

# SENATE JOINT RESOLUTION

No. 108

## STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED FEBRUARY 19, 2021

**Sponsored by:**

**Senator DAWN MARIE ADDIEGO**

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

**Senator KRISTIN M. CORRADO**

**District 40 (Bergen, Essex, Morris and Passaic)**

**Co-Sponsored by:**

**Senators Bateman, Gopal, Greenstein, T.Kean, Testa and Thompson**

**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: 2/19/2021)**

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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.

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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

47 **WHEREAS**, The DOJ and U.S. Attorney report concluded that there is

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

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1 of Corrections and the head administrator of Edna Mahan to be  
2 suspended until a complete and thorough investigation of the  
3 alleged physical assaults has been conducted; and

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

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

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

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

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

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

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

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44 4. This joint resolution shall take effect immediately.

STATEMENT

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

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

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