

ASSEMBLY, No. 4781

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:

Assemblyman Zwicker

SYNOPSIS

Imposes certain requirements on Edna Mahan DOC Special Investigations Division correctional police officers conducting sexual abuse investigations.

CURRENT VERSION OF TEXT

As introduced.



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

1 AN ACT imposing certain requirements on correctional police
2 officers in the Edna Mahan Facility for Women relating to sexual
3 abuse investigations and supplementing Title 30 of the Revised
4 Statutes.

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

8
9 1. In addition to the training required in subsection f. of section
10 4 of P.L.2019, c.288 (C.30:1B-6.8) and sections 1 and 2 of
11 P.L.2019, c.410 (C.30:1B-6.13 et seq.), every correctional police
12 officer assigned to the Department of Corrections Special
13 Investigations Division in the Edna Mahan Correctional Facility for
14 Women shall receive specialized in-service training in sexual abuse
15 investigations. The specialized training shall include, but not be
16 limited to:

- 17 a. techniques for interviewing sexual abuse victims;
18 b. proper use of warnings pursuant to *Miranda v. Arizona*, 384
19 U.S. 436 (1966), and *Garrity v. New Jersey*, 385 U.S. 493 (1967);
20 c. collection of sexual abuse evidence in confinement settings;
21 and
22 d. criteria and evidence required to substantiate a case for
23 administrative action or prosecution referral.

24
25 2. Correctional police officers assigned to the Department of
26 Corrections Special Investigations Division in the Edna Mahan
27 Correctional Facility for Women shall:

- 28 a. disclose any personal relationship with another staff member
29 of the facility who may be the subject of a current investigation by
30 the division; and
31 b. recuse themselves from participating in an investigation
32 involving any staff member of the facility with whom they have a
33 personal relationship.

34
35 3. This act shall take effect immediately, but the Commissioner
36 of Corrections may take any anticipatory administrative action
37 necessary to implement the provisions of this act.

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40 STATEMENT

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42 This bill requires State correctional police officers assigned to
43 the Special Investigations Division (SID) in the Edna Mahan
44 Correctional Facility for Women to be specially trained in the
45 proper conduct of a sexual abuse investigation in order to stem the
46 tide of sexual abuse occurring in the facility.

47 The bill specifically requires SID investigators at Edna Mahan to
48 be trained in techniques for interviewing sexual abuse victims. The

1 training required by the bill also is to review the proper use of
2 Miranda warnings on the constitutional right against self-
3 incrimination, as well as Garrity warnings on the State
4 constitutional right of public employees not to incriminate
5 themselves. Finally, the SID training is to cover proper collection
6 of sexual abuse evidence in a confinement setting and the criteria
7 and evidence required to substantiate a case that is referred for
8 administrative action or to the county prosecutor. Current SID
9 officer training is not corrections centric; it focuses on the officer's
10 initial response to sexual abuse allegations, and it includes a
11 disclaimer that it is not intended to train officers as sexual assault
12 investigators.

13 The bill also requires SID officers to disclose any personal
14 relationship they have with a staff member of the facility who may
15 be subject to a current investigation by the division. These officers
16 further are required by the bill to recuse themselves from an
17 investigation if they have a personal relationship with a staff
18 member involved in that investigation. These measures are
19 necessary to avoid tainting Edna Mahan sexual abuse
20 investigations.

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