

# Visits and Phone Calls

NJ Office of the Corrections Ombudsperson, Special Report

April 2024

## EXECUTIVE SUMMARY

Sustaining relationships with loved ones through a period of incarceration can be difficult, but research suggests that doing so has a positive impact on a person's behavior while in prison and also improves stability and success upon release. This report began with a series of facility inspections as COVID restrictions were beginning to lift in early 2023, in which the Office of the Corrections Ombudsperson attempted to assess the extent to which people in state prisons had access to their loved ones through visits and phone calls. What we found were significant and admirable efforts by the New Jersey Department of Corrections to reinstitute in-person visits, provide video visits, accommodate a large volume of phone calls, and take initial steps toward expanding access to phone calls through tablets.

This report tracks the number of in-person visits rebounding in 2023 and documents the millions of phone calls and electronic communications accommodated for the incarcerated population. It also reflects concerns from the incarcerated population and their loved ones about access to visits and phone calls, and steps the Department has taken to try to address those concerns.

The Ombudsperson Office applauds the Department's investment of resources into maintaining these important connections. We identified and focus on one practice, however, that appears to run counter to these goals: taking away a person's phone calls often for months at a time as a disciplinary measure. This report analyzes data on disciplinary sanctions involving loss of phone calls, points to a small number of extreme cases in which phone calls were taken away for several years, and recommends policy changes that would place clearer limits on this type of sanction.

## INTRODUCTION AND METHODOLOGY

Between March and May of 2023, the Office of the Corrections Ombudsperson conducted unannounced inspections at four state prison facilities and gathered supplemental data through information requests to assess the level of access incarcerated people in New Jersey have to their loved ones through visits and phone calls. At each facility inspection, the Ombudsperson Office anonymously surveyed people housed in general population units.<sup>1</sup> The surveys included questions related to visitation, telephone calls, and JPay electronic communication. [See Table 1.]

**Table 1. Ombudsperson Office surveys of the incarcerated population**

Dates	Facility	# of survey responses	% of pop. surveyed
March 27, 2023	Edna Mahan Correctional Facility	119	36%
April 18-19, 2023	Northern State Prison	248	15%
May 9, 2023	New Jersey State Prison	149	16.5%
May 30, 2023	South Woods State Prison	285	9%

Following each inspection, the Ombudsperson Office debriefed initial findings with the respective facility administrator, asking questions and gathering additional context. The Office requested supplemental data from the Department of Corrections on visitation and disciplinary sanctions, and produced an interim draft report on November 10, 2023, which included systemic findings across all four facilities. The Office discussed the interim draft with the Department’s executive leadership in December 2023, and received supplementary data in early 2024, which provided a retroactive look back on the incarcerated population’s visits and phone calls across all of 2023.

This public report summarizes our conclusions, applauds the Department for their efforts to encourage and accommodate connections with friends and family during a person’s incarceration, and makes recommendations for the Department and state policymakers to consider.

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<sup>1</sup> For purposes of this report, “general population” refers to all incarcerated persons other than those housed in close custody or medical and mental health units.

## IN-PERSON VISITS FROM FAMILY AND FRIENDS

To assess the incarcerated population's access to loved ones through in-person visits, the Ombudsperson Office reviewed survey responses from incarcerated people, contacts and complaints made to the Office, data provided by the Department of Corrections, contextual information about public health measures imposed during the pandemic, and Department policies, practices, staffing, and innovations.

