

SENATE, No. 3935

STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED JUNE 15, 2021

Sponsored by:

Senator NELLIE POU

District 35 (Bergen and Passaic)

Senator VIN GOPAL

District 11 (Monmouth)

SYNOPSIS

Requires award of Edna Mahan trauma credits to inmates incarcerated during period of investigation into allegations of sexual abuse by correctional police officers and staff.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/16/2021)

1 AN ACT concerning Edna Mahan trauma credits and supplementing
2 Title 30 of the Revised Statutes.

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4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. a. For the purposes of this section:

8 “Edna Mahan trauma credits” refer to credits awarded pursuant
9 to section 1 of P.L. , c. (C.) (pending before the Legislature
10 as this bill) to an inmate in the Edna Mahan Correctional Facility
11 for Women for time served by the inmate during the period of
12 investigation into allegations of sexual abuse of inmates by
13 correctional police officers and staff at the facility conducted by
14 the: Civil Rights Division of the United States Department of
15 Justice, United States Attorney’s Office District of New Jersey,
16 Hunterdon County Prosecutor’s office, office of the Attorney
17 General of the State of New Jersey, and Governor of the State of
18 New Jersey.

19 “Period of investigation” means the period during which the
20 Civil Rights Division of the United States Department of Justice,
21 the United States Attorney’s Office District of New Jersey,
22 Hunterdon County Prosecutor’s office, Attorney General of the
23 State of New Jersey, and the Governor of the State of New Jersey
24 conducted an investigation into allegations of the sexual abuse of
25 inmates by correctional police officers and staff at the Edna Mahan
26 Correctional Facility for Women. The period of investigation shall
27 begin on April 26, 2018, the date the investigation by the Civil
28 Rights Division of the United States Department of Justice and the
29 United States Attorney’s Office District of New Jersey was
30 initiated, and shall terminate on the effective date of section 1 of
31 P.L. , c. (C.) (pending before the Legislature as this bill).

32 b. In addition to any credits awarded pursuant to R.S.30:4-92;
33 section 3 of P.L.2009, c.330 (C.30:4-92a); R.S.30:4-140, and
34 section 1 of P.L.2020, c.111 (C. 30:4-123.100), Edna Mahan trauma
35 credits shall be awarded pursuant to this section to an inmate
36 incarcerated in the Edna Mahan Correctional Facility for Women
37 during the period of investigation into allegations of the sexual
38 abuse of inmates at the facility.

39 c. The Edna Mahan trauma credits awarded pursuant to this
40 section shall provide further remission from both the maximum and
41 minimum term of the inmate's sentence, including the statutory
42 mandatory minimum term, at the rate of 183 days for each year, or
43 portion thereof, served by an inmate confined in the Edna Mahan
44 Correctional Facility for Women during the period of investigation.
45 An inmate shall not be awarded Edna Mahan trauma credits
46 pursuant to this section in excess of 365 days of remission.

47 d. Nothing in this section shall be deemed to limit an inmate's
48 eligibility for parole consideration under the law governing parole.

1 2. This act shall take effect immediately.

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STATEMENT

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6 This bill requires Edna Mahan trauma credits to be awarded to
7 any inmate in the Edna Mahan Correctional Facility for Women
8 (Edna Mahan) who was incarcerated during the period of
9 investigation into allegations of sexual abuse by correctional police
10 officers and staff at the facility.

11 In April of 2018, the Civil Rights Division of the United States
12 Department of Justice (DOJ) and the United States Attorney's
13 Office District of New Jersey (U.S. Attorney) initiated an
14 investigation into allegations of sexual abuse at Edna Mahan. In its
15 report published in April 2020, the DOJ and U.S. Attorney
16 concluded that there is reasonable cause to believe conditions at
17 Edna Mahan violate the Eighth Amendment of the United States
18 Constitution due to facility staff sexually abusing inmates. The
19 report further concluded that the sexual abuse is pursuant to a
20 pattern or practice of resistance to the full enjoyment of these
21 Eighth Amendment rights.

22 In addition to any credits awarded under current law, this bill
23 requires the award of Edna Mahan trauma credits (credits) to any
24 inmate incarcerated in Edna Mahan during the period of
25 investigation into allegations of the sexual abuse of inmates at the
26 facility. The credits awarded under the bill are to provide further
27 remission from both the maximum and minimum term of the
28 inmate's sentence, including the statutory mandatory minimum
29 term. The credits are to be awarded at the rate of 183 days for each
30 year, or portion thereof, served by an inmate confined in Edna
31 Mahan during the period of investigation. An inmate is not to be
32 awarded credits under the bill in excess of 365 days of remission.

33 Under the bill, "Edna Mahan trauma credits" refers to credits
34 awarded to an inmate for time served by the inmate during the
35 period of investigation into allegations of the sexual abuse of
36 inmates by correctional police officers and staff at Edna Mahan
37 conducted by the: Civil Rights Division of the United States
38 Department of Justice, United States Attorney's Office District of
39 New Jersey, Hunterdon County Prosecutor's office, office of the
40 Attorney General of the State of New Jersey, and Governor of the
41 State of New Jersey. "Period of investigation" is defined to mean
42 the period during which the Civil Rights Division of the United
43 States Department of Justice, the United States Attorney's Office
44 District of New Jersey, Hunterdon County Prosecutor's office,
45 Attorney General of the State of New Jersey, and the Governor of
46 the State of New Jersey conducted an investigation into allegations
47 of the sexual abuse of inmates by correctional police officers and
48 staff at Edna Mahan. The period of investigation begins on April

1 26, 2018, the date the investigation was initiated by the DOJ and
2 U.S. Attorney, and terminates on the effective date of the bill.

3 Between 2010 and 2016, eight staff members were terminated
4 for sexual misconduct at Edna Mahan. From October 2016 to
5 November 2019, five Edna Mahan corrections officers and one
6 civilian employee were convicted or pled guilty to charges related
7 to sexual abuse of more than 10 women under their watch.
8 According to the sentencing judge for one of the convicted officers,
9 the “pervasive culture” at Edna Mahan allowed the corrections
10 officer to abuse his “position of authority to indulge in [his] own
11 sexual stimulation.” Dozens of additional corrections officers have
12 been indicted for charges related to sexual abuse of prisoners. Most
13 recently, additional allegations of the mistreatment of inmates in
14 Edna Mahan surfaced in 2021, involving approximately 30 staff
15 members who were suspended and investigated for severely beating
16 at least three inmates. One of the inmates suffered a broken eye
17 socket and another transgender inmate was handcuffed and beaten
18 so severely that she could not walk and was confined to a
19 wheelchair.

20 In April 2021, a settlement was announced between the New
21 Jersey Department of Corrections and private plaintiffs’ counsel
22 representing current and former Edna Mahan inmates. The
23 settlement reportedly encompasses 22 claims, including two class
24 action complaints providing up to \$20,835,600 in damages and
25 attorneys’ fees for women who were either directly impacted by
26 sexual misconduct or who were incarcerated in the facility between
27 2014 and the date of court approval of the settlement.