

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

ESSEX COUNTY JAIL INMATES, :  
RUSSEL WATSON, STACY DAVIS, :  
SAMUEL BROWN, ROBERT GAMBLE, :  
DANIEL RAWLS, J.C. MILES, :  
BARON SPENCE, CHARLES FARMS, :  
KEITH ELLIS, WILLIE JENKINS, :  
HERMAN HARRIS, JAMES BERRY, :  
and JOHN SLY, on behalf of :  
themselves and all other persons :  
similarly situated, :

Plaintiffs, :

v. :

ALBERT T. COLLIER, Warden; :  
PETER SHAPIRO, Essex County :  
Executive; JENNIE BROWN, Director, :  
Division of Correctional Services; :  
and their successors in office :  
in their official capacities, :

and :

WILLIAM H. FAUVER, Commissioner, :  
New Jersey Department of :  
Corrections, and his successor in :  
office, in his official capacity, :

Defendants. :

COMPLAINT

Civil No. \_\_\_\_\_

(Class Action)

(Civil Rights Claim)

PRELIMINARY STATEMENT

1. This is a class action brought by the inmates of the Essex County Jail in Newark, New Jersey on behalf of all persons who are now or who will be committed to confinement at that facility, either in the status of pretrial detainees awaiting disposition of criminal charges in the courts of Essex County, or in the status of those sentenced to terms of imprisonment in the jail by the New Jersey Superior Court, or by the municipal courts in the municipalities of Essex County, or those sentenced to imprisonment in the New Jersey State Prisons or the New Jersey State Youth Reformatory Complex,

who are confined in Essex County Jail awaiting transfer to the state prison system.

Plaintiffs contend that the Essex County Jail is overpopulated, resulting in an atmosphere of tension, fear and hostility, and interfering with supervision, protection and provision of housing, living space, necessities and services to the members of the plaintiff class. Plaintiffs further contend that the totality of conditions resulting from the overcrowding at the Essex County Jail, particularly the inadequate provision for living space, sanitary facilities, classification, visitation, exercise and recreation inflicts needless privation, suffering and hardship on inmates, creates an environment which threatens the inmates' physical and mental well-being, and results in the unnecessary deterioration of the physical and mental states of those confined there. Plaintiffs further contend that these conditions and other practices or policies violate the plaintiff class's right to due process of law, to equal protection of the laws, and to be free from cruel and unusual punishment.

Plaintiffs seek an order reducing the population confined in the Essex County Jail and/or requiring the officials of Essex County or the New Jersey Department of Corrections to afford additional appropriate housing for those who must be confined under their authority, and such other relief as the Court may deem appropriate to redress plaintiffs rights under the Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments to the Constitution of the United States.

#### JURISDICTION

2. This Court has jurisdiction under 28 U.S.C. Sections 1343 (3) and 1343 (4). Plaintiffs' request for declaratory relief is authorized by 28 U.S.C. Sections 2201 and 2202.

3. This suit is authorized by 42 U.S.C. Section 1983 to redress the deprivation under color of state law of rights, privileges and immunities secured by the Fifth, Sixth, Eighth, Ninth and Fourteenth Amendments to the Constitution of the United States.

4. This is a proceeding for a preliminary and permanent injunction enjoining defendants from any and all actions which result in the confinement of plaintiffs and their class in such conditions of overcrowding, and subject to such practices or restrictions, as to deprive them of the rights secured by the Constitution and laws of the United States. This is also a proceeding for a declaratory judgment as to plaintiffs' rights to be free of such deprivations by defendants acting under color of state law.

5. Plaintiffs have exhausted all adequate and available state administrative remedies, if any, cognizable under 42 U.S.C Section 1997e.

#### PLAINTIFFS

6. Essex County Jail Inmates either are persons not convicted of any offense or crime but only detained and awaiting disposition of criminal charges in the county or municipal courts of Essex County, or are persons convicted of a crime and sentenced to state prison terms awaiting transfer to the custody of the New Jersey Department of Corrections, confined in conditions as described in paragraphs 7 to 19, and 32 to 106. These individuals include persons confined for an extended period of time in areas of the Essex County Jail not designed or equipped for housing (e.g., the dayrooms on the second, third, fifth, seventh, ninth, eleventh, and twelfth floors), persons confined for an extended period of time in areas so crowded that daytime floor space for activities is virtually non-existent and only narrow walkways between bunks, cots or mattresses exist, persons compelled for an extended period of time to sleep in these areas on cots, on cot frames without mattresses, or on

mattresses placed on the floor, or directly on concrete floors or tables without mattresses, all essentially because of an insufficiency of beds or space for as many beds as are needed to accomodate a population of more than 550 individuals in the Jail. These individuals also include inmates in other areas of the Jail who have been or are compelled to endure the conditions in the dayrooms and dormitories, either directly by once having been housed there or through the impact of overcrowding on the services or activities available at the Jail.

7. Samuel Brown is a 23 year old citizen of the United States confined at the Essex County Jail since December 28, 1981 on criminal charges pending against him in Superior Court. He is held in lieu of bail of \$1000. At the Jail, he is assigned to the Southside Dormitory on the second floor of the Jail, as described in paragraphs 37 to 49 below; he has been confined in this area for approximately five months. He sleeps on a double bunk and has shares the dormitory with as many as 90 to 100 other inmates; as many as 25 of these inmates are at times forced to sleep on the floor, some without a mattress and with only a blanket. Virtually the only remaining floor space in the dorm is the narrow walkways between bunks. There are only five toilets in the dorm area, several of which are often inoperable; there are also only four urinals, only two of which work; there are only two showers, one of which is often broken; there are ten sinks, of which only four or five work. These sanitary facilities must be shared by all the inmates in the dorm. He is confined in the dorm area with all the other inmates assigned to it for approximately 20 hours a day; for the other four hours he and the inmates from his dorm are given access to the dayroom as described in paragraphs 42 to 43 (for two "activity" periods of 1½ hours, one during the day and one in the evening, and for three 20 minute meal periods). When moved into the

dayroom, he is locked in it and is not free to move between dayroom and dorm. With other inmates in his dorm, Brown is permitted access to the Jail's recreation and library area only one day a week, for a scheduled period of approximately 1½ hours either from 9 a.m. to 10:30 a.m. or 1:00 p.m. to 2:30 p.m., which is the time he otherwise would be locked in the dayroom. The scheduled recreation period is actually shortened considerably because of time necessary to move the large number of inmates during each recreation or library period, resulting in as little as 30 to 40 minutes of actual time regularly available for the activity during each week. He is permitted only one visit a day, six days a week; due to the demand on visiting time by the numbers of inmates at the Jail, his visits have been regularly as short as five or ten minutes. He is only permitted use of the telephone twice a day and his calls are limited to three minutes. The food he is served is often starchy, cold, only partly cooked, and of insufficient portions. His personal clothing is never laundered by the Jail.

