



U.S. Department of Justice

United States Attorney's Office
District of New Jersey

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Civil Rights Division

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Washington, DC 20530
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April 13, 2020

VIA FEDERAL EXPRESS

The Honorable Phil Murphy
Governor of the State of New Jersey
P.O. Box 001
Trenton, NJ 08625

Re: Notice Regarding Investigation of Edna Mahan Correctional Facility for Women

Dear Governor Murphy:

We write to report the results of the investigation of the conditions of confinement at the Edna Mahan Correctional Facility for Women (Edna Mahan), the women's prison located in Clinton, New Jersey, pursuant to the Civil Rights of Institutionalized Persons Act (CRIPA), 42 U.S.C. § 1997. Consistent with the statutory requirements of CRIPA, we provide this Notice of the conditions that we have reasonable cause to believe violate the Constitution. We also notify you of the supporting facts giving rise to, and the minimum remedial measures that we believe may remedy, those alleged conditions.

After carefully reviewing the evidence, we conclude that there is reasonable cause to believe that conditions at Edna Mahan violate the Eighth Amendment to the Constitution and that these violations are pursuant to a pattern or practice of resistance to the full enjoyment of rights protected by the Eighth Amendment. Specifically, we have reasonable cause to believe that New Jersey fails to keep women prisoners at Edna Mahan reasonably safe from staff sexual abuse. These violations are exacerbated by systemic deficiencies that discourage prisoners from reporting sexual abuse and allow sexual abuse at Edna Mahan to occur undetected and undeterred.

We are obligated to advise you that 49 days after issuance of this Notice, the Attorney General may initiate a lawsuit under CRIPA to correct the alleged conditions we have identified if New Jersey officials have not satisfactorily addressed them. 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).

We hope, however, to resolve this matter through a more cooperative approach and look forward to working with you to address the alleged violations of law we have identified. The lawyers assigned to this investigation will be contacting the State's private counsel to discuss this matter in further detail. Please also note that this Notice is a public document. It will be posted on the Civil Rights Division's website.

If you have any questions, please call Steven H. Rosenbaum, Chief of the Civil Rights Division's Special Litigation Section, at (202) 616-3244 or Michael E. Campion, Chief of the Civil Rights Unit at the United States Attorney's Office for the District of New Jersey at (973) 645-3141.

Sincerely,

s/Eric S. Dreiband
Eric S. Dreiband
Assistant Attorney General
Civil Rights Division

s/Craig Carpenito
Craig Carpenito
United States Attorney
District of New Jersey
United States Department of Justice

cc: Gurbir S. Grewal
New Jersey Attorney General

Marcus O. Hicks
Commissioner, New Jersey Department of Corrections

Sarah Davis,
Administrator, Edna Mahan Correctional Facility for Women

A. Matthew Boxer, Esq.
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