

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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ESSEX COUNTY JAIL ANNEX INMATES,  
et. al.,

Plaintiffs,

-vs-

NICHOLAS AMATO, et. al.  
and WILLIAM H. FAUVER,

Defendants.

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Civil Action No. 87-871

STIPULATION OF FACTS

It is hereby stipulated and agreed by and between the undersigned attorneys for the respective parties hereto that the following facts concerning the Essex County Jail Annex are true.

PRELIMINARY STATEMENT

1. This is a putative class action brought by inmates of the Essex County Jail system, in facilities located in North Caldwell known as the Jail Annex (hereinafter "Jail Annex" or "ECJA").

2. A variety of conditions at the Annex necessitate remedial action. Conditions at the Annex include leaking and rusted toilets, sinks and pipes, dirty walls, floors and showers; many roaches and other insects, exposed electrical wiring, some open sewage lines, missing window panes, aged

roofing and staffing shortages, including doctors and nurses, maintenance workers and social service staff.

3. The physical plant and the number of available dormitory cells or bunks has resulted in over two hundred inmates at times being assigned to sleep on bunks and some stretcher-like cots in the dayroom areas or corridor areas of the cell tiers.

#### PLAINTIFFS

4. Essex County Jail Annex Inmates (ECJA Inmates) include persons not convicted of any offense or crime who are detained and awaiting disposition of criminal charges in the County or municipal courts of Essex County, as well as persons convicted of a crime or disorderly persons offense who have been sentenced to serve a term of less than one year in the County jail. They also include some women inmates who have been sentenced to a state penal institution, but remain confined at the Jail Annex.

5. Many ECJA Inmates may also have been confined for a time at, or are subject to transfer at any time to, the Essex County Jail in Newark.

6. ECJA Inmates include persons confined in cells and dormitories which are in need of repair. Many of these inmates are exposed to conditions such as those listed above in #2.

7. ECJA Inmates also include persons who have not yet been assigned to a cell. Some inmates are confined for periods

of time in corridor areas, where they sleep on temporary bunks or, at times, stretchers placed on the floor. Daytime floor space for activities is limited and walkways between bunks or stretcher like cots are sometimes narrow.

8. ECJA Inmates also include inmates in other areas of ECJA, who are or have been housed in dayrooms and dormitories who are affected by the overcrowding in terms of the services and activities at the Annex.

#### DEFENDANTS

9. Nicholas Amato is the Executive of Essex County.

10. Thomas Thompson is the Acting Administrator of the Essex County Jail Annex in North Caldwell, New Jersey. He is directly in charge of jail operations and is responsible for the development and implementation of jail policy and procedure.

11. Thomas Giblin is the president of the Essex County Board of Chosen Freeholders; Joseph Parlavecchio is the Vice President of the Essex County Board of Chosen Freeholders; Cardell Cooper, Adreanne Davis, Pearl Beatty, Arthur Clay, James Cavanaugh, Philip Thigpen and Monroe Jay Lustbader are Members of the Essex County Board of Chosen Freeholders. The Board of Chosen Freeholders is responsible for the funding of personnel and facilities required for the proper operation of the Essex County Jail Annex.

12. The Director of the Department of Public Safety is

Anthony Carrino who is responsible for the supervision of jail operations.

13. William H. Fauver is the Commissioner of the New Jersey Department of Corrections.

#### CLASS ACTION ALLEGATIONS

14. Plaintiffs' attorneys are associated with the Office of Inmate Advocacy of the New Jersey Office of the Public Defender. They are familiar with the conduct of litigation of this kind and will afford adequate representation. By statutory authority, N.J.S.A. 52:27E-11 et seq., the Office is authorized to represent the interests of plaintiffs.

#### BUILDING AND ITS DESIGN

15. The present Essex County Jail Annex is located in North Caldwell, New Jersey. It is comprised of a number of service buildings and four central housing buildings. The main housing buildings include: the Men's Building, the Women's Building, the New Wing, the Modules (also referred to as the R.C.F. or relocatable correctional facility) and the State Trailers. Other buildings, such as the Shoe Shop, also have recently been converted into housing units.

16. The ECJA is used as a detention facility by 22 municipalities in Essex County. It is also used to house inmates sentenced to terms of imprisonment in the county jail,

and also some women inmates who are sentenced to and awaiting transfer to state prison.

17. The ECJA is presently operating under the jurisdiction of the Essex County Executive.

18. The Men's Building, including its West and East housing wings, was constructed in 1875.

19. The New Wing was constructed in 1923 and was closed in 1982 for structural and health reasons. Inmates have recently been housed in portions of it.

20. Most of the ECJA's permanent buildings are multistory masonry buildings. The physical plant in general, is old (See #2). Some pipes are insulated with asbestos.

