VIA ELECTRONIC & US MAIL

March 26, 2020

Marcus O. Hicks, Esq.,
Commissioner
New Jersey Department of Corrections
Whittlesey Road
P.O. Box 863
Trenton, New Jersey 08625

Jennifer LeBaron, Ph.D.
Acting Director
New Jersey State Juvenile Justice Commission
P.O. Box 107
Trenton, NJ 08625-0107

Re: Request for an On-Sight COVID-19 Testing Facility

Dear Commissioner Hicks and Acting Director LeBaron:

I write this letter on behalf of the Coalition of Correctional Police Custody Staff Unions that includes the New Jersey Law Enforcement Commanding Officers Association (NJLECOA), the New Jersey Superior Officers Association (NJSOA), the New Jersey Law Enforcement Supervisors Association (NJLESA) and the Policemen’s Benevolent Association, Local #105 (PBA 105). As a unified coalition of over ten thousand (10,000) sworn correctional personnel, we respectfully request that the New Jersey Department of Corrections (the “Department”) and the New Jersey Juvenile Justice Commission (the “Commission”) petition the Governor for the State of New Jersey to establish, to stand up and to fund an on-sight COVID-19 testing facility that is dedicated to New Jersey State Sworn Correctional Personnel. The Coalition firmly believes that such a facility will
guarantee a rapid and accurate turnaround of COVID-19 tests to help ensure that our penal and correctional institutions be fully staffed at a highly functional and efficient level during this time of crisis.

As I am sure that you are both aware, in an attempt to curb the spread of COVID-19, strict protocols have been put into place by the Federal and New Jersey State Governments. In New Jersey, Executive Order No. 103 was signed on March 9, 2020 in response to the COVID-19 outbreak. The Executive Order invoked “a State of Emergency pursuant to N.J.S.A. App. A:9-33 et seq. and a Public Health Emergency as contemplated by N.J.S.A. 26:13-1 et seq.” Within the body of the Executive Order, the Governor makes it emphatically clear that all citizens and employers within the State are to follow the United States Center for Disease Control (CDC) COVID-19 Recommendations in an effort to “flatten the curve” and prevent the spread of the virus. The relevant CDC recommendations state:

Individuals that may have been exposed to the virus should undergo active monitoring, including restriction from work until 14 days after their last exposure. If they develop any fever (measured temperature greater than 100.00F or subjective fever) or respiratory symptoms consistent with COVID-19 (e.g., cough, shortness of breath, sore throat) they should immediately self-isolate (separate themselves from others) and notify their local or state public health authority and healthcare facility promptly so that they can coordinate consultation and referral to a healthcare provider for further evaluation. (Emphasis Added)

In addition to the foregoing, on or about the same day that Executive Order No. 103 was passed, the New Jersey Civil Service Commission passed guidelines for New Jersey State Governmental entities to follow during the declared State of Emergency. The New Jersey Civil Service Commission guidelines state:

Employees who have been exposed to or diagnosed with the COVID-19 virus will not be permitted to enter the workplace until they are either medically cleared (regarding those with COVID-19) or until the expiration of the recommended 14-day period of quarantine from the point of last exposure (regarding those who were exposed).

Unfortunately, we are starting to see positive COVID-19 test results amongst our sworn custody staff throughout the various institutions in New Jersey. A single positive test result, depending on the particular circumstances, may require not only the positive officer to absent themselves from work for an extended period of time, but also mandate that many more officers that had direct contact and/or exposure with the officer to also be absent from work for a minimum period of fourteen (14) days while they self-quarantine. Despite the fact that there are various testing facilities throughout the State of New Jersey, an officer in quarantine without COVID-19 symptoms will not be tested for the virus. Unfortunately, the current protocol will not allow for the test to take place. Based on the foregoing, should a single correctional facility receive multiple positive test results amongst its sworn personnel around the same time frame, the facility will
be crippled with a critical staffing shortage. Such a condition will thereafter demand that facilities operate short staffed leading to officers being overworked. The end result in such a situation will place personnel in peril and render institutions unsafe. Neither situation is acceptable to this Coalition, the Department and the Commission.

An on-sight testing facility that is dedicated to State Correctional Personnel will help remedy the imminent problems referenced in the preceding paragraph. Presently, in the State of New Jersey, approximately one (1) out of every four (4) COVID-19 tests that are administered return a positive result. Therefore, should these statistics hold true, a dedicated on sight testing facility will permit quarantined officers who were exposed to the disease to be tested short of the mandated fourteen (14) day quarantine period. Thereafter, once the predicted negative results are received, numerous officers will be permitted to return to work in a shortened period of time. Utilizing the dedicated testing facility in this manner will assist in preventing the critical staffing shortages that would otherwise be unavoidable.

We ask that you consider this request on short notice as the professionals are currently predicting that the State of Affairs in New Jersey is going to get much worse in a very short period of time. If you would like to discuss this issue in more detail, a meeting can be scheduled within a moment’s notice. On behalf of the coalition, I thank you for your time and attention to this matter.

Sincerely,

CRIVELLI & BARBATTI, L.L.C.

By: Frank M. Crivelli, Esq.

FMC/fc

cc: Trevor Beatty, President
    New Jersey Law Enforcement Commanding Officers Association

    Edward F. Sullivan, President
    New Jersey Superior Officers Association

    William Toolen, President
    New Jersey Law Enforcement Supervisors Association

    William Sullivan, President
    New Jersey State Policeman’s Benevolent Association, Local #105