ASSEMBLY, No. 5749

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED MAY 12, 2021

Sponsored by:

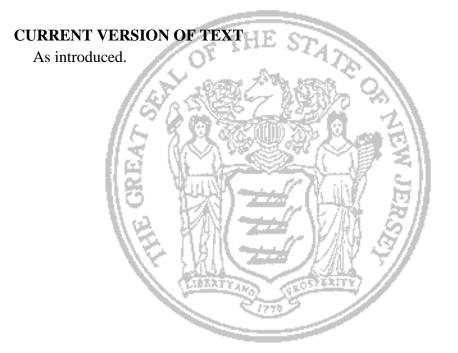
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Assemblywomen McKnight, Vainieri Huttle, Assemblyman Johnson, Assemblywomen Tucker and Downey

SYNOPSIS

Concerns sexual abuse investigations in State correctional facilities.



(Sponsorship Updated As Of: 5/20/2021)

1 AN ACT concerning sexual abuse investigations in State 2 correctional facilities and supplementing Title 30 of the Revised 3 Statutes.

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

- 1. a. In addition to the training required in subsection f. of section 4 of P.L.2019, c.288 (C.30:1B-6.8) and sections 1 and 2 of P.L.2019, c.410 (C.30:1B-6.13 et seq.), every correctional police officer assigned to the Special Investigations Division in a State correctional facility shall receive specialized in-service training in sexual abuse investigations. This specialized training shall include, but not be limited to:
 - (1) techniques for interviewing sexual abuse victims;
 - (2) proper use of warnings against self-incrimination pursuant to federal and State case law;
 - (3) collection of sexual abuse evidence in confinement settings; and
 - (4) criteria and evidence required to substantiate a case for administrative action or prosecution referral.
 - b. The Department of Corrections Special Investigations Division in the Edna Mahan Correctional Facility for Women shall maintain and regularly update documentation that correctional police officers assigned to the division have satisfactorily completed the specialized training in sexual abuse investigations pursuant to subsection a. of this section.

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- 2. a. Correctional police officers assigned to the Special Investigations Division in a State correctional facility shall:
- (1) when assigned and continuously thereafter, disclose any personal relationship with another staff member of the facility; and
- (2) recuse themselves from participating in an investigation involving any staff member of the facility with whom they have a personal relationship.
- b. After all administrative appeals are exhausted and a final adjudication is made, any correctional police officer assigned to the Special Investigations Division who does not comply with the reporting or recusal requirements of subsection a. of this section shall be liable to a penalty of not less than \$2,500 or more than \$5,000. The penalty shall be collected and enforced by summary proceedings pursuant to the provisions of the "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Each violation of subsection a. of this section shall constitute a separate

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c. Notwithstanding the penalty imposed pursuant to subsection b. of this section, any correctional police officer who does not comply with the reporting or recusal requirements of subsection a. of this section shall be subject to internal departmental disciplinary action by the Department of Corrections.

3. Any employee of a State correctional facility who is responsible for coordinating compliance with the provisions of the federal Prison Rape Elimination Act (PREA) including, but not limited to, the correctional facility's institutional PREA compliance manager, shall be prohibited from serving as a sexual abuse investigator in the Special Investigations Division.

4. This act shall take effect on the first day of the seventh month next following enactment, but the Commissioner of Corrections may take any anticipatory administrative action in advance as shall be necessary for the implementation of this act.

STATEMENT

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 Special Investigations Division (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 to Miranda v. Arizona, 384 U.S. 436 (1966) and the State constitutional right of public employees not to incriminate themselves pursuant to Garrity v. New Jersey, 385 U.S. 493 (1967). 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

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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.