### **COVID restrictions on visits**

The Ombudsperson Office's examination of prison visits took place in the wake of a global pandemic in which national, state, and local public health officials restricted in-person contact in congregate settings to reduce the spread of a deadly airborne virus, COVID-19. Policy decisions made during the pandemic that weighed the risks and benefits of in-person visits were vetted at length and made with guidance and directives from the Federal Centers for Disease Control and Prevention, the State Department of Health, and the health care providers at the New Jersey Department of Corrections. During some periods, visits were suspended entirely.<sup>2</sup> During other periods, outdoor visits were allowed with limitations related to social distancing, masking, and vaccination status. The Department of Corrections introduced video visitation during the pandemic, which has been sustained even though COVID restrictions have been lifted. Contact visits, in which an incarcerated person who was fully vaccinated could touch their loved ones, were reinstated with some restrictions beginning in July of 2022, along with indoor visits depending on county-by-county COVID risk levels. In January of 2023, those who were not fully vaccinated were allowed to have visits with some limitations, and COVID restrictions were lifted entirely on May 6, 2023, except for a requirement to make an appointment for a visit.

During this period (March 2020 – May 2023), the Department developed and routinely revised protocols related to personal protective equipment, cleaning and sanitation, program and class sizes, vaccinations, testing, and quarantining. The Department administered more than a million tests for the incarcerated population, coordinated the release of thousands of people as they received emergency public health credits, and organized clinics that provided the population with more than 31,000 vaccine and booster shots.<sup>3</sup>

### **Visit numbers post-COVID**

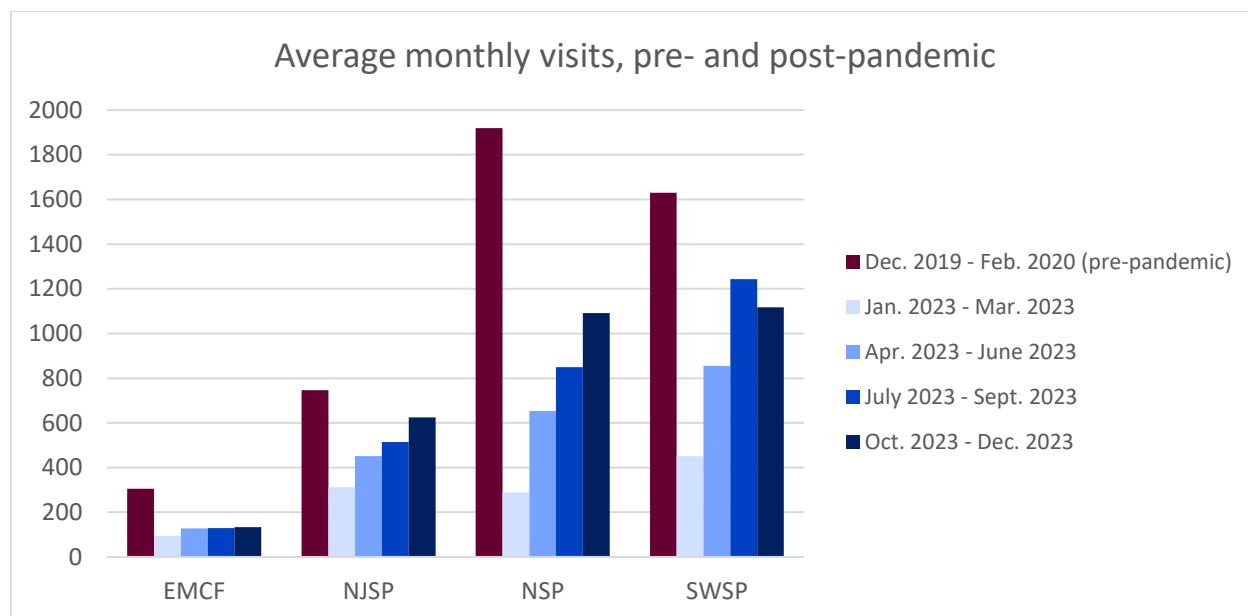
Visit numbers steadily rebounded in 2023, but they have not yet reached pre-pandemic levels. In the three months prior to the pandemic, the four facilities inspected by the Ombudsperson Office accommodated just over 4,600 visits per month. In 2023, average monthly visits increased notably each quarter, but by the end of the year, were still 36% lower than before the pandemic. [See Figure 1.]

