

US: Abuse charged in New Jersey prison

By Peter Daniels
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A group of seven prisoners at the New Jersey State Prison in Trenton have filed a class action lawsuit charging abusive and inhuman conditions at the facility.

The complaint, filed this month in New Jersey Superior Court, Mercer County, could affect as many as 1,800 inmates at the prison, which was built more than 170 years ago and is located not far from the downtown area of Trenton, the state capital. Defendants in the lawsuit include Democratic Governor Jon Corzine, Department of Corrections Commissioner George Hayman, and prison administrator Michelle Ricci.

The first section of the prison was built in 1835. The prisoners charge that conditions there are Dickensian, an accusation that is all the more vivid and historically significant considering that the great English novelist and social reformer visited the facility himself in 1842, on the first of his two trips to North America, and denounced conditions there.

A press release issued in connection with the suit points out that many prisoners are trapped in their cells for up to 23 hours a day because of recent reductions in educational and religious programs, along with cuts in indoor and outdoor recreation.

The prisoners charge that, except for electricity, conditions in the prison are either the same or even worse than they were 170 years ago. Small cells measure 5 by 7 feet, with 7-foot ceilings and less than 15 square feet of free floor space. Beds, sinks and toilets take up over half of the floor space. Some inmates have space "limited to an aisle no wider than the length of a shoe running from the doorway, which is itself partially obstructed by the bedstand, to the sink and toilet in the back of the cell."

The cells have no hot water and no internal ventilation. They have no mirrors for shaving and no desks or chairs for sitting or writing. Exposed light bulbs hang from the low ceilings and sometimes break from contact with head or hands.

The prison also contains unsafe levels of heavy metals, as well as airborne asbestos, radon, PCBs and other carcinogens.

Meals average only 1,200 calories a day, according to the complaint, and are prepared by an untrained workforce under conditions of rodent and insect infestation.

Perhaps the biggest complaint of the prisoners has been the reduction in prison programs, leading to conditions of solitary confinement which have been compared to the system that existed at the same prison nearly 150 years ago, but were changed in the face of severe psychological breakdowns among the inmates.

One of the plaintiffs in the case, Wilfredo Cruz, reported that officials dismantled Hispanic social and educational groups after one prisoner was accused of gang affiliation. "It was a terrible example of collective punishment," said Cruz. "The administration painted the entire organization as a gang so they could justify shutting it down. I cannot begin to describe the utter despair Spanish-speaking prisoners

experienced when the programs were eliminated. Illiteracy and communication skills affecting Spanish-speaking prisoners are a monumental problem in the prison, and one that prison officials continue to ignore.”

Conditions have been seriously worsened because of a conflict between the Department of Corrections and prison guards over wages and overtime, the prisoners report. Huge cuts in overtime pay for the guards resulted in efforts on their part to “manufacture excuses for conducting searches which require overtime pay,” according to one of the prisoners.

The prisoners’ complaint refers to an August 2006 incident in which guards claimed to recover a handgun. The complaint charges that prison officers smuggled a handgun into the prison and used it as a pretext for conducting a three-week search that resulted in mass destruction of personal property and the theft of thousands of dollars in assets from a commissary.

Bonnie Kerness, from the American Friends Service Committee Prison Watch Project, told the *Trenton Times* that the misuse of solitary confinement is common in New Jersey and in other states. “There hasn’t been rehabilitation for a very long time,” she said. “A lot of times people come out of prison unequipped to get a job. They come out with untreated symptoms of post traumatic stress. There is torture. If you put someone in an isolation case for 10 years and let them out every four days, it’s torture.”

It is expected that the class action complaint will wend its way through the state courts over a period of many months. Preliminary motions will be followed by a period of discovery as well as official efforts to dismiss the complaint through summary judgment. The prisoner plaintiffs are so far representing themselves, but are seeking a lawyer to handle the case from this point.

The state prison in Trenton is the state’s maximum security prison. There is little doubt that similar conditions, differing only in degree, exist at the state’s other large prisons, including Northern State Prison outside of Newark and East Jersey State Prison in Rahway.

Nor are these conditions, presided over by Democratic Governor Corzine, unique to the state of New Jersey. The current prison population in the US is over 2.3 million and continues to grow, if at a slower rate than in the 1980s and 90s. The number of individuals behind bars has more than quadrupled since 1980, and the US leads the world both in the number and the percentage of its population that is in prison. Despite the building of thousands of new facilities across the country, prison overcrowding is worse than ever. The deepening fiscal crisis of the states, in the wake of the nationwide financial crisis, is bringing the prison system to the brink of an explosion.