

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 2521

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 14, 2018

The Senate Law and Public Safety Committee reports favorably and with committee amendments Senate Bill No. 2521.

As amended and reported by the committee, 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 amended 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 employee who is suspected of abusing the inmate, if known; 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 amended 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 amended 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 amended 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 amended 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 amended 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.

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

COMMITTEE AMENDMENTS:

The committee amended the bill to require the report of inmate abuse to include the name of the employee who is suspected of abusing the inmate, if known.