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<sup>2</sup> Visits were suspended as a public health measure for 8 months in 2020, 5 months in 2021, and 4 months in 2022.

<sup>3</sup> New Jersey Department of Corrections (Oct. 5, 2023), COVID-19 Visitation and Mitigation Update, available at: [https://www.nj.gov/corrections/pages/COVID\\_Rev2.html#:~:text=New%20Jersey%20Department%20of%20Corrections%20facilities%20remain%20under%20pre%2Dpandemic,up%20clinic%20in%20NJDOC%20facilities](https://www.nj.gov/corrections/pages/COVID_Rev2.html#:~:text=New%20Jersey%20Department%20of%20Corrections%20facilities%20remain%20under%20pre%2Dpandemic,up%20clinic%20in%20NJDOC%20facilities).

**Figure 1. Average monthly visits at four state prisons, pre-pandemic compared to 2023**



New Jersey’s prison population also dropped significantly during the pandemic, in large part due to public health emergency credits (see P.L. 2020, c.111). The total number of people housed at these four prisons was 7,685 in January of 2020 and 6,627 in January of 2023, a reduction of 14%.<sup>4</sup> Other factors, like changes to the overall composition of the prison population and risk aversion for people who continue to be vulnerable to COVID infection, may also have impacted the visit numbers.

Incarcerated individuals and their family members have reported a variety of concerns to the Ombudsperson Office related to difficulty scheduling visit appointments. Over the last year the Department of Corrections has attempted to remedy those concerns by standardizing times when people can call to schedule a visit, posting information about scheduling visits on their website, and taking initial steps to develop an option for requesting visits online rather than over the phone. The Department defends the switch from open visitation hours to scheduled visits by appointment, citing far fewer problems and complaints related to long wait times, conflicts between people in line, and visitors being turned away after traveling to the facilities because of dress code violations, not being on an approved visitor list, or an emergency cancelation.

During the Ombudsperson Office inspections of four facilities in the spring of 2023, survey responses suggested that about a quarter (26%) of incarcerated people had received a visit in the previous three months. Of those who reported getting visits, several received more than one visit during this time period. Roughly two-thirds reported that they were visited 1-3 times, and one-third reported 4 or more visits. The portion of the population receiving visits has since increased. In October 2023, for example, the Department of Corrections reported visits for 4,675 incarcerated people, accounting for 35% of the population. National comparison points are outdated, but for reference, in a 2004 survey the Federal

<sup>4</sup> Population snapshot numbers available at: <https://www.nj.gov/corrections/pages/OffenderInformation.html>.

Bureau of Justice Statistics found that 31% of people who were eligible for visits in state prisons received one during the month prior to the survey.<sup>5</sup>

In addition to routine visits, the Department also offers extended visits for people who have traveled long distances, visits between incarcerated relatives, supervised visits with children and the Division of Child Protection and Permanency, family visits for incarcerated people who have been hospitalized, private viewings of deceased family members, and visits from clergy and attorneys. The Department has instituted extended visits for parents with minor children at Edna Mahan Correctional Facility, and is expanding the Reconnecting Children and Parents (RECAP) program to more of the men's prisons. The Department reports that it maintains 92 uniformed staff positions across all facilities assigned to coordinate and manage in-person and non-contact visits, special visits, and video visits. On days when there are staff shortages, the Department reports that visitation is the very last activity cancelled.

### **Loss of contact visits as a disciplinary sanction**

The Department of Corrections punishes certain rule violations related to contraband with a loss of contact visits. As part of the Department's zero-tolerance policy, in accordance with New Jersey Administrative Code §10A:1-2.2, a person found guilty at a disciplinary hearing of use, possession, or sale of drugs, or misuse or possession of an unauthorized electronic device has their contact visits terminated. In most cases, they are still allowed non-contact "window visits" through a glass partition. Beginning in 2024, this zero-tolerance punishment was also applied in cases involving assaults against staff.

