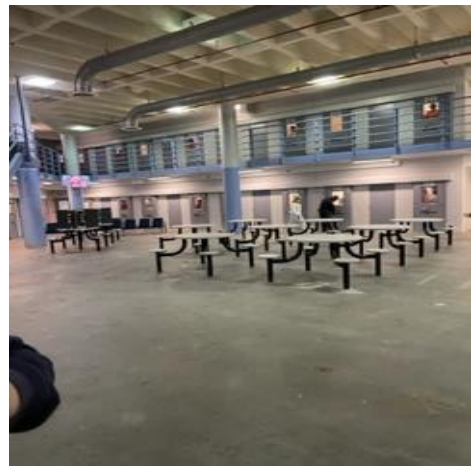


Photo: 10 Inmate Housing



Photo: 11 Command Center

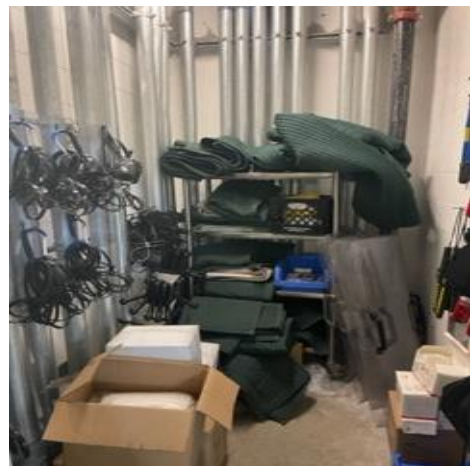


Photo: 12 Response Equipment storage



Photo: 13 Response Equipment Area

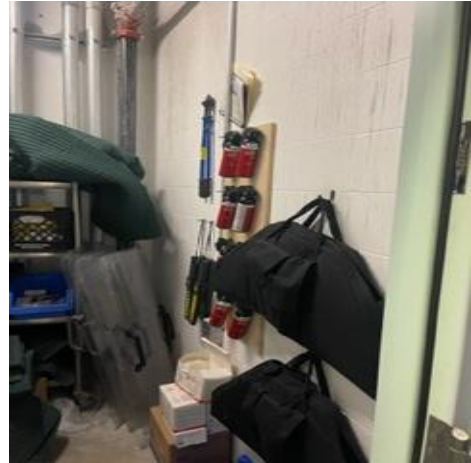


Photo: 14 Response Equipment



Photo: 15 Vest Sanitizing Machine

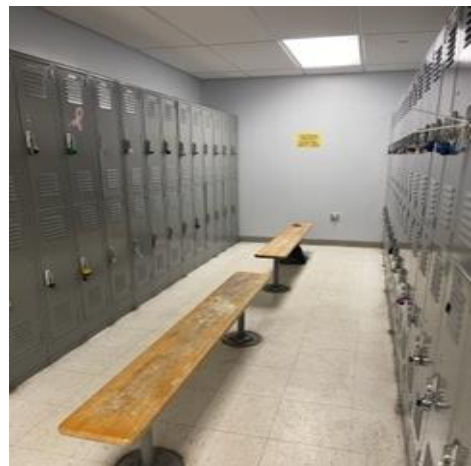


Photo: 16 Locker Room

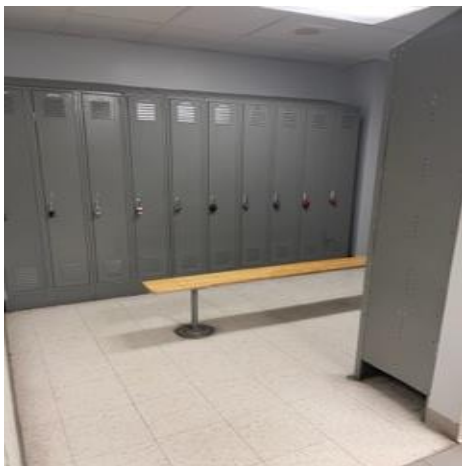


Photo: 17 Locker Room



Photo: 18 Shower Area

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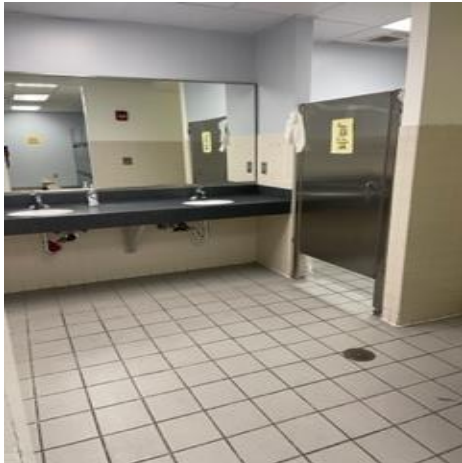


Photo: 19 Sink Area



Photo: 20 Bathroom Stalls



Photo: 21 Shower Stalls



Photo: 22 Bathroom Floors Clean



Photo: 23 Storage Area



Photo: 24 Storage Area

Note: Bathroom and Storage areas clean and organized.

