

SENATE, No. 2521

STATE OF NEW JERSEY

218th LEGISLATURE

INTRODUCED MAY 10, 2018

Sponsored by:

Senator JOSEPH P. CRYAN

District 20 (Union)

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

SYNOPSIS

Requires reporting of inmate abuse by employees of State correctional facilities and establishes reporting and investigation program.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/11/2018)

1 AN ACT concerning inmates and supplementing Title 30 of the
2 Revised Statutes.

3
4 **BE IT ENACTED** *by the Senate and General Assembly of the State*
5 *of New Jersey:*

6
7 1. For the purposes of this act:

8 “Employee” means a person employed by the State to work at a
9 State correctional facility or a person employed by a private entity
10 under contract with the State to provide contracted services at a
11 State correctional facility.

12 “State correctional facility” means a correctional facility listed in
13 section 8 of P.L.1976, c.98 (C.30:1B-8).

14
15 2. a. Any employee of a State correctional facility, who, as a
16 result of information obtained in the course of his employment, has
17 reasonable cause to suspect or believe that an inmate is being or has
18 been abused by any other employee of the State correctional facility
19 shall report the information in a timely manner to the person
20 designated by the Commissioner of Corrections to receive the report
21 pursuant to subsection b. of section 3 of P.L. , c. (C.)
22 (pending before the Legislature as this bill).

23 b. Any other person having reasonable cause to suspect or
24 believe that an inmate is being or has been abused by an employee
25 of a State correctional facility may report the information to the
26 person designated by the Commissioner of Corrections to receive
27 the report pursuant to subsection b. of section 3 of P.L. ,
28 c. (C.) (pending before the Legislature as this bill).

29 c. The report shall contain the name of the inmate; the name of
30 the correctional facility and the unit in which the inmate is
31 confined, if known; information regarding the nature of the
32 suspected abuse; and any other information which might be helpful
33 in an investigation of the case and the protection of the inmate.

34
35 3. a. The Commissioner of Corrections shall establish an
36 inmate abuse reporting program for State correctional facilities.
37 The program shall provide, at a minimum, that employees of a State
38 correctional facility are:

39 (1) trained in recognizing probable incidents of or behavior that
40 constitutes inmate abuse and other abuse prevention strategies;

41 (2) informed of the duty to report the suspected inmate abuse
42 pursuant to this act; and

43 (3) provided with the name and telephone number of the person
44 designated by the Commissioner of Corrections who shall be
45 notified of any suspected inmate abuse.

46 b. The Commissioner of Corrections shall designate one or
47 more employees of the Department of Corrections who are not
48 employees of any State correctional facility to serve as a contact

1 person for an employee of a State correctional facility or any other
2 person to notify if the employee or person has reasonable cause to
3 suspect that an inmate is being or has been abused by any other
4 employee of the correctional facility.

5 c. The designated contact person shall transmit all reported
6 incidents or allegations of inmate abuse to the Commissioner of
7 Corrections or a designee. The commissioner shall cause a prompt
8 investigation of any report of inmate abuse.

9 d. The Commissioner of Corrections shall promptly report all
10 instances of suspected inmate abuse, as determined by an
11 investigation, to the county prosecutor of the county in which the
12 State correctional facility is located. The report to the county
13 prosecutor shall be in accordance with regulations adopted by the
14 commissioner in consultation with the County Prosecutors
15 Association of New Jersey and the Attorney General.

16 e. Upon receipt of a report pursuant to subsection d. of this
17 section, the county prosecutor may conduct a review of the
18 suspected inmate abuse and take any appropriate action.

19 f. Nothing in this section shall preclude the Special
20 Investigations Division in the Department of Corrections from
21 conducting an investigation.

22
23 4. a. The name of any person who reports suspected inmate
24 abuse pursuant to this act shall not be disclosed, unless the person
25 who reported the abuse specifically requests the disclosure or a
26 judicial proceeding results from the report.

27 b. A person who reports suspected abuse pursuant to this act or
28 who testifies in any administrative or judicial proceeding arising
29 from the report or testimony shall have immunity from any civil or
30 criminal liability on account of the report or testimony, unless the
31 person has acted in bad faith or with malicious purpose.

32
33 5. Any person required to report suspected inmate abuse
34 pursuant to this act who fails to make the report shall be liable to a
35 penalty of not more than \$5,000. The penalty shall be collected and
36 enforced pursuant to Title 11A of the New Jersey Statutes. Each
37 violation of this act shall constitute a separate offense.

38
39 6. The Commissioner of Corrections shall adopt rules and
40 regulations pursuant to the "Administrative Procedure Act,"
41 P.L.1968, c.410 (C.52:14B-1 et seq.) to effectuate the purposes of
42 this act.

43
44 7. This act shall take effect on the first day of the seventh
45 month after enactment, but the Commissioner of Corrections may
46 take any administrative action in advance of the effective date as
47 may be necessary.

STATEMENT

This bill requires the reporting of inmate abuse by employees of State correctional facilities and establishes a reporting and investigation program.

Specifically, under the provisions of this bill, an employee of a State correctional facility who has reasonable cause to suspect or believe that an inmate is being or has been abused by another employee of the State correctional facility is required to report that information to a person designated by the Commissioner of Corrections.

In addition, any other person that suspects or believes that an inmate is being abused by an employee of a State correctional facility may also report that information to the person designated by the commissioner.

The report is to contain the name of the inmate; the name of the correctional facility and the unit in which the inmate is confined, if known; information regarding the nature of the suspected abuse and any other information that may be helpful in an investigation of the case and protection of the inmate.

In addition, the bill requires the commissioner to establish an inmate abuse reporting program for State correctional facilities. The program is to provide, at a minimum, that State correctional facility employees are: 1) trained in the recognition of probable incidents of abuse and abuse prevention activities; 2) informed of the duty to report the suspected abuse; and 3) provided with the name and telephone number of the person designated by the commissioner who is to be notified of any suspected inmate abuse.

Under the bill, the commissioner is to designate an employee of the Department of Corrections who is not an employee of a State correctional facility to receive the report of suspected abuse. The designated person is to transmit all incidents or allegations of inmate abuse to the commissioner or a designee, who is to promptly investigate the report.

In addition, the bill requires the commissioner to report all instances of suspected abuse to the county prosecutor of the county in which the correctional facility is located. The county prosecutor may conduct his or her own review of the suspected abuse and take appropriate action.

Further, the bill provides that the name of any person who reports suspected abuse is not to be disclosed, unless the person who reported the abuse requests disclosure or a judicial proceeding results from the report. In addition, a person reporting inmate abuse under the bill or who testifies in an administrative or judicial proceeding is to have immunity from civil or criminal liability on account of the report or testimony, unless the person acted in bad faith or with malicious purpose.

1 Finally, under the bill, a person who is required to report
2 suspected inmate abuse and fails to do so is liable to a penalty of up
3 to \$5,000, which is to be collected and enforced pursuant to Title
4 11A of the New Jersey Statutes. The bill provides that each
5 violation is to constitute a separate offense.