



June 18, 2012

# At Penal Unit, a Volatile Mix Fuels a Murder

By **SAM DOLNICK**

NEWARK — Derek West Harris wore tailored pants, soft sweaters and shiny shoes. People called him D-Nice. His easygoing manner drew customers to his barber's chair at Million Dollar Kutz in Newark, a shop where he was known as much for his conversation as for his trims. He chatted about religion, relationships and cars, which he loved.

It was a car that landed Mr. Harris in New Jersey's troubled system of halfway houses. In May 2009, the police pulled him over in a Mazda Millenia he had recently bought and found that he had not yet registered or insured it. He also had about \$700 in unpaid traffic tickets.

After his arrest, Mr. Harris was not held at the local jail. Instead, he was sent to [Delaney Hall](#), a 1,200-bed halfway house here that was set up to rehabilitate inmates sentenced for minor offenses. But Mr. Harris, 51, was thrown in with violent criminals.

Two days later, three of those inmates robbed Mr. Harris of the contents of his pockets — \$3 — and killed him.

The inmates were prosecuted, but officials cleared Delaney Hall of responsibility.

Officials of Essex County, which includes Newark, maintain that they use Delaney Hall, rather than the far more secure county jail, solely for low-level offenders like Mr. Harris who need rehabilitation and treatment.

Yet internal county documents obtained by The New York Times show that the county has been placing inmates at Delaney Hall who have a history of violence and have been charged with violent crimes.

There is a financial incentive for this policy: to generate revenue for the county.

By placing inmates at Delaney Hall, the county frees beds at its jail. It then earns a significant profit by renting those beds to the federal government to house federal inmates and [immigration](#) detainees. About 40 percent of the county jail's roughly 2,400 beds are now reserved for federal use.

The Times's findings on the Harris killing, part of a 10-month examination of the halfway-house system in New Jersey, underscore how financial concerns are playing a pivotal role in prison privatization in the state, which is a national leader in this movement.

With budgets tight, the authorities are using halfway houses as dumping grounds for all kinds of inmates.

Indeed, Mr. Harris's killer and one of his accomplices had earlier been removed from Delaney Hall, according to county correctional records. That typically happens when inmates are too violent or disruptive for the halfway house. The two men were transferred to the Essex County Jail, which has correction officers, but they were returned to Delaney Hall before the killing.

The Times's findings about Delaney Hall were based upon interviews with officials and former halfway-house workers and inmates, as well as correctional and court documents.

Essex County receives as much as \$108 per day for each bed the federal government uses at the county jail, according to federal contracts. The county spends \$73 per day for a bed at Delaney Hall, which is run by a company, Community Education Centers, with close ties to Gov. [Chris Christie](#) and the county executive, [Joseph N. DiVincenzo Jr.](#)

The difference of about \$35 a day per bed is extra revenue for the county.

Since 2008, Essex County has been paid more than \$77 million by the federal government for housing inmates and immigration detainees in the county jail. The county expects to receive at least [\\$200 million](#) more through 2016.

Mr. DiVincenzo would not be interviewed about Mr. Harris's death or about the county's policy of diverting recently arrested inmates to Delaney Hall. In a [news conference last year](#), he spoke of his success at winning federal correctional contracts.

"I had to go out there and to find new ways, innovative ways, to be able to bring in dollars," Mr. DiVincenzo said. "One of the ways we've been able to do that, to keep the taxes low, is by bringing in things like this."

He added, "My chief responsibility is to bring in revenue for this county, and we've done it very, very well."

His strategy would not be possible without an institution like Delaney Hall, whose vast size reflects the evolution of the halfway-house industry in recent decades.

Halfway houses were once small neighborhood outposts, but nonprofits and private companies like Community Education now operate facilities with many hundreds of beds. Delaney Hall is bigger than many county jails in New Jersey.

Both Mr. Christie, a Republican, and Mr. DiVincenzo, a Democrat, have been outspoken supporters of Community Education — even though the security gaps at Delaney Hall were exposed last year by the state's own prosecutors at the trial of Mr. Harris's killer.

Opponents of private prisons, including the union representing correction officers, had warned about such problems well before the killing. They sent letters to officials across New Jersey documenting poor security at Delaney Hall and questioning whether the center could legally accept some of the inmates who were lodged there.

