

# ASSEMBLY JOINT RESOLUTION

No. 234

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## STATE OF NEW JERSEY

### 219th LEGISLATURE

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INTRODUCED JUNE 3, 2021

**Sponsored by:**

**Assemblywoman VALERIE VAINIERI HUTTLE**

**District 37 (Bergen)**

**SYNOPSIS**

Makes permanent the “Commission to Protect New Jersey Inmates from Sexual Assault and Sexual Misconduct.”

**CURRENT VERSION OF TEXT**

As introduced.



1    **A JOINT RESOLUTION** making permanent the “Commission to  
2    Protect New Jersey Inmates from Sexual Assault and Sexual  
3    Misconduct” and supplementing Title 30 of the Revised Statutes.

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

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8        1. There is established the “Commission to Protect New Jersey  
9    Inmates from Sexual Assault and Sexual Misconduct.” The  
10   commission shall consist of the following 17 members:

11       a. four legislative members, who shall include two members of  
12   the Senate, who shall not be of same political party, and two members  
13   of the General Assembly, who shall not be of the same political party.  
14   The President of the Senate, the Speaker of the General Assembly, the  
15   Minority Leader of the Senate, and the Minority Leader of the General  
16   Assembly each shall appoint one legislative member;

17       b. four ex officio members or their designees, who shall include  
18   the following: the Commissioner of Corrections, the Attorney General,  
19   the Director of the Division on Women in the Department of Children  
20   and Families, and the Public Defender; and

21       c. nine public members appointed by the Governor, who shall  
22   include the following: a former inmate of the Edna Mahan  
23   Correctional Facility for Women; a victims’ rights advocate; a  
24   representative of an organization that defends civil rights or promotes  
25   social justice; a faculty member of a college or university located in  
26   this State with expertise in women’s issues; a representative of a  
27   collective bargaining unit representing correctional police officers; a  
28   representative of the New Jersey Coalition Against Sexual Assault; a  
29   person with expertise on the Prison Rape Elimination Act (PREA); a  
30   representative of a Quaker organization promoting lasting peace with  
31   justice; and a representative of an organization working for racial,  
32   social, and economic justice, and greater unity in the community.

33  
34       2. a. The commission shall organize within 30 days of the  
35   appointment of its members. The commission shall elect a  
36   chairperson from among its members, and the chairperson shall  
37   select a secretary who need not be a member of the commission.

38       b. The public members shall be appointed for a three-year term,  
39   except that of the initial appointments, three public members shall  
40   serve for one year, three public members shall serve for two years,  
41   and three public members shall serve for three years. Vacancies in  
42   the membership of the commission shall be filled in the same  
43   manner provided for in the original appointments.

44       c. The members of the commission shall serve without  
45   compensation but may be reimbursed for travel and other  
46   miscellaneous expenses necessary to perform their duties, within  
47   the limits of funds made available to the commission for its  
48   purposes.

1       d. The commission may meet at the call of its chairperson at  
2 the times and in the places it may deem appropriate and necessary  
3 to fulfill its duties, and may conduct public hearings at any place it  
4 shall designate.

5       e. The commission may request at these hearings the  
6 appearance of officials of any State agency or political subdivision  
7 of the State and may solicit testimony of interested groups and the  
8 general public, including but not limited to officials, employees,  
9 contractors, volunteers, and former and current inmates of State  
10 correctional facilities.

11       f. The commission shall be entitled to call to its assistance and  
12 avail itself of the services of the employees of any State, county, or  
13 municipal department, board, bureau, commission, or agency as it  
14 may require and as may be available to it for its purposes, including  
15 a State university or college, and to employ stenographic and  
16 clerical assistance and incur traveling and other miscellaneous  
17 expenses necessary to perform its duties, within the limits of funds  
18 appropriated or otherwise made available to it for its purposes.

19       g. Seven members of the commission shall constitute a quorum  
20 for the transaction of business.

