

ASSEMBLY, No. 4776

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED OCTOBER 8, 2020

Sponsored by:

Assemblywoman VALERIE VAINIERI HUTTLE

District 37 (Bergen)

Assemblywoman YVONNE LOPEZ

District 19 (Middlesex)

Assemblywoman GABRIELA M. MOSQUERA

District 4 (Camden and Gloucester)

Co-Sponsored by:

Assemblywoman Dunn and Assemblyman Zwicker

SYNOPSIS

Requires DOC to develop and implement staffing plan at Edna Mahan Correctional Facility for Women.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/5/2021)

1 AN ACT concerning staffing requirements at the Edna Mahan
2 Correctional Facility for Women and supplementing Title 30 of
3 the Revised Statutes.

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

7
8 1. The Commissioner of Corrections shall develop and
9 implement a staffing plan for the Edna Mahan Correctional Facility
10 for Women that ensures inmates in the facility are protected from
11 sexual abuse. The plan shall:

12 a. take into account the factors set forth in the federal Prison
13 Rape Elimination Act pertaining to staffing as enumerated in 28
14 C.F.R. s. 115.13(a);

15 b. provide for an adequate number of correctional police
16 officers to be deployed throughout the facility's housing units and
17 assigned to observe and secure areas where sexual abuse could
18 occur;

19 c. establish real-time monitoring of areas where sexual abuse
20 may otherwise go undetected;

21 d. incorporate a recruiting program for hiring additional female
22 correctional police officers at the facility in compliance with Title
23 VII of the Civil Rights Act of 1964, Pub.L. 88-352 (42 U.S.C.
24 ss.2000e et seq.); and

25 e. designate reasonably necessary gender-restricted posts that
26 meet bona-fide occupation qualifications and comply with Title VII
27 of the Civil Rights Act of 1964, Pub.L. 88-352 (42 U.S.C. ss.2000e
28 et seq.).

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30 2. This act shall take effect on the first day of the seventh
31 month next following enactment.

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STATEMENT

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36 This bill requires the Commissioner of Corrections to develop
37 and implement a staffing plan for the Edna Mahan Correctional
38 Facility for Women that ensures inmates in the facility are protected
39 from sexual abuse.

40 The staffing plan for Edna Mahan is to take into account the
41 factors enumerated in the federal Prison Rape Elimination Act
42 (PREA) to ensure inmates are protected against sexual abuse.
43 These factors include: (1) generally accepted detention and
44 correctional practices; (2) judicial findings of inadequacy; (3)
45 findings of inadequacy from federal investigative agencies; (4)
46 findings of inadequacy from internal or external oversight bodies;
47 (5) all components of the correctional facility's physical plant, such
48 as "blind-spots" or areas where staff or inmates may be isolated; (6)

1 composition of the inmate population; (7) number and placement of
2 supervisory staff; (8) institutional programs occurring during
3 particular shifts; (9) applicable State or local laws, regulations, or
4 standards; (10) prevalence of substantiated and unsubstantiated
5 incidents of sexual abuse; and (11) other relevant factors.

6 The staffing plan required by the bill also is to provide for an
7 adequate number of correctional police officers to be deployed
8 throughout the facility's housing units. Officers are to be assigned
9 to observe and secure areas where sexual abuse could occur. Real-
10 time monitoring of areas where sexual abuse may otherwise go
11 undetected also is required.

12 Reasonably necessary gender-restricted posts are to be
13 designated in the staffing plan. In recognition of the privacy rights
14 of inmates, PREA standards prohibit cross-gender viewing of
15 inmates in showers and bathrooms unless there are exigent
16 circumstances or during routine cell checks.

17 Finally, a recruiting program is to be instituted for hiring
18 additional female correctional police officers at the facility to fill
19 the necessary gender-restricted posts.

20 This bill is in response to the April 2020 report published by the
21 Civil Rights Division of the United States Department of Justice
22 and the United States Attorney's Office District of New Jersey
23 entitled "Investigation of the Edna Mahan Correctional Facility for
24 Women (Union Township, New Jersey)." The report concluded
25 that there is reasonable cause to believe conditions at Edna Mahan
26 violate the Eighth Amendment of the United States Constitution due
27 to facility staff sexually abusing inmates. The report further
28 concludes that the sexual abuse is pursuant to a pattern or practice
29 of resistance to the full enjoyment of these Eighth Amendment
30 rights.