

SENATE, No. 3821

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 20, 2021

Sponsored by:

Senator LINDA R. GREENSTEIN

District 14 (Mercer and Middlesex)

Senator VIN GOPAL

District 11 (Monmouth)

Co-Sponsored by:

Senator Turner

SYNOPSIS

Concerns sexual abuse investigations in State correctional facilities.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 6/16/2021)

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.

46 c. Notwithstanding the penalty imposed pursuant to subsection
47 b. of this section, any correctional police officer who does not

1 comply with the reporting or recusal requirements of subsection a.
2 of this section shall be subject to internal departmental disciplinary
3 action by the Department of Corrections.

4
5 3. Any employee of a State correctional facility who is
6 responsible for coordinating compliance with the provisions of the
7 federal Prison Rape Elimination Act (PREA) including, but not
8 limited to, the correctional facility's institutional PREA compliance
9 manager, shall be prohibited from serving as a sexual abuse
10 investigator in the Special Investigations Division.

11
12 4. This act shall take effect on the first day of the seventh
13 month next following enactment, but the Commissioner of
14 Corrections may take any anticipatory administrative action in
15 advance as shall be necessary for the implementation of this act.

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18 STATEMENT

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

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

40 The bill also requires corrections officers assigned to SID to
41 disclose any personal relationship they have with a staff member of
42 the facility. These officers are required by the bill to recuse
43 themselves from any investigation of the staff member. An officer
44 who does not comply with these reporting and recusal requirements
45 is subject to a fine of between \$2,500 and \$5,000, as well as internal
46 departmental disciplinary action by the Department of Corrections.

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