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STATE OF NEW JERSEY
DEPARTMENT OF CORRECTIONS

*Commissioner's Report To The Legislature
On Capital Sentence Legislation*



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Commissioner

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DEPARTMENT OF CORRECTIONS
COMMISSIONER'S REPORT TO THE LEGISLATURE
ON CAPITAL SENTENCE LEGISLATION

1. Report The Act concerning the procedures for imposing capital punishment (L. 1983, c. 245) requires that, two years from the effective date of the Act (July 5, 1983), the Commissioner of the Department of Corrections shall provide to the joint committee constituted by the Judiciary Committee of the Senate and the Judiciary, Law, Public Safety and Defense Committee of the General Assembly, an evaluation of the effectiveness of the Act (N.J.S.A. 2C:49-12).

2. Population There are presently ¹⁷~~sixteen~~ male and one female prisoners in New Jersey who have been sentenced to death pursuant to N.J.S.A. 2C:11-3. They are housed in the Capital Sentence Unit of New Jersey State Prison, Trenton. The first was admitted on June 20, 1983. The latest was admitted on October 24, 1985. Each of their cases is pending in the New Jersey Supreme Court on direct appeal.

3. Isolation As required by the Act, inmates in the Capital Sentence Unit are kept isolated from the general inmate population (N.J.S.A. 2C:49-6). There is no commingling of inmates in this Unit with those in general population. If an inmate from this Unit must be moved to another part of the prison, e.g. the infirmary, all other inmate movement ceases. The Unit is served by a special Management Team, a group of custody and support-service personnel assigned only to this Unit.

4. Visitation Inmates in the C.S.U. are encouraged to maintain ties with their families. To this end, inmates are permitted one non-contact visit a week with up to two members of their immediate family or persons with whom they have had a significant family-like relationship. Two family visits per week will be permitted when alterations are completed to the visiting area.

5. Mail and Phone Inmates in the C.S.U. have the same correspondence opportunities available to the general inmate population. As with other inmates, incoming mail is screened for contraband and evidence of escape plans. C.S.U. inmates are permitted to make at least one fifteen-minute collect phone call per week, and more if scheduling permits, to immediate family members and to other persons on their approved list.

6. Legal Services Contact visits with an inmate's attorney of record are permitted as needed, on twenty-four hours notice from the attorney to the Superintendent. Legal phone calls, e.g. to an attorney of record, are permitted as needed and are not monitored. Legal mail, from counsel or the courts, is not read but will be opened only in the inmate's presence to inspect for contraband.

In other legal matters, not handled by the attorney of record, assistance is provided by a staff-member with paralegal training. The staff paralegal is the inmate's link with the institutional law library, and with the other legal services provided to the general inmate population. The inmates in C.S.U. may communicate by mail with the Inmate Legal Association in the prison, and with other legal services in the community.

7. Treatment Services Each inmate is given a physical and psychological examination upon admission to the C.S.U. In addition, an institutional physician examines each inmate every six months. A medical staff person visits the Unit daily to evaluate medical needs and dispense medication. The Unit psychologist files a written report every three months on each inmate's psychological condition. Unusual conditions are reported to the institutional psychiatrist for evaluation or treatment. Medical and psychological services are provided by institutional staff and consultants.

8. Chaplain Services The institutional chaplain visits the Unit once a week to provide religious counseling, or to arrange for counseling on a weekly basis by an institutional chaplain of the inmate's faith. If there is no institutional chaplain of the inmate's faith, the chaplain will arrange for a weekly non-contract visit by an outside clergyman who has passed the usual security check.

9. Food, Recreation & Exercise Inmates in the C.S.U. receive meals of the same quantity and quality as the food served to the general inmate population. Unlike other inmates, C.S.U. inmates may not receive food or food packages from any other source. They are, however, permitted to purchase snack items from the inmate commissary. C.S.U. inmates are allowed one hour of outdoor exercise for three to six days per week, when weather and security permit. An indoor recreation area is under construction within the Unit to increase out-of-cell time and to provide needed socialization.

10. Preparation for Execution Fifteen days before execution, each inmate will be provided with a copy of the rules and procedures for execution so that he may submit to the Superintendent his requests for family visits, religious

assistance, final meal and the disposition of his funds and property. In the final 72 hours before execution, the inmate will be provided daily chaplain service, as requested. Window visits for as much as six hours per day will be permitted with family members, two at a time. Daily contact visits are permitted with the inmate's attorney of record. No contact with the media is permitted in the last 72 hours. All contact with family members and attorneys must end three hours before the scheduled execution.

11. Execution Procedures The Commissioner will designate six adult volunteers from the community to act as witnesses to the execution. At the request of the inmate, two members of the clergy may be permitted to be present at the execution. Eight representatives of the media will be selected to be present at the execution, to provide an account of the execution to the other members of the media. None of the volunteers, the clergy or the press may be related to the inmate or the victim.

Staff members present at the execution shall include two physicians, one registered nurse, one intravenous therapist and three execution technicians who are qualified to perform executions. The names of the technicians are not revealed, and the injection is administered so that the person inflicting the lethal substance is unknown even to the person himself. Immediately after the execution the Commissioner shall sign a certificate stating that the execution was conducted in conformity to the sentence of the Court.

12. Stay of Execution Special telephone lines connecting the office of the Superintendent to the office of the Attorney General are activated as part of the preparation for execution. These lines are constantly monitored, and are available on a twenty-four hour basis to process any last-minute orders requiring a stay of execution.

13. Ongoing Management Since the admission of the first condemned person to the Unit is June 1983, a total of ~~seventeen~~¹⁸ inmates have been admitted and processed. There have been no untoward incidents, and the Unit has been managed in an orderly and appropriate manner. The day to day management of the Unit is the responsibility of the Unit Management Team, under the direction of the Superintendent, State Prison, Trenton. The policies and procedures governing the Unit are reviewed by a six-member committee, chaired by the Assistant Commissioner, of the Division of Adult Institutions, which meets annually and as needed.

14. Operating Costs The staff at the C.S.U. is made up of a custody team and a support services team. The custody team consists of a superior officer, of the rank of Sergeant or Lieutenant, and sixteen senior correction officers. Their combined salaries for the present year is \$454,754,

The support service team consists of a chaplain, a head nurse, a clinical psychologist and a social worker. Since they devote 10% of their time to the service of the Capital Sentence Unit, 10% of their combined salaries comes to \$10,601. Therefore, the total personnel cost of operating the C.S.U. is \$465,355.

If it were not a Capital Sentence Unit, and housed 24 general population inmates, the custody team would consist of a superior officer and eleven officers, and the support team would devote only 5% of its time to the Unit. In that case, the cost of operating the Unit would be \$328,444, a difference of \$136,911.

15. Future Expansion The capacity of the C.S.U. is twenty-four, divided at present into twenty-two male and two female cells. At present there are unoccupied cells for six males and one female. When the Unit reaches capacity the Department will have to take over an adjoining twenty-four cell unit for those under sentence of death. Appropriate necessary staff costs will be incurred.