8. John Sly is a 39 year old citizen of the United States confined at the Essex County Jail awaiting transfer to state prison. He has been confined at the Jail since October 21, 1981. He was sentenced on April 7, 1982. He is assigned for sleeping quarters to the dayroom on the second floor of the Jail; previously he had been assigned to the Northside Dormitory on the second floor. For almost two weeks he had to sleep on the floor without a mattress, after which time he was issued a cot. His cot is provided about 11 p.m. and removed at 5 a.m., after which time he is forced to sleep with only a blanket on the concrete floor. There is only one toilet and one sink for all the inmates in the second floor dayroom. The dayroom becomes so crowded that there is no room to walk around and he must climb over a table or over other inmates to move around. He has seen roaches crawling on the

walls and floors of the dayroom. When inmates on his floor take their meals there are not enough seats in the dayroom; inmates regularly must stand up to eat, or sit down on the floors, placing their trays on the floors as well. In all other respects, although confined in another area of the Jail, he is held in conditons essentially the same as those described in paragraph 7.

9. Russel Watson is a citizen of the United States confined at the Essex County Jail on criminal charges pending against him in Superior Court. He has been confined since December 17, 1981. He is assigned to a cell on the fifth floor of the Jail under conditions as described generally in paragraphs 55 to 64. His cell measures approximately 5 feet by 7 feet, half of which space is consumed by the bunk bed and toilet/sink fixture in the cell. He is locked in his cell for approximately 17 hours every day. For three hours he has access to the tier corridor of his cellblock which he shares with the 12 other inmates from his tier and other inmates who at night are housed in the dayroom but who are confined on the tier corridors during the day. For four hours (two 1½ hour "dayroom" periods and three approximately 20 minute periods for meals), he is permitted access to a small dayroom as described in paragraph 58. With the number of inmates who share the dayroom, it provides even less space per inmate than does his cell; during the time when he is allowed in the dayroom, he is locked in it and is not free to move between the dayroom and either his cell or the tier corridor. He is permitted access to the Jail's recreation and library area one day a week, for a scheduled period of approximately 1½ hours either from 9 a.m. to 10:30 a.m. or 1:00 p.m. to 2:30 p.m., which is the time he otherwise would be locked in the dayroom or be allowed on the tier corridor. The scheduled recreation period, however, is actually shortened considerably because of the time required to move the large number of inmates to the recreation or library

areas, resulting in as little as only 30 to 40 minutes to a maximum of 60 to 70 minutes of actual time available for the activity during each week. He is permitted only one visit a day, six days a week; due to the demand on visiting time by the numbers of inmates at the Jail, his visits have been as short as seven or eight minutes. He has requested to be placed on sick call for several weeks without seeing a doctor. His personal clothing items are never laundered by the Jail. He receives a clean towel only once a week and his sheets are laundered once a week; his blanket, however, is not laundered. He is only permitted use of the telephone twice a day for calls of only three minutes. The plumbing equipment in his cell and on his tier is or has been faulty, with dirty water often coming out of faucets and with water backing up in drains and flooding cells due to clogged drains or leaking showers and sinks. He has seen infestation in the cells, tiers, or dayrooms by mice, nests of roaches, and lice.

10. Stacy Davis is a 25 year old citizen of the United States confined at the Essex County Jail since December 26, 1981 on criminal charges pending against him in Superior Court. He is assigned to a cell on the tenth floor of the Jail. Although confined in another area of the Jail, he is held in conditions essentially the same as those described in paragraph 9.

11. Robert Gamble is a 23 year old citizen of the United States confined at the Essex County Jail since November 16, 1981 on criminal charges pending against him in Superior Court. He is held in lieu of bond of \$3500, or cash bail of \$1000. At the Jail, he is assigned to the Southside Dormitory on the second floor, as described in paragraphs 37 to 49 below. He has been confined in this area since being committed to the Jail. For over two months he had to sleep without a mattress, having been issued a mattress some time in February 1982. During the time he has been confined to this dormitory as

many as 30 to 35 of the inmates regularly housed there have had to sleep on cots; as many as 13 inmates have had to sleep on the floor. He has at times requested to be placed on sick call but was not seen by any medical personnel; on these occasions the nurse just sent cold medicine down with an officer; at times, the officers dispensing medicine have not always given it to the right person. He has observed fights among inmates at the Jail. In other respects, he is confined in conditions essentially the same as those described in paragraph 7.

12. Daniel Rawls is a 19 year old citizen of the United States confined at the Essex County Jail since December 11, 1981 on criminal charges pending against him in Superior Court. He is assigned to a cell on the seventh floor of the Jail. He has seen fights among inmates over food, name calling and space. In other respects, although confined in another area of the Jail, he is held in conditions essentially the same as those described in paragraph 9.

13. J.C. Miles is a 30 year old citizen of the United States confined at the Essex County Jail since November 19, 1981 on criminal charges pending against him in Superior Court. He is held in lieu of cash bail of \$2000. At the Jail, he is assigned to the Southside Dormitory on the second floor of the Jail, as described in paragraphs 37 to 49 below. He has seen water leaking from pipes and plumbing fixtures, mice and roaches in the housing area, mice in the dishwashing machine room, and due to the open toilets in the dayrooms where he takes his meals he has been exposed to other inmates urinating in close proximity to where he must eat. He has requested to see the dentist for approximately six months but has not yet been able to obtain a visit. He has witnessed one or two fights among inmates every month. In all other respects, he is confined in conditions essentially the same as those described in paragraph 7.

