

ASSEMBLY, No. 1636

STATE OF NEW JERSEY

219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

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Assemblyman Houghtaling

SYNOPSIS

Expands scope of law enforcement sexual assault training; codifies certain responsibilities of county sexual violence programs and rape care advocates.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 **AN ACT** concerning law enforcement sexual assault training and
2 sexual assault victim services and amending P.L.2017, c.192 and
3 P.L.2001, c.81.

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

7
8 1. Section 1 of P.L.2017, c.192 (C.52:4B-54.1) is amended to
9 read as follows:

10 1. a. The Division of Criminal Justice shall develop or
11 approve a training course and curriculum for law enforcement
12 officers on the handling, investigation, and response procedures for
13 reports of sexual assault.

14 The training course and curriculum shall include information on
15 the neurobiological impact of trauma, the influence of societal
16 myths and stereotypes, understanding perpetrator behavior, and
17 conducting effective investigations, including but not limited to:

18 (1) how specific experiences impact victim trauma, memory,
19 reactions, and behavior and the impact of the law enforcement
20 officer's interpretation of this behavior on a sexual assault
21 investigation;

22 (2) the impact of decisions made by law enforcement on the
23 progression of a sexual assault investigation;

24 (3) strategies for working with victims to facilitate trust and
25 communication;

26 (4) strategies for postponing judgment on the validity of a case
27 until a thorough investigation is completed; and

28 (5) investigative methods and techniques focusing on offender
29 behavior.

30 This training course and curriculum shall be reviewed at least
31 every two years by the division and modified as need may require.
32 The division shall make the curriculum available to all law
33 enforcement agencies in the State.

34 b. The Attorney General shall be responsible for ensuring that
35 all law enforcement officers, including prosecutors, triennially
36 complete in-service training **【triennially】** on the handling of sexual
37 assault matters.

38 (cf: P.L.2017, c.192, s.1)

39

40 2. Section 6 of P.L.2001, c.81 (C.52:4B-54) is amended to read
41 as follows:

42 6. a. The county prosecutor's office in each county shall
43 establish a Sexual Assault Response Team or shall enter into a
44 collaborative agreement with another county to share the services of
45 that county's response team. The response team shall be comprised

EXPLANATION – Matter enclosed in bold-faced brackets **【thus】** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

1 of: a certified forensic sexual assault nurse examiner, a rape care
2 advocate from the county program established, or designated by the
3 Division on Women in the Department of Children and Families, as
4 provided under section 3 of P.L.2001, c.81 (C.52:4B-51), and a law
5 enforcement official. The response team shall:

6 (1) respond to a report of sexual assault at the request of a
7 victim of sexual assault pursuant to guidelines established by the
8 Attorney General pursuant to section 17 of P.L.2001, c.81
9 (C.52:4B-60); and

10 (2) provide treatment, counseling, legal, and forensic medical
11 services to a victim of sexual assault in accordance with this section
12 and the standard protocols developed by the Attorney General
13 pursuant to subsection d. of section 6 of P.L.1985, c.404 (C.52:4B-
14 44).

15 b. Each member of the response team shall complete the
16 standardized education and training program developed by the
17 program coordinator pursuant to subsection e. of section 4 of
18 P.L.2001, c.81 (C.52:4B-52).

19 c. Every healthcare facility and law enforcement agency shall
20 ensure that a sexual assault victim is informed of the availability of
21 services offered by a designated county sexual violence program,
22 including, but not limited, to the availability of a rape care
23 advocate, regardless of the time or location of the incident or
24 whether the victim reported the incident to a law enforcement
25 agency. A representative of the facility or agency, as appropriate,
26 shall convey this information as soon as possible, but at a minimum,
27 before a sexual assault medical forensic examination is conducted
28 or a statement is taken, unless the victim requires immediate
29 medical attention, in which case the information shall be conveyed
30 as soon as possible after receipt of medical attention.

31 d. If the victim requests the services of a rape care advocate
32 from the county sexual violence program, the healthcare facility or
33 law enforcement agency shall procure these services on behalf of
34 the victim.

35 e. Services to be provided by the rape care advocate shall
36 include, but not be limited to:

37 (1) explaining the advocate's role on the sexual assault response
38 team and informing the victim of all available resources, including
39 the services provided by the program;

40 (2) explaining the importance of seeking medical attention, and
41 the value of timely evidence collection and early reporting to law
42 enforcement;

43 (3) being available to privately speak with the victim prior to
44 and during any investigative and sexual assault medical forensic
45 interview or procedure and providing the victim a safe, neutral, and
46 confidential place to consider options;

47 (4) supporting the victim's decisions;

(cf: P.L.2012, c.16, s.135)

3. This act shall take effect on the first day of the seventh month next following the date of enactment.

This bill specifically requires the sexual assault training course and curriculum to include information on the neurobiological impact of trauma, the influence of societal myths and stereotypes, understanding perpetrator behavior, and conducting effective investigations. Law enforcement officers are to be trained on how specific experiences impact victim trauma, memory, reactions, and behavior, and the impact of the officer's interpretation of this behavior on the investigation; the impact of decisions the officer makes on the progression of the investigation; strategies for working with victims to facilitate trust and communication;

1 strategies for postponing judgment on the validity of a case until a
2 thorough investigation is completed; and investigative methods and
3 techniques focusing on offender behavior. The bill clarifies that
4 prosecutors also are required to complete sexual assault training.

5 Current law requires each county to establish a sexual assault
6 response team comprised of a certified forensic sexual assault nurse
7 examiner, a rape care advocate, and a law enforcement officer for
8 the purpose of responding to a report of sexual assault and
9 providing treatment, counseling, legal, and forensic medical
10 services pursuant to Attorney General guidelines.

11 Under this bill, healthcare facilities and law enforcement
12 agencies are statutorily required to ensure that a sexual assault
13 victim is informed of the availability of services offered by a
14 designated county sexual violence program, including the option to
15 consult with a rape care advocate. The information is to be
16 conveyed to the victim as soon as possible, but in any case before a
17 sexual assault medical forensic examination is conducted or a
18 statement is taken by a law enforcement agency.

19 The healthcare facility or law enforcement agency is responsible
20 for obtaining the services of a rape care advocate for the victim.
21 The bill requires the rape care advocate to explain his or her role on
22 the sexual assault response team and inform the victim of all
23 available resources, including the services of the county program.
24 The advocate also is to explain the importance of seeking medical
25 attention, and the value of timely evidence collection and early
26 reporting to law enforcement. The advocate is to be available to
27 privately speak with the victim prior to and during any investigative
28 and sexual assault medical forensic interview or procedure. It is
29 also the responsibility of the advocate to provide the victim with a
30 safe, neutral, and confidential place to consider options. The
31 advocate is to support the victim's decisions and provide crisis
32 intervention and emotional support during medical forensic
33 examinations or law enforcement interviews. The advocate is
34 required to periodically follow-up with the victim to ensure the
35 victim is receiving all appropriate services. Communications
36 between the advocate and the victim are to be held confidential.

37 The services of the county sexual violence program, including
38 the rape care advocate, are to be available to the victim throughout
39 the post-sexual assault healing process. These services include
40 accompanying the victim to forensic medical examinations, law
41 enforcement agencies, or legal or court proceedings; providing
42 crisis counseling, individual counseling, and support groups;
43 providing referrals to additional resources; providing periodic
44 follow-up visits with the victim; and providing support for non-
45 offending family members and friends.