21  
22       3. The commission shall examine issues affecting the safety  
23 and rights of inmates in State correctional facilities, including, but  
24 not limited to, matters concerning official misconduct convictions,  
25 pending criminal charges, and civil allegations by Edna Mahan  
26 inmates of sexual assault, sexual misconduct, and sexual harassment  
27 against correctional police officers, other staff members,  
28 contractors, and volunteers working in the facility. The commission  
29 specifically shall:

30       a. assess the degree of a facility's compliance with the  
31 provisions of PREA, including the PREA audit process and whether  
32 these audits should be unannounced, and determine how current  
33 standards can be strengthened to further protect the inmates from  
34 sexual assault and sexual misconduct;

35       b. ascertain the current policy and procedures for investigating  
36 allegations of crimes and offenses by an inmate of sexual assault  
37 and sexual misconduct against correctional police officers, other  
38 staff members, contractors, and volunteers, including, but not  
39 limited to:

40       (1) the current means of reporting allegations of sexual assault  
41 or sexual misconduct, including complaints made via existing  
42 hotlines, and whether the allegations should be reported to a neutral  
43 third party that is not an employee of the Department of  
44 Corrections.

45       (2) the parameters governing the investigation of a complaint  
46 and how it is determined if an allegation is substantiated or  
47 unsubstantiated and whether the Special Investigations Division of

1 the department can fairly and impartially conduct these  
2 investigations;

3 (3) whether the inmates' due process rights are being protected  
4 during the investigation;

5 (4) how the facility prevents retaliation by a department  
6 employee against whom there is an allegation of sexual assault,  
7 sexual misconduct, or other criminal act and whether the employee  
8 is or should be suspended, either with or without pay, pending the  
9 completion of an investigation; and

10 (5) whether an inmate is receiving adequate services to deal  
11 with the trauma resulting from the sexual assault, sexual  
12 misconduct, or other criminal act of the staff;

13 c. explore the feasibility of increasing the female to male staff  
14 ratio in Edna Mahan and determine if the current policy governing  
15 cross gender searches and surveillance should include further  
16 protections for female inmates;

17 d. consider whether it would be appropriate to establish a  
18 citizen oversight board to monitor a facility;

19 e. research the availability of additional training and technical  
20 assistance from the PREA Research Center;

21 f. consider issues concerning the sexual victimization of  
22 inmates by correctional police officers, employees, contractors, and  
23 volunteers in this State's correctional facilities for males; and

24 g. study any other issue it deems relevant to enhance the safety  
25 and security of the inmates in State correctional facilities.

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27 4. The commission annually shall prepare and submit to the  
28 Governor and to the Legislature, pursuant to section 2 of P.L.1991,  
29 c.164 (C.52:14-19.1), a report containing its findings and  
30 recommendations, accompanied by any proposed legislation  
31 recommended for enactment. The annual reports shall be made  
32 available on the official Internet website of the Department of  
33 Corrections.

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35 5. This joint resolution shall take effect upon the expiration of  
36 the Commission to Protect New Jersey Inmates from Sexual Assault  
37 and Sexual Misconduct established pursuant to P.L.2020, Joint  
38 Resolution No. 3.

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#### 41 STATEMENT

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43 This Assembly joint resolution makes permanent the  
44 "Commission to Protect New Jersey Inmates from Sexual Assault and  
45 Sexual Misconduct."

46 P.L.2020, Joint Resolution No. 3 (SJR-79) established this  
47 commission on a temporary basis to examine issues affecting the  
48 safety and rights of inmates in State correctional facilities, such as

1 official misconduct convictions, pending criminal charges, and civil  
2 allegations by Edna Mahan inmates of sexual assault, sexual  
3 misconduct, and sexual harassment against correctional police  
4 officers, other staff members, contractors, and volunteers working  
5 in the facility.

6 The temporary commission is required to issue a preliminary  
7 report of its findings and recommendations no later than six months  
8 after the organizational meeting of the commission. A final report,  
9 including legislative proposals, is due within one year of the  
10 organizational meeting of the temporary commission. But if the  
11 temporary commission concludes it needs more time to deliberate  
12 the issues, it may continue those deliberations for two periods of six  
13 months each. The temporary commission is to expire when it  
14 submits its final report.

15 This joint resolution makes this temporary commission  
16 permanent when the temporary commission expires. The  
17 permanent commission would be required to submit annual reports,  
18 including recommendations for legislation. The annual reports of  
19 the permanent commission are to be made available on the official  
20 Department of Corrections website.