

ASSEMBLY, No. 837

STATE OF NEW JERSEY 214th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2010 SESSION

Sponsored by:

Assemblyman MATTHEW W. MILAM

District 1 (Cape May, Atlantic and Cumberland)

Assemblyman GORDON M. JOHNSON

District 37 (Bergen)

SYNOPSIS

Requires internal affairs investigations to be conducted by unit separate from unit responsible for collecting gang intelligence information.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



(Sponsorship Updated As Of: 9/14/2010)

1 AN ACT concerning the organization of the Department of
2 Corrections and amending P.L.1976, c.98.

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4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. Section 6 of P.L.1976, c.98 (C.30:1B-6) is amended to read
8 as follows:

9 6. The commissioner, as administrator and chief executive
10 officer of the department, shall:

11 a. Administer the work of the department;

12 b. Appoint and remove officers and other personnel employed
13 within the department, subject to the provisions of Title 11 of the
14 Revised Statutes, Civil Service, and other applicable statutes,
15 except as herein otherwise specifically provided;

16 c. Perform, exercise and discharge the functions, powers and
17 duties of the department through such divisions as may be
18 established by this act or otherwise by law;

19 d. Organize the work of the department in such divisions, not
20 inconsistent with the provisions of this act, and in such bureaus and
21 other organizational units as he may determine to be necessary for
22 efficient and effective operation; provided, however, any unit
23 responsible for investigating acts of wrongdoing in the institutions
24 within the jurisdiction of the department, including any internal
25 affairs unit, shall be separate and apart from any unit responsible
26 for collecting information on gangs and their operation in the
27 institutions;

28 e. Formulate, adopt, issue and promulgate, in the name of the
29 department such rules and regulations for the efficient conduct of
30 the work and general administration of the department, the
31 institutions or noninstitutional agencies within its jurisdiction, its
32 officers and employees as may be authorized by law;

33 f. Determine all matters relating to the unified and continuous
34 development of the institutions and noninstitutional agencies within
35 his jurisdiction;

36 g. Determine all matters of policy and regulate the
37 administration of the institutions or noninstitutional agencies within
38 his jurisdiction, correct and adjust the same so that each shall
39 function as an integral part of a general system. The rules,
40 regulations, orders and directions promulgated by the commissioner
41 for this purpose shall be accepted and enforced by the executive
42 having charge of any institution or group of institutions or
43 noninstitutional agencies or any phase of the work within the
44 jurisdiction of the department;

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 h. Institute or cause to be instituted such legal proceedings or
2 processes as may be necessary to enforce properly and give effect to
3 any of his powers or duties; for the purpose of any such
4 investigation, he may cause to be examined under oath any and all
5 persons whatsoever and compel by subpoena the attendance of
6 witnesses and the production of such books, records, accounts,
7 papers and other documents as are appropriate. If a witness fails
8 without good cause to attend, testify or produce such records or
9 documents as are directed in the subpoena, he shall be punished in
10 the manner provided for the punishment of any witness who
11 disobeys a summons or subpoena issued from a court of record in
12 this State;

13 i. Make a report in each year to the Governor and to the
14 Legislature of the department's operations for the preceding fiscal
15 year, and render such other reports as the Governor shall from time
16 to time request or as may be required by law;

17 j. Appoint such advisory committees as may be desirable to
18 advise and assist the department or a division in carrying out its
19 functions and duties;

20 k. Maintain suitable headquarters for the department and such
21 other quarters as he shall deem necessary to the proper functioning
22 of the department;

23 l. Develop and from time to time revise and maintain a
24 comprehensive master plan for the State's correctional system
25 which shall indicate, among other things, the department's goals,
26 objectives, resources and needs;

27 m. Promote the development of alternatives to conventional
28 incarceration for those offenders who can be dealt with more
29 effectively in less restrictive, community-based facilities;

30 n. (Deleted by amendment, P.L.1995, c.280);

31 o. Promote a unified criminal justice system, including the
32 integration of State and local correctional programs and probation
33 and parole services;

34 p. Provide for the timely and efficient collection and analysis
35 of data regarding the correctional system to insure the continuing
36 review and evaluation of correctional services, policies and
37 procedures; and

38 q. Perform such other functions as may be prescribed in this act
39 or by any other law.

40 (cf: P.L.1995, c.280, s.28)

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42 2. This act shall take effect immediately.

STATEMENT

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This bill would require the Commissioner of Corrections to ensure that any unit responsible for investigating acts of wrongdoing by employees of the Department of Corrections (DOC), including any internal affairs unit, is separate and apart from any unit responsible for collecting information on gangs and their operation within this State's correctional facilities.

The commissioner is the administrator and chief executive officer of the DOC. As such, he is responsible for organizing the work of the department into divisions, bureaus and other organizational units. Currently, a unit in the department known as the Special Investigations Division (SID) is charged with investigating all acts of wrongdoing inside State correctional facilities, including acts of wrong doing by corrections officers.

In addition to this internal affairs section, SID also has a section devoted to gathering information about gangs and gang members inside these facilities. A primary source of this information on gang activity is the corrections officers who interact with the inmates on a daily basis. The fact that SID is responsible for conducting internal investigations of corrections officers creates tension between the SID investigators and corrections officers. This tension impedes the collection of gang information by SID.

The purpose of this bill is to improve the lines of communication between the investigators who collect gang information and the corrections officers by separating the internal affairs function from the gang intelligence function.