

The Star-Ledger

N.J.'s prison leader still has a job. Many lawmakers can't figure out why.

By Blake Nelson, Brent Johnson and Joe Atmonavage

NJ Advance Media for NJ.com and The Star-Ledger

Published Feb. 9, 2020

Early September, the head of New Jersey's prison system told state lawmakers that the federal government had just given him a list of suggested reforms for the state's only women's prison.

Since then, 152 days have passed. Six female inmates said they were severely beaten by staff. Three officers face criminal charges.

There is still no agreement on how to reform the Edna Mahan Correctional Facility in Hunterdon County. But a growing number of lawmakers do agree on thing: state Corrections Commissioner Marcus Hicks should lose his job.

"This is completely unacceptable, and it starts at the top," state Senate President Stephen Sweeney, D-Gloucester, told NJ Advance Media on Tuesday, after joining every other Democratic state senator to call for Hicks' ouster. "The department has regressed, not improved, under his leadership."

Legislative sources said they didn't know why Gov. Phil Murphy was standing by the prison commissioner, although one thought the Democratic governor was waiting for the results of an independent investigation into the alleged beatings last month. Some sources spoke on condition of anonymity to talk candidly about discussions related to the governor's office.

Advocates and legislators gathered virtually Tuesday to ramp up pressure. Participants asked residents to call the governor's office, and more lawmakers signaled they would be open to impeaching Hicks after a Republican state assemblywoman said last week she'd introduce a resolution charging Hicks with "official misconduct for failing to protect prisoners from serious harm."

"I would hope we have a governor who can act on this instantly," state Senate Majority Leader Loretta Weinberg, D-Bergen, said, because both the department and the women's prison needed "careful, new, appropriate leadership."

While some Republican and Democratic legislators have said they'd vote for impeachment, it was not immediately clear if leaders in the state Assembly would support a vote.

A Murphy spokesman declined comment. A representative for Hicks did not immediately respond to a request for comment, but she previously defended changes the commissioner has made, including expanding the use of cameras and increasing oversight of how officers use force.

While “culture doesn’t change overnight,” Hicks has taken “unprecedented actions” to move the department in the right direction, Liz Velez wrote in an email Jan. 27.

Six women have said they were attacked by staff Jan. 11, and at least one said she was sexually assaulted by an officer.

The U.S. Department of Justice previously found evidence of rampant sexual abuse behind bars, and the state’s top federal prosecutor said Monday they were still negotiating reforms.

”We are hopeful we can resolve this matter with the state,” acting U.S. Attorney Rachael A. Honig said Monday. “When we do, the resolution will be publicly announced.”

Weinberg, the Senate majority leader, said Tuesday the commissioner had led her to believe an agreement had been reached.

“If that is not true, then I will add that to the very long line of fictions that have been shared with those of us in the Legislature,” she said.

A settlement with federal investigators “should have taken place already,” said state Sen. Linda Greenstein, D-Middlesex, and she slammed prison leaders for keeping details of the potential reforms from lawmakers.

The prison system previously denied an NJ Advance Media records request for a draft of the proposed reforms.

Lawmakers and advocates also said any changes needed to go far beyond a change in leadership, and cited the need for a federal takeover of the women’s prison, an outside board that could receive complaints and better training for officers.

The commissioner also needed to be replaced with someone prepared to challenge an entrenched status quo, said Bonnie Kerness, director for the nonprofit American Friends Service Committee’s prison program.

Tia Ryans, a former Edna Mahan prisoner who now advocates for inmates, said the cost of inaction was high.

The vast majority of women inside will get out, and many now face a future with “post-traumatic stress disorder, rape trauma syndrome, unresolved anger, self-mutilation” and “drug addiction” because of abuse by officers, she said.

NJ Advance Media staff writer S.P. Sullivan contributed to this report.