

ASSEMBLY JOINT RESOLUTION

No. 213

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MARCH 1, 2021

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblywoman ANGELA V. MCKNIGHT

District 31 (Hudson)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

SYNOPSIS

Urges Commissioner of Corrections to resign or be removed for failure to protect Edna Mahan inmates, DOC to comply with Department of Justice recommendations, and Governor to transfer inmates.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 3/8/2021)

1 **A JOINT RESOLUTION** urging the Commissioner of Corrections to
2 resign or be removed, the Department of Corrections to comply
3 with recommendations of the United States Department of
4 Justice, and the Governor to transfer inmates to a safe facility.
5

6 **WHEREAS**, The State’s only all-female correctional facility, Edna
7 Mahan Correctional Facility for Women (Edna Mahan) located in
8 Clinton, Union Township, Hunterdon County, has a long history of
9 inmates being subjected to sexual assault and abuse at the hands of
10 corrections officers and other staff members; and

11 **WHEREAS**, Between 2010 and 2016, for example, eight staff members
12 were terminated for sexual misconduct; two male corrections
13 officers, one each in 2018 and 2019, were convicted of official
14 misconduct for sexually abusing multiple inmates; and one female
15 corrections officer pled guilty to criminal sexual contact in 2019;
16 and

17 **WHEREAS**, The Hunterdon County Prosecutor’s Office procured 26
18 indictments against four corrections officers in 2017 for sexual
19 abuse and official misconduct and 15 indictments against one
20 officer in 2018 based on sexual relationships he had with three
21 inmates; and

22 **WHEREAS**, Responding to the horrific cases of sexual assault and
23 abuse of inmates occurring in Edna Mahan, the Senate Law and
24 Public Safety Committee held a hearing on February 22, 2018 to
25 hear testimony for the purpose of taking corrective action to curb
26 this abuse; and

27 **WHEREAS**, Based on the legislative hearing, numerous bills were
28 introduced to protect State-incarcerated inmates, several of which
29 subsequently were enacted into law, including legislation that: 1)
30 requires employees to report abuse and establishes a reporting and
31 investigation program; 2) limits cross gender strip searches; 3)
32 requires corrections officers to receive 20 hours in-service training
33 on topics such as prevention of sexual misconduct, non-
34 fraternization, and manipulation; 4) requires the Office of Victim-
35 Witness Advocacy to participate in ensuring the rights of female
36 crime victims; 4) establishes the “Dignity for Incarcerated Primary
37 Caretaker Parents Act;” and 5) establishes a commission to study
38 sexual assault, misconduct, and harassment by staff against
39 inmates; and

40 **WHEREAS**, In April 2020, the Civil Rights Division of the United States
41 Department of Justice (DOJ) and the United States Attorney’s Office
42 District of New Jersey (U.S. Attorney) published a report entitled
43 “Investigation of the Edna Mahan Correctional Facility for Women
44 (Union Township, New Jersey) that was highly critical of the
45 Department of Corrections’ (DOC) oversight of the Edna Mahan
46 facility; and

1 **WHEREAS**, The DOJ and U.S. Attorney report concluded that there is
2 reasonable cause to believe conditions at Edna Mahan violate the
3 Eighth Amendment of the United States Constitution due to facility
4 staff sexually abusing inmates and that the sexual abuse was
5 pursuant to a pattern or practice of staff resistance to the inmate's
6 full enjoyment of these Eighth Amendment rights; and
7 **WHEREAS**, In response to the DOJ's and U.S. Attorney's scathing
8 criticism of the DOC, its operation of the facility, and its failure to
9 protect the inmates from sexual assault and abuse, the Senate Law
10 and Public Safety Committee held a second hearing in May 2020 to
11 hear testimony on the DOJ's and U.S. Attorney's investigation and
12 the causes and consequences of sexual abuse at Edna Mahan; and
13 **WHEREAS**, The Chairwoman of the Senate Law and Public Safety
14 Committee, Senator Linda R. Greenstein, requested that the
15 Commissioner of Corrections, Marcus O. Hicks, Esq., appear
16 before the committee, but not only did the commissioner refuse to
17 attend, he also failed to provide requested information to the
18 committee; and
19 **WHEREAS**, The Commissioner of Corrections has claimed to have
20 addressed many of the concerns set forth in the DOJ report and that
21 he continues to monitor and evaluate the facility's operations,
22 programs, and services to ensure the safety of the Edna Mahan
23 inmates; and
24 **WHEREAS**, Reportedly, the DOC has reached a tentative agreement
25 with the DOJ to take certain remedial action and implement specific
26 recommendations to be overseen and supervised by federal
27 monitors; and
28 **WHEREAS**, Despite the ongoing increased scrutiny of the operations of
29 the Edna Mahan facility, new allegations of the mistreatment of
30 inmates in Edna Mahan surfaced this week involving
31 approximately 30 staff members who have been suspended and are
32 being investigated for severely beating at least three inmates by the
33 Hunterdon County Prosecutor and the Attorney General's Office of
34 Public Integrity and Accountability, which investigates excessive
35 use of force by law enforcement; and
36 **WHEREAS**, Reportedly, one inmate suffered a broken eye socket and
37 another transgender inmate was handcuffed and beaten so severely
38 that she cannot walk and is confined to a wheelchair; and
39 **WHEREAS**, The Commissioner of Correction's failure to protect
40 inmates in Edna Mahan from sexual assault, physical assaults, and
41 other abuses at the hands of corrections officers and other staff
42 members violates the constitutional rights of these inmates as
43 documented in the April 2020 DOJ and U.S. Attorney report; and
44 **WHEREAS**, The Attorney General of New Jersey has charged three
45 corrections officers, two of whom were supervisors, with official
46 misconduct in connection with the latest abuse of Edna Mahan
47 inmates and one of these officers also was charged with aggravated
48 assault; and

