
Committee Meeting

of

SENATE LAW AND PUBLIC SAFETY COMMITTEE

*“The Committee will hear testimony concerning allegations of sexual abuse
at the Edna Mahan Correctional Facility for Women”*

LOCATION: Committee Room 10
State House Annex
Trenton, New Jersey

DATE: February 22, 2018
10:30 a.m.

MEMBERS OF COMMITTEE PRESENT:

Senator Linda R. Greenstein, Chair
Senator Patrick J. Diegnan Jr., Vice Chair
Senator Joseph Cryan
Senator Nicholas J. Sacco
Senator Christopher “Kip” Bateman



ALSO PRESENT:

Senator Nia H. Gill, Esq.
Senator Nellie Pou

Wendy S. Whitbeck
*Office of Legislative Services
Committee Aide*

Alison Accettola
*Senate Majority
Committee Aide*

Sarah Fletcher
*Senate Republican
Committee Aide*

***Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
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LINDA R. GREENSTEIN
Chair

PATRICK J. DIEGNAN, JR.
Vice-Chair

JOSEPH CRYAN
NICHOLAS J. SACCO
CHRISTOPHER "KIP" BATEMAN
DECLAN J. O'SCANLON, JR.



WENDY S. WHITBECK
Office of Legislative Services
Committee Aide
(609) 847-3870
(609) 777-2715 fax

New Jersey State Legislature
SENATE LAW AND PUBLIC SAFETY COMMITTEE
STATE HOUSE ANNEX
PO BOX 068
TRENTON NJ 08625-0068

COMMITTEE NOTICE

TO: MEMBERS OF THE SENATE LAW AND PUBLIC SAFETY COMMITTEE

FROM: SENATOR LINDA R. GREENSTEIN, CHAIRWOMAN

SUBJECT: COMMITTEE MEETING - FEBRUARY 22, 2018

The public may address comments and questions to Wendy S. Whitbeck, Committee Aide, or make bill status and scheduling inquiries to Michelle L. McArthur, Secretary, at (609)847-3870, fax (609)777-2715, or e-mail: OLSAideSLP@njleg.org. Written and electronic comments, questions and testimony submitted to the committee by the public, as well as recordings and transcripts, if any, of oral testimony, are government records and will be available to the public upon request.

The Senate Law and Public Safety Committee will meet on Thursday, February 22, 2018 at 10:30 AM in Committee Room 10, 3rd Floor, State House Annex, Trenton, New Jersey.

The committee will hear testimony concerning allegations of sexual abuse at the Edna Mahan Correctional Facility for Women.

Issued 2/14/18

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SENATOR LINDA R. GREENSTEIN (Chair): Good morning, and welcome to this exciting meeting of the Senate Law and Public Safety Committee.

I'm going to have to do more of these, because I like this big crowd. (laughter)

Okay; and I'll ask that you take a roll, please.

MS. WHITBECK (Committee Aide): Senator Bateman.

SENATOR BATEMAN: Here.

MS. WHITBECK: Senator Sacco.

SENATOR SACCO: Here.

MS. WHITBECK: Senator Cryan.

SENATOR CRYAN: Here.

MS. WHITBECK: Senator Diegnan.

SENATOR PATRICK J. DIEGNAN, Jr. (Vice Chair): Here.

MS. WHITBECK: And Senator Greenstein.

SENATOR GREENSTEIN: Here.

Thank you.

Thank you very much.

I'm going to read a short opening statement, and then we'll proceed from there.

We gather today to address a very serious, even horrific situation that has come to light at New Jersey's only prison for women, the Edna Mahan Correctional Facility for Women in Union Township, Hunterdon County.

This situation is the sexual assault and abuse of inmates by duly-sworn corrections officers, something that should be abhorrent to all of us.

The issue first came to light -- or first came to light recently in an expose by Sean Sullivan, a reporter for New Jersey Advance Media, the *Star-Ledger*, which followed up on a 2016 blog posting by John Paff, about two lawsuits by inmates alleging sexual assault and other abuses.

Sean did a great job putting this together so all of us know something about it. What you will hear in the testimony is that this problem goes back many, many years; it's nothing new, and it was known to certain people. But Sean is the one who really made it available to the public, including the Legislature.

In that first report by New Jersey Advance Media a year ago last month, several women at the prison -- which houses just over 600 inmates -- made allegations about an officer who had assaulted and abused them at will, without repercussions from the prison or the Department of Corrections. Ultimately, that officer -- identified in the reporting as Erick Melgar -- was fired after an internal investigation, but never prosecuted.

Others, though, have been prosecuted since that first report. One corrections officer is currently serving prison time for engaging in a "romantic relationship" with an inmate who, according to law and common sense and decency, is incapable of consent while in prison. The inmates are incapable of consent.

Another, a vocational instructor in a prison kitchen, is in prison after pleading guilty to trading cigarettes to an inmate in exchange for sex.

Four more officers were indicted on sex abuse charges in September, allegedly abusing eight inmates over a span of two years.

Additional reporting by Mr. Sullivan in September uncovered court records that show investigators substantiated more than a dozen instances of abuse at Edna Mahan, including six between 2012 and 2015, a period of time when correction officials had initially reported to the Federal government that they only substantiated two rape claims among a population of nearly 20,000 inmates at 13 institutions. It's unclear whether those additional circumstances were uncovered after authorities opened additional investigations that uncovered those abuses, as a result of New Jersey Advance Media's reporting.

These inmates are powerless and at the mercy of their jailers. We can only imagine the nightmare of being confined to a cell and having a guard come in to commit rape; or being pulled into a maintenance closet to be attacked. Those are just a couple of the allegations to come out of the reporting. Inmates have also told of being unable to resist an officer's demands for sex because of the fear of retribution at the hands of those same officers.

Yes, many of these inmates are in prison for serious crimes; but that's actually irrelevant here. It is our charge, as the government, to safely house those inmates as they pay their debt to society. They are paying that debt, and it should not come at the additional price of being subject to the wanton depravities of the jailer.

It's chilling and seems like something out of a horror movie, a cruel and barbaric world that has no place in our society and surely not in our government. For its part, the Department of Corrections cites a zero-

tolerance policy for abuse of inmates. The Department says it is fully behind the efforts of prosecutors to weed out the evildoers.

I asked Corrections Commissioner Gary Lanigan -- who was the Corrections Commissioner under Governor Christie, and is up to be approved under Governor Murphy -- I asked him, when he came before the Budget Committee last year, about some of these problems at Edna Mahan; and he said, "Justice was served in those cases."

We want to make sure that justice is served in all cases. The Corrections Department's mission statement says that it will "protect the public by operating safe, secure, and humane correctional facilities." Sexual assault and predation is anything but humane, and we want to ensure that inmates are not subjected to this barbaric and criminal treatment, going forward.

That is the purpose of this hearing.

We've asked for a representative of the Department of Corrections to join us -- is there a representative here today? (no response) Is there anybody? (no response) -- but they declined.

Thank you all; and now, is there anyone else on the Committee who wants to make any kind of a statement before we question? (no response)

Okay; thank you very much.

And I'm very pleased to say that the first person who will be testifying here today is Professor Brenda Smith from American University, Washington College of Law, the Project on Addressing Prison Rape. She is a national expert on the subject, and she knows a lot about the Edna Mahan situation.

Most important, she is a law school classmate of mine (laughter), so our -- we know each other very well, going back many, many, many years.

Brenda.

And Brenda, please -- I'm sorry; *Professor*, I should say -- please let people know about your background and all the things you've done--

BRENDA V. SMITH, Esq.: I will.

SENATOR GREENSTEIN: --because you know a lot.

MS. SMITH: Okay; great.

So first of all, thank you for inviting me here.

I do have to tell a funny story. Because our experience in law school was so traumatic (laughter), it actually took a while for us to realize that we were in the same first-year section, and also in the same clinical program.

So thank you so much for inviting me.

I also want to introduce my student, Chelsea Jacobi, who is actually going to be second-chairing me. She's not from New Jersey, but she's close. She's from New York.

Okay; so good morning, everyone; Chairman Greenstein and Vice Chairman Diegnan. Thank you for inviting me here today, and for the opportunity to speak with the members of the Committee on Law and Public Safety.

As Chairman Greenstein said, my name is Brenda Smith, and I am a Professor at American University Washington College of Law. I have a long investment in issues of treatment of individuals in custodial settings, dating back to my early years of running a program for women prisoners

imprisoned at the Minimum Security Annex of the District of Columbia Department of Corrections.

Because of my work with women in custody, I learned about sexual victimization in custodial settings firsthand and actually served as Class Counsel in a piece of class action litigation involving over 700 women prisoners. The name of that case was *Women Prisoners vs. DC*. The litigation lasted from 1993 to 2003. As a result of that litigation, there was over \$3 million in attorney's fees, but significantly more expenses to the state because of the changes they needed to make in order to address a pervasive pattern of sexual abuse in custodial settings.

In November 2003, shortly after I ended my stint as Class Counsel, I was appointed by then-House Minority Leader Nancy Pelosi to serve on the National Prison Rape Elimination Commission. I served in that capacity until 2009, when the Commission sunsetted, after having issued comprehensive standards to address sexual abuse of individuals in custodial settings -- prisons, jails, juvenile detention facilities, community corrections, and immigration detention facilities. The U.S. Department of Justice issued final standards in August 2012, after several years of consultation with stakeholders and a robust public comment period.

In addition to those roles, I have also directed the Project on Addressing Prison Rape for the past 20 years. In that capacity, I have provided training and technical assistance to correctional agencies -- adult and juvenile -- on a variety of issues, including labor and employment issues, sexual abuse in custodial settings, culture change, treatment of LGBTQI people in custody, and the specific needs of women and girls under authority of law.

Additionally, I have litigated and served as counsel and expert witness in sexual abuse cases in correctional settings; and have been involved as a scholar, researching and writing on issues of sexual victimization in custody.

I submit to you today that while the United States has made progress with the promulgation of the Prison Rape Elimination Act and its standards, there is still much work to be done. I think that the allegations of sexual abuse at the Edna Mahan Facility are proof of that.

One of the things that I did in preparation for testifying today was actually to go back and look at the reported cases involving the Edna Mahan Facility. And while initially I had decided that I was really just going to submit them in my written testimony, I think that it bears reporting what those findings were.

So, most recently, in the fall of 2017, a female prisoner -- and this is the civil case -- at the Edna Mahan Facility alleged that she was sexually assaulted by Officers Ambroise and Mays. In her civil complaint, she claimed that defendants Ambroise, and/or Mays, and other Edna Mahan officers, in the past five years, had assaulted at least 16 other women.

Further, the female prisoner stated that at least five Edna Mahan officers and/or employees were fired and/or criminally indicted over the past three years over claims of sexual abuse.

Lastly, the prisoner claimed that, for several years, Edna Mahan had falsely reported no cases of sexual abuse of inmates, and/or under-reported cases of sexual abuse of inmates.

Unfortunately, this most recent event that is the genesis of this hearing is not an isolated event. Edna Mahan has a long-standing history of sexual violence against female inmates. Over the last 20 years, female and male officers at the Edna Mahan Facility have been disciplined, fired, or criminally prosecuted for exchanging sexual favors for gifts or money; for forcing inmates to display themselves to be photographed by them, as well.

I've already discussed the current case, and so I will talk about another.

There was another case which is called *In re Coluccio*, where a defendant, who had worked for the Commissioner of Education as a cosmetology teacher, appealed his firing. The defendant filed a preliminary notice of disciplinary action, and alleged that Coluccio had an improper relationship with an inmate at Edna Mahan who was serving a six-year sentence. Coluccio was charged with conduct unbecoming an employee -- not with a criminal case -- improper and unauthorized contact with an inmate, and sexual harassment or discrimination.

While Coluccio appealed his firing and those charges, the court affirmed the Commissioner of Education's decision.

There's also the *Matter of Colon*; and this is a particularly disturbing case where the petitioner appealed an administrative action of the Civil Service Commission and a denial of reconsideration from the Department of Corrections.

He was fired for beating a special-needs inmate. And in terms of the facts of the case, it showed that, in 2015, the inmate -- who was a special-needs inmate who was receiving psychiatric care -- was captured on the correctional facility's security camera from two angles. The video

showed the inmate approaching the control booth twice. The second time, when she began to walk away, she stopped and said something over her shoulder. The next thing the video showed was the officer walking towards the inmate, who turned and continued to walk towards the housing unit.

The petitioner -- the officer closed the gap between himself and the inmate, and was standing inches away from her. He pushed the inmate, causing the inmate to stumble; and eventually he pushed her forcefully to the floor. The video showed the petitioner -- the officer -- punching the inmate while she was on the floor. Okay; and that was a matter that the staff member appealed.

There's another case, *Raymond vs. Edna Mahan Facility*; and that was in 2005.

Again, an officer appealed his removal from the Edna Mahan Facility upon a finding that he had "improper or unauthorized contact with an inmate; undue familiarity with inmates, parolees, their families, or friends." Fortunately, the court affirmed the respondent's removal.

The last case I want to talk about is one that was in 2006; and in that case, a Lieutenant, a Lieutenant Ralph Grier, was found guilty of second-degree official misconduct in a criminal trial. At the time, a jury acquitted him of three counts of sexual assault on inmates at the Edna Mahan Facility. Grier had worked there for 20 years and, according to the court records, he used his position to develop a relationship with the victim, a female former inmate, whose name was withheld. He gave the inmate cigarettes and candy to become friendly with her; additionally, he sent her a \$30 money order and disguised it to come from a relative, in exchange for allowing him to take nude photographs of her.

So again, this is a sample of the things that are in the public record, and I'm sure are not surprising to many of you who are familiar with many of the incidents that happen in custody.

I want to shift my testimony and talk about the Prison Rape Elimination Act.

So in 1994, the Supreme Court ruled that prison officials' deliberate indifference to a substantial risk of serious harm to an inmate violates the cruel and unusual punishment clause of the Eighth Amendment. The Court also ruled that rape in prison is simply not a part of the penalty of imprisonment.

Nine years later, Congress passed the Prison Rape Elimination Act, which aimed to create a zero-tolerance for sexual abuse in custody and to protect the Eighth Amendment rights of prisoners. And as I described before, I served on that Commission for almost 10 years.

While we are here to talk about sexual abuse in custody today, and how the Prison Rape Elimination Act standards address that important issue, it goes without saying that PREA is about much more than abuse. And again, I'll say *PREA*, but I mean the *Prison Rape Elimination Act*.

Sexual abuse of people in custody has been a problem since the inception of prisons, and indeed led to the creation of separate women's prisons. In 1823 (*sic*), Rachel Welch, who was a prisoner in New York, was beaten to death while she was pregnant by a correctional officer; and that caused the creation of separate female prisons in New York.

In the Prison Rape Elimination Act, Congress made several findings, which I think bear on today's proceedings. First, that most prison

staff are not adequately trained or prepared to prevent, report, or treat inmate sexual assaults.

Second, that prison rape often goes unreported, and inmate victims often receive inadequate treatment for the severe physical and psychological effects of sexual assault -- if they receive treatment at all.

Third, that inmates with mental illness are at an increased risk of sexual victimization, in that jails and prisons house more mentally ill individuals than all of the nation's psychiatric hospitals combined.

And four, that the high incidence of sexual assault in prisons involves likely violations of the U.S. Constitution and state and Federal law.

In order to address these findings, Congress implemented the PREA standards. I have detailed below these standards, and I hope that you will ask -- and I'm just going to call out some of them, and I hope that you will ask me about them in the Q and A.

The standards that I think particularly there today are standards related to limits on cross-gender searches. I'd also like to say that the standards did not prohibit cross-gender supervision; however, many of the jurisdictions that I'm aware of that have been involved in litigation and that have an apparent practice of sexual abuse in custody have gone to a situation where they have extremely limited cross-gender supervision in its women's facilities.

Another matter that I think also bears -- and I hope that you will discuss as well in the Q and A -- is the issue of hiring and background checks. Unfortunately, it is very easy for people who have conduct or behavior that would suggest that they should not be in a position of

authority over vulnerable people -- it is very easy for those individuals to be hired in positions of trust.

The Prison Rape Elimination Act specifically says that “the agency shall not hire ... anyone who may have contact with inmates, and shall not enlist the services of any contractor who may have contact with inmates, who has engaged in sexual abuse in a prison, jail, lockup, community confinement facility, juvenile facility, or other institution; has been convicted of engaging or attempting to in sexual activity in the community facilitated by force, overt or implied threats of force, or coercion, or if the victim did not consent or was unable to consent or refuse; has been civilly or administratively adjudicated to have engaged in the activity” described above.

I want to go off-script for a minute and say that often what happens is people are allowed to resign. And so often there is no indication that they’ve actually been found involved in these incidents; and so often there is no record. And sometimes that happens because there’s a sense that there is not sufficient evidence to prove the matter or because they believe that the testimony of the victims will not be credible.

At the same time, this creates a circular pattern where -- I don’t want to say *evildoers*, but *bad actors* are able to move from facility to facility and often take positions in other custodial settings, like schools as school resource (sic) officers; also to go into the military as well. And so it’s very important to have robust background checks.

I also want to say that, while good on its face, the background check standard assumes a reporting culture in correction environments that often does not exist. A great example of this is the scandal in the Baltimore

City Detention Center. In April of 2013, 25 people, including 13 corrections officers, were indicted for a widespread smuggling scheme of drugs, cell phones, and other contraband into the facility. One inmate was discovered to have impregnated four correctional officers. This scandal was so widespread that other staff members either knew or turned a blind eye to the misconduct for fear of retaliation by staff or the other inmates.

I will also just briefly say, some of the other standards that I hope that we can talk about are those related to criminal and administrative agency investigations where the Commission found that there were significant areas of weakness; the issue of disciplinary sanctions for staff, which the Prison Rape Commission found were timid; the importance of employee training; and also the importance of inmate education.

Finally, one of the areas that is not in the Commission's standards are really issues around anti-fraternization. And in order to combat the problems that sexual and familiar relationships between inmates and correctional officers can raise -- including security breaches and the reputation of the agency -- correctional authorities have created and implemented anti-fraternization policies. And I would also recommend them to the State of New Jersey.

I want to end by saying -- by talking about some of the recommendations I would make for moving forward.

First, I would suggest strengthening the ability of Edna Mahan to address these issues as part of their PREA or other compliance efforts. In preparing for this testimony I looked at the audit reports for Edna Mahan Facility that came out of the PREA audit, and they passed each of those audit checks. And what that says to you is that there needs to be some

additional work; and again, I'm happy to talk to you about what kind of additional work that needs to be, and the relevance of passing or not passing those audit checks.

It also suggests that there needs to be funding for development of specialized training for staff and administrators. And we can talk about where money for that comes from. There was a tremendous amount of funding that came through the Prison Rape Elimination Act and their grants for technical assistance, specifically through the PREA Resource Center. And I would encourage New Jersey to take advantage of that.

Again, data collections -- real data collections for the prevalence of sexual abuse that includes all reported incidents, not just the ones that are substantiated. There's an old saying that says that when there's smoke, there is often fire. And so if there's a situation where there's a common name that continues to come up, even if those incidents are unsubstantiated, it means that that is an area that might be food for further inquiry.

Ensure that inmate safety comes first regarding possible retaliation following a report. There's a code of silence, not only among officers, but also among prisoners. Many of the women who I worked with in my litigation conceived (*sic*) while they were in custody, right? -- were secreted -- were taken out of the facility in order to terminate their pregnancies, right? And so -- but nobody knew, but these women had to be transported; they conceived while they were in custody; they gave birth while they were in custody. And so, again, those are things that we need to look for. Why did they not report? Because they didn't think that they

would be protected, and they thought that most -- the important thing to do was to keep their head down and get out.

Finally, creating training practices for new officers, and regular training sensitizing them to issues of sexual assault. The current training, as far as I can see, only addresses *undue familiarity*, *inmate manipulation*, which is broadly called *the games cons play*; and broadly, PREA.

Again, I would urge the agency to seek technical assistance, increase mechanisms for people to report outside of the agency. In many situations, states that have had these problems -- where they seem to have very little reports but then end up in litigation -- have said, "We need to create an outside reporting mechanism." And so that's something that I would also suggest.

Finally, I'd like to say, based on my work over the course of over 30 years -- first as an advocate for people in custody, then as the Project Director of a national effort to address sexual abuse in custody, and finally as a Commissioner serving for nine years on the National Prison Rape Elimination Commission -- I feel strongly that New Jersey correctional facilities have a unique ability and responsibility to address sexual abuse in their settings. However, in order to do that, the issue of sexual abuse in custody has to be a priority for the New Jersey Department of Corrections.

Thank you again for inviting me to be here today. I hope I didn't talk too long, and I look forward to the opportunity to speak to you further in the Q and A.

SENATOR GREENSTEIN: Professor, I can't tell you how much we appreciate your excellent testimony, and your coming up here, which is so appreciated.

I know this won't be the last conversation we have with you -- whether we come down to see you or whatever. But clearly you are a treasure trove of information that we need here in New Jersey.

I just have a few questions; then I want to open it up to my colleagues.

How badly are we doing compared to other states? Are there any states that don't have an Edna Mahan-type problem?

MS. SMITH: So I guess what I'd say to answer that is, yes, I think there are a lot of states that don't have an Edna Mahan problem. But I think it's fair to say that almost every state that has a women's prison has had some scandal, right? But what happens is what you do after that.

I think one of the things that you have to look at is whether these are repeated and endemic situations. There are some places that have done an excellent job in responding to them. And I actually wrote a number of them down that I think they're looking at. One is the Rhode Island Department of Corrections. A second is the Michigan Department of Corrections; but unfortunately, Michigan ended up having to be sued and endured a \$150 million judgement on behalf of women in custody before it got there. Vermont, New Hampshire, Oregon, and Massachusetts -- none of those agencies have not had a scandal, but what is important is what you do after them.

SENATOR GREENSTEIN: Can you give us just a few examples of what some of those states have done after the scandal?

MS. SMITH: So, for example, Rhode Island has an external investigative agency; the Department of Corrections is not investigating

itself, right? It's actually done by an outside agency that has subpoena authority that can do wiretaps and so on and so forth.

I also forgot to mention D.C., right? One of the things that D.C. did is it actually created a separate facility -- it has a separate facility for women, and it has contact supervision in the facility only by female staff. It also has external reporting and ongoing training and support.

One of the other things that I did not mention in my testimony which is also very important is that we're also talking about trauma. And so one of the wonderful things that people have done is they've also created great connections with rape crisis centers, as well, for ongoing support of victims. And I would encourage that, because often it's only until people deal with the trauma that they can actually come forward and report.

Vermont, New Hampshire, Oregon, and Massachusetts all have robust inmate education programs, right? One of the other things that I'd also like to say is that most of those agencies also have ways for people to report confidentially. One of the biggest issues that I would say to look at, as well, is also to look at the disciplinary process. Often the disciplinary process has a system that says that if you make a report, and that report is found to be unfounded or unsubstantiated, you then face discipline. And so if you're a prisoner and you think that you're unlikely to be believed anyway, then it's more likely that you're not going to report.

And so, again, to take a look at your inmate disciplinary processes.

PREA also provides for a way for people to report out, for example, to a government agency. And that might also be another area to look at it.

And finally -- I'm sorry -- one of the things that again I would encourage -- talk to the PREA Resource Center. Often one of the things that they will do is they will come in, they will do an assessment, and they will also pair you with agencies that dealt with and that have overcome some of the issues that you're facing.

SENATOR GREENSTEIN: Is the PREA Resource Center a national--

MS. SMITH: Yes, it is.

SENATOR GREENSTEIN: Where's it located?

MS. SMITH: It's actually located in D.C.; but you can actually send out a request for technical assistance. And that technical assistance is generally free.

SENATOR GREENSTEIN: I know you covered this in your speech, but can you sort of summarize -- just summarize what has to be done under PREA and what, if anything, prisons should be doing over and above PREA? What goes beyond PREA?

MS. SMITH: So I think it's fair to say that PREA is the floor. And so there's a set of standards that include many of the ones that I talked about -- it's voluminous -- that talk about best practices. But I think that what is primarily important that prisons have to do, is they have to do an assessment of their areas of vulnerability, and then provide and do what is necessary to protect people in their care and custody from sexual assault in custody.

So if there's a sense that your reporting mechanisms actually are not robust, they're not credible, then it's important to improve those mechanisms; or change them. If you have people who have been victimized

in custody, then it's important for them to get treatment -- both physical treatment and mental health treatment. If you have a situation where you have officers who are bad actors, they need to be fired, terminated, referred for prosecution. Additionally, they need to be taken out of contact positions with people who are vulnerable.

I think that also the agency -- at least as far I'm concerned -- it seems to me that New Jersey could benefit from actually taking a look at the complaints that it's received, whether or not they were substantiated or not. Because I think that that would give them important information in terms of their areas of vulnerability, and also suggest some things that they might do in order to improve that situation.

Again, another thing that I would suggest is to also look at the deployment of female staff in these agencies because that might improve the situation.

SENATOR GREENSTEIN: I don't have the statistics here, but I think we're going to hear some testimony about how -- whether it's by regulation, law, I don't know -- but there's supposed to be many more female staff in the female prisons; something like 70-30. But the number is much different with a lot of male staff in the prison.

MS. SMITH: Right, right.

One of the things that I would say is that often collective bargaining has an impact on that.

SENATOR GREENSTEIN: How so?

MS. SMITH: Well, in many facilities -- in many states, depending on your seniority, you get to bid for positions. And often people want to be in the women's facilities -- right? -- because there's less violence,

they may be a bit cleaner, and because there's a sense that the work may be less stressful, right?

And so what happens is, if you don't have that kind of seniority -- and often women don't have that kind of seniority -- you can't bid to be in those positions. And so that may be one of the issues; I'm not sure if that's the situation in New Jersey.

SENATOR GREENSTEIN: Thank you.

I'll open it up to questions.

Senator Cryan.

SENATOR CRYAN: Thanks for your reporting; I appreciate it. I'd venture to say that just about anybody who is a member of the PBA would agree with you. They want their bad actors out too.

MS. SMITH: Absolutely.

SENATOR CRYAN: So I think that would be kind of a common ground.

I want to begin with just some basics.

First off, the zero-tolerance policy that's in the Department of Corrections -- are there any states that legislate that?

MS. SMITH: I'm sure that it's in people's legislation; and legislation, obviously, only goes so far.

SENATOR CRYAN: Right.

MS. SMITH: People legislate a lot of stuff, but they don't live up to the promise of it.

Almost every agency policy states that we have a zero-tolerance for abuse. Some statutes are going to say that as well. But again, its whether you live up to it or not.

SENATOR CRYAN: One of the things I'm interested in hearing from the data that we received, and Sullivan reporting in the others, is this PREA follow-up.

MS. SMITH: Right.

SENATOR CRYAN: It's my understanding that in Edna Mahan-- Is it Mahan or Mahan (indicating pronunciation); how do you say that? Mahan, right?

ALL: Mahan.

SENATOR CRYAN: Mahan.

MS. SMITH: Mahan, Mahan, Mahan (indicating pronunciation).

SENATOR CRYAN: It's Edna. (laughter) All right, so--

SENATOR BATEMAN: It's Mahan; it's actually pronounced Mahan.

SENATOR CRYAN: Edna Mahan; thank you, thank you.

It's my understanding that the PREA information is, in 2014 -- that there were 45 allegations; zero were upheld.

MS. SMITH: Right.

SENATOR CRYAN: So in 2015, there were 16 allegations; only one was upheld -- 2015 that was. And in 2016, 97 allegations, but 8 were substantiated. Is that correct?

MS. SMITH: Right.

SENATOR CRYAN: I'm interested in a follow-up on this. And looking at a little bit of the PREA audits yesterday -- but not all day-- I mean, that rings bells, right? You've got 45 -- or use 66; that's 1 every 6 days; and actually, in totality, 1 substantiated, I think.

What I'm interested in is the management culture of that. I mean, you see it so many times; is there a requirement in PREA, for example, to analyze things like data: Do they happen in the same spot? Are the accusations-- I think the Sullivan reporting talks about North Hall quite a bit.

MS. SMITH: Yes, yes.

SENATOR CRYAN: Is there a requirement in PREA to analyze that data for specific trends to understand it better?

MS. SMITH: Yes.

SENATOR CRYAN: I guess my question is, through the Chair. Do you happen to know that?

MS. SMITH: Yes; are you talking to the Chair or to me?

SENATOR GREENSTEIN: No; just *through* me. (laughter)

MS. SMITH: Yes, yes.

So yes, there is a requirement to actually look at your data. But again, one of the things that I said is that PREA is the floor; it's not the ceiling. And so if I were a prudent correctional administrator, and I had 97 incidents and I only had 8 substantiated, then I would want to do some analysis of where they're happening and also why they're unsubstantiated. And so I think that that's just good correctional practice.

One of the things that's unfortunate -- if actually you take a look at the Bureau of Justice Statistics information -- is that that is not uncommon. One of the things that the Commission found is that there was low reporting for the reason that I testified about -- for fear of retaliation -- that nothing was actually going to happen to the bad actors, and that it was

going to have some impact on people's imprisonment. So there's low reporting already.

Often prisoners will withdraw their complaints because they fear that they're not going to be believed; and then there are also disciplinary sanctions for lying, right? And that also -- that has consequences, in terms of parole, in terms of placement, and so on and so forth. And so I think that it's a very complicated set of circumstances.

The last thing that I would say is that issues around sexuality -- whether it's abuse, or even whether it's behavior -- are very seriously underreported. And so I think that the 97 incidents that you have are really just the tip of the iceberg, particularly when you think about an agency that has over 22,000 prisoners.

SENATOR CRYAN: I'd like to touch on the cross-gender in a moment; but first, with the hiring practice, you talked about backgrounds.

MS. SMITH: Right.

SENATOR CRYAN: When these folks are hired, they go through a background check; they go through a psych; they go through, you know, quite an extensive bit of background work to be hired. I'm not really sure what the flaw in the process is. Are you saying that because things tend to be underreported, as you noted earlier--

MS. SMITH: Right.

SENATOR CRYAN: --that we're supposed to look for different signals here? Is that the idea? Because this is a pretty tough job.

MS. SMITH: Right; okay.

SENATOR CRYAN: So I'm just interested in how--

MS. SMITH: So I'll talk about the Rhode Island -- I think Rhode Island would be a great place to take a look at. And in many ways it has some of the same population, I think, a little bit, as New Jersey

In New Jersey there's a-- Not in New Jersey -- in Rhode Island there's Internal Affairs. And so the background check is not just about, sort of, your criminal record; but it, sort of, looks at your credit; it looks at your finances; it also goes and, sort of, looks at your character in the community. And so I'm suggesting that the background check should not just be what's publicly available, but also go deeper than that.

SENATOR CRYAN: I don't know Corrections, per se; I can tell you in -- I have had the privilege of working in the Union County Sheriff's Office. We look at all that stuff.

MS. SMITH: Okay.

SENATOR CRYAN: And it all, I think, feeds into a psych that folks have to pass to get in. So I'm just not sure of our data here, in terms of how we do it, in terms of backgrounds.

My last on this is on the cross-gender.

MS. SMITH: Yes.

SENATOR CRYAN: The Chair mentioned 70-30 as a ratio; I'm not sure-- I was going to ask you if there is a standard ratio. And if you're looking at this particular facility where the ratio is met, it appears, from the reporting, from all that you read, that it sure looks like the ratios are off. That's a fair way to put it, right?

SENATOR GREENSTEIN: Yes, I think they are.

SENATOR CRYAN: From the supervision and from the rest.

MS. SMITH: Yes.

SENATOR CRYAN: You know, there's another side to that story; and I don't know what it is. So I was hopeful you could at least talk about what the ratios should be so that in follow-ups in this hearing we could understand them -- and/or you mentioned post bidding; and see-- You mentioned post bidding by seniority and things like that.

MS. SMITH: Right.

SENATOR CRYAN: Are there other issues we should be aware of, or can you give us some more guidance on this?

MS. SMITH: So I think that there was actually -- there was a lot of back-and-forth in the Commission proceedings specifically about cross-gender supervision.

You have Title VII, which prohibits discrimination based on gender, right? And so you often have situations where both male and female staff say -- talk about, sort of, their -- that they shouldn't be prohibited from certain jobs based on their gender. And actually many agencies have said that -- have created something that's called *BFOQs*, which are *bona fide occupational qualifications* -- that say you have to be a woman to serve in certain positions, right?

I think that, more often than not, that's honored in the breach than in the compliance -- many times in women's facilities. Many of the agencies that actually have been sued have actually gone to female staff in female facilities, in contract facilities -- not in contract; in contract positions. And they've gone to that specifically for that reason. I don't have access to the information about the ratio in New Jersey.

SENATOR CRYAN: Okay.

MS. SMITH: But what I would say is that, if I were looking, is I would look at where you have male staff in contact positions, right? Does that happen on transports? Does that happen in the units? Given the cases that I described, it's pretty clear that, at least in those cases, they were on the unit. Are they also involved in transport as well? And are there situations where they are alone with female inmates?

While we're talking about, sort of, male staff and female inmates, I would also be remiss if I, sort of, suggested that that's the only factor for abuse. Because there are also incidents of sexual abuse involving female staff and also female inmates; and also the same in male facilities as well.

SENATOR CRYAN: Last question--

MS. SMITH: Yes.

SENATOR CRYAN: --because I don't want to take up--

But have you looked at the management structure at this facility? Is it-- I mean, one of the things-- You know, how long has the administrator been there? How about the overall management structure? Is it set up properly, both from Internal Affairs, from all those sorts of processes that are standard? Have you had an opportunity to take a look at that?

MS. SMITH: I have not had an opportunity to do that. I would welcome an opportunity to do that, with appropriate compensation.
(laughter)

SENATOR CRYAN: I appreciate that.

