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Lawmakers criticize N.J. prison leader for number of coronavirus deaths behind bars

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The head of New Jersey's prison system defended how he and his department responded to both the coronavirus pandemic and long-standing allegations of sexual abuse within the state's women's prison before a skeptical group of bipartisan lawmakers Thursday.

The hearing, which was videotaped, before the state Senate Budget and Appropriations Committee was ostensibly to discuss proposed funding cuts to the prison system and parole board, but lawmakers used it as an opportunity to grill Hicks on issues he rarely addresses publicly.

"I stand by the way in which the department handled the pandemic," Commissioner Marcus Hicks said about prisons with the highest coronavirus death rate in the nation. While he wished more testing had been available sooner, Hicks said, "we did everything we possibly could given the circumstances."

One senator questioned why he skipped hearings, most recently in May, about accusations of rampant and ongoing sexual abuse at the Edna Mahan Correctional Facility for Women.

"For years, if not decades, there existed a culture in which the offender population at Edna Mahan were looked at as less than people," Hicks acknowledged, but he said they had made "significant" changes to address problems, including upping video surveillance, increasing training, making it easier to report abuse and hiring more women officers.

Officials were also reviewing recommended reforms submitted earlier in the week by the U.S. Department of Justice, he said, but he declined to give many details.

Hicks also endorsed closing a prison in Trenton and defended a proposal to slash tens of millions of dollars from halfway houses, cuts which some re-entry organizations have said will hinder their ability to help newly released prisoners.

Several lawmakers said they weren't sold.

Sen. Sandra Cunningham, D-Jersey City, said she had called the prison system at the height of the pandemic repeatedly for information on behalf of families, but "nobody was answering," echoing concerns voiced to NJ Advance Media by dozens of inmates and family members.

“They feel the lack of caring,” she said. “The things that you have done, you need to improve and to do better.”

Hicks apologized and said the system had received a “heavy volume” of calls.

The department has spent about \$26.6 million so far fighting the coronavirus, Hicks said, including testing expenses and about \$14.1 million in officer overtime. All of that should be reimbursed by the federal government, he added. A quarter would be covered by the CARES Act, and the other 75% would be paid back by the Federal Emergency Management Agency.

Sen. Mike Testa, R-Cumberland, who previously called on Hicks to resign, said the system “took its time” responding to the virus, especially by not suspending most transfers until April 8, weeks after the pandemic began.

Testa asked how prisons were preparing for a possible second wave of the virus.

“We’re going to do what we’ve been doing,” Hicks said: Listen to experts, give out protective gear and continue testing.

Testa also brought up an American Civil Liberties Union report giving New Jersey an “F plus” for its handling of the virus behind bars. Hicks declined to grade himself, but he noted the report gave most states failing grades.

An NJ Advance Media investigation found the state failed to protect inmates and officers.

At least 51 prisoners and several staff have died with the coronavirus, according to the corrections department.

About 57% of the prisoners who died were Black, 29% were white, 6% were Hispanic, 4% were Asian and 4% did not fit one of the previous categories, Hicks said. Most were older than 60 and had other health problems, he said.

Nobody had died since June 29, Hicks said, which showed testing was working.

While more than 2,800 inmates and almost 1,000 staff initially tested positive, only 117 prisoners and fewer than 70 staff tested positive since late July, according to the department.

Staff are now tested weekly and inmates every two weeks, Hicks said.

Prisons would respond if infections spiked again, he said, but he did not have a specific number that would trigger renewed restrictions.

Concerning the budget, Gov. Phil Murphy previously proposed cutting \$54.4 million from the prison system’s approximately \$1 billion annual budget.

About \$20 million would be saved by closing the Central Reception and Assignment Facility in Trenton, Hicks said, while another \$26 million could be cut from halfway houses.

Hicks said the prison system purposely stopped sending inmates to halfway houses to minimize the spread of COVID-19. Overall capacity was now less than half, he said, and only about 1,153 of the state's approximately 2,400 halfway house beds were in use.

Organizations that run halfway houses have said proposed cuts threaten their ability to care for new releases.

“By cutting this, aren't we ultimately cutting our noses off to spite our faces,” asked Sen. Troy Singleton, D-Burlington. Almost a third of released inmates already end up back in prison, he said, and cutting money for halfway houses could both drive that number up and increase costs for prisons housing returnees.

Hicks said he was confident existing re-entry services could effectively support former prisoners.

Additional savings would come from paying \$3 million less to Rutgers University Correctional Health Care, the group that provides medical care in the state's adult and juvenile systems, Hicks said. Federal funding could save another \$2.2 million while an additional \$3.1 million would be cut through a “workforce realignment” of full-time employees.

Corrections spokeswoman Liz Velez said later this did not mean layoffs, but she said the department would consider allowing some jobs to remain unfilled as staff leave and retire.

Hicks also said there were “ongoing discussions” about possibly giving officers hazard pay, which was previously denied.

Other policies and court orders have already helped to reduce prison populations — there were about 16,600 inmates mid-June — and a law taking effect early next year will likely speed up the parole process to drop numbers even more.

Hicks said he wanted his performance to be judged on the reduction in the prison population and the ongoing coronavirus testing program.

Very little time during the hearing was given to the parole board, whose workload will increase as more people are released.

Near the end of the almost two-hour hearing, the committee chairman asked Parole Board Chairman Samuel Plumeri, Jr. if he had the resources he needed.

Plumeri said he'd previously raised the issue of new expenses, but he said their ranks would soon be bolstered by more than 20 people set to graduate soon from their academy, along with another class early next year.

Several recruits were sworn in earlier in the summer, and they will be trained on the job over the next several months.

Budget hearings are normally not in September, but the coronavirus pushed Murphy to pitch a new budget last month. The Legislature must finalize changes by the end of September.