Disciplinary data from the Department of Corrections shows just over 1,300 people (about 10% of the state prison population) losing contact visits for at least 365 days as a zero-tolerance sanction for disciplinary violations that occurred in 2023. A smaller number, 146 people, received shorter-term sanctions generally lasting 30 days related to charges involving things like assaultive behavior, weapons, or refusing orders.

In an attempt to facilitate restoration of contact visits, in December 2023 the Department clarified and standardized the procedure for regaining access, including relaxing programming barriers that were out of the incarcerated person's control. By the end of 2023, the Department had restored contact visits for 234 people.

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<sup>5</sup> Bureau of Justice Statistics (2004), *Survey of Inmates in State Correctional Facilities*, available at: <https://bjs.ojp.gov/data-collection/survey-inmates-state-correctional-facilities-sisfcf>; See Rabuy & Kopf (2015), *Separation by Bars and Miles*, Prison Policy Initiative, available at: <https://www.prisonpolicy.org/reports/prisonvisits.html>.

## TELEPHONE COMMUNICATION

In 2023, the Department estimates that it accommodated 10.4 million phone calls (an average of roughly two calls per person per day), with calls lasting about 10 minutes on average. They also supported 11,000 video visits, 3.3 million electronic messages via JPay, and 300,000 short video grams. The Department also supported the delivery of hundreds of thousands of letters, hard copy photos, electronic photos, and “snap-and-send” photos.<sup>6</sup>

### PHONE CALLS IN 2023

In the last year, incarcerated people in New Jersey made about two calls per person each day.

### Preferred method of communication

During periods when family visits were suspended or restricted for public health reasons, and in the time since, incarcerated people have largely relied on telephone communication to connect with loved ones. When asked “What is your preferred way to communicate with your loved ones?,” people surveyed by the Ombudsperson Office overwhelmingly favored the phone over paper mail and JPay electronic communication. Sixty-three percent of survey respondents listed the phone as their preferred method of communication, and an additional 27% circled telephone as well as another communication method on the survey form.

When asked why telephone access was important to them, survey respondents and individuals at each of the facilities who were interviewed answered in their own words. Most gave a reason related to sustaining relationships with loved ones. About a third of survey respondents specifically mentioned communication with contacts on the outside as a means to maintain their mental health, cope with anxiety, or improve their spirits. Others wrote about the phone as a means for support, motivation, or accountability. Below are excerpts from their survey responses and interviews.

### WHY ARE PHONE CALLS IMPORTANT TO YOU?

“I need it for my own sanity.” • “Helps me de-escalate after a rough day.” • “Keeps me positive.” • “It makes my life feel purposeful.” • “It’s my only connection to the people who genuinely care about me.” • “They are all I got... helps me be a better man.” • “Keeps me grounded.” • “It’s important for my mental health.” • “It calms me down to talk to one of my kids.” • “It helps me feel human... helps knowing that people love you.” • “Helps get through the stressful conditions of prison.” • “It stops me from making regretful decisions.” • “You need to know your loved ones are safe and they need to know the same.” • “It gives you purpose and something to look forward to.” • “It feels good to know I’m loved and not forgotten.” • “So I’m not lost when I get out.”

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<sup>6</sup> Annual estimates were projected by the Department of Corrections based on data from January through October 2023.



## Loss of phone as a disciplinary sanction

A person's telephone access can also be taken away.<sup>7</sup> While 75% of people surveyed by the Ombudsperson Office reported never having lost telephone privileges, a review of the Department's disciplinary data showed that some are unable to call loved ones for extended stretches of time.

In 2023, the Department of Corrections imposed 4,925 disciplinary sanctions involving the loss of telephone privileges on 2,475 unique individuals (about 19% of the incarcerated population). Four hundred and seventy-five of these sanctions took away the person's ability to call loved ones for periods lasting 180-360 days, and 89 sanctions suspended phone privileges for a full year.