MS. SMITH: With appropriate compensation.

SENATOR CRYAN: And Chair, through you, if you could get a law school discount, we might all appreciate that. (laughter)

MS. SMITH: I might be-- Or -- and honestly, I'm actually teasing there; but I think that you're on to something there. When you have a situation that's like this, I mean, you know, it's sort of the flip side: crisis and opportunity. This is a crisis, but it's an opportunity to dig deep and to look at those kinds of things.

SENATOR CRYAN: I have to admit, looking at the data, it's one of the things that kind of stands out. It's hard to tell the management structure; it's hard to tell the process. And again, we're not there; but it's pretty hard to pick that up and it raises a lot of questions to me.

MS. SMITH: Yes, yes. And I would be happy to talk, again, about those resources.

New Jersey is not alone; and I think that PREA was passed specifically to deal with these kinds of situations. And so there are resources that New Jersey should avail itself of in order to address those. And again, many of those resources will come without someone saying, "Of course; with compensation."

SENATOR GREENSTEIN: And Senator Cryan and I agree, totally, that that last point, about the management structure, is just key. And I'm hoping that as the new Administration gets settled with a Commissioner, that they might be willing to avail you of your services; because I think you bring a lot to the table and can certainly advise on how we should proceed. As you use the term, we need to *dig deeper*--

MS. SMITH: Right.

SENATOR GREENSTEIN: --and right now, we're doing the best we can in this hearing. But this really requires a very deep analysis of the needs of the Department.

MS. SMITH: And doing that deep dive or that deep dig, I think it's just very important to talk to all actors in the system. Not only the correctional staff, because often correctional staff are in the same position sometimes as prisoners -- as being afraid to report, right? -- because of fearing for their safety. Speaking to the public, speaking to prisoners, speaking to volunteers, right? And so I think having that kind of look, and also providing ways for people to actually, sort of, provide that feedback in both -- if they want to provide it openly, and also in a way that's confidential, it will actually give you a real snapshot of what's going on.

SENATOR GREENSTEIN: Thank you.

Do you have-- Yes.

Senator Bateman.

SENATOR BATEMAN: Madam Chair, thank you.

I just want to thank the Professor. I thought your testimony was very insightful.

And it's unfortunate; I know you've tried, Chairwoman, but there seems to be a pattern, a culture here; and really, somebody from DOC should be here--

SENATOR GREENSTEIN: They should.

SENATOR BATEMAN: --responding to these questions because--

SENATOR GREENSTEIN: We'd like that.

SENATOR BATEMAN: --what concerns me -- and this is adjacent to my District -- this has been going on for a number of years.

MS. SMITH: Yes.

SENATOR BATEMAN: When they had the first complaint, that's when they should have started their investigation. You know, I know the Commissioner is coming up before the Senate Judiciary Committee; and let me tell you, unless we get some answers, I think he's going to have problems getting confirmed. Because this is an abuse that should not happen, and we really need-- I know there are criminal investigations going on; I know there are civil actions going on. We need to get to the bottom of it, and I think there's a real oversight -- or not oversight; I think there's a real management issue here.

All right; thank you--

MS. SMITH: Absolutely.

SENATOR BATEMAN: --because you raised some great issues.

SENATOR GREENSTEIN: Thank you, Senator.

Senator Sacco.

SENATOR SACCO: It might be simplistic, but municipal prisons have cameras, mainly to prevent suicide.

SENATOR GREENSTEIN: It's not simplistic.

SENATOR SACCO: Are there no -- aren't there cameras throughout these prisons? That would certainly prevent anything like this from happening.

SENATOR BATEMAN: Well, I think since the investigation started, through the Chair, Madam Chair, I think they installed 93 cameras.

MS. SMITH: Right.

SENATOR BATEMAN: But after the fact.

SENATOR GREENSTEIN: Well, also, in the reading material, I noticed that there are locations where rapes have taken place -- in a utility closet, or wherever --

MS. SMITH: Yes.

SENATOR GREENSTEIN: --that doesn't necessarily have a camera. They find out-of-the-way places. But they have added a lot of cameras, but do you have any comments on that?

MS. SMITH: Yes--

SENATOR SACCO: You would still see, on camera, people going towards the utility closet.

SENATOR GREENSTEIN: That's true.

SENATOR SACCO: It would seem to me to be one of the greatest deterrents you could have. And it would stop both sides -- anything false from being said, and anyone who might be a bad actor from committing the crime. It was just a thought.

SENATOR GREENSTEIN: What do you think, Professor? What do you think of that?

MS. SMITH: The standards talk about the use of cameras, right? And many agencies have used those. One of the things is that often people turn the cameras off, or--

UNIDENTIFIED MEMBER OF AUDIENCE: They cover them.

MS. SMITH: Someone said *covering*; they turn the cameras off. What happens is people figure out where those cameras are; they disable them, they tamper with them. There have been situations where people

disposed of the tape, right? But I think that, yes, cameras are one thing that would be awesome. And certainly in one of the cases that I actually talked about in my testimony, a camera -- what was captured on camera was crucial to disciplining a particular officer. So yes, that's a great idea; but it's only one thing.

I also think that there has to be a culture of reporting. And so I think that there have to be ways for people to be able to report confidentially and outside of the system as well; in addition to being able to report within the system.

SENATOR GREENSTEIN: Thank you.

Any other--

Oh; Senator Diegnan, do you have anything?

SENATOR DIEGNAN: I'm sorry; I had to step out for a minute; but I heard Senator Bateman's comments, and I echo them 100 percent. There have to be consequences to what's going on.

SENATOR GREENSTEIN: Thank you; thank you so much.
We really appreciate it,

MS. SMITH: Thank you.

SENATOR GREENSTEIN: Thank you.

SENATOR BATEMAN: Now, was the Chairwoman a good student? That's what I want to know. (laughter)

MS. SMITH: Well -- okay. (laughter)

SENATOR GREENSTEIN: We have the silence of the comrades of law school.

MS. SMITH: So I actually think the Chairwoman was an excellent student. (laughter)

SENATOR BATEMAN: Good answer.

SENATOR GREENSTEIN: I've paid her well.

MS. SMITH: The problem was, that I was not a good student.

(laughter)

SENATOR GREENSTEIN: Oh, no; that's not true.

MS. SMITH: So I wasn't hanging around with the good students. (laughter) Thank God I was able to pass and actually go on to a more respectable career.

SENATOR GREENSTEIN: She did very well; very well.

But we loved our Juvenile Justice Clinic.

MS. SMITH: We did; we were in Juvenile Justice Clinic together.

SENATOR GREENSTEIN: We loved our Clinic. That really kept it for us; we loved it, so--

MS. SMITH: Yes.

SENATOR GREENSTEIN: Thank you so much.

MS. SMITH: Thank you.

SENATOR GREENSTEIN: We really appreciate it.

Okay, next we are going to call Bonnie Kerness, American Friends Service Committee. She has worked in the prisons for many years.

By the way, I know that a lot of you folks have been standing for a long time. I don't know if you may want to sit; there may be some chairs in that other room. Are there? If you can stand, that's fine; it's just that I know it's a long time.

Thank you; and thank you for coming, Bonnie.

BONNIE KERNES S: Thank you, and good morning.

As the Senator said, my name is Bonnie Kerness, and I'm Program Director of the American Friends Service Committee's Prison Watch in Newark, New Jersey.

We've been monitoring and advocating on behalf of men, women, and children in New Jersey prisons since the mid-1980s. One of the ways we do this is by receiving a daily explosion of letters, telephone calls, and visits from prisoners, the formerly imprisoned, and members of their families.

During this extended period, we have always and often heard from women and their families about sexual abuse, racial discrimination, harassment, mental health issues, and other conditions of confinement which are not only shameful, but are illegal according to Federal and New Jersey law, and Department of Corrections standards and administrative codes.

The issue of prison rape is so serious a problem nationally that, in 2003, Congress passed the Prison Rape Elimination Act. Unfortunately, the *elimination* part of that litigation is only intermittently enforced. The recent outcry and litigation from women at the Edna Mahan Correctional Institution reflects what women in Jersey jails, immigration detention facilities, and halfway houses have shared with us for decades -- that oppressive power is being used every single day in these spaces in unspeakable ways.

Prisoners tell me that everyone in specific units at Clinton knew that certain officers would pursue some of the women relentlessly. Some women give into rape or sexual abuse to get food, cellphone use, extra privileges, and even extra sanitary napkins. One woman shared that in the

day room the officers make you strip down in front of male officers, being forced to “expose ourselves before open windows where other officers are watching.” I was told that even if you had your period you had to drop your pants and your pads. She described feeling regularly degraded.

I had another tell me that her skin crawled when the officers would pat search her, whispering, “This is the best part of my day.”

I have received testimony that, should anyone refuse this abuse, they would be sent to solitary confinement for an undetermined amount of time. One came into my office and described to me seeing women, 17- and 18-year-olds, cry when they were sexually fondled in this way. Another reported that in Williamson cottage, there is a mattress in the basement. During count, which can last 35 minutes, a young woman was forced to regularly go downstairs with an officer. I’ve been told that, “You can’t report what you are seeing because you will get a charge.”

In one particularly disturbing phone call, a woman noted, “That was not part of my sentence to have oral sex with officers.” I have been repeatedly told by women about their experiences of filing dozens of complaints without a single administrative response.

Sexual violence is also used as a tool to subdue prisoners who guards see as problems. Many of those problem women are placed in maximum security and then assaulted, unable to communicate their abuse to anyone. One woman called sobbing, telling us that she had held semen in her mouth so she could prove her humiliation.

The women who speak the unspeakable to us are not alone. According to the Department of Corrections’ website, of the 100 sexual assault reports acknowledged by the Department -- and that figure feels

very low; these are the ones acknowledged since 2012 -- just two have been recognized as having merit. Very often -- and we are seeing it right now -- even when officers are tried and convicted, they do not have to register as sex offenders as required by New Jersey's Megan's Law. The prosecutors, who are in office to uphold the law, permit a plea bargain which includes this illegal non-compliance.

Former U.S. Supreme Court Justice Harry Blackmun said, "Prison rape not only threatens the lives of those who fall prey to their aggressors, but it is potentially devastating to the human spirit. Shame, depression, and a shattering loss of self-esteem accompany the perpetual terror the victim thereafter must endure." What the Justice was referring to are the symptoms of post-traumatic stress that women often come home with.

At AFSC, we see the injured human spirit of formerly imprisoned women every day. Whatever is developed out of these hearings, finding a legislative way to promote health and healing is a crucial priority. Sending people home more damaged than when they come in is the real crime.

The public pays heavily for these institutions without knowing what is happening behind those walls. This system is authorized only to remove people from society, not torture them. What is happening to our sisters and brothers in prison reflects poorly on our prison system and on us as a society, and exposes whole families and communities to the aftermath of institutional violence. Because these crimes of sexual slavery and violence occur to people in government custody, we bear responsibility, right alongside of those who ignore the law.

The women prisoners who have spoken out have done so with great courage. Speaking truth to power is fraught with severe consequences. These women have done so at a time when sisters throughout the country, identifying as “Me too!” are calling for a change in the male culture which dominates sexual violence. This outcry in New Jersey is largely comprised of women who are traditionally poor, black, and brown. These dynamics feel uncomfortably close to slavery.

The voices of the women at Clinton have reached even the Department of Justice -- the U.S. Department of Justice, that recently reached out to myself and Jean Ross to help them scrutinize what the women are reporting.

In the case of women in prison, we as a community and you as legislators need to discover where the proverbial buck stops. Administrators have a long history of ignoring justifiable complaints, so this becomes a very layered issue with an equally layered need for change in current policies and practices.

Where does the ultimate accountability lie? Is it with a Commissioner of Corrections, who sometimes has little knowledge or even power over the behavior of front-line officers? Is it with the union that accepts that its membership behaves in a manner completely unacceptable in any profession, let alone one fraught with unimaginable power over another human being? Is it with the prison staff who receive the complaints submitted by kiosks? Is it with the Superintendent, who may then disregard those complaints which reflect poorly on the practices at their institution? Is it the Department of Corrections’ Special Investigation Division, which is inside the Department of Corrections, and seems to

ignore those cries for assistance? Or has it been, for decades, the responsibility of the Hunterdon County Office of the Prosecutor, who has been discounting these calls for help?

After monitoring the women's institution for decades, after receiving letters and hearing accounts of the most devastating nature, I don't know the answers. I only know that right now is a time to have this dialogue. You cannot give me a single reason for the kind of testimonies of torture that come in from New Jersey prisons to my office every single day. You as Legislators need to give us answers so that we can resolve who we are and who we want to be as a society.

I don't know how you legislate a culture in which the powerful make sanitary napkins and toilet paper currency. How do you legislate cruelty, white supremacy, neglect, and sexual misconduct, all conducted with impunity, in a system hidden from public scrutiny?

Despite Federal and State legislation, there is no community oversight; although it is badly needed. The public needs accessibility and the right to demand accountability.

Because of the daring of the women in Clinton, the bravery of those who have survived and come home, the willing lawyers, the extraordinary media coverage, and hearings such as this, New Jersey really is poised to lead the country in preventing the sexual abuse of girls and women in jails, prisons, and immigration detention facilities. If you really want to hold hearings of substance, hold several throughout the state for women who have been released from Clinton and are in Camden, and are in Newark, and Jersey City, and other places where they cannot get here. Then find a safe way for the women and girls inside to speak, with candor

and without terror, about what is happening to them. It's crucial for us to acknowledge and remember that the Department of Corrections is more than a set of institutions; it's a state of mind, and that state of mind has led us here today.

I have been monitoring New Jersey prisons for 45 years; and AFSC Prison Watch has been issuing complaints, reports, letters of human rights concern; and meeting with correctional officials equally as long, with no one listening.

We remain grateful that this Committee is willing to listen to us, inside and out, who have felt compelled to form our own community oversight.

We look forward to the change that legislators have the power to produce in joining us, when we collectively say, "not in my name" can torment, rape, sexual victimization, abuse of power, or sexual slavery go on any longer in the State of New Jersey.

Thank you. (applause)

SENATOR GREENSTEIN: Thank you very much.

Does anyone have any questions?

Senator Cryan.

SENATOR CRYAN: Just one; thanks.

I need to 'fess up; I didn't really know about your organization until you testified, so thank you.

I flipped through what you gave us--

MS. KERNESS: Yes.

SENATOR CRYAN: --which I don't know if we had before, but I obviously didn't get a chance to read it. Do you have any data, like,

by year or amount of allegations, things like that? You know, is there anything that, like, you could send, through the Chair, and send to the Committee? Your stories are horrific; and just a quick flip while you were talking. But is there is anything that you have that shows that, or could put perspective to it?

MS. KERNESS: We're too poor an organization to have data. You have to have a data inputter, and staff to collect it.

What we have are the stories, and that's what we get. And very, very unfortunately we don't have the data that should go along with it.

SENATOR CRYAN: Okay; so if one were to sit behind a microphone like I am right now--

MS. KERNESS: What you have-- Yes, what you have is--

SENATOR CRYAN: --they would look at this testimony and that would be the kind of things that you would have?

MS. KERNESS: That's what comes in; and what you have is that report. It was finalized in 2015.

SENATOR CRYAN: Okay; got it.

And thank you.

MS. KERNESS: Sorry.

SENATOR CRYAN: Sorry; thanks.

SENATOR GREENSTEIN: Okay; thank you.

Any other questions? (no response)

Bonnie, thank you for your years of work in this important area.

MS. KERNESS: Thank you.

SENATOR GREENSTEIN: You have some people with you today; is that right? I'm actually -- before you go, I just have one comment that I want to make.

As soon as we hear from the two people who are here with you, I want to hear briefly from -- we have PBA Local 105 here. Now, for any of you who might mistake-- You made a comment that the unions are protecting these people. What's fantastic is that these people are here today because they're not, because they recognize the problems that are going on. They want to see solutions, and that's what they're going to testify to.

So I'm very glad to have them here today, because they are with the victims and they want to be part of the solution.

MS. KERNESS: So if I can just say one thing.

It has always been, even for decades, hard for me to understand why that would be tolerated; why bad behavior would be tolerated because it reflects on everyone else.

SENATOR GREENSTEIN: That's true.

MS. KERNESS: So I'm happy to hear that; thank you.

SENATOR GREENSTEIN: Thank you.

Okay, so next is one of the people you brought -- Lydia Thornton; we'll hear from Lydia Thornton.

If you could tell about where you've been, and what your experiences--

LYDIA THORNTON: Yes, ma'am.

SENATOR GREENSTEIN: Thank you.

MS. THORNTON: First, I want to thank you all for having this session, and for being willing to hear us.

My name is Lydia Thornton; I served approximately four years at Edna Mahan, and I exited in December of 2014.

During my time there I was in both the maximum and minimum security compounds, as well as spending approximately nine months in administrative segregation which, at the time, was located here in Trenton in the men's prison. It has since been moved back.

A side note to that: Contrary to what, for years, Governor Christie said, there is still administrative segregation in every prison in the State of New Jersey. It is not gone; and whoever tells him it is gone, that he says it, is not true.