21. The ventilation and exhaust system as they are currently operating are not adequate.

22. Three recreation periods are scheduled each day for inmates housed in the main building available for one hour each day for recreation from 5 - 7 times per week. The auditorium is made available to all inmates from one full wing at each time. The equipment available for active exercise in the auditorium consists of two weight machines, three pool tables, and several exercise mats. The outside recreation facilities provide four half court basketball courts. A second outside recreation yard is available but is not used because the set of stairs leading to it needs to be replaced.

## HOUSING AND LIVING SPACE

23. The ECJA had, until 1983, regularly housed between 450 to 550 inmates, most of whom were sentenced to County jail terms. Since 1983 the jail began housing as many as 700 inmates, approximately half of whom were detainees awaiting disposition of criminal charges.

24. In September 1986, an additional 75 inmates were moved to the Annex.

25. Since November 1986, as many as 1000 or more inmates have been housed at the ECJA, with additional inmates sometimes being assigned to areas such as the vestibules of the New Wing, the basement area of the Women's Building, formerly used for contact visitation with inmate children, and the old Shoe Shop which was renovated to accomodate inmates. Over 100 more inmates were moved to the Annex at the end of 1986. The jail's facilities are taxed by this increase in inmate population.

26. Areas designed and originally intended as housing for inmates, include the following, with the specific areas described in subsequent paragraphs: 144 male general population cells in the West Wing of the main facility; 180 beds in the dormitories of the East Wing; 120 beds for male inmates in the R.C.F. Modules opened in late 1982 and 96 beds in R.C.F. Modules opened in late 1986; 48 beds for male inmates in the dormitory-style trailers; and 102 cells in the Women's Building. Some of the cells and beds cannot be used before remedial work is performed.

27. ECJA inmates were originally housed in both cells and dormitory units. As a result of the increase in population, however, many of the inmates are now assigned to dormitories and corridor areas, having to sleep on single or double bunks, or sometimes on army-type stretchers.

MEN'S BUILDING: WEST WING

28. The Men's Building is entered through a large rotunda, which serves as access to the West Wing, the East Wing, a Hospital Wing, the Administrative Offices, the Mess Hall and now, the New Wing.

29. The West Wing is used to house unsentenced inmates. It consists of four levels with two tiers on each level; each tier contains 18 cells, for a total of 144 cells. In addition, there are temporary bunks and sometimes army-type stretchers layed out in close proximity to one another in the outside corridors of four of the tiers.

30. Thirty-six inmates are usually housed in A and B-Tier and E and F Tier of the West Wing. Eighteen inmates sleep on temporary bunks or sometimes stretchers in the dayroom area and share the toilet and sink in one cell which is left open for their use.

31. Housing inmates in the corridor areas affects the living conditions of all West Wing inmates. The stretcher mattresses they sometimes sleep on are cracked; some are ripped

and torn.

32. During the daytime hours when the corridor space is shared by the inmates on bunks as well as the inmates from the cells, there is less space per "corridor" inmate. When inmates are housed in the corridor, those inmates confined to the cellblocks are also affected, since the space to which they have access for 6 to 8 hours a day is also reduced.

33. The floors in the corridors of West Wing are frequently black with dirt, as are the walk-ways in front of the cells. Roaches, ants, flies and fleas are present in the West-Wing housing units.

34. A great many of the standard size mattresses in the cells are cracked, ripped or torn, or have open seams. More similar mattresses, to be used when there is a greater population increase, are stored on the floor under the stairs in the West Wing.

35. The shower area walls are rusted and dirty. Water drips from the ceiling above the showers. Black slime is present on the floors of some showers which are sometimes slippery. Some shower areas are poorly lighted. 35 inmates on a tier share three showers. Not all showers have functioned at the same time.

36. The washroom areas, particularly the slop sinks, are dirty. Some sinks do not work at all. In some areas, the walls are rusted and cracked.

37. The cell toilets in the West Wing are rusted and dirty. Some cells also have faulty plumbing. Some toilet fixtures splash out water when flushed. Toilet water has leaked through the ceiling in various places from the tier above. Due to disrepair there is no running water for some cell lavatories and others leak continuously. Approximately 14 inmates on bunks or cots in each of the corridors must share one toilet and one lavatory in a cell left unoccupied for their use. There is no hot running water in the sinks in the cells.

40. A number of long term, unrepaired leaks in the shower area exist.

41. The Corridor areas previously used exclusively for dayroom space now house inmates.

#### EAST WING

42. The East Wing consists of three identical levels of two tiers each. Each tier houses 30 inmates in one 14-man dorm and one 16-man dorm. The Wing houses a total of 180 beds. Low partitions divide the dorms into two-man booths. There is no separate day-room space.

