

STATE OF NEW JERSEY :
(Office of the Public Defender, :
Department of the Public Advocate) :
IN THE INTEREST OF P.H., et. al., :

Civil Action

Plaintiffs, :

AFFIDAVIT IN SUPPORT OF LITIGANT'S
RIGHTS

-v- :

PASSAIC COUNTY BOARD OF CHOSEN :
FREEHOLDERS, et. al., :
Defendants :

STATE OF NEW JERSEY: :
: SS
COUNTY OF MERCER :

Joseph DeJames, of full age, being duly sworn according to law, on his oath says:

1. I am the Director of the Juvenile Detention and Monitoring Unit for the New Jersey Department of Corrections.
2. Pursuant to NJSA 2A:4-57 & 30:1B-1 et. seq., the New Jersey Department of Corrections is required to specify, or approve, all secure facilities for the detention of juveniles in New Jersey.
3. In accordance with statutory responsibility and applicable provisions of the New Jersey Administrative Procedure Act, the Department of Corrections has promulgated a Manual of Standards for Juvenile Detention Facilities (NJAC 10A:32).
4. The Juvenile Detention and Monitoring Unit conducts periodic inspections of all juvenile detention facilities in New Jersey to ensure compliance with the Manual of Standards for Juvenile Detention Facilities.
5. In accordance with the provisions of the Manual of Standards for Juvenile Detention Facilities regarding bathing and toilet facilities, sleeping quarter space, activity space, and staffing requirements, the Department assigned a maximum capacity of 22 juveniles to the Passaic County juvenile detention facility. Because of severe overcrowding, the Department increased the maximum approved capacity to 35 juveniles by granting a variance to Passaic County in 1981 to renovate a portion of a trailer

in the rear of the main detention building for use as dormitory sleeping quarters for 13 juveniles. This variance, which represents the first time that the Department granted a variance for a dormitory in a juvenile detention facility, was granted because of an immediate need to ease the overcrowding problems, including the sleeping of juveniles on mattresses on the floor, and because the County was in the process of developing architectural plans for the construction of a new juvenile detention facility.

6. On June 4, 8, and 9, 1982 the Juvenile Detention and Monitoring Unit conducted an inspection of the Passaic County juvenile detention facility. Attached to this affidavit is a true copy of a report issued by the Department on June 16, 1982 which delineates the conditions which were noted during the three day inspection (Attachment I). The major problem areas due to extreme overcrowding identified in the report include: insufficient physical space for sleeping, dining, and activities; insufficient bathing and toilet facilities; fire safety problems; educational program deficiencies; recreation and visiting limitations; laundry and linen problems; and increased maintenance and sanitation problems. During the 155 days between January 1 and June 4, 1982, the facility exceeded capacity on 147 days. Within the month preceding the inspection juveniles were required to sleep on mattresses on the floor on a number of occasions because of the lack of beds and space.
7. Pursuant to a December 11, 1978 court order (Superior Court of New Jersey, Law Division-Passaic County, Docket No. 8669-78), the County of Passaic was prohibited from housing more than the approved number of juveniles established by the Department of Corrections unless the Department was notified by the Office of the Passaic County Prosecutor and a court hearing was held. The Department of Corrections has not received any notice in this regard (Attachment II).
8. In accordance with the abovementioned December 11, 1978 order, Passaic County was directed to forthwith provide for the long-range juvenile

detention needs of the County either through new construction or renovation and expansion of current facilities. Subsequently, the Juvenile Detention and Monitoring Unit worked with Carlton Lee, AIA, of the architectural firm of Lee & Lee, through April 1980 in the development of architectural plans for the construction of a new juvenile detention facility. The final plans were approved by the Department of Corrections in correspondence of April 18, 1980 (Attachment III).

9. Because the Passaic County Board of Freeholders failed to act on the construction project, further court action was taken by the Office of the Public Defender and an additional order was made by the court on March 17, 1981. A detailed construction schedule was established in this order which called for the commencement of construction no later than November 16, 1981 (Attachment IV).
10. The Juvenile Detention and Monitoring Unit received a copy of correspondence dated November 6, 1981 from Passaic County Counsel, Martin Verp, to William J. Bizub, Esq., of the Office of the Public Defender, requesting an extension of time to complete the required construction project. The proposed revised schedule indicated that the County would award bids for construction of a new juvenile detention facility on March 10, 1982 (Attachment V). The Department agreed to acquiesce to the request.
11. The Juvenile Detention and Monitoring Unit worked with the architectural firms of Flatt and Poole and Gruzen and Partners through March 1982 in the development of entirely new architectural plans. The final plans for the project were approved by the Department of Corrections in correspondence to the Passaic County Board of Freeholders dated March 5, 1982 (Attachment VI).
12. The County has not acted on these construction plans. The Juvenile Detention and Monitoring Unit was informed in a telephone communication on June 22, 1982 with Paul Rusiniak, Construction Official for the Township of Wayne, that the construction plans and documents had not yet been received by his office for review and approval of the BOCA Code standards

as required by the New Jersey Uniform Construction Code Act (P.L. 1975, C. 217).

Joseph DeJames

Joseph DeJames, Director
Juvenile Detention & Monitoring Unit
New Jersey Department of Corrections

Date:

6/24/82

Sworn and subscribed to
before me this 24th day
of June, 1982

Elaine W. Ballai

Elaine W. Ballai, Esq.
Attorney-At-Law, State of New Jersey