My focus today, however, has to do with the recent and very late reporting and investigation of the assaults and harassment of the women who are housed at Edna Mahan Correctional Facility. Having been in both compounds and having worked in the infirmary for a year as a cleaner and then, in the law library, as a paralegal, I personally observed many things, as well as helping women write complaints and observations.

My observations follow.

SID, which is the Special Investigations Division -- being located in the same compound as the people they're potentially investigating -- the conflict of interest potential is not just possible, but probable. It is virtually impossible to have lunch with someone on Tuesday and then, on Thursday, read a report that they might have raped someone and actually, seriously, investigate it. Humans have a problem defining

that. And the Professor mentioned something about outside organizations investigating.

If you compare this to local policing -- if there's an issue in a local police department -- an accusation of impropriety of any kind -- a separate police force that is thought to be more completely impartial is brought in. For instance, if Trenton Police Department had an issue, another locality is going to do the actual investigation. They don't investigate themselves.

Number two, the PREA audits, which have been mentioned; and PREA was thoroughly discussed earlier. In my opinion, these are blatantly written, and I have read them all, that are published on the DOC website. I have printed them out; they are here with me today, actually. They're blatantly written by someone who wants the facility to pass. Year after year -- the wording is practically identical; and that is not possible if you're truly investigating something at a different time.

Even years back, when officers had been fired although not prosecuted, the PREA audit was squeaky clean. And I don't understand how that could be possible. There should have been a huge piece in that year's audit about that particular situation. I've read the past five years' audits that are posted on the DOC site. The verbiage, year after year, is a red flag -- being identical.

The second is the implication in the audits that there were no credible accusations certain years. This is basically stated because this is what they are told by the DOC personnel who assist them in reporting it. Realistically, if you had an outside agency investigating your panel, and you

were the reporting person, are you going to tell everything you know? It's unlikely.

The third piece -- and the biggest piece I want to touch on -- is culture. First, let me clearly state that not all employees of the Department of Corrections who work at Edna Mahan are bad or need to be removed. Nor do I believe that only women should oversee or guard other women; the problems that brings can be equally problematic. Some of the least humane officers I've interacted with actually were female.

However, it is not a gender issue. The culture that has been allowed to develop, over the past decade or more, is one that encourages things being ignored -- that basic human personal rights of our women be treated as less than important because they are criminals, and that those in power are always right and can demand anything they wish from those who are under their care and oversight.

A single sad example of the culture of depravity that has been allowed to exist at Edna Mahan is the story of a woman I will call *C*. *C* came into custody with known mental health issues, on various psychotropic medications which, for the most part, kept her stable.

Her family situation was, as many incarcerated women's are, very unstable. However, her adoptive mother was her lifeline, and the one person who kept her centered and grounded.

Many of her associates knew this; and so during a verbal altercation one day, someone threatened to ensure harm was done to her mother on the outside. This caused *C* to have a psychotic break, trying to hurt everyone around her. Of course she was subdued, put in what is called the *control chair* for a period of time -- which I will not describe at this point

-- and after being shot up with a variety of medications to calm her, was put into a suicide-watch, or constant-watch cell.

If you are not familiar with this, this is a 7-by-9 cell that has a metal toilet-sink combination, and one single mat. She was given what is called the *turtle suit* to wear, which is a quilted gown that cannot be torn so that you can't try and hang yourself or hurt someone.

By DOC rule an officer is stationed outside the room, which has a window to check on the individual, by rule, every 15 minutes to ensure their safety.

For the first day or so, C was fairly silent; the drug cocktail had done its job. When she woke, however, she was completely manic. She repeatedly removed her gown and danced in the room, pressing her body against the window, and insisting she was a man and showing everyone who would look at it her penis. Obviously, C needed assistance; mental health assistance. Instead, the officers, both male and female who were watching her, called other officers over to see the show, repeatedly encouraging her to dance for them, asking who she was, what her sexuality was, and so on and so forth.

At any point in time there were both male and female officers standing at that window, watching her, laughing, and encouraging her to keep dancing.

This was a young woman in an obvious mental health crisis; yet their first and ongoing instinct was their own entertainment.

This is what I refer to when I speak of the *culture of the institution* at this point. In multiple weeks that this young lady was kept in a solitary

cell on watch, this was daily entertainment. Officers who did not even work in the area were radioed to come and watch.

Secondly, to this issue, DOC regulations also state that nobody should remain on suicide watch for more than 72 hours at a time. They must be, at that point, reevaluated by mental health, and either transferred to a higher level of care -- Ann Klein or somewhere else -- or released back to population if they are stable.

C was kept on constant watch, directly against regulation, for 11 days. They accomplished this by transferring her on paper between the two constant watch cells. Multiple levels of authority signed off on this, and were entertained by her throughout her time. Authorities, including mental health, signed off on this.

And the amusement continued. I worked in the infirmary, where constant watch is located. I observed sergeants and officers, daily, come to see her -- not to see if her health was improving, but to watch the show.

Medical staff did nothing to intervene, because the reality is that inside corrections has all the power. They decide if you get medical attention at all when it comes down to it. And when we talk about assaults, when we talk about rape, that is also true because you really have to go through an officer to get into the medical facility. So if you're intimidated by the officers, you're less likely to go.

The one officer who did attempt to intervene was told to sit down, shut up, or walk away; or lose her position. The next time she radioed for help, she would get nothing but silence. I heard this said; it is a fact.

If you combine that culture with the fact that I personally watched officers walk down a hallway to certain young ladies' cells, close the door, and come out 15 to 20 minutes later smiling, a few times a week, and that individual always had hundreds of dollars on their books; no shakedowns were done in her room -- you become an obvious culture problem.

These are the obvious; but in my experience, let a pretty woman get sentenced and let her not understand that culture. She will understand clearly the first time that she has to strip to move between locations, or during a shakedown, and more than just a female officer watches her strip. Let her complain verbally, and she will learn a bit more what she is up against when she is laughed at and told, "Welcome to prison, honey. Have a nice day."

Let her dare to write a complaint and put it in the box where SID is supposed to read it, call her over to discuss it, ask questions, and actually investigate it; only to learn that the Lieutenant over her section has made that complaint vanish out of the box.

And as she watches, she will see the patterns; and as one young lady has testified in part of Sean Sullivan's reporting, she will stop showering, she will gain weight, lose weight, do anything to make herself less attractive and stop being noticed -- up to and including cutting herself to make herself ugly. She will pray to survive when the first officer touches her inappropriately. She will cry herself to sleep after a visit when she is told upon her return, as she is being stripped, that if she doesn't cooperate and play nice there may not be any more visits for her in the next month or two.

And she will learn, as we all did, who to avoid and how to move to survive.

In today's environment of exposing sexual harassment, sexual assault, and trauma at many levels, I am here today to state clearly that the most vulnerable among us -- our grandmothers, our aunts, our mothers, sisters, and daughters, who are in a place because they were sentenced to a period of time for correction, for rehabilitation -- they were not sentenced -- as has been previously said -- to be raped, assaulted, or traumatized. They were not sentenced to be a commodity to be used at the will of those who are paid to guard them, not abuse them.

Sadly, in the State of New Jersey right now, I cannot speak to the men's prison, but our female prison is not safe; and you, as a Committee, can make a difference by insisting on external investigations into every claim that is submitted; by closing the loophole -- as Bonnie mentioned -- that allows for pleas by officers or civilians to not have to register as offenders for life -- as two have already been allowed to do in 2017, and the Hunterdon County Prosecutor's Office signed off on them. They just got official misconduct; they didn't rape anybody, they didn't assault anybody. It officially was *misconduct*.

By creating a citizen oversight panel that is responsible for reviewing quarterly the conditions and issues in the prison; a panel that has the power to bring that information to authorities, and follow the complaints through to resolution and report back quarterly to this body what the actual conditions are--

In conclusion, this must change. Our women -- and yes, they are *ours* by definition -- right now, technically, they belong to the State of

New Jersey. That makes them your responsibility. The least they deserve is basic decency. Regardless of their crime they must be treated with respect and both feel and actually be safe -- mentally, physically, and spiritually. That is a basic human right.

And while the DOC has overlooked that for years, it is well within your power to ensure that this safety is ensured as we move forward to complete this decade and beyond.

Thank you for letting me speak.

SENATOR GREENSTEIN: Thank you very much.

I just want to ask -- now, do you work at American Friends Service Committee now; or where do you work?

MS. THORNTON: I actually work in a sales position; but I am the Editor, through Prison Watch, for a publication called *From the Inside Out*--

SENATOR GREENSTEIN: Okay.

MS. THORNTON: --that gets testimonies out from the prisons; and the *Women's Survivor's Manual*, that will be published this year.

SENATOR GREENSTEIN: And you were in Edna Mahan prison?

MS. THORNTON: For four years.

SENATOR GREENSTEIN: Okay; four years.

MS. THORNTON: Yes, ma'am.

SENATOR GREENSTEIN: During the time that you were in there, obviously you experienced the culture and the problems.

MS. THORNTON: Yes.

SENATOR GREENSTEIN: Did you yourself undergo any sexual assaults? Did that happen to you?

MS. THORNTON: Physically, no; however, I was compelled to strip in front of male guards which, in any other environment, would be considered harassment and illegal. I was never physically assaulted, no; but I heard many women talk to me about it

SENATOR GREENSTEIN: Okay; thanks.

Any questions or comments?

Senator Gill.

SENATOR GILL: And I'd like to thank you very much for your extending this ability to ask a question. The Committee -- I sit on Judiciary; and so I'm here to help get more information on the management, with respect to the Commission that we will be forming.

How long did you-- What period of time did you work?

MS. THORNTON: In the infirmary?

SENATOR GILL: Yes.

MS. THORNTON: I was there from 2012 to early 2014.

SENATOR GILL: And what you testified to happened within that time period?

MS. THORNTON: Yes, ma'am.

SENATOR GILL: I'd like to ask you two questions about the PREA audit--

MS. THORNTON: Sure.

SENATOR GILL: --because there is a theory that since we passed the PREA audit we, therefore, have some kind of, in the legal term, *safe harbor*. We did what we were supposed to do.

You talked about the PREA audits, and you indicated that you didn't think they were complete; or the information given to the auditor was not complete.

MS. THORNTON: I believe that the information given to the auditors was not only not complete, but it was not correct.

SENATOR GILL: And it is my understanding that the auditor -- that they present the auditor with random files and the auditor reads through them and looks through them.

MS. THORNTON: My understanding -- and somebody who knows more about PREA than I, can probably speak to this better -- but my understanding is that whoever the preparer and assistant from DOC -- whose name is on each report -- picks certain files and people for them to talk to. And my assumption on that point would be that they pick people they know will not be against them. That would just be common sense, because there's no way you have people accused, and yet no reports of it is in your PREA file.

SENATOR GILL: Well, thank you, and thank you and the women who have the courage--

MS. THORNTON: You're very welcome.

SENATOR GILL: --to speak up and give a voice.

MS. THORNTON: Thank you for listening.

SENATOR GREENSTEIN: Thank you.

Any other questions or comments?

SENATOR CRYAN: Just one.

SENATOR GREENSTEIN: Senator Cryan.

SENATOR CRYAN: So did you go in, in 2012?

MS. THORNTON: I went in in 2010.

SENATOR CRYAN: So in 2010, that's when this issue was highlighted, and investigations and indictments were handed down. It was a significant point of this process, at least in the Sullivan investigation. I have to ask -- from the inside, did you notice any change in management direction, culture, or anything as a result--

SENATOR GREENSTEIN: Put your mike on.

SENATOR CRYAN: I'm sorry. Did you notice anything from your time there as a result of those very public actions, or indictments, and so on, literally from the inside?

MS. THORNTON: No.

SENATOR CRYAN: Did you notice anything like that; any sort of change in culture?

MS. THORNTON: There were a few more cameras put up; but that was it. Culturally? No.

SENATOR CRYAN: Were the cameras put in the North Hall, by the way?

MS. THORNTON: I don't know; I didn't live there.

SENATOR CRYAN: Okay; thank you.

MS. THORNTON: You're welcome.

SENATOR GREENSTEIN: Thank you.

Any other questions or comments? (no response)

Thank you so much for your courage to testify.

MS. THORNTON: You're very welcome; thank you.

SENATOR GREENSTEIN: Thank you.

I think before I bring up Cynthia -- who is another person who is going to testify -- I just want to bring up Sean Sprich from PBA 105, briefly.

And I don't know if any of you have gotten copies of this, because I just noticed my copy yesterday. But PBA 105 -- I think partly for the Judiciary Committee and partly for us -- wrote a long -- this is signed by Brian Renshaw, the Local President -- detailing all of their problems with the New Jersey Department of Corrections. And I noticed that the last one that they talked about -- Point 11 -- dealt with the issues at Edna Mahan. And I was wondering if you could either speak about them, or read that section; however you want to do it. Just tell us what you want to say.

And we appreciate your coming; thank you.

S E A N S P R I C H: Thank you all for having us. It's an honor, it's a privilege to be here.

To my left is our Vice President, Bill Sullivan.

And it's been extremely illuminating to hear all these stories and then all sorts of--

Just to let all you all know, when it comes to our members, or anybody who's done any alleged acts that are outside the scope of their duties, this union does not stand behind any of those acts. Not one dollar has ever been spent in defending any of these acts against anybody. It doesn't matter if it's a male on a male, or any of these particular stories that you've all heard.

SENATOR GREENSTEIN: Thank you.

MR. SPRICH: But we do not advocate -- spend any money or any time on making these -- defending these acts.

What we wanted to bring to your attention were the issues -- that Edna Mahan presents a clearer picture of a failed Administration.

Commissioner Lanigan, after hearing about these issues, has done nothing to correct the situation. Has he enhanced the staff? Has he evaluated the causes of their issues and instituted solutions, such as proper training? The answer is "no." Has he selected qualified and competent administrators? The answer, in our opinion, is "no." Has he ever attempted to attract and recruit qualified administrators?

The list of complaints concerning Commissioner Lanigan has fostered a culture of failed leadership through his own ineptness and failure to select and appoint a qualified and competent administration. The problems start at the top, and solutions equally start at the top. The problems created and fostered by Commissioner Lanigan must stop at the top.

PBA 105 wishes to present creative solutions to complex problems. The problem at hand is that the DOC Commissioner, Mr. Lanigan, refuses to engage in a fruitful and constructive dialogue in all directions. His way to overseeing the Department of Corrections is simply to keep things quiet and save money, all to the detriment of officers, inmates, civilians, and taxpayers. Ultimately, the taxpayers lose under Commissioner Lanigan's failed leadership.

And I just-- I'll end with that, and just answer any of your questions.

Thank you.

SENATOR GREENSTEIN: Thank you very much for coming and talking about it.

Senator Sacco.

SENATOR SACCO: How long has he been in that position?

MR. SPRICH: He came in with Governor Christie at the beginning of his term. So he has been here, roughly, eight years.

SENATOR SACCO: Thank you.

SENATOR GREENSTEIN: Senator Pou.

SENATOR POU: Thank you.

Thank you, Madam Chairwoman; and thank you for the invitation to be permitted to be present here. I really, really appreciate that.

I, too -- as Senator Gill mentioned, I'm a member of the Judiciary Committee, and I'm very interested in this hearing for a number of reasons.

But I'd like to just, maybe, ask you -- I'd like to ask you-- There were several comments that you made in your testimony. But I know that you've been here for the entire -- to listen and hear from some of the other folks who testified before you.

There were a number of very specific incidents that described very, very detailed actions and manners in which access to -- these types of allegations or types of incidents that occurred, occurred during a number of different areas by members of your PBA. So I'd like to first ask you, what, if any, action have you, as a member of the -- as the representative and leadership of the PBA -- have done to ensure that your membership is *a*) aware of what's being said; and what actions have you, as a leader -- as one of the leaders, done to ensure that those kinds of actions have been properly

curtailed? Based on some of the testimony that we've heard here, what have you done?

I heard what you've said about the Commissioner; I'm fine, I hear that. And we'll have an opportunity to respond and ask him the very same questions. But I think there's some responsibility that has to be taken by the members to address some of the things that you've heard here today.

WILLIAM SULLIVAN: Yes, ma'am.

We've requested meetings with the Commissioner to implement training programs, peer-to-peer counseling for officers in different scenarios, but he won't meet with us to discuss these -- most ventures. So we have our own peer-to-peer program where we meet with the membership and discuss issues.

SENATOR POU: So are you saying that this is the first time -- I'm sure it's not -- have you not heard some of the allegations or accusations that have been made, to you and to the entire public, dating back to-- Some of the -- I think one of the cases that was addressed was back in 2005, I believe it was. So from 2005 to the current, there have been a number of different incidents that have been alleged by -- that have been done and taken, in effect, by your membership.

What have you, as a PBA, done about that?

MR. SULLIVAN: We've only been representatives since 2016, so I can't comment on what was done prior.

SENATOR POU: Right; have you not been employed by the DOC for -- what period--

MR. SULLIVAN: I started in 2006.