14. Baron Spence is a 33 year old citizen of the United States confined in the Essex County Jail since November 2, 1981 on criminal charges pending against him in Superior Court. He is assigned to the Northside Dormitory on the second floor. There have been approximately 80 to 90 inmates assigned to his dormitory; as many as 30 to 35 inmates have had to sleep on cots, and as many as 5 or 6 have had to sleep without a mattress on the concrete floor. Half of the inmates who sleep in the dayroom at night are reassigned to his dorm during the day; when in the dorm during the day these inmates must stay on the floor, where all they usually do is sit idle or sleep. Spence was not given a medical examination at the Jail before his placement in general population; approximately one week passed before he was examined. He was not administered a blood test. He has put in a sick call request a number of times before being seen by medical personnel. In all other respects, although confined in another area of the Jail, he is held in conditions essentially the same as those described in paragraph 7.

15. Charles Farms is a 24 year old citizen of the United States confined at the Essex County Jail since October 16, 1981 on criminal charges pending against him in Superior Court. At the Jail, he is assigned to a cell on the tenth floor; for approximately the first three weeks of his confinement he was held in cells on the sixth and eighth floors of the Jail. He has been given a wash bucket in which to launder his clothing. In all other respects, although confined in another area of the Jail, he is held in conditions essentially the same as those described in paragraph 9.

16. Keith Ellis is a 20 year old citizen of the United States confined at the Essex County Jail since December 6, 1981 on criminal charges pending against him in Superior Court. He is assigned to a cell on the seventh floor of the Jail. As many as 12 inmates have been assigned for sleeping quarters

to the dayroom on his floor. Only one shower facility on his tier is operable. There is only one working toilet in the dayroom on his floor. The sinks in the dayroom do not work. His weekly recreation period has been as short as one hour, rather than the scheduled 90 minutes. It has taken him as long as one week to obtain a visit to the doctor after putting in a request for sick call. In order to launder his own clothing, he has had to purchase a wash bucket and detergent. In all other respects, although confined in another area of the Jail, he is held in conditions essentially the same as those described in paragraph 8.

17. Willie Jenkins is a 36 year old citizen of the United States confined at the Essex County Jail awaiting transfer to state prison. He has been confined at the Jail since February 3, 1982, when he was sentenced. He is assigned to a cell on the fifth floor of the Jail. For approximately one month after being committed he was assigned to a dormitory on the second floor. Approximately ten inmates are forced to sleep on the floor in the dayroom on his floor. The showers on his tier have been inoperable since he was assigned to this area. His visits have been limited to 10 minutes. In all other respects, although confined in another area of the Jail, he is held in conditons essentially the same as those described in paragraph 9.

18. James Berry is a 25 year old citizen of the United States confined at the Essex County Jail awaiting transfer to state prison. He has been confined since February 4, 1982. He was sentenced to a term in state prison on April 8, 1982.. At the Jail, he is assigned to a cell on the fourth floor. His mattress is constructed of a foam type material. The inmates who are assigned for sleeping quarters to the dayroom on his floor must sleep without mattresses on cot frames. Only one shower on his tier works, and because of inoperable showers on other tiers, this shower is used by inmates

from the other tiers in his cellblock. His toilet has been broken for as long as two weeks. There has never been any extermination in his cell or on his tier. He has seen rats in the dayroom, roaches in the cells and on the tier, and has been awakened by mice in the morning. On his tier, lighting is very dim in the cells and is insufficient for reading unless the covers on the lights are broken out. On the tiers, the beds are the only place to sit. He has witnessed tension, threats, and fighting among inmates. He has found hair and glass in his food. In all other respects, although confined in another area of the Jail, he is held in conditons essentially the same as those described in paragraph 9.

19. Herman Harris is a 27 year old citizen of the United States confined at the Essex County Jail awaiting transfer to state prison. He has been confined since September 4, 1981; initially he was confined to the Essex County Jail Annex in Caldwell, New Jersey; for approximately the last five months he has been confined at the Jail itself. He is assigned to a cell on the seventh floor. He has seen at least three inmates forced to sleep on the floor or a bed frame without a mattress. It has taken him approximately three or four months to obtain a visit to the dentist. In all other respects, although confined in a different area of the Jail, he is held in conditions essentially the same as described in paragraph 9.

## DEFENDANTS

20. Albert T. Collier is the Warden of the Essex County Jail in Newark, New Jersey. He is directly in charge of jail operations and is responsible for the development and implementation of jail policy and procedure.

21. Peter Shapiro is the Executive of Essex County and is vested by statute with the responsibility for the operations of the Essex County Jail and the care and custody of the inmates housed therein. He is required to receive and keep all persons apprehended by law enforcement officers.

22. Jennie Brown is the Director of Correctional Services for Essex County. She is responsible for the supervision of jail operations.

23. William H. Fauver is the Commissioner of the New Jersey Department of Corrections. Under Executive Orders issued by the Governor of New Jersey (attached as Exhibit A), he has the authority to designate county jails as the place of confinement of state sentenced inmates currently housed there, to require county jails to house state sentenced inmates beyond fifteen days from sentencing contrary to N.J.S.A. 2C:43-10(e), and to designate the place of confinement of any state or county inmates. He also has the authority to inspect the conditions in county jails pursuant to N.J.S.A. 30:1-15. He further has the authority pursuant to N.J.S.A. 30:8-57 to determine that a county jail has disregarded minimum standards promulgated by the Department of Corrections and the obligation thereupon to order a restriction on admissions of new inmates to a jail in disregard of the Department's minimum standards for such facilities.

### CLASS ACTION ALLEGATIONS

24. Plaintiffs bring this action as a class action maintainable under Rule 23(a) and 23(b)(1) and (2) of the Federal Rules of Civil Procedure on their own behalf and on behalf of all persons similarly situated, that is, all inmates who are now or who will in the future be confined in the Essex County Jail awaiting trial on criminal charges, as well as person sentenced to that facility to serve sentences therein, or held in that facility awaiting transfer to the state prison system. The class represented by plaintiffs herein is so numerous that joinder of all members is impractical; there are questions of law and fact common to the class, claims of the representatives herein are typical of the claims of the class, and representative parties herein will fairly and adequately protect the interests of the class. The defendants have acted or refused to act on the grounds generally applicable to the class, thereby making appropriate final declaratory and injunctive relief with respect to the class as a whole. The total members of the class number approximately 700 persons at any one time, and the class members are subject to change as persons are committed to and discharged from the jail.

25. A class action determination will avoid the possibility of inconsistent or varying adjudications with respect to individual members of the class establishing incompatible standards of conduct for the defendants. Since a majority of the members of the class are indigents, suits by individual members would most likely be brought pro se with all the attendant difficulties of such litigation.

