

## WELCOME

Hello Youth Caucus Members!

The last few months have been especially challenging because of the coronavirus pandemic. But despite the confusion and frustration, new opportunities are emerging... including our updated newsletter!

Starting this month, the newsletter is complete with a new look and some new sections. Please send me your

thoughts about this issue, and let me know what you'd like to read about in our upcoming newsletters. Reach out on JPAY, by phone (973-668-6971 or 973-989-8870), or by postal mail sent to NJPC attn: Newsletter, 275 Rt. 10 East, Ste. 220-414, Succasunna, NJ 07876). What did you like or dislike? What would you like to see in the upcoming months? Let's work together to bring you the information you want in a consistent, timely manner.

## NEW JERSEY LEGISLATIVE UPDATE

Assembly No. 2370  
Status: *Committee*  
(as of 6/1/2020)

Introduced February 3, 2020 by Assemblyman Schaer, this legislation would establish a compassionate release program and repeals the current statutes regarding medical parole. The main change is that the court itself would determine a parolee's eligibility under the compassionate release program instead of the current process, in which the parole board makes the decision. The Bill is currently in the Assembly's Law and Public Safety Committee.

## IN THE NEWS

NJ's COVID-19 Release Program for Prisoners Is Slammed for Major Failings (by *Colleen O'Dea for njspotlight.com / MAY 26, 2020*) Attorneys working to free vulnerable prisoners under New Jersey's COVID-19 inmate release program are slamming it for being overly complex and secretive, and in court papers have called the process "too little, too late."

The disease caused by the novel coronavirus has already killed 43 inmates in the state prison system, making New Jersey the state with the highest inmate death rate in the nation, according to a review by the Marshall Project. The number testing positive for COVID-19 was 970 as of last Friday — and is continuing to climb as the Department of Corrections (DOC) ramps up its testing of inmates. Meanwhile, it is virtually impossible to know exactly how many prisoners have been temporarily released.

Matt Platkin, chief counsel to Gov. Phil Murphy said on May 15 that 368 prisoners had either been paroled or furloughed as a result of an executive order Murphy signed April 10. A Department of Corrections (DOC) spokeswoman put the number on temporary furlough at 146 last Thursday, noting that 15 of those already had been returned to custody for violating their release terms, which include an ankle monitor and twice daily check-ins that, for some, begin as early as 5 a.m. DOC referred questions about inmates paroled under the order to the State Parole Board, which did not answer that question. "We have no idea, because they have made a decision to not be transparent about release," said Alexander Shalom, senior

supervising attorney with ACLU-NJ, who has asked the state Supreme Court to act to release more vulnerable individuals from the prison system. Shalom noted that the DOC has a web page detailing its pandemic-related actions and the numbers of inmates and staff who have fallen ill or died. "Notably absent from that page is any information about the number of people who have been released," he said.

Supreme Court could soon weigh in

The Supreme Court could rule this week on the proposal by ACLU-NJ and the state public defender to expand the governor's order on the release of prisoners and simplify the process, as the court did in March to secure the release of close to 700 from county jails.

Action by the court cannot come soon enough for inmates with medical conditions that make them more susceptible to the virus who are awaiting or have been denied release, because “people in New Jersey prisons are dying at alarming and growing rates,” ACLU-NJ and defenders office argued in their latest court filing on May 20.

Those lucky enough to have been furloughed are also hoping, as the numbers climb for prisoners testing positive for COVID-19, that furloughs will be extended; currently, they last only 30 days.

“I’m praying they extend it because, as you can see, it is still a very bad situation in there,” said one man who asked that his name be withheld because he fears possible retribution when he returns to custody. He said that unless his furlough is extended, he must report back to prison by noon Saturday. “I spoke with an attorney about possibly getting early parole, but it’s still a long shot. I have eight months left on my sentence. I just pray it doesn’t turn into a life sentence.”

And the families and friends of those who already have died in prison are angry over what they believe to be delays or roadblocks meant to keep more prisoners behind the walls.

Murphy, officials ‘should be held accountable’

As the thousands who have died in other communal living settings, such as the state’s long-term care facilities, psychiatric hospitals and developmental centers for the disabled are mourned, prisoner advocates say that no one deserves to die from a virus they could not avoid getting when they did not have masks, adequate cleaning supplies or the ability to distance themselves from others who were sick.

