

Joint Statement by
Passaic County, the Seton Hall Law School Center for Social Justice and the
American Civil Liberties Union of New Jersey
regarding *Colon, et al. v. Passaic County, et al.*
February 2012

Passaic County and counsel for the inmates at the Passaic County Jail (“PCJ”) have reached a proposed settlement that would resolve a class action lawsuit challenging jail conditions that inmates alleged violate their constitutional rights. The Defendants denied that conditions at the jail were unconstitutional. A hearing will be conducted by the Hon. Dennis M. Cavanaugh, U.S.D.J. in March 2012 to approve the settlement. The inmates were represented in the lawsuit by the Seton Hall Law School Center for Social Justice, the American Civil Liberties Union of New Jersey, and Dechert LLP, a law firm in Princeton, New Jersey.

Filed in September 2008, prior to the term of the current Passaic County Sheriff Richard H. Berdnik, the lawsuit alleged inadequate conditions at PCJ including prisoner overcrowding, a lack of adequate ventilation and heating systems, and a lack of adequate medical care. After Berdnik took office, he made resolving this matter a priority of the PCJ. In settling the case, the parties have agreed to a remedial plan that addresses improvements at the jail in five separate areas: fire safety, environmental health issues, correctional management, medical care, and mental health care. Passaic County Sheriff Richard H. Berdnik, who was not in his current position at the time the lawsuit was filed, is supportive of the remedial plan and has expressed his commitment to implementing its measures.

Under the agreement, a court-approved Monitor with correctional experience will oversee the implementation of the agreement and conduct bi-annual inspections of PCJ. The monitoring will end after five years, or earlier in the event that Passaic County complies with all agreed upon conditions. Once the settlement is approved, the parties will work with the monitor with the goal that once the proposed settlement is fully implemented, the jail will be a healthier, safer and more secure environment for inmates and staff alike.