ASSEMBLY, No. 4779

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 implement certain security procedures and address physical plant deficiencies in Edna Mahan Correctional Facility for Women.

CURRENT VERSION OF TEXT

As introduced.

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

AN ACT concerning security practices and physical plant deficiencies at the Edna Mahan Correctional Facility for Women and supplementing Title 30 of the Revised Statutes.

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

1. The Commissioner of Corrections shall develop and implement security protocols for establishing secure checkpoints at every entrance to the Edna Mahan Correctional Facility for Women, including at each security gate through which a motor vehicle may enter the facility. The security protocols shall require each secure checkpoint to incorporate consistent screening for contraband of every staff member, visitor, or other person who enters the facility and every inmate who enters or exits the facility.

2. The commissioner shall conduct an inventory of structures located on the grounds of the Edna Mahan Correctional Facility which are abandoned, dilapidated, obsolete, or otherwise not in use. The commissioner shall develop and implement a plan to demolish or secure surveyed structures identified as posing a threat to the security of the facility or providing an opportunity for sexual assault to occur. The plan shall include a determination of whether to continue utilization of the existing upholstery warehouse located on the grounds of the facility. If the commissioner determines to continue use of the warehouse, the warehouse shall be cleared of unused equipment and inventory that poses a threat to the security of the facility or provides an opportunity for sexual assault to occur in accordance with the plan required in this section.

3. Section 1 of this act shall be effective on the first day of the fourth month next following enactment; section 2 of this act shall be effective on the first day of the seventh month next following enactment.

STATEMENT

This bill requires the Department of Corrections (DOC) to provide for adequate security checkpoints at the Edna Mahan Correctional Facility for Women and to make improvements to physical plant deficiencies at the facility.

The bill specifically requires the DOC to develop and implement security protocols for establishing secure checkpoints at every entrance to the Edna Mahan Correctional Facility for Women, including at every motor vehicle security gate. The security protocols are to require each secure checkpoint to incorporate consistent contraband screening of every staff member, visitor, or

other person who enters the facility, as well as screening of every inmate who enters or exits the facility. The current lack of consistent contraband control at the facility increases the risk of correctional staff using contraband to control, harass, and abuse inmates.

The bill further requires the DOC to conduct an inventory of structures on the grounds of the facility that are abandoned, dilapidated, obsolete, or otherwise not in use. Structures identified in the survey that pose a threat to the security of the facility or provide an opportunity for sexual assault to occur are to be demolished or secured. Additionally, the DOC is to determine whether use of the existing upholstery warehouse on the grounds of the facility should be continued; if so, unused equipment and inventory in the warehouse that poses a threat to the security of the facility or provides an opportunity for sexual assault is to be cleared. These measures are necessary to prevent supervision lapses and physical plant deficiencies in the facility from presenting opportunities for staff abuse of inmates.

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