“The Murphy administration’s bureaucratic excuses and delays have already functioned as a death penalty for close to 50 people in prison,” said the Rev. Alonzo Perry Sr. and the Rev. Willard WC Ashley, leaders of New Jersey Together, in a joint statement May 18.

“The governor can and must act now to release those most at risk and then fire those responsible for the delays in testing and releases. Governor Murphy must also provide full transparency about procedures, infection rates, and how those who test positive are being treated ... These mistakes have been both deadly and inexcusable, impacting people in prison, staff, and their families. The lack of leadership must end today.”

Murphy’s six-week-old executive order requires corrections and parole officials to make relatively quick decisions on releasing to “emergency medical home confinement” inmates who fall into one of four categories — those with underlying medical conditions and age 60 or older, those with medical conditions or at least age 60, those denied parole within the last year and those within 90 days of release.

Some 3,050 inmates were deemed eligible for release under Murphy’s order, according to a state filing with the Supreme Court last week and as many as 673 have been approved for furlough or parole, although that number may include “some duplication.” Shalom said that filing helped put into some context the release numbers Platkin had quoted on May 15, surprising attorneys and advocates alike, although the state filing only

characterized the 673 as “approved” for release, rather than actually released.

### Numbers don’t match

Until May 15, attorneys thought about 100 individuals had been furloughed and did not know that the parole board had been approving COVID-related paroles. That day, at the governor’s daily press briefing, Platkin said in answer to a reporter’s question that the board had paroled 243 inmates under the terms of Murphy’s order and an additional 273 from halfway houses to help mitigate the spread of the virus. Platkin put the total number furloughed or released at 641.

The numbers quoted by DOC on several days over the last few weeks usually have not matched the number listed on the DOC website on home confinement. Liz Velez, a DOC spokeswoman, said the difference is likely due to individuals whose release date occurred while they were on home confinement, so their status changed to paroled or released.

By contrast, at least 15 states, including neighboring Pennsylvania, provide daily updates of either the numbers released or a list of names of those let out, according to Prison Policy Initiative.

The process: lists, reviews, notifications, decisions

The process in New Jersey began with a review of all nonviolent offenders’ backgrounds to create four lists of those eligible based on the specific criteria related to underlying medical conditions, age, etc. Then, according to the

order, the lists were to be sent simultaneously to prosecutors, the parole board and a new emergency medical review committee co-chaired by one representative each of the DOC and parole board. Prosecutors were to notify victims and recommend whether to release or retain those eligible. The parole board was to decide whether to parole or release individuals. The review committee was to, within seven days, consider all the information and recommend whom to furlough to temporary home confinement. DOC Commissioner Marcus Hicks was then to make the final decision on furloughs within three days.

In addition, the text of the order appears to require Hicks to decide whom to furlough within 10 days of the completion of the four lists. The state's most recent court filing seems to indicate those lists have been completed and previous DOC statements indicate some of the lists were finished weeks ago.

ACLU-NJ and the public defender's office first filed a motion to get prisoners released on April 8. Two days later, Murphy issued his executive order, which put that legal request on hold. After a month had passed without any indication of a meaningful number of releases, Chief Justice Stuart Rabner signed an order asking for legal arguments over whether he should endorse the advocates' proposal for a broader release, including of nonviolent offenders within a year of finishing a sentence.

Failure to achieve 'desired results'

According to Shalom, individuals denied release are not being told the reason why nor given a chance to fix a problem that may be keeping them incarcerated, "Now you've got someone sitting in prison who should be able to leave, but because there's no due process attached to the system, they sit in prison with an elevated likelihood of getting sick or dying," he said. It took more than two weeks from the time of the governor's April 10 executive order for New Jersey corrections officials to begin furloughing vulnerable prisoners.

The Legislature is likely to look into what happened at the prisons at some point. A state Senate committee had planned a hearing on the deaths that have occurred there, but that hearing has been canceled. Instead, the

Democratic and Republican leaders of the Senate announced Saturday the creation of a bipartisan "Review and Recovery Committee" to investigate COVID-19 fatalities in the state's long-term care facilities and prisons, the breakdown of the unemployment system and other consequences of the pandemic.