43. The walls in the shower area are dirty. Paint is peeling off the walls. Some walls are rusted through.

44. The shower room floors are dirty and portions are slime covered.

45. There are old restroom areas which are not in use and

have been boarded up in places by cardboard on each tier in the East Wing. Garbage thrown in by inmates and debris has accumulated in these areas and has not been removed. Other restroom areas on the tier are used by inmates.

46. Some fixtures in the central bathrooms for the Tiers of the East Wing leak. The floor under the toilets is dirty and slimey.

#### NEW WING

47. The New Wing was closed in 1982. It was partially reoccupied in November 1986 and some work has been done on the wing.

48. Inmates have been and remain housed on double bunks in the vestibule area of each of the first three floors. The remaining area of three floors are not used because of leakage from the outside roof. The fourth floor houses inmates in five dormitory areas.

49. Each of the three vestibule areas, where between 18 and 30 inmates can be housed, is equipped with one toilet and two sinks. Each of these vestibule areas have been used at the same time.

50. Inmates in the New Wing have used three pre-fabricated shower units which were installed in the first floor vestibule area. These showers were not connected up to the building's central plumbing.

51. There are leaks in the heating and plumbing pipes.

MEN'S FOOD SERVING AREA

52. There are holes and broken tiles on the floor of the men's food serving area. The pipes, insulation and areas of the floor of the food preparation area are dirty. There are exposed hot steam pipes. The kitchen sink sometimes leaks and pans have been placed beneath it to catch the leaking water.

53. Both steam tables in the food serving area of the dining room had rags for drain plugs. The insulation on the pipe that leads to the steam kettle in the dining room is dirty and has begun to deteriorate. Old rags had been wrapped around part of the pipe.

54. The scrape-table drain leaks, sometimes causing dirty water to accumulate on the floor. The floor drain sometimes backs up near the serving area. The floor area is dirty and sometimes has an odor of sewage. There are missing and broken floor tiles.

55. There is a black, sticky substance on the floor of the food storeroom. The black substance also coats the wooden pallets. In the canned goods storage area, there is a white substance on the floor under and behind the pallets. Water sometimes seeps in through the wall in the canned goods area. The cooler system has frosted up. The ice machines and the walk-in cooler in the kitchen have been dirty, slimy and moldy.

56. The floor and slop sink in the food service garbage room are dirty. The ceiling is dirty, slimey and damp, in some spots, has patches of mold. Opposite the slop sink, the mortar has broken loose between the file, and some dirty water lays in the cracks. There are uncapped sewer pipes in the bathroom between the kitchen and the mess hall that is used by the food service workers.

57. Portions of the dining area have an offensive odor. Roaches and other insects are also present.

#### MEDICAL UNIT

58. The medical unit consists of three wards, A, B and C, and three isolation cells. These wards house ill inmates.

59. Some of the beds have broken springs. The walls are dirty and there is grit on the floor. One window is broken and does not have a screen.

60. A toilet fixture has been removed from the restroom area of Ward C, leaving a large open hole in one wall resulting in an uncapped sewer-pipe. Sewer gas escapes. The floor of the toilet area is dirty and the lavatory drain line leaks. There is a leak in the toilet facility. One of the pipes in the pipe chase area serving Ward C is uncapped. The water supply pipe for the toilet in Ward C, Isolation Cell 3 has a leak.

#### WOMEN'S BUILDING

61. The Women's Building of the ECJA consists of three

levels with two tiers of 17 cells in each tier, for a total of 102 one-woman cells, two of which are not being used. It has its own dining facility. The top and bottom tiers have outside corridors, in addition to the walk-ways in front of the cells.

62. The corridors were originally intended to be used as daytime activity space, but are now used to house additional inmates sleeping on cots or double-bunks.

63. Towards the end of 1986, 24 male inmates were confined in the basement area, once used for contact visits with children of the women inmates.

64. Housing inmates in the corridor area of the Women's building continues. It affects all women inmates including those not assigned to bunks in the corridors by limiting their daytime space.

65. There are no lockers for clothing and the women hang clothing on the walls and bars of their cells. Other possessions are stored under the beds.

66. Some floors of the cells and dayroom areas are dirty and sticky.

67. The toilet bowls and toilet flush-buttons in many of the cells leak and are in need of repair. When some of the toilets are flushed, water sprays onto the toilet seat. The water closet walls in most of the cells are rusted; some have holes and cracks.

68. Many beds have torn or cracked mattresses.

69. Women on cots and on double-bunks in the corridors of the first and third floors share toilets and lavatories in cells on each floor kept empty for such use. At times, up to 30 women share the lavatory facilities in the two empty cells. The lavatory has been stopped up sometimes and drains slowly. There is no hot running water in the sinks of the cells.