1 **WHEREAS**, New Jersey legislators have called for the Commissioner
2 of Corrections and the head administrator of Edna Mahan to be
3 suspended until a complete and thorough investigation of the
4 alleged physical assaults has been conducted; and

5 **WHEREAS**, The Commissioner of Corrections repeatedly has
6 demonstrated his inability to properly manage the operations of a
7 department that oversees approximately 20,000 inmates in 12 State
8 correctional facilities, as well as county jails and halfway houses;
9 and

10 **WHEREAS**, This House refuses to stand idly by while voiceless and
11 defenseless female inmates in Edna Mahan repeatedly are
12 victimized by those very persons who are charged with their
13 protection and care; and

14 **WHEREAS**, The violations of law and of basic human rights that have
15 been allowed to continue under the leadership of Commissioner
16 Hicks must end now and, therefore, it is altogether necessary and
17 proper for the commissioner to resign or be removed, the DOJ to
18 take temporary control of the operations of the Edna Mahan facility,
19 and the inmates to be transferred to a facility where their safety and
20 security can be safeguarded and their rehabilitative needs met; now,
21 therefore,

22

23 **BE IT RESOLVED** *by the Senate and General Assembly of the*
24 *State of New Jersey:*

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26 1. This House strongly urges the New Jersey Commissioner of
27 Corrections, Marcus O. Hicks, Esq., to immediately resign or be
28 removed from his position due to his failure to protect the inmates
29 in the Edna Mahan Correctional Facility for Women from sexual
30 assault, beatings, and other physical and mental abuse inflicted by
31 correctional police officers and other staff members.

32

33 2. This House also urges the United States Department of
34 Justice to temporarily take control of the Edna Mahan Correctional
35 Facility for Women and monitor and supervise all operations of the
36 facility until the Department of Corrections conforms with remedial
37 actions and specific recommendations set forth by the Department
38 of Justice.

39

40 3. This House further urges Governor Murphy to make every
41 effort to transfer all inmates incarcerated in the Edna Mahan
42 Correctional Facility for Women to a facility in which their
43 constitutional rights to safety and security will be safeguarded.

44

45 4. This joint resolution shall take effect immediately.

1 STATEMENT

2

3 This Assembly Joint Resolution strongly urges the New Jersey
4 Commissioner of Corrections, Marcus O. Hicks, Esq., to
5 immediately resign or be removed from his position due to his
6 failure to protect the inmates in the Edna Mahan Correctional
7 Facility for Women from sexual assault, beatings, and other
8 physical and mental abuse inflicted by correctional police officers
9 and other staff members.

10 The joint resolution also urges the United States Department of
11 Justice to temporarily take control of the Edna Mahan Correctional
12 Facility for Women and monitor and supervise all operations of the
13 facility until the Department of Corrections takes remedial actions
14 and implements specific recommendations set forth by the
15 Department of Justice.

16 The joint resolution further urges Governor Murphy to make
17 every effort to transfer all inmates incarcerated in the Edna Mahan
18 Correctional Facility for Women to a facility in which their
19 constitutional rights to safety and security will be safeguarded.