



ACLU

FOUNDATION

AMERICAN CIVIL LIBERTIES UNION
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History of Deplorable Conditions at Passaic County Jail

- **1978** - Thirty years ago, inmates filed a lawsuit challenging their conditions of confinement as unconstitutional in Valentine v. Englehardt, Civ. Action No. 78-270 (D.N.J., filed Feb. 8, 1978). Those plaintiffs complained, among other things, of overcrowding, unsanitary living conditions, inadequate heating, cooling and ventilation, insufficient opportunities for religious worship, inadequate and nutritionally deficient food, and denial of access to the courts.

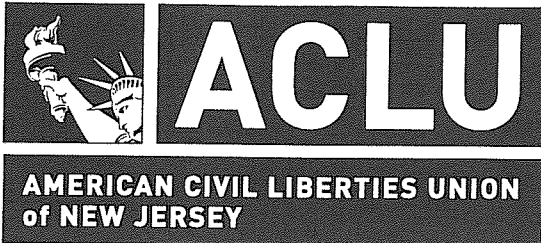
Passaic county officials agreed to a comprehensive settlement calling for vast improvements in living conditions.

- **1982** - In spite of the Valentine settlement, conditions deteriorated: In 1982, 18 months after the settlement, former New Jersey Governor Thomas Kean toured the facility and described the conditions as “an embarrassment.”
- **1989** - In April 1989, the New York Times quoted then-Sheriff Edwin Englehardt as stating that “as many as 102 women [were] crowded into a day room designed for no more than 40” and that “mattresses covered almost every bit of floor space.” Even today, this time period was remembered as problematic; Warden Charles Meyers – who has worked at the facility for over two decades – testified at a recent federal court hearing that PCJ “has been overcrowded for at least 20 years.”
- **2005** - The Department of Homeland Security’s Office of the Inspector General (OIG) began an investigation in 2005 into conditions at the facility. During the investigation, the Passaic County Sheriff ejected the federal investigators from the jail and acted uncooperatively. Passaic County Sheriff Department spokesman Bill Maer was quoted in the Bergen Record as stating, “They’re arrogant, they don’t know what they are talking about, and they are a disgrace to the federal government.”

In April 2005, all immigration detainees were removed from PCJ.

- **2007** - Judge Hayden of the federal district court in New Jersey reduced the prison sentences of two criminal defendants because the conditions of confinement they experienced at PCJ were so horrendous as to be punitive. She called the conditions at the jail “shameful.”
- **2008** - In response to Judge Hayden’s decision, all federal inmates were removed from the facility by the end of March.

September 3, 2008



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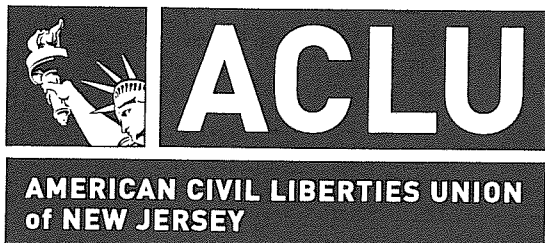
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Conditions at Passaic County Jail Today

- PCJ is incredibly overcrowded. It is designed to house 896 inmates, but it regularly houses in excess of 1,700. In addition to the county's detainees, it also houses inmates from outside the county as part of Passaic County's effort to generate revenue for non-jail related projects.
- PCJ has been cited for numerous violations of the fire code, including a continuing violation for the absence of a sprinkler system in the units, a violation for failing to maintain a working fire alarm system, and a violation for inoperable smoke detectors.
- To accommodate the overcrowding, many dormitory units are triple-bunked with 12-22 inches between each bunk, in violation of New Jersey Administrative Code. Inmates report that they constantly bump into each other and are "living on top of each other." Inmates spend at least 23 hours a day in these units, including sleeping, eating, and bathing. During meal times, inmates must eat in such close proximity to the toilets – which are separated from the sleeping/eating area by only a perforated divider – that they pull their t-shirts over their faces to block out the smell when others are defecating just a few feet away.
- The ventilation system is dangerously inadequate. When the ventilation system is on, the air circulated is dirty and dusty. There is no air conditioning, and insufficient ventilation, so that during the summer, inmates are subjected to extreme heat that some inmates described as "torture." Public defenders have cut their attorney visits short because of the extreme heat. In the winter, inmates report the temperatures are "freezing cold," compounded by not being provided appropriate clothing.
- For inmates with medical conditions, the temperature extremes are dangerous. Plaintiff Colon lived in a unit that regularly hit 100 degrees and had a serious asthma attack that required hospitalization. In August 2006, an inmate died during a heat wave.
- Rodent and insect infestations are common. Passaic County Jail Warden Charles Meyers admitted that inmates have found their food eaten by mice. Inmates have resorted to stuffing their ears and nostrils with tissues while they slept to prevent insects from crawling in.
- Inmates have reported increased illnesses because of the unsanitary conditions. There have been recent reports of drug-resistant staph infections (Methicillin-resistant Staphylococcus aureus) in both inmates and corrections officers.
- Inmates are not provided adequate cleaning supplies like clean water and disinfectant. They describe their living conditions as "filthy."

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What Judges Have Said About Passaic County Jail

- **2005** - The Honorable former U.S. District Judge William G. Bassler found that the conditions at PCJ were so notorious that he took judicial notice – recognizing that these facts exist without needing to gather evidence of them:

THE COURT: It is out of the ordinary. I can take judicial notice of that. Because in the years I've been sitting here meting out sentences, I had affidavits – now I don't have one here, but I certainly can take judicial notice that the conditions in that facility are intolerable. I had a defense attorney come up from the South, and he said he's never seen anything like it yet in his practice. It's not right. It's not human. It's just not fair to put somebody in that kind of a facility.

I'm not sure that we need to impose a sentence of 70 months. To me that is harsh, in view of the amount of time that was spent in Passaic County Jail. I don't care what you say; the conditions that have been reported to me over the years indicate to me that it's absolutely intolerable, and to impose months on top, or even giving reflection – to impose a sentence in light of the amount of time this defendant spent in Passaic County Jail isn't necessary to provide adequate deterrence. Any amount of time in Passaic County Jail will provide that.

- **2007** - The Honorable U.S. District Judge Katharine S. Hayden held a hearing in connection with the application of a criminal defendant who argued that the conditions at PCJ constituted punishment that justified shorter prison terms. Based on that hearing, at which Warden Charles Meyers testified, the Judge Hayden wrote that:

It has become a tired fact of life in these courtrooms that Passaic County Jail is overcrowded, is breaking down, and is a very rough place to serve time. "Tired" because these observations come up so often and alternative resources are so scarce that the reaction has been a shrug that there is nothing one can do.

After presiding over the hearing that detailed in painstaking fashion the disconcerting, inhumane conditions resulting from both the overcrowding at PCJ and the deteriorated physical condition of the facility, Judge Hayden asked: "How long we continue to turn a deaf ear [to the conditions at PCJ]?"

- **2008** - The Honorable U.S. District Judge William J. Martini referred to PCJ in an opinion as "a notoriously deplorable institution."