SENATOR POU: In 2006. So you've been there for 12 years; okay.

So in the period of 12 years, and leading up to your leadership position, what -- any participation, engagement, discussion, training, inside information that you've provided to your men and women?

MR. SPRICH: Well, ma'am, like I say, I directly oversee the Edna Mahan Correctional Facility as the Executive Vice President of this Local.

SENATOR POU: Okay.

MR. SPRICH: And I work with them. I've done this, now, for the past three years, at this current level -- as an elected position. I'm also a Senior Correctional; so I work at Mountainview, which is next door to Edna Mahan.

SENATOR POU: Okay.

MR. SPRICH: So I'm part of that region; I know a lot of the people there and the reps who are there. And what I can tell you is, is that as far as lines of communication, even at the Administration level, they are non-existent. Decisions are being made, you know, in their own sphere of influence; and we're not part of the discussion about how to make things any better, or not, there. Everything for us is just handed down to us, and that's-- You know, we're not part of the decision-making process; we don't have a dialogue back-and-forth about what's going to make things better.

Now, we've already offered, numerous times, to be a part of that solution, but we're not--

SENATOR POU: What are some of your solutions that you would recommend?

MR. SPRICH: Well, the first thing is -- obviously, this main discussion we're having here all stems from the basic root of manipulation, okay? This is something that -- this is where it all starts; where it all starts. I have 19 years in the Department of Corrections--

SENATOR POU: Okay.

MR. SPRICH: --okay? And officers -- they all know it; they know right from the beginning, when they first start, that manipulation, sometimes, for the most persistent inmate, might come. It might take 15 to 20 years to get that inmate -- for the inmate to get what they want out of you. So it's a never-ending battle to combat manipulation, so you always stay that same fair, firm, and consistent person that you started as and you finish as.

So manipulation is where much of this begins; and it starts with anything from a battery, to a stick of gum, to whatever it ends up being down the road. And it could be anything, all right? But this is -- anything that you're not supposed to get through proper channels is where the beginning of manipulation starts, okay?

So we -- you know, it's one of the hardest things in your business to try to maintain -- is to keep everything fair, firm, and consistent. Business -- and like I said, manipulation is where we want to have, sort of, reforms. We want more time dedicated to it -- the causes and effects. The more examples, and all these different cases that we've heard here -- they all start with this because, you know, as you go back and forth between officer and inmate, if everybody -- if their only interaction was what was required, and you didn't have any extra dialogue, a lot of this stuff would be eliminated. You know, it's the back-and-forth, and the relationship as you

get closer and closer. You spend 25 years, 30 years with certain people, you know, you have to keep it -- you always have to keep that line between staff member and the inmate.

And that's the training that we've been asking for; this is the training that we've tried to improve over the past 19 years. You know, the Academy is better than it was 19 years ago, okay? But this is the stuff -- this is the reinforcement; the year in and year out reinforcement, the refresher training that we do. Not a lot of time-- We've asked for more training; I think there's currently a bill, even in now, for an additional 40 hours' worth of training, okay? It comes at a cost; our Commissioner, 9 out of 10 times, will always take an avenue of a fiscal pursuit, versus -- over the training and the money that needs to be spent.

SENATOR POU: All right; thank you for your answer. I'm not really sure that you answered my question--

MR. SPRICH: I'm sorry.

SENATOR POU: --I'm not sure that I fully understand what you're saying about the manipulation. I gather that there is some need to ensure that your-- I'm going to assume that what you're saying is that it's important for your membership to understand and make the distinction between relationship, communication; separating what is considered to be manipulation, versus whatever the conduct is of the proper operations of performing your job on a day-to-day basis. I'm going to make that assumption; but I don't really understand where you're -- what you said, that really allows -- to respond to the many, many comments that were said here today.

One of the speakers before you spoke about what observations were made during her time and her work in the infirmary. I'd like to know what action was actually taken by your membership to ensure -- to deter that kind of behavior, if in fact it was, indeed, happening. If it was happening, it was being reported. Was it being reported, and what actions have you, from your point of view, taken?

Earlier there was a question about the 93 cameras that were recently installed. Are those cameras monitored?

MR. SPRICH: What I can say about the cameras, ma'am -- and it was hard to listen to the fact that somebody had said that they're able to be manipulated -- turned on, turned off -- we have absolutely no access to these cameras.

SENATOR POU: Who reviews them?

MR. SPRICH: Usually it's Internal Affairs, once they're called in to pull video; or our upper management staff, whoever -- if they're doing a departmental investigation for something like that. We, as officers, have no access. Our corps line individuals-- the ones who view the institutional charges -- they have access to them too; like if there's a fight or something -- that they review video. But us, as officers -- we have no access to it. It's there, it's recording, and we can't touch it, manipulate it, pull any video off of it, or review it, or anything.

SENATOR POU: Is your membership only on the Correction Officers' level? You don't have superior officers?

MR. SPRICH: No, ma'am.

SENATOR POU: That's a different--

MR. SPRICH: Yes.

SENATOR POU: Okay; thank you for that.

MR. SULLIVAN: To answer your question about the union -- the union doesn't receive these allegations. The Department of Corrections doesn't forward us, "Hey--

SENATOR POU: No, I understand.

MR. SULLIVAN: --we had an incident." So we can't act on it if they don't inform us of it.

SENATOR POU: No, I understand that; I'm not implying that. But I know that as an organization you'd know about it, you'd hear about it -- whether true or not, you'd certainly hear about it. It's been reported. There ought to be discussion within your leadership to talk about the importance of what kind of behavior -- what's acceptable, what's not; what is some of the inside information that you're able to help to ensure that your men and women are conducting themselves in the manner that would prevent that kind of interaction or behavior -- or even the allegation of that, right? You spoke about the manipulation. Those are the kinds of separations that can be made.

But, thank you.

Thank you.

MR. SPRICH: One last thing I'd add for you is--

SENATOR POU: I'm sorry.

MR. SPRICH: No, I was just going to say -- the one last thing I was going to add for you is that, I can tell you right now, in the Department of Corrections, in today's days, age, right now, as somebody who oversees that institution, if that same story was alleged today, and if any of it was factually found out to be true after they investigated it, I can guarantee you

that the sanctions that would be placed on the officers for doing and acting in the way that they were acting-- would be dealt with severely. So back then -- like I said, I know there are 96 cameras there now, or whatever -- but back then -- I can't obviously comment about what happened back then; I was never there.

SENATOR GREENSTEIN: Well, when did that change? When did this culture change -- that it's now severe, and it wasn't a while back?

MR. SPRICH: Well, the introduction of PREA, I guess, also assisted the Department. And I can't speak about that 100 percent but, I mean, they've received funds that they have been allocated and use--

SENATOR GREENSTEIN: I think it really--

MR. SPRICH: --the cameras in many of the institutions.

SENATOR GREENSTEIN: Yes, the law was passed, but it looks like the regulations came out around 2012. So maybe that's when things began to change.

But I think the real question here, that Senator Pou was getting at, is -- I'm sure you acknowledge that there are bad actors in your profession.

MR. SULLIVAN: Absolutely, ma'am.

SENATOR GREENSTEIN: You probably all know of some, who may even be in your union. The question is, what do you do? Do you have a process within your own union to deal with the bad actors? Because what you're saying is that you're not getting cooperation from the Department of Corrections, which is definitely an important issue. But

you're also -- the issue is, how do you deal with bad actors? Do you have a process; would you like to make that process better?

MR. SPRICH: Well, the process, I would say, is like when I said earlier about we don't financially support these individuals -- the ones who go outside the scope of their duties. Any unlawful force -- none of those things are covered; we don't spend the money on these things, we don't support these kinds of acts. We only want lawful -- within the guidelines of what our job is. The care and custody of inmates is our primary responsibility. That has not changed; it's Line One when you go into the Academy, and it's been true ever since. The care and custody of inmates -- we don't punish anybody; we don't try to punish anybody, all right? We report, we keep everybody safe -- civilians, inmates, officers. And that's the goal, every single day.

SENATOR GREENSTEIN: And I guess, also related to a question from Senator Pou -- years ago, before PREA really went into effect, if you heard through the grapevine that there was a bad actor in your mix, was PBA or were others doing something about that? Was the Department doing something about that?

MR. SPRICH: Ma'am, every officer is obligated to report acts that are contrary to what our job description is, or-- If I saw Officer Sullivan doing something that was unlawful -- excessive force, not doing what he's supposed do -- I am treated sometimes even worse than the person whose actually perpetrating the incident. That has never changed, okay? What happens throughout an investigation and what happens, ultimately, at the end of those things -- they were all different, but I'm saying I am held just as liable as anybody who's committing any act. It

doesn't matter if it's sexual in nature -- anything that's unlawful, you know, you know how--

SENATOR GREENSTEIN: Yes, but you have -- you're saying you have a duty to report.

MR. SPRICH: Yes, we have a duty to report.

SENATOR GREENSTEIN: Okay.

Senator Cryan, and then Senator Gill.

SENATOR CRYAN: Thanks.

Just so I understand, somebody-- If one of your members is charged with conduct unbecoming, or undue familiarity, they won't get the support of the union?

MR. SULLIVAN: No. We have a review process with the attorneys and the other Executive Board members. And if we deem that the action is pretty much substantiated or there's a lot of evidence leaning towards that, we will not support, financially, by providing them an attorney. They get one of us as a representative instead, so we make sure their rights aren't violated and we go through the process.

SENATOR CRYAN: If you don't mind me asking, without specifics, since you guys have been the leaders -- have you ever turned anybody down for representation?

MR. SULLIVAN: Absolutely.

SENATOR CRYAN: I have to ask -- how many? (laughter)

MR. SULLIVAN: Probably three that I can think of off the top of my head.

SENATOR CRYAN: And you've been the leader since 2016?

MR. SULLIVAN: Correct.

SENATOR CRYAN: Okay. If you don't mind me asking, were any of them in 2016?

MR. SULLIVAN: Yes.

SENATOR CRYAN: Because if I recall right, the PREA-- No, that's right; 2016 is when there were eight. Okay.

A couple of other questions for you; not to belabor the day, but the new 92 cameras came in. There were other cameras here; those were additional cameras. Both of you expressed, in particular, familiarity with the facility, and you're in charge of it. Are there a lot of blinds spots, or what's the kind of coverage out of there with the current camera situation? And what kind of technology are the cameras -- *a*) are they digital and, for lack of a better way to put it, recently up-to-date, or *b*) are any of them audio-visual, where they also have the audio?

MR. SULLIVAN: None have audio that I know of, but it depends on the facility. Different facilities have gotten different grants to upgrade.

SENATOR CRYAN: I'm interested in this one -- at Edna, if you will.

MR. SULLIVAN: I can't speak specifically--

MR. SPRICH: Yes, I don't know exactly; but like I said, I've seen the cameras and some of the resolution. They are pretty well-- And it's a very large facility; there's a lot-- Like, up in Hunterdon County there, between my jail and also Edna Mahan, they were talking about -- probably hundreds of acres of land that needs to be covered. So I don't know--

SENATOR CRYAN: I'm--

MR. SPRICH: The actual areas where everybody congregates I think is pretty well covered. I don't think there's any real blind spots.

SENATOR CRYAN: Okay; so it's safe to say in the North -- is it North Hall? -- is North Hall pretty well covered?

MR. SPRICH: I can get -- I can answer that question after-- I have to ask somebody else a question -- people who would know that who actually work in the facility every single day.

SENATOR CRYAN: Okay.

So I just want to understand-- And I'm sorry, Madam Chair, quickly--

Are you telling us that since 2010, that for guys on the job -- that you haven't gone through a revised training procedure based on the incidents that have happened in Edna, all right? -- that have come to the attention of the Committee -- that you folks on the job each day have not gone through or your training procedures have not been revised? Is that correct?

MR. SULLIVAN: Correct. We have three annual training days that consist of eight hours, and they try to cram everything into those three days, and that includes range requalification. So you have two additional training days, which is 16 hours.

SENATOR CRYAN: Okay. So from a standpoint of the Corrections guy on the job, has there been any change in terms of the actual day-to-day from -- for lack of a better way to put it -- all the incidents and all the folks going to jail and all the other stuff -- there's been no change in your day-to-day process?

MR. SULLIVAN: No; there's been no increased training.

SENATOR CRYAN: Geez.

MR. SULLIVAN: And we've asked for it several times.

SENATOR CRYAN: And you mentioned creative solutions; you talked to Senator Pou a little bit about that, peer-to-peer, and some other things -- other creative solutions. Without going into detail, could you at least put the Committee's awareness on what you've proposed?

MR. SULLIVAN: Yes. We just want the opportunity to sit down with management when they're making these decisions and offer the officers' standpoint. But they won't include us in on their decision-making process.

SENATOR CRYAN: Okay. So you want to bring -- and I just have a couple of quick ones; I'm sorry -- so you want to bring -- for lack of a better way to put it -- the officers' perspective in first, or early in the process, so that's it's balanced. Would that be correct?

MR. SULLIVAN: Correct.

SENATOR CRYAN: Okay.

You heard some criticism here -- some suggestions, I would say, about -- for you guys, it's called SID, right? -- Internal Affairs -- about it being on-site there; concerns about that -- for lack of a better way to put it -- fraternization of officers, including SID, with everybody else.

Since you heard it, I have to ask -- what was your reaction and thoughts to that?

MR. SULLIVAN: My thoughts would be, you know, we always are going to have a few bad apples; but about 90 percent of our staff is professional and act that way at all times. And the 10 percent kind of looks -- makes the rest look a little bad.

I can't say that those allegations are true or fabricated; but you know it's possible. I don't know offhand; I wasn't there for those specific ones.

SENATOR CRYAN: Okay. Were you in Edna in 2011, 2012?

MR. SPRICH: No, I worked at Mountainview. I wasn't in -- I was in a union position, but only in the institution--

SENATOR CRYAN: Yes, but you were Mountainview--

MR. SPRICH: Yes.

SENATOR CRYAN: --you were on campus, for lack of a better way to put it; close enough.

MR. SPRICH: Well, yes; it's about two miles away.

SENATOR CRYAN: All right. So you heard this horrific story, that we just heard, about the young lady -- 11 days on the suicide watch.

SENATOR POU: Right.

SENATOR CRYAN: You were right in the room, right, guys?

MR. SPRICH: Yes, I had -- just from what I know about how the system works, for someone to be on a constant watch-- First of all, it's a 5-minute watch; it's not even a 15-minute watch. And you're there 24/7 there, in front of the door, and you cannot leave that area unless you're relieved. So that person is constantly watched every 5 minutes.

Number two, the Department of Corrections, as the officers, even the supervisors -- none of this is done-- You have Psychology, you have Medical people -- they're the ones who determine all of these statuses. We don't place people on these. This comes from them, for their safety and their security.

SENATOR CRYAN: Right.

MR. SPRICH: So we just have to sit there and supervise it; but we don't actually determine or put anybody in any status. If that person was truly on it for 11 days, then Medical staff and the Psychology people there are the ones who determined -- make those determinations. It doesn't come from any of us.

SENATOR CRYAN: Just so I understand -- so it's your position, Medical staff determined, in this particular case--

MR. SPRICH: Yes.

SENATOR CRYAN: --the individual was suicidal, or needed CW, right? Is that what you call it?

MR. SULLIVAN: Yes.

SENATOR CRYAN: And what you folks are simply waiting to do is for Medical to make another determination and/or move the person to Ann Klein, or Trenton, or somewhere else, correct?

MR. SPRICH: Yes. All we do is -- we have a log; we write down every 5 minutes exactly what that person is doing and making sure that everything is safe and nobody's hurting themselves. And they just stay there until it's determined by Medical to be clear,

SENATOR CRYAN: Do you think that story-- I'm sorry; I do want to ask you one thing about the Academy training, but I have to-- Do you guys think that story of someone, for 11 days, wearing a turtle suit and running around in the infirmary -- is that possible?

SENATOR POU: And all the people watching.

SENATOR CRYAN: And all the people watching and people being called over. Is that possible?

MR. SULLIVAN: Most of these cells are on camera. I know the ones in my facility -- they are all camera plus officer. I don't know about that specific facility -- if it was on camera. But if that did happen at one of the facilities I work at, it would have been reported.

SENATOR CRYAN: Okay. By the way, do you know how long your video retention time is?

MR. SULLIVAN: Not off the top of my head.

SENATOR CRYAN: Ninety or 180?

MR. SPRICH: No, I think--

MR. SULLIVAN: I think it's 60 days.

MR. SPRICH: I believe they all vary, because every DVR that they record on, depending on how many cameras you have on them, and the clarity, I don't know--

SENATOR CRYAN: Okay, so-- And I apologize to the Committee, but just so I understand -- so you have multiple cameras in a facility; is it safe to say, hundreds, in many cases?

MR. SULLIVAN: Correct.

SENATOR CRYAN: All right; my understanding is, through the Chair, that each individual cameras has a different length of time of retention?

MR. SULLIVAN: No, it's one DVR that records all the cameras.

SENATOR CRYAN: So it's by facility that it may be different.