26. 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, said Office is authorized to represent the interests of such persons as a class.

## FACTUAL ALLEGATIONS

### Building and Design

27. Essex County Jail (hereinafter "the Jail" or "ECJ") is located at 60 Nelson Place, Newark, New Jersey. It is a thirteen story concrete detached building in proximity to the Essex County Courthouse in a commercial-industrial area of downtown Newark. It is used as a detention facility by 22 municipalities in Essex County. It is also used to hold inmates awaiting transfer to state correctional authorities.

28. Since 1979 the Jail has been operating under the jurisdiction of the Essex County Executive. From July 1975 to 1979, the Jail was operating under the auspices of the County Board of Freeholders. Prior to July 1975, the Jail was under the jurisdiction of the Essex County Sheriff.

29. The jail and its commercial services (i.e., laundry and kitchen) occupy the entire thirteen floor structure. Secure movement from the Jail to the County Courthouse is facilitated by an underground tunnel which connects the two structures.

30. Although the Jail was completed in 1970, it's physical plant has deteriorated, with crumbling ceilings, faulty plumbing, and leaks in the roof. Perhaps more important, the Jail continues to suffer from its poor architectural design which had failed to provide areas for recreation, program space, a library, administrative offices, and security stations. In addition, plans for ventilation were inadequate to prevent substantial discomfort among inmates confined in the Jail during the high temperatures and humidity levels during Newark summers.

31. As a result of the original poor design, areas which were planned for housing and other uses have been renovated to provide space for administrative offices, security stations, attorney visits, counseling, a gymnasium, a chapel, and a library.

## Housing and Living Space

32. The ECJ has sufficient living and sleeping quarters to provide housing for a maximum of 550 inmates. For an extended period of time, the ECJ regularly has housed over 700 inmates. Substantially over 200 of these inmates have been sentenced to state prison terms and are awaiting transfer to the custody of Defendant Commissioner Fauver. The remaining 400 to 500 inmates are detainees awaiting disposition of criminal charges.

33. At the ECJ, inmates are ordinarily housed in both cells and dormitory units. Under normal housing patterns, approximately eighty percent of inmates at the Jail are housed one each in the 456 general population cells at the Jail, with only 94 inmates housed in multiple occupancy or dormitory units. As a result of overcrowding, substantially over two hundred inmates are now housed in dormitory type living units by either being crowded into the regular dorms or by being housed in the dayrooms on the second, third, fifth, seventh, ninth, eleventh, and twelfth floors of the ECJ.

34. At normal population levels housing for 550 inmates is provided as follows, with the specific areas described in subsequent paragraphs: 456 inmates in general population cells on the third through eleventh floors; 39 inmates in each of the two second floor dormitory units; 10 inmates in the twelfth floor "civil area" unit; 3 inmates in the twelfth floor "tiermen" dorm area; and one inmate in each of the three twelfth floor "quiet" cells. This arrangement does not contemplate use of the hospital dorm or detention cells as regular housing units.

35. The 456 general population cells at the jail are arranged in cellblocks on the third through eleventh floors. Each floor is divided into two cellblocks, one on the Northside and one on the Southside. Each of the two cellblocks contain a front and back tier of cells separated by a plumbing chase at the rear of the cells to allow for repairs to the plumbing without entering the cells.

36. Each of the 456 general population cells house one inmate. All of these cells measure approximately five feet wide by seven feet deep by eight feet in height, thereby providing approximately 35 square feet of cell space. All the cells are windowless, are constructed of metal or concrete walls and concrete floors and fronts of steel bars. Each cell contains a metal bunk attached to the wall, topped with a mattress, and a lavatory unit projecting out from the rear wall which consists of an open toilet and sink. These furnishings reduce available cell floor space to approximately 17½ square feet. The cells open on to a narrow barred corridor approximately 5 feet wide running the length of the tier.

#### The Second Floor

37. The two general population dorms used for inmate housing are located on the second floor. Due to overcrowding, each second floor dormitory unit is used to house as many as 75 or 80 inmates. As many as 30 to 40 additional inmates are regularly housed in the second floor dayroom as described in paragraphs 44 to 49. At ordinary population levels providing only 60 square feet of space per inmate (including space consumed by furnishings), the dormitories each could accomodate only 39 individuals.

38. The dorms each measure approximately 35 feet by 65 feet, with a small area measuring approximately five feet square being consumed by a shaft in the center of the dorm, resulting in an area of 2355 square feet for each dorm. When 80 inmates are housed in each dorm, each inmate has approximately 29 square feet of space (including space actually consumed by the bunks and other furnishings in the dorm area).

39. For approximately 20 to 21 hours a day, inmates housed in the second floor dorms are locked in these dormitory units.

40. Each dormitory contains the following sanitary equipment: ten sinks, five toilets, four urinals, and three showers. Many of these sanitary facilities are repeatedly rendered inoperable due to overuse resulting from overcrowding in the dormitory units.

41. Due to the sheer numbers of people who are housed in the ECJ, defendants are unable to provide standard bunks with mattresses to as many as 25 to 35 inmates assigned to each second floor dormitory; these inmates must sleep on cots or on mattresses placed on the floor. A substantial number of inmates for extended periods of times are forced to sleep without mattresses on the cot frames or even directly on the floor with only a blanket.

42. For approximately three to four hours a day (two 1½ hour "activity" periods and three 20 minute periods for meals), second floor inmates assigned to the dorms have access to the second floor dayroom; while in the dayroom they are locked in; they cannot move freely between dayroom and dorm.

43. The dayroom on the second floor measures approximately 36 feet by 33½ feet, providing approximately 1206 square feet. It contains six concrete tables with benches capable of seating eight people per table, two open unshielded toilets without seats, and one television set. As many as 80 to 90 inmates may share the dayroom space during the daily periods when each dorm has access to the dayroom; in such circumstances, inmates may have as little as 13 to 15 square feet per person (which includes space consumed by tables and other items in the dayroom). There are always more inmates than space at the tables, so many inmates only can idle on the floor. As a result, floor space is virtually unavailable with such crowding. The two toilets often are rendered inoperable from overuse. Due to the presence of this many inmates in such a small area, the noise level often is so loud as to be painful, and of such volume as to render normal conversation difficult or impossible.

