
**INVESTIGATION OF THE
EDNA MAHAN CORRECTIONAL
FACILITY FOR WOMEN
(UNION TOWNSHIP, NEW JERSEY)**



United States Department of Justice
Civil Rights Division

United States Attorney's Office
District of New Jersey

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Edna Mahan suffers from a “culture of acceptance” of sexual abuse, which has enabled abuse to persist despite years of notice and efforts towards change at the State level.¹³ As noted above, at the conclusion of a full criminal trial of an Edna Mahan correction officer, the state court observed that this “pervasive culture” gives staff the opportunity and audacity to abuse their authority by “preying on vulnerable women . . . for sexual gratification.”¹⁴ Both NJDOC and Edna Mahan have been reactionary to the multiple criminal indictments, civil lawsuits, and press garnered around prior staff sexual abuse of Edna Mahan prisoners. If NJDOC and Edna Mahan do not effectively address the systemic deficiencies that led to the criminal sexual abuse revealed by the staff indictments, practices will continue at Edna Mahan that will likely result in continued sexual abuse of the women incarcerated there.

V. MINIMAL REMEDIAL MEASURES

As the efforts by NJDOC to address the issues outlined in this Notice have been thus far inadequate to protect women from sexual abuse at Edna Mahan, the following remedial measures are necessary.

- Comply with PREA and its implementing regulations, the National Standards to Prevent, Detect, and Respond to Prison Rape (28 C.F.R. §§ 115 et seq.).
- Cease the practice of automatically transferring prisoners who report sexual abuse to TCC or other segregated housing unless an Edna Mahan official has completed and documented an assessment of all available alternatives, and has determined that there is no available alternative means of separating the victim from likely abusers.
- If it is necessary to hold prisoners who report sexual abuse in TCC or other segregated housing in order to keep them safe from further abuse or retaliation, ensure that such prisoners have access to privileges, including visitation, commissary, programming, and vocational opportunities.
- Ensure that prisoners have a confidential option for reporting sexual abuse and sexual harassment, anonymously if requested, including an option that is independent from NJDOC.
- Ensure that prisoners receive information and education on how to access all confidential reporting options and SID.
- Ensure that prisoners who report sexual abuse have access to victim advocates mental health care professionals for emotional support services related to sexual abuse.
- Develop and implement a system for monitoring retaliation, consistent with the PREA standards, to ensure that persons who report sexual abuse or sexual harassment do not experience retaliation by other prisoners or staff.

¹³ *State of New Jersey v. Jason Mays*, Judgment of Conviction & Order for Commitment, HNT-16-00671, CRM2018560286 (Sep. 17, 2018).

¹⁴ *Id.*

- Edna Mahan’s Administrator should have access to investigative files and regular briefings of PREA investigations that include sufficient details so that the facility Administrator and/or the incident review team has sufficient information to devise and implement any necessary movement, discipline, or corrective action.

VI. CONCLUSION

We have reasonable cause to believe that Edna Mahan violates the constitutional rights of prisoners in its care, resulting in serious harm and the substantial risk of serious harm. Specifically, Edna Mahan fails to protect women prisoners from harm due to sexual abuse by staff. Finally, as explained above, we have reasonable cause to believe that Edna Mahan’s violations are pursuant to a pattern or practice of resistance to the full enjoyment of rights protected by the Eighth Amendment

We look forward to working cooperatively with the State of New Jersey to ensure that these violations are remedied. We are obligated to advise you that 49 days after issuance of this letter, the Attorney General may initiate a lawsuit pursuant to CRIPA to correct deficiencies identified in this letter if State officials have not satisfactorily addressed our concerns. 42 U.S.C. § 1997b(a)(1). The Attorney General may also move to intervene in related private suits 15 days after issuance of this letter. 42 U.S.C. § 1997c(b)(1)(A). Please also note that this Notice is a public document. It will be posted on the Civil Rights Division’s website.