The authorities took no action in response.

### Counselors, Not Officers

Community Education described Delaney Hall as an innovative alternative to conventional incarceration when it opened in 2000.

The institution, named after Geraldine O. Delaney, a prominent expert in drug treatment, had only 250 beds. They were to be reserved for inmates convicted of minor crimes and sentenced to less than a year in county jail.

But Essex County and Community Education soon deepened the pool of inmates. Delaney Hall began accepting pretrial detainees — people who had been arrested but not yet convicted — so long as their bail was \$50,000 or less. That bail threshold has been raised repeatedly and is now \$100,000.

The company has also enlarged Delaney Hall, to 1,200 beds.

And the county has been using Delaney Hall for more than just low-level criminals, the internal documents obtained by The Times show.

The lax screening is potentially dangerous because at Delaney Hall and other halfway houses in New Jersey, inmates have far more freedom than in a jail or a prison. Delaney Hall inmates live in barracks-style rooms with doorways, not bars. They are overseen by workers called counselors, not by **correction officers**. The counselors, who do not have access to weapons, are generally paid about \$11 an hour.

At least one defendant charged with murder, Luis Garcia, was held at Delaney Hall in March, according to the jail's roster. Mr. Garcia was sent to the halfway house after he was arrested in the killing of a pizzeria employee during a robbery in Newark on Feb. 15.

Other inmates included Mikal Marshall, who had a history of weapons convictions and was at Delaney in February after being arrested on charges of aggravated assault with a firearm, robbery and possession of armor-piercing bullets, among other charges.

Over all, at least 41 inmates assigned to Delaney Hall in February had bail of \$100,000 each, the maximum allowed, according to an analysis of county correction records. Of those, 25 were being held on charges of weapons possession or crimes of violence. They were mixed in with at least 30 inmates who each had bail of \$1,000 or less — men being held on charges that included trespassing and possession of drug paraphernalia, the records show.

Community Education said it did not control the types of inmates that Essex County transferred to Delaney Hall, but it noted that state and county officials had repeatedly given the institution high marks. The company said it helped inmates turn their lives around by providing them with many services, including “biweekly yoga instruction.”

“The culture and the climate inside Delaney Hall is vastly different than what you’re going to see inside Union County Jail or Essex County Jail,” Robert Mackey, a senior vice president of Community Education, said in an interview last week.

Delaney Hall is locked down and does not allow inmates to leave on work release. As a result, it has far fewer escapes than many of the state’s other halfway houses. And state officials have expressed no concerns about Delaney Hall’s role in the correctional system.

In a recent interview, the corrections commissioner, [Gary M. Lanigan](#), whom Mr. Christie appointed, said state inspectors visited Delaney Hall annually and had not discovered major problems there. His department declined to provide copies of inspection reports.

Anthony Puglisi, a spokesman for the county executive, said Essex County officials inspected Delaney Hall “every shift.” Asked for copies of county inspections, Mr. Puglisi said, “No formal reports are issued.”

County officials have said the policy of sending pretrial detainees to a private facility like Delaney Hall is proper.

But an analysis of state law by The Times casts doubt on whether the New Jersey Legislature has authorized counties to do that. The law on prison privatization refers specifically to inmates serving time for convictions. It does not mention pretrial detainees.

At Delaney Hall, inmates sometimes stay only a week or two before they go on trial or are released on bail or plea-bargain arrangements.

The services that Community Education says it offers, like job training and drug treatment, can have little benefit for inmates on such short stints, correctional experts said.

“You’re not going to change drinking, drugging or domestic violence in a three-day program,” said Ann L. Jacobs, director of the [Prisoner Re-entry Institute](#) at the John Jay College of Criminal Justice in Manhattan.

Community Education has disputed that view. “Residents of Delaney Hall, even those with extremely short stays, react very positively to treatment services,” the company said.

### ‘Everybody Breaks Free’

The robbery was planned in Room 2132 of the Freedom Unit at Delaney Hall. Word had gone around that a newcomer — inmates called him “the old dude” — had \$20 in cash. His name was Derek West Harris.

Mr. Harris had not lived a spotless life. He had been arrested in 2007 on a minor drug charge and served 15 days in jail.

