

# ASSEMBLY, No. 5749

## STATE OF NEW JERSEY 219th LEGISLATURE

INTRODUCED MAY 12, 2021

**Sponsored by:**

**Assemblywoman CAROL A. MURPHY**

**District 7 (Burlington)**

**Assemblywoman MILA M. JASEY**

**District 27 (Essex and Morris)**

**Assemblywoman SHAVONDA E. SUMTER**

**District 35 (Bergen and Passaic)**

**Assemblyman ERIC HOUGHTALING**

**District 11 (Monmouth)**

**Co-Sponsored by:**

**Assemblywomen McKnight, Vainieri Huttle, Assemblyman Johnson,  
Assemblywomen Tucker and Downey**

**SYNOPSIS**

Concerns sexual abuse investigations in State correctional facilities.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 5/20/2021)**

1 AN ACT concerning sexual abuse investigations in State  
2 correctional facilities and supplementing Title 30 of the Revised  
3 Statutes.

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

7  
8 1. a. In addition to the training required in subsection f. of  
9 section 4 of P.L.2019, c.288 (C.30:1B-6.8) and sections 1 and 2 of  
10 P.L.2019, c.410 (C.30:1B-6.13 et seq.), every correctional police  
11 officer assigned to the Special Investigations Division in a State  
12 correctional facility shall receive specialized in-service training in  
13 sexual abuse investigations. This specialized training shall include,  
14 but not be limited to:

- 15 (1) techniques for interviewing sexual abuse victims;  
16 (2) proper use of warnings against self-incrimination pursuant to  
17 federal and State case law;  
18 (3) collection of sexual abuse evidence in confinement settings;  
19 and  
20 (4) criteria and evidence required to substantiate a case for  
21 administrative action or prosecution referral.

22 b. The Department of Corrections Special Investigations  
23 Division in the Edna Mahan Correctional Facility for Women shall  
24 maintain and regularly update documentation that correctional  
25 police officers assigned to the division have satisfactorily  
26 completed the specialized training in sexual abuse investigations  
27 pursuant to subsection a. of this section.

28  
29 2. a. Correctional police officers assigned to the Special  
30 Investigations Division in a State correctional facility shall:

- 31 (1) when assigned and continuously thereafter, disclose any  
32 personal relationship with another staff member of the facility; and  
33 (2) recuse themselves from participating in an investigation  
34 involving any staff member of the facility with whom they have a  
35 personal relationship.

36 b. After all administrative appeals are exhausted and a final  
37 adjudication is made, any correctional police officer assigned to the  
38 Special Investigations Division who does not comply with the  
39 reporting or recusal requirements of subsection a. of this section  
40 shall be liable to a penalty of not less than \$2,500 or more than  
41 \$5,000. The penalty shall be collected and enforced by summary  
42 proceedings pursuant to the provisions of the "Penalty Enforcement  
43 Law of 1999," P.L.1999, c.274 (C.2A:58-10 et seq.). Each  
44 violation of subsection a. of this section shall constitute a separate  
45 offense.

1 c. Notwithstanding the penalty imposed pursuant to subsection  
2 b. of this section, any correctional police officer who does not  
3 comply with the reporting or recusal requirements of subsection a.  
4 of this section shall be subject to internal departmental disciplinary  
5 action by the Department of Corrections.

6  
7 3. Any employee of a State correctional facility who is  
8 responsible for coordinating compliance with the provisions of the  
9 federal Prison Rape Elimination Act (PREA) including, but not  
10 limited to, the correctional facility's institutional PREA compliance  
11 manager, shall be prohibited from serving as a sexual abuse  
12 investigator in the Special Investigations Division.

13  
14 4. This act shall take effect on the first day of the seventh  
15 month next following enactment, but the Commissioner of  
16 Corrections may take any anticipatory administrative action in  
17 advance as shall be necessary for the implementation of this act.

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20 STATEMENT

21  
22 This bill requires specialized training for corrections officers  
23 who conduct sexual abuse investigations in State correctional  
24 facilities; imposes disclosure and recusal requirements on these  
25 investigators if they have a personal relationship with an officer  
26 being investigated; and prohibits federal Prison Rape Elimination  
27 Act (PREA) compliance officers from serving as investigators.

28 The bill specifically requires corrections officers assigned to the  
29 Special Investigations Division (SID) in a State correctional facility  
30 to be trained in how to conduct sexual abuse investigations. The  
31 training is to include the proper use of warnings against self-  
32 incrimination, such as the right to refuse to answer questions and  
33 have a lawyer present when questioned pursuant to Miranda v.  
34 Arizona, 384 U.S. 436 (1966) and the State constitutional right of  
35 public employees not to incriminate themselves pursuant to Garrity  
36 v. New Jersey, 385 U.S. 493 (1967). The training also is to cover  
37 proper collection of sexual abuse evidence in a confinement setting  
38 and the criteria and evidence required to substantiate a case that is  
39 referred for administrative action or to the county prosecutor. The  
40 bill requires that satisfactory completion of this training be  
41 documented.

42 The bill also requires corrections officers assigned to SID to  
43 disclose any personal relationship they have with a staff member of  
44 the facility. These officers are required by the bill to recuse  
45 themselves from any investigation of the staff member. An officer

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1 who does not comply with these reporting and recusal requirements  
2 is subject to a fine of between \$2,500 and \$5,000, as well as internal  
3 departmental disciplinary action by the Department of Corrections.

4 Finally, the bill prohibits any State correctional facility employee  
5 who is responsible for coordinating compliance with the provisions  
6 of PREA, including the facility's institutional PREA compliance  
7 manager, from serving as a sexual abuse investigator in the SID.