

# ASSEMBLY RESOLUTION No. 220

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED FEBRUARY 22, 2021

**Sponsored by:**

**Assemblywoman JEAN STANFIELD**

**District 8 (Atlantic, Burlington and Camden)**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**Assemblywoman NANCY F. MUNOZ**

**District 21 (Morris, Somerset and Union)**

**Co-Sponsored by:**

**Assemblymen Space, Wirths, Assemblywomen Timberlake, B.DeCroce, Dunn, DiMaso, Gove, Tucker, Assemblymen Bergen, Thomson, Bramnick, Scharfenberger, DePhillips, Peterson, Peters and DiMaio**

**SYNOPSIS**

Adopts articles of impeachment concerning Marcus Hicks, Commissioner of Corrections.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 3/1/2021)**

1 **AN ASSEMBLY RESOLUTION** adopting articles of impeachment in the  
2 matter of Marcus Hicks, providing for the presentation of articles  
3 to the Senate, and impeaching Marcus Hicks.

4  
5 **BE IT RESOLVED** *by the General Assembly of the State of New*  
6 *Jersey:*

7  
8 **WHEREAS**, Through his actions and inactions as the Commissioner of  
9 the New Jersey Department of Corrections (NJDOC), particularly as  
10 they relate to the federal investigation into the Edna Mahan  
11 Correctional Facility, Marcus Hicks is responsible for the violation  
12 of prisoners' civil rights, which are protected by State and federal  
13 law; and

14 **WHEREAS**, As the chief official for the NJDOC, Commissioner Hicks  
15 failed to take reasonable measures to protect and guarantee the safety  
16 of inmates under his charge in violation of the Eighth Amendment of  
17 the United States Constitution; and

18 **WHEREAS**, Commissioner Hicks failed to take reasonable measures to  
19 guarantee that inmates under his charge would not be subjected to  
20 cruel and unusual punishment, in violation of the Eighth Amendment  
21 of the United States Constitution; and

22 **WHEREAS**, Commissioner Hicks has violated the public trust insofar as  
23 the Commissioner's "core focus" and duty to the public is supposed  
24 to be "ensuring safety across facilities and the holistic rehabilitation  
25 of offenders," according to the NJDOC's official website; and

26 **WHEREAS**, The United States Department of Justice, Civil Rights  
27 Division, issued a report in April 2020 detailing its investigation  
28 of the Edna Mahan Correctional Facility for Women, concluding:  
29 "the State of New Jersey, through the New Jersey Department of  
30 Corrections, fails to keep prisoners at Edna Mahan safe from  
31 sexual abuse by staff;" and

32 **WHEREAS**, The report further concluded on page 27: "Edna Mahan  
33 suffers from a 'culture of acceptance' of sexual abuse, which has  
34 enabled abuse to persist despite years of notice and efforts towards  
35 change at the State level. [ . . . ] [T]his 'pervasive culture' gives  
36 staff the opportunity and audacity to abuse their authority by  
37 'preying on vulnerable women . . . for sexual gratification.' Both  
38 NJDOC and Edna Mahan have been reactionary to the multiple  
39 criminal indictments, civil lawsuits, and press garnered around  
40 prior staff sexual abuse of Edna Mahan prisoners. If NJDOC and  
41 Edna Mahan do not effectively address the systemic deficiencies  
42 that led to the criminal sexual abuse revealed by the staff  
43 indictments, practices will continue at Edna Mahan that will likely  
44 result in continued sexual abuse of the women incarcerated there;"  
45 and

46 **WHEREAS**, Now, nearly eleven months since the report was provided  
47 to Governor Murphy and other New Jersey officials, it is believed

1 that the abuse of prisoners at Edna Mahan has indeed continued;  
2 and

3 **WHEREAS**, Prior to the issuance of the Department of Justice report in  
4 April of 2020, and in response to the media’s investigative reporting  
5 into court records which revealed instances of inmate abuse by staff  
6 at Edna Mahan dating back to 2012, the Senate Law and Public  
7 Safety Committee held a hearing on February 22, 2018, during which  
8 the Committee solicited testimony “concerning allegations of sexual  
9 abuse at the Edna Mahan Correctional Facility for Women,” and

10 **WHEREAS**, Following the issuance of the Department of Justice report,  
11 the Senate Law and Public Safety Committee held a hearing on May  
12 12, 2020, during which the Committee solicited testimony “from  
13 invited guests concerning the results of the investigation of the Edna  
14 Mahan Correctional Facility for Women by the United States  
15 Department of Justice, and discuss the causes and consequences of  
16 sexual abuse at the facility;” and

17 **WHEREAS**, Commissioner Hicks did not appear at either hearing  
18 despite the NJDOC receiving notice of the time, date, and subject  
19 matter of both hearings, and no testimony was submitted on behalf  
20 of the NJDOC, whether live or written; and

21 **WHEREAS**, Most recently, Attorney General Grewal announced  
22 criminal charges against three Edna Mahan correctional officers in  
23 connection with an incident that took place on January 11, 2021,  
24 which left one inmate with a concussion and another with a broken  
25 bone near her eye; and

26 **WHEREAS**, Numerous members of the Legislature have called for the  
27 resignation or removal of Commissioner Hicks from his leadership  
28 position within the NJDOC; and

29 **WHEREAS**, The NJDOC is the State's second-largest Department;  
30 Commissioner Hicks is responsible for a budget of nearly \$1  
31 billion and 8,000 employees; Commissioner Hicks oversees  
32 approximately 20,000 State-sentenced offenders housed across 12  
33 correctional facilities, county jails and community halfway  
34 houses, and

35 **WHEREAS**, The actions and inactions of Commissioner Hicks,  
36 particularly as they relate to the federal investigation into the Edna  
37 Mahan Correctional Facility, and the Commissioner’s disregard  
38 for the civil rights of inmates under his charge, are incompatible  
39 with the responsibilities and duties owed to the public by the  
40 Commissioner for the New Jersey Department of Corrections;  
41 now, therefore,

42

43 1. The General Assembly, incorporating and adopting the above  
44 recitations as if stated fully herein, determines that Commissioner  
45 Hicks has engaged in a pattern and practice of disregarding and  
46 violating the civil rights of inmate populations under his ultimate  
47 charge, and hereby adopts the following articles of impeachment:

