

# SENATE BUDGET AND APPROPRIATIONS COMMITTEE

## STATEMENT TO

### ASSEMBLY, No. 5749

# STATE OF NEW JERSEY

DATED: DECEMBER 16, 2021

The Senate Budget and Appropriations 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.

As reported by the committee, Assembly Bill No. 5749 is identical to Senate Bill No. 3821, which also was reported by the committee on this date.

FISCAL IMPACT:

The Office of Legislative Services estimates that the Department of Corrections (DOC) would incur an additional expense, possibly annually, for specialized training for investigators 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 maybe offset marginally by the penalties collected from non-compliant SID officers.

According to informal information provided by the DOC, although the costs are difficult to estimate, since the bill calls for in-service training, there should be little or no overtime cost incurred for SID investigators to attend the training. The DOC points out that there may be costs associated with additional materials, training manuals, train-the-trainer and other courses, but the costs should not be significant.