MR. SULLIVAN: Correct.

SENATOR CRYAN: Do you happen to know if there's a Department of Corrections policy on video retention?

SENATOR POU: What's the life shell, the life shell?

SENATOR CRYAN: What's the shelf life?

SENATOR POU: The shelf life.

MR. SULLIVAN: I believe it's 60 days; but I don't know. It depends on the institution. I know my institution is 60 days. As long as there are no incidents, I believe they let it record over.

SENATOR CRYAN: The last thing, Madam Chair, I'd like to ask OLS if we could put a formal request in for what that policy may be.

And finally -- you said Academy training, right? You guys haven't seen what just-- I have to tell you; it's just stunning to me that you haven't seen one iota of difference, on the job or training, as a result of these incidents. Do you happen to know whether there's been any revision in your-- And you guys go through your Academy training, has there been any revision there, whether it's in DB awareness or any other sort of things, for your particular officers or for this type of incident?

MR. SULLIVAN: I know they added a PREA portion to the Academy, where they discuss what PREA is, and the guidelines, and your job -- your responsibility to report; what your interaction is supposed to be. But that's as far as I know of the additions.

SENATOR CRYAN: Now, I don't know how long that is.

Do you happen -- do you guys know when PREA is coming?

MR. SULLIVAN: We know they're doing a PREA audit now, because we've been told they are.

SENATOR CRYAN: So for lack of a better way of putting it, you have a head's up.

MR. SULLIVAN: Pretty much.

SENATOR CRYAN: All right; thank you.

SENATOR GREENSTEIN: Thank you.

I think I said Senator Gill and then Senator Sacco.

SENATOR GILL: Oh, I'll wait until Senator Sacco--

SENATOR GREENSTEIN: Okay; Senator Sacco.

SENATOR SACCO: You know, I've been on this Committee a long time, and with John Girgenti--

SENATOR GREENSTEIN: Put your light -- put your--

SENATOR SACCO: It is on; I don't know why--

SENATOR GREENSTEIN: It is? Oh, okay.

SENATOR SACCO: --you're not hearing it.

When John Girgenti was Chairperson we had to put in bills that would have added considerable training to the Corrections Officers -- the people working in prisons. And there was a terrific pushback, and these bills just never, never moved forward.

SENATOR GREENSTEIN: Who did the pushback come from?

SENATOR SACCO: You know, it was hard to tell because it was made between, again, management and the Corrections Officers. The Corrections Officers saying certain conditions existed, and management saying they didn't exist. So I felt management pushed back and the training never took place, because the officers seemed to be very willing to go through additional training. And that goes back a long time.

SENATOR GREENSTEIN: That's interesting.

Well, I'm heartened to know that the officers are willing and want the training. We have to make sure that management recognizes how important this is, especially with what we're hearing here today.

SENATOR SACCO: You know, on behalf of the officers here, and the union, you know, a person committing an illegal act doesn't do it in front of someone who's not attuned to what they're doing and accepts what they're doing. They're not going to do anything in front of these gentlemen here; they're going to keep it from them as much as they'll keep it from anybody else so--

SENATOR GREENSTEIN: Yes, I mean, I think--

SENATOR SACCO: --it's interesting how they won't support someone if they investigate themselves.

SENATOR GREENSTEIN: I know.

SENATOR SACCO: You know, and it's true; you have to give -- somebody, individually, has to go with them because that's the way a union operates. But when you deem someone to be improper, you just won't spend the money on getting them attorneys. And that to me is a really progressive move from you as a union.

SENATOR GREENSTEIN: Right.

SENATOR SACCO: So I commend you for that.

SENATOR CRYAN: From the training piece -- right? -- we've been talking about this management issue here. Do you have the same management staff in place since you've been there?

MR. SULLIVAN: Yes, we have a 40-hour training bill we pushed last session; we just didn't get enough time to finish it. But we, as a union, have been pushing for more training and speaking to legislators to

get it done. But like I said, we ran out of time last session but we want the training.

SENATOR CRYAN: Okay; and I'm sorry, but is the management team the same in Edna as it's been -- for how long? Do you have any idea -- any idea?

MR. SPRICH: I could say that the current Administrator at the facility was just recently promoted to Administrator. He was actually Administrator at my jail, at Mountainview.

SENATOR CRYAN: Isn't it Valerie something--

MR. SPRICH: It's Sarah Davis.

SENATOR CRYAN: Sarah Davis.

MR. SPRICH: She's now moving from Mountainview, as an Administrator, back. She was an Associate there--

SENATOR CRYAN: And the previous Administrator at Edna?

MR. SPRICH: William Anderson.

SENATOR CRYAN: And how long was he there? I'm sorry -- do you mind?

SENATOR GREENSTEIN: No, that's fine.

MR. SPRICH: Maybe, approximately two years--

SENATOR CRYAN: Okay; and then--

MR. SPRICH: --two or three years. He has since retired.

SENATOR CRYAN: So he retired.

MR. SPRICH: Yes.

SENATOR CRYAN: Were there any changes as a result of the -- do you mind me asking -- the 2010 stuff, the nonsense. Were there any changes in the top structure or in the management?

MR. SPRICH: Very few. The one Major has been there for a considerable amount of time. I couldn't tell you exactly when he started there as a Major.

But as far as Administration -- very little has changed; we're talking two to three people in the past four years. And then you have -- there's only two Custody Majors, so you have one who has changed maybe a year or so ago. Very little.

SENATOR CRYAN: Thank you.

I'm sorry.

SENATOR GREENSTEIN: Thank you.

Senator Pou; oh, I'm sorry -- Senator Gill; sorry.

SENATOR GILL: Two -- three questions.

It appears as if you're saying that the Administration -- more particularly, the Commissioner of Corrections -- failed to provide proper training to the officers in the facility, is that correct?

MR. SULLIVAN: I would say that's 100 percent accurate.

SENATOR GILL: Okay. And that the Commissioner's failure to provide the training was training that you or the officers were requesting.

MR. SULLIVAN: Correct.

SENATOR GILL: And you were requesting that training because you understood the culture and what could happen; and, in fact, did happen. And so that you had to have proper training and constant reinforcement. Is that--

MR. SULLIVAN: More education and more training equals less incidents.

SENATOR GILL: And other than the hours -- I think you said you have, what, how many hours of training?

MR. SULLIVAN: Twenty-four hours total for an entire year.

SENATOR GILL: For an entire year. And that has not changed since the 2010 incidents--

MR. SULLIVAN: Correct.

SENATOR GILL: --forward? Okay.

Now, there was one -- when I was reading the-- And you cannot order training; that training has to be done and ordered by the Commissioner or the management.

MR. SULLIVAN: Correct.

SENATOR GILL: Okay.

Now, there's a particular-- All of these are egregious; but I wondered if you had any -- if the union had any involvement in this particular instance. There was one person -- and I think it started about 2010 -- Corrections Officer; just egregious. And while they were investigating his sexual assaults and sexual harassments, they transferred him to a juvenile facility, without any indication to the juvenile facility, in my understanding, that we had a person who is alleged of this kind of sexual assault and sexual harassment.

If you know -- and you may not -- was that a position taken by the union -- that he should be transferred to a juvenile facility while this egregious conduct of sexual assault and sexual harassment against the female prisoners -- was your union part of that negotiation?

MR. SULLIVAN: No, our union has been on the record that we don't want the officers transferred from jail to jail; don't move your

problem, but investigate it, put him out, suspend him until the investigation is complete. Don't just move them, facility to facility. We've actually had an incident with a Major that we also asked for that to be done, and the Department ignored our requests.

MR. SPRICH: Ma'am we don't -- if you have an open discipline, you can't be transferred to any other facility. Everything has to be -- the matter has to be completely adjudicated before you're able to even move to another facility.

SENATOR GILL: Well, if this matter had been completely adjudicated, he shouldn't even have been there--

MR. SPRICH: Well, this is back in 2010, ma'am. I was just talking about how it is currently now.

SENATOR GILL: Okay.

MR. SPRICH: I don't know if 2010 was that way or not.

SENATOR GILL: All right.

Thank you.

MR. SPRICH: No problem.

SENATOR GREENSTEIN: Okay; thank you. We really appreciate the testimony. Thank you very much for coming.

MR. SULLIVAN: Thank you.

MR. SPRICH: No problem; thank you.

SENATOR GREENSTEIN: Thank you.

The next person I have is Cynthia Cupe, American Friends Service Committee. Is that correct, Cynthia?

CYNTHIA CUPE: (off mike) Yes.

SENATOR GREENSTEIN: Now, I'm going to ask in the interest of time, I guess -- if you could keep your remarks to about four minutes, five minutes, that would be great, because then we'll have time for questions.

Thank you.

And identify yourself, and say where you're from.

Make sure it shows red (referring to PA microphone) when you press the--

MS. CUPE: Good morning, everyone.

My name is Cynthia Cupe. I was formerly incarcerated at the Edna Mahan Correctional Facility for 30 years, and I was released on July 24, 2016, from the custody of the Department of Corrections.

I come here today, in good faith, hoping that everyone present will not only listen, but will take immediate action to stop sexual harassment and sexual abuse of women confined within Edna Mahan Correctional Facility, and against all prisoners within the State of New Jersey.

Sexual abuse violates the prisoner's right to be treated with respect, it violates human dignity, it is degrading treatment, and it is an abuse of authority by those hired to protect and serve.

Although there may not always be physical scars, I can assure you the psychological scars of sexual abuse are life-long.

The U.S. Supreme Court has acknowledged that a prisoner has a constitutional right to be secure in his or her bodily integrity and free from attack by prison guards. The Court has held that the right to be

secure in one's bodily integrity includes the right to be free from sexual abuse. Therefore, sexual harassment and sexual abuse is violence.

The Supreme Court has also ruled that deliberate indifference to the substantial risk of sexual assaults violates a prisoner's right under the cruel and unusual punishment clause of the Eight Amendment.

Therefore, each one of you has a legal responsibility to address the demeaning sexual harassment and sexual abuse plaguing the women and men prisoners who are confined within the State of New Jersey. All correctional officers are agents of the State of New Jersey; they took an oath and must be held accountable to abide by that oath. If they fail to abide by that oath, then they must be held accountable for breaking it.

What is the use of passing laws if those in a position of power can break the law with no consequences?

Please serve and protect the individual rights of prisoners that have been guaranteed by our government on a local, State, and Federal level. Prisoners are residents of the State of New Jersey; many of them will one day be released back into society. Therefore, I ask you all this day to stand against any corruption that violates human rights, prisoner rights, and the rights given under the New Jersey State Constitution -- New Jersey and U.S. Constitution.

During my imprisonment at Edna Mahan, I was sexually harassed; I was sexual abused on more than one occasion. My complaints were ignored. The last incident occurred August 14, 2014, prior to being sent to a halfway house. I filed a complaint with Internal Affairs at the prison because I was fondled by a guard. I also filed a grievance with the Administration and spoke with Mr. Johnson, who was Assistant Warden,

and Ms. Arthur, who was the Warden at the time of the incident. Nonetheless, on numerous occasions, my complaints fell on deaf ears.

And what shocked me the most was, this particular officer had been known, for years, of improperly touching the women; but yet he was allowed to stay in his position. And no complaints had been filed against this officer when, in fact, I personally knew other women who had made complaints against this officer.

SENATOR GREENSTEIN: Ms. Cupe, I want to ask you, do you know if this officer -- and you don't have to say the name -- is he either under criminal indictment or civilly being pursued right now?

MS. CUPE: Not to my knowledge.

SENATOR GREENSTEIN: Okay.

MS. CUPE: Several times during my incarceration I had to look out for a prison guard while he was intimate with another female prisoner. If I did not keep my mouth shut, I would be given a bogus disciplinary charge and sent to detention. Based on that kind of experience, I kept the incident to myself. And for the record, the indecent would take place on the North Hall loading dock, within the max compound.

It did not make sense to me at the time, but rather later I realized the staff in prison are closely related. I mean, they are mothers, fathers, sons, lovers, friends, and spouses. They look out for one another. A code of silence exists among those in Corrections, as it does in other law enforcement agencies. This must not be tolerated. There could be not fair, unbiased, and independent investigation of complaints under these circumstances.

Clearly, documents disappear, complaints go unanswered, prisoners fear retaliation and being put into administrative segregation, which are *isolation cells* or *units*.

And most often, it is difficult to prove that you have been sexually harassed or abused because most of the staff doesn't want to take the women's word; a lot of them don't want to get involved.

A prisoner can never consent to any kind of sexual relationship with a correctional officer. Research has shown that many of the women in prison have had a history of sexual or physical abuse. And to be subject to this type of treatment while in the custody of our correctional system only adds to the trauma and the experiences of victimization.

I hope that you all will work to protect the incarcerated individuals in the State of New Jersey from sexual harassment and sexual abuse. To remain silent is to participate in the unethical and inhumane violence against human beings. Yes, a prisoner may have been sent to prison for violating the laws, but they are human beings. They are serving a sentence, but that sentence did not include sexual violence during incarceration.

Thank you for your time and attention in this matter.

SENATOR GREENSTEIN: Thank you so much for coming here today and sharing. (applause)

Thank you, thank you.

Any questions, comments?

SENATOR GILL: I just have a comment.

There was a comment -- one of the victims of sexual abuse and assault; and she said, "I was sexually abused and assaulted by my husband,

and he was a monster. And I come here to have to be sexually abused and assaulted by another monster.” So I totally understand your position.

And thank you for coming.

SENATOR GREENSTEIN: Thank you.

Questions, comments? (no response)

Thank you very much for coming.

MS. CUPE: Thank you.

SENATOR GREENSTEIN: Next, I want to have attorney Oliver Barry, who’s representing some people in a civil suit.

O L I V E R T. B A R R Y, Esq. Good afternoon, Senator.

SENATOR GREENSTEIN: And make sure it shows “red.”
(referring to PA microphone)

Good afternoon.

Now, Mr. Barry, am I correct that you’re going to testify today; the two ladies with you are not because they’re part of an upcoming case -- an upcoming criminal case. But you’re going to speak for them and speak about the situation?

MR. BARRY: That’s correct.

Good afternoon, Senators.

SENATOR GREENSTEIN: Good afternoon.

MR. BARRY: By way of introduction, my name is Oliver Barry. I’m an attorney; I am a Board Member of the New Jersey Association for Justice.

SENATOR GREENSTEIN: You can sit.

MR. BARRY: I am a partner at the law firm of Barry, Carrado, Grassi, and Gillen-Schwartz.

And I have, seated to my right, clients of mine who are proceeding anonymously as victims of sexual violence. I'll refer to them, as they are referred to in the complaint that has been filed on their behalf, *A.F.* and *M.D.*

In consideration of the fact -- both that I represent them for an ongoing civil matter, and that they are involved as witnesses in an ongoing criminal prosecution -- I'll just be making some brief statements on their behalf.

I'm limited, based on my involvement in those matters of public record, and those matters of concern -- public safety at large.

I will say that we came into being involved in these matters approximately a year-and-a-half ago when one of our preexisting clients reached out. Since then we have spoken to numerous people; the investigation that our office has conducted is still ongoing. And we come to represent, I believe, at last count, nine individual victims. We filed complaints on some of their behalves and anticipate filing soon on the remainder.

I'll limit my comments to the allegations in those legal pleadings we filed on behalf of my clients, *A.F.* and *M.D.*, as well as some of my other clients that incidents of sexual assault and harassment have gone back as far as -- into the 1990s at the Edna Mahan Correctional Facility. And that my clients, here were subjected to sexual harassment, propositions to engage in sexual relations, threatened and coerced into undressing in front of Corrections Officers, and were ultimately sexual assaulted.

In terms of this being a matter of public importance or public safety of the public at large, I'll relay the statements my clients have made

that these actions have set them back in their struggle to piece their lives back together. And one of the statements I was asked to relay was, "This kind of conduct -- it's difficult to describe the way it's made my life feel less valuable."

I'll be happy to answer any questions that I'm able; though again, I'm limited because of my involvement in ongoing litigation.

I would like to thank the members of the local union for showing support. My clients and I recognize that prisons are difficult places to work, and that law enforcement is a difficult job, and that there is a -- the claims regarding the institutions aside, we do not believe that everyone who wears the badge is part of the problem. We do believe there is a problem.

I would like to thank the Hunterdon County Prosecutor's Office for their attention to this matter; and I would like to thank the Senators for their attention to this matter today.

SENATOR GREENSTEIN: Can I ask you-- First of all, I want to start by thanking the two women. And we're not going to ask the women any questions; they'll be directed to Mr. Barry.

I want to thank you very much for coming.

A.F.: Thank you.

SENATOR GREENSTEIN: We sense your tremendous pain--

M.D.: Thank you.

SENATOR GREENSTEIN: --and the effect that this has had on you. And I wish you the best of luck, and I hope all of these cases turn out--

A.F.: Thank you.

M.D.: Thank you.

SENATOR GREENSTEIN: --the way they should.

Mr. Barry, how many different-- In the criminal case that they're involved in, how many different guards are involved?

