

**ASSEMBLY, No. 4777**

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**STATE OF NEW JERSEY**

**219th LEGISLATURE**

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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 implement certain procedures to facilitate reporting of sexual abuse by Edna Mahan inmates.

**CURRENT VERSION OF TEXT**

As introduced.



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

1   **AN ACT** concerning reporting of sexual abuse by certain inmates  
2       and supplementing Title 30 of the Revised Statutes.

3  
4       **BE IT ENACTED** *by the Senate and General Assembly of the State*  
5       *of New Jersey:*

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7       1.   a. The Commissioner of Corrections shall establish a secure,  
8       reliable, and confidential method for inmates incarcerated in the  
9       Edna Mahan Correctional Facility for Women to report complaints  
10      of sexual abuse.

11      (1) A fee shall not be charged to report a complaint of sexual  
12      assault pursuant to this section.

13      (2) There shall be an option for the complainant to remain  
14      anonymous.

15      (3) An inmate with limited English speaking skills shall be  
16      provided an opportunity to file a complaint in the inmate's native  
17      language.

18      (4) Inmates shall be clearly informed that the method of  
19      reporting is strictly confidential.

20      b. Inmates in the facility shall be provided with clear and  
21      accurate information on how to file a confidential complaint of  
22      sexual abuse pursuant to this section and how to directly file a  
23      complaint with the facility's Special Investigations Division.

24      c. The commissioner shall prohibit the transfer of an inmate  
25      who files a complaint of sexual abuse to segregated housing unless,  
26      based on a thorough and documented assessment of all available  
27      alternatives, the transfer is necessary to protect the complainant  
28      from further abuse or retaliation by the alleged abuser. If  
29      segregation is deemed to be necessary, the inmate shall not be  
30      denied any privilege to which the inmate would otherwise be  
31      entitled including, but not limited to, visitation, commissary,  
32      programming, and vocational opportunities.

33      d. An inmate who files a complaint of sexual abuse shall be  
34      offered the services of a victim advocate who is not affiliated with  
35      the facility with expertise in providing emotional support services  
36      related to the sexual abuse.

37      e. The commissioner shall institute policies and procedures to  
38      monitor retaliation by any correctional police officer, civilian staff  
39      member, or other inmate against an inmate who files a complaint  
40      alleging sexual assault. These policies and procedures shall comply  
41      with the standards set forth in the federal Prison Rape Elimination  
42      Act.

43  
44      2. This act shall take effect on the first day of the seventh  
45      month next following enactment.

## STATEMENT

This bill implements several provisions to facilitate the reporting of sexual abuse by inmates in the Edna Mahan Correctional Facility for Women, the State's only prison for women.

The bill specifically requires the Department of Corrections (DOC) to establish a secure, reliable, and confidential method for inmates incarcerated in the Edna Mahan Correctional Facility for Women to report complaints of sexual abuse. Inmates are to be provided with clear and accurate information on how to report a confidential complaint under the bill's provision, as well as to how to file a complaint with the facility's Special Investigations Division (SID). Inmates are to be given an opportunity to file a complaint in their native language and are to be given assurances that their complaints are confidential, in order to allay inmates' fear of retaliation that exists under the current methods of reporting these complaints.

Under the bill, inmates are prohibited from being transferred to segregated housing, such as temporary close custody, unless there is no alternative that will keep the inmate safe from the alleged abuser. If segregation is necessary, the bill directs that the inmate receive all privileges that the inmate received while in the general population, including visitation, commissary, programming, and vocational opportunities. Currently, inmates who file a complaint of sexual abuse typically are subjected to an invasive physical examination and transferred to a temporary close custody unit similar to inmates placed in disciplinary segregation. These inmates are housed in one-unit cells in a maximum security setting with little outside time and deprived of the privileges to which they would otherwise be entitled. This treatment, perceived by inmates to be punitive, deters reporting of sexual abuse.

The bill further requires an inmate who files a complaint of sexual abuse to be offered the services of a victim advocate who is not affiliated with the facility and provides emotional support services related to the sexual abuse. This practice recently has been discontinued at the facility.

To encourage reporting of sexual abuse, the bill requires the DOC to institute policies and procedures to monitor retaliation by correctional police officers, civilian staff, or other inmates against an inmate who files a complaint alleging sexual assault.

This bill is in response to the April 2020 report published by the Civil Rights Division of the United States Department of Justice and the United States Attorney's Office District of New Jersey entitled "Investigation of the Edna Mahan Correctional Facility for Women (Union Township, New Jersey)." The report concluded that there is reasonable cause to believe conditions at Edna Mahan violate the Eighth Amendment of the United States Constitution due to facility staff sexually abusing inmates. The report further

1 concludes that the sexual abuse is pursuant to a pattern or practice  
2 of resistance to the full enjoyment of these Eighth Amendment  
3 rights.