44. Due to the numbers of people held at the ECJ, the second floor dayroom is also used regularly for sleeping quarters for inmates. As many as 30 to 40 inmates may be housed in this area, which provides only the limited sanitary facilities (two often inoperable open toilets) described in paragraph 43.

45. Inmates housed in the dayroom do not have bunks, but are forced to sleep on cots, some without mattresses; the cots are issued at 11 p.m. and removed at 5 a.m. With 30 to 40 inmates sleeping on cots, virtually no floor space remains. Inmates must walk over one another to reach a table or use the toilet. Inmates desiring to sleep beyond 5 a.m. when the cots are removed must sleep either directly on the concrete floors or on the concrete tables on which they and other inmates also must eat. Most of the inmates assigned to the dayroom sleep in this manner from 5 a.m. to 6 a.m. and again from 7 a.m. to 9 a.m.

46. In order to facilitate the feeding of dorm inmates away from their housing area, inmates housed in the second floor dayroom are split in two groups at 6 a.m., with one group assigned to the Southside dorm and the other group assigned to the Northside dorm. Dorm inmates are then moved from each dorm to the dayroom for approximately 20 minutes for eating. At 7 a.m. after breakfast is completed the inmates assigned to the dayroom are locked back into the dayroom until 9 a.m. At 9 a.m. they are again returned to their respective daytime dorm assignments. Similar movements of each dorm occur for lunch and dinner. Thus, for the overwhelming portion of the day inmates assigned to the dayroom for sleeping quarters are locked in the already crowded dorms without a bunk, cot or even location of their own. In the dorm area they must compete with other inmates for what little floor space may exist as a place on which they can place their blanket or bedding in order to sit or rest. At 9:30 p.m. inmates assigned for sleeping quarters to the dayroom are returned to the dayroom and locked in for the night.

47. The crowding in the second floor dayroom and the two second floor dorms often is so severe that nearly all available floor space is consumed, with inmates forced to climb over tables, cots, mattresses, blankets, or each other in order to move even a few steps.

48. The noise level in the dayroom and the dormitories often becomes unbearable and painful to inmates in these areas.

49. For inmates on the second floor of the ECJ, there is no respite at any point in the day from the severe crowding to which they are subject both in the dayroom and the dorms.

### The Third Floor

50. The third floor, which was formerly used to house females who are now housed at the Jail Annex in Caldwell, is presently utilized for males, both juvenile and adult. Juveniles are housed in the Northside cellblock; adults are held in the Southside cellblock. There are 40 cells on the third floor, constructed and equipped as described in paragraph 36. The back and front tiers of the two cellblocks each contain two tiers of ten cells opening on to a barred corridor approximately five feet by 50 feet, ordinarily providing approximately 250 square feet of additional space for the ten inmates that may be housed on the third floor tiers. The two tier corridors in each cellblock lead to an adjoining small dayroom, measuring approximately 15 feet by 20 feet, providing approximately 300 square feet of additional space for the 20 inmates of each cellblock.

51. For essentially 16 to 18 hours of the day, inmates in these 20 cell units on the third floor are regularly locked in their cells, without access to dayroom or the tier corridor.

52. For the remaining six to eight hours a day (including three 20 to 30 minute periods for meals taken in the dayroom), they are permitted

access to their tier corridor and the adjoining small dayroom area. Thus, defendants permit third floor inmates to have access only for six to eight hours a day to areas that at normal population levels would provide each third floor inmate with approximately 40 square feet of space (corridor area of 25 square feet and dayroom area of 15 square feet) in addition to their cell.

53. Due to overcrowding at the ECJ, each of the small dayrooms on the third floor also are used regularly for inmate housing. As many as eight to ten inmates are housed on cots placed in these dayrooms. Housing inmates in this manner is a constant practice, particularly on the Southside (Adult) cellblock.

54. Housing inmates in the dayrooms affects the living conditions of all third floor inmates. When as many as ten inmates are housed in the dayrooms, the space available for sleeping quarters for these inmates (hereafter "dayroom inmates") amounts approximately to 30 square feet of floor space per inmate (half of which space is actually consumed by the cots and other furnishings); these spatial conditions exist for approximately 16 to 18 hours a day (this being the time that other third floor inmates are locked in their individual cells). For the 6 to 8 hours a day when the dayroom is shared by 10 "dayroom inmates" and the inmates from the 20 person cellblock, the dayroom can only provide approximately 10 square feet of space per inmate (which again even includes space consumed by tables and other items). Thus, for the major portion of their waking hours at the ECJ, "dayroom inmates" on the Third Floor regularly may have as little as 10 square feet of living space to themselves; at other times they have a mere 30 square feet. Similarly, when inmates are housed in the dayroom, the dayroom space to which inmates on the tiers ordinarily have access for 6 to 8 hours is reduced to approximately 10 square feet of dayroom area per inmate.

#### The Fourth through Eleventh Floors

55. Floors four through eleven contain the remaining 416 general population cells, constructed and equipped as described in paragraph 36. Inmates on these floors are locked in their cells for approximately 16 to 17½ hours of the day.

56. These floors are similarly arranged in Northside and Southside cellblocks, but here the front and back tiers of each cellblock contain 13 cells. The tier corridors in these cellblocks measure approximately five feet by 65 feet, providing approximately 325 square feet shared by 13 inmates.

57. In addition, on these floors the cellblocks open from one to the other, thereby connecting the cellblocks on floors 4 with 5, 6 with 7, 8 with 9, and 10 with 11. Therefore, each Northside and Southside cellblock on these adjoining floors consists of 52 cells arranged in a front and back double tier separated by a concrete floor. Each double-tiered cellblock of 52 inmates is treated as a single unit for movements and activities.

58. For approximately three hours a day (in two 1½ hour periods), inmates in these 52 cell units are permitted access to a small dayroom located on the odd numbered floors (5, 7, 9, and 11) of these two-floor units. They measure approximately 36 feet by 33½ feet, thereby providing approximately 1206 square feet. The dayrooms are furnished with concrete tables and benches and a television set. When shared by inmates from the 52 cell unit, the dayroom allows approximately 23 square feet per inmate including area consumed by the dayroom furnishings. For the three hours a day when inmates are allowed in the dayroom (other than for meals), they are locked in it and do not have access either to the tier corridor or their cells. Therefore, for this period of time they are limited to the 23 square feet of space per inmate which the dayroom provides for the 52 inmate unit.