MR. BARRY: I'm probably not the best person to direct those inquiries to; I should say that, certainly, under our laws, everyone is innocent until proven guilty. I believe that there have been seven indictments total; though those questions are better addressed by representatives of the Hunterdon County Prosecutor's Office.

SENATOR GREENSTEIN: Okay. And how many are involved in your civil case that you're handling?

MR. BARRY: My clients here today allege -- and again, I say that because I'm limited in how I can phrase these things because of my involvement -- sexual harassment and abuse by Corrections Officer Jason Mays.

SENATOR GREENSTEIN: Okay.

MR. BARRY: They are not the only clients I represent who are involved with Officer Mays. We also represent people who had been subjected to the same type of conduct from other Corrections Officers.

SENATOR GREENSTEIN: Okay.

Can I ask you -- you mentioned there's a tremendous problem in this prison.

By the way, I don't know the initials of the lady in the middle, but do you -- are you okay? Do you need water or anything?

A.F.: (crying) No, thank you. I have water.

SENATOR GREENSTEIN: Okay.

A.F.: I just get a little-- I'm sorry.

SENATOR GREENSTEIN: Well, it's understandable; don't apologize. I understand.

A.F.: When I just hear his name--

SENATOR GREENSTEIN: I know.

A.F.: He threat-- It's just the threats.

SENATOR GREENSTEIN: Don't--

MR. BARRY: Are you all right?

A.F.: I--

SENATOR GREENSTEIN: Mr. Barry, can you talk a little--

MR. BARRY: Can we-- I'm sorry, Senator. Can we have a moment?

SENATOR GREENSTEIN: Sure.

A.F.: No, I'm fine; I'm fine.

MR. BARRY: Thank you, Senator

SENATOR GREENSTEIN: Can you talk-- You said there are problems in the prison; I think that goes without saying after the things we've heard and read. Can you tell us a little about what you perceive from everything you've heard -- what you perceive some potential solutions are? Would you define the problem and then talk, if you can, about some possible solutions?

MR. BARRY: I think that goes beyond the ken of what is appropriate for me to speak to--

SENATOR GREENSTEIN: Okay.

MR. BARRY: --as a representative in an ongoing civil litigation.

SENATOR GREENSTEIN: Okay.

MR. BARRY: I believe that that's better addressed by some of the women you've heard today that have firsthand accounts of what's going on; I believe that's better addressed by the Professor who has a multitude of experience in other states in these issues--

SENATOR GREENSTEIN: Yes.

MR. BARRY: --and by both the ground-level Corrections Officers in these facilities; and I think the statement was creative ideas to complicated problems. I don't have an easy fix, and I don't believe there would be one.

A.F.: I do; I think I do.

MR. BARRY: Do you want to--

A.F.: No, but I think I know something that will help them if they let me say--

SENATOR GREENSTEIN: Whisper.

(A.F. confers with Mr. Barry)

MR. BARRY: I can relay, on behalf of my clients -- they believe the direct supervision by male Corrections Officers is part of the problem.

SENATOR GREENSTEIN: Okay.

(A.F. confers with Mr. Barry)

Did you have anything else you want to say, Mr. Barry?

MR. BARRY: Just that we appreciate your time in considering this issue. We appreciate the time you've taken to hear the testimony from everyone else. We appreciate your time in having myself and my clients here today.

SENATOR GREENSTEIN: Well, I do want to say, just so people know -- originally when Mr. Barry came and he brought his clients,

the plan was for them to testify. But after a lot of consideration, given that the criminal case is coming up any day, there was a feeling that we don't want to take any chances in doing anything to mess that up.

So that's the reason why they're not testifying.

SENATOR CRYAN: All right; thank you.

SENATOR GREENSTEIN: Anyway, questions, comments?

SENATOR CRYAN: No.

SENATOR GREENSTEIN: Anything, anything? (no response)

Okay; I want to thank you very, very much for coming.

A.F.: Thank you.

SENATOR GREENSTEIN: I want to thank you ladies, and I want to wish you the best of luck.

A.F.: Thanks for having us.

M.D.: Thank you.

SENATOR GREENSTEIN: We're very sorry -- very sorry for what happened.

A.F.: Thank you.

M.D.: Thank you.

SENATOR GREENSTEIN: Thank you.

A.F.: God bless you; thank you.

SENATOR CRYAN: Thanks a lot; it matters.

MR. BARRY: Thank you.

SENATOR GREENSTEIN: Thank you very much.

All right; the next people, come up together, are Patricia Teffenhart and -- I think it's Jyoti Venketraman (indicating pronunciation), New Jersey--

PATRICIA TEFFENHART: (off mike) It's totally my bad handwriting.

SENATOR GREENSTEIN: Is that right?

MS. TEFFENHART: No, but you can blame it on me, Senator.
(laughter)

SENATOR GREENSTEIN: How do you pronounce it?

JYOTI VENKETRAMAN: It's Jyoti Venketraman.

SENATOR GREENSTEIN: Venketraman (indicating pronunciation). I got that part right.

Okay; New Jersey Coalition Against Sexual Assault.

MS. TEFFENHART: Good afternoon, Chairwoman. Thank you, members of the Committee, for staying engaged in such a long and detailed conversation.

This is not an easy topic. We work on this topic of sexual assault, sexual violence, 365 days a year, 24 hours a day. So to hear this content, over and over, even for us is challenging. So I have a special appreciation for those of you who don't do this on a daily basis, and understand how challenging this is for everyone in the room to have these kinds of conversations.

I have a couple of points, and then I'm going to throw it over to the real star of the show, who is my colleague, Jyoti.

But my name is Patricia Teffenhart, and I am the Executive Director for the New Jersey Coalition Against Sexual Assault.

I have two main points I'd like to address before I give a couple of remarks.

One, the two brave individuals who just spoke before us are requesting anonymity; and I'd just to ask the press that took pictures and video during their presence here be respectful of that.

SENATOR GREENSTEIN: Absolutely.

MS. TEFFENHART: That was not a statement that was made prior to them coming up to the dais, but it is important, and I would be negligent in my responsibilities as a survivor advocate if I didn't at least, on the record, request that the media be respectful of their request for anonymity.

Secondly, Senator Cryan, you asked a lot of good questions around law enforcement training in regards to these issues. It is important to note that the Legislature and our previous Governor did sign into law, last year, increased mandatory training around issues relating to sexual violence to all members of the law enforcement community, including professionals who work in Corrections. Historically, that training was only mandated while individuals were in the Academy which, as we are clearly identifying, is insufficient. The new law will require that members of the law enforcement community engage in sexual violence training triennially; and we are working with the Attorney General's Office on creating those standards for training.

However, it is also important to note that the particular angle for our training is to help members of our law enforcement community better respond to sexual assault allegations and crimes that have been -- that have police response. What we cannot -- perhaps, as we are also identifying in this conversation today -- legislate or train out of people is the rape culture that allows people in positions of power to actually commit these

acts. And so while law enforcement training will be incredibly important to help our first responders respond better to victims of such a heinous crime, what we really need to get to the bottom of it is how we are shifting the culture so that people in positions of power aren't becoming perpetrators.

It's also important to note that this Legislature has been addressing issues of systemic abuse in a variety of committees. Both last session and already in this session we tackled issues relating to individuals working in our school systems who are doing similarly to what we've discussed here. They are resigning under allegations; they are not moving forward with criminal investigations; then they are moving on to work in our schools. So that particular piece of legislation has passed now through both houses, and it will come back to the Senate hopefully on Monday, and hopefully that will head to the Governor's desk and be something that he'll take a crack at signing quickly.

And for years we've been working with the Legislature on issues relating to sexual violence on college campuses. There's a theme that's reigning supreme here, and that's institutions not holding up the ethical standards by which we as a society at least purport to operate under.

And so I thank you, Chairwoman, for giving us all an opportunity to talk about the issues that are relating here, in relation to correctional facilities.

As we probably have all now surmised, this issue isn't isolated to Edna Mahan. As we're seeing play out in the media misogynistic, patriarchal system, historically and repeatedly not only subject women in vulnerable communities to abuse, but they also expertly hide it and cover it up, simply because they can.

The culture that commits sexual violence isn't one that exists only in the Department of Corrections; it saturates the daily lives of all of us.

My colleague, Jyoti Venketraman, has been working on this issue trying to help the DOC and JJC better meet their bare minimum PREA requirements, in supporting survivor's rights to access external rape crisis centers. My hope is that this hearing is just the beginning of us peeling back the layers of the onion to further understand the ways we can better support the spirit of PREA in all of our institutions, and I suspect the public and the Legislature will be horrified by what we find.

I'm going to turn it over to my expert colleague, Jyoti Venketraman.

SENATOR GREENSTEIN: Thank you.

MS. VENKETRAMAN: Thank you.

I should say good afternoon -- good afternoon. Thank you, Chairwoman Greenstein, and members of the Committee for giving me an opportunity to speak with you today.

I would first like to say thank you to the inmates who have been brave to share their stories here today. To them I say we applaud your courage and we believe you.

My name is Jyoti Venketraman, and I am the Capacity Building Manager at the New Jersey Coalition Against Sexual Assault, NJCASA. NJCASA is the statewide organization that represents New Jersey's 21 county-based rape crisis centers and the Office for Violence Prevention and Victim Assistance at Rutgers University, New Brunswick.

NJCASA exists to elevate the voice of sexual assault survivors and service providers throughout our state.

The role of our confidential sexual violence advocates and our 21-county based rape crisis centers, within the context of providing support for incarcerated survivors, mirror the role we play in the community. This can include Sexual Assault Response Team accompaniment, emotional support, advocacy, and investigations accompaniment.

As you likely know, the Prison Rape Elimination Act, PREA, encourages -- does not mandate -- facilities to collaborate with, or attempt to collaborate with, community-based rape crisis centers to ensure incarcerated survivors have the access to the care they deserve. Additionally, the victim services standards in PREA are the standards that technically spell out access to advocates for forensic medical exams, outside confidential support services, emergency medical services, ongoing mental health care, coordinated response planning, and inmate reporting. These services are a core part of the services provided by rape crisis centers.

In 2017, for the first time, we and a few of our local programs were contacted by the Department of Corrections and local corrections facilities. We and our member agencies have been asked, in a state of audit urgency, to sign MOUs with facilities that grossly violate PREA standards and our own standards for service provision.

Over these past few months, in response to this first outreach between our programs and DOC, we have navigated challenges, primarily around clarifying our role -- we are not a third-party reporting agency; we are a confidential support service -- ensuring that our advocate's confidentiality privilege is preserved even when our advocate enters a

facility to provide counseling or support services, ensuring that hotline access for survivors are provided in a confidential manner -- calls are not being recorded -- and clarifying the role and need of an advocate during a forensic medical exam.

We look forward to having these partnership conversations continue so we can collaborate systems-to-systems in creating safe environments everywhere.

Sexual abuse is fundamentally about establishing and maintaining power and control. This core concept applies as much to prisons and jails as it does to the community or to any other institutional setting. While anyone can be sexually abused behind bars, some inmates are especially vulnerable to this violence. Perpetrators often target inmates who they perceive as less likely to fight back, less likely to report, and less likely to be believed if they do report.

The impact of sexual abuse can be devastating and lifelong. Common trauma reactions like shock and numbness can be hard to manage within an institutional setting such as jails and prisons.

For example, incarcerated survivors may be unable to follow instructions, which can lead to them being perceived as a failure to comply with orders. In most institutional settings like prisons, inmates often have no control over the most basic activities of their life. This can aggravate the sense of powerlessness for incarcerated survivors.

Just as survivors in the community, survivors behind bars are much more likely to seek help if they know they can do so confidentially. Confidentiality, a bedrock of victim services, ensures survivor safety, preserves the dignity of survivors, and empowers survivors.

PREA has a range of standards with the overall aim of eliminating sexual abuse behind bars, increasing accountability, and ensuring incarcerated survivors get the same level of care as those in the community. However, culture change is paramount to the success of PREA. While today's hearing is specific to one correctional facility and its need for immediate improvement, our hope is that this conversation expands beyond just PREA and beyond just one facility.

We have an opportunity here to improve responses across both corrections and juvenile systems through thoughtful dialogue. Safety and holding perpetrators accountable can be the shared values on which those of us who work in the anti-sexual violence movement and those who work in the correction and jail system can come together to collaborate. The hierarchical structure in institutional settings like prisons and jails can be leveraged as an advantage when such structures are backed by authentic culture change, committed leadership, strong oversight to ensure actual compliance, and well-trained staff.

I would like to end my testimony by saying this: No one deserves to be raped; everyone deserves to feel safe. Survivors, no matter where they reside in New Jersey, deserve access to supportive care to start their journey in healing. We all can and must work towards creating safe communities everywhere.

Thank you again for the opportunity to speak before you today.

SENATOR GREENSTEIN: Thank you.

Ms. Venketraman (indicating pronunciation) (laughter) -- I hope that's right -- getting back to Edna Mahan for a second. Did you have, in terms of the work that you're doing -- linking to the rape crisis

centers and other things -- did you have specific interaction with that prison and the problems there? I didn't catch that in the beginning.

MS. VENKETRAMAN: It is my understanding that our local rape crisis center has been contacted for providing forensic medical accompaniment. And they did face challenges in terms of explaining the role of an advocate and why an advocate is needed during a forensic medical exam. So there has been some contact.

SENATOR GREENSTEIN: So in other words the staff at the prison pushed back against the idea that the people might need an advocate.

MS. VENKETRAMAN: Yes.

SENATOR GREENSTEIN: This would be -- what level would that be? Would it be at the guard level, or more at the administrative level?

MS. VENKETRAMAN: I'm not -- I'm not sure about that.

SENATOR GREENSTEIN: You're not sure about that; okay.

Senator Cryan, then Senator Gill.

SENATOR CRYAN: Thanks, and thanks, Chair.

I have a couple of questions for you.

So in 2015, one allegation was substantiated; in 2016, eight were. Could you give us-- Is there anything in PREA that identifies what follow-up care was given to those cases that were substantiated?

MS. VENKETRAMAN: I wouldn't be aware of that information.

SENATOR CRYAN: Do you have any idea?

MS. TEFFENHART: No; that's not my order.

SENATOR CRYAN: I don't either; (indiscernible)?

MS. TEFFENHART: That's not our (indiscernible).

SENATOR CRYAN: I'm just, you know--

SENATOR GREENSTEIN: OLS?

MS. WHITBECK: We'll look into it.

SENATOR CRYAN: I'm curious as to-- Because there were 208-- There were three years; there were 208 allegations; 9 were substantiated. The same question for any one that was unsubstantiated: Do we provide any sort of care? Do we provide any sort of trauma follow up -- we just saw two cases in front of us as to what that means -- imposed.

MS. TEFFENHART: If I could speak to that -- I think that's an excellent question.

I think that one of the systematic downfalls we find in all systems is that we only tend to place value on cases that are "substantiated." And what we're finding across all systems is that these are incredibly challenging cases to substantiate, and that perpetrators and the systems that protect them and harbor them are very slick in making sure that they're removed from their positions before cases move forward to substantiation.

However, that does not at all allow us to bypass our responsibility to ensure that those who have come forward with allegations do receive access to the free and confidential services that they should be afforded through access to our rape crisis centers.

So it's a great question, Senator.

SENATOR CRYAN: Last thing -- if we could look at-- And maybe it's to Wendy; I mean, I would like to look at what we do as follow-up.

SENATOR GREENSTEIN: Absolutely.

MS. WHITBECK: Yes.

SENATOR CRYAN: I mean, it's just-- This is crazy.

SENATOR GREENSTEIN: Yes; we're going to have -- we're going to continue with this. Today is our overview.

SENATOR CRYAN: All right; I meant in terms of the actual victims themselves. We all just watch the tears and we're moved -- right? -- and the impact of just a name. Like, I don't know if Melgar's victims ever got--

MS. WHITBECK: Any kind of care, follow-up services through a rape crisis center.

SENATOR CRYAN: You know? I don't know what the deal--

SENATOR GREENSTEIN: I doubt it; but it's possible.

MS. TEFFENHART: And if it's possible, I could shed some light, just statistically, on why that particular point is so important.

The FBI recognizes sexual assault as the second-most violent crime; the first most-violent crime is murder. So survivors of sexual assault have endured a trauma unlike any other victim of crime. So having them gain access to services is critical; and our follow-up and our responsibility to ensure they have access to follow-up is -- we're negligent in our responsibilities if we don't make sure that that's in place.

Secondly, sexual assault survivors have a 13-time higher suicide attempt rate than an average member in our society. So again, not making sure that they have access to critical mental health services and access to a path of healing is substantial.

And then thirdly, just from a purely fiscal perspective, the CDC released a report, in early January 2017, that highlights the fact that the lifetime cost of sexual assault victimization is approximately \$122,000 per survivor. We have an opportunity to minimize those costs if we can access services sooner. And this has to do with lost wages, ongoing mental health and substance counseling, mental health services in relation to suicide attempts, lost tuition payments. So just from a purely fiscal perspective, making sure that we're accessing services in a timely and efficient manner can really reduce the financial burden victimization places on survivors.