Biden Campaign Unveils "Lift Every Voice" Plan for African Americans (*summary; Stef Kight for Axios, 5/4/2020*)

Democratic presidential candidate Joe Biden (D) released a proposed agenda designed to support predominantly African American communities. The agenda would prioritize prosecuting hate crimes, fighting gun violence, and providing better access to the funds available from the coronavirus relief package. A key point of interest in this proposal is the \$1 billion per year Biden would invest in juvenile justice reform.

### IN YOUR OWN WORDS

This section is where we will feature your commentary. *In Your Own Words* is all about what you have to say. You have an opinion – so let's hear it! You've got a story – tell it! You can write about any topic you'd like, in your preferred format (essay, opinion, humorous...). Then send us your submission through JPAY or postal mail. Each newsletter will feature at least one submission from a Youth Caucus Member. Here are some ideas to get you started!

- What have you learned in the past year?
- Who is/was your role model? Why?
- What do you wish people understood about you?
- What social reforms do you think would help the most people, and why?

UPCOMING EVENTS FOR PARENTS & FAMILY MEMBERS

We have postponed all in-person meetings and events because of the coronavirus – but we are still here. We have online and phone support available!

Parents can join us for the NJPC virtual parent support group, held on the second and fourth Thursday of each month. The group is available in English, Spanish, and Ukrainian. Please encourage your parents or family

members to call us for more information on how to join us for this group.

The NJPC Warmline operates every Friday, Saturday, and Sunday, from 3:00 pm until 9:00 pm. Your loved ones can call us at 1-888-548-6572 with any questions. We provide guidance, information, support, and resources on this line.

THANKS FOR BEING PART OF THE YOUTH CAUCUS!

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## HEALTH & WELLNESS

This month's health and wellness feature is isolation. Surely you know it's an awful experience. Did you know there's research to back up that feeling? Despite the adverse effects being clearly established, forced isolation (solitary confinement) continues to be used in correctional facilities. Well-known researcher and speaker Brene Brown says:

*"Living with air pollution increases your odds of dying early by 5%. Living with obesity, 20%. Excessive drinking, 30%. And living with loneliness? It increases our odds of dying early by 45%."*

Some of the immediate and long-term effects of isolating an individual are severe depression, withdrawal, exacerbation of any existing mental illness, onset of new mental illness, difficulty in future interactions, and the potential for violent behavior towards oneself or others.

It is important to know that even though you may feel alone – you are not. NJPC and the Youth Justice Initiative are here for you, and we want to help if you are experiencing negative effects after the trauma of being in solitary confinement.

**"WE NEED LEADERS NOT IN LOVE WITH MONEY, BUT IN LOVE WITH JUSTICE. NOT IN LOVE WITH PUBLICITY, BUT IN LOVE WITH HUMANITY."** – DR. MARTIN LUTHER KING, JR.

## NEW STAFF JOINING NJPC AND NJYJI

Tina DeRusso, Research Manager: Hi! My name is Tina DeRusso, and I will be doing research and evaluations with NJPC. We are currently working on a survey to get more data on children's mental health. I currently live in Ocean County. I double majored in Marketing and Psychology at Drexel University, and I am hoping to go to medical school in pursuit of being a psychiatrist. In my spare time I enjoy swimming, running, singing, and dancing.

Megan Sokola, Manager - Youth Justice Initiative: Hello! I'm looking forward to working with the NJPC and the NJYJI. I have been both a volunteer and a supervisor at a crisis hotline, and I currently volunteer with Crisis Text Line and Letters Against Depression. I've worked as a therapist with outpatient clients in a substance abuse treatment program for teens. I've been involved in state-level politics for as long as I can remember - starting out as a volunteer with local campaigns, later working per diem in the Delaware Senate and ending up in a full-time position working with the attorneys to the Delaware Senate Democratic Caucus. My educational background includes an Associate's Degree in Criminal Justice and a Bachelor's in Behavioral Science.

Some of my favorite activities besides volunteering and work (I actually love both!) are reading, taking free classes online, cooking, and spending time with my cat.