59. While the dayroom provides an alternate area to which the inmates may go for three hours a day, the 23 square feet of space per inmate does not even at normal population levels relieve the crowding experienced by inmates.

60. For another three hours a day inmates in these 52 cell double tier units are permitted access to the tier corridors in their cellblocks, as described in paragraph 53. These corridors at normal population levels provide approximately 25 square feet of space per inmate in addition to the approximately  $17\frac{1}{2}$  square feet of available cell space for inmates on the fourth through eleventh floors. Thus, for three hours a day, and at normal population levels, inmates may have at most  $42\frac{1}{2}$  square feet of space for activity.

61. Inmates held in the general population cells also take their meals in the dayrooms, which allows them another period of approximately 1 to  $1\frac{1}{2}$  hours a day in which they are permitted out of their cells. For this period, however, the 52 inmate unit also is locked in the dayroom area.

62. Thus, even at the normal population levels so far described for the cellblocks, inmates spend the entirety of their day in crowded, cramped quarters: for  $16\frac{1}{2}$  to 17 hours a day, excepting brief periods when they may have a visit or see a doctor or counselor, they are locked in individual cells providing approximately 35 square feet (actually only  $17\frac{1}{2}$  square feet of available space when area consumed by cell furnishings is considered); for  $4\frac{1}{2}$  hours of the remaining six hours they have access actually to less living space (the 23 square feet of space provided by the dayrooms in which they are locked for this period); and for the other three hours they have access to the tier corridor which provides approximately 25 square feet of space in addition to their cells.

63. As with the inmates housed elsewhere in the ECJ, overcrowding has exacerbated the paltry provision of housing and living space for inmates. As many as ten inmates are regularly housed in each of the four dayrooms on the 5th, 7th, 9th, and 11th floors. When inmates are so housed in the dayrooms, cots are provided for them on which to sleep. The cots are brought out at approximately 11 p.m. and removed from the dayroom at 5 a.m.; inmates wishing to sleep for longer than 5 or 6 hours must sleep on the floors or on the tables (on which they and other inmates also must eat). During the day, half of the inmates assigned for sleeping quarters to the dayroom are reassigned to one of the tiers in the cellblock areas; while on the tiers they only have the corridor space to use, which is shared with the inmates assigned to cells on the particular tier; while on the tier they also must share the sanitary facilities in another inmate's cell.

64. Housing inmates in the dayrooms on the fifth, seventh, ninth and eleventh floors also affects the living conditions of inmates housed in cells on the tiers: for the 7½ hours that inmates assigned to cells have access to the areas other than their cells, the paltry amount of space available either on the tiers (ordinarily 25 square feet per inmate) or in the dayroom (ordinarily 23 square feet of space per inmate) must be further shared with inmates who are regularly housed in the dayroom.

#### The Twelfth Floor

65. There is also an area on the twelfth floor called the "civil area" ordinarily used for inmate housing. This area provides five cubicles each measuring approximately eight feet by twelve feet, providing approximately 96 square feet. Each cubicle is now used to house four inmates, providing each inmate only 24 square feet. The cubicles open on to a small dayroom area

measuring approximately 40 feet by 24 feet; due to overcrowding this area is used to house an additional nineteen or twenty inmates. Inmates are allowed to leave the "civil area" only for approximately three hours a week when scheduled for recreation or the library.

66. A separate housing area is provided on the twelfth floor for inmates who are "tiermen" in the form of a small dormitory containing bunks for six inmates.

67. Additionally, on the twelfth floor there are nine detention cells; of these nine cells, only five cells contain toilet units; inmates held in the other four cells either must contact a guard to use a toilet or are provided paper cups in which to urinate when a guard may not be available.

68. The twelfth floor also contain the hospital ward, with beds for approximately 13 inmates crowded into a small area.

#### Duration of Confinement

69. Approximately sixty percent of the ECJ pretrial population on any given day has been confined under the overcrowded conditions for over 45 days; approximately one-half of the pretrial population of the ECJ on any given day has been confined under the overcrowded conditions at the ECJ for over 60 days; approximately one-third of the pretrial population has been confined in like manner for over 90 days.

70. Inmates sentenced to terms in state correctional institutions have been similarly confined at the ECJ for extended periods of time.

## Recreation and Exercise

71. An opportunity for indoor recreation and exercise is only available to ECJ inmates once a week for a scheduled period of approximately 1½ hours.

72. The recreation area is located on the thirteenth floor of the ECJ. It consists of a gymnasium type area which contains an area for basketball, a ping pong table, a pool table, and a universal gym. The gymnasium is open for inmate use only five days a week during day hours; this facility is not utilized on evenings or weekends.

73. Due to overcrowding at the ECJ and the time required to move the large number of inmates from their respective housing areas, inmates actually only may be able to obtain 35 to 50 minutes in the recreation area.

74. There is no program of outdoor recreation for ECJ inmates.

## Activities and Programs

75. Other than recreation time as described in paragraphs 71 to 74, inmates at the ECJ are scheduled for only another one-and-a-half hours each week in an activity area away from their housing area or dayroom. During this additional one-and-a-half hour period, inmates are permitted to visit the auditorium and library area located on the thirteenth floor. As with the gymnasium, the library facility is not utilized on evenings or weekends. Due to overcrowding at the ECJ and the time required to move the large number of inmates from their respective housing areas, inmates actually only may be able to obtain 35 to 50 minutes in the library area.

76. Activities in the dayrooms in which inmates are locked for three hours a day (as described in paragraphs 43-49, 58-59 and 63-64) are severely limited, consisting entirely of one television set, some broken board games and decks of cards. Virtually no floor space is available to conduct any active recreation and most inmates only can sit idly on benches, tables, or the floor.

### Classification

77. There is no written plan for classifying inmates at the ECJ, nor is there a classification manual.

78. Due to the overcrowded conditions in all housing areas, particularly in the second floor dorms, all the dayrooms, and the twelfth floor "civil area", inmates are not classified for housing assignments based on either their status as a detainee, medical reasons, or the seriousness of the offense with which they are charged or convicted. Sentenced inmates are not segregated from detainees, nor are new admissions, alcoholics, narcotic addicts or inmates with medical problems separated from the rest of the inmate population.

79. In the twelfth floor "civil area", inmates held for non-criminal matters are regularly housed with inmates committed on criminal charges with clearly observable psychological problems.

