

LEGISLATIVE FISCAL ESTIMATE
ASSEMBLY, No. 5749
STATE OF NEW JERSEY
219th LEGISLATURE

DATED: MAY 20, 2021

SUMMARY

Synopsis: Concerns sexual abuse investigations in State correctional facilities.

Type of Impact: Annual State expenditure increase to the General Fund.

Agencies Affected: Department of Corrections.

Office of Legislative Services Estimate

Fiscal Impact	<u>Year 1</u>	<u>Year 2</u>	<u>Year 3</u>
State Cost Increase		Indeterminate	

- The Office of Legislative Services (OLS) estimates that the Department of Corrections (DOC) would incur an additional expense, possibly annually, for specialized training for corrections officers at the Special Investigations Division (SID) responsible for conducting sexual abuse investigations in State correctional facilities. The bill does not specify the frequency or the number of hours required for the completion of the specialized training. The OLS estimates that these costs may be offset marginally by the penalties collected from non-compliant SID officers.

BILL DESCRIPTION

This bill requires specialized training for corrections officers who conduct sexual abuse investigations in State correctional facilities; imposes disclosure and recusal requirements on these investigators if they have a personal relationship with an officer being investigated; and prohibits federal Prison Rape Elimination Act (PREA) compliance officers from serving as investigators.

The bill specifically requires corrections officers assigned to the SID in a State correctional facility to be trained in how to conduct sexual abuse investigations. The training is to include the proper use of warnings against self-incrimination, such as the right to refuse to answer questions and have a lawyer present when questioned pursuant and the State constitutional right of public employees not to incriminate themselves. The training also is to cover proper

collection of sexual abuse evidence in a confinement setting and the criteria and evidence required to substantiate a case that is referred for administrative action or to the county prosecutor. The bill requires that satisfactory completion of this training be documented.

The bill also requires corrections officers assigned to SID to disclose any personal relationship they have with a staff member of the facility. These officers are required by the bill to recuse themselves from any investigation of the staff member. An officer who does not comply with these reporting and recusal requirements is subject to a fine of between \$2,500 and \$5,000, as well as internal departmental disciplinary action by the Department of Corrections.

Finally, the bill prohibits any State correctional facility employee who is responsible for coordinating compliance with the provisions of PREA, including the facility's institutional PREA compliance manager, from serving as a sexual abuse investigator in the SID.

FISCAL ANALYSIS

EXECUTIVE BRANCH

None received.

OFFICE OF LEGISLATIVE SERVICES

The OLS estimates that the DOC would incur an additional expense, possibly annually, for specialized training for corrections officers at the SID responsible for conducting sexual abuse investigations in State correctional facilities. In a fiscal estimate for S-2532 (1R) of the 2018-2019 session (P.L.2019, c.410), the OLS concurred with the DOC that an additional four hours of in-service training in the prevention of sexual assault, sexual abuse, and sexual harassment would cost an estimated \$1.4 million annually. However, the expense was largely limited to overtime hours incurred due to officers vacating their posts for mandatory training. The OLS does not have sufficient information on whether SID corrections officers would have to vacate their posts to participate in mandatory training to earn overtime hours. The bill is also unclear as to how many training hours corrections officers at the SID would have to complete to fulfill the requirements of this bill or how frequently the training would have to be completed.

Section: *Judiciary*

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 Legislative Budget and Finance Officer

This legislative fiscal estimate has been produced by the Office of Legislative Services due to the failure of the Executive Branch to respond to our request for a fiscal note.

This fiscal estimate has been prepared pursuant to P.L.1980, c.67 (C.52:13B-6 et seq.).