

ASSEMBLY JUDICIARY COMMITTEE

STATEMENT TO

ASSEMBLY, No. 5749

STATE OF NEW JERSEY

DATED: MAY 18, 2021

The Assembly Judiciary Committee reports favorably Assembly Bill No. 5749.

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 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.