### Visitation and Telephone

80. Present visiting hours, visitation space, and telephone policies are inadequate for the Jail's population.

81. Visiting at the ECJ is scheduled six days a week, Tuesday through Sunday, but for only three hours a day. Visits are conducted in booths with a barrier separating inmate from visitor; voice contact is made through a phone.

82. Children are not permitted to visit on Saturdays or Wednesdays.

83. There are 30 visiting booths at the ECJ to accomodate its entire population of over 700 inmates. Six booths are located on each of the third, fourth, sixth, eighth and tenth floors. At the present population, these booths do not adequately provide for the volume of visitors nor for sufficient visiting time.

84. Inmates in the second floor dorms or dayroom must take their visits in the third floor visiting booths. As a result, on any particular day approximately 220 inmates (from the second and third floors) only have six booth available for visits.

85. The six visiting booths on each of the fourth, sixth, and eighth floors are shared by over 100 inmates. On numerous occasions, some visiting booths have been inoperable.

86. At normal population levels, visits may be as long as 30 minutes, with two visits permitted a day. Due to overcrowding and the demand placed on the visiting facilities, visits are considerably shorter, often limited to a mere five or ten minutes, with only six visits permitted a week.

87. Due to the large number of inmates receiving visits and the limited hours available for that activity, the overcrowded conditions at the ECJ have reduced the opportunity for communication and minimal contact between inmates and their families and friends.

88. Inmate phone calls are limited to two calls of three minutes per day. On the average there are only two phones available for every 60 inmates.

#### Access to the Courts

89. The ECJ contains a law library on the thirteenth floor to which inmates have access as described in paragraphs 75 to 76. Due to overcrowding and the presence of over two hundred sentenced inmates, the library is heavily used and cannot accomodate all who desire access to it nor provide sufficient time for appropriate research and preparation.

90. The volumes in the law library are limited and do not provide full and current sets of materials necessary for the legal research needs of the ECJ population.

## Health, Sanitation and Safety

91. Due to a shortage of available bed space and mattresses, inmates at the ECJ are at times forced to sleep on mattresses placed on concrete floors or even with only a blanket directly on the floor without a mattress at all, or without a mattress on a cot frame.

92. In the dayroom areas, because of the removal of cots and mattresses at 5 a.m. (which only permits inmates to have less than six hours for sleep on them) and the lack of appropriate sleeping quarters in any other areas, inmates often must sleep on the concrete tables on which they and other inmates also eat their meals.

93. In the dayroom areas where inmates eat their meals, some of the tables are only a few feet from open toilets, inadequately shielded either to provide privacy for persons using the toilets or to limit the view by inmates who are eating of other inmates urinating or defecating. Many of the toilets also emit foul and unpleasant odors, or are inoperable.

94. Showers and other plumbing fixtures often operate improperly or not at all due to overuse or lack of repair, making personal hygiene difficult or impossible.

95. Due to overcrowding and the sheer number of people who are compelled to inhabit the dayrooms and dorm areas of the ECJ, the noise level in these areas often becomes intolerable and painful, impairs the ability of inmates to engage in any activity requiring concentration or attention, and produces an environment in which idleness and tension predominates. The physical limitations of the ECJ, with hard surfaces of concrete, tile, and steel throughout these areas further exacerbates the noise level produced by the overcrowding.

96. Areas of the ECJ, including areas used for sleeping and eating by inmates are infested with roaches, mice and rats. While exterminators visit some areas of the ECJ, there is no extermination for infestations in the cells or on the tiers. Extermination undertaken in other areas is plainly insufficient to control the infestation of the areas where inmates are housed and take their meals.

97. Inmates who sleep on mattresses placed on the floors of the dayrooms or dorms have found roaches or mice on their bedding upon awaking in the morning or during the night. Rats and roaches have been observed in the dayrooms and on the tiers.

98. Floors of the corridors and cells are often dirty and wet, on which waste collects, due to inoperable drains or otherwise faulty plumbing, creating hazards to inmates in the living units.

99. Areas of the Jail are in need of extensive repair to insure a minimally safe, secure, and healthy environment for its inhabitants. For example, the ceiling of the Third Floor Southside (juvenile) dayroom has been crumbling and deteriorating for an extended period time without adequate repairs, threatening the safety, health, and security of inmates in this area.

100. A large number of mattresses at the ECJ are not constructed of an approved fire retardant material.

101. Heat and smoke detectors are not provided in all living units despite recommendations by state fire marshalls that such detectors should be installed.

102. On information and belief, the ECJ does not maintain emergency plans for fire and evacuation with which its staff is familiar. In particular, there are no written procedures for release of inmates from locked areas and evacuation.

### Medical Care

103. When an inmate is admitted for incarceration at the ECJ, a medical history is taken by a nurse and, ordinarily, blood tests are performed. Inmates who upon admission complain of or evidence some type of medical disorder are also ordinarily referred to the medical department for examination, diagnosis and treatment.

104. Due to overcrowding at the ECJ, the medical department is both overutilized and often unable to perform according to its ordinary procedures: the medical screening of inmates often has been limited to a perfunctory medical history; blood tests have been overlooked; physical examinations are the exception not the rule; and there have been extended delays in referrals for observable medical problems.

### Effect of Overcrowding on Inmates

105. Overcrowding and the conditions in the housing and living units as described in paragraphs 27 to 70 have caused pervasive idleness, have severely limited the opportunity for recreation, exercise and visitation, and have seriously impeded classification, sanitation, safety and the provision of medical services so as to breed anxiety and violence, threaten the inmates' physical and mental wellbeing, threaten to produce debilitation in those confined, and inflict needless privations and hardships on inmates detained at the ECJ.

106. Overcrowding and its consequences as described in paragraphs 27 to 102 further has prevented defendants from implementing classification procedures necessary for the health, safety and security of inmates, has prevented the development of activities and programs for inmates, including increased opportunities for exercise and recreation, has severely limited

maintenance of minimally adequate visitation time capable of reducing anxiety and tension and insuring continuation of family and community contact, has damaged the ability of defendants to continue performing necessary medical screening for ECJ inmates, and has contributed to the development of an unsanitary, hazardous and insecure environment at the ECJ for its inhabitants and staff.