SENATOR CRYAN: Thank you.

SENATOR GREENSTEIN: Senator Gill.

SENATOR GILL: Well, I've been practicing law for more than 30 years. I went to Rutgers Law School and actually did an independent study, and we would represent the inmates.

And sometimes time does not bring on a change, as they may say.

MS. TEFFENHART: Yes.

SENATOR GILL: But I'd like to focus on your statement where you said, "In 2017, for the first time, we and a few of our local programs were contacted by the Department of Corrections and local corrections facilities. We and our member agencies had been asked, in a state of audit urgency, to sign MOUs with facilities that grossly violate PREA standards and our own standards for service."

First of all, did you ever, in fact, sign the MOUs?

MS. VENKETRAMAN: So I know our local programs were under tremendous pressure to go through that. But because we, sort of,

provided technical assistance to our programs, pushing back, saying, if we don't get the ability; where our confidentiality privilege is not supported -- because our victim counselors have confidentiality privilege -- we pushed back saying we cannot sign if confidentiality is not maintained. So--

SENATOR GILL: So were there any of the local facilities -- did any of the local facilities sign the MOUs with these facilities that violated PREA?

MS. VENKETRAMAN: Not to my knowledge.

SENATOR GILL: Okay.

MS. VENKETRAMAN: I know PREA encourages -- does not mandate -- facilities to contact or attempt to contact. And what we noticed was during the time of audit, there was this contact being made and that can be construed as, "We made an attempt to contact."

SENATOR GILL: Okay; so -- when the audit time for PREA comes, there's an outreach to you to sign the MOUs based upon the institution's audit urgency. So that those documents are then given to the auditor from PREA as if this has been an ongoing process in partnership for the community.

MS. TEFFENHART: Yes.

SENATOR GILL: Kind of known as *fraud*, but you know, don't let me be technical. (laughter)

MS. TEFFENHART: The Senator's words, not ours (laughter); but yes.

And I think that--

SENATOR GILL: Although not fraud with respect to you.

MS. TEFFENHART: No, no, no; I love the fact that you said it. I wish I had said it, actually.

You know, and I think you are super savvy, and you brought up a really great point.

SENATOR GILL: *Super* savvy? (laughter)

MS. TEFFENHART: *Super* savvy.

SENATOR GILL: I thought I was just trying--

MS. TEFFENHART: We've been here a long time; we can be a little bit casual.

Your point is leading us in the right direction. And it is important to note that while this outreach is specific from DOC, we received similar outreaches in years prior from JJC. And in fact, what I don't know if the systems actually know, is that auditors sometimes will call us too. They'll say, "We're in the middle of auditing XYZ facility, and there are documents in their files that say ABC." And we're honest; like, yes, we actually just received this outreach, and if you read the outline of what they're asking us to sign, like it's beyond any possible document that we would sign to ensure that survivors are receiving access to appropriate services.

And so we've been very candid in the audit process about how this is transpiring, and how it is a gross negligence -- it would be a gross negligence for us to say, "Yes, this sounds really great." But they are using it in their files to say, "Well, we did outreach to the Coalition, and they refused to sign an MOU. " They don't always put in all those caveats about why we didn't sign them.

SENATOR GILL: The devil's in the details.

And one last questions -- thank you; and thank you for your being honest brokers in that process.

You talk about *actual* compliance; and actual is italicized. So I guess that refers to what you've just explained.

MS. VENKETRAMAN: Yes.

MS. TEFFENHART: And I think it's also-- Someone who spoke earlier did mention the fact that there are Federal resources available to help states that are not PREA compliant improve their compliance. And so it seems as if we're also doing the State a huge disservice by feigning compliance when it's actually not existent. There are Federal resources that can help us better honor the spirit and application of PREA standards that New Jersey isn't upholding, simply because we wanted to have some gold star that said we were compliant when, in fact, we're not.

So with this change of Administration and these hearings that we're having here today, I'm hopeful that we can actually be honest about where we stand in PREA compliancy so that we can access those Federal resources to help us get there.

SENATOR GILL: Thank you very much.

SENATOR GREENSTEIN: Thank you.

Any other questions or comments? (no response)

Thank you so much.

MS. TEFFENHART: Thank you.

SENATOR GREENSTEIN: We really appreciate it.

Okay; the next person will be Reverend Rob Gregson, Unitarian Universalist.

Oh, “no need to testify.” He’s just letting us know that he is here.

Okay; next we have Munirah El-Bomani (indicating pronunciation); Freed Women Empowerment Network.

Did I pronounce that right?

MUNIRAH EL-BOMANI: Yes.

SENATOR SACCO: Senator, I may have to leave.

SENATOR GREENSTEIN: Thank you for being here.

SENATOR SACCO: I have a meeting at 3:00 p.m. in another part of the state.

SENATOR GREENSTEIN: Yes.

SENATOR SACCO: Okay; well, thank you. Anything you need from me, or any legislation that goes out of this, please--

SENATOR GREENSTEIN: Absolutely.

SENATOR SACCO: Thank you.

SENATOR GREENSTEIN: This is something we’ll be continuing; obviously we’re just on the surface here. We have to make a deep dive into this and make sure that the Department is doing that as well.

Thank you, Senator.

Okay; identify yourself.

MS. EL-BOMANI: My name is Munirah El-Bomani. I’m a 21-year released female survivor of prison abuse.

SENATOR GREENSTEIN: Were you at Edna Mahan?

MS. EL-BOMANI: Edna Mahan, the only facility in New Jersey for women.

And because of my advocacy against the abuse and the conditions that I fought against while incarcerated, I was physically attacked, set up by prison guards and *prison informants*, as I call them, within the jail, from Caldwell, all the way to the Edna Mahan facility.

First of all, I want to say thank you for having this hearing, and thank you to the groups that come out and support; and also to the advocacy groups that have been standing consistently with us about prison conditions.

But 21 years later, sexual abuse and abuse remains a systemic problem in the prison system. And I want to pay homage to Bonnie Kerness, who gave her testimony; and also the lawyer who's here -- I don't know if she spoke -- Jean Ross, who has been tirelessly on the frontline, addressing the prison conditions, and getting testimonies from us from the inside, and representing us very well.

After testimonies and testimonies of abuse from those individuals, I'm trying to figure out myself -- why are we still here, at this point, trying to address a systemic problem?

But I'm really here today to talk about solutions -- because you asked, were there any solutions coming from people who have been affected? And I'm coming to offer solutions, because I made a commitment when I got released that I would never live my life without addressing the horrors that I've witnessed in prison -- sexual abuse, the violence against people who speak up against the abuse. They go hand-in-hand, and we need to address it with solutions.

So my solutions are to, one, fund prison rights groups that stand and speak up in doing the work to address what's happening within

the prison systems, be it sexual abuse or the violence. Also, to strengthen the PREA Act; and also I'm calling on you to establish a rape and prison abuse hotline within the prison facilities, because if there's a hotline in place for individuals, you know, you might get some greater percentage of people calling in to tell about the conditions that are going on.

SENATOR GREENSTEIN: Is there an issue of access to telephones, though?

MS. EL-BOMANI: Yes, when you're in lockup, you get 15, 10 minutes of using a phone; if they allow you the opportunity, which is based on the conditions of solitary confinement.

SENATOR GREENSTEIN: So how would the hotline work? How would people have access?

MS. EL-BOMANI: Well, they should be able to have a hotline that is -- a special hotline that people can call, besides using-- It would have to be independent of whatever they have within the institution.

And also we need in place a prison and jail oversight committee. We must put that in place.

We also need an oversight task force; and there needs to be an independent monitor equipped with-- Because you talked about data, and Bonnie spoke about how hard it was to collect the data from individuals, which is a systemic problem. But we need an independent monitor equipped with a data tracking system to collect all rape and prison abuse that's gone on within a facility.

So I'm here to offer solutions, being that this is a systemic problem. After 25 years, I made a commitment that I would not turn my

back on what I witnessed in prison; and I'm just here to offer some solutions 21 years later.

And that's all I have to say.

SENATOR GREENSTEIN: We really appreciate your coming, and thank you for not turning your back and keeping active with it.

When did you get out of prison?

MS. EL-BOMANI: I got out -- it will be 21 years on Sunday. I was released February 25, 1997, and I have been advocating on behalf of prisoners worldwide-- Because this is not only happening here; this is happening all over -- prison systems all over.

SENATOR GREENSTEIN: So back in the 1990s and 1980s when you were in prison, you saw a lot of the same things back then? Has anything gotten any better, or has it gotten worse?

MS. EL-BOMANI: Well, based on testimonies and work that Bonnie, and Jean Ross, and a lot of us are doing, we still hear the same horrors from the inside, from people we come in contact with on a daily basis. And you heard the sister who came home -- Cynthia Cupe, who came home; and she just got released 30-- I remember her from being incarcerated. And to hear her story -- it seems to be that this is a systemic problem that needs a systemic solution.

So that's what I'm calling on -- a systemic solution to the problem that we have; that's all.

SENATOR GREENSTEIN: Thank you so much; thanks.

Any questions or comments?

MS. EL-BOMANI: How are you, Nia Gill?

SENATOR GILL: I'm fine; I know we've known how--

MS. EL-BOMANI: Yes.

SENATOR GILL: And of course, you would have real, real-time solutions. And so doing the work, in a way that is both symbolic and strategic, is what I know that you do.

MS. EL-BOMANI: Yes, sir -- yes, ma'am; sorry.

SENATOR GILL: That's okay.

And so that's a real-- It is an honor to have you testify before us today. And it will be more of an honor that we follow through on the real-life solutions that you presented.

And that voice, and those voices -- we hear them.

MS. EL-BOMANI: Thank you for your time.

SENATOR GREENSTEIN: Thank you.

MS. EL-BOMANI: Thank you for listening.

SENATOR GREENSTEIN: Thank you.

And I believe our -- and thank you -- I believe our last person is Jean Ross, Esquire; People's Organization for Progress.

Do I have anybody else after Jean? (no response)

Okay, thanks.

J E A N R O S S, Esq.: Good afternoon.

Good news: I'm going to be very quick. (laughter)

SENATOR GREENSTEIN: That is good news.

MS. ROSS: I gave you a lot of materials with some analysis and a number of detailed recommendations so that I could speak quickly.

I want to say -- I want to just tell you one anecdote, and then just a few points; I think two points that I'd like to stress that have not been stressed sufficiently by previous speakers.

The anecdote involves discussions between the Edna Mahan administration and the women at the prison just prior to the last PREA audit. And that conversation took the form of the prisoners being told and threatened that they should not be reporting, to the PREA auditors, any problems.

I heard this from someone on the max unit and someone on either the moderate or the minimum unit. So it's hearsay; but it's believable, actually.

So we wonder about, sometimes, why we -- the numbers don't seem to correspond to our idea of reality; retaliation and threats are one of the reasons that that happens.

So here are the two things that I really want to stress.

Of course, we understand that there's no quick fix to the problems at Edna Mahan; and a number of people have talked about that. But I'd like to take the wonderful things that Professor Brenda--

SENATOR GREENSTEIN: Smith.

MS. ROSS: --Smith said even further, because I think we have to widen the lens.

It's wonderful that you're here talking about women, because women are frequently unattended to in talking about prison problems. And it's wonderful that you are in the Legislature, because we need legislative action. We can't wait for 10 years of litigation or individual suits, given the scope and intensity of the problems that we're facing.

So I want to go a step further and say that just -- what you've heard today about sexual abuse occurs to men and women in the form of physical and sexual abuse in each of our prisons every single day. I came

back from a brief vacation to learn that -- to ask to-- I was asked for help for a 61-year-old man with an assisted mobile device who was being taken to the hospital for surgery. The man was a paralegal; very productive and constructive man. He was beaten really badly as he was being taken from New Jersey State Prison to Saint Francis Hospital. I get those calls every week; I won't say every day, but certainly every week.

So when we say that there's no quick fix, I think we have to widen our lens to look at the problem with physical as well sexual abuse. But if we look at the nature of the prison -- which we've heard about; we've heard about the culture, we've heard about conduct -- and if we look a little more closely than we've been able to do this morning on who's in prison, we understand -- I'm sorry; I lost the end of my sentence -- we will need systemic solutions, as Munirah suggested, to the systemic problems that have brought us to this path.

And that's good news, because that means that if we carefully address the sexual abuse problem properly, then we will also be improving our prison system in many other ways. If we look at ensuring that there is a credible disciplinary system so that victims of sexual abuse and other abuse do not get charged and punished while perpetrators go free; if we look at the grievance process, which looks very nice on paper but is not implemented fairly; if we ensure that the grievance process permits appeals to the Commissioner of Corrections, not just to the local institution, we will be helping the potential victims of sexual abuse and the men and women who are getting abused in other ways throughout the system.

Right now, if I reported sexual abuse in Edna Mahan and I reported a grievance -- if I was lucky I would get some kind of response,

which I could appeal to the head of the institution. If I was lucky enough to get a response from that person, that would be the final agency decision of the Department of Corrections. That -- my grievance, if I felt that it had not been properly responded to, my grievance would never get to the Commissioner; which means that the Commissioner, who has a statutory responsibility to take care of all the people in State custody, for example, he will never get the information from the various institutions in order to make the kinds of analysis that will enable him to look at problems at specific institutions, units, shifts, personnel, etc.

So my first point that I wanted to make is that we have to look further than just sexual abuse if we want to even fix the problem of sexual abuse.

And the second thing is, we're here today -- and we've talked about, "Gosh, these things have been going on since the 1990s or before." And despite the fact that there has been some litigation and there has been some -- from time to time there are some newspaper articles and stuff-- But basically, every branch of our government -- the Executive Branch, the Governor; the Judiciary; what's the other? -- the Legislative Branch (laughter)--

SENATOR GREENSTEIN: Us. (laughter)

MS. ROSS: --have not paid sufficient attention to what happens in the prisons. And therefore, our most serious recommendation for your consideration in the Legislature is that we need to insert a corrective -- an additional corrective mechanism in the form of legislatively authorized, independent, community-based, oversight of the prison system. In 2009 to 2010, some of us drafted legislation to do this during the Bonnie

Watson Coleman hearings. And that legislation is -- those drafts are available to us. They probably need to be looked at by some new eyes; they need to be looked at by a variety of stakeholders. But we can do this; we need legislative authority to get meaningful oversight, and you can do it.

So that's my second big suggestion.

With respect to the laundry list of recommendations that I e-mailed you last night, and that you received hard copies of this morning, I just want to say what the categories are that we think need to be addressed.

Oversight is of paramount importance. We must have more transparency in the prison system, both externally and even on the level of having cameras in many of the hidden places within the system.

We need to continue focusing attention on women and their families by enacting family-friendly laws and regulations; and we have legislative recommendations. We can do that; something like that has been done in the mental health system; we can do it in the prison system.

Our prisons must model justice by focusing on accountability and bringing due process into some of these mechanisms that exist within the prison. I've mentioned the disciplinary system, in particular; the classification system; and the grievance system, right?

Two more.

Improving the protection of health and safety; for example, by enacting a statutory zero-tolerance policy for abuse as we already have in the mental health system. The Senator who was sitting to my left over there -- who isn't here now -- asked if we had -- if there was a zero-tolerance policy. The Department of Corrections says that they do have such policy;

but it's not in statutes. And we have a draft statute, modeled on the statute for the psychiatric hospitals, which could be applied.

And that zero-tolerance policy includes reporting responsibilities. And I just mention one particular thing that's important about reporting responsibilities when we're talking about sexual abuse or any other kind of physical abuse -- is that we have to get the clinicians, and the doctors, and nurses to report when they see signs of abuse -- that this does not happen.

And then we have suggestions about changing the culture in the prison system as well.

So we gave you many recommendations. I haven't kept you very long. We have some draft legislation. We want to continue-- We've met with some of the stakeholder -- the People's Organization for Progress, the American Civil Liberties Union, the AFSC, grassroots organizations, religious organizations -- we've met with some of them, and their recommendations that I gave you came from those conversations, as well as from the Bonnie Watson Coleman hearings.

We want to continue to do that, and we want to meet with you again because we now have the opportunity, with the new Administration, to actually bring justice and safety into our prison system.

Thank you.

SENATOR GREENSTEIN: Thank you so much for your testimony and your great suggestions.

Does anyone have any other comments or questions?

SENATOR GILL: I'd just like to thank you, Madam Chair. I'm not a member of this Committee--

SENATOR GREENSTEIN: But we love having you.

SENATOR GILL: --I'm Vice Chair of Judiciary Committee.
But thank you for allowing me to participate.

SENATOR GREENSTEIN: Oh, we were very happy to--

MS. ROSS: And now that I have your name, I'll send you a copy of the -- our testimony as well, for details.

SENATOR GREENSTEIN: Thank you.

MS. ROSS: The devil is in the details, and some of the solutions are too.

SENATOR GREENSTEIN: That's right.

MS. ROSS: Thank you.

SENATOR GREENSTEIN: Thank you all.

Meeting adjourned.

(MEETING CONCLUDED)