

SENATE LAW AND PUBLIC SAFETY COMMITTEE

STATEMENT TO

SENATE, No. 3822

STATE OF NEW JERSEY

DATED: JUNE 21, 2021

The Senate Law and Public Safety Committee reports favorably Senate Bill No. 3822.

As reported by the committee, this bill prohibits retaliation against inmates in State correctional facilities who file a complaint of sexual assault or harassment, physical violence, or mental abuse against a corrections officer or other staff member of the facility.

The bill specifically requires the Commissioner of Corrections to establish a secure, reliable, and confidential method for inmates incarcerated in State correctional facilities to report these complaints. A fee cannot be charged to file the complaint and the inmate is to have the option of remaining anonymous. Inmates are to be given the opportunity to file a complaint in their native language. Inmates are to be clearly informed on how to file a confidential complaint, including how to file a complaint with the facility's Special Investigations Division, and that the reporting of the complaint is strictly confidential.

The bill requires the commissioner to prohibit any punitive measures from being taken against an inmate who files a complaint of sexual assault or harassment, physical violence, and mental abuse. This includes prohibiting the inmate's transfer to administrative segregation and temporary close custody. An inmate's job assignment also is not to be changed.

Inmates are to be offered the services of a victim advocate not affiliated with the facility who has expertise in providing emotional support services.

The bill requires the commissioner to institute policies and procedures to monitor retaliation by corrections officers and civilian staff members against an inmate who files a complaint.

Finally, the bill establishes that it is a fourth degree crime for a corrections officer or civilian staff member to retaliate against an inmate who files a complaint. It is also a fourth degree crime for an officer or staff member to fail to report to the appropriate supervisor any known or suspected, or any evidence or information pertaining to, sexual assault or harassment, physical violence, or mental abuse of an inmate by another officer or staff member. A crime of the fourth degree is punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

As reported by the committee, Senate Bill No. 3822 is identical to Assembly Bill No. 5750, which also was reported by the committee on this date.