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Photo: 25 Organized Storage Area

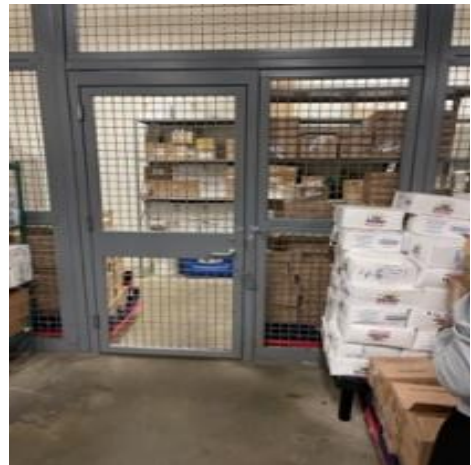


Photo: 26 Storage Area



Photo: 27 Kitchen Area Clean Floor



Photo: 28 Storage Area



Photo: 29 Cold Storage



Photo: 30 Kitchen Area

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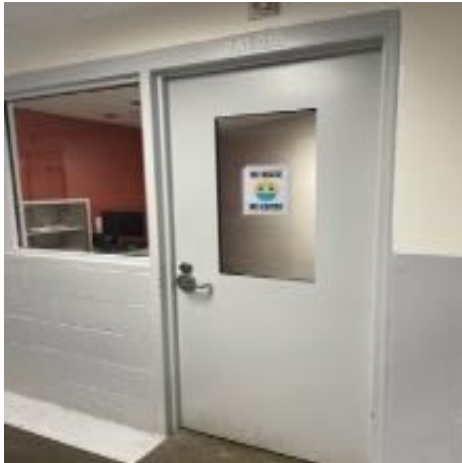


Photo: 31 Covid Signage



Photo: 32 Medical Passageway



Photo: 33 Secure Passageway

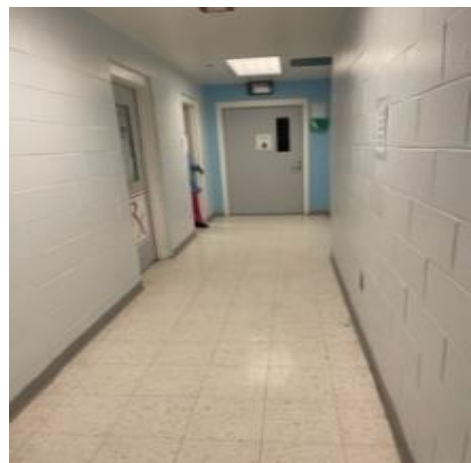


Photo: 34 Passageway

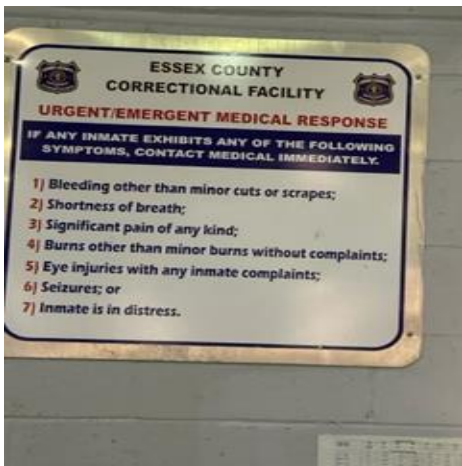


Photo: 35 Medical Signage



Photo: 36 Secured / Bracketed Microwave

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Photo: 37 Administrative Area



Photo: 38 Logbook



Photo: 39 Policies and SOP's displayed Openly



Photo: 40 Open View of Administrative Documents



Photo: 41 Training Room

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ADDENDUM B

AMERICAN CORRECTIONAL ASSOCIATION

AND THE

COMMISSION ON ACCREDITATION FOR CORRECTIONS

COMPLIANCE TALLY

Manual Type	<i>Adult Local Detention Facilities, 4th Edition</i>	
Supplement	<i>2016 Standards Supplement</i>	
Facility/Program	<i>Essex County Correctional Facility</i>	
Audit Dates	<i>June 6-9, 2022</i>	
Auditor(s)	<i>Carol Thomas, Chair Catherine Thomas, Member</i>	
	MANDATORY	NON-MANDATORY
Number of Standards in Manual	60	323
Number Not Applicable	2	14
Number Applicable	58	309
Number Non-Compliance	0	5
Number in Compliance	58	304
Percentage (%) of Compliance	100%	98.38
<p>! Number of Standards minus Number of Not Applicable equals Number Applicable</p> <p>! Number Applicable minus Number Non-Compliance equals Number Compliance</p> <p>! Number Compliance divided by Number Applicable equals Percentage of Compliance</p>		

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BREACH OF SECURITY AT THE ESSEX COUNTY CORRECTIONAL FACILITY



The Ambrose Group, LLC

Final Report Completed on : September 15, 2022

Name of Client: Essex County Correctional Facility

Name: THE AMBROSE GROUP LLC