SENATE, No. 2931

STATE OF NEW JERSEY

219th LEGISLATURE

INTRODUCED SEPTEMBER 17, 2020

Sponsored by:
Senator LINDA R. GREENSTEIN
District 14 (Mercer and Middlesex)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.

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

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

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

a. techniques for interviewing sexual abuse victims;

b. proper use of warnings pursuant to Miranda v. Arizona, 384 U.S. 436 (1966), and Garrity v. New Jersey, 385 U.S. 493 (1967);

c. collection of sexual abuse evidence in confinement settings; and

d. criteria and evidence required to substantiate a case for administrative action or prosecution referral.

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

a. disclose any personal relationship with another staff member of the facility who may be the subject of a current investigation by the division; and

b. recuse themselves from participating in an investigation involving any staff member of the facility with whom they have a personal relationship.

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

STATEMENT

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

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

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

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

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.