The large majority of loss-of-phone sanctions appear unrelated to behavior while on the telephone, imposed instead as a response to refusing to follow orders (1,192 sanctions), assaultive behavior (1,445 sanctions), threatening remarks or weapons (604 sanctions), controlled dangerous substances (541 sanctions), or other disciplinary charges (1,143 sanctions).

The Department's policies allow sanctions for multiple charges to run consecutively. In one case example, a 21-year-old at South Woods State Prison lost telephone access for 3,265 days (almost 9 years) in response to a series of rule violations in 2023. A 32-year-old at New Jersey State Prison lost telephone access for 1,620 days (about 4½ years) in 2023, the sanctions extending far beyond his maximum prison release date. Cases like this are not common, but they illustrate a practice that is currently permissible in state regulations and under official Department policy and that deserves scrutiny.

Phone calls are also limited for people who are sanctioned to serve a term in the Department's Restorative Housing Units (RHUs). Current policy limits those in RHU Level 1 to one 15-minute phone call per week, while those who advance to Level 2 are permitted up to five 15-minute phone calls per week. Anyone serving a sanction for loss of phone privileges while in RHU is not permitted any phone calls for the duration of the sanction. People on Level 1 are also denied access to electronic communication with loved ones over JPay, and are limited to one non-contact "window visit" each month.

## Increasing access to loved ones via telephone

The Ombudsperson Office asked people in general population housing units whether they got sufficient time on the telephone. Responses varied significantly by facility. At Edna Mahan, a majority of survey respondents said that telephone access for each person on the housing unit was fair, and a majority of respondents agreed with the statement: "I have enough time on the telephone to maintain relationships with my loved ones." About a third of respondents at New Jersey State Prison felt that phone access was fair and sufficient to maintain their relationships, and numbers were lower at South Woods State Prison and Northern State Prison. [See Figure 2.]

## LOSS OF PHONE

In 2023, nearly 2,500 people had their phone privileges taken away, including 475 people punished with loss of phone for longer than six months.

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<sup>7</sup> NJAC §10A:4-5.1.



**Figure 2. Survey respondents who agreed that their telephone access was fair and sufficient**

	EMCF	NJSP	SWSP	NSP
Agreed with the statement: <i>The telephone access for each person on the housing unit is fair / equitable.</i>	55%	32%	26%	14%
Agreed with the statement: <i>I have enough time on the telephone to maintain relationships with my loved ones.</i>	60%	38%	29%	18%

In interviews conducted during the Ombudsperson Office’s inspections, people housed in facilities with lower levels of perceived phone time suggested access was impacted by the number of working phones on the housing unit, frequent security codes that require people to return to their cells during recreation periods, and a large number of people who want to use the phones during evening hours when loved ones are home.

The Department is taking significant steps to expand access to friends and family via telephone. For two years, the Department has explored options to provide the incarcerated population with phone calls on personal tablets, and is now engaging a vendor and building the connectivity infrastructure that will make that possible.

**Cost of communication with loved ones**

In 2014, the State reduced the cost of phone calls to \$0.04 per minute, and legislation has been drafted that would make calls free. For video visits, people are charged \$9.95 for 30 minutes, and for electronic communication over the JPay email system, they are charged \$0.35 per page.

## DISCUSSION AND RECOMMENDATIONS

The COVID pandemic had a uniquely negative impact on secure congregate settings like prisons. For the periods of time when visits with friends and family were suspended or restricted, the urgency to protect the lives and health of incarcerated people outweighed other considerations. Decisions during this period about in-person visits were anchored to public health guidance and vetted through multiple layers of review. The Department of Corrections introduced video visitation during the public health crisis and showed a commitment to trying to keep people connected with their loved ones, supporting a high volume of phone calls and electronic communications.

The Ombudsperson Office recognizes and applauds the Department for its investments of staff time, technology, and resources that support communication and visitation with loved ones. Visit numbers rebounded notably in 2023 and the Department is taking commendable steps toward expanding access further in the coming years by providing tablet-based communication options.

