

**SENATE, No. 3822**

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**STATE OF NEW JERSEY**  
**219th LEGISLATURE**

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INTRODUCED MAY 20, 2021

**Sponsored by:**

**Senator DAWN MARIE ADDIEGO**

**District 8 (Atlantic, Burlington and Camden)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senator Gopal**

**SYNOPSIS**

Prohibits retaliation against inmates in State correctional facilities who report sexual abuse; criminalizes retaliation and failure to report abuse.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 6/15/2021)**

1 AN ACT prohibiting retaliation against inmates in State correctional  
2 facilities who report sexual abuse and supplementing Title 30 of  
3 the Revised Statutes.

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

7  
8 1. a. The Commissioner of Corrections shall establish a secure,  
9 reliable, and confidential method for inmates incarcerated in a State  
10 correctional facility to report complaints of sexual assault or  
11 harassment, physical violence, and mental abuse by correctional  
12 police officers and civilian staff members. The commissioner shall  
13 ensure that:

14 (1) a fee shall not be charged to report these complaints;

15 (2) there shall be an option for the inmate filing the complaint to  
16 remain anonymous;

17 (3) an inmate with limited English speaking skills shall be  
18 provided an opportunity to file a complaint in the inmate's native  
19 language; and

20 (4) inmates shall be clearly informed that the method of  
21 reporting is strictly confidential.

22 b. Inmates in the facility shall be provided with clear and  
23 accurate information on how to file a confidential complaint of  
24 sexual assault or harassment, physical violence, and verbal abuse  
25 pursuant to this section and how to directly file a complaint with the  
26 facility's Special Investigations Division.

27 c. The commissioner shall prohibit any punitive measures from  
28 being taken against an inmate who files a complaint of sexual  
29 assault or harassment, physical violence, and mental abuse. This  
30 shall include, but not be limited to:

31 (1) transferring the inmate to any administrative segregation or  
32 close custody unit which is used to house inmates for disciplinary  
33 infractions;

34 (2) transferring the inmate to temporary close custody which is  
35 used to house inmates for non-punitive reasons;

36 (3) changing the inmate's job assignment.

37 d. An inmate who files a complaint of sexual assault or  
38 harassment, physical violence, and verbal abuse shall be offered the  
39 services of a victim advocate who is not affiliated with the facility  
40 with expertise in providing emotional support services related to the  
41 sexual assault or harassment, physical violence, and mental abuse.

42 e. The commissioner shall institute policies and procedures to  
43 monitor retaliation by any correctional police officer or civilian  
44 staff member against an inmate who files a complaint alleging  
45 sexual assault or harassment, physical violence, or mental abuse.  
46 These policies and procedures shall comply with the standards set  
47 forth in the federal Prison Rape Elimination Act (42 U.S.C. s.15601  
48 et seq.).

1 f. For the purposes of this section:

2 “Job” means a work position, or an educational, vocational, or  
3 treatment program that the Department of Corrections assigns and  
4 designates as a job.

5 “Temporary close custody” means the non-punitive removal of  
6 an inmate from the inmate general population or other assigned  
7 housing and restricting the inmate to the inmate's cell or a close  
8 custody unit for special observation or investigation for a period not  
9 to exceed 72 hours, unless information or evidence warrants an  
10 extension beyond 72 hours and the extension is approved by the  
11 appropriate supervisor.

12

13 2. A correctional police officer or civilian staff member of a  
14 State correctional facility is guilty of a crime of the fourth degree if  
15 the officer or staff member:

16 a. retaliates against an inmate who files a complaint of sexual  
17 assault or harassment, physical violence, or mental abuse pursuant  
18 to the provisions of section 1 of P.L. c. (C. ) (pending before  
19 the Legislature as this bill); or

20 b. fails to report to the appropriate supervisor any known or  
21 suspected, or any evidence or information pertaining to, sexual  
22 assault or harassment, physical violence, or mental abuse of an  
23 inmate by another officer or staff member.

24 c. For the purposes of this section, “retaliation” means any act  
25 by a correctional police officer or other corrections employee aimed  
26 at an inmate in order to punish the inmate for having reported abuse  
27 or in order to keep the inmate from reporting abuse and includes,  
28 but is not limited to, verbal harassment, intimidation, loss of  
29 personal effects, abusive pat-frisks, and sexual assault.

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31 3. This act shall take effect on the first day of the fourth month  
32 next following enactment.

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### 35 STATEMENT

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37 This bill prohibits retaliation against inmates in State  
38 correctional facilities who file a complaint of sexual assault or  
39 harassment, physical violence, or mental abuse against a corrections  
40 officer or other staff member of the facility.

41 The bill specifically requires the Commissioner of Corrections to  
42 establish a secure, reliable, and confidential method for inmates  
43 incarcerated in State correctional facilities to report these  
44 complaints. A fee cannot be charged to file the complaint and the  
45 inmate is to have the option of remaining anonymous. Inmates are  
46 to be given the opportunity to file a complaint in their native  
47 language. Inmates are to be clearly informed on how to file a  
48 confidential complaint, including how to file a complaint with the

1 facility's Special Investigations Division, and that the reporting of  
2 the complaint is strictly confidential.

3 The bill requires the commissioner to prohibit any punitive  
4 measures from being taken against an inmate who files a complaint  
5 of sexual assault or harassment, physical violence, and mental  
6 abuse. This includes prohibiting the inmate's transfer to  
7 administrative segregation and temporary close custody. An  
8 inmate's job assignment also is not to be changed.

9 Inmates are to be offered the services of a victim advocate not  
10 affiliated with the facility who has expertise in providing emotional  
11 support services.

12 The bill requires the commissioner to institute policies and  
13 procedures to monitor retaliation by corrections officers and civilian  
14 staff members against an inmate who files a complaint.

15 Finally, the bill establishes that it is a fourth degree crime for a  
16 corrections officer or civilian staff member to retaliate against an  
17 inmate who files a complaint. It is also a fourth degree crime for an  
18 officer or staff member to fail to report to the appropriate supervisor  
19 any known or suspected, or any evidence or information pertaining  
20 to, sexual assault or harassment, physical violence, or mental abuse  
21 of an inmate by another officer or staff member. A crime of the  
22 fourth degree is punishable by a term of imprisonment of up to 18  
23 months, a fine of up to \$10,000, or both.