

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

4

5 **WHEREAS**, through his actions and inactions as the Commissioner of
6 the New Jersey Department of Corrections (NJDOC), particularly
7 as they relate to the Edna Mahan Correctional Facility
8 investigation, Marcus Hicks is responsible for violating prisoners'
9 civil rights, which are protected by state and federal law; and

10

11 **WHEREAS**, as the chief official for the NJDOC, Commissioner Hicks
12 failed to take reasonable measures to protect and guarantee the
13 safety of inmates under his charge in violation of the Eighth
14 Amendment; and

15

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

20

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

26

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

33

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

48

1 **WHEREAS**, now, nearly eleven months since the report was
2 provided to Governor Murphy and other New Jersey officials, it
3 is believed that the abuse of prisoners at Edna Mahan has indeed
4 continued; and
5

6 **WHEREAS**, prior to the issuance of the Department of Justice report in
7 April of 2020, and in response to the media's investigative
8 reporting into court records which revealed instances of inmate
9 abuse by staff at Edna Mahan dating back to 2012, the Senate Law
10 and Public Safety Committee held a hearing on February 22, 2018,
11 during which the Committee solicited testimony "concerning
12 allegations of sexual abuse at the Edna Mahan Correctional Facility
13 for Women," and!
14

15 **WHEREAS**, following the issuance of the Department of Justice report,
16 the Senate Law and Public Safety Committee held a hearing on
17 May 12, 2020, during which the Committee solicited testimony
18 "from invited guests concerning the results of the investigation of
19 the Edna Mahan Correctional Facility for Women by the United
20 States Department of Justice, and discuss the causes and
21 consequences of sexual abuse at the facility;" and
22

23 **WHEREAS**, during both hearings, no representative from the
24 Department of Corrections appeared to present live testimony or
25 submitted written testimony, and Commissioner Hicks failed to
26 appear despite the NJDOC receiving notice of the time, date, and
27 subject matter of both hearings; and
28

29 **WHEREAS**, most recently, Attorney General Grewal announced
30 criminal charges against three Edna Mahan correctional officers
31 in connection with an incident that took place on January 11,
32 2021, which left one inmate with a concussion and another with a
33 broken bone near her eye; and
34

35 **WHEREAS**, numerous members of the Legislature have called for the
36 resignation or removal of Commissioner Hicks from his leadership
37 position within the NJDOC; and
38

39 **WHEREAS**, the NJDOC is the State's second-largest Department;
40 Commissioner Hicks is responsible for a budget of nearly \$1
41 billion and 8,000 employees; Commissioner Hicks oversees
42 approximately 20,000 state-sentenced offenders housed across
43 twelve (12) correctional facilities, county jails and community
44 halfway houses, and
45

46 **WHEREAS**, the actions and inactions of Commissioner Hicks,
47 particularly as they relate to the Edna Mahan federal
48 investigation, and the Commissioner's disregard for prisoners'

1 civil rights, are incompatible with the responsibilities and duties
2 owed to the public by the Commissioner for the New Jersey
3 Department of Corrections; now, therefore,

4

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

7

8 1. The General Assembly, incorporating and adopting the above
9 recitations as if stated fully herein, recognizes that Commissioner
10 Hicks has engaged in a pattern and practice of disregarding and
11 violating the civil rights of inmate populations under his ultimate
12 charge, and hereby adopts the following articles of impeachment:

13

14 **I. Through his actions and inactions as the Commissioner**
15 **of the New Jersey Department of Corrections (NJDOC),**
16 **Marcus Hicks is responsible for violating prisoners' civil**
17 **rights, which are protected by state and federal law**
18 **pursuant to the New Jersey Civil Rights Act and 42**
19 **U.S.C. §1983, respectively.**

20

21 **II. As the chief official for the NJDOC, Commissioner**
22 **Hicks failed to take reasonable measures to protect and**
23 **guarantee the safety of inmates under his charge in**
24 **violation of the Eighth Amendment.**

25

26 **III. Commissioner Hicks failed to take reasonable**
27 **measures to guarantee that inmates under his charge**
28 **would not be subjected to cruel and unusual punishment,**
29 **in violation of the Eighth Amendment.**

30

31 **IV. Commissioner Hicks has violated the public trust and**
32 **his oath of allegiance taken pursuant to N.J.S.A. 41:1-1.**

33

34 2. In accordance with N.J. Const. Art. VII, sec. III, par. 2, by a
35 majority vote of all the members, the General Assembly hereby
36 impeaches Marcus Hicks.

37

38 3. The Speaker of the General Assembly shall appoint a
39 committee, of sufficient number, to act as managers for the purpose
40 of presenting these articles of impeachment to the Senate forthwith.

41

42 3. This resolution shall take effect immediately.

43

1 STATEMENT

2

3 This Assembly Resolution adopts articles of impeachment
4 against Marcus Hicks, the Commissioner of the New Jersey
5 Department of Corrections (NJDOC).

6

7 In light of his record of violating prisoners' civil rights, the
8 public trust, and his oath of allegiance as Commissioner for the
9 NJDOC, it is altogether fitting and proper and within the public
10 interest for the General Assembly to adopt articles of impeachment
11 against Marcus Hicks, and present the articles to the New Jersey
12 Senate in accordance with N.J. Const. Art. VII, sec. III, par. 2.