The Department's practice of imposing disciplinary sanctions that take away a person's telephone privileges, however, seem misaligned with the goals of maintaining supportive relationships with loved ones. This is particularly true when those punishments last a long time or are stacked consecutively, cutting off connections with friends and family for long stretches of time. While the Department has broad discretion to utilize sanctions and incentives, the current practices may be experienced as another form of isolation, potentially undermining the goal of ensuring that people come out of prison with the community supports needed to succeed upon release.

The Department must manage and respond to violence and other behaviors among the incarcerated population that threaten the safety of those who live and work in state prisons. Disciplinary sanctions following due process hearings aim to hold people accountable for their actions and deter violence and rule-breaking. When paired with positive reinforcement and incentives, sanctions can meaningfully change behavior.<sup>8</sup>

Depriving a person of access to their loved ones via phone calls, however, may not be an effective sanction. Incarcerated individuals, particularly those in restrictive housing, report that loss of phone calls increases feelings of isolation. And for family members who stop hearing from their loved one without explanation, this sort of sanction also appears to feed anxiety, panic, and mistrust of the Department of Corrections. The existing research on prison visits and phone calls finds that regular family contact positively impacts behavior while in prison and improves stability and success after returning home.<sup>9</sup> For

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<sup>8</sup> See Mowen, Wodahl & Garland (2018), The Role of Sanctions and Incentives in Promoting Successful Reentry: Evidence from SVORI Data, *Criminal Justice and Behavior* 45(8), available at:

<https://journals.sagepub.com/doi/abs/10.1177/0093854818770695>; Andrews & Bonta (2010), Rehabilitating Criminal Justice Policy and Practice, *Psychology, Public Policy, and Law* 16(1);

<sup>9</sup> See, e.g., Siennick, Mears, & Bales (2013), Here and Gone: Anticipation and Separation Effects of Prison Visits on Inmate Infractions, *Journal of Research in Crime and Delinquency* 50(3), 417-444; Jiang & Winfree (2006), Social Support, Gender, and Inmate Adjustment to Prison Life: Insights from a National Sample, *The Prison Journal* 86(1), 32-55; Folks et al. (2020), Behind Bars but Connected to Family: Evidence for the Benefits of Family Contact During Incarceration, *Journal of Family Psychology*, 33(4), 453-464; Minnesota Department of Corrections (2011), The Effects of Prison Visitation on Offender Recidivism, available at:

[https://mn.gov/doc/assets/11-11MNPrisonVisitationStudy\\_tcm1089-272781.pdf](https://mn.gov/doc/assets/11-11MNPrisonVisitationStudy_tcm1089-272781.pdf).

those communicating with children from prison, regular contact also appears to improve the child's behavior.<sup>10</sup>

**Recommendation to the Department of Corrections:** The Office of the Corrections Ombudsperson recommends that the Department revise its disciplinary policies to place clearer limitations on when phone privileges can be taken away and for how long. Because phone calls are already limited for people held in Restorative Housing Units, the Office recommends that sanctions imposing further phone call restrictions for that population be eliminated or strictly limited. For those in general population housing who lose phone privileges, the Office proposes shortening the maximum allowable sanction or creating avenues for people to contact their family members at least every two to three weeks. The Office further recommends that any time a person's phone privileges are restricted, the person be asked if they would like their family members to be notified by the Department.

**Recommendation to Governor Murphy and the New Jersey Legislature:** The Office of the Corrections Ombudsperson recommends that lawmakers consider legislation to place limitations on disciplinary punishments that take away a person's phone calls while in state prison.

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<sup>10</sup> Haverkate & Wright (2020), The Differential Effects of Prison Contact on Parent-Child Relationship Quality and Child Behavioral Changes, *Corrections: Policy, Practice & Research* 5, 222-244.