

FORM 2-6,000 20 th. REV.

789-e 020608

Resolution of the City of Newark, N.J.

NO. 789-E

Date of Adoption FEB 06 2008

Dept./ Agency: Municipal Council and Clerk

Ratifying () Authorizing (✓) Amending ()

Type of Service: Resolution to The Department of Corrections

Purpose: Urging the New Jersey Department of Corrections to provide fair and equitable treatment of women within the State Prison System.

Approved as to Form and Legality on Basis of Facts Set Forth

Factual contents certified by

Corporation Council

Title

Council Member

Council of the whole

presents the following Resolution:

WHEREAS, the Municipal Council of the City of Newark has learned that in March 2007, the Department of Corrections transferred approximately 40 women from the Edna Mahan Correctional Facility, New Jersey's only women's prison, to lock-down conditions in a maximum security male facility, New Jersey State Prison, and continues to place women in that prison; and

WHEREAS, the transfers themselves, which took place on two separate occasions, were brutal, intimidating and humiliating. Without warning, armed guards in full riot gear raided a unit of the women's prison and pulled women from their cells. These women were strip searched and videotaped in the presence of male guards. In the midst of the chaos, the women sobbed and cried out in panic. Many of the women have suffered abuse by men and were terrified of going to a male prison; and

WHEREAS, the women did nothing to warrant transfer to a maximum security prison or subsequent placement in isolation, and are subject to conditions far worse than the men in that prison or the conditions for women in other women's prisons, such as:

- The women are locked in their cells for up to 22 hours a day, not even being allowed to congregate in common areas.
- The women are not permitted to use the clinic or the infirmary in New Jersey State Prison.
- The women are barred from using the law library even though many of them have pending appeals or other ongoing legal proceedings.
- The women do not have access to the prison's school that has classrooms, teachers, and materials.
- The women do not have access to the main yard of the prison. They are limited to a tiny area of grass and concrete that thwarts their ability to exercise.
- The women are provided with insufficient personal supplies, such as sanitary napkins and toilet paper, which hinders their ability to maintain their personal hygiene.
- They do not have meaningful access to the range of rehabilitation programs available to men.
- New Jersey State Prison does not have the programs available at the women's prison to help the women stay in contact with their children.

WHEREAS, while these women are repaying their debt to society, it does not mean that they relinquish all their rights as American citizens or human beings and the placement of these women in a male prison and subjecting them to these conditions is cruel and unusual punishment, a violation of their Eighth Amendment Rights under the United States Constitution, and an affront to the citizens of New Jersey and women everywhere; and

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NOW, THEREFORE BE IT RESOLVED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, that it strongly urges the Department of Corrections:

1. to immediately terminate its policy and practice of placing women in New Jersey State Prison, a men's facility;
2. to immediately return the women in the women's unit to the appropriate housing at the Edna Mahon Correctional Facility;
3. take immediate steps to reduce the cell isolation of the women in the women's unit during such time as they continue to be confined in New Jersey State Prison;
4. take immediate steps to provide meaningful policies, practices and programs which will provide for equitable conditions for the women in the men's prison;
5. develop and publish a plan, consistent with the public safety and rehabilitation missions of the Department of Corrections, for the appropriate confinement of women in New Jersey prisons, which removes all women from New Jersey State Prison, and which ensures that all women confined in all New Jersey Correctional facilities are placed under the least restrictive conditions of confinement with currently acceptable measures of prisoner classification; and
6. ensure continued appropriate attention to conditions of women in the prisons, by devoting administrative resources and authority to an office for women within the Department and recognizing a community advisory committee for women

BE IT FURTHER RESOLVED that the Municipal Council requests that the Department of Public Advocate meet with the representatives of community groups, former prisoners, including, but limited to, representatives of the New Jersey Prison Justice Coalition, for the purpose of investigating and advocating for proper conditions for women in the New Jersey prison system; and

BE IT FURTHER RESOLVED that certified copies of this resolution be forwarded to Governor, Commissioner of the Department of Corrections, the Public Advocate, the Majority and Minority leaders of the Senate and Assembly, the Committee Chairs of the Senate and the Assembly Correction Committees, and the New Jersey Division on Women.

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RECORD OF COUNCIL VOTE ON FINAL PASSAGE														
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador				✓	Payne	✓				Flice	✓			
Gonzalez	✓				Quintana, Vice Pres.	✓				Rice	✓			
James	✓				Ramos	✓				Crump, Pres.	✓			
✓ Indicates Vote				AB - Absent				NV - Not Voting						

At a meeting of the Municipal Council of the City of Newark, N.J.,

Michael C. Crump
President of the Council

FEB 06 2008

Robert S. Hernandez
City Clerk