But he loved his job as a barber and was trying to be a model for his children. He liked to show off a photo of himself with Mayor Cory A. Booker of Newark.

After he was arrested for driving the Mazda without insurance or registration, his family assumed that everything would be cleared up quickly.

At Delaney Hall that night, the ringleader was Ibn Goodman, 18, who was facing charges of selling drugs near a school.

Mr. Goodman announced his plan to attack Mr. Harris, as if it were a routine errand.

“I don’t need the big dogs,” another inmate recalled Mr. Goodman’s saying. The job would require just “the poodles.”

This account of the murder in May 2009 was pieced together from testimony at the killer’s trial last year, as well as interviews with inmates, halfway-house employees and law enforcement officials.

Though slight with a birdlike chest, Mr. Goodman was a gang member with a wide network inside Delaney Hall.

He had robbed inmates before, and he carried himself with a menacing swagger.

Luis Gonzalez, another gang member, who had a scruffy beard and a record of resisting arrest, receiving stolen property and other offenses, would be the lookout.

Giancarlo Bonilla, one of Mr. Gonzalez’s roommates, would be the muscle.

He was a decade older than the other two and weighed more than 250 pounds. He had 10 aliases and had been arrested more than 20 times for a range of crimes, including weapons possession and drug offenses, according to state officials.

All three men knew that late at night, inmates often did not stay in their rooms, as rules required. And they were rarely if ever punished for roaming.

“As soon as the counts are cleared,” Mr. Bonilla would testify, “everybody breaks free.”

The lights were out when the three men left their rooms and burst into a neighboring one. The doors had no bars and did not lock.

If any workers were nearby, they did not intervene.

In Room 2134, nine inmates were in metal bunk beds.

Mr. Goodman ordered Mr. Harris out of his.

“He start asking him about money, where was the money at,” a roommate named Ronald Davis testified.

Mr. Harris dug into his pockets and came up with \$3.

That was not good enough.

Mr. Goodman pounded Mr. Harris in the chest while Mr. Gonzalez rifled through his locker, his shoes, his clothes.

Mr. Harris started to get away, but Mr. Gonzalez blocked him. Mr. Harris's cries rang out along the Freedom Unit.

"I heard fighting, wrestling, yelling, screaming, guy yelling for help," Vincent Caputo, an inmate in a nearby room, would testify.

Still no workers responded.

Mr. Bonilla grabbed Mr. Harris around the neck.

From their beds, Mr. Harris's roommates shouted at the attackers to stop, but were too frightened to intervene.

Finally, Mr. Bonilla released Mr. Harris. Mr. Goodman kicked him one last time.

The attackers fled.

Choked for several minutes, Mr. Harris lay crumpled on the ground.

Phil Annese, another roommate, knew it was too late.

"We were all in shock what we saw," Mr. Annese wrote in his diary. "It was Derek on the floor, bleeding from his left nostril, fists clenched in a boxing stance, mouth wide open."

It took at least 10 minutes more for a worker to arrive.

"All he could say was, 'What happened — did he fall off the bed?'" Mr. Annese wrote.

The worker called a nurse, who did not show up for 15 minutes.

Mr. Harris was pronounced dead at 1:53 a.m.

### The Welcoming Committee

Mr. Bonilla was tried for murder in January 2011. By the time the proceedings were over, the disorder of New Jersey's halfway-house system was on vivid display.

An overnight supervisor at Delaney Hall testified that he knew that inmates routinely prowled the halls at night. Security cameras near Mr. Harris's room had not worked for a month, an investigator with the county prosecutor's office acknowledged.

An investigator with the county's Corrections Department struggled to estimate how often he had to respond to incidents at Delaney Hall.

"There have been countless instances," the official, Raheem Taylor, testified.

When pressed, Mr. Taylor hastily amended his answer.

“Five, six,” he said.

The jury learned that Delaney Hall selected inmates to lead lessons for other inmates about stopping the cycle of crime.

Among those chosen was the killer, Mr. Bonilla.

“I did lectures about pride and nonviolence, domestic violence, rehabilitation for not taking drugs, stop doing crime,” Mr. Bonilla testified. “Things of that nature.”

He was also on Delaney Hall’s “welcoming committee” and told the court that he had given Mr. Harris an orientation tour.