70. The shower areas in the Women's Building are sometimes dirty. There are leaks that have formed stalactites. There are holes around the fixtures of the shower. When the shower is used, water accumulates on the ceiling and then drips down onto the heads of the women using it. Some of the showers have poor drainage. The inmates cannot control the temperature of the water. The water sometimes becomes unbearably hot. Water sometimes leaks down to the floor below.

71. Some electric junction boxes in the shower areas are wet and rusted, as are some electrical conduits.

72. There is an open lavatory drain leaking in the pipe chase area of the Women's Building. 60% to 75% of the toilets of the Women's facility do not have vacuum breakers.

73. There are a number of holes in the lavatory drain in the pipe chase area. Some of the vent pipes have been rusted through, leaving gaps of up to 1 1/2 inches. Several of the plugs on top of the "T's" for some pipes in the pipe chase are missing. There is water on the floor of the pipe chase at the Tier A and B level.

74. In Tier D of the Women's Building, stalagmites are growing up from the top of the cover of the cell opening mechanisms located in the corridor. The stalagmites are caused by leaking plumbing above the corridor.

75. There are many broken windows and missing screens in Tier D of the Women's Building. Some of the window panes on Tiers A and B are old and lose.

76. The number of inmates limits the ability of the women inmates to utilize the corridors for daytime functions.

77. There is no mechanical ventilation in the women's building except the kitchen.

78. There is no library, although law books are available. The books are located in a room that is used for inmate interviews with their lawyers and social workers. They are in no particular order and are not indexed or otherwise organized.

#### R.C.F. MODULES

79. The modules consist of a central corridor area, a dining facility and five living units. Tiers A, B, D and E are accessible from the central area through locked doors. Tiers A and E each house 24 inmates and each consists of four dorms and a central dayroom. Tiers B, C and D each house 24 inmates and each have 12 cells.

80. Double bunks exist in each unit.

81. Many of the mattresses used by inmates in the R.C.F.

are cracked and have staph check type covering.

82. The showers in the Modules are sometimes dirty and moldy.

83. 24 inmates on each tier share a shower. There is a white film on the doors and walls.

84. There is one outside recreation yard for all five modules. It is not used in cold or inclement weather.

85. In mid-November 1986, a new Module was completed and an additional 96 inmates are similarly confined there in conditions similar to those described in paragraphs 75 to 80.

#### STATE TRAILERS

86. Inmates are also confined in six dormitory-style trailers that house up to 10 inmates each. One end of each trailer opens onto a shared central area. Unlike the Modules, there is no locked door between the central area and the trailers.

#### OTHER HOUSING AREAS

87. The old Shoe Shop has been converted into a dormitory and sometimes is used to house work release inmates. Up to 28 inmates there all share a shower, two working toilets and four sinks. Inmates had at one time been housed in the old Paint Shop.

## EMERGENCY PROCEDURES

88. Permanent staff is trained in emergency procedures. A large majority of the new employees are classified as temporary or probationary. These employees are not given the correctional officers training course which includes emergency management. These employees receive on the job training.

89. There is one exit for each of the tiers in the Women's Building, as well as each of the tiers in the West Wing of the Men's Building. All of these tiers open onto a central stairway. There is also one exit for the hospital wing. In the East Wing of the Men's Building there is an alternate exit on the third floor, which leads to the auditorium. The door leading to the auditorium is adjacent to the central stairway.

90. There is no central fire or smoke detection system in the main facility. There is no fire alarm pull station located in or near the main kitchen area.

## HEALTH CARE

91. When an inmate is admitted for incarceration at the ECJA, he or she is asked his or her medical history by a nurse or correction officer. The inmate is then placed in general population.

92. Pregnancy tests are not routinely given to female inmates but can be requested.

93. Medical examinations, including blood tests for

communicable diseases, contagious conditions or other serious health problems are given within a few days after an inmate's admission although sometimes not for several weeks.

#### PERSONAL HYGEINE

94. Mattresses are not cleaned or sanitized between users.

95. Each inmate on most occasions is issued one towel upon admission. Inmates are issued one uniform upon admission. Towels and jail uniforms are laundered weekly. The practice is to issue a clean uniform when the soiled one is sent for cleaning although sometimes there are not enough uniforms to go around.

96. Personal hygeine items such as soap, shampoo, toothpaste, toothbrushes, and razors are issued to inmates that are indigent. Other inmates can buy these items at the commissary. Sometimes these items are in short supply and therefore not available for both the indigents and the other inmates who buy at the commissary.

The undersigned hereby consent to the form and entry of the within Stipulation of fact.

Alfred A. Slocum  
New Jersey Public Advocate -  
Defender  
Attorneys for Plaintiffs

DATED: August 14, 1987

BY: J. Gary Mitchell LJM  
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