

SENATE, No. 2927

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator NIA H. GILL

District 34 (Essex and Passaic)

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: 9/24/2020)

1 of sexual abuse by inmates in the Edna Mahan Correctional Facility
2 for Women, the State's only prison for women.

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

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

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

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

38 This bill is in response to the April 2020 report published by the
39 Civil Rights Division of the United States Department of Justice
40 and the United States Attorney's Office District of New Jersey
41 entitled "Investigation of the Edna Mahan Correctional Facility for
42 Women (Union Township, New Jersey)." The report concluded
43 that there is reasonable cause to believe conditions at Edna Mahan
44 violate the Eighth Amendment of the United States Constitution due
45 to facility staff sexually abusing inmates. The report further
46 concludes that the sexual abuse is pursuant to a pattern or practice
47 of resistance to the full enjoyment of these Eighth Amendment
48 rights.