Mr. Bonilla said gangs ruled Delaney Hall. Their presence was corroborated by interviews with other inmates, staff members and corrections investigators.

“It’s run by the Bloods,” Mr. Bonilla testified. “If you are not a gang member, if you are not down with them, whatever you have in your possession, they’re going to take it.”

Executives at Community Education, which operates Delaney Hall, have long asserted that it is “not an overflow facility” for the county jail, which is next door, but a treatment center for low-level offenders.

In court, however, no one described Delaney Hall that way.

The prosecutor called it “a branch of the Essex jail.”

The judge called it “part of the Essex jail.”

Mr. Bonilla’s lawyer, a public defender, called it “a holding facility.”

Mr. Bonilla told the court that he was an innocent bystander, but the jury convicted him of murder and other charges. The other two inmates, Mr. Goodman and Mr. Gonzalez, had earlier pleaded guilty to lesser charges in the killing. None responded to interview requests.

On March 25, 2011, Judge Peter V. Ryan of Superior Court sentenced Mr. Bonilla to life in prison. “This offense could only be described as a brutal assassination,” the judge said. “This was a tragedy that could have and should have been averted.”

‘You Can Buy Anything’

Had state and local officials wanted to learn more about Delaney Hall, they could have turned to Mr. Annese, one of Mr. Harris’s roommates, who had testified for the prosecution.

Mr. Annese had been sent to Delaney Hall after being arrested on drunken-driving charges. He kept a diary during his time there that offers a graphic account of the daily mayhem.

“There was blood everywhere,” he wrote at one point about a gang initiation among inmates. “This dude was laying in his own blood on the floor of the bathroom. I heard he got jumped by five guys.”

Mr. Annese, now 34, is a carpenter who until recently lived with his parents in the quiet suburb of Fairfield, N.J.

“If you got cash, you can buy anything, even an inmate,” he wrote. “They’ll do anything, get your clothes clean, get you food, books, newspapers, fill your canteen and get you smokes. Just plain anything.”

He was intimidated by Mr. Goodman, his bunkmate, who was implicated in Mr. Harris’s murder.

“As I’m writing this,” Mr. Goodman “is making a shank” one diary entry read. “So now I have to sleep with one eye open.”

Two weeks before the murder, after a fight in his room, Delaney Hall officials transferred Mr. Goodman to the county jail, where they sent inmates too disruptive for the halfway house.

But two days later, he was returned to Delaney Hall, according to internal roster reports obtained by The Times.

Mr. Bonilla, too, had previously been transferred out of Delaney Hall and into Essex County custody, and then back again a week later, the reports show.

When asked for an explanation, county officials would not comment.

Mr. Harris’s family has filed a lawsuit against Essex County and Community Education. It has not yet gone to trial.

In interviews, his relatives said they were baffled by the lack of an official response to the killing.

“How can the state allow something like that to go on?” said Derek Harris Jr., 31, the oldest of four children. “He went in there for traffic tickets and never came out.”

Community Education found that all its procedures had been followed, said Dr. Mackey, the senior vice president.

“When you consider the infrequency of something like that, as tragic and unfortunate as it is, it’s not representative of the nature of activity in that facility,” he said.

State and county officials pledged to examine the breakdown that led to the murder. But county officials declined to provide a copy of a report. Mr. Puglisi, the spokesman for County Executive DiVincenzo’s office, said the findings were not being made public “for security reasons.”

Mr. Lanigan, the corrections commissioner, said the state had no misgivings about Delaney Hall.

“I’m not aware of any changes that were made,” he said.



Mr. Lanigan's boss, Governor Christie, also seems to retain faith in Delaney Hall.

Eleven months after Mr. Harris was killed, Mr. Christie and Mr. DiVincenzo went there, on April 27, 2010, for its 10th-anniversary celebration.

Mr. Christie, the keynote speaker, declared that he had repeatedly visited Delaney Hall over the years and had always been impressed.

"When I got the invitation to be here this morning, and there were some other things that were originally on my calendar, I said to my staff, 'This is where I need to be,' " Mr. Christie said.

"Because even as governor, you treasure the times when you can come and be someplace where the work is purely good."

• • •

*To contact the reporter: sam.dolnick@nytimes.com.*

• • •

*Sheelagh McNeill contributed reporting.*