#### CAUSES OF ACTION

107. The totality of the overcrowded conditions at the ECJ, including the housing of inmates for extended periods of time in severely crowded areas without minimally adequate living space, with some inmates forced to sleep on concrete floors or tables, with some inmates forced to sleep even without mattresses, with inmates not provided reasonable opportunities for recreation and exercise, with severely shortened visitation, and with inadequate provision for classification of the inmate population subjects those members of the class who are pretrial detainees to punishment without due process of law in violation of the Fourteenth Amendment to the United States Constitution and subjects members of the plaintiff class who are sentenced inmates to cruel and unusual punishment in violation of the Eighth and Fourteenth Amendments to the Constitution of the United States. These conditions also violate the plaintiffs' rights to association, privacy, equal protection of the law, and due process of law granted by the First, Fourth, Fifth, Ninth and Fourteenth Amendments to the United States Constitution.

#### IRREPARABLE INJURY

108. The aforesaid conditions and practices are known to the defendants, their agents and their employees, but these conditions and

practices have been allowed to continue and to become worse without a concerted effort to bring about their elimination or correction in a manner that would provide timely relief for those plaintiffs who have and will continue to suffer from these conditions and practices.

109. The aforesaid conditions of life and official practices are allowed to continue and are imposed by defendants under color of law of the State of New Jersey.

110. There is an actual controversy between plaintiffs and defendants in that the defendants allow the conditions and practices above described to continue unimpeded and uncorrected, and the plaintiffs and the class they represent have no adequate remedy at law, thus making injunctive and declaratory relief appropriate.

111. Plaintiffs and the class they represent are suffering and will continue to suffer in the future irreparable injury unless a preliminary injunction is issued, which should remain permanent after a full evidentiary hearing.

112. The actions and inactions of the defendants as alleged, and the claims of the plaintiffs and the class they represent require that this Court declare the rights and legal relationships of the parties in respect to the conditions at the ECJ.

#### AVAILABLE REMEDIES

113. Several potential methods of reducing the population confined at the ECJ are available and may be implemented rapidly:

a) transfer of sentenced inmates from the ECJ to facilities under the jurisdiction or control of other county or state correctional authorities;

b) maximization of pretrial relief mechanisms as an alternative to high bail;

c) acquisition or construction of additional temporary housing facilities through purchase or remodeling until completion of new permanent facilities become available;

d) utilization of other housing facilities for offenders not requiring secure confinement such as those on work release or serving sentences on weekends only;

e) careful review of the appropriateness of all sentences to evaluate alternatives to incarceration and shortening of sentences for non-dangerous offenders.

#### PRAYER FOR RELIEF

WHEREFORE, plaintiffs pray on behalf of themselves and all others similarly situated for the following relief:

1. That this Court order, pursuant to Rule 23 of the Federal Rules of Civil Procedure, that this action be maintained as a class action and that plaintiffs are proper class representatives;

2. That this Court adjudge and declare that the conditions at the ECJ are unconstitutional and violate the rights of the plaintiffs and their class, as a result of the overcrowding of inmates existing there;

3. That this Court issue an Order permanently enjoining the defendants, their agents, their employees, and those acting in concert with them to reduce the population of the ECJ to constitutional levels and set the timetable for such reduction;

4. That this Court issue an Order permanently enjoining the defendants to take all such action as may be necessary to ensure that the population of the ECJ does not exceed the numbers who may be safely and constitutionally confined there;

5. That this Court specifically declare:

a) that the totality of conditions under which plaintiffs and members of the class who are pretrial detainees are forced to live at the ECJ amounts to punishment in that these conditions subject plaintiffs to hardships, privations, and unhealthful conditions, as well as restrictions on their liberty, which are not justified by a legitimate interest or which are excessive in relation to that interest;

b) that the totality of conditions under which plaintiffs and members of the class who have been sentenced to a term in the ECJ, or who have been sentenced to a term in a New Jersey state correctional institution and who are held in the ECJ awaiting transfer to state custody, are forced to live subjects them to cruel and unusual punishment;

c) that the conditions of confinement caused by the acts and omissions of the defendants in failing to provide minimum levels of habilitative shelter, living space, classification, recreation, visitation, sanitation, security, and opportunities for education, counseling and other rehabilitative programs deny the plaintiffs and the class they represent of equal protection of the law as guaranteed to them by the Fourteenth Amendment.

6. That the Court specifically order:

a) that under the totality of conditions that presently exist, wherein nearly all inmates are held in severely cramped living space at virtually all times, that the ECJ be prohibited from housing more than one person in any of the 456 general population cells at the jail, that the second

floor dorms be prohibited from housing more than 39 inmate each, that the twelfth floor civil area house no more than 10 inmates, that the three twelfth floor quiet cells house no more than one inmate each, and that the twelfth floor tiermen dorm house no more than 3 inmates; thereby establishing a maximum capacity of 550 inmates for the ECJ in order to provide minimally habilitative shelter;

b) that the ECJ and cells and living areas therein be kept in sanitary condition, that use of mattresses placed on floors for sleeping be prohibited, that use of cots without mattresses for sleeping be prohibited;

c) that inmates be allowed and provided a regular daily program of exercise and recreation outside of their living areas and dayrooms, in order to ensure their health and wellbeing;

d) that inmates have prompt access to adequate professional medical, dental, psychiatric and psychological services on a routine basis and in emergencies and that they be provided with basic preventative medical and dental care;

e) that inmates be medically screened upon admission to the jail for communicable diseases and other existing medical conditions;

f) that a classification system be implemented to assign inmate housing based on status as a detainee or sentenced inmate, for medically indicated reasons, and for the safety and security of those held in the jail;

g) that inmates be provided adequate fire retardant mattresses and bedding, and that smoke and heat detectors be installed in all living areas of the jail;

h) that visiting conditions afford decency, comfort and privacy and a length of visit sufficiently long to provide meaningful contact with family and friends;

i) that the two daily telephone calls allowed be sufficiently long to provide meaningful contact with family and friends, and that regular access to a telephone for legal calls be allowed whenever required;

J) that the law library and legal research collection be kept current and maintained in accordance with the standards for county jail libraries established by the State Library of the New Jersey Department of Education.

7. That this Court retain jurisdiction of this action until the Court is satisfied that the conditions, practices, and procedures complained of herein are eliminated at the ECJ and that provision will be made so that such conditions, practices, and procedures will not be allowed to reappear in the future.

8. That this Court order such other relief as this Court deems just, proper, and equitable.

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